

# 2017 PLANNING COMMISSION



BELLEVUE

**Meeting**  
**6:30 pm March 22**

**Location**

*Commission meetings are held in the Council Conference Room unless otherwise posted.*

**Public Access**

*All meetings are open to the public and include opportunities for public comment.*

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[www.bellevuewa.gov](http://www.bellevuewa.gov)

**MARCH 22**





# Bellevue Planning Commission

## AGENDA

### Regular Meeting

March 22, 2017

6:30 PM - Regular Meeting

City Hall, Room 1E-113, 450 110<sup>th</sup> Avenue NE, Bellevue WA

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6:30 PM – 6:35 PM	Call to Order
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6:35 PM – 6:40 PM	Roll Call
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6:40 PM – 6:45 PM	Approval of Agenda
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6:45 PM – 6:50 PM	Communications from City Council, Community Council, Boards and Commissions
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6:50 PM – 7:10 PM	Staff Reports
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7:10 PM – 7:30 PM	Public Comment  <i>The public is kindly requested to supply a copy of any presentation materials and hand-outs to the Planning Commission so it may be included in the official record. Please note, public comment for items related to a public hearing already held are limited to 3 minutes.</i>
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7:30 PM – 9:00 PM	Study Session <span style="float: right;"><u>1</u></span> <i>Downtown Livability – Review of Draft Downtown Land Use Code Amendment (LUCA)</i> Staff: Carol Helland, Land Use Director, Development Services Dept. Patricia Byers, Code Development Manager, Development Services Dept.; Emil King, AICP, Strategic Planning Manager, Planning & Community Development Dept.
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General Order of Business – This is the first study session post Planning Commission public hearing (Mar 08 2017). The Commission will discuss the proposed code amendments and public testimony from the public hearing.

*Anticipated Outcome – The Planning Commission will work towards making a recommendation to City Council.*

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9:00 PM – 9:15 PM

Minutes to be Signed (Chair):

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Draft Minutes Previously Reviewed & Now Edited:

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New Draft Minutes to be Reviewed:

January 25, 2017

February 8, 2017

February 22, 2017 (No meeting)

March 1, 2017

March 8, 2017

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9:15 PM – 9:30 PM

Public Comment

*Please note, public comment for items related to a public hearing already held are limited to 3 minutes.*

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9:30 PM

Adjourn

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Please note:

- Agenda times are approximate only.
- Generally, public comment is limited to 5 minutes per person or 3 minutes if a public hearing has been held on your topic. The last public comment session of the meeting is limited to 3 minutes per person. The Chair has the discretion at the beginning of the comment period to change this.

Planning Commission Members:

John deVadoss, Chair  
Stephanie Walter, Vice Chair  
Jeremy Barksdale  
John Carlson  
Michelle Hilhorst  
Aaron Laing  
Anne Morisseau

Staff Contacts:

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Emil King, Strategic Planning Manager 425-452-7223  
Janna Steedman, Administrative Services Supervisor 425-452-6868  
Kristin Gullledge, Administrative Assistant 425-452-4174

John Stokes, Council Liaison

*\* Unless there is a Public Hearing scheduled, "Public Comment" is the only opportunity for public participation. Wheelchair accessible. American Sign Language (ASL) interpretation available upon request. Please call at least 48 hours in advance: 425-452-5262 (TDD) or 425-452-4162 (Voice). Assistance for the hearing impaired: dial 711 (TR).*



March 16, 2017

**SUBJECT**

Downtown Livability Land Use Code Update

**STAFF CONTACTS**

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**DIRECTION NEEDED FROM PLANNING COMMISSION**

- Action
- Discussion
- Information

**BACKGROUND**

Over the past 18 months, the Planning Commission has been reviewing and further refining recommendations from the Downtown Livability Citizen Advisory Committee (CAC). The Draft Downtown LUC (Land Use Code) Update currently before the Planning Commission for consideration represents the second installment of code amendments necessary to advance the Downtown Livability Initiative following adoption by Council of the “Early Wins” code amendments in March 2016.

Topics for the March 22 Study Session will include:

- Summary of the Public Engagement that has occurred in March
- Discussion of the Process Moving Forward

**DISCUSSION**

**I. Public Engagement**

Public Hearing

On March 8, 2017, the Planning Commission conducted a public hearing on the draft Downtown LUC Update. The draft code amendment would update Bellevue’s Downtown Land Use Code, Part 20.25A. Notice of the SEPA threshold determination and notice of public hearing on the

Draft Downtown LUC Update were published on February 16, 2017 in the City's Weekly Permit Bulletin, and sent to stakeholders.

The public hearing had 27 people provide verbal testimony, some representing themselves and others representing stakeholder groups. Verbal testimony received at the public hearing is captured in the March 8 draft meeting minutes (included in this Commission packet behind the Minutes tab). There were also many written comments submitted beforehand, at the hearing, and following the hearing. Comments received prior to noon on March 8, were provided to the Planning Commission as a Desk Packet Correspondence. Written comments received after noon on March 8, and prior to the publication of this packet, are included in this Planning Commission packet behind the Information tab. Written comments received after publication of this packet will be delivered to the Planning Commission at its next meeting.

#### Stakeholder Engagement:

Staff continues to meet and interact with Downtown stakeholders regarding elements in the Draft LUC Update. This has helped create a better understanding of the issues and will help in the development of specific code refinements for the Commission to consider at its coming meetings.

#### Check-ins with other City Boards and Commissions:

Over the past three weeks, staff has provided the Transportation Commission, Arts Commission and Parks & Community Services Board updates regarding elements of the Draft Downtown LUC released on February 16, 2017 for public review. The focus of the updates and their feedback is summarized for Planning Commission consideration as it completes its work (see Attachment 1). The Planning Commission's current charge from Council is to work through the specific Land Use Code elements and ensure consistency with the Comprehensive Plan. There are, however, many facets of the Draft LUC Update that are of special interest and tie into the work of other City boards and commissions. This was reflected back when the Downtown Livability CAC was appointed by Council and included representation from the Planning Commission, Transportation Commission, Parks & Community Services Board, Human Services Commission, Environmental Services Commission and Arts Commission.

## **II. Process Moving Forward**

Tonight, on March 22, 2017, the Planning Commission will discuss the major themes that emerged from public comment received as part of the public hearing, and begin its process to finalize the Draft Downtown LUC Update in preparation for transmitting its recommendation to the City Council for final review and approval. The proposed schedule anticipates completion of the Commission's work in a timeframe that will facilitate delivery of its recommendation to the City Council by June 5, 2017.

It is proposed that the Planning Commission begin detailed review on March 22 of some less complex topics which staff was able to analyze in the time available since the March 8 public hearing.

The Miscellaneous Topics prepared for Planning Commission review on March 22 include:

- Parking
- Definition of Active Uses
- Cap on Open Space Requirement for Additional Height
- Clarifications

**a. Major Themes from the Public Hearing**

The following matrix represents a compilation of the themes that emerged from the public hearing. In preparation of this matrix, staff reviewed written comments delivered to the Planning Commission in its desk packet on March 8, written comment submitted at the Public Hearing, and minutes of the oral testimony provided at the Public Hearing. Commenters have been noted to ensure that the nuance of the comment received can be traced back to written comments and oral testimony as staff prepares the analysis necessary to support Planning Commission discussion of the listed topics.

MAJOR THEMES FROM PUBLIC COMMENT	COMMENTERS
MARCH 22 - MISCELLANEOUS TOPICS	
Parking – ratios, flexibility, visibility	BDA Wallace Properties KDC Vulcan MZA architects PMF Investments Allan Hopwood Meta Lee Bill Herman Pamela Johnston
Definitions - Active Use and Build-to Line	Wallace Properties
Through-Block Connections	Wallace Properties KDC Vulcan
Alley as alleys	Vuecrest Assoc
Cap on Open Space Requirement for Additional Height	Wallace Properties
Lighting Impacts	Cathy Louviere

MAJOR THEMES FROM PUBLIC COMMENT	COMMENTERS
TOPIC 2 - INCENTIVE ZONING	Todd Woosley Tom Lovejoy Michele Herman Bill Herman Pamela Johnston
New Base FAR	BDA Wallace Properties PMF Investments Alex Smith Jeff Taylor Katherine Hughes Arne Hall
Amenity Incentive Rate – in-lieu fees, Pedestrian Corridor, percentage open space	BDA SRO MZA architects Katherine Hughes
List of Bonusable Amenities	Wallace Properties MBA
FAR around Light Rail Stations	BDA Wallace Properties PMF Investments Alex Smith Michele Herman
Transfers – within project limit, Pedestrian Corridor	Wallace Properties SRO Vuecrest Bellevue Towers
Height Valuation	Wallace Properties PMF Investments
Mechanical Equipment Exemption from FAR	Scott Douglas
Legal Authority for Amenity System	Larry Martin

MAJOR THEMES FROM PUBLIC COMMENT	COMMENTERS
TOPIC 3 - TOWER DESIGN AND BUILDING HEIGHT REQUIREMENTS	Tom Lovejoy Michele Herman
Tower Height – Definition, Stepback, Base, Max, Trigger	Wallace Properties PMF Investments Fortin Group Scott Douglas MZA architects Wasatch Pamela Johnston Don Weintraub Anahit Hovhannisyan
Height in A-1 Perimeter District	BDA Vuecrest Assoc
80’ Tower Separation and 40’ Tower Setbacks	BDA Wallace Properties Dave Meissner Jeff Taylor Vulcan MZA architects FANA group Katherine Hughes Wasatch Arne Hall Andy Lakha Jack McCullough Weber Thompson John Su
Maximum floorplates	Wallace Properties PMF Investments Fortin Group John Su
TOPIC 4 - DISTRICT/SITE SPECIFIC TOPICS	
OLB – landscaping flexibility near freeway, above-grade structured parking	Wallace Properties PMF Investments
Bellevue Gateway – A-3/B-3 Perimeter District	Andrew Miller Phil McBride

MAJOR THEMES FROM PUBLIC COMMENT	COMMENTERS
Tower Height in O-2 South	FANA group Melanie Lee Allan Hopwood Meta Lee Michele Herman Jeffrey Lee Bill Herman
Perimeter Overlay B-2 (Elan/Fortress)	Andy Lakha Jack McCullough
TOPIC 5 - CLOSING/PROCESS TOPICS	
Scope of Admin Departure – Flexible Amenity (#18), small sites, streetscapes	BDA Wallace Properties KDC Jeff Taylor
Scope of City Council Departure – Super Bonus	BDA Alex Smith Jeff Taylor Katherine Hughes
Affordable Housing – timing and incentive	BDA Michele Herman Arne Hall
Permit Process Improvements	BDA
State Environmental Policy Act Review	Tom Lovejoy
Delayed Enactment of New Code	Robert Kilian Jordan Louviere Meta Lee Jeffrey Lee Bill Herman
Transportation Study	BDA KDC Todd Woosley Sharon Lovejoy Allan Hopwood Meta Lee Michele Herman Bill Herman

**b. Next Steps**

The matrix presented above was organized to sort topics into themes that could be evaluated discretely by the Planning Commission at each upcoming meeting. Upon review of the materials

related to each topical theme, it is anticipated that the Planning Commission would provide direction to staff for preparation of its recommendation relating to the topic discussed. This process is intended to help the Planning Commission move forward through the topics in a deliberate way, and to provide the public notification regarding when each topic will be discussed.

### **Types of Topics and Needed Follow-up**

While the public comments may be arranged by themes as shown above, the individual issues generally fall into four categories which describe the type of follow-up needed:

- Complex topics that require some amount of additional analysis and lend themselves to Commission discussion of alternatives. For example, incentive zoning includes the discussion of topics such as determination of base FAR, the possibility of a super bonus, fee-in-lieu rate, height valuation, and other subtopics.
- Less complex topics that should not take as much Commission time to resolve, but will involve staff analysis and alternatives as appropriate.
- Clarifications that are typically not tied to a change in the draft code. An example is the request for protection against light spillover. The clarification would be that the light spillover provisions already exist.
- Errata that are technical errors and associated corrections applicable to the February 16, 2017 Draft Land Use Code Update published for public hearing.

For March 22, the Planning Commission will begin its evaluation of Miscellaneous Topics listed in the matrix above. As applicable, analysis for each topic has been provided in Attachment 2 and includes a summary of the public comment received, draft code reference, alternatives, analysis and recommendation. In some cases, the comment only required clarifying information to demonstrate where the topic was addressed in the Draft Downtown LUC Update. An updated errata sheet has also been included with these packet materials as Attachment 3. These changes are recommended for incorporation into the Draft Downtown LUC Update without further discussion. For ease of reference, the Draft Downtown LUC that was the subject of the March 8 Public Hearing has been included as Attachment 4.

### **Proposed Timing and Schedule for Future Meetings**

As noted above, the proposed schedule anticipates completion of the Commission's work in a timeframe that will facilitate delivery of its recommendation to the City Council by June 5. In order to facilitate this timing, the schedule presented below has been developed to support completion of the Planning Commission work. Two extra meetings are proposed for the Planning Commission outside of the normally scheduled meetings held on the 2nd and 4th Wednesday of each month. One of the extra meetings is recommended as an alternative to the April 12 meeting that falls in the week that is scheduled by Bellevue School District for spring break. The staff goal is to introduce background information on April 19 that is needed to support a holistic look at all the changes suggested in the public comments.

PLANNING COMMISSION MEETINGS	TOPICAL THEMES
<b>March 8</b>	Public Hearing
15	
<b>22</b>	<p>Meeting 1:</p> <p>Public Engagement Update  Process Moving Forward</p> <ul style="list-style-type: none"> <li>• Identification of Themes</li> <li>• Topic Analysis</li> <li>• Timing and Schedule for future meetings</li> </ul> <p>Miscellaneous Topics</p>
29	
April 5	
<b>12</b>	BSD Spring Break
19 Proposed alternative to Spring Break week	<p>Meeting 2:</p> <p>Begin Discussion of Complex Topics (a.k.a. “Big Rocks”)</p> <ul style="list-style-type: none"> <li>• Topic 2 - Incentive Zoning</li> <li>• Topic 3 - Tower Design and Building Height</li> </ul>
<b>26</b>	<p>Meeting 3:</p> <p>Continue Discussion of Complex Topics - not finished on April 19  Begin Discussion Topic 4 - District/Site Specific Topics – as time allows</p> <ul style="list-style-type: none"> <li>• DT-OLB</li> <li>• Bellevue Gateway</li> <li>• Elan (Fortress)</li> <li>• O-2 South Heights</li> </ul>
May 3	<p>Meeting 4:</p> <p>Continue Discussion of Complex Topics - not finished April 26  Begin Discussion of Topic 5 - Closing/Process Topics – as time allows</p> <ul style="list-style-type: none"> <li>• Departures</li> <li>• Affordable Housing</li> <li>• Delayed Enactment</li> <li>• Transportation Study</li> <li>• SEPA</li> </ul>
<b>10</b>	<p>Meeting 5:</p> <p>Continue Discussion on Topics - not finished May 3  Wrap up/Recommendation</p>
17	
<b>24</b>	<p>Meeting 6:</p> <p>Review of the Recommendation Transmittal</p>

Commission Standard Meeting Schedule: 2nd and 4th Wednesdays (**noted with bold and underline**)

## **ATTACHMENTS**

1. Check-ins with Other City Boards and Commissions (Feb-Mar 2017)
2. Discussion Topics for Meeting 1 on March 22, 2017
3. Errata Sheet in Reference to February 16, 2017 Draft Downtown LUC Update (revised March 16, 2017)
4. Draft Downtown LUC Update (dated February 16, 2017)



## **Downtown Livability Land Use Code Update Check-ins with other City Boards and Commissions, Feb-Mar 2017**

Over the past three weeks, staff has provided the Transportation Commission, Arts Commission and Parks & Community Services Board updates on the draft Downtown Land Use Code elements released on February 16, 2017 for public review. The focus of the updates and their feedback is summarized below:

### **Transportation Commission**

On February 23 and March 9, a series of Downtown-related staff interactions occurred with the Transportation Commission. On February 23, staff focused on how the draft Downtown Livability Land Use Code changes will affect future development potential within the Downtown Subarea, including review of where increased density is being proposed (as opposed to increased height alone). The Transportation Commission had questions about the accuracy of past and future projects of Downtown Bellevue's share of regional growth, how density changes affect Downtown build-out (past the modeled 2030 or 2035 time horizons), the relationship of growth forecasts to concurrency metrics, if millennials are first choosing Downtown as a place to live then finding a job (and how it relates to business location), and where they want to live and then seeking a job, and potential Downtown affordable housing production.

Also on February 23, staff reviewed transportation modeling efforts performed to date for the Downtown Transportation Plan and the potential Downtown Livability density changes. For modeling purposes, Transportation staff described that the projected growth in jobs and population for 2030 was reallocated to different parts of Downtown in accordance with the Downtown Livability Initiative scenario. The modeling results for Downtown Livability were then compared to the results from the Downtown Transportation Plan that used the existing zoning. In the Downtown Livability scenario, the vehicle level-of-service in 2030 improved over the Downtown Transportation Plan scenario; largely, it is believed, due to the reallocation of some growth in jobs to the Downtown OLB zone along I-405, thereby reducing some of the pressure on Downtown core intersections.

On March 9, the Commission unanimously recommended approval of transportation-related policy amendments to the Downtown Subarea Plan to implement changes included in the Downtown Transportation Plan. This policy recommendation comes more than two years after the Commission approved a set of policies, then put them aside pending the outcome of the Downtown Livability Initiative. PCD staff confirmed last Fall that no policy amendments would be forthcoming from Downtown Livability. Instead of reiterating the earlier policy recommendation, the Transportation Commission decided to "refresh" the policies while retaining the substance. At a date to be determined, the Transportation Commission will submit the policy recommendations to the City Council, with the request that the Council initiate a Comprehensive Plan Amendment (CPA) for the 2017 docket. The Transportation Commission and Transportation Department staff will work with the Planning Commission on a final recommendation for the CPA.

### **Arts Commission**

On March 7, staff met with the Arts Commission to discuss arts-specific elements in the draft Land Use Code package. This included a review of incentives in the proposed amenity incentive system and guidelines that drive the integration of art elements with development. Specific amenities discussed included: Performing Arts Space, Public Art, and Water Feature.

The Arts Commission received clarification regarding how the amenity incentive system operates. Additionally, the Arts Commission recommended staff to develop a process regarding art appraisals called out in design criteria for the public art amenity. As a point of reference, the language in the proposed code regarding appraisal of public art is consistent with adopted BelRed code. However, at this time, development in BelRed has not utilized the Public Art amenity so the system hasn't been tested. In response, staff is developing the process for reviewing appraisals and what would be required with the appraisal submittal. An additional question that was raised by the commission was whether the draft incentive system would result in additional public art in the Downtown. It remains to be seen what exact amenities are pursued under the new system. Detailed monitoring with periodic updates are planned to occur.

### **Parks & Community Services Board**

On March 14, staff met with the Parks & Community Services Board to: (1) review the City's parks and open space vision for Downtown Bellevue as expressed in the Downtown Subarea Plan and Parks & Open Space System Plan; and (2) provide an overview of specific items in the draft Land Use Code that relate to the parks and open space vision, including bonusable amenities in the draft incentive system, open space requirement for additional height, and the green and sustainability factor.

The Board's discussion on March 14 centered on a core question of whether or not the draft Code elements presented to them appear to meet the needs of parks and community services in Downtown Bellevue. The Board understands that the Land Use Code is one of many tools, but a particularly powerful tool, to advance livability and produce spaces and places that benefit the Bellevue community. They recognize and support the steps that have been taken in the draft code to incentivize public parks and open spaces, including the tiered system for amenities and the new amenities added, such as allowing for improvements to public park property. However, the Board voiced concern and skepticism about the draft amenity incentive system's ability to deliver the bonused amenities. As a result, a motion was approved unanimously (6-0, 1 absent) stating, "The Parks & Community Services Board does not feel that the draft Downtown Livability amenity incentive system meets the needs for parks and community services."

The center of the Board's concern is that the amenity system, as currently proposed does not appear to be structured in a way that will result in new public park space in Downtown or in high quality publicly-accessible privately-owned spaces. The Downtown Subarea Plan and Bellevue Parks & Open Space System Plan both call for additional public parks to serve Downtown residents and workers. The Northwest Village area was noted as an example where no public parks exist today, but where the City's goals and policies call for one in the

future. The Board asked if there is analysis or modeling which shows that the code, as drafted, will definitively result in new public park space within Downtown. They also noted that strong design criteria are essential in order for privately-owned plazas and open spaces to be visible, usable and welcoming to the public and that the Parks & Community Services Board could have served a role in helping define those criteria. Other concerns raised were making sure that the new fee-in-lieu option is strong and does not allow developers to opt out of providing public amenities in and around their projects. The Board appreciated the Green and Sustainability Factor element of the code, seeing that as a way to improve the aesthetics of building frontages and streetscapes, but cautioned that those factors alone do not necessarily produce useable public open space. Similarly, they agreed with draft code provisions that do not provide a bonus for rooftop open spaces limited to residents or workers of a building as those spaces do not provide a general public benefit.



## Downtown Livability Land Use Code Update Discussion Topics for Meeting 1 on March 22, 2017

### Topics:

- Definition of Active Uses
- Parking Standards
- Cap on Open Space Requirement for Additional Height
- Clarifications

### Definition of Active Uses

**Summary of Issue from Public Comment:** Lack of clarity regarding the definition of Active Uses. Commenter stated that definition should be improved to clearly state qualifying uses along with those that would not qualify. Definition should also be broad enough to include non-commercial elements such as private indoor amenity spaces. There is also inconsistent capitalization of “Active Uses” as a specific term versus “active uses” in the draft code.

**Draft Code Reference:** The draft code in LUC 20.25A.020, page 6; defines Active Uses as “Uses within a building that support pedestrian activity and promote a high degree of visual and physical interaction between the building interior and adjacent public realm. Entrance lobbies, private indoor amenity space, service uses, and enclosed privatized spaces are typically not considered active uses.”

### Alternatives:

1. Retain language in draft code (see above), and ensure consistent use of the term “Active Uses” throughout the code. In the draft code, there is description of the characteristics for the types of uses that would qualify as Active Uses as well as a listing of uses that would not qualify as Active Uses.
2. Add specific examples of what would qualify as Active Uses, and ensure consistent use of the term “Active Uses” throughout the code. Uses that have been suggested in addition to pedestrian-oriented retail uses are private indoor amenity space (listed as not qualifying in draft code), cycling studios and doggie daycare.

**Analysis:** Active Uses are a cornerstone of the draft code framework. They are integral to the Building/Sidewalk Design Guidelines, land use activation adjacent to pedestrian bridges, and how FAR exemptions are treated. The discussion to-date has expressed a desire to provide more flexibility and expand qualifying uses as compared with the existing code definitions for “Retail Uses” and “Pedestrian-Oriented Frontage.” The trade-off of listing examples of qualifying Active Uses in the draft code is that it may in fact limit flexibility.

**Recommendation:** Alternative 1.

## Parking Standards

**Summary of Issues from Public Comments:** The draft code includes the ability for an applicant to request an administrative departure from required minimum or maximum parking ratios when based on a parking demand analysis. The Planning Commission desired to include this provision in the draft code to solicit feedback and revisit the topic following the public hearing. The draft code also includes new residential visitor parking and bicycle parking standards. Public comments included:

- Consider a reduction of 0.5 stalls per residential unit and comparable reductions for other land uses within one-quarter mile of the Bellevue Downtown and East Main light rail stations (could be conditioned on parking and/or transportation study).
- A Downtown parking study should be conducted before there is any action to reduce parking ratios.
- Parking requirements are sometimes limiting project size and density.
- There should be flexibility with regard to a project's parking.
- Under Director's authority to modify required parking, clarify the use of "actual parking demand" when future uses could change the demand for that location. Also, define or list criteria for "compatible jurisdictions" that could be used when conducting a parking demand analysis.

**Draft Code Reference:** The draft code in LUC 20.25A.080.H, page 65; provides ability for the Director to modify the minimum or maximum parking ratio through an administrative departure for any use through a parking demand analysis provided by the applicant. Relating to the public comment received, the modified parking ratio would be supported by a parking demand analysis provided by the applicant, including but not limited to:

- a. Documentation supplied by the applicant regarding actual parking demand for the proposed use; or
- b. Evidence in available planning and technical studies relating to the proposed use; or
- c. Required parking for the proposed use as determined by other compatible jurisdictions.

### Alternatives:

1. Retain language in draft code regarding Director's authority to modify required parking. Clarify reference to "actual parking demand" to read "estimated parking demand." The reference to "compatible jurisdictions" could instead be "comparable jurisdictions" and be based on criteria such as scale of downtown, mix of uses, mode split, transit access, and proximity to freeway system.
2. Modify the draft code language to include a lower limit for the extent to which parking may be reduced, and clarify references to "actual parking demand" and "compatible jurisdictions" as shown in Alternative 1, above. For residential uses, the amount of departure would be no lower than 0.5 stalls per unit where the existing minimum is 1.0 stall per unit (note: this lower limit would not be applicable in DT O-1 and O-2 where the existing minimum is zero stalls per unit and for certain types of affordable housing where parking can go down to 0.25 stalls per unit). Other land uses could be reduced by up to 50 percent from the minimum standard through parking demand analysis.
3. Eliminate the ability for the Director to modify required parking.

**Analysis:** The Downtown CAC did not include changes to Downtown parking ratios in their Final Report. They instead recommended to Council that a Comprehensive Downtown Parking Study be conducted. Council subsequently provided funding for such a study in the 2017-18 budget, with the full scope to be defined. At this time, Council has not provided direction when they might initiate the study.

In this interim period, the parking discussion has focused on flexibility and visitor parking. Over the past few years there have been inquiries for increased parking as more office workers occupy the same 1,000 square feet that the parking ratios are based on. There are also requests for less parking, especially for residential projects that feel 1.0 stalls per unit is too much based on demand in the transit rich Downtown. The Commission has discussed opportunities for flexibility throughout the draft Land Use Code, but has expressed some concern about parking flexibility if it were to go too low and perhaps add to congestion with people driving around looking for a place to park. The proposed language in the draft code to allow developers the option to undertake a parking demand analysis would provide for flexibility that is not currently available in Downtown, through a fact-based, analytical process that could consider factors such as higher transit usage near the light rail stations. This approach is modeled after the approach adopted for BelRed in 2009. For further predictability, if needed, limits could be placed on the amount of potential departure. The city currently uses the parking demand analysis for “unspecified uses” such as hotels, where no minimum or maximum ratios are included the code, so this type of special parking study is not a new process.

**Recommendation:** Alternative 2.

## Cap on Open Space Requirement for Additional Height

**Summary of Issue from Public Comment:** Where a building’s height exceeds the trigger for additional height, the open space requirement should be capped at one acre.

**Draft Code References:** The draft code in LUC 20.25A.075.A, page 56; requires 10% additional open space and a 10% reduction in floor plate for portions of the building located above the trigger height. The proposal to cap the additional open space requirement at one acre would mean that buildings exceeding the trigger height on sites larger than 10 acres would only provide one acre of open space. As it is written now, such sites would require more than one acre in the same circumstances. For reference, a 600 foot by 600 foot superblock is approximately 8.3 acres.

### **Alternatives:**

1. Retain language in draft code LUC 20.25A.075.A, with no cap; or
2. Amend language in draft code LUC 20.25A.075.A to include open space cap at one acre.

**Analysis:** When a building exceeds the trigger height in the dimensional table, the applicant must provide 10 percent open space and a 10 percent reduction in the floor plate above the trigger. The proposal to cap the additional open space requirement at one acre would mean that buildings located on sites larger than 10 acres would only have to provide one acre. A super block in Bellevue is approximately 8 acres. There are few sites in Downtown Bellevue that are

ten acres or more, so this cap would have limited application. It would provide some relief to those with very large sites.

**Recommendation:** Alternative 2.

## Clarifications

### 1. Summary of Issue from Public Comment: Protect against spillover lighting.

#### Draft Code References:

- Pedestrian-scaled lighting is required in through-block connections, open space, and streetscapes that is, by definition, lower to the ground and will not cause as much glare. LUC 20.25A.160.D.4.f and .E.2.l, pages 110 and 112; LUC 20.25A.170.A1.b.vi., page 114;
- Lighting from new developments is required to be directed away from adjacent developments and less intense uses to minimize adverse impacts. LUC 20.25A.150.A.2.c, page 101;
- Orientation of lighting must be toward sidewalks and public spaces. LUC 20.25A.170.A.6, page 120;
- No glare into residential units or adjacent developments or streets. LUC 20.25A.180.D.7, page 132; and
- Dimmable exterior lighting. LUC 20.25.180.D.7.b.vi, page 137.

Additionally, the current code provisions in LUC 20.20.522, which will remain in effect after adoption of the draft code, requires:

- Cutoff shields on lighting in parking lots and driveways; and
- Other exterior lights must be designed to avoid spillover glare beyond site boundaries.

**Clarification:** The updated and current code include enhanced protection against spillover lighting, as suggested by this comment.

### 2. Summary of Issue from Public Comment: Soften the mandates in the Through-Block Connections.

**Draft Code Reference:** Through-Block Pedestrian Connection standards and guidelines can be found in in LUC 20.25A.160.D; page 108.

**Clarification:** Mid-block Connections were renamed “Through-Block Pedestrian Connections” in March 2016 as a part of the Early Wins package. They can be found in the current code in LUC 20.25A.060.A. Along with the name change, a new provision, LUC 20.25A.060.E.was added to provide more flexibility to the applicant. Though the Through-Block Pedestrian Connections have been moved in the updated code to LUC 20.25A.160.D, page 160 and the flexibility provision did not move with them, they are still subject to the administrative departure procedure in LUC 20.25A.030, page 12. This procedure offers applicants the flexibility requested.

- 3. Summary of Issue from Public Comment:** Make sure that alleys function as alleys and provide a location for solid waste receptacles.

**Draft Code Reference:** LUC 20.25A.160B.2.iv, p. 105; states that site servicing equipment should be located away from the public sidewalk and through-block connections.

**Clarification:** The design guideline will help to keep sidewalks clear of mechanical equipment and solid waste receptacles. Also, the Transportation keeps the right-of-way clear as a part of its development review. Finally, a Director's Rule is being drafted by Solid Waste Division of the Utilities Department that will address these concerns. When this rule is complete, it will be adopted by reference into the updated Downtown Code. Altogether, these provisions ensure that solid waste receptacles and other servicing equipment will be kept off the sidewalks and right-of-way and in the alley or building.



## Downtown Livability Land Use Code Update

## Errata Sheet in Reference to February 16, 2017 Draft Code

Last Updated on March 15, 2017

Code Section	Error in 2/16/2017 Draft Code	Correction				
20.25A.060.A.4	Density and Dimensional chart shows a Base FAR for Residential in the DT-O-1 District of 6.5; Base Residential FAR of 8.5 in DT-O-1 is consistent with BERK report and ULI Panel feedback.	<table border="1"> <tr> <td>Floor Area Ratio: Base / Maximum (3)</td> </tr> <tr> <td>6.75/ 8.0</td> </tr> <tr> <td><del>6.5</del> <u>8.5</u> / 10.0</td> </tr> <tr> <td>N/A</td> </tr> </table>	Floor Area Ratio: Base / Maximum (3)	6.75/ 8.0	<del>6.5</del> <u>8.5</u> / 10.0	N/A
Floor Area Ratio: Base / Maximum (3)						
6.75/ 8.0						
<del>6.5</del> <u>8.5</u> / 10.0						
N/A						
20.25A.110.C.3.b.	“Are” should be changed to “area”	“ b. Shall not be used for parking, and vehicular access drives shall be no more than 25 percent of the percent of the total <u>area</u> of the linear buffer;”				
20.25A.060.B.2.c.ii.(1) illustration	Label change	“Protrusion” should be changed to “Intrusion” in illustration label.				
20.25A.070.C.1.b illustration	Illustration should be moved to C.1.a and labeled differently to distinguish from Upper Level Active Uses.	Move illustration directly after C.1.a. Relabel illustration.				
20.25A.070.C.4.b.ii.(3)	“Retrofit” should be “retrofitted”	“(3) The converted space shall be <u>retrofitted</u> , ...”				
20.25A.070.D.4	Amenity Incentive System chart includes reference to “Plazas larger than 10,000 square feet may earn additional bonus points if they are designed in a manner to provide for activities to promote general public assembly.”	The amount of additional bonus points for large plazas was omitted. It should read “Plazas larger than 10,000 square feet may earn <u>10 percent</u> additional bonus points if they are designed in a manner to provide for activities to promote general public assembly.”				
20.25A.075.A.1.	20.25A.075.A.1 <ul style="list-style-type: none"> <li>• Replace the word “an” with “the”</li> <li>• Omitted the words “in paragraphs A.2 and A.3 respectively.”</li> </ul>	“1. Applicability. Buildings with heights that exceed the trigger for additional height shall be subject to the diminishing floor plate requirement and <del>an</del> <u>the</u> outdoor plaza requirement. <u>in paragraphs A.2 and A.3 respectively”</u>				

Code Section	Error in 2/16/2017 Draft Code	Correction
Figure 20.25A.120.A.5. A.	Landscape Element #2: second line, "can calculated"	"can <u>be</u> calculated"
Figure 20.25A.160.D.1	<p>Alley depicted as through-block connection map.</p>  <p>DOWNTOWN THROUGH-BLOCK CONNECTIONS</p>	Delete alley
Maps	110 <sup>th</sup> Ave. NE north of 10 <sup>th</sup> is shown as public ROW. It is private property.	Mapshot is being changed to show 110 <sup>th</sup> Ave. NE north of 10 <sup>th</sup> as privately held, rather than ROW. Maps should be changed after change is accomplished in Mapshot.
Legal descriptions for perimeter overlays	No legal descriptions for new perimeter overlays.	Insert legal descriptions.
Consistent use of terminology	"Active Use" is not capitalized consistently throughout the code.	Capitalize "Active Use" consistently throughout the code.

Code Section	Error in 2/16/2017 Draft Code	Correction



PART 20.25A Downtown

2.16.17 Draft

Part 20.25A Downtown

20.25A.010 General

A. Applicability of Part 20.25A

1. General. This Part 20.25A, Downtown (DNTN), contains requirements, standards, criteria and guidelines that apply to development and activity within the Downtown land use districts. Except to the extent expressly provided in this Part 20.25A and as referenced in subsection A of this section, the provisions of the Land Use Code, other development codes, the City development standards, and all other applicable codes and ordinances shall apply to development and activities in the Downtown land use districts.

2. Relationship to Other Regulations. Where there is a conflict between the Downtown land use district regulations and the Land Use Code and other City ordinances, the Downtown land use district regulations shall govern.

3. Land Use Code sections not applicable in Downtown. The following sections of the Land Use Code, Title 20 Bellevue City Code (BCC) now or as hereafter amended, do not apply in Downtown. Unless specifically listed below, all other sections apply.

- a. 20.10.400
- b. 20.10.440
- c. 20.20.005 through 20.20.025
- d. 20.20.030
- e. 20.20.060 and 20.20.070
- f. 20.20.120 and 20.20.125
- g. 20.20.135 and 20.20.140
- h. 20.20.190 and 20.20.192
- i. 20.20.250
- j. 20.20.400
- k. 20.20.520
- l. 20.20.525
- m. 20.20.560

**Comment [HC1]:** UPDATED to align with code organization developed as part of BelRed (LUC 20.25D.010) and the Light Rail Overlay (20.25M.010) Improves Land Use Code Consistency and Ease of Use

**Comment [HC2]:** UPDATES LUC 20.25A.010.A

**Comment [HC3]:** Incorporates language of general applicability that is currently located at the beginning of Chapter 20.25. Limits references outside Downtown Code Part

**PART 20.25A Downtown**

**2.16.17 Draft**

- n. 20.20.700 and 20.20.720
- o. 20.20.750 through 20.20.800
- p. 20.20.890 and 20.20.900

**B. Organization of Part 20.25A** Organization of Part 20.25A is composed of several regulatory layers that inform development in Downtown.

**Comment [HC4]:** NEW – Improves Ease of Code Use

1. Purpose. Downtown Bellevue is the symbolic as well as functional heart of the Eastside Region. It is to be developed as an aesthetically attractive area of intense use. Toward this end, the City shall encourage the development of cultural, entertainment, residential, and regional uses located in distinct, mixed-use neighborhoods connected by a variety of unique public places and great public infrastructure. Development must enhance people orientation and facilitate pedestrian circulation, and provide for the needs, activities, and interests of people. The City will encourage land uses which emphasize variety, mixed uses, and unity of form within buildings or complexes. Specific land use districts have been established within the Downtown District to permit variation in use and development standards in order to implement the objectives of the Downtown Subarea Plan.

2. Land Use District Classifications. These are applied to each parcel of land in Downtown and determine uses, dimensional requirements (including Floor Area Ratio), and requirements for participation in the Amenity Incentive System. Specific sections of the Downtown code apply to the following land use classifications. See Figure 20.25A.060.A.2 for a map of the Downtown Land Use Classifications.

**Comment [HC5]:** MOVED and UPDATED – Limits references outside Downtown Code Part. Currently located in LUC 20.10.370.

a. Downtown-Office District 1 (DNTN-O-1). The purpose of the Downtown-O-1 Land Use District is to provide an area for the most intensive business, financial, specialized retail, hotel, entertainment, and urban residential uses. This district is limited in extent in order to provide the level of intensity needed to encourage and facilitate a significant level of transit service. Day and nighttime uses that attract pedestrians are encouraged. ~~All transportation travel modes are encouraged to create links between activities and uses. Transit and pedestrian facilities linking activities are encouraged; long-term parking and other automobile-oriented uses are discouraged.~~

**Comment [HC6]:** Planning Commission direction from February 8, 2017

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

c. Downtown-Mixed Use District (DNTN-MU). The purpose of the Downtown-MU Land Use District is to provide an area for a wide range of retail, office, residential, and support uses. Multiple uses are encouraged on individual sites, and in individual buildings, as well as broadly in the district as a whole. The Downtown-MU District allows for taller buildings and additional density in the Civic Center portion of the District east of 111th Avenue NE between NE 4th and

20.25A.010 2

NE 8th Street based on its proximity to the Downtown core and convenient access to the regional freeway system and transit. This area is called the Downtown Mixed Use District–Civic Center (DNTN-MU Civic Center) while the rest of the District is called Downtown-Mixed Use District (DNTN-MU).

d. Downtown-Residential District (DNTN-R). The purpose of the Downtown-R Land Use District is to provide an area for predominantly urban residential uses. Limited office and retail uses are permitted as secondary to residential use, in order to provide the amenity of shopping and services within easy walking distance of residential structures.

e. Downtown-Old Bellevue District (DNTN-OB). The purpose of the Downtown-OB Land Use District is to reinforce the character of the Old Bellevue area and assure compatibility of new development with the scale and intensity of the area. The social and historic qualities of this area are to be preserved.

f. Downtown-Office and Limited Business District (DNTN-OLB). The purpose of the Downtown-OLB Land Use District is to provide an area for integrated complexes made up of office, residential, and hotel uses, with eating establishments and retail sales secondary to these primary uses. The district abuts and has access to both I-405 and light rail transit service. The Downtown-OLB District differentiates maximum building heights and allowed density for areas north of NE 8th Street, between NE 4th and NE 8th Street, and south of NE 4th Street based on proximity to the Downtown Core and convenient access to the regional freeway system and transit. This creates three districts Downtown-OLB North, Downtown-OLB Central and Downtown-OLB South (DNTN-OLB North, DNTN-OLB Central, and DNTN-OLB South).

3. Perimeter Overlay Districts may impose more stringent dimensional requirements than are allowed by the underlying land use district to provide an area for lower intensity development that provides a buffer between less intense uses and more intensively developed properties in Downtown. Specific sections of the Downtown code apply to the following overlay districts. See Figure 20.25A.060.A.3 for a map of the Downtown Perimeter Overlay Districts.

a. Perimeter Overlay District A

A-1

A-2

A-3

b. Perimeter Overlay District B

B-1

B-2

B-3

4. Neighborhood Design Districts are a key organizing principle to implement the Great Place Strategy of the Downtown Subarea Plan. These neighborhood design districts create a series of distinct, mixed-use neighborhoods (or districts) within Downtown that reinforce their locational assets and unique identities. More information can be found in the Downtown Subarea Plan of the Comprehensive Plan.

- a. Northwest Village
- b. City Center North
- c. Ashwood
- d. Eastside Center (including Bellevue Square, City Center, and Convention Civic)
- e. Old Bellevue
- f. City Center South
- g. East Main

5. Right-of-Way Designations. The right-of-way designations provide design guidelines for Downtown streets that are organized by streetscape type. These designations are a representation of the Downtown vision for the future, rather than what currently exists. The designations create a hierarchy of rights-of-way reflecting the intensity of pedestrian activity. The “A” Rights-of-Way are those streets that have the highest amount of pedestrian activity, while the “D” Rights-of Way would have a smaller amount of pedestrian activity. These guidelines are intended to provide activity, enclosure, and protection on the sidewalk for the pedestrian. See Figure 20.25A.170.B for a map of the Right-of-Way Designations.

- a. Rights-of-Way- Pedestrian Corridor / High Streets
- b. Rights-of Way- Commercial Streets
- c. Rights-of-Way- Mixed Streets
- d. Rights-of-Way- Neighborhood Streets
- e. Rights-of-Way- Perimeter Streets

6. Major Pedestrian Corridor. An alignment which is generally for exclusive pedestrian use providing a reasonably direct, but interesting pedestrian route in the immediate vicinity of NE 6th Street between 102nd Avenue NE and the east side of 112th Avenue NE.

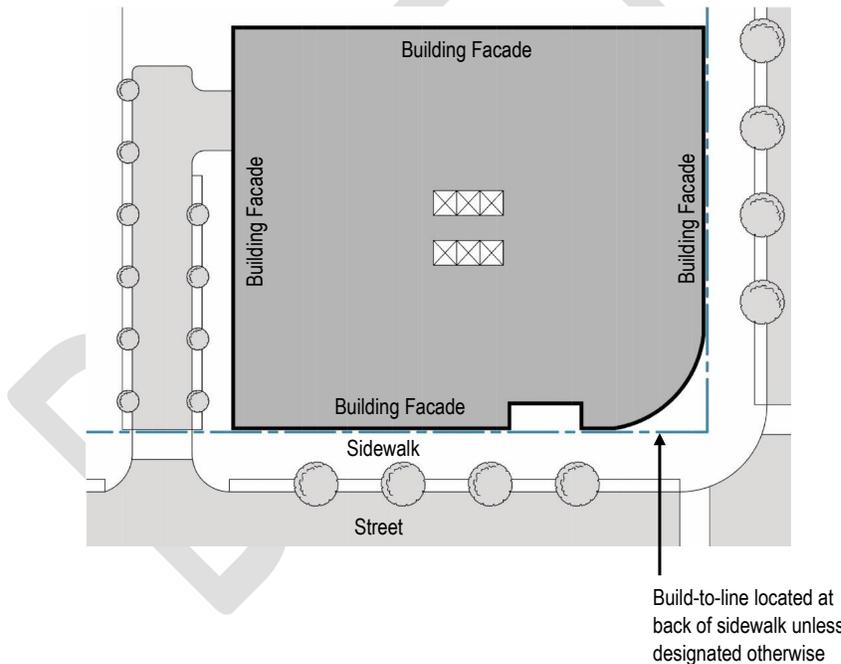
**Comment [HC7]:** MOVED from Design Guidelines Building/Sidewalk Relationships IV.E. Limits references outside Downtown Code Part.

20.25A.020 Definitions

A. Definitions Specific to Downtown

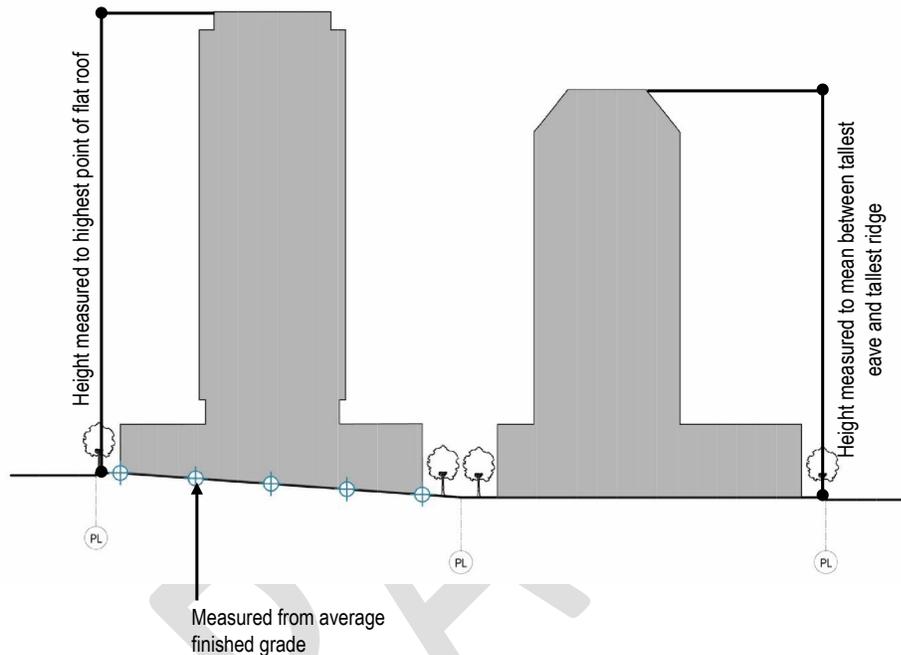
**DT - Active Uses:** Uses within a building that support pedestrian activity and promote a high degree of visual and physical interaction between the building interior and adjacent public realm. Entrance lobbies, private indoor amenity space, service uses, and enclosed privatized spaces are typically not considered active uses. (NEW)

**DT - Build-To Line:** A location along a designated block or right-of-way where a building must be constructed. The build-to line is the back of the required sidewalk unless designated otherwise by the Director.



**DT - Building Height:** The vertical distance measured from average of finished ground level adjoining the building at exterior walls to the highest point of a flat roof, or to the mean height between the tallest eave and tallest ridge of a pitched roof. Where finished ground level slopes away from the exterior walls, reference planes shall be established by the lowest points within the area between the building and the lot line, or back of sidewalk where back of sidewalk is the setback line. If lot line or back of sidewalk is more than 6 feet from the building, between the building and a point 6 feet from the building.

**Comment [HC8]:** NEW – to align with organization developed as part of BelRed (LUC 20.25D.020) and the Light Rail Overlay (20.25M.020). Improves Land Use Code Consistency and Ease of Use.



**DT-Caliper:** The diameter measurement of the stem or trunk of nursery stock. Caliper measurement is taken six inches above the ground level for field grown stock and from the soil line for container grown stock, which should be at or near the top of the root flare, and six inches above the root flare for bare root plants, up to and including the four-inch caliper size interval (i.e., from four inches up to, but not including, 4 inches). If the caliper measured at six inches is four and one-half inches or more, the caliper shall be measured at 12 inches above the ground level, soil line, or root flare, as appropriate.

**Comment [HC9]:** NEW - to define industry-based terminology used in the Green Factor section.

**DT-Diameter at Breast Height: Diameter at Breast Height (D.B.H.):** The diameter of the tree trunk at four and one-half feet (or 54 inches) above natural grade level. The diameter may be calculated by using the following formula:  $D.B.H. = \text{circumference at 4.5-feet} \div 3.14$ . To determine the D.B.H. of multi-trunk trees or measuring trees on slopes, consult the current *Guide for Plant Appraisal*, published by the Council of Tree and Landscape Appraisers.

**Comment [HC10]:** NEW - to define industry-based terminology in the Green Factor section.

**DT - Floor Area Ratio (FAR):** A measure of development intensity equal to the gross floor area, excluding parking and mechanical floors or areas, divided by the net on-site land area in square feet. Net on-site area land includes the area of an easement and public right-of-way as provided in LUC 20.25A.070C.

**DT - Floor Plate:** Floor area in square feet within the surrounding exterior walls, measured from the interior wall surface and including all openings in the floor plate.

**DT – Interior Property Line:** A property line other than the build-to line.

**DT-Open Space:** Landscaped areas, walkways, gardens, courtyards and lawns; excluding areas devoted to buildings, traffic circulation roads, or parking areas. Outdoor plazas, Major Pedestrian Open Space and Minor Publicly Accessible Spaces are a kind of open space.

**Comment [BT(11):** Definition in Amenity Incentive System. More closely aligns with CAC vision.

**DT - Pedestrian Scale:** The quality of the physical environment that reflects a proportional relationship to human dimensions and that contributes to a person’s comprehension of buildings or other features in the built environment.

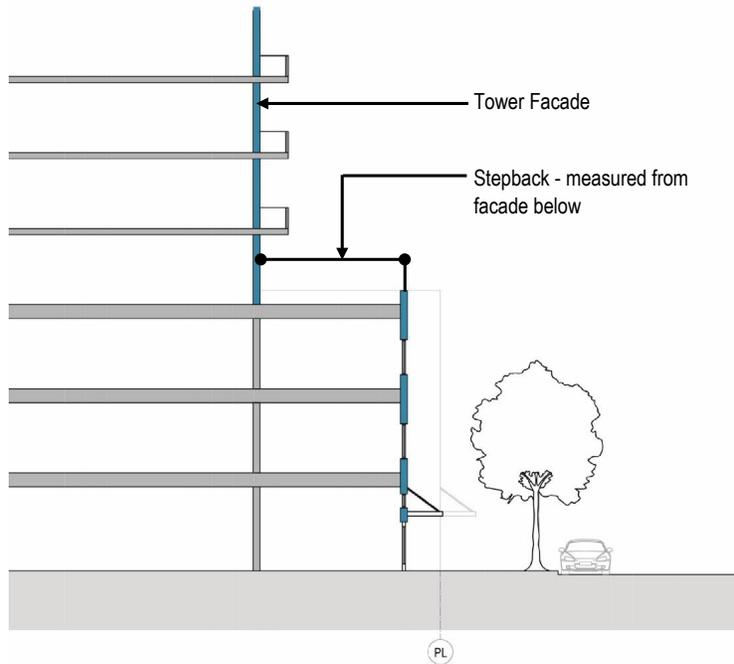
**DT- Point of Interest:** Elements of a building’s façade at the street level or in the streetscape that contribute to the active enrichment of the pedestrian realm and design character of a building. Some examples include permanent public artwork, architectural elements, landscape features, special walkway treatments (e.g. pavement mosaic, inlaid art) and seating areas.

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

**DT -Public Realm:** Streets, parks and other open spaces and the accessible parts of private buildings.

**DT-Setback:** A space unoccupied by structures except where intrusions are specifically permitted by this Code. Front setbacks are measured from the back of the required sidewalk to face of the building. All other setbacks are measured from the property line.

**DT – Stepback:** A building stepback of a specified distance, measured from the façade below that occurs at a defined height above the average finished grade. No portion of the building envelope can intrude into the required stepback above the defined height, except where intrusions are specifically permitted by this code.



**DT-Street Wall:** A street wall is a building wall that generally abuts the sidewalk although there may be occasional setbacks and recesses for the purpose of plazas and open space. The street wall helps define and enclose the street corridor, creating a sense of activity, intensity, and spatial containment. Street walls can incorporate arcades at the sidewalk level with habitable space above.

**Comment [HC12]:** NEW definitions added below to clarify terminology used in the dimensional chart and design guidelines.

**DT-Transparency:** Ability to see through a window or door at the pedestrian eye level. The pedestrian eye level is 30 inches to 8 feet up from the sidewalk, following the adjacent sidewalk slope.

**Comment [HC13]:** Eight feet is used as the maximum height because overhead awnings must maintain an eight-foot clearance above the sidewalk.

**DT-Tower:** Any building located in the Downtown subarea with a minimum height of 75 feet or greater.

**DT-Tower Separation:** The horizontal space between the closest exterior points of two or more towers located within a single project limit.

**DT-Tower Setback:** A building setback of a specified distance, measured from the interior property line that occurs at a defined height above average finished grade, when the building exceeds a specified height. No portion of the building envelope can intrude into the required setback above the defined height, except where specifically permitted by code or administrative departure.

**DT-Weather Protection** – A continuously covered area projecting from a building which functions as weather protection or a canopy projecting from the elevation of the building that is designed to

provide pedestrians protection from the elements. Weather protection includes but is not limited to marquees and awnings that are made with durable materials.

**B. General Definitions not applicable to Downtown.** The general definitions contained in Chapter 20.50 LUC apply unless specifically listed below as inapplicable to Downtown.

**Comment [HC14]:** Planning Commission direction from February 8, 2017

Alley. LUC 20.50.010

Active Recreation Area. LUC 20.50.010

Caliper. LUC 20.50.014

Floor Area Ratio. (FAR). LUC 20.50.020

Open Space. LUC 20.50.038

Setback. LUC 20.50.046

Setback, Front. LUC 20.50.046

Setback, Rear. LUC 20.50.046

Setback, Side. LUC 20.50.046

Stepback. LUC 20.50.046

Tree-Large Diameter. LUC 20.50.048

Tree-Small Diameter. LUC 20.50.048

20.25A.030 Review Required

A. Applicable Review

1. Review is Required. All development in Downtown shall be reviewed by the Director consistent with the terms of this Part 20.25A through the administration of Part 20.30V LUC (Master Development Plan), Part 20.30F LUC (Design Review) and Part 20.30L (Development Agreement) using the applicable procedures of Chapter 20.35 LUC. A Master Development Plan is required where there is more than one building or where development of a project is proposed to be phased. Design review is required on all Downtown projects. A Development Agreement is required for departures from the code which are not permitted to be granted through an administrative process.

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

B. Master Development Plan

1. Scope of Approval. Master Development Plan review (Part 20.30V LUC) is a mechanism by which the City shall ensure that the site development components of a multiple building or phased single building proposal are consistent with the Comprehensive Plan and meet all applicable site development standards and guidelines. Design, character, architecture and amenity standards and guidelines shall be met as a component of the Design Review (Part 20.30F LUC). Master Development Plan approvals required pursuant to subsection B.2 of this section shall identify proposed building placement within the project limit and demonstrate compliance with the following site development requirements, standards, and guidelines:

- a. Dimensional requirements pursuant to LUC 20.25A.060 as listed below:
  - i. Setbacks;
  - ii. Lot coverage;
  - iii. Building height for each building identified in subsection B.1 of this section;
  - iv. Floor area ratio for each building; and
  - v. Outdoor plaza space required to achieve maximum building heights above the trigger for additional height identified in LUC 20.25A.075.A, or the variable heights allowed by LUC 20.25A.060.A Note 13;
- b. Areas identified to accommodate required parking with entrance and exit points and required loading shown in relationship to the right-of-way as required pursuant to LUC 20.25A.090.

**Comment [HC15]:** EXPANDED SECTION – to align with organization developed as part of BelRed (LUC 20.25D.030) and the Light Rail Overlay (20.25M.030) Improves Land Use Code Consistency and Ease of Use Expands on current provisions contained in LUC 20.25A.010.B and C

**Comment [HC16]:** ALIGNS with Administrative Enforcement provisions in LUC 20.40.450 and Civil Violation provisions of BCC 1.18.020.K.6 to ensure compliance with issued permit requirements and conditions. Improves transparency and certainty.

**Comment [HC17]:** MOVED from Design Guidelines Building/Sidewalk Relationships IV.A through C to limit references outside Downtown Code Part.

**Comment [HC18]:** UPDATED – to ensure consistency with Amenity Design Criteria

- c. Areas identified to accommodate street and pedestrian circulation pursuant to LUC 20.25A.090, including the anticipated location of any pedestrian corridor construction, and pedestrian bridges pursuant to 20.25A.100.
  - d. Areas identified to accommodate Major Public Open Spaces and Minor Publicly Accessible Spaces pursuant to LUC 20.25A.090.
  - e. Areas identified to accommodate landscape development pursuant to LUC 20.25A.110.
2. When Required. An applicant for a project with multiple buildings located within a single project limit shall submit a Master Development Plan for approval by the Director pursuant to Part 20.30V LUC. An applicant for a single building project shall submit a Master Development Plan for approval by the Director pursuant to Part 20.30V LUC when building construction is proposed to be phased.
3. For the purposes of this section, the project limit may be drawn to encompass a right-of-way that bisects a site, provided the Director finds that the following connectivity criteria can be met:
- a. A system of corner and mid-block crossings shall be provided to functionally connect on-site pedestrian paths across the bisecting right-of-way within the proposed project limit;
  - b. Pedestrian paths shall be provided to connect all buildings and right-of-way crossings located within the proposed project limit;
  - c. Visual connections shall be provided between all buildings located within the project limit by minimizing topographic variation and through use of vegetation and outdoor spaces; and
  - d. Only a right-of-way meeting the requirements of LUC 20.25A.070.C.2 may be included in the land area located within the proposed project limit for the purpose of computing maximum FAR.

**C. Design Review**

1. Scope of Approval. Design review is a mechanism by which the City shall ensure that the design, character, architecture and amenity components of a proposal are consistent with the Comprehensive Plan and any previously approved Master Development Plan, and meet all applicable standards and guidelines contained in City Codes including the terms of any departure granted pursuant to paragraph D of this section. Design review is a mechanism by which the City shall ensure that the site development components of a proposal are consistent with the Comprehensive Plan and meet all applicable standards and guidelines contained in City Codes when site development components were not approved as part of a Master Development Plan.
2. When Required. Design Review is required on all Downtown projects. An applicant shall submit a Design Review application for approval by the Director pursuant to Part 20.30F LUC.
3. Compliance with an applicable Master Development Plan or Departure. In addition to the decision criteria in LUC 20.30F.145, each structure and all proposed site development shall comply with any approved Master Development Plan applicable to the project limit described in a Design Review application. If the application for Design Review contains elements inconsistent with an applicable Master Development Plan, the Director shall not approve the design review unless the Master Development Plan is amended to include those elements.

**Comment [HC19]:** MOVED from LUC 20.25A.010.C and UPDATED to improve Ease of Code Use

D. Departures

1. Administrative Departures by the Director. Due to the varied nature of architectural design and the unlimited opportunities available to enhance the relationship that occurs between the built environment and the pedestrians, residents and commercial tenants that use built spaces, strict application of the Land Use Code will not always result in the Downtown livability outcomes envisioned by the Comprehensive Plan. The purpose of this subsection is to provide an administrative departure process to modify provisions of the Land Use Code when strict application would result in a Downtown development that does not fully achieve the policy vision as it is articulated in the general sections of the Comprehensive Plan and the Downtown Subarea Plan.

Comment [HC20]: NEW – Provides code flexibility supported by the CAC

Comment [HC21]: Planning Commission direction from February 8, 2017

a. Applicability. The Director may, through the Master Development Plan or Design Review processes, approve a proposal that departs from specific numeric standards contained in LUC 20.25A.090, LUC 20.25A.110 and LUC 20.25A.140 through LUC 20.25A.180, or that departs from Land Use Code requirements that specifically provide an opportunity for the Director to approve a departure subject to the provisions of this paragraph. For example, specific administrative departures are allowed from the dimensional requirements pursuant to the terms of LUC 20.25A.060.B which describes a range of exceptions and intrusions that can be approved as part of a permit review process.

Comment [HC22]: UPDATED to improve clarity based on commenter feedback.

b. Decision Criteria. The Director may approve or approve with conditions a departure from applicable provisions of the Land Use Code if the applicant demonstrates that the following criteria have been met:

- i. The resulting design will advance a Comprehensive Plan goal or policy objective that is not adequately accommodated by a strict application of the Land Use Code;
- ii. The resulting design will be more consistent with the purpose and intent of the code;
- iii. The modification is the minimum reasonably necessary to achieve the Comprehensive Plan objective or code intent;
- iv. Any administrative departure criteria required by the specific terms of the Land Use Code have been met; or
- v. The modification is reasonably necessary to implement or ensure consistency with a departure allowed through a Development Agreement with the City pursuant to LUC 20.25A.030.D.2.

c. Limitation on Authority. Administrative departures may only be ~~granted~~ 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. This paragraph does not limit the ability of an applicant to pursue legislative departures that are authorized through a Development Agreement (Part 20.30L) pursuant to the terms of LUC 20.25A.030.D.2.

2. Legislative City Council Departures. There are unlimited opportunities for creativity and innovation in the design of Downtown projects that advance the vision and policy goals articulated in the Comprehensive Plan. The accommodation of iconic opportunities can be constrained by the code Land Use Code Amenity list and associated Amenity Design Criteria that were drafted to foster development of a livable Downtown while ensuring timely, predictable and consistent administration of regulations that are drafted to be applicable to a widely variable range of projects. The purpose of

Comment [HC23]: Planning Commission direction from February 8, 2017

Comment [HC24]: UPDATED to improve clarity based on commenter feedback

this subsection is to provide a legislative departure process to foster adaptive reuse of buildings that existed as of adoption date of this code, to create a Flexible Amenity as envisioned in LUC 20.25A.070.D.18, and to approve final construction design for privately developed spaces that function as part of the public realm.

a. Applicability. The City Council may, through a Development Agreement processed in accordance with Part 20.30L LUC:

i. Modify the following provisions of the Land Use Code:

(1) Uses prohibited under the terms of LUC 20.25A.040 and LUC 20.258A.050 when necessary to facilitate the adaptive reuse of a building that was in existence on [INSERT DATE of ordinance adoption], provided that this departure may not be used to locate a new Manufacturing Use in the Downtown and

(2) Amenities specifically identified for participation in the FAR Amenity Incentive System (LUC 20.25A.070) may be expanded to include a new Flexible Amenity subject to the terms of LUC 20.25A.070.D.18.

ii. Approve the final construction design for the following features that function as part of the public realm:

(1) Pedestrian Bridges identified in LUC 20.25A.100;

(2) Pedestrian Corridor Design Development Plans that depart from the conceptual designs contained in the Pedestrian Corridor Design Guidelines; and

(3) Major Public Open Space Design Development Plans that depart from the conceptual designs contained in the Major Public Open Space Design Guidelines.

b. Decision Criteria. The City Council may approve or approve with conditions a Legislative Departure from strict application of the Land Use Code consistent with the requirements of Part 20.30L LUC (Development Agreements).

**Comment [HC25]:** Planning Commission direction from February 8, 2017

c. Limitations on Modification.

- i. Development Agreements are an exception, and not the rule and shall not be used to vary provisions of the Land Use Code which, by the terms of that Code, are not identified as appropriate for modification through Part 20.30L LUC (Development Agreements).
- ii. Development Agreements may not be used to depart from the FAR bonus values adopted for the amenities specifically identified in LUC 20.25A.070.D.
- iii. Development Agreements are not appropriate for proposals that are capable of being approved through administration of the Master Development Plan or Design Review processes using the flexibility tools such as administrative departures and variances that currently exist in the code.
- iv. Development Agreements may not be used to vary the procedural provisions contained in Chapters 20.30 or 20.35 of the Land Use Code.

E. Procedural Merger

Within a Downtown land use district, any administrative decision required by this Part 20.25A or by the Land Use Code, including but not limited to the following, may be applied for and reviewed as a single Process II Administrative Decision, pursuant to LUC 20.35.200 through 20.35.250:

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

**Comment [HC26]:** The Critical Areas Ordinance does not apply in Downtown.

20.25A.040 Nonconforming uses, structures and sites.

A. Nonconforming Uses.

- 1. A nonconforming use may be continued by successive owners or tenants, except where the use has been abandoned. No change to a different use classification shall be made unless that change conforms to the regulations of this Code.
- 2. If a nonconforming use of a structure or land is discontinued for a period of 12 months with the intention of abandoning that use, any subsequent use shall thereafter conform 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 pursuant to an Administrative Conditional Use Permit.

B. Nonconforming Structures.

- 1. A nonconforming structure may be repaired or remodeled, provided there is no expansion of the building, and provided further, that the remodel or repair will not increase the existing nonconforming condition of the structure.
- 2. A nonconforming structure may be expanded; provided, that the expansion conforms to the provisions of the Land Use Code, except that the requirements of LUC 20.25A.140 through 20.25A.180 shall be applied as described in paragraphs B.3 and B.4 of this section.
- 3. For expansions made within any three-year period which together do not exceed 50 percent of the floor area of the previously existing structure, the following shall apply:
  - a. Where the property abuts a street classified as a 'D' or 'E' right-of-way, the expansion is not required to comply with LUC 20.25A.140 through 20.25A.180.
  - b. Where the property abuts a street classified as an 'A', 'B' or 'C' right-of-way the expansion shall be in the direction of the classified street so as to reduce the nonconformity of the structure, except that an expansion which is no greater than 300 square feet in floor area and which is for the purpose of loading or storage is exempted from this requirement.
- 4. For expansions made within any three-year period which together exceed 50 percent of the floor area of the previously existing structure, the structure shall be brought into conformance with LUC 20.25A.140 through 20.25A.180.
- 5. If a nonconforming structure is destroyed by fire, explosion, or other unforeseen circumstances to the extent of 100 percent or less of its replacement value, it may be reconstructed consistent with its previous nonconformity. Provided that, the reconstruction may not result in an expansion of the building, nor an increase in the preexisting nonconforming condition of the structure.

**Comment [HC27]:** MOVED from Downtown LUC 20.25A.025 and conformed to other sections of the draft code amendment for consistency. UPDATED to ensure that nonconforming use expansions will always require an Administrative Conditional Use Permit (ACU) rather than a Conditional Use Permit (CUP). The ACU process is shorter than the CUP process. Allows destroyed nonconforming structures to be rebuilt consistent with prior nonconformities. Previous code required structures destroyed more than 75% of replacement value to rebuild in compliance with new code.

**C. Nonconforming Sites.**

1. A nonconforming site may not be changed unless the change conforms to the requirements of this Code, except that parking lots may be reconfigured within the existing paved surface. This paragraph shall not be construed to allow any parking lot reconfiguration that would result in a parking supply that does not conform to the minimum/maximum parking requirements for the Downtown, LUC 20.25A.080.
2. A structure located on a nonconforming site may be repaired or remodeled, provided there is no expansion of the building, and provided further, that the remodel or repair will not increase the existing nonconforming condition of the site.
3. For expansions of a structure on a nonconforming site made within any three-year period which together exceed 20 percent of the replacement value of the previously existing structure:
  - a. Easements for public sidewalks shall be provided, unless the Director of the Department of Transportation determines such easements are not needed; and
  - b. A six-foot-wide walkway shall be provided from the public sidewalk or street right-of-way to the main building entrance, unless the Director determines the walkway is not needed to provide safe pedestrian access to the building. The Director may allow modification to the width of walkways so long as safe pedestrian access to the building is still achieved.
4. Expansions of a structure located on a nonconforming site, made within any three-year period which together do not exceed 50 percent of the previously existing floor area, do not require any increase in conformance with the site development provisions of this Code, except as otherwise provided in B.3 of this section.
5. Expansion of a structure located on a nonconforming site made within any three-year period which together exceed 50 percent of the floor area of the previously existing structure shall require compliance with the site development provisions of this Code.

20.25A.050 Downtown Land Use Charts

A. Permitted Uses.

Specific categories of uses are listed in Chart 20.25A.050.D. Paragraph C of this section explains Chart 20.25A.050.D, and describes the applicable review procedures. The use chart description and interpretation provisions of LUC 20.10.400 do not apply to the Downtown land use districts.

B. Prohibited Uses.

The manufacturing use table has been removed from the Downtown because there are no manufacturing uses that are generally permitted in any Downtown district unless they have been specifically added to another chart such as wholesale and retail.

C. Use Chart Description and Interpretation.

1. Description. In Chart 20.25A.050.D, land use classifications and standard Land Use Code reference numbers are listed on the vertical axis. City of Bellevue land use districts are shown on the horizontal axis.

- a. If no symbol appears in the box at the intersection of the column and the row, the use is not allowed in that district, except for short-term uses, which are regulated under Part 20.30M LUC (Temporary Use Permits) and subordinate uses which are regulated under LUC 20.20.840.
- b. If the symbol "P" appears in the box at the intersection of the column and row, the use is permitted subject to applicable general requirements of Chapter 20.20 LUC for the use and the district-specific requirements of this Part 20.25A LUC.
- c. If the symbol "C" appears in the box at the intersection of the column and the row, the use is permitted subject to the Conditional Use provisions specified in Part 20.30B in addition to any applicable general requirements for the use and the land use district.
- d. If the symbol "A" appears in the box at the intersection of the column and the row, the use is permitted subject to the Administrative Conditional Use provisions as specified in Part 20.30E LUC in addition to any applicable general requirements for the use and the land use district.
- e. If a number appears in the box at the intersection of the column and the row, the use is permitted through the applicable review process and subject to the special limitations indicated in the corresponding Notes.

2. Interpretation of the Land Use Code Charts by the Director. In the case of a question as to the inclusion or exclusion of a particular proposed use in a particular use category, the Director shall have the authority to make the final determination per LUC 20.10.420.

Comment [HC28]: MOVED from Downtown LUC 20.25A.015. Updated as part of Early Wins. Updated with one amended footnote in Residential Use Chart – Note 2.

Comment [HC29]: UPDATED to include provision in existing code from LUC 20.25A.010.D

D. Use Charts.

The following charts apply to Downtown. The use charts contained in LUC 20.10.440 do not apply within the Downtown land use districts.

Chart 20.25A.050.D – Uses in Downtown Land Use Districts

Culture, Entertainment, and Recreation – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
711	Library, Museum	P	P	P	A	A	P
7113	Art Gallery	P	P	P	P (3)	P	P
712	Nature Exhibitions: Aquariums and Botanical Gardens	P	P	P			
7212 7214 7222 7231 7232	Public Assembly (Indoor): Sports, Arenas, Auditoriums and Exhibition Halls but Excluding School Facilities	P	P	P	A (3)	A	P
7212 7214 7218	Motion Picture, Theaters, Night Clubs, Dance Halls and Teen Clubs	P	P	P	A (3)	A	P
7213	Drive-In Theaters						
	Adult Theaters (4)	P	P	P			P
7223 73	Public Assembly (Outdoor): Fairgrounds and Amusement Parks, Miniature Golf, Golf Driving Ranges, Go- Cart Tracks, BMX Tracks and Skateboard Tracks (1)						
73	Commercial Amusements: Video Arcades, Electronic Games	P	P	P		P	P
7411 7413 7422 7423 7424 7441 7449	Recreation Activities: Miniature Golf, Tennis Courts, Community Clubs, Athletic Fields, Play Fields, Recreation Centers, Swimming Pools (2)	P	P	P	P (5)	P	P

Culture, Entertainment, and Recreation – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
744	Marinas, Yacht Clubs						
7413 7414 7415 7417 7425	Recreation Activities: Skating, Bowling, Gymnasiums, Athletic Clubs, Health Clubs, Recreational Instruction	P	P	P	A/P (3) (5)	P	P
7491 7515	Camping Sites and Hunting Clubs						
76	Private Leisure and Open Space Areas Excluding Recreation Activities Above	P	P	P	P (5)	P	P
	Public/Private Park	P	P	P	P (5)	P	P
	Stables and Riding Academies						
	Boarding or Commercial Kennels (6)						
	City Park (5)	P	P	P	P	P	P

Notes: Uses in Downtown land use districts – Culture, Entertainment, and Recreation

- (1) For carnivals, see LUC 20.20.160.
- (2) Limited to a maximum of 2,000 gross square feet per establishment.
- (3) Nonresidential uses are permitted in Downtown-R Districts only when developed in a building which contains residential uses.
- (4) Adult theaters are subject to the regulations for adult entertainment uses in LUC 20.20.127.
- (5) Outdoor recreation facilities that include lighted sports and play fields or sports and play fields with amplified sound require administrative conditional use approval when located in the Downtown-R Zone.
- (6) Boarding and commercial kennels are allowed as subordinate uses to a veterinary clinic or hospital meeting the criteria of LUC 20.20.130.

Residential – Downtown Districts

STD LAND USE CODE REF	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
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**PART 20.25A Downtown**

**2.16.17 Draft**

LAND USE CLASSIFICATION		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
	Two or More Dwelling Units Per Structure	P	P	P	P	P	P
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities	P	P	P	P	P	P
13 15	Hotels and Motels	P	P	P	P	P	P
15	Transient Lodging	C	C	C	C	C	d
	Congregate Care Senior Housing (1)	P	P2	P	P	P	P
6516	Nursing Home, Assisted Living			P	P	P	P

**Comment [HC30]:** Planning Commission direction from February 8, 2017

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

- (1) An agreement must be recorded with the King County Recorder’s Office (or its successor agency) and provided to the Director, restricting senior citizen dwellings or congregate care senior housing to remain for the life of the project.
- (2) Where it is ancillary to Congregate Care Senior Housing, a maximum of forty percent of the area of a Congregate Care Senior Housing facility may be dedicated to a nursing home use, assisted living use, or a combination of both uses.

**Comment [HC31]:** NOTE ADDED since Downtown Livability Early Wins to offer code flexibility. Proposed code amendment adds a new Residential Use Note (2) which allows Congregate Care Senior Housing to have 40 percent nursing home use, assisted living use or a combination of both uses.

**Services – Downtown Districts**

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
61	Finance, Insurance, Real Estate Services	P (10)	P (10)	P (10)	P (4) (5) (11)	P (11)	P (10)
62	Personal Services: Laundry, Dry Cleaning, Barber and Beauty, Photography Studio and Shoe Repair	P	P	P	P (4) (5)	P	P (4)
6241	Funeral and Crematory Services						
6262	Cemeteries						
	Family Child Care Home in Residence (1)	P	P	P	P	P	P
629	Child Day Care Center (1) (2)	P	P	P	P	P	P

20.25A.050 20

Services – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
629	Adult Day Care	P	P	P	P	P	P
63	Business Services, Duplicating and Blue Printing, Steno, Advertising (Except Outdoor), Travel Agencies, Employment, and Printing and Publishing	P	P	P	P (4) (5)	P	P
634	Building Maintenance and Pest Control Services						
637	Warehousing and Storage Services, Excluding Stockyards						
639	Rental and Leasing Services: Cars, Trucks, Trailers, Furniture and Tools	P	P	P			P
641	Auto Repair and Washing Services			P (3) (8)			
649	Repair Services: Watch, TV, Electrical, Upholstery	P	P	P		P	
	Professional Services: Medical Clinics and Other Health Care Related Services (12)	P	P	P	P (4) (5)	P (4)	P
	Professional Services: Other	P	P	P	P (4) (5)	P (4)	P
	Pet Grooming and Pet Day Care (9)	P	P	P	P/A (11)	P	P
6513	Hospitals (12)			C	C		
66	Contract Construction Services: Building Construction, Plumbing, Paving and Landscape						
671	Governmental Services: Executive, Legislative, Administrative and Judicial Functions	P	P	P	P (5)	P (5)	P
672 673	Governmental Services: Protective			P	C	C	P

Services – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
	Functions and Related Activities Excluding Maintenance Shops						
	Limited Governmental Services: Executive and Administrative, Legislative and Protective Functions (6)	P	P	P	P (5)	P (5)	P
674 675	Military and Correctional Institutions						
	Secure Community Transition Facility						
681	Education: Primary and Secondary (7)	A	A	A	A/C (7)	A	A
682	Universities and Colleges	P	P	P			P
683	Special Schools: Vocational, Trade, Art, Music, Driving, Barber and Beauty Schools	P	P	P	P/A (5) (11)	P (5)	P
691	Religious Activities	P	P	P	C	C	P
692 (A)	Professional and Labor Organizations Fraternal Lodge	P	P	P	C	C	P
692 (B)	Social Service Providers	P	P	P	C	C	P
	Administrative Office – General	P	P	P	P (4) (5)	P	P
	Computer Program, Data Processing and Other Computer-Related Services	P	P	P	P (4) (5)	P	P
	Research, Business Incubation, Development and Testing Services	P	P	P	P (4) (5)	P	P

Notes: Uses in Downtown land use districts – Services

(1) Refer to Chapter 20.50 LUC for definitions of child care service, family child care home, and child day care center.

(2) A child care service may be located in a community facility in any land use district pursuant to LUC 20.20.170.E.

- (3) Auto repair and washing services are permitted only if washing services are a subordinate use pursuant to LUC 20.20.840. All auto repair must be performed in a structure.
- (4) Limited to a maximum of 2,000 gross square feet per establishment.
- (5) Nonresidential uses are permitted in Downtown-R Districts only if developed in a building which contains residential uses.
- (6) Uses are limited to 1,000 square feet, except for protective functions which are limited to community police stations of 1,500 square feet or less.
- (7) Primary and secondary educational facilities are an administrative conditional use in all land use districts; provided, that in the DNTN-R District a Conditional Use Permit is required for:
  - (a) The siting of such educational facility on a site not previously developed with an educational facility; or
  - (b) The addition to or modification of a site previously developed with an educational facility where that addition or modification involves:
    - (i) An increase of 20 percent or more in the number of students occupying the school. The increase shall be measured against the number of students for which the school was designed prior to the addition or modification, without regard to temporary structures that may have been added to the site over time. If there is no information establishing the number of students for which the school was originally designed, then the increase shall be measured against the average number of students occupying the school in the three academic years immediately preceding the proposed addition or modification; or
    - (ii) A change in the age group of students occupying the school, or the addition of an age group where such age group was not previously served at the school, except that the addition of students younger than kindergarten age consistent with the definition of school in LUC 20.50.046 shall not be considered a change in the age group of students or an addition of an age group for purposes of this subsection. For purposes of this subsection, age group refers to elementary, middle, junior or high school, as defined and used by the school district operating the school; or
    - (iii) The addition of facilities or programs that may result in impacts not anticipated at the time the original school was developed, including, for example: development of lighted ballfields or the addition of lighting to existing ballfields; development of an exterior sound amplification system; development of fixed outdoor seating; or a proposal to increase the height of the facility pursuant to LUC 20.20.740.A.3.b.
- (8) Battery exchange stations are ancillary to auto repair and washing services, and are permitted through the applicable review process as a component of that use. Operators of battery exchange stations must comply with federal and state law regulating the handling, storage, and disposal of batteries.
- (9) Boarding and commercial kennels are permitted as a subordinate use to a pet grooming or pet day care meeting the criteria of LUC 20.20.130.
- (10) Drive-in and drive-through facilities are permitted as a subordinate use pursuant to LUC 20.20.840 only if located within a structured parking area and not adjacent to any publicly accessible space. Parking must comply with LUC 20.25A.080.A.
- (11) When the use occupies less than or equal to 2,000 square feet, the use is permitted outright. When the use occupies more than 2,000 square feet, an Administrative Conditional Use Permit is required.

(12) Stand-alone emergency rooms shall only be allowed when affiliated with a hospital.

Transportation and Utilities – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops						
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters	A	A	A			A
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services						
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	A (3)	A (3)	A (4)			A (3)
	Accessory Parking (1) (2) (12)	P	P	P	P (14)	P	P
46	Auto Parking: Commercial Lots and Garages (12)	P (5)	P (5)	P (5)	A	P (5)	P (5)
	Park and Ride						
475	Radio and Television Broadcasting Studios	P	P	P		P	P
485	Solid Waste Disposal						
	Highway and Street Right-of-Way (12)	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C
	Local Utility System	P	P	P	P	P	P
	Regional Utility System	C	C	C	C	C	C
	On-Site Hazardous Waste Treatment and Storage Facility						
	Off-Site Hazardous Waste Treatment and Storage Facility						
	Essential Public Facility (9)	C	C	C	C	C	C
	Regional Light Rail Transit Systems and Facilities (13)	C/P	C/P	C/P	C/P	C/P	C/P

Transportation and Utilities – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
	Wireless Communication Facility (WCF): (without WCF Support Structures)	(6) (7) (10)	(6) (7) (10)	(6) (7) (10)	(6) (7) (10)	(6) (7) (10)	(6) (7) (10)
	Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	(6) (7)	(6) (7)	(6) (7)	(6) (7)	(6) (7)	(6) (7)
	Satellite Dishes (8)	P	P	P	P	P	P
	Electrical Utility Facility (11)	A/C	A/C	A/C	A/C	A/C	A/C

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

- (1) The location of an off-site parking facility must be approved by the Director. See LUC 20.25A.080.D.
- (2) Accessory parking requires approval through the review process required for the primary land use which it serves pursuant to this section.
- (3) Aircraft transportation is limited in these districts to government heliports used exclusively for emergency purposes and regulated pursuant to the terms of LUC 20.20.450.
- (4) Aircraft transportation is limited in these districts to government and hospital heliports used exclusively for emergency purposes and regulated pursuant to the terms of LUC 20.20.450.
- (5) Design Review approval, Part 20.30F LUC, is required to establish a commercial parking facility. Refer to LUC 20.25A.080.E for additional development requirements.
- (6) Wireless communication facilities (WCFs) are not permitted on any residential structure, undeveloped site located in a residential land use district, or site that is developed with a residential use; except WCFs are allowed on mixed-use buildings that include residential uses. This note does not prohibit locating WCF: on any nonresidential structure (i.e., churches, schools, public facility structures, utility poles, etc.) or in public rights-of-way in any residential land use district.
- (7) Refer to LUC 20.20.195 for general requirements applicable to wireless communication facilities and other communication, broadcast and relay facilities.
- (8) Refer to LUC 20.20.730 for general requirements applicable to large satellite dishes.
- (9) Refer to LUC 20.20.350 for general requirements applicable to essential public facilities (EPF).
- (10) Antenna and associated equipment used to transmit or receive fixed wireless signals when located at a fixed customer location are permitted in all land use districts and are exempt from the

requirements of LUC 20.20.010, 20.20.195 and 20.20.525 so long as the antenna and equipment comply with 47 C.F.R. 1.400, now or as hereafter amended. A building permit may be required to ensure safe installation of the antenna and equipment.

(11) For the definition of electrical utility facility, see LUC 20.50.018, and for reference to applicable development regulations relating to electrical utility facilities, see LUC 20.20.255. For new or expanding electrical utility facilities proposed on sensitive sites as described by Map UT-7 of the Utilities Element of the Comprehensive Plan, the applicant shall obtain Conditional Use Permit approval under Part 20.30B LUC, complete an alternative siting analysis as described in LUC 20.20.255.D and comply with decision criteria and design standards set forth in LUC 20.20.255. For expansions of electrical utility facilities not proposed on sensitive sites as described by Map UT-7, the applicant shall obtain Administrative Conditional Use Permit approval under Part 20.30E LUC and comply with decision criteria and design standards set forth in LUC 20.20.255.

(12) Electric vehicle infrastructure, excluding battery exchange stations, is ancillary to motor vehicle parking and highways and rights-of-way, and is permitted through the applicable review process as a component of that use.

(13) Refer to Part 20.25M LUC, Light Rail Overlay District, for specific requirements applicable to EPF defined as a regional light rail transit facility or regional light rail transit system pursuant to LUC 20.25M.020. A Conditional Use Permit is not required when the City Council has approved a regional light rail transit facility or regional light rail transit system by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.25M.030.B.1.

(14) Accessory parking is not permitted in residential land use districts as accessory to uses which are not permitted in these districts.

**Wholesale and Retail – Downtown Districts**

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
51	Wholesale Trade: General Merchandise, Products, Supplies, Materials and Equipment except the following:						
5111 5156 5157 5191 5192	Wholesale Trade: Motor Vehicles, Primary and Structural Metals, Bulk Petroleum						
5193	Scrap Waste Materials, Livestock						
	Recycling Centers (15)	P	P	P	A	A	P
521 522 523 524	Lumber and Other Bulky Building Materials Including Preassembled Products						

Wholesale and Retail – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
5251	Hardware, Paint, Tile and Wallpaper (Retail)	P	P	P	P (1)	P (5)	P
5252	Farm Equipment						
53	General Merchandise: Dry Goods, Variety and Dept. Stores (Retail)	P	P	P	P (1)	P (5)	P
54	Food and Convenience Store (Retail) (3)	P	P	P	P (1)	P (5)	P
5511	Autos (Retail), Motorcycles (Retail)	P (2)	P (2)	P (2)			P (2)
	Commercial Trucks, Recreational Vehicles (Retail)						
	Boats (Retail)	P (2)	P (2)	P (2)			P (2)
552	Automotive and Marine Accessories (Retail)			P			P
553	Gasoline Service Stations (8)	P	P	P			P
56	Apparel and Accessories (Retail)	P	P	P	P (1)	P (2)	P
57	Furniture, Home Furnishing (Retail)	P	P	P	P (1)	P (2)	P
58	Eating and Drinking Establishments (4) (7)	P	P	P	P	P	P
59	Misc. Retail Trade: Drugs, Liquor, Antiques, Books, Sporting Goods, Jewelry, Florist, Photo Supplies, Video Rentals and Computer Supplies (12)	P	P	P	P (1)	P (2)	P
	Handcrafted Products (Retail) (11) (14)	P	P	P	P (1)	P	P
	Adult Retail Establishments (6)	P	P	P		P	P
59	Marijuana Retail Outlet	A (4) (10)	A (4) (10)	A (4) (10)		A (4) (10)	A (4) (10)
5961	Farm Supplies, Hay, Grain, Feed and Fencing, etc. (Retail)						

Wholesale and Retail – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
596	Retail Fuel Yards						
5996	Garden Supplies, Small Trees, Shrubs, Flowers, Ground Cover, Horticultural Nurseries and Light Supplies and Tools			P (13)	P (13)	P (13)	P (13)
5999	Pet Shop (Retail)	P	P	P	P (1)	P (5)	P
	Computers and Electronics (Retail)	P	P	P	P (1)	P (5)	P

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

- (1) Nonresidential uses are permitted in Downtown-R Districts only when developed within the same project limit and simultaneously with an equal or greater amount of floor area devoted to residential uses.
- (2) No on-site outdoor display or inventory storage. Loading and unloading shall not be permitted in the right-of-way.
- (3) Food and convenience stores (retail) must contain at least 75 percent square footage of retail food sales not for consumption on premises.
- (4) Drive-in windows and drive-throughs are not permitted.
- (5) Limited to a maximum of 15,000 gross square feet per establishment or up to 25,000 gross square feet through a conditional use.
- (6) Adult retail establishments are subject to the regulations for adult entertainment uses in LUC 20.20.127.
- (7) Microbrewery manufacturing is permitted when combined with an eating and drinking establishment.
- (8) All wholesale and retail uses, which offer shopping carts to customers, shall (a) designate a shopping cart containment area as defined in BCC 9.10.010; (b) display signage around shopping cart corrals and at the perimeter of the shopping cart containment area that provides notice that unauthorized removal of a shopping cart from the premises constitutes theft under RCW 9A.56.270 and unauthorized abandonment of a shopping cart more than 100 feet away from the parking area of a retail establishment or shopping cart containment area is a Class 3 civil infraction as defined in RCW 7.80.120; and (c) display information on each shopping cart that is consistent with the labeling requirements of RCW 9A.56.270 and includes a 24-hour toll-free phone number to report abandoned shopping carts. Abandoned shopping carts or shopping carts located outside of a shopping cart containment area constitute a public nuisance under BCC 9.10.030(H) and may be abated through the provisions of Chapter 1.18 BCC.

(9) Battery exchange stations are ancillary to gasoline service stations, and are permitted through the applicable review process as a component of that use. Operators of battery exchange stations must comply with federal and state law regulating the handling, storage, and disposal of batteries.

(10) See LUC 20.20.535 for general development requirements for marijuana uses.

(11) Handcrafted product manufacturing is permitted subordinate to a retail establishment selling that product; provided, that the manufacturing use occupies not more than 50 percent of the total square footage of the combined establishment.

(12) Drive-in and drive-through pharmacies are permitted as a subordinate use pursuant to LUC 20.20.840 only if located within a structured parking area and not adjacent to any publicly accessible space.

(13) Garden supplies excludes items such as large trees, rock and bulk supplies which require special handling equipment.

(14) No unreasonable threat to human health and the environment shall be caused by flammable, dangerous or explosive materials associated with this use.

(15) A recycling center is allowed as a subordinate use if it is consistent with LUC 20.20.725.

**Resources – Downtown Districts**

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
8	Resource Production (Minerals, Plants, Animals Including Pets and Related Services)						
81	Agriculture, Production of Food and Fiber Crops, Dairies, Livestock and Fowl, Excluding Hogs						
	Marijuana Production						
8192	Other Horticultural Specialties: Medical Cannabis Collective Gardens (4)						
821	Agricultural Processing						
	Marijuana Processing						
8221	Veterinary Clinic and Hospital (1) (3)	P	P	P	P	P/A (2)	P
8222	Poultry Hatcheries						
83	Forestry, Tree Farms and Timber Production						

Resources – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
8421	Fish Hatcheries						
85	Mining, Quarrying (Including Sand and Gravel), Oil and Gas Extraction						

Notes: Uses in Downtown land use districts – Resources

- (1) See LUC 20.20.130 for general requirements applicable to this use.
- (2) When the veterinary clinic and hospital occupies less than or equal to 2,000 square feet, the use is permitted outright. When the veterinary clinic and hospital occupies more than 2,000 square feet, an Administrative Conditional Use Permit is required.
- (3) Boarding and commercial kennels are permitted as a subordinate use to a veterinary clinic or hospital meeting the criteria of LUC 20.20.130.
- (4) Medical cannabis collective gardens are prohibited in Bellevue.

20.25A.060 Dimensional Charts

A. Dimensional Requirements in Downtown Districts.

1. General. The provisions of this section set forth the dimensional requirements for each land use district and Perimeter Overlay District in the Downtown as depicted in Figures 20.25A.060.A.2 and 3. Each structure, development, or activity in a Downtown Land Use District shall comply with these requirements except as otherwise provided in this Part. In Downtown, front setbacks rarely apply. Buildings are built to the "build-to" line which is either the property line or the right-of-way line unless otherwise determined by the Director.

2. Land Use District Map. Figure 20.25A.060.A.2 illustrates the locations of the Downtown Land Use Districts within the boundaries of the Downtown Subarea. [The Land Use District Map should be viewed together with the Perimeter District Overlay Map below for a complete overview of the zoning applicable on any specific site.](#)

**Comment [HC32]:** MOVED from 20.25A.020.A.2 and UPDATED to respond to CAC and Planning Commission direction.

REMOVED Perimeter C Design District.

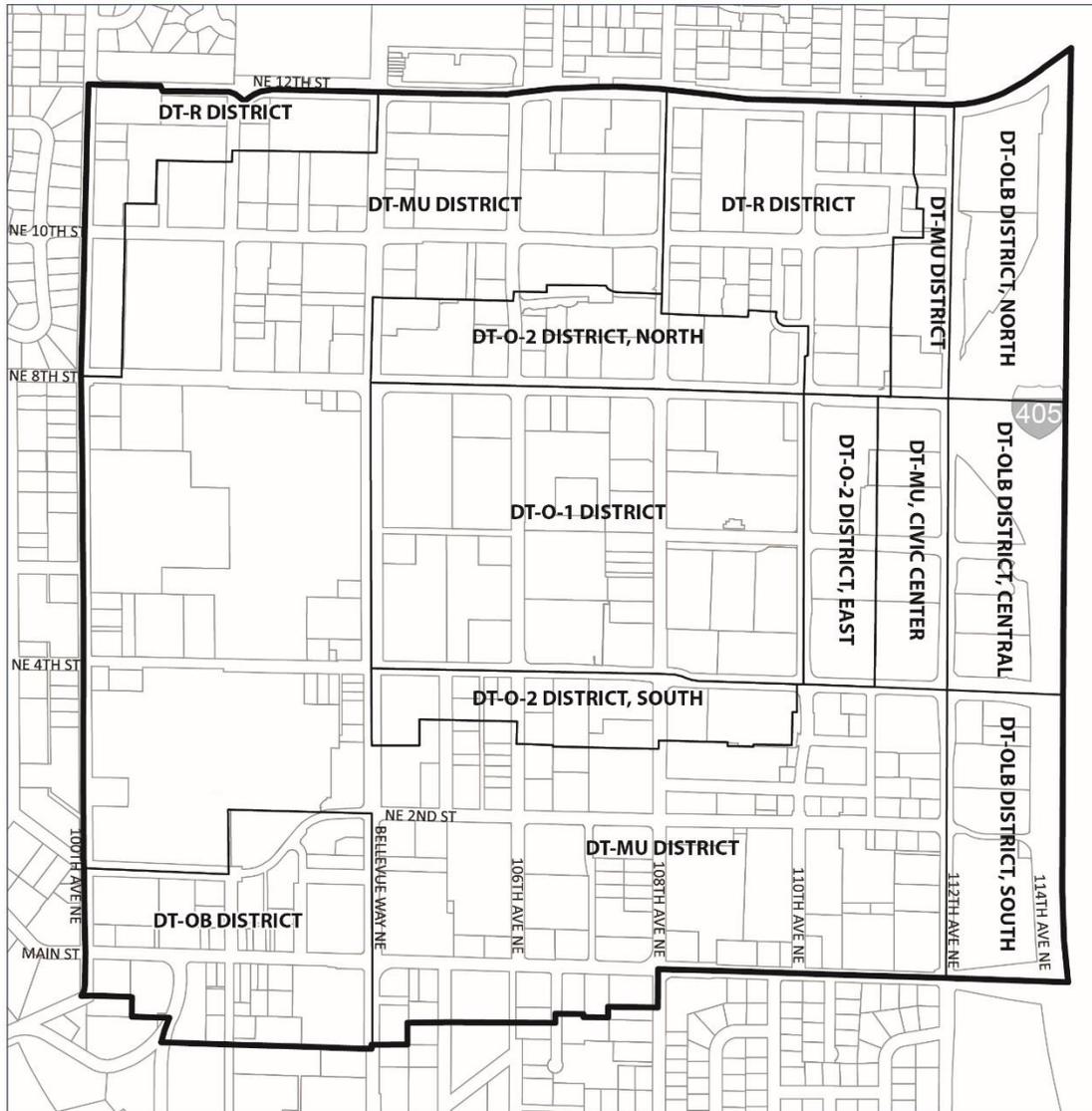
UPDATED to divide DT-O-2 and DT-OLB into 3 smaller districts each. The DT-MU was divided into 2 smaller districts. Renamed Design Districts A and B to Perimeter Overlay Districts A and B. Divided each Perimeter Overlay District into 3 smaller districts. Increased maximum heights in some districts.

ADDED in 15' or 15% to maximum height for transparency. Increased max. FAR in some districts.

ADDED 40' Tower Setback from interior property line that would take effect on towers 75 feet high. Setback starts 45 feet up. Required more open space and reduced floor plates for additional height over the max. height which is currently allowed.

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Figure 20.25A.060.A.2



LAND USE DISTRICT CLASSIFICATIONS

LEGEND

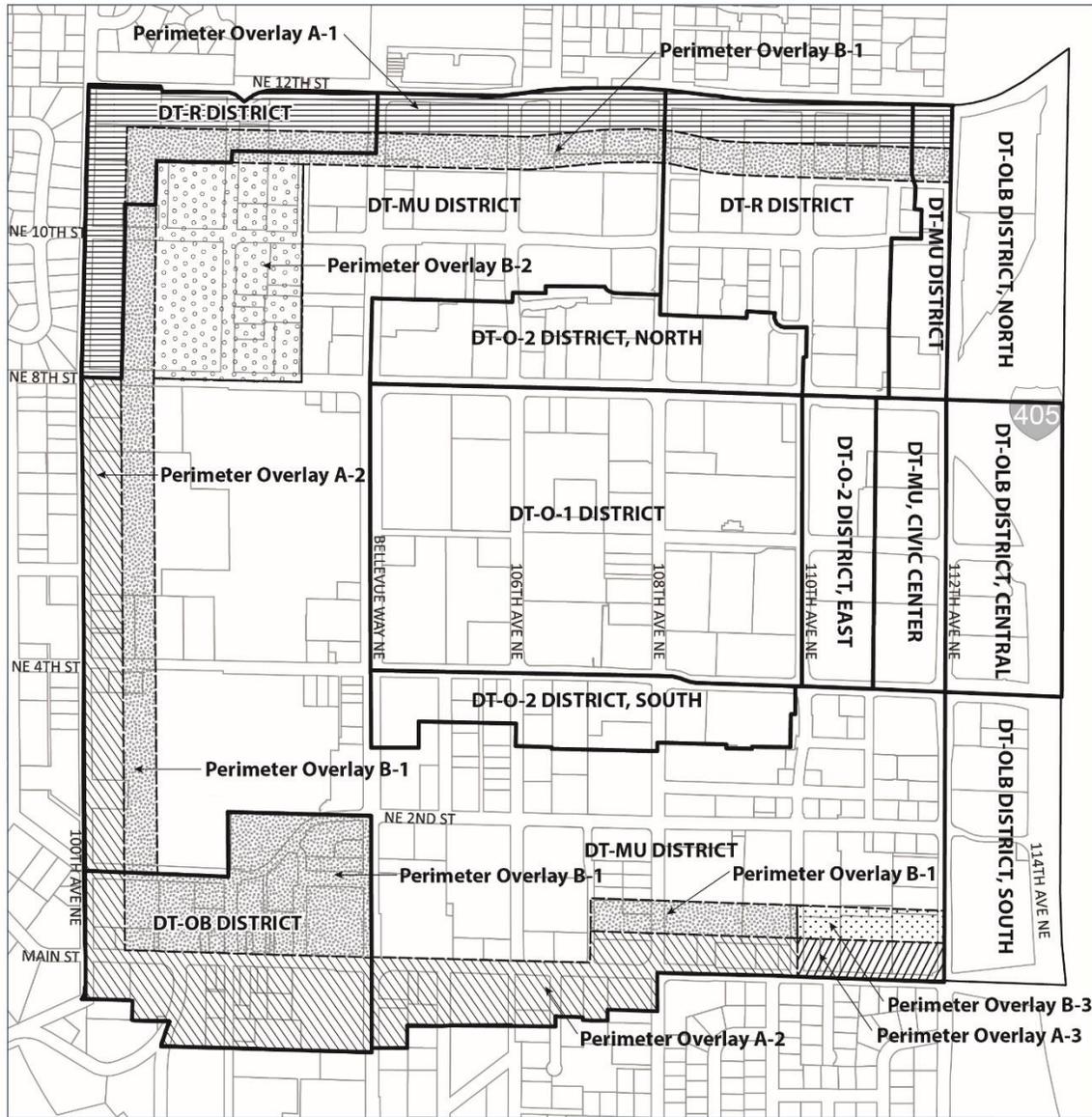
- Land Use District
- Parcels
- Downtown Boundary

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

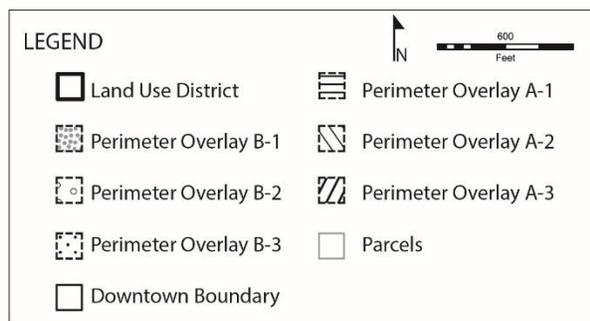
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**Figure 20.25A.060.A.3**

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DIMENSIONAL REQUIREMENTS BY LAND USE DISTRICT AND PERIMETER OVERLAY



4. Dimensional Chart. Chart 20.25A.060.A.4 sets forth the dimensional requirements applicable to each Land Use District and Perimeter Overlay District that are mapped in Figures 20.25A.060.A.2 and 3 above.

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

**Dimensional Requirements in Downtown Districts**

Downtown Land Use District	Building Type (2)(5)	Minimum Tower Setback above 45' Where Building Exceeds 75'	Maximum Floor Plate Above 40' (4)	Maximum Floor Plate Above 80' (4)	Maximum Lot Coverage (13)	Maximum Building Height	Floor Area Ratio: Base / Maximum (3)	Tower Separation Above 45' Where Building exceeds 75'	Trigger for additional height
DT-O-1	Nonresidential	40' (15)	24,000 gsf/f	24,000 gsf/f	100%	600' (8)	6.75/ 8.0	80'	345 (7)
	Residential	40' (15)	22,000 gsf/f	13,500 gsf/f	100%	600' (8)	6.5 / 10.0	80'	450' (7)
	Above-Grade Parking	40' (15)	20,000 gsf/f	20,000 gsf/f	100%	100' (9)	N/A	80'	N/A (10)
DT-O-2 North of NE 8 <sup>th</sup> St.	Nonresidential	40' (15)	24,000 gsf/f	24,000 gsf/f	100%	460'	5.0/ 6.0	80'	288' (7)
	Residential	40' (15)	22,000 gsf/f	13,500 gsf/f	100%	460'	5.0 / 6.0	80'	288' (7)
	Above-Grade Parking	40' (15)	20,000 gsf/f	20,000 gsf/f	100%	100' (9)	NA	80'	N/A (10)
DT-O-2 East of 110 <sup>th</sup> Ave. NE	Nonresidential	40' (15)	24,000 gsf/f	24,000 gsf/f	100%	403'	5.0 / 6.0	80'	288' (7)
	Residential	40' (15)	22,000 gsf/f	13,500 gsf/f	100%	403'	5.0/ 6.0	80'	288' (7)
	Above-Grade Parking	40' (15)	20,000 gsf/f	20,000 gsf/f	100%	100' (9)	NA	80'	N/A (12)
DT-O-2 South of NE 4 <sup>th</sup>	Nonresidential	40' (15)	24,000 gsf/f	24,000 gsf/f	100%	345'	5.0 / 6.0	80'	288' (7)
	Residential	40' (15)	22,000 gsf/f	13,500 gsf/f	100%	345'	5.0 / 6.0	80'	288'
	Above-Grade Parking	40' (15)	20,000 gsf/f	20,000 gsf/f	100%	100' (9)	NA	80'	N/A (10)
DT-MU	Nonresidential	40' (15)	22,000 gsf/f	20,000 gsf/f	100%	230'	3.25 / 5.0	80'	115' (7)
	Residential	40' (15)	20,000 gsf/f	13,500 gsf/f	100%	288'	4.25 / 5.0	80'	230' (7)
	Above-Grade Parking	N/A	20,000 gsf/f	N/A	75%	60' (9)	N/A	NA	N/A (10)
DT-MU Civic Center	Nonresidential	40' (15)	22,000 gsf/f	20,000 gsf/f	100%	403'	3.25 / 6.0	80'	115' (7)
	Residential	40' (15)	20,000 gsf/f	13,500 gsf/f	100%	403'	4.25/ 6.0	80'	230' (7)
	Above-Grade Parking	N/A	20,000 gsf/f	N/A	75%	60' (9)	N/A	N/A	N/A (10)
DT-OB	Nonresidential	40 (15)	20,000 gsf/f	13,500 gsf/f	100%	(11)	(11)	80'	N/A (10)
	Residential	40' (15)	20,000 gsf/f	13,500 gsf/f	100%	(11)	(11)	80'	N/A (10)
	Above-Grade Parking	N/A	N/A	N/A	75%	(11)	(11)	N/A	N/A (10)

Downtown Land Use District	Building Type (2)(5)	Minimum Tower Setback above 45' Where Building Exceeds 75'	Maximum Floor Plate Above 40' (4)	Maximum Floor Plate Above 80' (4)	Maximum Lot Coverage (13)	Maximum Building Height	Floor Area Ratio: Base / Maximum (3)	Tower Separation Above 45' Where Building exceeds 75'	Trigger for additional height
DT-R	Nonresidential	N/A	20,000 gs/f	NA	75%	75'	0.5 / 0.5	N/A	N/A (10)
	Residential	40' (15)	20,000 gs/f	13,500 gs/f	100%	230'	4.25 / 5.0	80'	N/A (10)
	Above-Grade Parking	N/A	N/A	N/A	75%	40' (9)	N/A	N/A	N/A (10)
DT-OLB North (between NE 8th Street and NE 12th Street)	Nonresidential	40' (15)	30,000 gs/f	20,000 gs/f	100%	86'	2.5 / 3.0	80'	N/A (10)
	Residential	40' (15)	20,000 gs/f	13,500 gs/f	100%	104'	2.5 / 3.0	80'	N/A (10)
	Above-Grade Parking	N/A	20,000 gs/f	N/A	75%	45'(9)	N/A	N/A	N/A (10)
DT-OLB Central (between NE 4th Street and NE 8th Street)	Nonresidential	40' (15)	30,000 gs/f	20,000 gs/f	100%	403	2.5 / 6.0	80'	90' (7)
	Residential	40' (15)	20,000 gs/f	13,500 gs/f	100%	403	2.5 / 6.0	80'	105' (7)
	Above-Grade Parking	N/A	20,000 gs/f	N/A	75%	45' (9)	N/A	N/A	N/A (10)
DT-OLB South (between Main Street and NE 4th Street)	Nonresidential	40' (15)	30,000 gs/f	20,000 gs/f	100%	230'	2.5 / 5.0	80'	90' (7)
	Residential	40' (15)	20,000 gs/f	13,500 gs/f	100%	230'	2.5 / 5.0	80'	105' (7)
	Above-Grade Parking	N/A	20,000 gs/f	N/A	75%	45' (9)	N/A	N/A	N/A (10)

**Additional Dimensional Requirements in Downtown Perimeter Overlay Districts**

Downtown Perimeter Overlay District	Building Type (2)(5)	Minimum Tower Setback above 45' Where Building Exceeds 75'	Minimum Setback from Downtown Boundary (1)	Maximum Lot Coverage (13)	Maximum Building Height	Floor Area Ratio: Base / Maximum (3)	Triggers for Additional Height
Perimeter Overlay A-1	Nonresidential	N/A	20' (6)	75%	40' (8)	1.0 in MU; 0.5 in R/ 1.0 in DT-MU and DT-OB; 0.5 in DT-R	N/A (10)
	Residential	N/A	20' (6)	75%	55' (8)	3.0 / 3.5	N/A (10)
	Above-Grade Parking	N/A	20' (6)	75%	40' (9)	N/A	N/A (10)
Perimeter Overlay A-2	Nonresidential	N/A	20' (6)	75% in DT-MU 100% in DT-OB	40'(8)	1.0 / 1.0	N/A (10)
	Residential	N/A	20' (6)	75% in DT-MU 100% in DT-OB	70' (7) (8)	3.25/ 3.5	55' (9) (7)
	Above-Grade Parking	N/A	20' (6)	75%	40' (9)	N/A	N/A (10)
Perimeter Overlay A-3	Nonresidential	N/A	20' (6)	75%	70' (8)	1.0 / 1.0	40' (7)
	Residential	N/A	20' (6)	75%	70' (8)	3.25 / 5.0 (14)	55'
	Above-Grade Parking	N/A	20' (6)	75%	40' (9)	N/A	N/A (10)

Downtown Perimeter Overlay District	Building Type (2)(5)	Minimum Tower Setback above 45' Where Building Exceeds 75'	Minimum Setback from Downtown Boundary (1)	Maximum Lot Coverage (13)	Maximum Building Height	Floor Area Ratio: Base / Maximum (3)	Triggers for Additional Height
Perimeter Overlay B-1	Nonresidential	N/A	N/A	75% in DT-MU and DT-R 100% in DT-OB	72'	1.5 in DT-MU; 1.0 in OB; 0.5 in DT-R / 1.5 in DT-MU; 1.0 in DT-OB; 0.5 in DT-R	N/A (10)
	Residential	40' (15)	N/A	75% in DT-MU and DT-R 100% in DT-OB	99'	4.25 / 5.0	99' (7)
	Above-Grade Parking	N/A	N/A	75%	40' (9)	N/A	N/A (10)
Perimeter Overlay B-2	Nonresidential	N/A	N/A	75%	72'	1.5 / 1.5	N/A (10)
	Residential	40' (15)	N/A	75%	176'-264' (7) (12) (15)	4.25 / 5.0	105' (7)
	Above-Grade Parking	N/A	N/A	75%	40' (9)	N/A	N/A (10)
Perimeter Overlay B-3	Nonresidential	N/A	N/A	75%	72'	1.5 / 1.5	N/A (10)
	Residential	40' (15)	N/A	75%	220' (7)	4.25 / 5.0 (14)	105' (7)
	Above-Grade Parking	N/A	N/A	75%	40' (9)	N/A	N/A (10)

#### 20.25A.060

##### Notes: Dimensional requirements in Downtown Districts and Perimeter Overlay Districts

- (1) Minimum setbacks from Downtown boundary are subject to required landscape development. See LUC 20.25A.110.
- (2) A single building is considered residential if more than 50 percent of the gross floor area is devoted to residential uses. See LUC 20.50.020 for the definition of "floor area, gross."
- (3) The maximum permitted FAR may only be achieved by participation in the FAR Amenity Incentive System, LUC 20.25A.070. Where residential and nonresidential uses occur in the same building, the FAR is limited to the maximum FAR for the building type as determined in accordance with Note (2).
- (4) See paragraph B of this section for exceptions to the minimum setback and maximum building floor plate requirements.
- (5) Hotels and motels shall be considered as residential structures for all dimensional standards except for maximum floor plate where they shall be considered nonresidential.
- (6) On lots that are bisected by the Downtown boundary, the Director may allow the minimum setback from the Downtown boundary to be measured from the perimeter property lines abutting other lots located outside the Downtown boundary. The modification must be consistent with the Perimeter District purpose statement contained in 20.25A.010.B. This provision may be used to modify only the setback location and not the minimum setback size.
- (7) Refer to LUC 20.25A.075.A for additional requirements when exceeding the trigger for additional height.
- (8) No additional building height allowed. All standards must be met.
- (9) No additional height allowed for parking garages. Any mechanical equipment shall be placed inside the structure.

(10) No additional building height above the maximum shall be permitted through the administrative departure process.

(11) The DT-OB has no maximum heights or floor area ratios that are independent of the perimeter overlay districts because the entire district is covered by overlays. The applicable maximum heights and floor area ratios in the DT-OB shall be controlled by the applicable perimeter overlay district provisions.

(12) Within Perimeter Overlay B-2, multiple tower projects are allowed variable tower heights of 176 feet to 264 feet with an average of no more than 220 feet. Master Development Plan approval is required. Single tower projects within the Perimeter Overlay B-2 shall be limited to ~~460~~ 220 feet unless the Director approves an Administrative Departure pursuant to LUC 20.25A.030.D.

(13) Underground buildings as defined in LUC 20.50.050 are not structures for the purpose of calculating lot coverage.

(14) If a residential development falls within both Perimeter Overlay Districts A-3 and B-3, then a maximum of 1.0 FAR may be transferred within the project limit from Perimeter Overlay District A-3 to B-3 so long as the average FAR throughout the project does ~~may~~ not exceed 5.0 FAR.

(15) The tower setback shall be applied from interior property lines only. Please see LUC 20.25A.060.B.4 for additional tower setback provisions.

**B. Exceptions to Dimensional Requirements.**

Exceptions authorized pursuant to this paragraph shall be reviewed as administrative departures subject to the terms of LUC 20.25A.030.D.1.

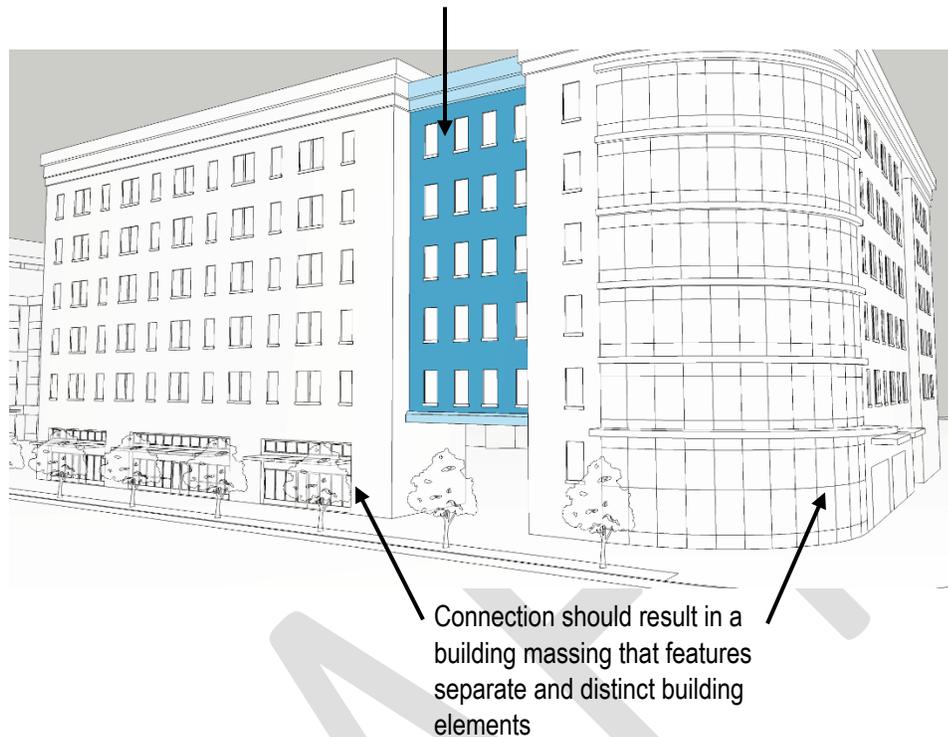
1. Floor Plate Exceptions:

a. Connecting Floor Plates. For structures that do not exceed 70 feet in height (as defined by the International Building Code, as adopted and amended by the City of Bellevue), the Director may approve the connection of floor plates above 40 feet such that those floor plates exceed the "Maximum Building Floor Area per Floor Above 40 Feet;" provided, that:

- i. The connection is to allow for safe and efficient building exiting patterns;
- ii. The connecting floor area shall include required corridor areas, but may include habitable space;
- iii. The alternative design results in a building mass that features separate and distinct building elements;
- iv. The connection shall act as a dividing point between two floor plates, neither of which exceeds the maximum floor plate size; and
- v. The connecting floor area shall comply with the design guidelines for Connecting Floor Plates in LUC 20.25A.180.C.

**Comment [HC33]:** MOVED from LUC 20.25A.020.B.1 and UPDATED

Connection may include habitable space



b. Performing Arts Centers may have unlimited floorplates up to 100 feet in height, measured from average finished grade, provided that:

- i. The floor plate exception applies only to that portion of the building which contains the performing arts use;
- ii. The area is the minimum area necessary to accommodate the performing arts use;
- iii. Subordinate uses do not exceed 25 percent of the total area; and
- iv. The ground floor design is consistent with the design guidelines for “A” rights-of-way, excluding the arcade provision.

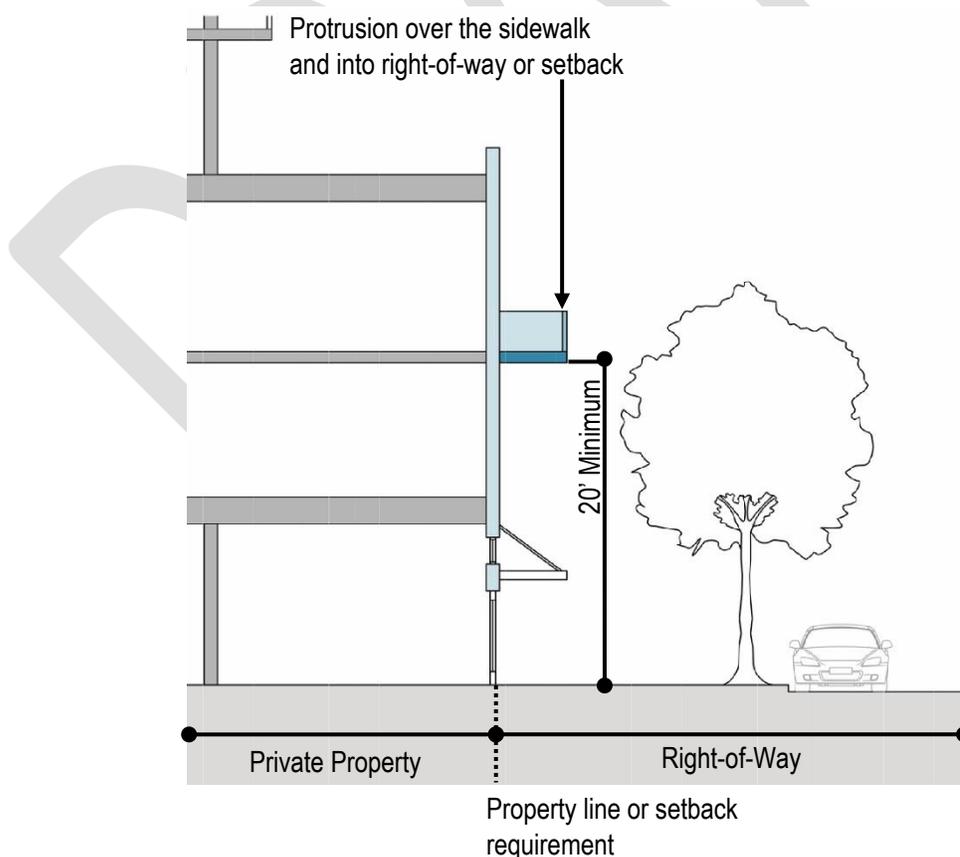
## 2. Intrusions into Required Dimensional Standards.

### a. Intrusions over the Sidewalk

- i. Marquees, awnings, or other kinds of weather protection which comply with the requirements of 20.25A.170.A.2.b are permitted to extend over the public right-of-way upon approval of the Director of the Transportation Department and the Director notwithstanding the provisions of the Sign Code, Chapter 22B.10 BCC, or any other City Code.
- ii. External decks and balconies are permitted to extend over the right-of-way upon approval of the Director or the Transportation Department and the Director and shall be a minimum clearance of 20 feet above the right-of-way, and no greater in depth that 50% of the width of the required sidewalk.

### b. Intrusions into Setbacks

- i. Architectural elements such as louvers and fins may intrude into the setback upon approval of the Director.
  - ii. External decks and balconies that intrude into the tower setback are permitted upon approval of the Director.
- c. Intrusions into Stepbacks
- i. The Director may approve modifications to the minimum required setback if:
    - (1) The applicant can demonstrate that the resulting design will be more consistent with the Design Guidelines of 20.25A.140 through 20.25A.180; and
    - (2) The intrusions for building modulation or weather protection features shall be a maximum of 20 percent of the length of the whole façade, 25 percent of the depth of the required setback, and a maximum of 10 feet in length per intrusion.
  - ii. The Director may approve modifications to the setback requirements for performing arts centers if:
    - (1) Interesting roof forms, significant floor plate modulation, significant façade modulation, or other such unique architectural features are provided to minimize impacts to abutting structures.



3. Height Exceptions for Mechanical Equipment. The Director may approve intrusions that are necessary for mechanical equipment, such as elevator overruns, up to a maximum of 20 feet or as necessary to accommodate new technology above the maximum height limit if the following conditions are met:
  - a. The applicant can demonstrate that the intrusion is the minimum necessary to serve the needs of the building;
  - b. No more than a maximum of twenty percent of the rooftop may be covered with mechanical structures or housings; and
  - c. All mechanical equipment shall be consolidated in a central location or integrated with the building architecture.
4. Tower Setback Exception.
  - a. If a parcel is less than or equal to 30,000 square feet, the tower setback may be reduced to 20 feet as measured 45 feet above average finished grade.

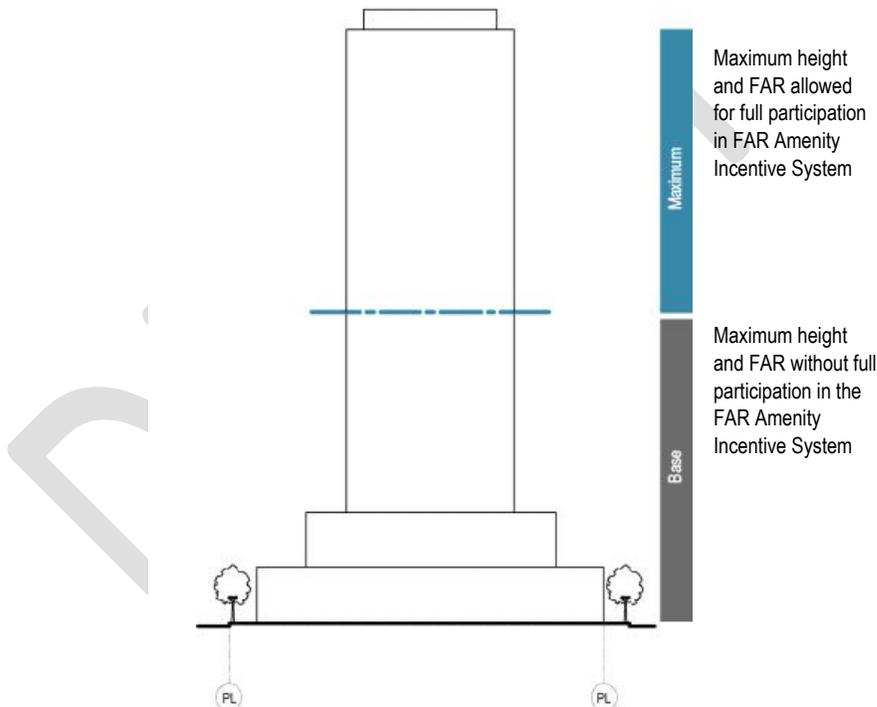
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20.25A.070 Amenity Incentive System and Floor Area Ratio

**Comment [HC34]:** MOVED from LUC 20.25A.030 and amended based on BERK analysis

A. General.

A building may exceed the base floor area ratio or base building height permitted for development within a Downtown Land Use District or Perimeter Overlay pursuant to LUC 20.25A.060.A.4 only if it complies with the requirements of this section. In no case may the building exceed the maximum floor area ratio permitted for the district or overlay unless expressly permitted by the terms of this code. The bonus ratios have been calibrated by neighborhood to provide higher incentives for amenities that contribute to neighborhood character objectives.



B. Required Review.

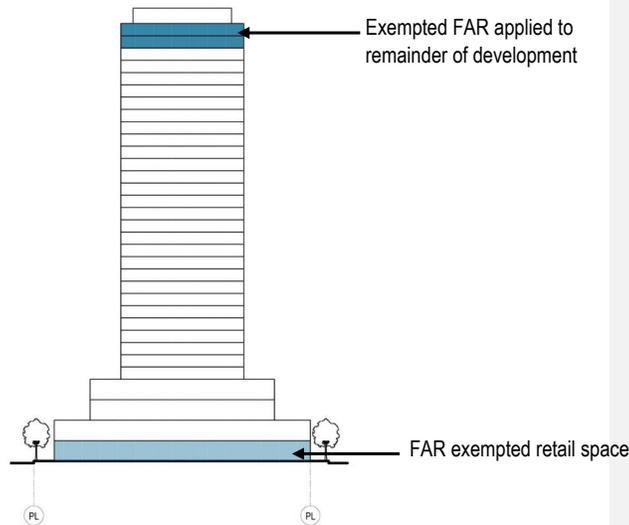
The Director may approve an amenity which complies with subsection D of this section if all the specific amenity system requirements are satisfied and established design criteria for the amenity have been met.

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

1. FAR Exemption for Ground Level and Upper Level Active Uses. For purposes of applying the Amenity Incentive System, a level shall be considered the ground level so long as less than half of that ground level story height is located below the average finished grade of the adjacent public right-of-way or pedestrian connection. The single building story immediately above the ground level story and intended to activate the ground level pedestrian environment through demonstrated compliance with the Upper Level Active Uses design guidelines contained in LUC 20.25A.170.D, shall be considered an upper level.

a. Ground Level Floor Areas Meeting the Definition of Active Uses. Each square foot of ground level floor area of active uses that satisfies the requirements of 20.25A.020.A and complies with the design guidelines contained in LUC 20.25A.170.B.1 (Pedestrian Corridor / High Streets – A Rights of Way) shall be eligible for an exemption from calculation of maximum floor area of up to 1.0 FAR, except where specifically provided by the terms of this code.

b. Upper Level Floor Areas Meeting the Definition of Active Uses. Each square foot of upper level floor area of active uses that satisfies the requirements of LUC 20.25A.020.A and complies with the design guidelines contained in LUC 20.25A.170.D (Upper Level Active Uses) shall be eligible for an exemption from calculation of maximum floor area of up to 0.5 FAR, except where specifically provided by the terms of this code.



2. FAR Exemption for Affordable Housing (RESERVED)

**Comment [HC35]:** Deferred pending the conclusion of the Citywide Affordable Housing Technical Advisory Group work

### 3. Floor Area Earned from Special Dedications

- a. General. Land which is dedicated to the City of Bellevue for right-of-way or to accommodate the linear alignment of an RLRT system without compensation to the owner in conformance with subsection 3.b of this section is included in land area for the purpose of computing maximum FAR notwithstanding the definition of floor area ratio (FAR) contained in LUC 20.25A.020.A.
- b. Special Dedications.
  - i. A property owner may make a special dedication by conveying land identified for right-of-way or linear alignment of an RLRT system acquisition in a Transportation Facilities Plan of the Comprehensive Plan, the Transportation Facilities Plan adopted by the City Council or the Capital Investment Program Plan to the City of Bellevue by an instrument approved by the City Attorney.
  - ii. A property owner may also make a special dedication by conveying land identified by the Director of Transportation as necessary for safety or operational improvement projects.
- c. Recording Requirements. The applicant shall record the amount (square footage) of floor area earned by area dedicated in conformance this paragraph with the King County Recorder's Office, or its successor agency, and provide a copy of the recorded document to the Director.

### 4. Conversion of Previously Approved Exempt Retail Activity Space

- a. General. Exempt Retail Activity space approved pursuant to the Downtown Overlay Part 20.25A. LUC in effect prior to [INSERT EFFECTIVE DATE OF THE ORDINANCE] may be converted to Active Use space pursuant to the provisions of this paragraph.
- b. Requirements. The Director may approve a conversion of Exempt Retail Activity Space approved pursuant to the Downtown Overlay Part 20.25A. LUC in effect prior to [INSERT EFFECTIVE DATE OF THE ORDINANCE] provided the following requirements are met:
  - i. Prior to Conversion. The applicant shall show a good faith effort to locate retail tenants meeting the Pedestrian Oriented Frontage use requirements of the previous approval before a conversion may be considered by the Director.
  - ii. Requirements for Conversion to be Approved.
    - (1) Uses allowed to occupy the previously approved exempt retail activity space shall meet the definition of DT – Active Uses contained in LUC 20.25A.020;
    - (2) Conversion of the previously approved exempt retail activity space shall not allow the building to exceed the maximum FAR contained in LUC 20.25A.060; and

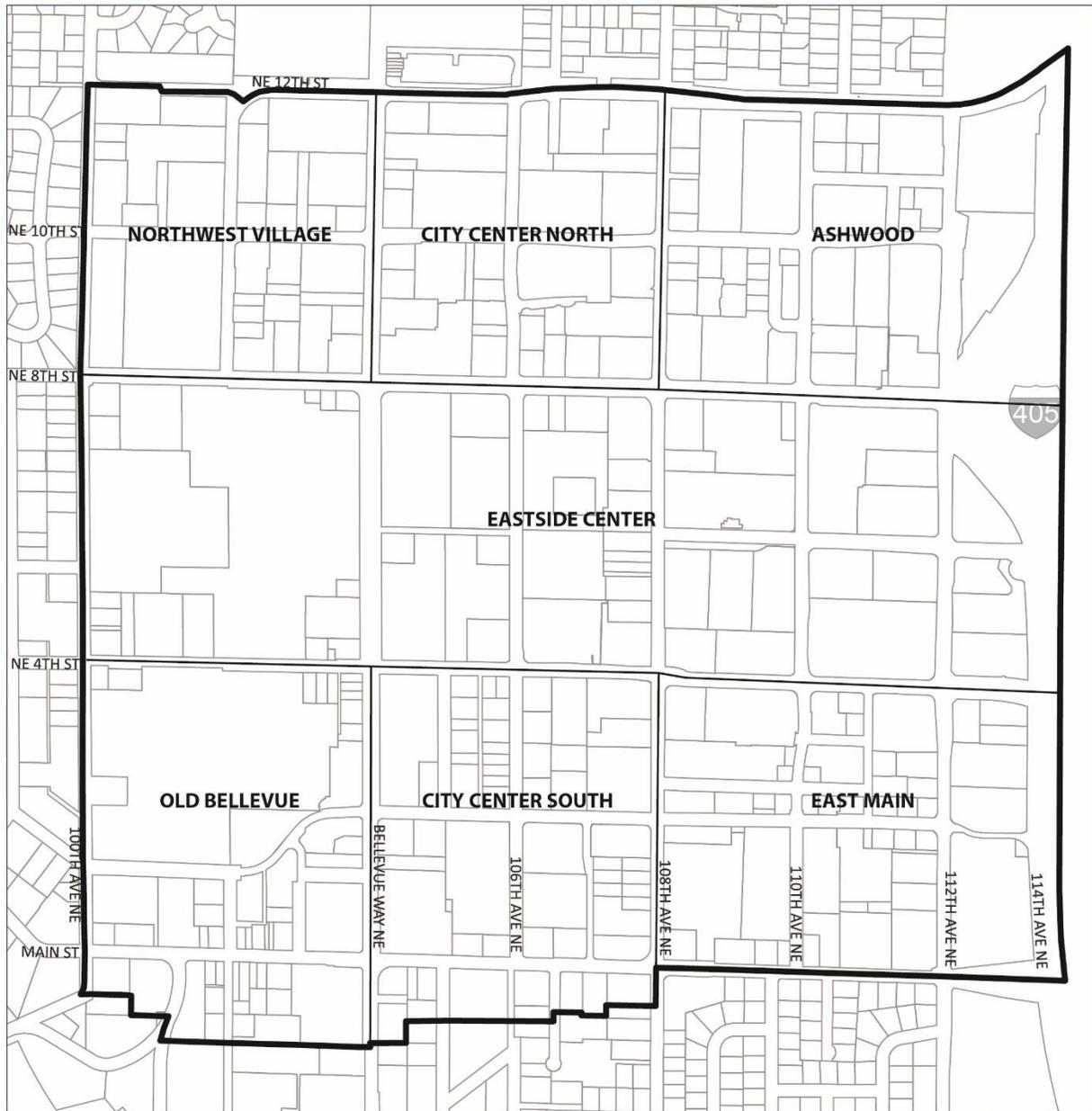
- (3) The converted space shall be retrofit, to the maximum extent feasible, to comply with the requirements of LUC 20.25A.170.B.1 (Pedestrian Corridor / High Streets – A Rights of Way).

**D. Specific Amenity Incentive System Requirements.**

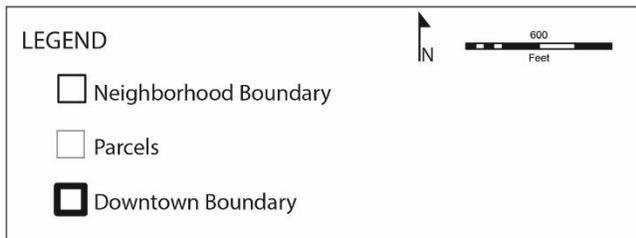
1. Participation in the Amenity Incentive System shall comply with Chart 20.25A.070.D.4, provided below. Amenity bonus rates and applicability will follow Downtown Neighborhood boundaries as shown in Figure 20.25A.070.D.1.

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Figure 20.25A.070.D.1



DOWNTOWN NEIGHBORHOODS



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

a. Calculation of Amenity Incentive Need. The process below shall be used to determine the amenity incentive need by individual building. There are two conditions that will guide a building's amenity need based on it being above or below the base building heights shown in LUC 20.25A.060.A.4.

Condition 1: All building floor area is developed below the base building height. In this case, the amount of square footage above the base FAR is equal to the amenity need expressed in amenity points.

Condition 2: A portion of the building floor area is developed above the base building height. In this case, the greater of the floor area being constructed above base FAR, OR the floor area being constructed above base height divided by two shall count as the amenity need in points for each building. For example: A building has 60,000 square feet above base FAR and 30,000 square feet above base building height divided by two = 15,000; the amenity need would be 60,000 amenity points. A building with zero square feet above base FAR and 20,000 square feet above base building height divided by two would have an amenity need of 10,000 amenity points.

For multi-building development, the individual building amenity calculations will be combined for an overall development's amenity need.

b. Allocation of Amenities. The Amenity Incentive System has a focus on public open space features. It is required that 75 percent or more of a project's amenity need must utilize one or more of the following amenities: Major Pedestrian Corridor, Outdoor Plaza, Donation of Park Property, Improvement of Public Park Property, Enhanced Streetscape, Active Recreation Area, Enclosed Plaza or Alleys with Addresses. Up to 25 percent of a project's amenity need may utilize any other amenity on the amenity list or continue to use public open space feature amenities.

c. In-lieu Fees. In-lieu fees may be used for up to 50 percent of a project's amenity need. The in-lieu fee as of [EFFECTIVE DATE] 2017 is \$28.00 per amenity point. In-lieu fees shall be assessed and collected at building permit issuance. The collected in-lieu fees will be used for public open space improvements by the City. The amenity incentive system in-lieu fee rate, published in the City's fee rate schedule, will be reviewed annually, and, effective January 1st of each year, may be administratively increased or decreased by an adjustment to reflect the current published annual change in the Seattle Consumer Price Index for Wage Earners and Clerical Workers as needed in order to maintain accurate costs for the region.

3. In a multi-building development within a single 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. If construction of the multi-building development is to be phased, no phase may depend on the future construction of amenities.

4. Amenity Incentive System

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

LIST OF BONUSABLE AMENITIES	APPLICABLE NEIGHBORHOODS/DISTRICTS AND BONUS RATIOS						
	Northwest Village	City Center North	Ashwood	Eastside Center	Old Bellevue	City Center South	East Main
<b>PUBLIC OPEN SPACE FEATURE AMENITIES</b>							
<b>1. Major Pedestrian Corridor and Major Public Open Spaces:</b> The Major Pedestrian Corridor and Major Public Open Spaces located on or in the immediate vicinity of NE 6th Street between Bellevue Way and 112th Avenue NE.				250	13.3:1		
	13.3 250 bonus points per linearsquare foot of Pedestrian Corridor or Major Public Open Space constructed. Major Public Open Space calculated separately through Outdoor Plaza bonus provisions, below.						
<b>2. Outdoor Plaza:</b> A publically accessible, continuous open space, predominantly open from above, and designed to relate to the surrounding urban context. Outdoor plazas prioritize pedestrian use and serve as opportunities to activate the Downtown for residents and users.	9.3:1	9.3:1	8.4:1	9.3:1	8.4:1	8.4:1	8.4:1
	8.4 bonus points per square foot of outdoor plaza in Priority Neighborhoods; 9.3 bonus points per square foot in High Priority Neighborhoods.						
<b>DESIGN CRITERIA:</b> 1. Pedestrian Corridor and Major Public Open Space improvements must comply with the requirements of LUC 20.25A.090.C-1. 1. Minimum plaza size is 3,000 square feet with a maximum bonusable area of 20 percent of the gross lot area. Plazas larger than 10,000 square feet may earn additional bonus points if they are designed in a manner to provide for activities to promote general public assembly. 2. Minimum plaza size may be met through the linking of smaller plaza spaces in a cohesive, logical manner with a strong design narrative. 3. Minimum seating provided shall be 1 linear foot of seating space per 30 square feet of plaza space. 4. A minimum of 20 percent of the area eligible for bonus amenity points in the plaza must be landscaped. 5. Plaza amenities to enhance the users experience must be provided, e.g. art and water elements. 6. Provide physical and visual access to the plaza from the sidewalk and be located within thirty inches of adjacent sidewalk grade. 7. Provide for sense of security to users through well-lit and visible spaces. 8. Must provide directional signage that identifies circulation routes for all users and informs the public that the space is accessible to the public at all times. The signage must 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 provision and achieves the design objectives for the building and the site may propose an alternative that is consistent with this provision and achieves the design objectives for the building and the site. 9. Plazas must be open to the public at all times require an easement for public right of pedestrian use in a form approved by the City.							

**Comment [F36]:** Pedestrian Corridor and Major Public Open Space bonus rate based on \$300 per square foot construction cost estimate and \$22.50 FAR exchange rate.

**Comment [F37]:** Outdoor plaza bonus based on \$210 per square foot construction cost estimate and \$25 FAR exchange rate. Adjustment for High Priority locations articulated in the CAC Final Report using \$22.50 FAR exchange rate. Added Old Bellevue as applicable Neighborhood; not included as bonusable location in CAC Final Report.

LIST OF BONUSABLE AMENITIES	APPLICABLE NEIGHBORHOODS/DISTRICTS AND BONUS RATIOS						
	Northwest Village	City Center North	Ashwood	Eastside Center	Old Bellevue	City Center South	East Main
	10. Plazas must meet all design criteria for design guidelines for public open spaces. 11. Square footage for purposes of calculating amenity points shall not include vehicle or loading drive surfaces.						
<b>3. Donation of Park Property:</b> Property which is donated to the City, with no restriction, for park purposes.	45 bonus points for every \$1,000 of appraised value of property donated for park purposes if property is located in Northwest Village or East Main Neighborhood. 40 bonus points for every \$1,000 of appraised value if property is located in any other Downtown Neighborhood. Park property donation may occur in Downtown neighborhoods that are different from where the development project occurs.  <b>DESIGN CRITERIA:</b> 1. The need for such property in the location proposed must be consistent with City-adopted policies and plans. 2. The minimum size of a donated park parcel is 4,000 square feet. 3. Donated park parcels must be located within the Downtown, but need not be contiguous with the site for which development is proposed						
<b>4. Improvement of Public Park Property:</b> Improvements made to City-owned community, neighborhood, and miniparks within the Downtown Subarea.	45 bonus points for every \$1,000 of public park property improvement if park is located in Northwest Village or East Main Neighborhood. 40 bonus points for every \$1,000 of public park property improvement if located in any other Downtown Neighborhood. Park property improvement may occur in Downtown neighborhoods that are different from where the development project occurs.  <b>DESIGN CRITERIA:</b> 1. Improvements made to a City-owned community, neighborhood, and mini-park must be consistent with the Downtown Subarea Plan. 2. Improvements made to City-owned parks must be constructed by the developer consistent with applicable City plans, and approval by the Director of the Parks & Community Services Department.						
<b>5. Enhanced Streetscape:</b> A continuous space between the back of the curb and the building face which allows internal activities to be externalized or brought out to the sidewalk. This space is provided along the building front and activated by residential patios or stoops, small retail, restaurant, and other commercial entries.	7:1	7:1	7:1	7:1	7.8:1	7.8:1	7.8:1
	7 bonus points per square foot of enhanced streetscape constructed; 7.8 bonus points per square foot if part of Lake-to-Lake Trail.  <b>DESIGN CRITERIA:</b> 1. Space between back of curb and building face shall meet the minimum sidewalk and landscape dimensions. This amenity bonus is intended for an additional four to eight-foot frontage zone that is above and beyond the minimum requirements. 2. Frontage zone shall contain street furniture, including movable tables and chairs, and may be used for retail and food vendor space. 3. Applicant must provide three of the five design standards below: a. Additional landscaping such as seasonal pots and plantings. b. Decorative paving. c. Small artistic elements. d. Additional weather protection. e. Other features suggested that assist in activating the space. 4. Visual access shall be provided into abutting commercial spaces. For residential use this may be provided through a private patio or stoop.						

**Comment [F38]:** Donation of park property bonus based on \$25 FAR exchange rate; adjustment for High Priority neighborhoods Northwest Village and East Main using \$22.50 FAR exchange rate. Example: \$1,000,000 appraised value = 40,000 bonus points at 40:1 or 45,000 bonus points at 45:1.

**Comment [F39]:** Improvement of park property bonus based on \$25 FAR exchange rate; adjustment for High Priority neighborhoods Northwest Village and East Main using \$22.50 FAR exchange rate. Example: \$1,000,000 appraised value = 40,000 bonus points at 40:1 or 45,000 bonus points at 45:1.

**Comment [F40]:** Enhanced streetscape bonus based on \$175 per square foot construction cost estimate and \$25 FAR exchange rate; adjustment for Lake-to-Lake Trail improvements identified as High Priority using \$22.50 FAR exchange rate.

LIST OF BONUSABLE AMENITIES	APPLICABLE NEIGHBORHOODS/DISTRICTS AND BONUS RATIOS						
	Northwest Village	City Center North	Ashwood	Eastside Center	Old Bellevue	City Center South	East Main
<b>6. Active Recreation Area:</b> An area which provides active recreational facilities and is open to the general public. Does not include health or athletic clubs.	2:1	2:1	2:1	2:1	2:1	2:1	2:1
	2 bonus points per square foot of active recreation area provided. <b>DESIGN CRITERIA:</b> 1. May be located indoors or outdoors. 2. Recreational facilities include, but are not limited to, sport courts, child play areas, climbing wall, open space for play, and dog relief areas. 3. May be fee-for-use but not used exclusively by membership. 4. The maximum bonusable area is 1,500 square feet.						
<b>7. Enclosed Plaza:</b> A publicly accessible, continuous open space located within a building and covered to provide overhead weather protection while admitting substantial amounts of natural daylight (atrium or Galleria). Enclosed Plazas function as a “Third Place,” and are “anchors” of community life and facilitate and foster broader, more creative interaction.	4:1	4:1	4:1	4:1	4:1	4:1	4:1
	4 bonus points per square foot of enclosed plaza provided. <b>DESIGN CRITERIA:</b> 1. Must be open and accessible to the public during the same hours that the building in which it is located is open. 2. Must provide signage to identify the space as open to the public as provided per the Bellevue Transportation Department Design Manual. Must provide directional signage that identifies circulation routes for all users and informs the public that the space is accessible to the public at all times. The signage must be visible from all points of access. If the signage requirements are not feasible, the applicant may propose an alternative that is consistent with this provision and achieves the design objectives for the building and the site may propose an alternative that is consistent with this provision and achieves the design objectives for the building and the site. 3. Must be visually and physically accessible from a publically accessible space. 4. At least 5 percent of the area must be landscaped. Landscape requirements may be modified if an equal or better result is provided through the use of interesting building materials, art, and architectural features which soften and enhance the enclosed plaza area. 5. The minimum sitting space shall be 1 linear foot of seating per 30 square feet of enclosed plaza space. More than 50 percent of the seating shall be provided in the form of movable chairs and furniture. 6. Minimum horizontal dimension is 20 feet. 7. Minimum area is 750 square feet.						

**Comment [F41]:** Active recreation area bonus based on \$50 per square foot construction cost estimate and \$25 FAR exchange rate.

**Comment [F42]:** Enclosed plaza based on \$100 per square foot construction cost for plaza amenities and \$25 FAR exchange rate.

<p><b>8. Alleys with Addresses:</b> Pedestrian oriented ways off the main vehicular street grid that provide an intimate pedestrian experience through a combination of residential, small retail, restaurant, and other commercial entries with meaningful transparency along the frontage building walls. This area does not have a “back of house” feel.</p>	6.7:1					6.7:1	6.7:1
<p>6.7 bonus points per square foot of alley with address improvement based on Neighborhood location.</p> <p><b>DESIGN CRITERIA:</b></p> <ol style="list-style-type: none"> <li>1. Must be open to the public 24 hours a day and 7 days a week and require an easement for public right of pedestrian use in a form approved by the City.</li> <li>2. May not be enclosed.</li> <li>3. Must provide a finer scaled building design at the pedestrian level to emphasize the pedestrian realm and to provide scale relief from the primary massing.</li> <li>4. Alley frontage must meet guidelines for C Rights-of-Way, Mixed Streets in LUC 20.25A.170.B.</li> <li>5. Residential use must provide a strong connection to the alleyway through the use of patios or stoops.</li> <li>6. Must provide pedestrian scaled lighting.</li> <li>7. Must provide signage to show open to the public and the hours.</li> <li>8. Automobile access and use shall be secondary to pedestrian use and movement.</li> <li>9. Must meet design guidelines at LUC 20.25A.170.C.</li> <li>10. Square footage for purposes of calculating amenity points shall not include vehicle or loading drive surfaces.</li> </ol>							
<p><b>OTHER AMENITIES</b></p>							
<p><b>9. Freestanding canopies at street corners and transit stops (non-building weather protection)</b></p>	40:1	40:1	40:1	40:1	40:1	40:1	40:1
<p>40 bonus points per every \$1,000 of investment in freestanding canopies. Maximum 1,000 bonus points per freestanding canopy.</p> <p><b>DESIGN CRITERIA:</b> Location of freestanding canopies shall be approved by Transportation Department. Design must be consistent with design adopted through a Transportation Director’s Rule.</p>							
<p><b>10. Pedestrian bridges:</b> Pedestrian bridges over the public right-of-way at previously designated mid-block locations meeting specific design criteria.</p>		250:1		250:1		250:1	
<p>250 bonus points per linear foot of pedestrian bridge constructed.</p> <p><b>DESIGN CRITERIA:</b></p> <ol style="list-style-type: none"> <li>1. This bonus shall apply only to pedestrian bridges meeting the location and design criteria of LUC 20.25A.100.</li> <li>2. Bridge must connect to upper level Active Uses on both sides to qualify for bonus.</li> </ol>							
<p><b>11. Performing Arts Space:</b> Space containing fixed seating for public assembly for the purpose of entertainment or cultural events (live performances only).</p>	16:1	16:1	16:1	16:1	16:1	16:1	16:1
<p>16 bonus points per square foot of performing arts space provided.</p> <p><b>DESIGN CRITERIA:</b> This bonus shall apply only to performing arts spaces that are less than 10,000 square feet.</p>							
<p><b>12. Public Art:</b> Any form of</p>	40:1	40:1	40:1	40:1	40:1	40:1	40:1

**Comment [F43]:** Alley with addresses bonus based on \$150 per square foot construction cost estimate and \$22.50 FAR exchange rate for High Priority locations as articulated in CAC Final Report.

**Comment [F44]:** Freestanding canopy bonus based on \$25 FAR exchange rate. Example: \$25,000 investment = 1,000 bonus points.

**Comment [F45]:** Pedestrian bridge bonus based on bonus for Pedestrian Corridor construction.

**Comment [F46]:** Performing arts space bonus based on \$400 per square foot construction cost estimate and \$25 FAR exchange rate.

<p>permanent artwork that is outdoors and publicly accessible or visible from a public place.</p>	<p>40 bonus points per every \$1,000 of appraised art value.</p> <p><b>DESIGN CRITERIA:</b>                      1. Must be located outside in areas open to the general public or visible from adjacent public right-of-way, perimeter sidewalk or pedestrian way.                      2. May be an object or integrated feature of the building’s exterior or other visible infrastructure such as paving, hand railings, walls, seating or other elements visible to the public or in publicly accessible areas.                      3. Public art can include murals, sculptures, art elements integrated with infrastructure, and special artist designed lighting.                      4. Stand alone or landmark artworks should be at a scale that allows them to be visible at a distance.                      5. Value of art to be determined through appraisal accepted by Bellevue Arts Program.                      6. 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.</p>						
<p><b>13. Water Feature:</b> A fountain, cascade, stream water, sculpture, or reflection pond. The purpose is to serve as a focal point for pedestrian activity.</p>	40:1	40:1	40:1	40:1	40:1	40:1	40:1
<p><b>14. Historic Preservation of Physical Sites/Buildings:</b>                      Historic and cultural resources are those identified in the City’s resource inventory, or identified by supplemental study submitted to the City.</p>	<p>40 bonus points per every \$1,000 of documented construction cost to protect historic façades or other significant design features.</p> <p><b>DESIGN CRITERIA:</b>                      1. Must be located outside of the building, and be publicly visible and accessible at the main pedestrian entrance to a building, or along a perimeter sidewalk or pedestrian connection.                      2. Water must be maintained in a clean and non-contaminated condition.                      3. Water must be in motion during daylight hours.</p>						
<p><b>15. Historic and Cultural Resources Documentation:</b>                      Historic and cultural resources are those identified in the City’s resource inventory, or identified by supplemental study submitted to the City.</p>	<p>40 bonus points per every \$1,000 of documented cost of plaques/interpretive markers or construction cost of space dedicated to collect, preserve, interpret, and exhibit items.</p> <p><b>DESIGN CRITERIA:</b>                      1. Use plaques and interpretive markers to identify existing and past sites of historic and cultural importance.                      2. Space dedicated to collect, preserve, interpret, and exhibit items that document the history of Downtown Bellevue.</p>						

**Comment [F47]:** Public art bonus based on \$25 FAR exchange rate.

**Comment [F48]:** Water feature bonus based on \$25 FAR exchange rate.

**Comment [F49]:** Bonus based on \$25 exchange rate.

**Comment [F50]:** Bonus based on \$25 exchange rate.

<p><b>16. Neighborhood Serving Uses:</b> Allocation of space for noncommercial neighborhood serving uses that bolster livability for residents (e.g., community meetings rooms and non-profit child care).</p>	8:1	8:1	8:1	8:1	8:1	8:1	8:1
<p><b>17. Sustainability Certification:</b> The City has a vested interest in supporting sustainable building practices and provides amenity bonus points commensurate with the level of sustainability provided in each building. Bonus FAR will be earned according to the level of rating applicant completes. Building practices are rapidly evolving and sustainability features are becoming mainstream. The purpose of this amenity is to incentivize performance significantly above the industry norm.</p>	<p>8 bonus points per square foot of space dedicated to Neighborhood Serving Uses.</p> <p><b>DESIGN CRITERIA:</b></p> <ol style="list-style-type: none"> <li>1. Bonusable neighborhood serving uses include child care, community meeting rooms, or non-profit space,</li> <li>2. Up to 5,000 square feet per project are eligible for this bonus, any floor area beyond that limit will not be eligible for amenity bonus points.</li> <li>3. The floor area delineated for these uses will be required to remain dedicated to Neighborhood Serving Uses for the life of the project.</li> <li>4. Applicant shall record with King County Recorder’s Office (or its successor agency) and provide a copy to the Director of a binding document allocating those spaces only for neighborhood serving uses for the life of the building.</li> <li>5. No other uses shall be approved for future tenancy in those spaces if they are not consistent with the uses outlined in the definition of Neighborhood Serving Uses in LUC 20.25A.020.A.</li> <li>6. Tenant spaces must remain open to the public and may not require fees or admissions to enter.</li> <li>7. Spaces must provide visual access from the street.</li> </ol>						
<p><b>FLEXIBLE AMENITY</b></p>							
<p><b>18. Flexible Amenity:</b> For proposed amenities not identified in items 1 – 17 of this list, the Flexible Amenity allows an applicant the opportunity to propose an additional amenity that would substantially increase livability in the Downtown. Credit will be determined on a case-by-case basis; it is expected that the public benefit will equal or exceed what would be provided by amenities on the standard list provided above.</p>	<p>Values for this amenity will be set through the Legislative Departure process in 20.25A.030 and require a Development Agreement. May be pursued in all Downtown Neighborhoods.</p> <p><b>DESIGN CRITERIA:</b></p> <ol style="list-style-type: none"> <li>1. Bonus proposal must be approved by City Council through a Legislative Departure and Development Agreement.</li> <li>2. Proposed bonus must have merit and value to the community.</li> <li>3. Proposed bonus must be outside of the anticipated amenity bonus structure.</li> <li>4. Proposed bonus shall not be in conflict with existing Land Use Code regulations.</li> </ol>						

**Comment [F51]:** Neighborhood serving uses bonus based on \$200 per square foot construction cost credit and \$25 FAR exchange rate, and comparison with other incentive systems.

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 must be recorded with the King County Recorder’s Office, or its successor agency. A copy of the recorded document shall be provided to the Director.

F. ~~Transfer of~~ Bonus Floor Area Earned from Pedestrian Corridor or MPOS Construction<sup>||</sup>

**Comment [HC52]:** EDIT for clarity. No substantive deviation intended from current code.

1. ~~Use of When~~ Floor Area ~~Earned May Be Transferred~~. Bonus floor area earned for actual construction of the major Pedestrian Corridor or Major Public Open Space may be used within the project limit or transferred to any other property within the area of the Downtown bounded on the west by Bellevue Way, on the east by 112th Avenue NE, on the south by NE 4th Street and on the north by NE 8th Street. Properties may utilize this ~~transferred-earned~~ floor area to exceed the Floor Area Ratio Maximum of LUC 20.25A.060.A.4, but must remain within maximum building height limits.

2. Amount of Floor Area Transfer. No more than 25 percent of the gross floor area of a proposed project may be transferred floor area. This limitation does not include floor area generated by construction of the major pedestrian corridor or major public open spaces.

3. Recording Required. The property owner shall record each transfer of floor area with the King County Recorder’s Office, or its successor agency, and shall provide a copy of the recorded document to the Director.

4. Notwithstanding any provision of this Code, no transfer of floor area occurs when all property is included in one project limit.

G. Periodic Review.

The Amenity Incentive System will be periodically reviewed every 7-10 years with initiation by City Council.

**20.25A.075 Downtown Tower Requirements**

**Comment [HC53]:** MOVED from footnotes in dimensional chart. Provides design standards for Downtown Towers that increase transparency and ease of code use.

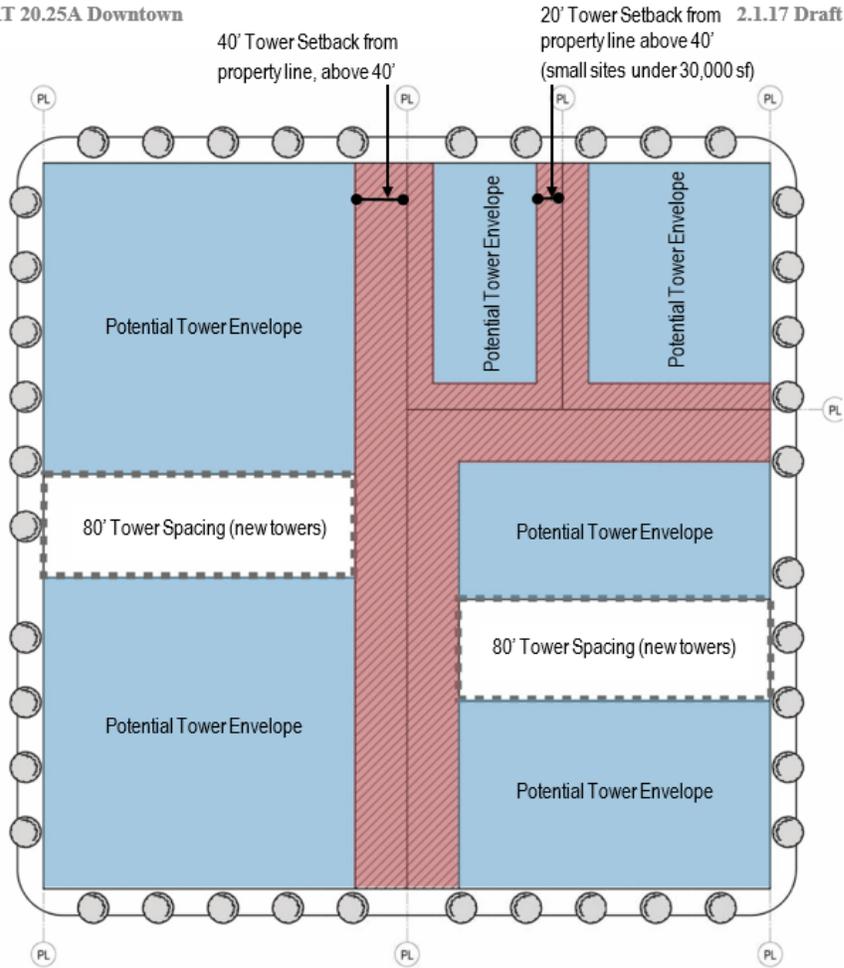
**A. Requirements for Additional Height**

1. Applicability. Buildings with heights that exceed the trigger for additional height shall be subject to the diminishing floor plate requirement and an outdoor plaza space requirement.
2. Diminishing Floor Plate Requirement. The floor plates above the trigger for additional height shall be reduced by 10 percent. The reduction shall be applied on all floor plates above the trigger for additional height. The 10 percent reduction may be averaged among all floor plates above 80 feet, but no single floor plate shall exceed the maximum floor plate size above 80 feet.
3. Outdoor Plaza Requirement. Buildings with heights that exceed the trigger for additional height shall provide outdoor plaza space in the amount of 10 percent of the project limit, provided that the outdoor plaza space shall be no less than 3,000 square feet in size. The open space shall be provided within 30 inches of the adjacent sidewalk and shall comply with the requirements for Outdoor Plazas in the Amenity Incentive System of LUC20.25A.070.D.2. Vehicle and loading drive surfaces shall not be counted as outdoor plaza space.
  - a. Modification of the Plaza Size with Criteria. The Director may approve a modification to the 10 percent requirement for outdoor plaza space through an administrative departure pursuant to 20.25A.030.D.1 provided that the following minimum criteria are met:
    - i. The outdoor plaza is not less than 3,000 square feet in size;
    - ii. The outdoor plaza is functional and is not made up of isolated unusable fragments;
    - iii. The outdoor plaza meets the design criteria for Outdoor Plazas in the Floor Area Ratio and Amenity Incentive System, LUC 20.25A.070.D.2; and
    - iv. The size of the plaza is roughly proportional to the additional height requested.

**B. Required Tower Separation within a Single Project Limit**

1. Applicability. This paragraph shall apply to multiple towers within the Downtown subarea built within a single project limit.
2. Separation. Two or more towers built within a single project limit must maintain a tower separation of 80 feet.
3. Modification with Criteria. Tower separation may be reduced to a minimum of 20 feet between the closest points of multiple towers measured 45 feet above average finished grade through an administrative departure pursuant to 20.25A.030.D.1 if the following criteria are met:
  - a. A maximum of 10% of the façade is within the tower separation distance of another building’s façade;
  - b. The applicant demonstrates that the intrusion does not affect the light, air or privacy of either building’s users.

PART 20.25A Downtown



C. Upper Level Stepbacks

1. Upper Level Stepback. Each building facade depicted in Figure 20.25A.075.C.2 shall incorporate a minimum 15 or 20-foot-deep stepback at a height between 25 feet and the level of the first floorplate above 40 feet. The required depth of the stepback is shown on Figure 20.25A.075.C.2. This required stepback may be modified or eliminated if the applicant demonstrates through Design Review (Part 20.30F LUC) that:

**Comment [HC54]:** MOVED from 20.25A.100E.7 and applied to Downtown Core and Perimeter

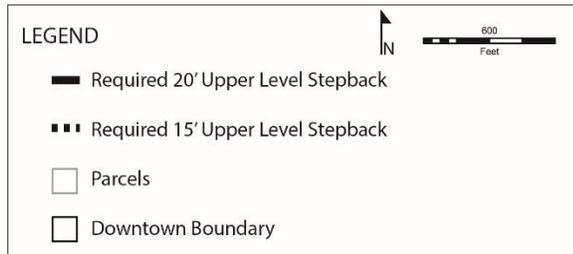
- a. Such stepback is not feasible due to site constraints, such as a small or irregularly shaped lot;  
or
- b. The modification is necessary to achieve design elements or features encouraged in the design guidelines of 20.25A.140-.180, and the modification does not interfere with preserving view corridors. Where a modification has been granted under LUC 20.25A.060.B.2.c, the upper level stepback may be incorporated between 25 feet and the level of the first floorplate above 45 feet.

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Figure 20.25A.075.C.2



REQUIRED UPPER LEVEL STEPBACKS



20.25A.080 Parking Standards

A. General.

The provisions of LUC 20.20.590, except as they conflict with this section, apply to development in the Downtown Land Use Districts.

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

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

**Comment [HC55]:** MOVED from Downtown LUC 20.25A.050 and aligned with code organization use in BelRed (LUC 20.25D.120). Provides increased flexibility by including process to modify required parking ratios for either fewer or more parking stalls based on a comprehensive parking study.

ADDS visitor parking for residential buildings at a rate of 1 stall per 20 units. Adds required bicycle parking. Requires 8 feet for parking structure entries instead of 7.5 feet to accommodate accessible van parking.

Downtown Parking Requirements

Land Use	Unit of Measure	Downtown Zones			
		-O-1,-O-2		-R,-MU,-OB,-OLB	
		Min.	Max.	Min.	Max.
a. Auditorium/Assembly Room/Exhibition Hall/Theater/Commercial Recreation (1)	per 8 fixed seats or per 1,000 nsf (if there are no fixed seats)	1.0 (10.0)	2.0 (10.0)	1.5 (10.0)	2.0 (10.0)
b. Financial Institution	per 1,000 nsf	3.0	4.0	4.0	5.0
c. Funeral Home/Mortuary (1)	per 5 seats	1.0	1.0	1.0	no max.
d. High Technology/Light Industry	per 1,000 nsf	2.0	3.5	2.0	3.5
e. Home Furnishing/Retail/Major Appliances – Retail	per 1,000 nsf	1.5	3.0	1.5	3.0
f. Hospital/In-Patient Treatment Facility/Outpatient Surgical Facility	per 1.5 patient beds	1.0	2.0	1.0	2.0
g. Manufacturing/Assembly (Other than High Technology/Light Industrial)	per 1,000 nsf	0.7	1.0	1.0	1.5
h. Office (Business Services/Professional Services/General Office) (3)	per 1,000 nsf	2.0	2.7	2.5	3.0
i. Office (Medical Dental/Health Related Services)	per 1,000 nsf	3.0	4.0	4.0	5.0
j. Personal Services:					
Without Fixed Stations	per 1,000 nsf	2.0	2.0	2.0	3.0
With Fixed Stations	per station	0.7	2.0	1.0	1.5
k. Residential (6)	per unit	0	2.0	1.0(5)	2.0

Land Use			Downtown Zones			
			-O-1,-O-2		-R,-MU,-OB, -OLB	
			Min.	Max.	Min.	Max.
l.	Restaurant	per 1,000 nsf	0	15.0	10.0(4)	20.0
m.	Retail	per 1,000 nsf	3.3	5.0	4.0(4)	5.0
n.	Retail in a Mixed Development (except Hotel) (2)	per 1,000 nsf	0	3.3	2.0(4)	4.0
o.	Senior Housing:					
	Nursing Home	per patient bed	0.4	0.8	0.4	0.8
	Senior Citizen Dwelling or Congregate Care	per living unit	0	1.0	0.33	1.0

nsf = net square feet (see LUC 20.50.036)

Notes to Parking Requirements:

- (1) Room or seating capacity as specified in the International Building Code, as adopted and amended by the City of Bellevue, at the time of the application is used to establish the parking requirement.
- (2) If retail space in a mixed development exceeds 20 percent of the gross floor area of the development, the retail use parking requirements of subsection B of this section apply to the entire retail space.
- (3) Special Requirement in Perimeter Overlay District. The Director may require the provision of up to 3.5 parking stalls per 1,000 net square feet for office uses within the Perimeter Overlay District to avoid potential parking overflow into adjacent land use districts outside Downtown.
- (4) Parking for existing buildings in Downtown-OB shall be provided according to the criteria set forth in this Note (4).
  - (a) Existing Building Defined. For this Note (4), “existing building” shall refer to any building in existence as of December 31, 2006, or any building vested as of December 31, 2006, per LUC 20.40.500, and subsequently constructed consistent with the 2006 vesting.
  - (b) First 1,500 Net Square Feet of a Restaurant or Retail Use – No Parking Required. The first 1,500 net square feet of a restaurant or retail use located in an existing building shall have a minimum parking ratio of zero (0).
  - (c) Restaurant or Retail Uses in Excess of 1,500 Net Square Feet. A restaurant or retail use that exceeds 1,500 net square feet and is located within an existing building shall provide parking according to the above table for any floor area in excess of 1,500 net square feet.
  - (d) Limitation on Applicability of Note (4).
    - (i) Buildings that do not meet the definition of an existing building shall provide parking for all uses according to the above table.
    - (ii) Parking in existing buildings for uses other than restaurant and retail uses shall be provided according to the above table.

(5) The minimum requirement for studio apartment units available to persons earning 60 percent or less than the median income as determined by the United States Department of Housing and Urban Development for the Seattle Metropolitan Statistical Area is 0.25 stalls per unit. An agreement to restrict the rental or sale of any such units to an individual earning 60 percent or less of the median income shall be recorded with the King County Recorder’s Office (or its successor agency), and a copy shall be provided to the Director.

(6) Visitor parking shall be provided in residential buildings at a rate of 1 stall per 20 units, but in no case will the visitor parking be less than 1 stall.

**C. Shared Parking.**

1. General. In the Downtown, this subsection supersedes LUC 20.20.590.I.1.
2. Subject to compliance with other applicable requirements of this Code, the Director may approve shared development or use of parking facilities located on adjoining separate properties or for mixed use or mixed retail use development on a single site through approval of an administrative departure pursuant to LUC 20.25A.030.D.1 and if:
  - a. A convenient pedestrian connection between the properties or uses exists; and
  - b. The availability of parking for all affected properties or uses is indicated by directional signs, as permitted by Chapter 22B.10 BCC (Sign Code).
3. Number of Spaces Required.
  - a. Where the uses to be served by shared parking have overlapping hours of operation, the Director may approve a reduction of the total required parking stalls pursuant of the provisions of LUC 20.25A.080.H; and
  - b. Where the uses to be served by shared parking do not overlap their hours of operation, the property owner or owners shall provide parking stalls equal to the greater of the applicable individual parking requirements.
4. Documentation Required. Prior to establishing shared parking or any use to be served thereby, the property owner or owners shall file with the King County Recorder’s Office or its successor agency, a written agreement approved by the Director providing for the shared parking use. A copy of the written agreement shall be retained by the Director in the project file. The agreement shall be recorded on the title records of each affected property.

**Comment [HC56]:** Requires a parking study to allow for any reduction, instead of only the reductions that exceed 20%.

**D. Off-Site Parking Location.**

1. General. In the Downtown, this subsection supersedes LUC 20.20.590.J. Except as provided in paragraph D.2 of this section, the Director may approve a portion of the approved parking through approval of an administrative departure pursuant to LUC 20.25A.030.D.1 for a use to be located on a site other than the subject property if:
  - a. Adequate visitor parking exists on the subject property; and
  - b. Adequate pedestrian, van or shuttle connection between the sites exists; and

- c. Adequate directional signs in conformance with Chapter 22B.10 BCC (Sign Code) are provided.
2. District Limitations. Downtown-R Limitations. Parking located in the Downtown-R District may only serve uses located in that district unless otherwise permitted through Design Review, Part 20.30F LUC, and then, only if such parking is physically contiguous and functionally connected to the use which it serves in an adjacent land use district.
3. Short-Term Retail Parking Facilities. The Director may approve the development of short-term retail parking facilities (see definition at LUC 20.50.040) not associated with a specific use. Upon the separate approval of an administrative departure pursuant to LUC 20.25A.030.D.1 by the Director, a property owner or owners may satisfy all or a portion of the parking requirement for a specified retail use through an agreement providing parking for the use at a designated short-term retail parking facility; provided, that:
  - a. Adequate pedestrian, van or shuttle connection exists between the sites; and
  - b. Adequate directional signs in conformance with Chapter 22B.10 BCC (Sign Code) are provided.
4. Documentation Required. Prior to establishing off-site parking or any use to be served thereby, the property owner or owners shall file with the King County Recorder's Office (or its successor agency) 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 and a copy of the recorded document shall be provided to the Director.

#### **E. Commercial Use Parking.**

1. Any parking facilities or parking stalls located in the Downtown and developed to meet the requirements of the Land Use Code for a particular use may be converted to commercial use parking (see definition at LUC 20.50.040); provided, that the property owner shall:
  - a. Comply with all parking and dimensional requirements and with the performance standards for parking structures of this Code.
  - b. If the parking facility or parking stalls proposed for commercial use were approved for construction subsequent to the effective date of Ordinance 2964 (enacted on March 23, 1981), the commercial use parking facility or parking stalls shall comply with all landscaping requirements set forth at LUC 20.25A.110.
  - c. If the parking facility or parking stalls proposed for commercial use were approved for construction prior to the effective date of Ordinance 2964 (enacted on March 23, 1981), and the commercial use parking facility occupies more than 30 spaces, the minimum landscaping requirements of this Code shall be deemed met where the property owner installs landscaping in compliance with an approved landscaping plan which achieves the following objectives:
    - i. Surface parking areas shall be screened from street level views to a minimum height of four feet by a wall, hedge, berm or combination thereof.

- ii. The minimum width of any hedge planting area shall be three feet.
  - iii. Visual relief and shade shall be provided in the parking area by at least one deciduous shade tree (12 feet high at planting) for every 20 parking stalls, provided such trees shall not be required in covered or underground parking. Each tree planting area shall be at least 100 square feet in area and four feet in width, and shall be protected from vehicles by curbing or other physical separation. If irrigation is provided, the planting area may be reduced to 40 square feet.
  - iv. The proposed landscaping plan shall be reviewed by the Director for compliance with these objectives and shall be approved by the Director prior to initiation of the commercial use parking.
2. Assurance Device. The Director may require an assurance device pursuant to LUC 20.40.490 to ensure conformance with the requirements and intent of this subsection.

**F. Parking Area and Circulation Improvements and Design.**

1. Landscaping. Paragraph F.1 of this section supersedes LUC 20.20.590.K.7. The property owner shall provide landscaping as required by LUC 20.25A.110.
2. Compact Parking. Paragraph F.2 of this section supersedes LUC 20.20.590.K.9. The Director may approve through an administrative departure pursuant to LUC 20.25A.030.D.1, the design and designation of up to 65 percent of the spaces for use by compact cars.
3. Vanpool/Carpool Facilities. The property owner must provide a vanpool/carpool loading facility that is outside of required driveway or parking aisle widths. The facility must be adjacent to an entrance door to the structure and must be consistent with all applicable design guidelines.
4. Performance Standards for Parking Structures. The Director may approve a proposal for a parking structure through Design Review, Part 20.30F LUC and an administrative departure through LUC 20.25A.030.D.1. The Director may approve the parking structure only if:
  - a. Driveway openings are limited and the number of access lanes in each opening is minimized;
  - b. The structure exhibits a horizontal, rather than sloping, building line;
  - c. The dimension of the parking structure abutting pedestrian areas is minimized, except where retail, service or commercial activities are provided;
  - d. The parking structure complies with the requirements of LUC 20.25A.140 through 20.25A.180;
  - e. A wall or other screening of sufficient height to screen parked vehicles and which exhibits a visually pleasing character is provided at all above-ground levels of the structure. Screening from above is provided to minimize the appearance of the structure from adjacent buildings;
  - f. Safe pedestrian connection between the parking structure and the principal use exists;
  - g. Loading areas are provided for vanpools/carpools as required by paragraph F.3 of this section; and

- h. Vehicle height clearances for structured parking must be at least eight feet for the entry level to accommodate accessible van parking.

### **G. Bicycle Parking.**

Office, residential, institutional, retail, and education uses are required to provide bicycle parking pursuant to the following standards:

1. Ratio.
  - a. One space per 10,000 nsf for nonresidential uses greater than 20,000 nsf.
  - b. One space per every 10 dwelling units for residential uses.
2. Location. Minimum bicycle parking requirement shall be provided on-site in a secure location.
3. Covered Spaces. At least 50 percent of required parking shall be protected from rainfall by cover.
4. Racks. The rack(s) shall be securely anchored and a bicycle six feet long can be securely held with its frame supported so the bicycle cannot be pushed or fall in a manner that will damage the wheels or components.
5. Size Requirement. Each required bicycle parking space shall be accessible without moving another bicycle.

### **H. Director's Authority to Modify Required Parking.**

Through approval of an administrative departure pursuant to LUC 20.25A.030.D.1, the Director may modify the minimum or maximum parking ratio for any use in LUC 20.25A.080.B as follows:

1. The modified parking ratio is supported by a parking demand analysis provided by the applicant, including but not limited to:
  - a. Documentation supplied by the applicant regarding actual parking demand for the proposed use; or
  - b. Evidence in available planning and technical studies relating to the proposed use; or
  - c. Required parking for the proposed use as determined by other compatible jurisdictions.
2. Periodic Review. The Director may require periodic review of the proposed review of the reduced parking supply to ensure the terms of the approval are being met.
3. Assurance Device. The Director may require an assurance device pursuant to LUC 20.40.490 to ensure compliance with the requirements and intent of subsection F.1 of this section.
4. Shared or off-site parking is not available or adequate to meet demand.
5. Any required Transportation Management Program will remain effective.

**20.25A.090 Street and Pedestrian Circulation Standards**

**A. Walkways and Sidewalks – Standards and Map**

1. Sidewalk Widths. The minimum width of a perimeter walkway or sidewalk shall be as prescribed in Figure 20.25A.090A.1 of this section, plus a 6-inch curb. A planter strip or tree pit shall be included in within the prescribed minimum width of the walkway or sidewalk as provided in Plate 20.25A.090A.1 of this section.

**Comment [HC57]:** MOVED from Downtown LUC 20.25A.060. Planter Strips and Tree Pits were included in Early Wins.  
UPDATED to include Sidewalk widths.

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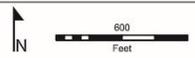
Figure 20.25A.090.A.1



DOWNTOWN SIDEWALK DIMENSIONS

LEGEND

- Pedestrian Corridor
- 20' sidewalk width
- - 16' sidewalk width
- · · 12' sidewalk width
- Parcels
- Downtown Boundary



**20.25A.090A.1 Plate A**

**PLATE A - Downtown Bellevue Planter Strip/Tree Pits Required**

<b>East-West</b>	<b>Planter Strip/Tree Pits</b>
NE 12th (102nd to I-405)	Planter Strip
NE 11th (110th to 112th)	Planter Strip
NE 10th (100th to 106th)	Planter Strip
NE 10th (106 to I-405)	Planter Strip
NE 9th (110th to 111th)	Tree Pits
NE 8th (100th to 106th)	Planter Strip
NE 8th (106th to 112th)	Planter Strip
NE 6th (Bellevue Way to 106th)	See Pedestrian Corridor Design Guidelines
NE 6th (106th to 108th)	See Pedestrian Corridor Design Guidelines
NE 6th (108th to 110th)	Tree Pits
NE 6th (110th to 112th)	Planter Strip on the south side, Tree Pits on the north side
NE 4th (100th to I-405)	Planter Strip
NE 3rd Pl (110th to 111th)	Tree Pits
NE 2nd Pl (108th to 111th)	Planter Strip
NE 2nd (Bellevue Way to I-405)	Planter Strip
NE 1st/2nd (100th to Bellevue Way)	Planter Strip
NE 1st (103rd to Bellevue Way)	Tree Pits
Main St (100th to Bellevue Way)	Tree Pits
Main St (Bellevue Way to I-405)	Planter Strip
<b>North-South</b>	
100th (NE 12th to Main)	Planter Strip
100th (NE 10th to NE 1st)	Planter Strip
100th (NE 1st to Main)	Planter Strip

## PLATE A - Downtown Bellevue Planter Strip/Tree Pits Required

101st (near NE 10th)	Tree Pits
101st Ave SE (south of Main St)	Tree Pits
102nd (NE 12th to NE 8th)	Planter Strip
102nd (NE 1st to south of Main St)	Tree Pits
103rd (near NE 10th)	Tree Pits
103rd (NE 2nd to Main St)	Tree Pits
Bellevue Way (NE 12th to NE 10th)	Planter Strip
Bellevue Way (NE 10th to NE 4th)	Planter Strip
Bellevue Way (NE 4th to Main)	Planter Strip
Bellevue Way (Main to Downtown Boundary)	Planter Strip
105th (NE 4th to NE 2nd)	Planter Strip
105th SE (near Main St)	Planter Strip
106th (NE 12th to NE 8th)	Planter Strip
106th (NE 8th to NE 4th)	Tree Pits
106th (NE 4th to Main)	Planter Strip
106th Pl NE (near NE 12th)	Tree Pits
107th (NE 2nd to south of Main)	Tree Pits
108th (NE 12th to NE 8th)	Tree Pits
108th (NE 8th to NE 4th)	Tree Pits
108th (NE 4th to south of Main)	Tree Pits
109th (near NE 10th)	Planter Strip
110th (NE 12th to NE 8th)	Planter Strip
110th (NE 8th to NE 4th)	Planter Strip
110th (NE 4th to Main)	Planter Strip

**PLATE A - Downtown Bellevue Planter Strip/Tree Pits Required**

111th (NE 11th to NE 9th)	Planter Strip
111th (NE 4th to NE 2nd)	Planter Strip

2. Minimum Width. Along any other street not listed in of this section, the minimum width of a perimeter walkway or sidewalk is 12 feet plus a 6-inch curb. Included in that 12 feet and adjacent to the curb, there shall be a planter strip or tree pit as prescribed in Plate A of this section.
3. Unobstructed Travel Path. Within the width of the walkway or sidewalk, at least six feet of unobstructed travel path shall be maintained for safe pedestrian access.

**B. Planter Strips and Tree Pits.**

Planter strips shall be at least five feet wide and as long as the street frontage, excluding curb cuts, driveways and spacing for utilities. Planter strips and tree pits shall be located adjacent to the curb unless precluded by existing utilities which cannot be reasonably relocated. Tree pits shall be covered with protective grates or pavers. Where stormwater facilities are used in conjunction with tree pits, removable grates shall be utilized. Pursuant to LUC 20.25A.030.D.1, the Director may approve an administrative departure for the location or size of tree pits and planter strips if the applicant is unable to meet the requirements of this paragraph to utility placement or other obstruction that is out of the applicant’s control.

**C. Downtown Core.**

1. Major Pedestrian Corridor.
  - a. Purpose. The major pedestrian corridor is to serve as a focus for pedestrian use.
  - b. Location. The alignment of the major pedestrian corridor is defined as the area within 30 feet of the extension of the north line of Lots 3 and 4, Block 2 of Cheriton Fruit Gardens Plat No. 1 recorded in the King County Recorder’s Office (or its successor agency) in Volume 7 of Plats at page 47, extending from the eastern edge of the enclosed portion of Bellevue Square to 108th Avenue NE and the area within 30 feet north of the north curb and 30 feet south of the south curb of the Bellevue Transit Center traffic lanes as hereafter approved by the City, extending across the 108th Avenue NE right-of-way and to 110th Avenue NE. This alignment may be modified by the Bellevue Pedestrian Corridor Guidelines or by a Corridor Development Design Plan for a specific property.
  - c. Bellevue Pedestrian Corridor Guidelines. Each development abutting the Pedestrian Corridor as described in paragraph C.1.c.v of this section must comply with the provisions of this paragraph and the Bellevue Pedestrian Corridor Guidelines and Major Open Space Design Guidelines as adopted by the City Council, or as the same may hereafter be amended. The Bellevue Pedestrian Corridor and Major Public Open Space Design Guidelines consist of general design guidelines consistent with provisions of this paragraph.

**Comment [HC58]:** MOVED from Downtown LUC 20.25A.090.E. UPDATED citations to ensure conformance with the draft Downtown Code.

Pedestrian Corridor provisions will be updated following completion of Wilburton-Grand Connection Initiative Discussed with the Planning Commission on October 26, 2016.

- i. The corridor must present a coordinated design. The City will consider coordinated design features such as uniform treatment of signing, landscaping and lighting over the entire length of the corridor. Variety in design will be allowed and in some cases encouraged in order to provide visual interest and harmony with adjacent development. The corridor must incorporate numerous pedestrian amenities such as seating areas, landscaping, art features, weather protection and pedestrian scale lighting.
- ii. The major pedestrian corridor must provide predominantly continuous pedestrian-oriented frontage, plazas, pedestrian ways, street arcades, landscape features, or enclosed plazas along its entire length.
- iii. The entire corridor must be open to the public 24 hours per day. Segments of the corridor may be bridged or covered for weather protection, but not enclosed. Temporary closures will be allowed as necessary for maintenance purposes.
- iv. Pedestrian movement across 104th Avenue NE, 106th Avenue NE or 108th Avenue NE shall be at grade.
- v. The major pedestrian corridor width is established as part of the Bellevue Pedestrian Corridor Guidelines. The corridor width shall average 60 feet and in no case be less than 40 feet over each superblock west of 108th Avenue NE, and shall average 30 feet and in no case be less than 20 feet on each side over the superblock extending from the western edge of the 108th Avenue NE right-of-way to 110th Avenue NE.

All subdivisions or short subdivisions hereafter approved or permits for any structure or permanent parking or circulation area shall be reviewed for compatibility with the alignment of the major pedestrian corridor and major public open space as specified in paragraph C.1.b of this section or in the Bellevue Pedestrian Corridor and Major Public Open Space Design Guidelines if any lot line, structure or permanent parking or circulation area is within:

- (1) 330 feet of the centerline of the major pedestrian corridor if west of 108<sup>th</sup> Avenue NE; or
  - (2) The area between the exterior edge of the curblines of the Transit Center and the eastward extension of the trigger lines as defined in paragraph C.1.c.v(1) of this section to 110th Avenue NE.
- d. Preservation of the Major Pedestrian Corridor.
- i. Prior to the issuance of a Building Permit for any structure other than surface parking; and other than any interior remodel or exterior remodel which enlarges exterior dimensions such that new floor area not exceeding a total of 20 percent of the gross floor area of the existing building is added; and provided, that all new floor area is devoted to pedestrian-oriented uses; located within the major pedestrian corridor as defined in paragraph C.1.b of this section, the following conditions must be met:
    - (1) The alignment of the major pedestrian corridor related to the proposed structure or permanent parking or circulation area must be established by the execution and recording of a legal agreement in accordance with paragraph C.1.e.i or ii of this section.

- (2) A Design Development Plan for the section of the corridor required to be constructed under paragraph C.1.c.iii of this section. Corridor must be approved by the Director as required by paragraph C.1.e.ii of this section. Construction must begin prior to the issuance of certificate of occupancy or a temporary certificate of occupancy for the structure other than surface parking as required by paragraph C.1.e.iii(2) of this section.
- ii. Building Permits for surface parking areas to be located in this corridor as defined in paragraph C.1.b of this section may be granted for up to a five-year period, subject to the landscape requirement for surface parking areas in the Downtown-MU Land Use District, as specified in LUC 20.25A.110.B. Building Permits for parking areas may be renewed only if the Director finds that an extension is necessary to meet the maximum Code requirements for parking and the extension is necessary for the construction of a building requiring utilization of the surface parking area.
- e. Provision of the Corridor.
- i. If the property owner wishes to at any time obtain bonus FAR for construction of the major pedestrian corridor, the City may approve the subdivision or short subdivision of property resulting in any interior lot line which is within the distances specified in paragraph C.1.c.v of this section only if:
- (1) The owner of the property to be subdivided or short subdivided executes a legal agreement providing that all property that he/she owns within the superblock in which any of the property to be subdivided or short subdivided is located and which is within the alignment of the major pedestrian corridor established under paragraph C.1.b, C.1.c or C.1.e.iii of this section (hereafter the “Corridor Property”) shall be subject to a nonexclusive right of pedestrian use and access by the public. The agreement shall legally describe and shall apply to only that property of the owner located within the distances specified in paragraph C.1.c.v of this section. Such an agreement shall further provide that:
- (a) The public right of pedestrian use established thereunder shall be enforceable by the City of Bellevue, and the City shall have full rights of pedestrian access to and use of the corridor property for purposes of enforcing the rights of the public under this agreement.
- (b) The obligations under the agreement shall run with the corridor property. The agreement shall be reviewed at the end of 50 years from the date the agreement is signed and shall continue or change in accordance with the then existing public need for pedestrian use and access of the corridor for subsequent 50-year terms.
- (c) The owner will design and construct the corridor within such corridor property in accordance with the requirements of paragraph C.1 of this section.
- (d) The agreement shall be recorded with the King County Recorder’s Office (or its successor agency) and provided to the Director.
- (e) The owner will maintain the portion of the corridor located on the corridor property and keep the same in good repair.
- (f) The City will provide adequate police protection.

- (g) No modifications may be made to the corridor without approval of the City in accordance with paragraph C.1.e.ii of this section.
- (h) The alignment of any such portion of the pedestrian corridor established by a legal agreement may be modified or terminated by the property owner and the City if the alignment of any section of the major pedestrian corridor changes pursuant to paragraph C.1.e.ii of this section.
- (i) The owner may adopt reasonable rules and regulations for use of his/her portion of the corridor; provided, that the same may not be inconsistent with the requirements or intentions of this section.
- (j) Any other terms and conditions that the owner(s) and the City agree to.

ii. Corridor Design Development Plan. Prior to the issuance of a Building Permit for the construction of any structure other than surface parking; and other than any interior remodel or exterior remodel which enlarges exterior dimensions such that new floor area not exceeding a total of 20 percent of the gross floor area of the existing building is added; and provided that all new floor area is devoted to pedestrian-oriented uses; on the property, any portion of which abuts the major pedestrian corridor and is within the distances specified in paragraph C.1.c.v of this section, a Design Development Plan for the section of the corridor required to be constructed under paragraph C.1.e.iii of this section must be submitted to and approved by the Director, through Design Review, Part 20.30F LUC. If the owner constructs a temporary pedestrian linkage under paragraph E.1.e.iii of this section, preparation of the Corridor Design Development Plan will not be required until the property to be developed is located within:

- (1) 130 feet of the centerline of the major pedestrian corridor, west of 108th Avenue NE;  
or
- (2) The area between the exterior edge of the curblines of the Transit Center and the eastward extension of the trigger lines as defined in paragraph C.1.e.ii(1) of this section to 110th Avenue NE. The proposed plan must specify the following elements:
  - (a) Landscaping,
  - (b) Lighting,
  - (c) Street furniture,
  - (d) Color and materials,
  - (e) Relationship to building frontage,
  - (f) Specific alignment for property on which the corridor will have to be constructed by the applicant proposing development,
  - (g) Any other physical element which the Director and the City Council, in their review, determine is necessary for and consistent with the Design Development Plan for a specific section of the major pedestrian corridor, not including specific requirements to construct structures containing retail uses abutting the corridor.

- iii. The City may issue a permit for the construction of a structure other than surface parking and other than any interior remodel or exterior remodel which enlarges exterior dimensions such that new floor area not exceeding a total of 20 percent of the gross floor area of the existing building is added; and provided, that all new floor area is devoted to pedestrian-oriented uses; on property any part of which abuts the major pedestrian corridor and is within the distances specified in paragraph C.1.c.v of this section at the time of the adoption of Ordinance No. 2945 only if:
- (1) The owner complies with paragraph C.1.e.i(1)(a) through (j) of this section if that owner wishes to earn bonus FAR for construction of the major pedestrian corridor; and
  - (2) The owner files a Building Permit application to construct his/her section of the corridor on (a) land he/she owns within the corridor and within the superblock of the subject construction permit for a structure, and (b) on one-half the width of any abutting City-owned land in the corridor (except for intersections listed below). The City shall initiate or abutting property owners may initiate a street vacation for right-of-way the City owns between 104th Avenue NE and 106th Avenue NE at NE 6th Street in conjunction with or prior to an owner application to construct the major pedestrian corridor. Actual construction of the corridor must begin prior to the issuance of a certificate of occupancy or temporary certificate of occupancy for the structure other than surface parking. The City shall construct the corridor at the street intersections of the corridor and 104th Avenue NE, 106th Avenue NE, and 108th Avenue NE. The width of the corridor that would have to be constructed under the requirements of paragraph C.1.e.iii of this section may be modified when the final alignment of the corridor is established as part of Corridor Design Development Plan (paragraph C.1.e.ii of this section). Notwithstanding this potential change in the width of the corridor that would have to be constructed under paragraph E.1.e.iii of this section, property owners shall at a minimum be required to construct the section of the corridor as specified in paragraph C.1.e.iii(2)(a) of this section. Building Permits for surface parking areas to be located on property any part of which abuts the major pedestrian corridor and is within the distances specified in paragraph C.1.c.v of this section at the time of the adoption of the ordinance codified in this chapter may be issued subject to the conditions specified in paragraph C.1.d.ii of this section. Notwithstanding any other requirement of this section, if a temporary pedestrian linkage is constructed as specified in paragraph C.1.f of this section, construction of the corridor will not be required unless the property to be developed is located within the distances specified in paragraph C.1.e.ii of this section.
- f. Temporary Pedestrian Linkage.
- i. Any temporary pedestrian linkage developed under paragraph C.1.c.iii of this section shall at a minimum include a combination of paving, landscaping and lighting to permit safe pedestrian movement at night.
  - ii. The City Council must approve a plan for any temporary pedestrian linkage to be prepared as part of a Corridor Design Planning process approved through a Development Agreement (Part 20.30L LUC).

iii. Any owner constructing a temporary pedestrian linkage under paragraph C.1.e.iii of this section must construct the linkage across all lands that he/she owns within the superblock where development is proposed that abut or are within the alignment of the corridor.

g. Maintenance. Each segment of the major pedestrian corridor shall be maintained by the property owners abutting it. The City shall maintain the intersections of all public streets with the corridor.

h. Bonus Floor Area for Major Pedestrian Corridor Construction. Bonus floor area associated with the major pedestrian corridor shall be awarded pursuant to the terms of LUC 20.25A.070 to owners of property within the distances specified in paragraph C.1.c.v of this section through Design Review, Part 20.30F LUC, and according to the provisions of paragraph C.1.e.iii(2) of this section, in conjunction with an application for a permit to construct a structure, permanent parking, or circulation area within the major pedestrian corridor and the provision of a legal agreement establishing the public right of pedestrian use pursuant to paragraph C.1.e.i(1)(a) through (j) of this section.

Comment [HC59]: UPDATED to align with Amenity Incentive System ratios provided in LUC 20.25A.070

i. Exempt Activity/Use. Notwithstanding the provisions of paragraph C.1 of this section, the following activities and uses may occur on property within the distances specified in paragraph C.1.c.v of this section without concurrent construction of the major pedestrian corridor, the temporary pedestrian linkage or the intermediate pedestrian corridor:

- i. Surface parking approved pursuant to paragraph C.1.d.ii of this section;
- ii. Landscape development;
- iii. Street, access and sidewalk improvements, including the Transit Center as provided for in paragraph C.2 of this section;
- iv. Any interior remodel;
- v. Any exterior remodel; provided, that if exterior dimensions are enlarged new floor area may not exceed a total of 20 percent of the gross floor area of the structure as it existed on the effective date of this provision; and provided, that all new pedestrian level floor area is devoted to pedestrian-oriented uses;
- vi. Development of the temporary pedestrian linkage or the intermediate pedestrian corridor.

j. Intermediate Pedestrian Corridor.

i. Notwithstanding any provision of this Code which requires construction of the major pedestrian corridor, a property owner may phase construction of that section of the major pedestrian corridor otherwise required to be built by delaying any portion not directly abutting or adjacent to the project limit which triggered the construction requirement if the owner provides an intermediate pedestrian corridor for that delayed portion of the corridor property which:

(1) Is at least 16 feet in width from the centerline of the major pedestrian corridor west of 108th Avenue NE, or extending outward from the exterior edge of the north or south curblines of the Bellevue Transit Center traffic lanes. This space shall be designed to

include a minimum four feet edge separating and defining the space, a minimum eight feet pedestrian movement area and a minimum four feet recreation/activity area.

(2) Incorporates lighting, planting, seating, and scored or decorative paving.

(3) Provides a sense of enclosure along the exterior edge of the space by the use of a design element which both physically and visually separates the intermediate corridor from abutting property. Nonexclusive examples of such an element sculptural wall, dense planting, or berm.

(4) Is consistent with the applicable provisions of the Bellevue Pedestrian Corridor Guidelines, as determined by the Director.

ii. Design for any intermediate pedestrian corridor must be approved through Design Review, Part 20.30F LUC, in conjunction with the Design Development Plan for the major pedestrian corridor required to be constructed.

iii. An intermediate pedestrian corridor satisfies any requirement of this Code to construct the temporary pedestrian linkage.

iv. Space developed as an intermediate pedestrian corridor must be replaced by the major pedestrian corridor at the time of development on any project limit abutting or adjacent to the major pedestrian corridor. Construction of the major pedestrian corridor must be in conformance with all requirements of paragraph C.1.e of this section.

## 2. Major Public Open Spaces.

a. Purpose. Major public open spaces serve as focal points for pedestrian activity within the Downtown Core Design District, and are design elements fully integrated with the major pedestrian corridor.

b. Location. The major public open spaces are to be located at or near the junction of the major pedestrian corridor and:

i. Bellevue Way;

ii. 106th Avenue NE;

iii. 110th Avenue NE.

c. Design. Each development abutting a location of the major open public spaces as defined in paragraph C.2.b of this section must comply with the provisions of this paragraph and the Bellevue Pedestrian Corridor Guidelines and Major Public Open Space Guidelines as adopted by the City Council, or as the same may hereafter be amended. The Bellevue Pedestrian Corridor and Major Open Space Design Guidelines consist of general design guidelines consistent with provisions of this paragraph.

i. The major public open spaces must be designed with numerous pedestrian amenities such that these areas serve as focal points. Pedestrian amenities include elements such as seating, lighting, special paving, planting, food and flower vendors, artwork and special recreational features. Design must be coordinated with that of the major pedestrian corridors.

- ii. The major public open spaces at or near 106th Avenue NE and 110th Avenue NE shall be a minimum of 30,000 square feet in size. A maximum of 37,000 square feet is allowed for the purpose of obtaining bonus floor area. The major public open space at or near Bellevue Way shall be a minimum of 10,000 square feet in size. A maximum of 15,000 square feet is allowed for the purpose of obtaining bonus floor area.
  - iii. Area devoted to a major public open space must be in addition to any area devoted to the major pedestrian corridor.
  - iv. Pedestrian-oriented frontage is required on at least two sides of a major public open space unless the major public space is linear in design, in which case pedestrian-oriented frontage is required on at least one side.
- d. Specific Development Mechanism.
- i. General. The provisions of paragraph C.4.d of this section establish alternative development mechanisms and specific requirements for each of the major public open spaces. Each affected property owner must comply with the major public open space design and construction requirements. Only those property owners who establish public access through a recorded legal agreement may utilize the FAR bonus for these open spaces.
  - ii. Ownership. The owners of property to be devoted to a major public open space will retain fee ownership of that property.
  - iii. Public Access – Legal Agreement.
    - (1) Each owner of property to be devoted to a major public open space who chooses to participate in the FAR bonus system for a major public open space shall execute a legal agreement providing that such property is subject to a nonexclusive right of pedestrian use and access by the public.
    - (2) The agreement shall further provide that the public right of pedestrian use established thereunder shall be enforceable by the City of Bellevue, and the City shall have full rights of pedestrian access to and use of the major public open space for purposes of enforcing the rights of the public under the agreement.
    - (3) The agreement shall be recorded with the King County Recorder’s Office and Bellevue City Clerk.
    - (4) The obligations under the agreement shall run with the land devoted to a major public open space. The agreement shall be reviewed at the end of 50 years from the date the agreement is signed and shall continue or change in accordance with the then-existing public need for pedestrian use and access of a major public open space for subsequent 50-year terms.
    - (5) The owner of property to be devoted to a major public open space will maintain that portion of the major public open space and keep the same in good repair.

(6) The owners of property to be devoted to a major public open space may adopt reasonable rules and regulations for the use of that space; provided, that the rules and regulations are not in conflict with the right of pedestrian use and access and the intention of paragraph C.2.d.iii of this section.

iv. Arrangement of Space. The general apportionment, location, and major design features of at least the minimum area of a major public open space shall be established as part of the Bellevue Pedestrian Corridor and Major Public Open Space Design Guidelines. The specific apportionment and specific design of a major public open space on each affected parcel shall be established through the Design Development Plan described in paragraph C.4.d.x of this section.

v. Development Rights. Space above and beneath the area to be devoted to a major public open space may be developed by the property owner so long as that development is not in conflict with any established pedestrian use of and access to the major public open space, the intentions of paragraph C.2.d.iii of this section, if applicable, and the Bellevue Pedestrian Corridor and Major Public Open Space Design Guidelines.

vi. Floor Area Ratio Bonus

~~(1) Basic. Area to be devoted to a major public open space may at any time be used to calculate the basic floor area ratio of development for any project limit which incorporates that major public open space, or of development on property in the same ownership which abuts property which incorporates the major public open space. For purposes of this provision, abutting property includes all property in the same ownership separated from the major public open space by only a single public right-of-way. Any transfer of basic floor area to an abutting property must be recorded with the King County Recorder's Office (or its successor agency) and provided to the Director.~~

~~(2) Bonus.~~

~~(1a) Bonus floor area associated with major public open space shall be awarded pursuant to the terms of LUC 20.25A.070.F to owners of property to be devoted to the major public open space who provide a recorded legal agreement pursuant to paragraph C.2.d.iii of this section upon approval of an application to construct that major public open space.~~

~~(2b) Bonus floor area earned for construction of a major public open space may be:~~

~~(i) — used within the project limit incorporating the Major Public Open Space or transferred to any other property within the area of the Downtown bounded on the west by Bellevue Way, on the east by 112th Avenue NE, on the south by NE 4th Street and on the north by NE 8th Street. Properties may utilize transferred floor area only to the extent that the building height does not exceed maximum height limits established for the applicable Land Use District. Each transfer must be recorded with the King County Recorder's Office (or its successor agency) and provided to the Director; and~~

~~(ii) — Utilized to exceed the maximum building height of structures on the project limit incorporating the major public open space, or of structures to which~~

**Comment [HC60]:** UPDATED to align with Amenity Incentive System ratios provided in LUC 20.25A.070 and to retain the current "super bonus."

~~the bonus floor area is transferred, subject to the limitations in paragraph C.4.d.vi(2)(b)(i) of this section.~~

vii. Construction Required. Subject to paragraph C.4.d.viii of this section, construction by the property owner of all or part of a major public open space on property in that ownership at the location identified in the Bellevue Pedestrian Corridor and Major Public Open Space Design Guidelines is required in conjunction with any development on property in that ownership within:

- (1) 175 feet of the intersection of the eastern edge of the 106th Avenue NE right-of-way and the centerline of the major pedestrian corridor, but including only that area east of the 106th Avenue NE right-of-way; or
- (2) 175 feet of the intersection of the centerline of the 110th Avenue NE right-of-way and the centerline of the major pedestrian corridor, or the extension thereof; or
- (3) 175 feet of the intersection of the centerline of the Bellevue Way right-of-way and the centerline of the major pedestrian corridor.

viii. Exempt Activity/Use. Notwithstanding the provisions of paragraph C.4.d.vii of this section, the following activities and uses may occur on property described therein without concurrent construction of the major public open space:

- (1) Surface parking, subject to the landscape development provisions of this Code, for a period of not more than five years;
- (2) Temporary major pedestrian corridor improvements in conformance with the Interim Corridor Design Plan;
- (3) Landscape development;
- (4) Street improvements;
- (5) Any interior remodel; and
- (6) Any exterior remodel which enlarges exterior dimensions such that new floor area not exceeding a total of 20 percent of the gross floor area of the existing building is added, and all new floor area is devoted to pedestrian-oriented uses.

ix. Major Public Open Space Design.

- (1) Prior to issuance of a Building Permit for any structure which requires construction of all or part of a major public open space, or prior to actual construction of all or part of a major public open space, whichever comes first, the Bellevue Pedestrian Corridor and Major Public Open Space Design Guidelines shall contain an illustrative design generally apportioning the minimum required amount of major public open space for that entire open space. Each major public open space may have a separate illustrative design.
- (2) The property owners shall record the approved illustrative design with the King County Recorder's Office and provide a copy to the Director.

x. Design Development Plan.

(1) Prior to issuance of a Building Permit for any structure which requires construction of all or part of a major public open space, or prior to actual construction of all or part of a major public open space, whichever comes first, a Design Development Plan for that portion to be constructed must be submitted to and approved by the Director.

(2) The Director shall review the plan, or amend any approved plan through Design Review, Part 20.30F LUC. Plans that depart from the conceptual design in the Pedestrian Corridor and Major Public Open Space design guidelines shall be approved by the City Council through a Development Agreement (Part 20.30L LUC). A plan approved by the Council through the City Council Design Review process may be amended by the Director through Part 20.30F LUC.

(3) The proposed plan must specify the following elements:

- (a) Landscaping;
- (b) Lighting;
- (c) Street furniture;
- (d) Color and materials;
- (e) Relationship to building frontage;
- (f) Specific location of the major public open space;
- (g) All design features required pursuant to paragraph C.4.c of this section;
- h) Relationship to and coordination with other portions of the major public open space, and with the major pedestrian corridor;
- (i) Any other physical element which the Director determines is necessary for and consistent with the Major Public Open Space Design Plan.

3. Minor Publicly Accessible Spaces.

- a. Purpose. Minor publicly accessible spaces provide relief from high intensity urban development, serve as visual gateways to the intensive Downtown Core, and provide opportunities for active or passive recreation.
- b. Applicability. Minor publicly accessible spaces shall be required when a development does not participate in the Amenity Incentive System of LUC 20.25A.070.
- c. Location. Minor publicly accessible spaces shall be located throughout Downtown. At least two spaces shall be located in each superblock based on coordination of design and proximity to other publicly accessible spaces, or pedestrian connections.
- d. Design Guidelines.

**Comment [BT(61)]:** UPDATED to clarify that MPAS is required where the applicant does not have to comply with the Amenity Incentive System and remain consistent with the current code.

- i. Minor publicly accessible spaces may be outdoors or enclosed as long as adequate access is provided and their existence is easily identifiable.
  - ii. A minor publicly accessible space must be open at least during the hours of 8:00 a.m. to 10:00 p.m., or during the hours of operation of adjacent uses, whichever is lesser.
  - iii. A minor publicly accessible open space must be developed as a plaza, enclosed plaza, or art or landscape feature. The design criteria of LUC 20.25A.070.D.2 or 7. must be met, and the FAR amenity bonus may be utilized.
  - iv. Directional signage shall identify circulation routes for all users and state that the space is accessible to the public at the times specified by subsection C.3.c.ii. of this section. The signage must 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.
- e. Public Access – Legal Agreement.
- i. Owners of property that is used for a minor publicly accessible open space shall execute a legal agreement providing that such property is subject to a nonexclusive right of pedestrian use and access by the public during hours of operation.
  - ii. The agreement shall provide that the public right for pedestrian use shall be enforceable by the City of Bellevue, and the City shall have full rights of access to the minor publicly accessible space and associated circulation routes for purposes of enforcing the rights of the public under this agreement.
  - iii. Owners of property subject to this legal agreement will maintain the pedestrian access route and may adopt reasonable rules and regulations for the use of this space; provided, that the rules and regulations are not in conflict with the right of pedestrian use and access, and are consistent with this section.
  - iv. The agreement shall be recorded with the King County Recorder's Office (or its successor agency) and provided to the Director.

**20.25A.100 Downtown Pedestrian Bridges**

**Comment [HC62]:** MOVED from LUC 20.25A.130. UPDATED to use the new Development Agreement Process for Pedestrian Bridge Design Approval.

**A. Where Permitted.**

Pedestrian bridges over the public right-of-way may be allowed at or near the mid-block in the following locations; provided, that no more than one bridge may be allowed on any side of a 600-foot superblock:

1. On NE 4th Street between Bellevue Way and 110th Avenue NE;
2. On NE 8th Street between Bellevue Way and 110th Avenue NE; and
3. On Bellevue Way between NE 4th Street and NE 8th Street.

Above-grade pedestrian crossings over the public right-of-way in existence at the time of adoption of the ordinance codified in this section shall not be considered nonconforming, and may be repaired or replaced in their current locations without compliance with this section.

**B. Location and Design Plan.**

The City Council shall review any Downtown Pedestrian Bridge Location and Design Plan, by entering into a Development Agreement pursuant to the terms of LUC 20.25A.030.D.2.

1. Prior to issuance of any permits for a proposed Downtown pedestrian bridge, a Downtown Pedestrian Bridge Location and Design Plan must be submitted to and approved by the City Council, through a development agreement process pursuant to Part 20.30L LUC.
2. A Downtown Pedestrian Bridge Location and Design Plan shall identify the location of the Downtown pedestrian bridge, include a finding by Council that the proposal satisfies the public benefit test set forth in paragraph C of this section, be consistent with the development standards of paragraph D of this section, and be consistent with the Comprehensive Plan.
3. The Director shall ensure that the approved Downtown pedestrian bridge is constructed consistent with the Design Plan. Modification to the location of the Downtown pedestrian bridge, or to the articulated public benefits requires approval by the City Council pursuant to this section. Modifications to the design of the crossing that do not modify the location or public benefits, and that are consistent with the intent of the Design Plan may be approved by the Director through the process set forth in Part 20.30F LUC.
4. The property owners shall record the approved Design Plan with the King County Recorder's Office or its successor agency and provide a copy to the Director.

**C. Public Benefit Required.**

The Council may approve, or approve with modifications, a proposed Downtown pedestrian bridge if it finds that the bridge provides a public benefit. For the purposes of this section, a Downtown pedestrian bridge shall be determined to provide a public benefit when it meets all of the following criteria:

1. The bridge improves pedestrian mobility;
2. The bridge does not detract from street level activity; and

3. The bridge functions as part of the public realm.

#### **D. Development Standards.**

Each proposed Downtown pedestrian bridge must be developed in compliance with the following standards:

1. The bridge must be open from at least 6:00 a.m. to midnight, or during the hours of operation of adjacent uses, whichever is greater. Signs shall be posted in clear view stating that the pedestrian bridge is open to the public during these hours;
2. The bridge connects upper-level publicly accessible space to upper-level publicly accessible space and provides a graceful and proximate connection between the sidewalk and bridge level that is visible and accessible from the sidewalk. The vertical connection should occur within 50 feet of the sidewalk;
3. Vertical circulation elements must be designed to indicate the bridge is a clear path for crossing the public right-of-way;
4. Directional signage shall identify circulation routes for all users;
5. Structures connected by the bridge shall draw pedestrians back to the sidewalk at the ground level immediately adjacent to both ends of the pedestrian bridge;
6. It is preferred that the bridge remain unenclosed on the sides, but allow enclosure or partial enclosure if the applicant demonstrates it is necessary for weather protection;
7. Visual access shall be provided from the sidewalk and street into the bridge;
8. Bridge may not diverge from a perpendicular angle to the right-of-way by more than 30 degrees;
9. The interior width of the bridge, measured from inside face to inside face shall be no less than 10 feet and no more than 14 feet;
10. Bridge shall be located at the second building level, with a minimum clearance of 16 feet above the grade of the public right-of-way;
11. Impacts on view corridors, as described in LUC 20.25A.150.D, shall be minimized;
12. Impacts on the function of City infrastructure, including but not limited to utilities, lighting, traffic signals, etc., shall be avoided or mitigated;
13. Lighting shall be consistent with public safety standards;
14. Signage on the exterior of the bridge, or on the interior of the bridge that is visible from a public sidewalk or street is not permitted;
15. Bridge must be architecturally distinct from the structures that it connects; and
16. Bridge must exhibit exemplary artistic or architectural qualities.

**E. Public Access – Legal Agreement.**

1. Owners of property that is used for pedestrian bridge circulation and access between the bridge and public sidewalk shall execute a legal agreement providing that such property is subject to a nonexclusive right of pedestrian use and access by the public during hours of bridge operation.
2. The agreement shall provide that the public right for pedestrian use shall be enforceable by the City of Bellevue, and the City shall have full rights of access for the pedestrian bridge and associated circulation routes for purposes of enforcing the rights of the public under this agreement.
3. Owners of property subject to this legal agreement will maintain the pedestrian access route and may adopt reasonable rules and regulations for the use of this space; provided, that the rules and regulations are not in conflict with the right of pedestrian use and access and consistent with this section.
4. The agreement shall be recorded with the King County Recorder's Office or its successor agency and a copy provided to the Director.

DRAFT

20.25A.110 Landscape Development

A. Street trees and landscaping – Perimeter – Plate B

1. Tree Species. The property owner shall install street trees, in addition to any landscaping required by LUC 20.25A.110.B, according to the requirements of 20.25A.110.A.1 Plate B of this section as now or hereafter amended.

20.25A.110A.1 Plate B

**Comment [HC63]:** MOVED from LUC 20.25A.040 Early Wins

**Comment [HC64]:** MOVED from LUC 20.25A.060 Early Wins.

UPDATED to add additional flexibility for tree species substitution.

Plate B – Downtown Bellevue Street Tree Species Plan

East-West	Proposed Street Trees	Tree Size
NE 12th (102nd to I-405)	Pear: Pyrus calleryana ‘Glens form’	Small
NE 11th (110th to 112th)	‘Katsura: Cercidiphyllum japonicum’	Large
NE 10th (100th to 106th)	Tupelo: Nyssa sylvatica ‘Firestarter’	Medium
NE 10th (106 to I-405)	Zelkova serrata ‘Village Green’	Medium
NE 9th (110th to 111th)	Katsura: Cercidiphyllum japonicum	Large
NE 8th (100th to 106th)	Honeylocust: Gleditsia tricanthos ‘Shademaster’	Medium
NE 8th (106th to 112th)	Pac Sunset Maple: Acer truncatum x platanoides ‘Warrenred’	Medium
NE 6th (Bellevue Way to 106th)	Honeylocust: Gleditsia tricanthos ‘Shademaster’	Medium
NE 6th (106th to I-405)	Katsura: Cercidiphyllum japonicum	Large
NE 4th (100th to I-405)	Autumn Blaze Maple: Acer x Freemanii ‘Jeffersred’	Large
NE 3rd Pl (110th to 111th)	Tupelo: Nyssa sylvatica ‘Firestarter’	Large
NE 2nd Pl (108th to 111th)	Persian ironwood: Parrotia persica ‘Vanessa’	Medium
NE 2nd (Bellevue Way to I-405)	English oak: Quercus robur ‘Pyramich’	Large
NE 1st/2nd (100th to Bellevue Way)	Hungarian oak: Quercus frainetto ‘Schmidt’	Large
NE 1st (103rd to Bellevue Way)	Ginkgo: Ginkgo biloba ‘Magyar’	Medium
Main St (100th to Bellevue Way)	Ginkgo: Ginkgo biloba ‘Magyar’	Medium
Main St (Bellevue Way to I-405)	Tupelo: Nyssa sylvatica ‘Afterburner’	Medium

North-South	Proposed Street Trees	Tree Size
100th (NE 12th to NE 10th)	Pear: <i>Pyrus calleryana</i> 'Aristocrat'	Small
100th (NE 10th to NE 1st)	Scarlet oak: <i>Quercus coccinia</i>	Large
100th (NE 1st to Main)	Ginkgo: <i>Ginkgo biloba</i> 'Magyar'	Medium
101st (near NE 10th)	Ginkgo: <i>Ginkgo biloba</i> 'Autumn Gold'	Medium
101st Ave SE (south of Main St)	Katsura: <i>Cercidiphyllum japonicum</i>	Large
102nd (NE 12th to NE 8th)	Miyabe maple: <i>Acer miyabei</i> 'Rugged Ridge'	Large
102nd (NE 1st to south of Main St)	Katsura: <i>Cercidiphyllum japonicum</i>	Large
103rd (near NE 10th)	Ginkgo: <i>Ginkgo biloba</i> 'Autumn Gold'	Medium
103rd (NE 2nd to Main St)	Katsura: <i>Cercidiphyllum japonicum</i>	Large
Bellevue Way (NE 12th to NE 10th)	Tulip tree: <i>Liriodendron tulipifera</i> 'JFS-oz'	Large
Bellevue Way (NE 10th to NE 4th)	Honeylocust: <i>Gleditsia tricanthos</i> 'Shademaster'	Medium
Bellevue Way (NE 4th to Main)	Tulip tree: <i>Liriodendron tulipifera</i> 'JFS-oz'	Large
105th (NE 4th to NE 2nd)	Sweetgum: <i>Liquidambar styraciflua</i> 'Worplesdon'	Large
105th SE (near Main St)	London planetree: <i>Platanus x acerifolia</i> 'Bloodgood'	Large
106th (NE 12th to NE 8th)	Elm: <i>Ulmus propinqua</i> 'Emerald Sunshine'	Large
106th (NE 8th to NE 4th)	Elm: <i>Ulmus Americana</i> 'Jefferson'	Large
106th (NE 4th to Main)	Elm: <i>Ulmus</i> 'Morton Glossy'	Large
106th Pl NE (near NE 12th)	London planetree: <i>Platanus x acerifolia</i> 'Bloodgood'	Large
107th (NE 2nd to south of Main)	Hornbeam: <i>Carpinus caroliniana</i> 'Palisade'	Medium
108th (NE 12th to NE 8th)	Persian ironwood: <i>Parrotia persica</i> 'Ruby Vase'	Medium
108th (NE 8th to NE 4th)	Sweetgum: <i>Liquidambar styraciflua</i> 'Worplesdon'	Large
108th (NE 4th to south of Main)	Zelkova serrata 'Green Vase'	Medium
109th (near NE 10th)	Linden: <i>Tilia cordata</i> 'Chancole'	Large
110th (NE 12th to NE 8th)	Linden: <i>Tilia americana</i> 'Redmond'	Large
110th (NE 8th to NE 4th)	Zelkova serrata 'Village Green'	Medium

110th (NE 4th to Main)	Red maple: <i>Acer rubrum</i> ‘Somerset’	Large
111th (NE 11th to NE 9th)	Ginkgo: <i>Ginkgo biloba</i> ‘Autumn Gold’	Medium
111th (NE 4th to NE 2nd)	Ginkgo: <i>Ginkgo biloba</i> ‘Autumn Gold’	Medium
112th (NE 12th to Main)	Scarlet oak: <i>Quercus coccinea</i>	Large

2. Street Landscaping. Street trees together with shrubbery, groundcover and other approved plantings are required in a planter strip along the length of the frontage. Vegetation included in the planter strip shall be able to withstand urban conditions, shall be compatible with other plantings along the same street, and shall reflect the character of the area within which they are planted, as approved by the Director.

3. Installation and Irrigation

a. Installation. Street trees, at least 2.5 inches in caliper or as approved by the Director, must be planted at least 3 feet from the face of the street curb, and spaced a maximum of 20 feet for small trees, 25 feet for medium trees, and 30 feet for large trees. The size of the tree shall be determined by Plate B of this section, as now or hereafter amended. A street tree planting area may also include decorative paving and other native plant materials, except grass that requires mowing. The use of planter strips for stormwater treatment is encouraged. Installation shall be in accordance with the Parks and Community Services Department Environmental Best Management Practices and Design Standards, as now or hereafter amended.

b. Irrigation. A permanent automatic irrigation system shall be provided at the time of installation of street trees and sidewalk planting strip landscaping located in a required planter strip or tree pit. The irrigation system shall be served by a separate water meter installed by the applicant and served by City-owned water supply with 24-hour access by the City. The use of rainwater to supplement irrigation is encouraged. Irrigation system shall be designed per the Parks and Community Services Department Environmental Best Management Practices and Design Standards, as now or hereafter amended.

4. Species substitution. If a designated tree species is not available due to circumstances such as spread disease or pest infestation, it may be substituted with a different species or cultivar as approved by the Director as an administrative departure pursuant to LUC 20.25A.030.D.1. The substitution shall be of the same size and canopy spread as the tree species that is being replaced.

**B. On-site landscaping**

1. The provisions of LUC 20.20.520, except as they conflict with this section, apply to development in the Downtown Land Use Districts.

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

**Comment [BT(65):** MOVED from 20.25A.040. UPDATED because vehicular access between the front of a building and the street is no longer allowed, thus vehicular access is not needed in the column entitled “Street Frontage.”

20.25A.110 Landscape Development Requirements

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

(1) An alternative design may be approved through Alternative Landscape Option, LUC 20.20.520.J through the Administrative Departure process contained in LUC 20.25A.030.D.1.

C. Linear Buffer

1. General. The standards of this paragraph supplement other landscape requirements of this Part 20.25A and LUC 20.20.520 for development in the Perimeter Overlay District.
2. Linear Buffers.
  - a. General. Any development situated within Perimeter Overlay A shall provide a linear buffer within the minimum setback from the Downtown boundary required by LUC Chart 20.25A.060.A.4. The purpose of this feature is to produce a green buffer that will soften the visual impact of larger buildings as viewed from the lower intensity Land Use Districts adjacent to Downtown. These design standards are minimum requirements for the size and quantity of trees and other linear buffer elements. The specific design of the linear buffer for each project will be determined through the Design Review Process. Design considerations include, but are not limited to, the placement of elements and their relationship to adjacent property as well as to the proposed development. Different sets of design standards apply to each of the locational conditions.
3. Requirements for All Linear Buffers. All linear buffers:
  - a. Shall have a minimum width of 20 feet;
  - b. Shall not be used for parking, and vehicular access drives shall be no more than 25 percent of the total are of the linear buffer;
  - c. Must include seasonal color in an amount of at least 10 percent of the perimeter setback area; and
  - d. Must utilize native species for at least 50 percent of the plantings located within the perimeter setback area.

**Comment [HC66]:** MOVED from LUC 20.25A.090.D.4  
 UPDATED to allow increased flexibility for property owners to use the buffers.

- 4. Linear Buffers that are Adjacent to Rights-of-Way or Public Property shall have:
  - a. Three deciduous trees, with a minimum caliper of 2.5 inches, per each 1,000 square feet of the perimeter setback area.
  - b. Two flowering trees, with a minimum caliper of two inches, per each 1,000 square feet of perimeter setback area.
  - c. Ten evergreen shrubs, minimum five-gallon size, per 1,000 square feet of the perimeter setback area.
  - d. Living ground cover that provides cover of unpaved portion of buffer within three years.
  - e. Walls and fences that do not exceed 30 inches.
  - f. Accessibility both visually and physically abutting the sidewalk and being within three feet of the sidewalk or providing alternative access.
  - g. Seventy-five percent of the buffer must be planted. The other 25 percent may be paved with pervious pavement, brick, stone or tile in a pattern and texture that is level and slip-resistant. The paved portion of the buffer may be used for private recreational space and residential entries.
- 5. Where the Downtown boundary abuts property outside the Downtown other than right-of-way or public property, the minimum setback from the Downtown boundary (or perimeter property lines when the setback has been relocated pursuant to Note 6 of subsection LUC 20.25A.060.A.4 shall be landscaped as follows:
  - a. The entire setback shall be planted except for allowed paved portions. No portion may be paved except for vehicular entrance drives, required through-block connections, patios that do not exceed 25 percent of the area of the required setback, and residential entries that do not exceed 25 percent of the area of the required setback.
  - b. The setback shall be planted with:
    - i. Evergreen and deciduous trees, with no more than 30 percent deciduous, a minimum of 10 feet in height, at intervals no greater than 20 feet on center;
    - ii. Evergreen shrubs, a minimum of two-gallon in size, at a spacing of three feet on center; and
    - iii. Living ground cover so that the entire remaining area will be covered in three years.

D. Fences

- 1. No fence may violate the sight obstruction restrictions at street intersections. (See BCC 14.60.240.)
- 2. Any fence which exceeds eight feet in height requires a Building Permit and shall conform to the International Building Code, as adopted and amended by the City of Bellevue.

Comment [HC67]: MOVED from LUC 20.25A.040.C

3. Height shall be measured from finished grade at the exterior side of the fence. No person may construct a berm upon which to build a fence unless the total height of the berm plus the fence does not exceed the maximum height allowable for the fence if the berm was not present.

4. Prohibited Fences. Barbed wire may not be used in fencing in any Downtown land use district. Electric fences are not permitted in any Downtown land use district. Chain link fences are not permitted in any Downtown land use district, except:

- a. To secure a construction site or area during the period of construction, site alteration or other modification; and
- b. In connection with any approved temporary or special event use.

DRAFT

**20.25A.120 Green and Sustainability Factor**

**A. General** All new development shall provide landscaping and other elements that meets a minimum Green and Sustainability Factor score. All required landscaping shall meet standards promulgated by the Director to provide for the long-term health, viability, and coverage of plantings. 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:

1. Identify all proposed elements, presented in Figure 20.25A.120.A.5.
2. Multiply the square feet, or equivalent ~~square footage~~unit of measurement where applicable, of each landscape element by the multiplier provided for that element in Figure 20.25A.120.A.5 according to the following provisions:
  - a. If multiple elements listed in Figure 20.25A.120.A.5 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.
  - b. Landscaping elements and other frontage improvements in the right-of-way between the lot line and the roadway may be counted.
  - c. Elements listed in Figure 20.25A.120.A.5 that are provided to satisfy any other requirements of Part 20.25A may be counted.
  - d. Unless otherwise noted, elements shall be measured in square feet.
  - e. For trees, large shrubs and large perennials, use the equivalent square footage of each tree or shrub provided in Figure 20.25A.120.A.5. Tree sizing shall be determined by the Green and Sustainability Factor Tree List maintained by the Director in the Development Services Department. If a tree species is not included on the list, the Director shall determine the size of the proposed tree species.
  - f. For green walls systems, use the square footage of the portion of the wall that will be covered by vegetation at three years. Green wall systems must include year-round irrigation and a submitted maintenance plan ~~to shall~~ be included as an element in the calculation for a project's Green and Sustainability Factor Score.
  - g. All vegetated structures, including fences counted as green-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 must 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.
  - h. 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.
  - j. All permeable paving and structural soil credits may not count for more than one third of a project's Green and Sustainability Factor Score.

**Comment [HC68]:** NEW - Reviewed by the Planning Commission on October 26, 2016. Improves walkability, reinforces "City in a Park" character, increases tree canopy, helps with stormwater runoff infiltration, and softens and mitigates the effects of dense urban environment. Uses Seattle model.

**Comment [HC69]:** CODE CLARIFICATION – modified to better differentiate between Green Wall Systems and Vegetated Walls.

3. Add together all the products calculated in Figure 20.25A.120.A.5 below to determine the Green and Sustainability Factor numerator.
4. Divide the Green and Sustainability Factor numerator by the lot area to determine the Green and Sustainability Factor score. A development must achieve a minimum score of 0.3.
5. The Director has the final authority in determining the accuracy of the calculation of the Green and Sustainability Factor score.

Figure 20.25A.120.A.5

A. Landscape Elements		Multiplier
	1. Bioretention Facilities and Soil Cells. Bioretention facilities and soil cells must 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 3 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 24 Inches	0.1
	4. Landscaped Areas with Soil Depth of 24 Inches or More	0.6
	5. Preservation of Existing Trees. Existing trees – proposed for preservation shall be calculated at 20 square feet per inch d.b.h. Trees shall have a minimum diameter of 6 inches at d.b.h. Existing street trees proposed for preservation must be approved by the Director.	1.0
	6. Preservation of Landmark Tree Bonus. Landmark trees proposed for this bonus shall be calculated at 20 square feet per inch d.b.h. and shall meet the City's definition for Landmark Trees. This bonus is in addition to the preservation of existing trees.	0.1
	7. Preservation of Existing Evergreen Trees Bonus. Existing evergreen trees proposed for this bonus shall be calculated at 20 square feet per inch d.b.h. and shall have a minimum diameter of 6 inches at d.b.h.	0.1

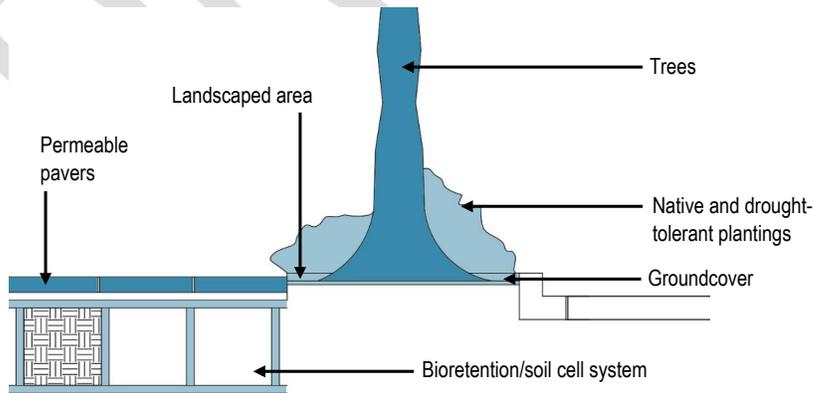
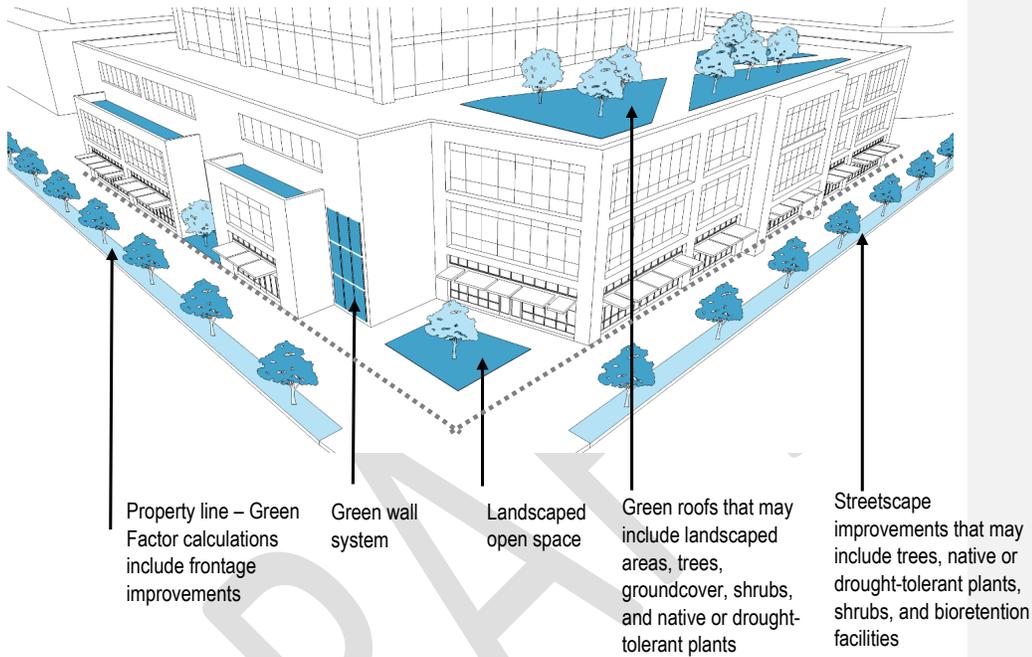
	<del>8. Preservation of Existing Evergreen Trees Bonus. Existing evergreen trees proposed for this bonus shall be calculated at 20 square feet per inch d.b.h. and shall have a minimum diameter of 6 inches at d.b.h.</del>	<del>0.1</del>
	89. Shrubs or Large Perennials. Shrubs or large perennials that are taller than 2 feet at maturity shall be calculated at 12 square feet per plant.	0.4
	<del>9</del> 10. 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
	<del>10</del> 4. 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
	<del>11</del> 2. Large Trees. Large trees shall be calculated at 360 square feet per tree. Consult with the Green and Sustainability Factor Tree List for size classification of trees.	0.4
B. Green Roofs		
	1. Green Roof, 2 to 4 Inches of Growth Medium. Roof area planted with at least 2 inches of growth medium, but less than 4 inches of growth medium.	0.4
	2. Green Roof, At Least 4 Inches of Growth Medium. Roof area planted with at least 4 inches of growth medium.	0.7
C. Green Walls		
	<del>1. Vegetated Wall. Façade or structural surface obscured by vines. Vine coverage shall be calculated with an estimate of 3 years' growth. A year-round irrigation and maintenance plan shall be provided.</del>	<del>0.2</del>
	<del>2</del> 1. Green Wall System. Façade or wall-structural surface planted with a green wall system. <del>with</del> A year-round irrigation and maintenance plan <del>calculated with an estimate of 3 years' growth shall be provided.</del>	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	0.2

**Comment [HC70]:** Deleted as duplicate of Landscape Element A.7.

**Comment [HC71]:** CODE CLARIFICATION – modified to better differentiate between Green Wall Systems and Vegetated Walls.

	irrigation shall be calculated as a percentage of total water budget times total landscape area.	
E. Permeable Paving		
	1. Permeable Paving, 6 to 24 Inches of Soil or Gravel. Permeable paving over a minimum of 6 inches and less than 24 inches of soil or gravel.	0.2
	2. Permeable Paving over at Least 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 9 square feet per bike locking space and must be visible from sidewalk or public area.	1.0
	2. Bicycle Lockers. Bicycle lockers in publicly accessible locations shall be calculated at 12 square feet per locker, and must be visible from public areas and open for public use.	1.0

**Comment [HC72]:** MOVED Green Building Initiatives to the FAR Amenity section LUC 20.25A.070 because certificates are not awarded until after the building is built and sometimes even later. Green building certificates and awards are counted in the FAR system because they can be valued. This allows the developer to pay a fee in lieu if certification is not awarded and FAR bonus was used to support development program.



**Heritage Trees -TBD**

**Comment [BT(73):** There is a landmark tree bonus in the Green and Sustainability Factor above. We will include Heritage Trees and Landmark Trees more comprehensively when the City wide conversation regarding tree retention has been initiated and completed.

**20.25A.130 Mechanical Equipment Screening and Location Standards.**

**Comment [HC74]:** MOVED from Downtown LUC 20.25A.045 Early Wins.

**A. Applicability.**

The requirements of this section shall be imposed for all new development, and 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.

**B. Location Requirements.**

1. To the maximum extent reasonable and consistent with building and site design objectives, mechanical equipment shall be located in the building, below grade, or on the roof.
2. Where the equipment must be located on the roof, it shall be consolidated to the maximum extent reasonable rather than scattered.
3. Mechanical equipment shall not be located adjacent to a sidewalk, through-block pedestrian connection, or area designated open to the public, such as a plaza.

**C. Screening Requirements.**

1. Exposed mechanical equipment shall be visually screened by a predominantly solid, non-reflective 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:
  - a. 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.
  - b. 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.
  - c. Screening graphics may be used for at-grade utility boxes.
2. Mechanical equipment shall be screened from above by incorporating one of the following measures, in order of preference:
  - a. A solid non-reflective roof. The roof may incorporate non-reflective louvers, vents, or similar penetrations to provide necessary ventilation or exhaust of the equipment being screened;
  - b. Painting of the equipment to match or approximate the color of the background against which the equipment is viewed;
  - c. 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:

- i. The existing roof structure cannot safely support the required screening, or
- ii. 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.

**D. Exhaust Control Standards.**

1. Purpose. Where technically feasible, exhaust equipment shall be located so as not to discharge onto a sidewalk, right-of-way, or area designated accessible to the public; including but not limited to a plaza, through-block connection, pedestrian bridge, and minor publicly accessible space.
2. Exhaust Location Order of Preference. Mechanical exhaust equipment shall be located and discharged based on the following order of preference:
  - a. On the building roof;
  - b. On the service drive, alley, or other façade that does not abut a public street, sidewalk or right-of-way;
  - c. Located above a driveway or service drive to the property such as a parking garage or service court; or
  - d. Location that abuts a public street or easement; provided, that the exhaust discharge is not directly above an element that has earned FAR Amenity Incentive System points, such as a public plaza.
3. If mechanical exhaust equipment is located as provided in subsection D.2.c or d of this paragraph, then it shall be deflected from such public space and located at least 16 feet above finished grade, street, easement or other area designated accessible to the public.
4. Exhaust outlets shall not be allowed to discharge to an area that has earned FAR Amenity Incentive System points, such as a public plaza.

**E. Modifications.**

The location and screening of mechanical equipment and exhaust systems is subject to review and approval at the time of land use review. The Director may approve an administrative departure pursuant to LUC 20.25A.030.D.1. if the applicant demonstrates that the alternate location or screening measures provide an equal or better result than the requirements of this section.

**F. Noise Requirements.**

1. Mechanical equipment shall meet the requirements of Chapter 9.18 BCC, Noise Control.
2. The applicant shall be required to demonstrate the mechanical system compliance with the requirements of Chapter 9.18 BCC prior to issuance of certificate of occupancy.

20.25A.135 Downtown Neighborhood Specific Standards

A. Eastside Center, Convention Civic Neighborhood

**Comment [HC75]:** MOVED from LUC 20.25A.065 and updated to conform to the balance of the code

1. Definition of District. The Convention Civic Neighborhood encompasses the area bounded by the centerlines of 110th Avenue NE on the west, NE 8th Street on the north, I-405 on the east, and NE 4th Street on the south.
2. Purpose. The purpose of the Convention Civic Center Neighborhood is to implement the Downtown Subarea policies concerning the Special Opportunity Area, by providing specific standards. These standards will permit the development of cultural, conference and exhibition facilities and other uses as envisioned by the policies.
3. Development Standards. All provisions of this Part 20.25A LUC shall apply to this district, with the following exceptions:
  - a. Within the Convention Civic Neighborhood, maximum lot coverage may be up to 100 percent for buildings in which more than 50 percent of the gross floor area, excluding parking, is comprised of one or more of the following uses: city government facilities, cultural facilities, conference facilities and exhibition facilities.
  - b. Within the Convention Civic Neighborhood, the building floor area per floor above 40 feet high may be unlimited for buildings and floors in which more than 50 percent of the gross floor area, excluding parking, is comprised of one or more of the following uses: city government facilities, cultural facilities, conference facilities and exhibition facilities.
  - c. Building types listed in paragraphs 3.a and 3.b of this section should incorporate special design features as described below:
    - i. Building facades should be divided into increments through the use of offsets, facets, recesses or other architectural features which serve to break down the scale. Roof forms should incorporate terraces, planting areas, decorative features, or other elements to soften the rectilinear profile.
    - ii. Special attention should be given to the provision of elements at or near the ground level such as awnings, recessed entries, water features, address signs, seasonal flower beds, seating, pedestrian-oriented uses and display kiosks.
  - d. Nothing in these provisions shall affect the maximum floor area ratios permitted for the underlying land use districts.
  - e. Within the Convention Civic Neighborhood, the minimum side and rear setback required above 40 feet for all buildings with a building height in excess of 75 feet may be eliminated for buildings and floors in which more than 50 percent of the gross floor area, excluding parking, is comprised of one or more of the following uses: city government facilities, cultural facilities, conference facilities and exhibition facilities.

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

**Comment [HC76]:** MOVED from LUC 20.25A.070. UPDATED to conform to the balance of the code and to remove redundancies.

1. Design Review Required. All development within the Downtown-Old Bellevue Neighborhood must be reviewed by the Director using the Design Review process, Part 20.30F LUC, and applying the Downtown Design Review Criteria, LUC 20.25A.110, in reviewing an application for development in the Downtown-Old Bellevue Neighborhood.
2. Development Requirements. Development within the Old Bellevue Neighborhood must comply with the following if the property abuts the named streets:
  - a. Street Improvements. The applicant shall provide half-street and sidewalk improvements including paving, street trees, lighting and other street furniture comparable to the existing Main Street streetscape between 102nd Avenue and Bellevue Way on:
    - i. Both sides of Main Street between 100th Avenue and Bellevue Way; and
    - ii. 102nd and 103rd Avenues between SE 1st Street and NE 1st Street; and
    - iii. The west side of Bellevue Way between SE 1st Street and NE 2nd Street; and
    - iv. The east side of 100th Avenue between SE Bellevue Place and NE 1st Street; and
    - v. Both sides of NE 1st and NE 2nd between 100th Avenue and Bellevue Way.
  - b. Pedestrian-oriented frontage must include display windows having mullions that are spaced two to six feet apart.

**20.25A.140 Downtown Design Guidelines Introduction.**

The Downtown Design Guidelines have the following predominant goals:

- A. To ensure that Downtown is viable, livable, memorable, and accessible.
- B. To promote design excellence, innovation, and reinforce a sense of place for Downtown.
- C. To improve the walkability, streetscapes, and public spaces for Downtown residents, employees and visitors.
- D. To foster a vibrant pedestrian environment by providing a welcoming streetscape with Active Uses, open spaces, street furniture, landscaping, and pedestrian-scaled amenities.
- E. To improve connectivity through Downtown and from Downtown to adjacent neighborhoods.
- F. To encourage sustainable and green design features, including those that promote water, resource, and energy conservation.
- G. To encourage the design of attractive rooftops that contribute to a memorable Downtown skyline.
- H. To advance the theme of “City in a Park” for Downtown, create more green features and public open space, and promote connections to the rest of the park and open space system.

**Comment [HC77]:** MOVED from Design Guidelines Building/Sidewalk Relationships II and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.

DRAFT

**20.25A.150 Context.**

**Comment [HC78]:** NEW – Incorporated CAC Recommendations, Updated Comprehensive Plan Policy direction and Design Criteria from LUC 20.25A.110, and aligned with BelRed code organization (LUC 20.25D.150). Improves Land Use Code Consistency and Ease of Use.

**A. Relationship to Height and Form of Other Development.**

1. Intent. Each new development provides an opportunity to enhance the aesthetic quality of Downtown and its architectural context. The relationship that a development has to its environment is a part of creating a well-designed, accessible, vibrant community.
2. Guidelines.
  - a. Architectural elements should enhance, not detract from, the area’s overall character;
  - b. Locate the bulk of height and density in multi-building projects away from lower intensity land use districts;
  - c. Minimize offsite impacts from new development, such as lights and noise, by directing them away from adjacent properties and less intense uses;
  - d. Incorporate architectural elements at a scale and location that ensures detailing is proportionate to the size of the building; and
  - e. Use forms, proportions, articulation, materials, colors and architectural motifs that are suggested by and complement adjacent buildings.

**B. Relationship to Publicly Accessible Open Spaces**

1. Intent. Publicly accessible open spaces including Outdoor Plazas, Major Pedestrian Open Spaces and Minor Publicly Accessible Spaces are provided for public enjoyment and are an area of respite for those who live and work in the area. Publicly accessible open spaces provide numerous benefits for people including: active and passive recreation, a place to sit and gather, a place for events, and relief from the built environment. Any negative impacts from new projects to adjacent publicly accessible spaces should be minimized.
2. Guidelines.
  - a. Organize buildings and site features to preserve and maximize solar access into existing and new public open spaces wherever possible;
  - b. When designing a project base or podium, strive to enhance the user’s experience of adjacent public open spaces. For example, views of an adjacent existing public open space can be framed by new development; and
  - c. Promote use and accessibility of publicly accessible open spaces through site and building design.

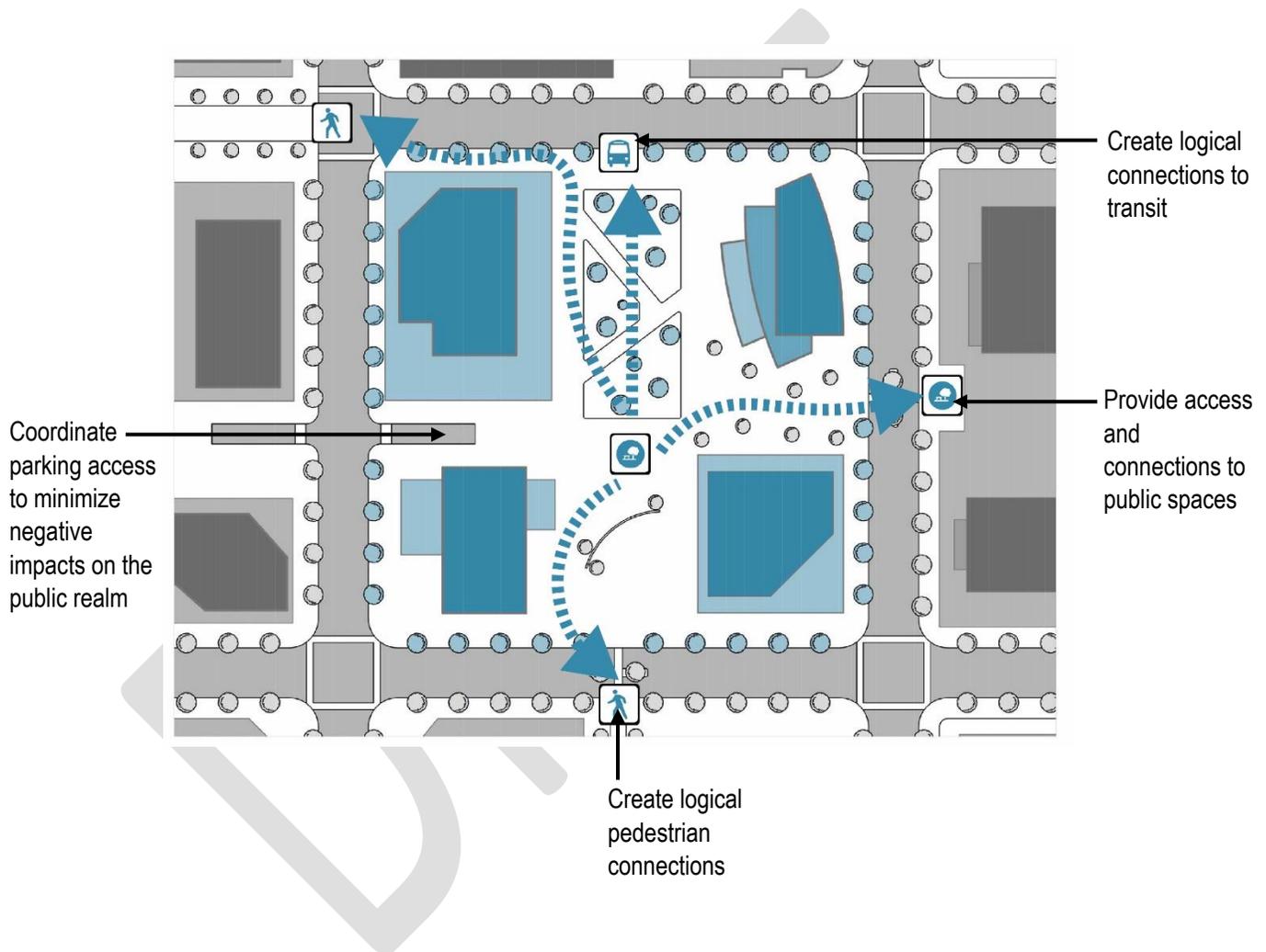
**C. Relationship to Transportation Elements**

1. Intent. Downtown residents, employees, and visitors depend on safe, inviting, efficient transportation options. New development is a key link in creating a reliable transportation system with connections to different modes of transportation that place an emphasis on safety for the pedestrian.

20.25A.150 101

## 2. Guidelines.

- a. Create logical connections to transit options, walking and biking trails, pedestrian routes, and streets; and
- b. Coordinate service and parking access to maximize efficiency and minimize negative impacts on adjacent land uses and the public realm.

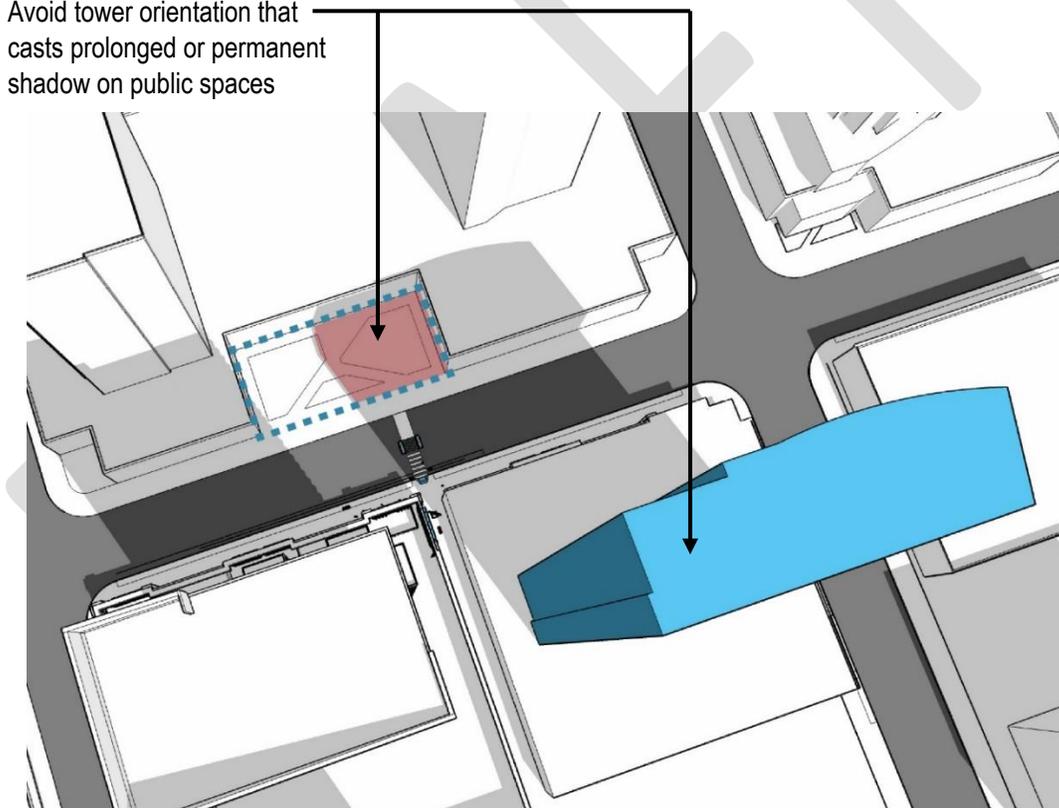
**D. Emphasize Gateways**

1. Intent. Entrances and transitions into and within Downtown should be celebrated.
2. Guideline. Use architectural and landscape elements to emphasize gateways. Pedestrians, cyclists, transit passengers, and motorists should experience a sense of “entering” or moving into Downtown, as well as entry into unique neighborhoods in Downtown. Refer to the Gateways and Wayfinding section of the Downtown Subarea Plan in the City of Bellevue Comprehensive Plan for a map of gateways.

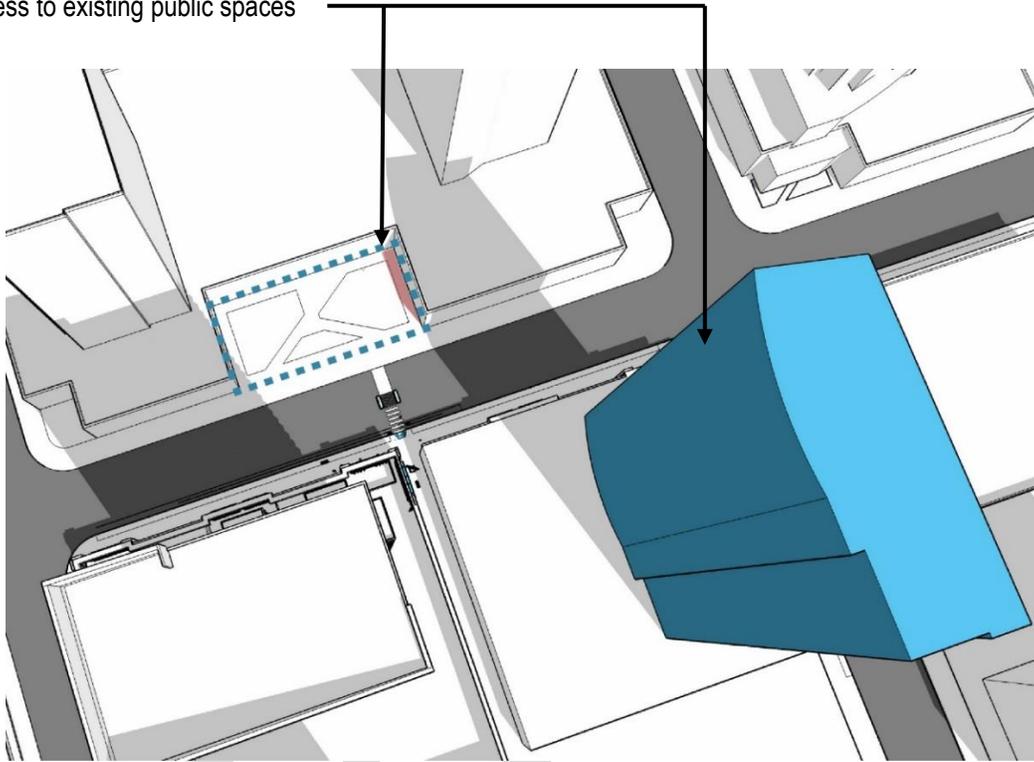
**E. Maximize Sunlight on Surrounding Area**

1. Intent. Outdoor spaces are more enjoyable and functional if they are filled with sunlight. Loss of sunlight and sky view reduces the comfort, quality, and use of publicly accessible open space. Trees and vegetation need sunlight to thrive.
2. Guidelines.
  - a. Evaluate alternative placement and massing concepts for individual building sites at the scale of the block to secure the greatest amount of sunlight and sky view in the surrounding area;
  - b. Maximize sunlight and sky view for people in adjacent developments and streetscape; and
  - c. Minimize the size of shadows and length of time that they are cast on pedestrians in the streetscape.

Avoid tower orientation that casts prolonged or permanent shadow on public spaces



Orient towers to preserve solar access to existing public spaces



DRAFT

**20.25A.160 Site Organization.**

**Comment [HC79]:** NEW – Incorporated CAC Recommendations, Updated Comprehensive Plan Policy direction and Design Criteria from LUC 20.25A.110, and aligned with BelRed code organization (LUC 20.25D.150). Improves Land Use Code Consistency and Ease of Use.

**A. Introduction**

Downtown Bellevue is unique in its 600-foot superblock configuration. These large blocks, which constitute the majority of the blocks in Downtown, create greater flexibility in site design. However, they create a greater need to provide for street activation and coordinated internal circulation.

**B. On-Site Circulation**

1. Intent. The vitality and livability of Downtown is dependent on a safe, walkable environment that prioritizes the pedestrian and reduces conflicts between pedestrians and other modes of transportation. The design should encourage the free flow of pedestrians, cyclists and cars onto, off, and through the site. Walkability includes the creation of through-block pedestrian connections and other paths that offer attractive and convenient connections away from heavy arterial traffic. These connections also break down superblocks into a pedestrian-friendly grid.
2. Guidelines.
  - a. Site Circulation for Servicing and Parking.
    - i. Minimize conflicts between pedestrians, bicycles and vehicles;
    - ii. Provide access to site servicing and parking at the rear of the building from a lane or shared driveway, if possible;
    - iii. Provide access to site servicing, such as loading, servicing, utilities, vehicle parking, either underground or within the building mass and away from the public realm and public view;
    - iv. Minimize the area of the site used for servicing through the use of shared infrastructure and shared driveways;
    - v. Provide service access through the use of through-lanes rather than vehicle turnarounds, if possible; and
    - iv. Locate above-ground mechanical and site servicing equipment away from the public sidewalk, through-block connections, and open spaces.
  - b. On-site Passenger and Guest Loading Zones, Porte Cocheres, and Taxi Stands
    - i. Plan for increased activity found in passenger and guest loading areas during site plan development. Loading functions must take place on private property, except as provided below;
    - ii. Locate passenger and guest loading zones and taxi stands so that the public right-of-way will remain clear at all times;
    - iii. Locate passenger and guest loading zones and taxi stands to minimize conflicts with pedestrians and other modes of transportation. Limit the number and width of curb cuts and

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vehicular entries to promote street wall continuity and reduce conflicts with pedestrians, bicyclists, and other modes of transportation;

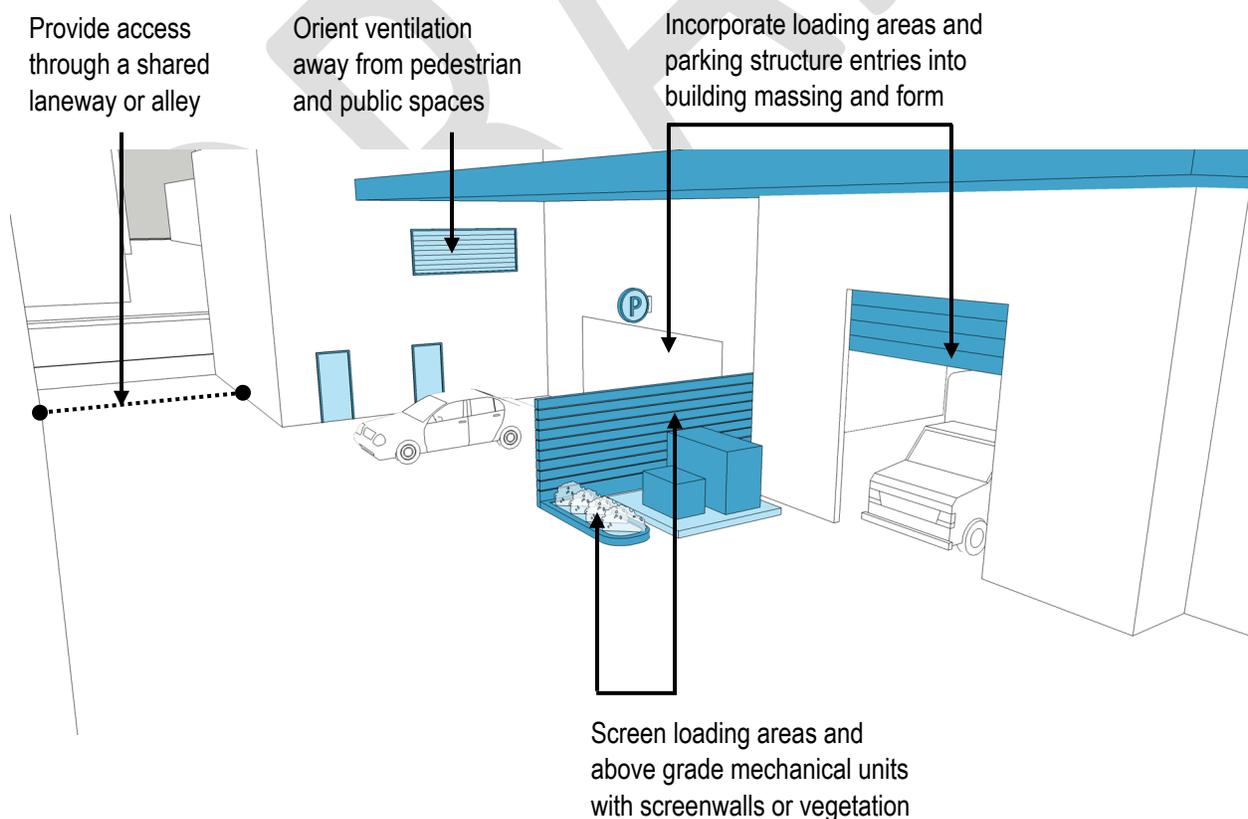
iv. Walkways should be placed to provide pedestrian access from the public sidewalk to the building entry without requiring pedestrians to walk in the driveway or come into conflict with vehicles;

v. Pull-through drives should have one lane that is one-way where they enter from and exit to the street;

vi. Long-term parking is not allowed in passenger and guest loading areas;

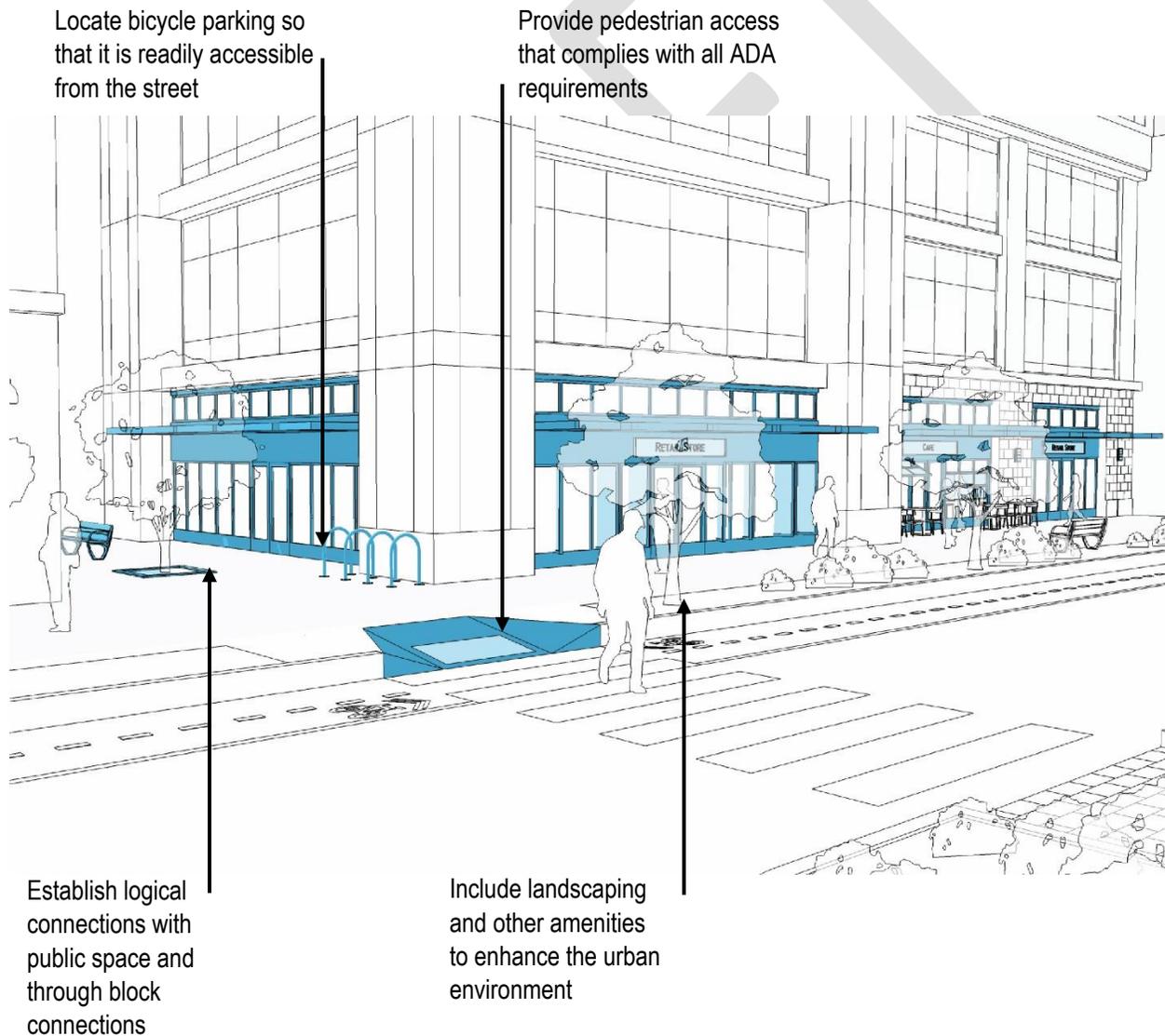
vii. If private bus activity is anticipated, provide an off-street passenger loading area for this size of a vehicle. Passenger loading functions may not take place in the public right-of-way; and

viii. Passenger loading functions for hotels, other than guest arrival and departure, are allowed on streets with moderate intensity, such as a C Right-of-Way, via a curb setback loading area. Right-of-Way Classifications can be found in LUC 20.25A.170.B. Provided: the loading area must have a direct relationship to the building entry, and the required streetscape (curb, sidewalk, and planting strip) widths must be maintained between the loading area and building entries, and the Director of Transportation has approved the configuration.



c. Pedestrian and Cycling Connections

- i. Include direct, logical, safe, and continuous routes for pedestrians and cyclists;
- ii. Provide pedestrian access through the site that is available to all and consistent with the Americans with Disabilities Act;
- iii. Include landscaping, pedestrian-scale lighting, and other amenities that enhance use of such connections during every season; and
- iv. Locate bicycle parking so that it has direct and visible access to the public street, building entrances, transit, and other bicycle infrastructure.



**C. Building Entrances**

1. Intent. Direct access from the public sidewalk to each building animates the street and encourages pedestrian activity to occur in the public realm rather than inside the building.
2. Guidelines. Ensure that the primary building entrances front onto major public streets, are well-defined, clearly visible, and accessible from the adjacent public sidewalk.

Multiple entrances.

**D. Through-Block Pedestrian Connections.**

1. Through-Block Pedestrian Connection Map.

**Comment [HC80]:** MOVED from 20.25A.060 Early Wins and UPDATED

DRAFT

Figure 20.25A.160.D.1



**DOWNTOWN THROUGH-BLOCK CONNECTIONS**

**LEGEND**

- Through-Block Connections
- Parcels
- Downtown Boundary

600 Feet

2. Intent. A through-block pedestrian connection provides an opportunity for increased pedestrian movement through superblocks in Downtown and helps to reduce the scale of the superblocks.
3. Standards.
  - a. Location. Through-block pedestrian connections are required in each superblock as provided in the map above. A through-block pedestrian connection shall be outdoors, except where it can only be accommodated indoors. The Director may approve a location shift on a through-block pedestrian connection provided that it provides similar pedestrian access as would have been required in the map above.
  - b. Proportionate Share. If a new development is built adjacent to a required through-block pedestrian connection as provided in the map in LUC 20.25A.160.D.1, the applicant shall construct a proportionate share of the through-block pedestrian connection.
  - c. Hours. A through-block pedestrian connection shall be open to the public 24 hours a day. Provided, if the through-block pedestrian connection is within a building, its hours shall coincide with the hours during which the building is open to the public.
  - d. Easement. Through-block connections require an easement for public right of pedestrian use in a form approved by the City,
  - e. Signage. Directional signage shall identify circulation routes for all users and state that the space is accessible to the public at all times. The signage must 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.
4. Guidelines. A through-block pedestrian connection should:
  - a. Form logical routes from its origin to its destination;
  - b. Offer diversity in terms of activities and pedestrian amenities;
  - c. Incorporate design elements of the adjacent right-of-way, such as paving, lighting, landscaping, and signage to identify the through-block pedestrian connection as a public space;
  - d. Accentuate and enhance access to the through-block pedestrian connection from the right-of-way by use of multiple points of entry that identify it as a public space;
  - e. Identify the connection as a public space through clear and visible signage;
  - f. Provide lighting that is pedestrian-scaled, compatible with the landscape design, and that improves safety;
  - g. Provide high quality design and durable materials;
  - h. Provide landscaping to define and animate the space wherever possible;

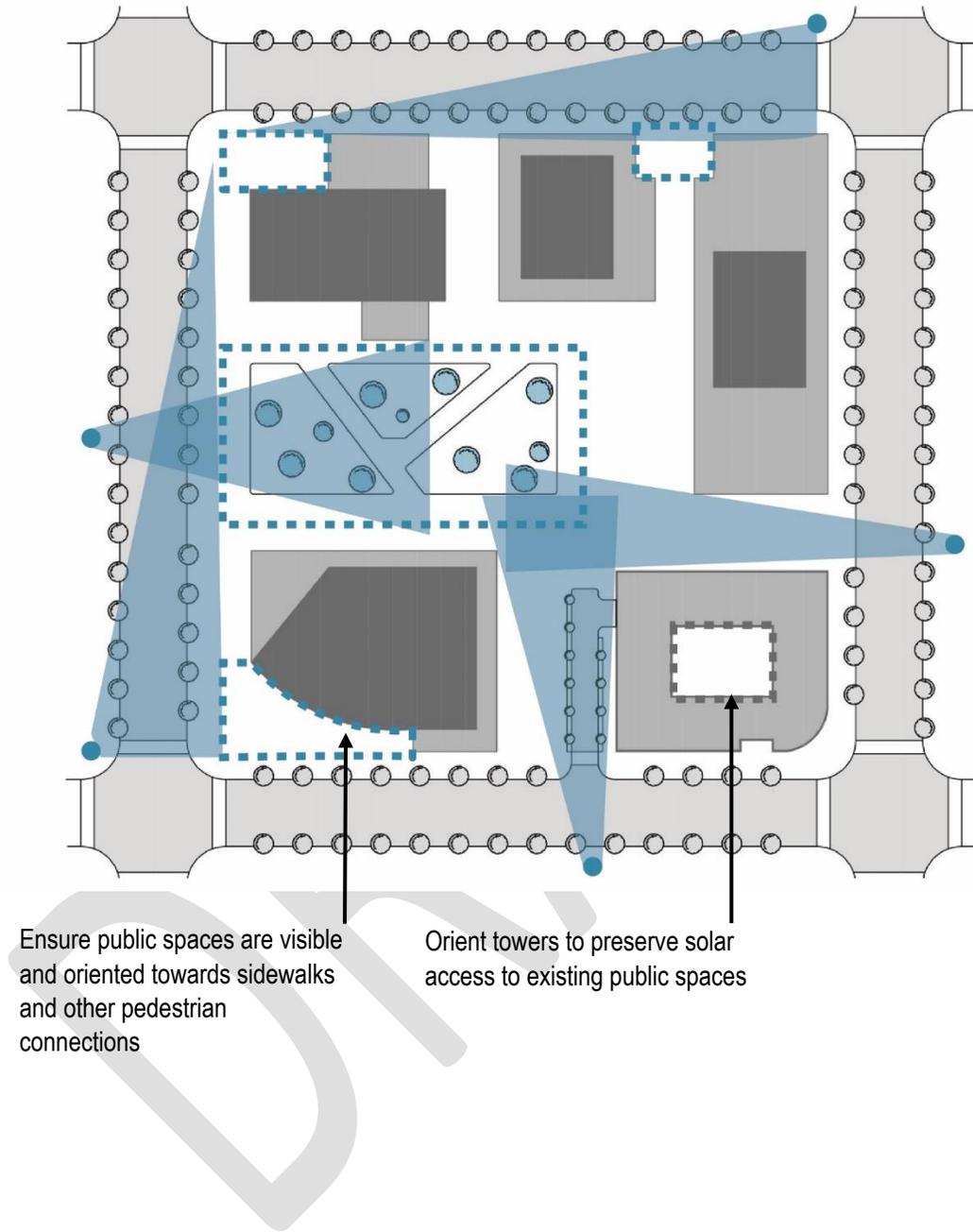
- i. Incorporate trees and landscaping to provide enclosure and soften the experience of the built environment;
- j. The use of artistic elements and water features is encouraged to provide moments of interest for the user;
- k. Provide access that complies with the Americans with Disabilities Act, additional access may be provided through the building, if necessary to meet this requirement;
- l. Provide weather protection for pedestrians at key intersections, building entrances, or points of interest;
- m. Be developed as a walkway or a combination walkway and vehicular lane. If the combination walkway and vehicular lane does not have a separate raised walkway, the walkway surface must be paved with unit paver blocks or other unique paving surface to indicate that it is a pedestrian area;
- n. Incorporate decorative lighting and seating areas; and
- o. Be visible from surrounding spaces and uses. Provide windows, doorways and other devices on the through-block connection to ensure that the connection is used, feels safe, and is not isolated from view.

**E. Open Space**

- 1. Intent: Open space is an integral part of a livable urban environment because it provides people a place for recreation, gathering, and reflection in a built environment. A vibrant Downtown includes open space that encourage active and passive recreation, spontaneous and planned events, and the preservation of the natural environment.
- 2. Guidelines.
  - a. Site and building design should capitalize on significant elements of the natural environment, planned parks, outdoor plazas, and open space. Designs should incorporate open space amenities for residents, employees, and visitors. Depending on the location, this may be accomplished through integration of the natural environment with new development or providing a smooth transition between the natural and built environments;
  - b. Orient gathering places and walkways toward parks and open spaces. Provide clear and convenient public access to open space amenities;
  - c. Include elements that engage the natural environment where the sight, sound, and feel of nature can be directly experienced;
  - d. Locate buildings to take maximum advantage of adjacent open spaces.
  - e. Create attractive views and focal points;
  - f. Use publicly accessible open space to provide through-block pedestrian connections where possible;

**Comment [HC81]:** NEW – Incorporated Design Criteria in LUC 20.25A.110, and aligned with BelRed code organization (LUC 20.25D.150). Improves Land Use Code Consistency and Ease of Use.

- g. Include features and programming opportunities to encourage year-round use;
- h. Define and animate the edges of publicly accessible open space with well-proportioned building bases, permeable facades, and Active Uses at-grade;
- i. Provide access that complies with the Americans with Disabilities Act, additional access may be provided through the building if necessary to meet this requirement;
- j. Provide weather protection for pedestrians at key intersections, building entrances, and points of interest;
- k. Use artistic elements and water features where possible.
- l. Use design elements, such as surface materials, furnishings, landscaping and pedestrian-scale lighting that are high-quality, functional, and environmentally sustainable; and
- m. Maximize safety and comfort by including access to sunlight, clear views to and from adjacent streets and buildings, compliance with the Americans with Disabilities Act, and protection from wind and inclement weather; and
- n. Design for events where feasible by providing electrical hookups and areas for staging.
- o. Open space design should not incorporate loading, refuse handling, parking, and other building and site service uses at the ground level facade, though such activities may be conducted in an open space when reasonable alternatives are not feasible. When the above-referenced activities must be incorporated into an Open Space Design, operational procedures should require the above-referenced activities to occur after normal business hours.
- p. Employ decorative lighting.

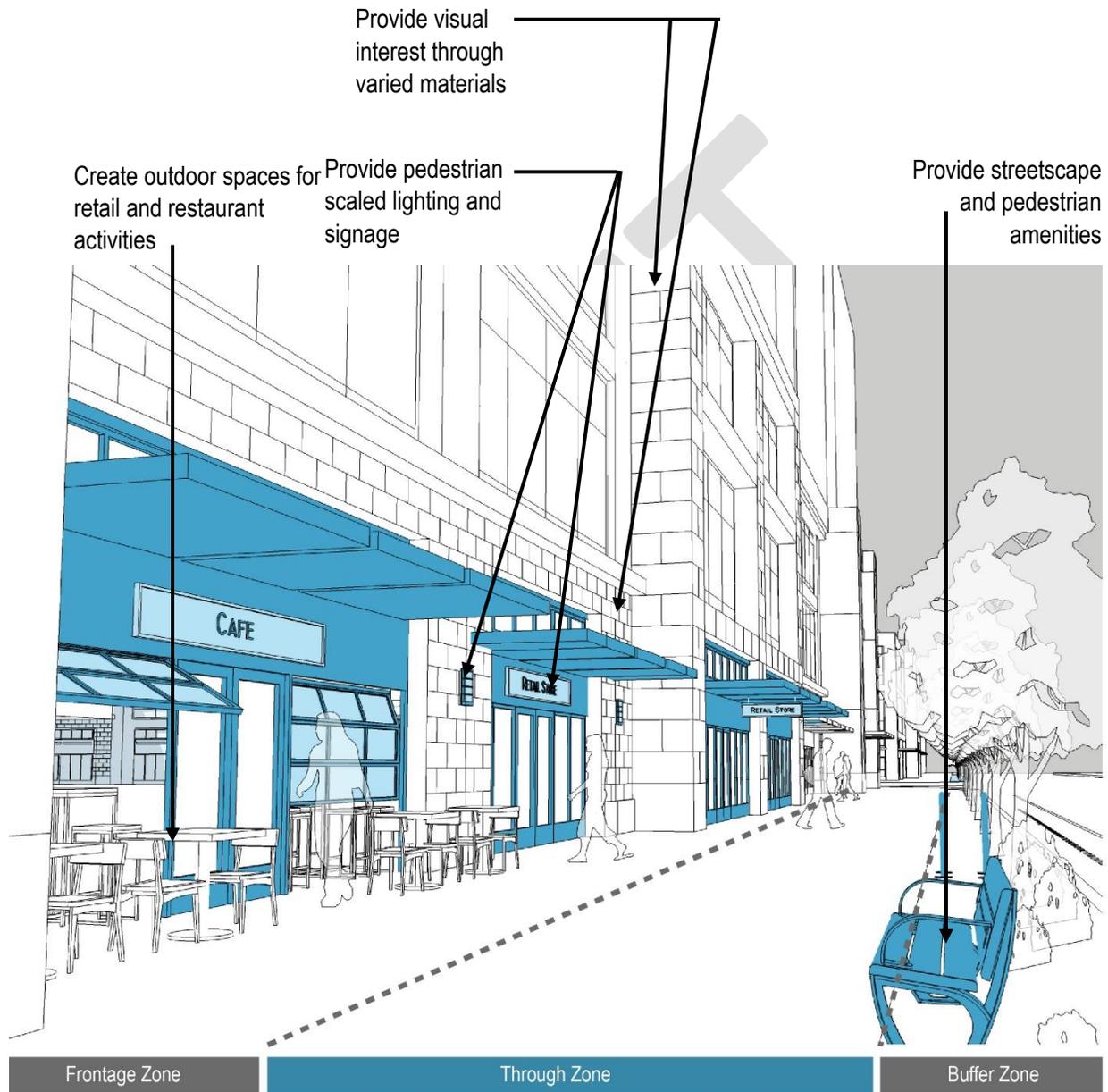


Ensure public spaces are visible and oriented towards sidewalks and other pedestrian connections

Orient towers to preserve solar access to existing public spaces

**20.25A.170 Streetscape and Public Realm****A. Streetscapes**

- 1 Define the Pedestrian Environment.
  - a. Intent. A building should provide a continuous, visually rich pedestrian experience along its ground-floor or second floor street front where active uses are present
  - b. Guidelines.
    - i. The most important part of a building to a pedestrian is its ground floor which a person experiences walking past or entering the building. This “pedestrian experience zone” should provide a sense of enclosure, and a continuous and comfortable street edge for the pedestrian. Ground floor building transparency should foster interaction between the public and private realms;
    - ii. Provide windows that are transparent at the street level;
    - iii. Create visual interest on walls by using a variety of forms, colors, and compatible cladding materials;
    - iv. Facades should provide a provide a varied pedestrian experience by using bays, columns, pilasters, or other articulation at the street level;
    - v. Weather protection should help to define the upper edge of the pedestrian experience zone. A change in materials and scale will further defined this zone; and
    - vi. Signs and lighting at the ground level should complement the pedestrian scale; and
    - vii. Provide building edges that maintain strong visual and physical connections to the sidewalk.

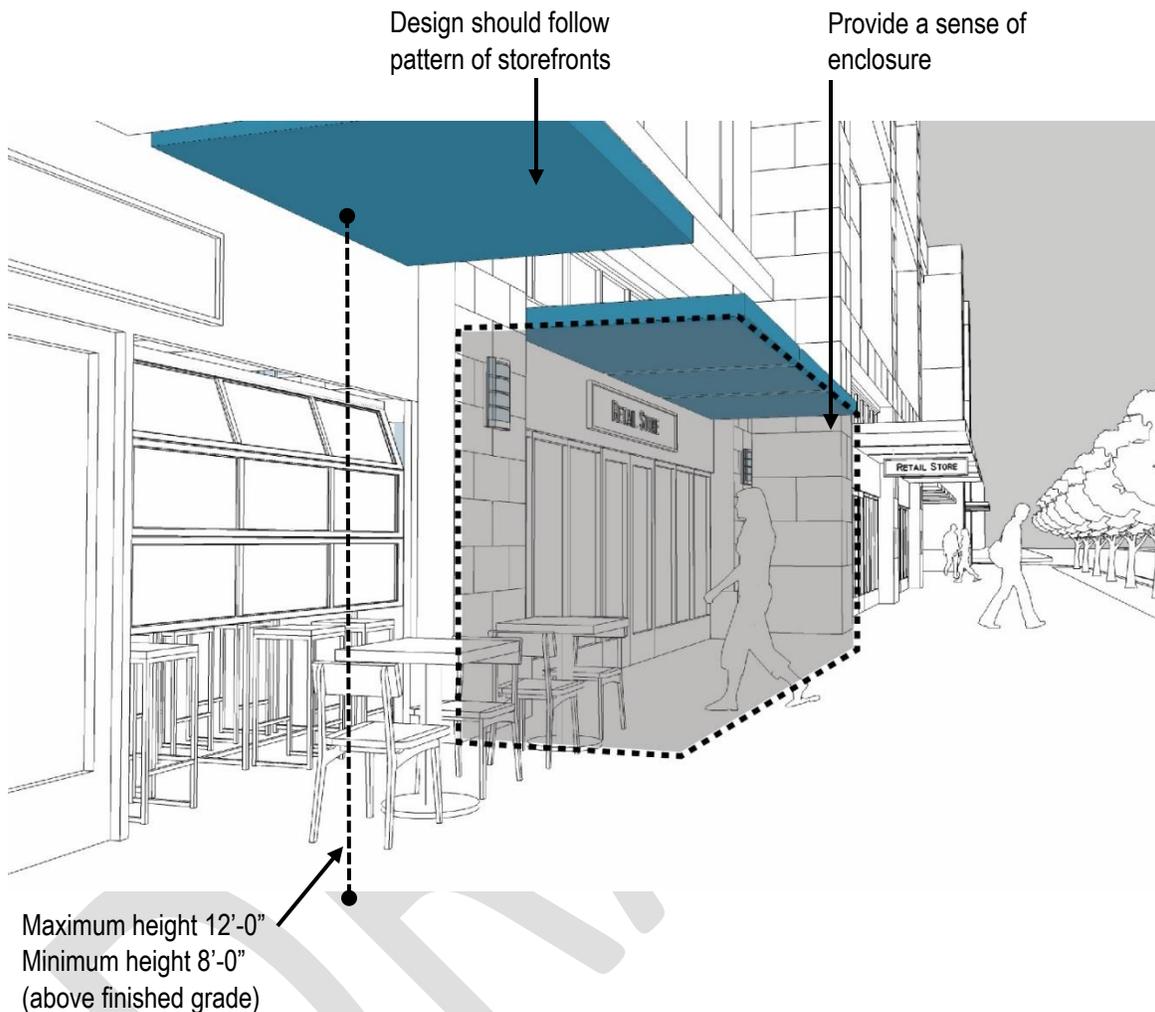


2. Protect Pedestrians from the Elements.

a. Intent. Provide pedestrians with protection from wind, sun, and rain while allowing light to filter through to the occupants below.

b. Guidelines.

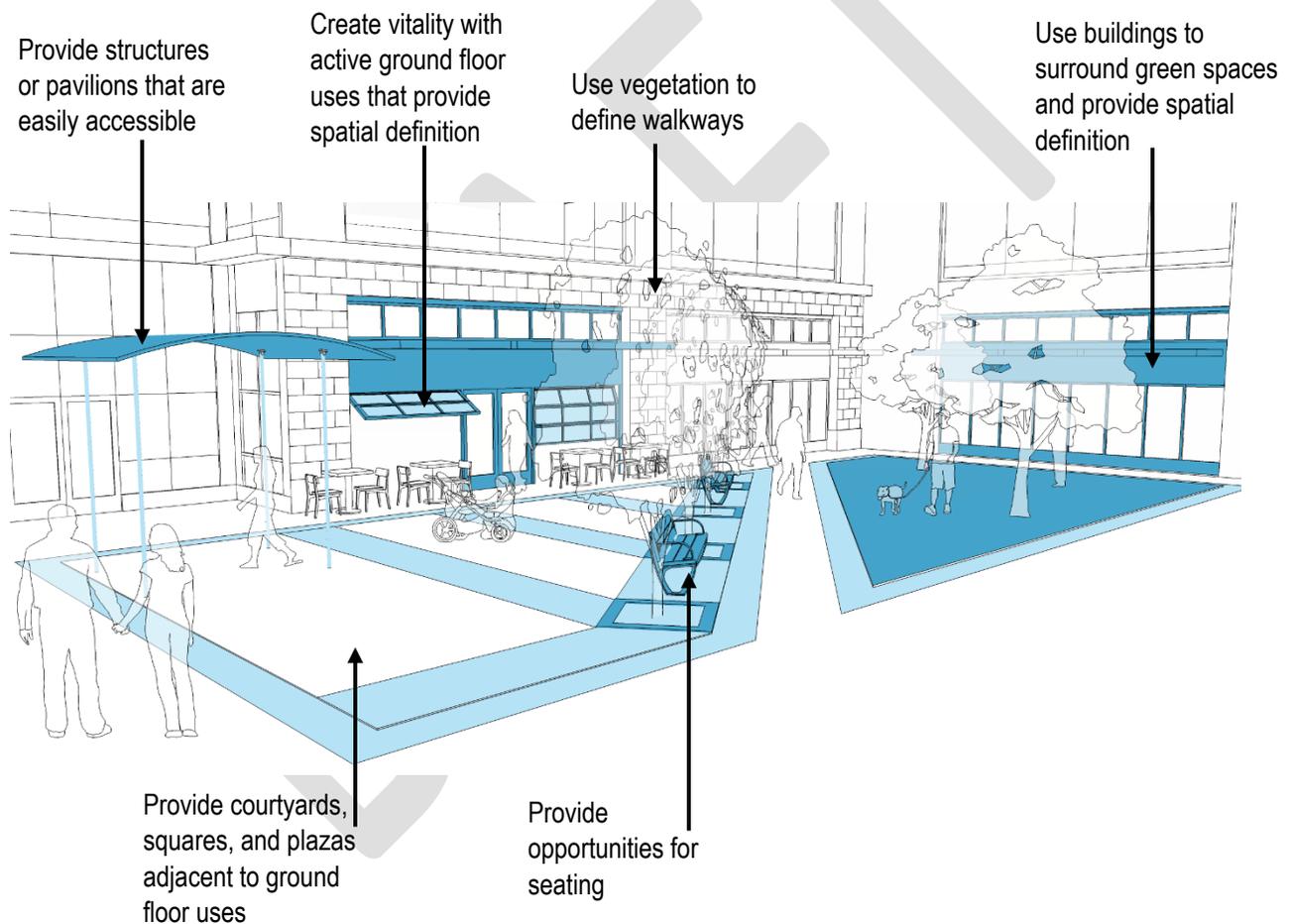
- i. Weather protection along the ground floor of buildings should protect pedestrians from rain and provide shade in summer, but allow some daylight penetration;
- ii. The design of weather protection should be an integral component of the building façade;
- iii. Weather protection should be in proportion to the building and sidewalk, and not so large as to impact street trees, light fixtures, or other street furniture;
- iv. Weather protection should assist in providing a sense of enclosure for the pedestrian;
- v. Use durable materials for weather protection;
- vi. Awning and marquee designs should be coordinated with building design.
- vii. The minimum height for awnings or marquees is 8 feet above finished grade, or 8 feet above the upper level walk except as otherwise required in the International Building Code, as adopted and amended by the City of Bellevue.
- viii. The maximum height for awnings or marquees is 12 feet above finished grade or 12 feet above the upper level walk;
- ix. Pavement below weather protection should be constructed to provide for drainage;
- x. Weather protection should have a horizontal rather than a sloping orientation along the building elevation; and
- ix. Weather protection should follow the pattern of storefronts.



### 3. Create a Variety of Outdoor Spaces.

- a. Intent. Provide comfortable and inviting outdoor spaces for a variety of activities during all hours and seasons.
- b. Guidelines.
  - i. Outdoor gathering spaces should be inviting and maximize opportunities for use. They should be spatially well-defined, inviting, secure, easy to maintain. They may be intimate and quiet or active and boisterous;
  - ii. All outdoor areas should work well for pedestrians and provide space for special events, as well as passive activities;
  - iii. Provide courtyards, squares, and plazas to enhance adjacent ground floor uses.

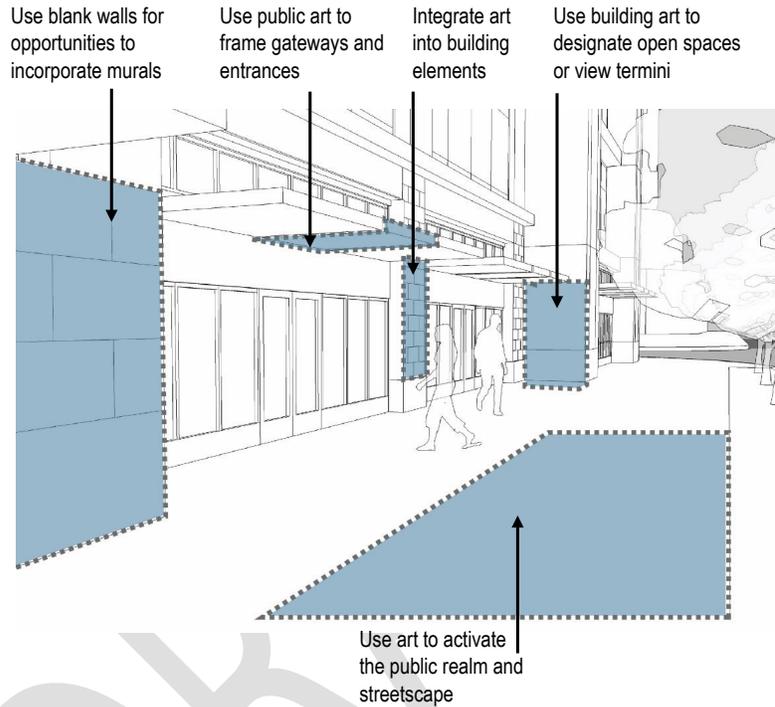
- iv. Use buildings to surround green spaces and give the space visual definition. Vitality can be generated by active ground floor uses and programming within the space;
- v. Use trees, shrubs, and plants to help define walkways, create transitions from open spaces to the street, and provide visual interest;
- vi. Provide for outdoor spaces that can support active uses such as farmers' markets, festivals, and community events.
- vii. Provide structures, pavilions, and seating areas that are easily accessible and feel safe and secure during day and evening hours; and
- viii. Provide pedestrian walkways and courtyards in residential or office development areas.



#### 4. Provide Places for Stopping and Viewing.

- a. Intent. People-watching, socializing, and eating are restful and pleasurable activities for the pedestrian; providing special places where they can do these activities increases the pedestrian's sense of enjoyment. Seating and resting places can add vitality to the urban environment. People will use available seating in open, well-designed areas, not in secluded or highly exposed areas.

- b. Guidelines.
  - i. Use formal benches, moveable seating, and informal seating areas such as wide steps, edges of landscaped planters and low walls;
  - ii. Provide more seating areas near active retail establishments especially outside eating and drinking establishments and near food vendors;
  - iii. Provide seating adjacent to sidewalks and pedestrian walkways;
  - iv. Create places for stopping and viewing adjacent to and within parks, squares, plazas, and courtyards; and
  - v. Create a sense of separation from vehicular traffic.
  - vi. Provide comfortable and inviting places where people can stop to sit, rest and visit.
5. Integrate Artistic Elements.
  - a. Intent. Artistic elements should complement the character of a site, building or district as a whole. Art enriches the development by making buildings and open spaces more engaging and memorable. Art is integral to creating a memorable experience for those who live, work, and visit Downtown, especially when the art is integrated into the design of the building or outdoor space. To maximize the opportunities for art on a site, applicants are encouraged to include artists on design teams.
  - b. Guidelines.
    - i. Use art to provide a conceptual framework to organize open spaces including plazas, open spaces, setbacks, and streetscapes;
    - ii. Use art to mark entryways, corners, gateways and view termini;
    - iii. Integrate art into building elements, including but not limited to: facades, canopies, lighting, etc.;
    - iv. Designate a location for the artwork that activates the public realm and is in scale with its location; and
    - v. Use materials and methods that will withstand public use and weathering if sited outdoors.



6. Orient Lighting toward Sidewalks and Public Spaces.
  - a. Intent. Pedestrian-scaled lighting should be used to highlight sidewalks, [bike racks and lockers](#), street trees, and other features, and harmonize with other visual elements in the subarea.
  - b. Guidelines.
    - i. Pedestrian-scaled lighting should be provided along pedestrian walkways and public open spaces;
    - ii. Lighting should be compatible among projects within neighborhood districts to accentuate the subareas.
    - iii. Fixtures should be visually quiet as to not overpower or dominate the streetscape.
    - iv. Lighting may also be used to highlight trees and similar features within public and private plazas, courtyards, walkways and other similar outdoor areas and to create an inviting and safe ambiance;
    - v. Use lighting to highlight landscape areas.

**Comment [BT(82):** Added in response to request from Planning Commission.

- vi. Integrate and conceal fixtures into the design of buildings or landscape walls, handrails, and stairways;
- vii. Install foot lighting that illuminates walkways and stairs;
- viii. Use energy-efficient lighting, such as LED;
- ix. Direct bollard lighting downward toward walking surfaces;
- x. Provide festive lighting along signature streets on buildings and trees; and
- xi. Decorative lighting may be used in open spaces to make the area more welcoming.

7. Orient Hanging and Blade Signs to Pedestrians.

a. Intent. Hanging signs should be oriented to the pedestrian and highly visible from the sidewalk. Hanging signs can contribute significantly to a positive retail and pedestrian environment and reinforce a sense of place. Signs shall comply with the provisions of the Chapter 22.10B, BCC (Sign Code).

b. Guideline.

- i. Signs should not overwhelm the streetscape. They should be compatible with and complement the building’s architecture, including its awnings, canopies, lighting, and street furniture;
- ii. Sign lighting should be integrated into the facade of the building;
- iii. Signs should be constructed of high-quality materials and finishes;
- iv. Signs should be attached to the building in a durable fashion; and
- v. Signs should be constructed of individual, three-dimensional letters, as opposed to one single box with cutout flat letters.

Comment [BT(83)]: From Bel-Red Code.

**B. Right-of-Way Designations**

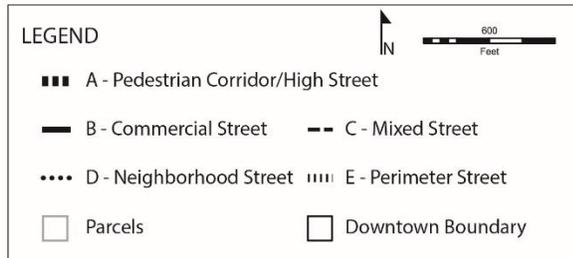
Introduction: The Right-of-Way Designations provide design guidelines for the streetscape organized by Downtown streets. These designations are a representation of the Downtown vision for the future, rather than what currently exists. The designations create a hierarchy of rights-of-way reflecting the intensity of pedestrian activity. The “A” Rights-of-Way are those streets that have the highest amount of pedestrian activity, while the “D” Rights-of Way would have a smaller amount of pedestrian activity. These guidelines are intended to provide activity, enclosure, and protection on the sidewalk for the pedestrian.

Comment [HC84]: MOVED from Design Guideline Building/Sidewalk Relationships IV.E and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.

Figure 20.25A.170.B



**DOWNTOWN BUILDING/SIDEWALK  
RELATIONSHIP DESIGNATIONS**



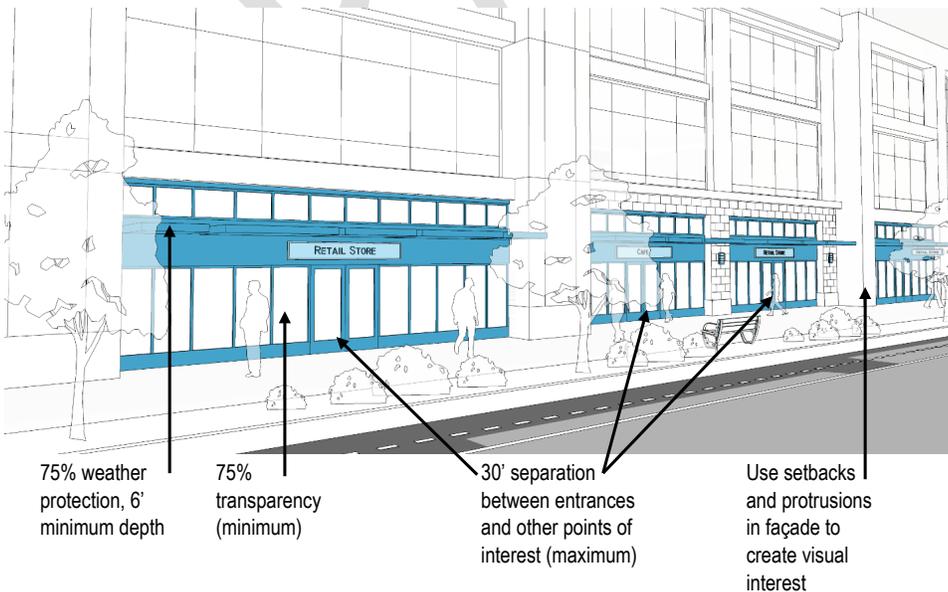
1. Pedestrian Corridor / High Streets - A Rights-of-Way

a. Intent. Rights-of-way designated 'A' should have the highest orientation to pedestrians. This shall be achieved by emphasizing the design relationship between the first level of the structure and the horizontal space between the structure and the curb line. This relationship should emphasize, to the greatest extent possible, both the physical and visual access into and from the structure, as well as the amenities and features of the outside pedestrian space. In order to achieve the intended level of vitality, design diversity, and people activity on an 'A' right-of-way, Active Uses should be provided for in the design.

b. Standards and Guidelines

- i. Transparency: 75% minimum.
- ii. Weather Protection: 75% minimum, 6 feet deep. When a building is adjacent to two or more rights-of-way, weather protection shall be provided for the two rights-of-way with the highest pedestrian orientation. Refer to LUC 20.25A.170.A.2 for more guidelines on weather protection;
- iii. Points of Interest: Every 30 linear feet of the façade, maximum;
- iv. Vehicular Parking: No surface parking or vehicle access should be allowed directly between sidewalk and main pedestrian entrance; and
- v. 100 % of the street wall within the project limit shall incorporate Active Uses.

**Comment [HC85]:** MOVED from Design Guideline Building/Sidewalk Relationships IV.E and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.



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2. Commercial Streets - B Rights-of Way

a. Rights-of-way designated 'B' shall have moderate to heavy orientation to pedestrians. This should be achieved by developing the design so that there is a close relationship between exterior and internal activities with respect to both physical and visual access. Design attention should be given to sidewalk related activities and amenities. 'B' rights-of-way are to provide a diverse and active connection between the Active Use dominated "A" rights-of-way, and the other Downtown rights-of-way.

b. Standards and Guidelines.

i. Transparency: 75% minimum;

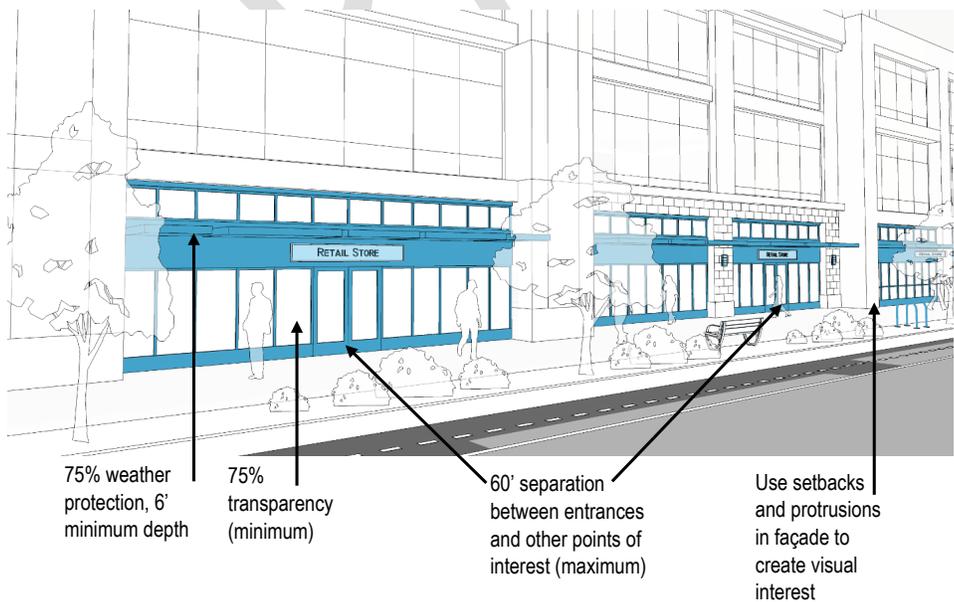
ii. Weather Protection: 75% minimum, 6 feet deep minimum. When a building is adjacent to two or more rights-of-way, weather protection shall be provided for the two rights-of-way with the highest pedestrian orientation. Refer to LUC 20.25A.170.A.2 for more guidelines on weather protection;

iii. Points of Interest: Every 60 linear feet of the façade, maximum;

iv. Vehicular Parking: No surface parking or vehicle access directly between perimeter sidewalk and main pedestrian entrance; and

v. 100% of the street wall shall incorporate Active Uses and service uses, at least 50% percent of which shall be Active Uses.

**Comment [HC86]:** MOVED from Design Guideline Building/Sidewalk Relationships IV.E and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.



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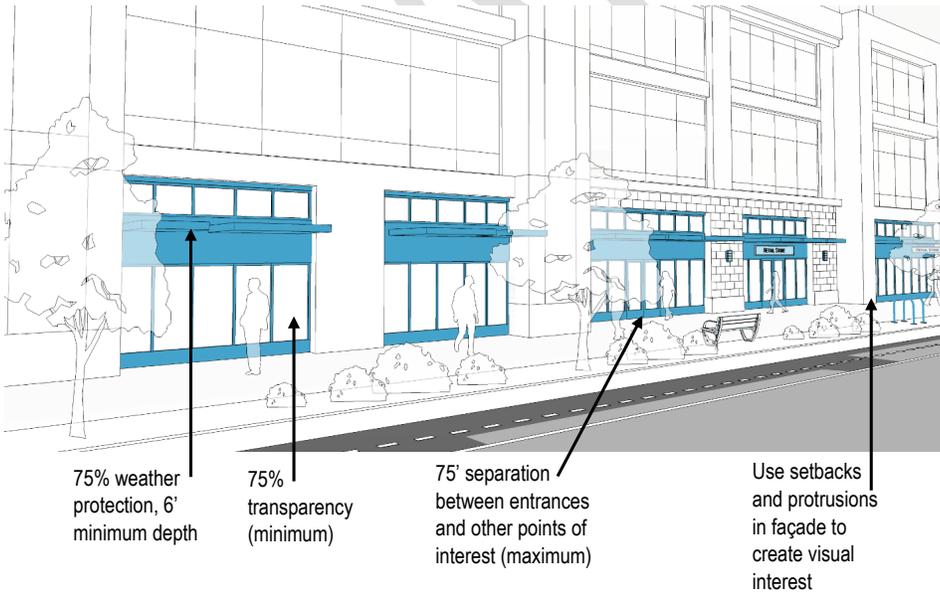
3. Mixed Streets - C Rights-of-Way

a. Intent. Rights-of-way designated 'C' shall have moderate orientation to pedestrians. This shall be achieved by designing some relationship between exterior and interior activities with respect to visual access. Design attention should be given to sidewalk related activities and amenities. 'C' rights-of-way are to provide a major pedestrian connection between the core area and residential areas surrounding Downtown.

b. Standards and Guidelines.

- i. Transparency: 75%;
- ii. Weather Protection: 75%. When a building is adjacent to two or more rights-of-way, weather protection shall be provided for the two rights-of-way with the highest pedestrian orientation. Refer to LUC 20.25A.170.A.2 for more guidelines on weather protection;
- iii. Points of Interest: 75 linear feet of façade, maximum; and
- iv. Vehicular Parking: No surface parking or vehicle access directly between perimeter sidewalk and main pedestrian entrance.
- v. 50% of street wall shall incorporate Active Uses or service uses.

**Comment [HC87]:** MOVED from Design Guideline Building/Sidewalk Relationships IV.E and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.



4. Neighborhood Streets - D Rights-of-Way.

a. Intent. Rights-of-way designated 'D' shall have low to moderate orientation to pedestrians and should complement residential uses. This shall be achieved by designing some relationship between exterior and interior activities with respect to visual access and by incorporating landscape features that soften the urban edge. Design attention should be given to sidewalk related activities and amenities that complement these areas' residential character and moderate the urban environment, while providing attractive visual access for pedestrians and other passersby.

b. Standards and Guidelines.

- i. Transparency: Blank walls and inactive uses may occupy no more than 25% of the façade;
- ii. Weather Protection: 50%. When a building is adjacent to two or more rights-of-way, weather protection shall be provided for the two rights-of-way with the highest pedestrian orientation Refer to LUC 20.25A.170.A.2 for more guidelines on weather protection;
- iii. Points of Interest: 90 linear feet of façade, maximum; and
- iv. Vehicular Parking: No surface parking or vehicle access directly between perimeter sidewalk and main pedestrian entrance.

**Comment [HC88]:** MOVED from Design Guideline Building/Sidewalk Relationships IV.E and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.

5. Perimeter Streets – E Rights-of-Way.

a. Intent. Rights-of-way designated 'E' may have a lower volume of pedestrians. Such rights-of-way are intended to provide a visual buffer between the Downtown and surrounding residential neighborhoods. Emphasis shall be placed on how the street is viewed from outside the Downtown. These streets should provide a graceful transition to adjacent residential districts.

b. Standards and Guidelines.

- i. Transparency: Blank walls and inactive uses may occupy 25% of the façade;
- ii. Weather Protection: At entries;
- iii. Points of Interest: Every 90 linear feet of façade, maximum; and
- iv. Vehicular Parking: No surface parking or vehicle access directly between perimeter sidewalk and main pedestrian entrance.

**Comment [HC89]:** MOVED from Design Guideline Building/Sidewalk Relationships IV.E and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.

C. Alleys with Addresses

1. Intent. Alleys with Addresses act as active through-block connections and are faced with a mix of Active Uses and residential uses. Alleys with Addresses shall have a high orientation to pedestrians with any vehicular activity being secondary to the pedestrian. This is achieved by emphasizing the relationship between the vertical street wall and the ground plane devoted to through-block access and the public right-of-way. This relationship should emphasize to the greatest extent possible, both

**Comment [HC90]:** NEW - in response to CAC Recommendations and Updated Comprehensive Plan.

Blank walls and inactive uses may occupy no more than 25% of the facade

75% weather protection, 6' minimum depth

90' separation between entrances and other points of interest (maximum)

Use setbacks and protrusions in façade to create visual interest

physical and visual access into and from the structure at frequent intervals, as well as the amenities and features of the outside pedestrian space. In order to achieve the intended level of vitality, design diversity, and pedestrian activity on an Alley with an Address, retail restaurant, and other commercial entries shall be provided for in the design. Ground floor live/work units and residential units with stoops can also help to bring life to the paths with multiple entrances and meaningful transparency along the building frontage.

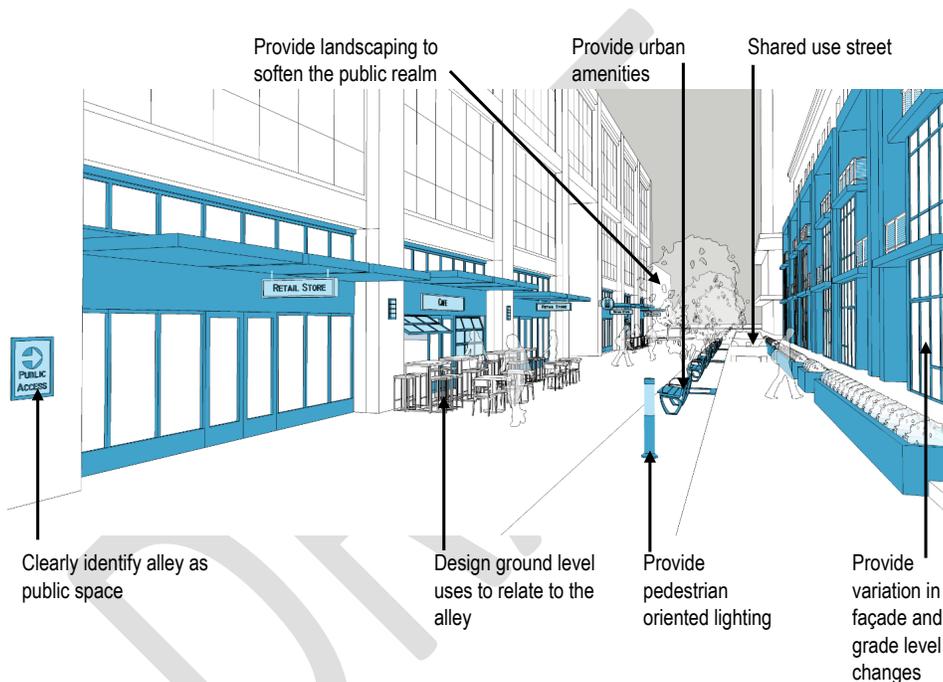
## 2. Standards

- a. At least one entire side of the Alley with an Address shall comply with guidelines i. through v. for Pedestrian Corridor / High Streets - 'A' rights-of-way found in paragraph B of this section.
- b. Minimum dimension for an alley with an address shall be 20 feet wide exclusive of drive lane widths.
- c. Alleys with Addresses shall be open to the public 24 hours a day and 7 days a week. Signs shall be posted in clear view stating the Alley with an Address is open to the public during these hours.
- d. Each tenant space shall have an exterior entrance facing onto the alley and be addressed off the alley.

## 3. Guidelines

- a. Materials and design elements such as paving, lighting, landscaping, and signage should incorporate design elements of the adjacent right-of-way to identify it as part of the public realm.
- b. The Alley with an Address may be covered in some areas but should not be predominantly enclosed.
- c. Access from the public right-of-way should be encouraged and enhanced by multiple clear points of entry that identify the Alley as a public space. Access through the site should form a clear circulation logic with the street grid.
- d. Wayfinding, signage, symbols and lighting should identify the alley as a public space.
- e. Design of the ground level and upper level retail should relate to the alley and be distinct from the rest of the building. This can be achieved through the use of common architectural style, building materials, articulation, and color.
- f. Variation should be incorporated into the design by including dimensional and level changes at both the ground plain and building walls.
- g. Pedestrian-oriented lighting should be provided that is compatible with the landscape design, improves safety and minimizes glare. Design should be high quality, and materials should be durable and convey a sense of permanence.
- h. Landscaping should be used to animate and soften the space. The use of art and water is also encouraged.

- i. Alley design should not incorporate loading, refuse handling, parking, and other building and site service uses at the ground level facade, though such activities may be conducted in an Alley when reasonable alternatives are not available. Operational procedures should encourage the above-referenced activities after normal business hours.
- j. Provide complete project design for all phases within a project limit to ensure coordinated design and construction across multiple phases.



**D. Upper Level Active Uses**

1. Intent. Upper level active uses are intended to activate the ground level pedestrian environment. This is accomplished through extensive visual access to the upper level from the exterior, convenient and frequent access from the street or Alley with an Address, clear line of sight from grade and visibility of ongoing activity within the upper level active use. An upper level active use should be designed and managed so as to draw the attention and interest of the pedestrian to the upper level and to increase opportunities for interaction and movement between the ground and upper levels. To achieve the intended level of vitality, design diversity, and human activity at the upper level active use, the following characteristics shall be provided in the design.
2. Standards.
  - a. Points of physical vertical access between the ground level and upper levels shall be located no more than 150 feet apart to facilitate frequent pedestrian access to upper level active uses.

**Comment [HC91]:** MOVED from Design Guideline Building/Sidewalk Relationships IV.E and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.

**Comment [HC92]:** MOVED to be consistent with guideline organization in other sections (standards first, followed by guidelines).

- b. Each tenant space shall have an exterior entrance.
  - c. Floor area and building facades directly below upper level active uses shall comply with guidelines i. through v. for Pedestrian Corridor / High Streets - 'A' rights-of-way found in paragraph B of this section.
  - d. Visual access shall not be impaired by small, enclosed display windows, window coverings and tinted or reflective glazing.
3. Guidelines.
- a. Architectural treatment of the upper level active use space should read as part of the ground level and be distinct from the architectural treatment of the building above.
  - b. Extensive visual access into the upper level retail space should be available from the sidewalk or the alley with an address with frequent clear lines of sight from grade.
  - c. Lighting and signage should be used to enliven and draw attention to upper level arcade or balcony, or directly through ground level retail for a multilevel single tenant.

DRAFT

20.25A.180 Building Design (Base, Middle, and Top)

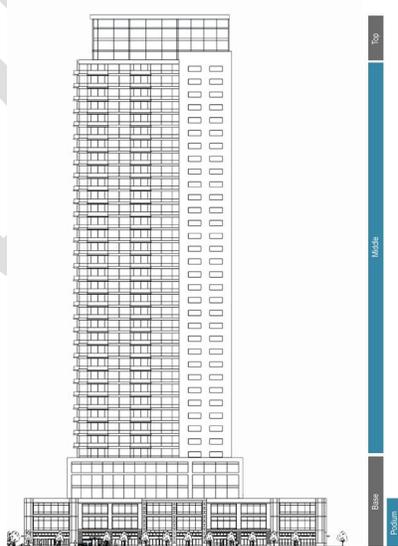
**Comment [HC93]:** NEW – Incorporated CAC Recommendations, Updated Comprehensive Plan Policy direction and Design Criteria from LUC 20.25A.110, and aligned with BelRed code organization (LUC 20.25D.150). Improves Land Use Code Consistency and Ease of Use.

**A. Introduction**

A tall building should consist of three carefully integrated parts: a building base, middle, and top.

**B. Overall Building Design**

- 1. Encourage High Quality Materials.
  - a. Intent. Create a sense of permanence in Downtown through the use of high quality building materials. Quality facade materials can provide a sense of permanence and bring life and warmth to a neighborhood. Facade and building materials must enhance the street environment while complementing the aesthetic quality of adjacent buildings.
  - b. Guidelines.
    - i. Articulation of façade materials should be bold, with materials that demonstrate depth, quality and durability;
    - ii. It should be apparent that the materials have substance and mass, and are not artificial, thin “stage sets” applied only to the building’s surface;
    - iii. Use natural high quality materials such as brick, finished concrete, stone, terra cotta, cement stucco, and wood in natural or subdued building colors; and
    - iv. Use varied, yet compatible cladding materials. Window and storefront trim should be well-defined and contribute to the overall aesthetic quality.



2. Provide Interesting Building Massing.

a. Intent. Use scale-defining articulation and other techniques to break up the longitudinal dimensions of buildings, creating a comfortable sense of enclosure and human scale by establishing a dynamic, continuous street edge.

b. Guidelines.

i. The length and breadth of a building should be pedestrian-scaled. Portions of a large building mass should be broken into smaller, appropriately scaled modules, with changes in plane indicated by bold projections and recesses. This results in larger elevations being reduced to human scale;

ii. Vertical and horizontal elements should be used to create a human scale and form a coherent aesthetic providing visual interest to the pedestrian;

iii. Reduce the scale of elevations both horizontally and vertically;

iv. Buildings over three stories should exhibit a vertically articulated tripartite facade division – base, middle, and top through material and scale; and

v. Design should feature vertical articulation of windows, columns, and bays.



**C. Connected Floor Plates**

1. Intent. The intent of connecting floor plates is to allow a development to gain the benefits of a connected building while having the appearance of two or more separate buildings. The connection or corridor should recede from view as compared to the floor plates.

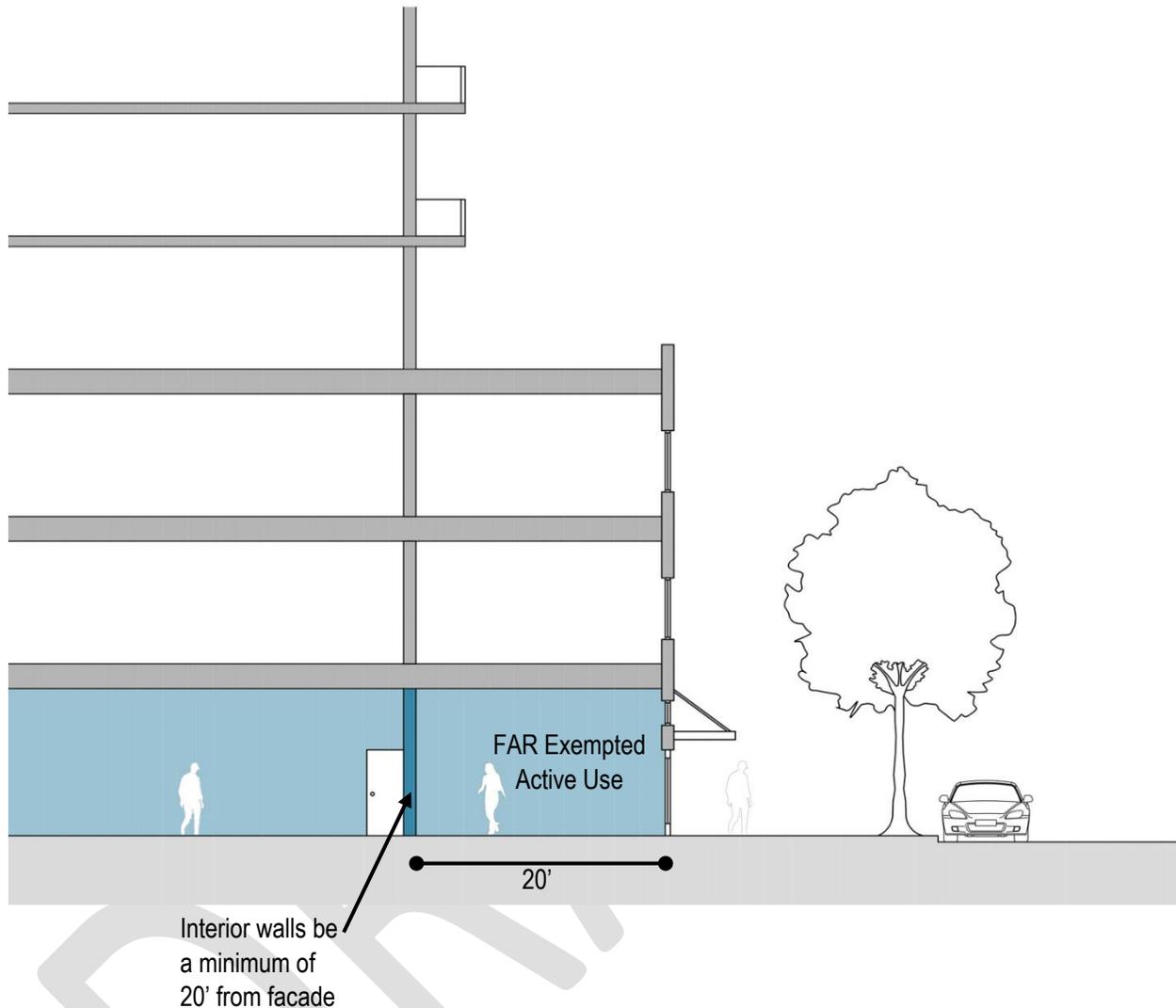
2. Guidelines.

a. From the right-of-way, the development should appear as separate and distinct buildings to the pedestrian: and

- b. The connection should appear to be distinct from the adjacent masses.

#### **D. Building Base (Podium)**

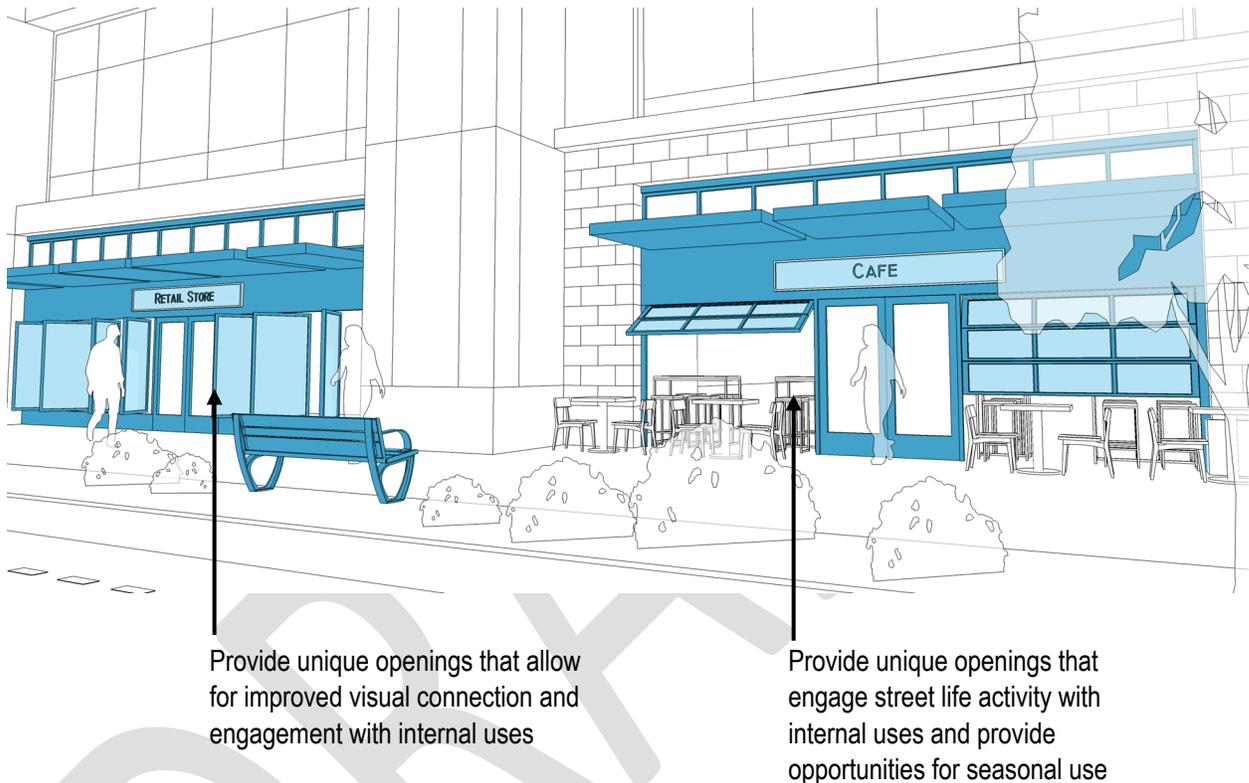
1. Introduction. The role of the building base is to relate tall buildings to the human scale and fit harmoniously within the existing or planned street wall context; define the edges of adjacent streets, parks, and open space in good proportion; and maintain access to sunlight for pedestrians, open and public spaces, and adjacent properties.
2. Articulate the building base with high-quality materials and design elements that fit with the aesthetic quality of neighboring buildings and contribute to the pedestrian scale and experience.
  - a. Intent. The building façade should provide architectural expression that relates to its surroundings and include materials and elements that can be viewed and appreciated at the speed, scale, and proximity of the pedestrians.
  - b. Guidelines.
    - i. Provide architectural expression and design elements such as cornice lines, window bays, entrances, canopies, building materials, and fenestration, in a pattern, scale, and proportion that relate to neighboring buildings and engages pedestrians;
    - ii. Use high-quality, durable materials, an appropriate variety in texture, and carefully crafted details to achieve visual interest and longevity for the façade. Environmentally sustainable materials and construction methods are encouraged; and
    - iii. A building's profile should be compatible with the intended character of the area and enhance the streetscape. In some cases, it may be appropriate to mark an entryway with a distinct form, such as a tower, to emphasize the significance of the building entry.
3. Provide clear, unobstructed views into and out from ground floor uses facing the public realm.
  - a. Intent. At street level a series of unobstructed views into and out of buildings enriches the urban experience for pedestrians and building occupants. Transparency enhances visual interest, vitality, and increases safety for all.
  - b. Guidelines.
    - i. Transparent windows should be provided on facades facing streets, parks, and open spaces;
    - ii. Views into and out from ground floor Active Uses may not be obstructed by window coverings, internal furnishings, or walls.
    - iii. Interior walls may be placed a minimum of 20 feet from the window on the façade where Active Uses are a part of an exemption in the FAR Amenity System.



#### 4. Design Inviting Retail and Commercial Entries.

- a. Intent. Design retail and commercial entries to create an open atmosphere that draws customers inside, while creating opportunities to engage the public.
- b. Guidelines.
  - i. Primary entries to retail and commercial establishments should be transparent, allowing passersby to see the activity within the building and bring life and vitality to the street;
  - ii. Architectural detail should be used to help emphasize the building entry including canopies, materials, and depth;
  - iii. Building lighting should emphasize entrances;
  - iv. Provide transom, side lights, or other combinations of transparency to create visual interest;

- v. Provide double or multiple door entries; and
- vi. Provide a diverse and engaging range of doors, openings and entrances to the street such as pivoting, sliding or roll up overhead entrances.



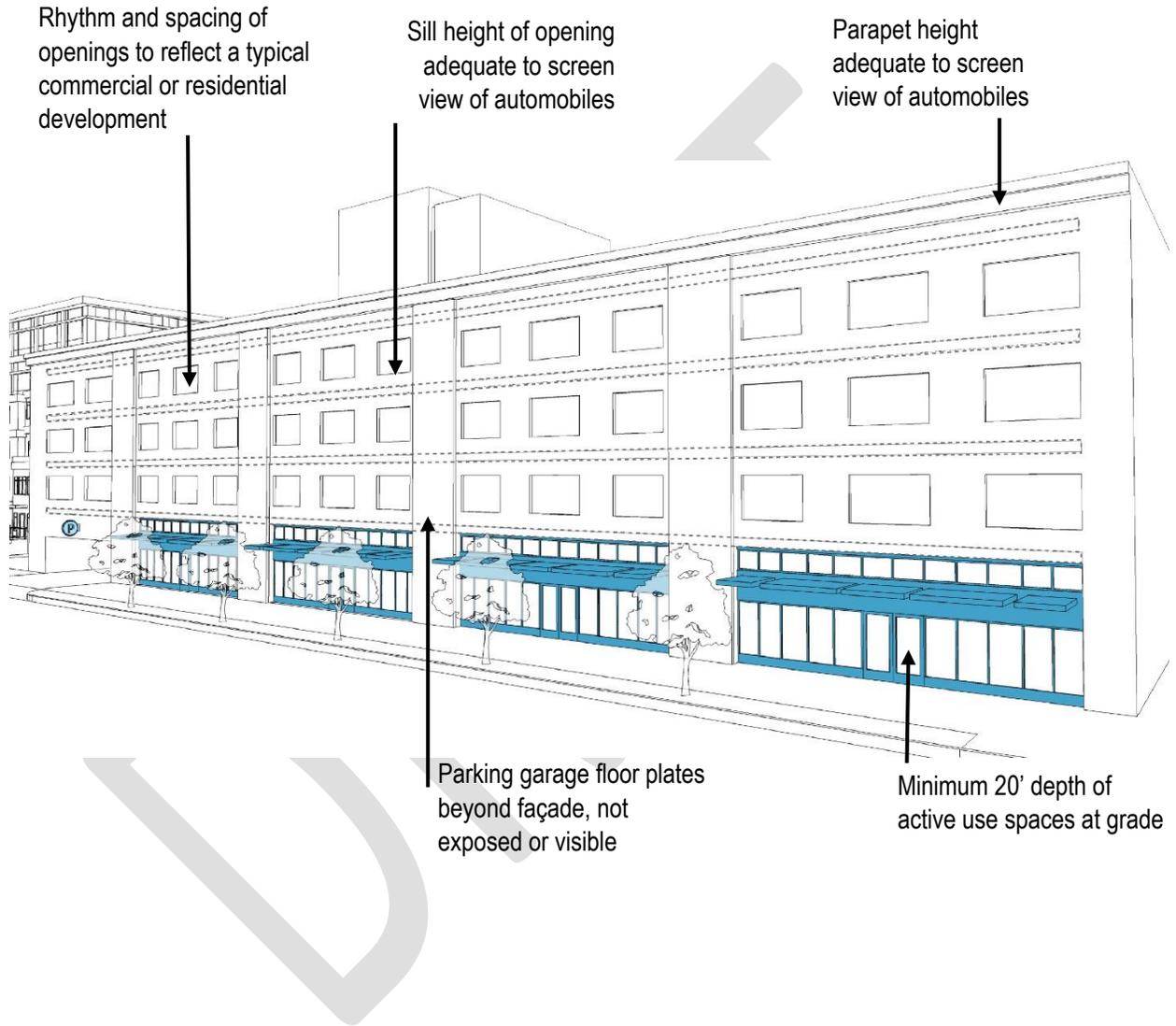
### 3. Encourage Retail Corner Entries.

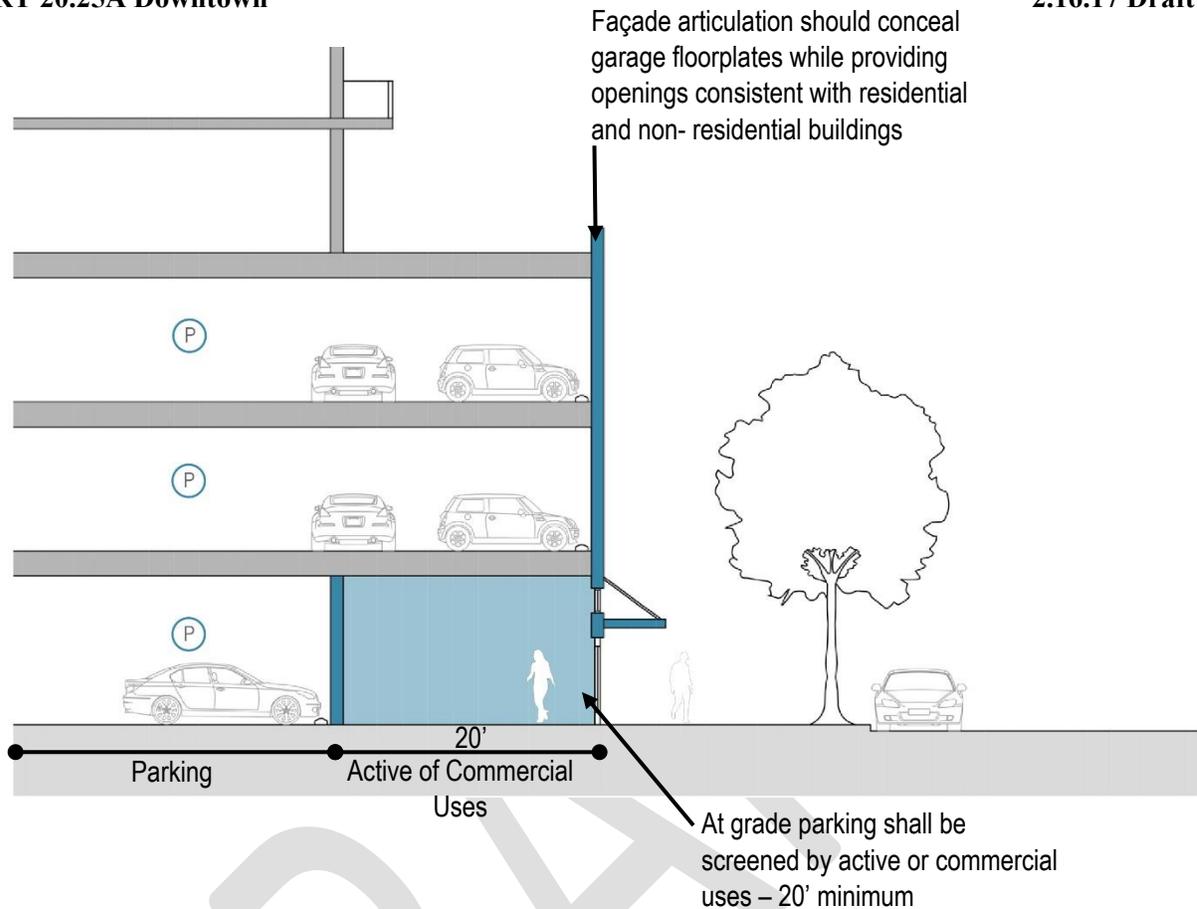
- a. Intent. Use corner entries to reinforce intersections as important places for pedestrian interaction and activity.
- b. Guidelines.
  - i. Locate entry doors on the corners of retail buildings wherever possible. Entries at 45-degree angles and free of visual obstructions are encouraged;
  - ii. Locate primary building entrance at the corner;
  - iii. Use weather protection, special paving, and lighting, to emphasize corner entry;
  - iv. Use architectural detailing with materials, colors, and finishes that emphasize the corner entry; and
  - v. Use doors with areas of transparency and adjacent windows.

### 4. Encourage Inviting Ground Floor Retail and Commercial Windows.

- a. Intent. Use transparency to enhance visual interest and to draw people into retail and commercial uses.
  - b. Guideline.
    - i. Retail and commercial uses should use unobstructed windows that add activity and variety at the street level, inviting pedestrians into retail and commercial uses and providing views both in and out;
    - ii. Use clear window glazing;
    - iii. Provide operable windows that open by pivoting, sliding or shuttering for restaurants, cafes, retail and commercial activity;
    - iv. Install transom windows or other glazing combinations that promote visual interest.
5. Provide Multiple Entrances.
- a. Intent. Multiple entrances break up monotonous facades, enhance visual interest, and enrich the pedestrian experience.
  - b. Guideline. Provide pedestrian entrances at frequent intervals to contribute to variety and intensity.
6. Build Compatible Parking Structures.
- a. Intent. Use design elements to enhance the compatibility of parking garages and integrated structured parking with the urban streetscape.
  - b. Standards and Guidelines.
    - i. Where adjacent to the right-of-way or through-block pedestrian connections, a minimum of twenty feet of the first and second floors measured from the façade inward shall be habitable for commercial activity;
    - ii. Parking garages and integrated structured parking should be designed so that their streetscape interface has a consistent aesthetic through massing and use of materials complementing the vision for the area;
    - iii. On a streetscape, openings should be glazed when adjacent to right-of-way or adjacent to through-block pedestrian connections above the second floor;
    - iv. Openings should be provided adjacent to interior property lines to avoid blank walls and should be glazed to function as windows;
    - v. Parking garage floors should be horizontal to accommodate adaptive reuse;
    - vi. Stairways, elevators, and parking entries and exits should occur at mid-block;
    - vii. Design a single auto exit/entry control point to minimize number and width of driveway openings (entry and exit points may be separated) and potential conflicts;

- viii. Design should include vertical expression of building structure that provides continuity with the surrounding development; and
- ix. Profiles of parking structure floors should be concealed and not visible to the public through façade treatments and materiality.



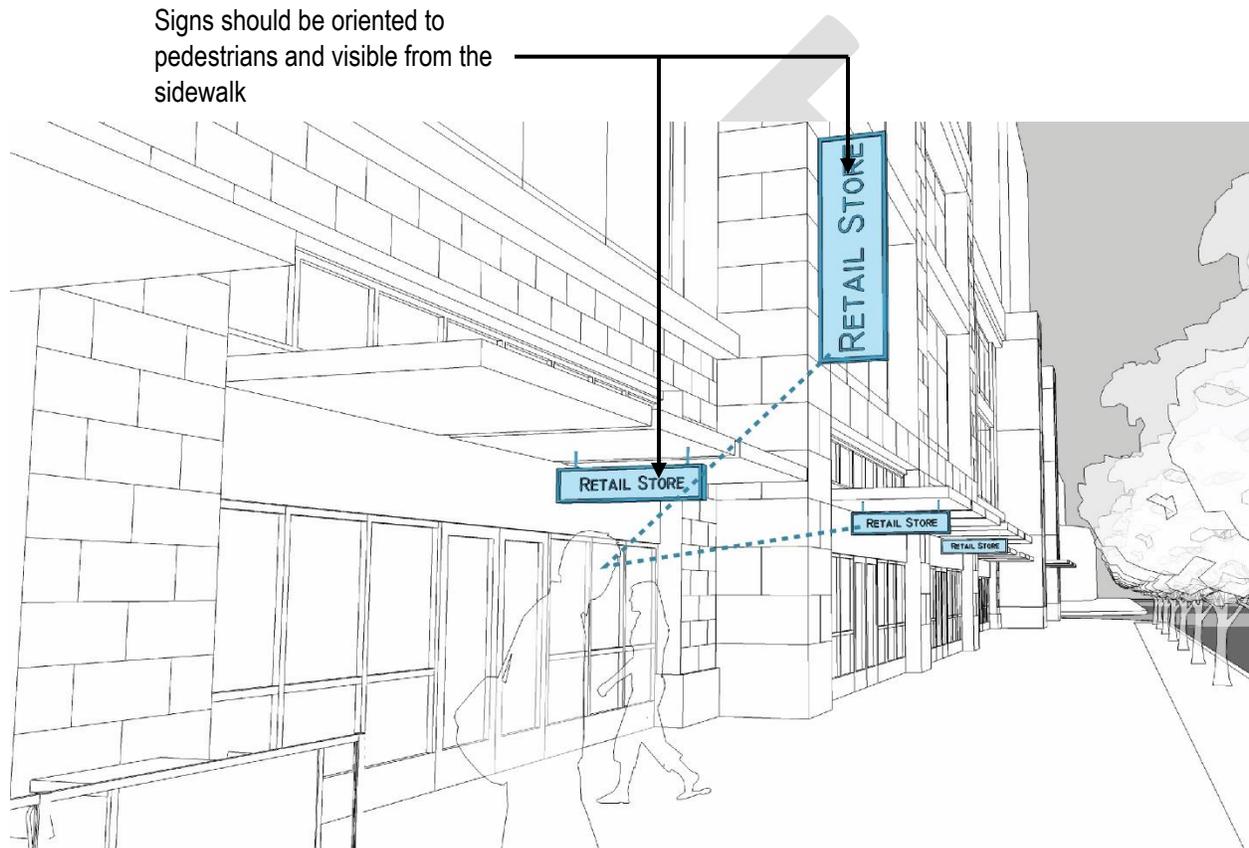


#### 7. Integrate Building Lighting.

- a. Intent. Architectural lighting that enhances and helps articulate building design, including illumination of architectural features and entries, points of interest, uplighting and other effects.
- b. Guidelines.
  - i. Exterior lighting of buildings should be an integral component of the facade composition. Lighting should be used to create effects of shadow, relief and outline that add visual interest and highlight aspects of the building;
  - ii. Lighting should not cast glare into residential units or onto adjacent development or streets;
  - iii. Use accent lighting for architectural features;
  - iv. Provide pedestrian-oriented lighting features;
  - v. Integrate lighting within the landscape; and
  - vi. Provide dimmable exterior lighting.

## 8. Signs.

- a. Intent. Signs may provide an address, identify a place of business, locate residential buildings or generally offer directions and information. Their function should be architecturally compatible with and contribute to the character of the surrounding area. Signs can contribute significantly to a positive retail and pedestrian environment, improve public safety perceptions, and reinforce a sense of place. All signs shall comply with the Chapter 22.10B, BCC (Sign Code).

**E. Middle (Tower)**

## 1. Tower Placement

- a. Intent. Tower placement can directly affect those on the ground plane by affecting wind conditions and the scale of the building as compared to the pedestrian. Thoughtful tower placement can minimize these effects.
- b. Guidelines.
- i. Place towers away from parks, open space, and neighboring properties to reduce visual and physical impacts of the tower and allow the base building to be the primary defining element for the site and adjacent public realm.

- ii. Coordinate tower placement with other towers on the same block and adjacent blocks to maximize access to sunlight and sky view for surrounding streets, parks, open space, and properties.
2. Maximize energy efficiency in tower orientation and articulation.
  - a. Intent. Tower orientation, articulation and other features should be designed to respond to maximize solar orientation and to reduce mechanical heating and cooling.
  - b. Guidelines.
    - i. Orient towers to improve building energy performance, natural ventilation, and daylighting, provided that access to sky view is maintained and adverse wind and shadow impacts are minimized;
    - ii. Vary the design and articulation of each tower façade to respond to changes in solar orientation. Where appropriate, adjust internal layouts, glazing ratios, balcony placement, fenestration, and other aspects of the tower design to manage passive solar gain and improve building energy performance;
    - iii. Where possible, include operable windows to provide natural ventilation and help reduce mechanical heating and cooling requirements; and
    - iv. When multiple towers are proposed, stagger the tower heights to create visual interest within the skyline, mitigate wind, and improve access to sunlight and sky view. In general, variation of five stories or more provides a difference in height that can be perceived at street level.
3. Design tower to provide visual interest and articulation.
  - a. Intent. Tower design should incorporate articulation, design excellence, and sustainable materials.
  - b. Guidelines.
    - i. Incorporate variation and articulation in the design of each tower façade to provide visual interest and to respond to design opportunities and different conditions within the adjacent context; and
    - ii. Articulate tall building towers with high-quality, sustainable materials and finishes to promote design excellence, innovation, and building longevity.
4. Design towers to accommodate changing occupancy requirements.
  - a. Intent. Flexible floor plate and internal layout design features in towers will accommodate changing occupancy requirements.
  - b. Guideline. Where possible, provide internal flexibility within the tower to accommodate changing floor layouts and uses over time. In residential and mixed-use buildings, the inclusion of "break-out" panels or other relevant construction techniques are encouraged to allow residential units to be converted or combined to meet changing occupancy requirements.

5. Promote Visually Interesting Upper Floor Residential Windows.
  - a. Intent. Upper floor residential windows should create an open and inviting atmosphere that adds visual interest and enhances the experience of the building both inside and out.
  - b. Guidelines.
    - i. The windows of a residential building should be pleasing and coherent. Their size and detailing should be of a human scale with regular spacing and a rhythm of similarly shaped windows;
    - ii. Windows should have multiple lights or divisions;
    - iii. Windows should be operable; and
    - iv. Windows should have trim round framed openings and be recessed from the building façade, not flush.

## F. Top

1. Create Attractive Building Silhouettes and Rooflines.
  - a. Intent. Building rooflines should enliven the pedestrian experience and provide visual interest with details that create dynamic and distinct forms.
  - b. Guidelines.
    - i. Building rooflines should be dynamic, fluid, and well-articulated to exhibit design excellence while creating a dynamic and attractive skyline;
    - ii. Include towers or similar vertical architectural expressions of important building functions such as entries;
    - iii. Vary roof line heights; and
    - iv. Incorporate well-detailed cornices that have significant proportions (height and depth) and create visual interest and shadow lines.
2. Foster Attractive Rooftops.
  - a. Intent. Integrate rooftop elements into the building design.
  - b. Guidelines.
    - i. Roof shape, surface materials, colors, and penthouse functions should all be integrated into the overall building design. LUC 20.25A.130 provides guidance for rooftop mechanical equipment;
    - ii. Provide rooftop terraces, gardens, and open spaces;
    - iii. Incorporate green roofs that reduce stormwater runoff; and

- iv. Consolidate and screen mechanical units.
- v. Occupied rooftop amenity areas are encouraged provided that potential noise and light impacts on neighboring developments are minimized.

DRAFT





# Bellevue Planning Commission

## Upcoming Meeting Schedule

<u>Mtg</u>	<u>Date</u>	<u>Agenda Item Topic</u>	<u>Priority</u>	<u>Agenda Type</u>	<u>Location</u>
17-6	22-Mar-17	Downtown Livability Land Use Code	2	Placemaker for study session post public hearing to make recommendation to City Council.	City Hall
17-7	12-Apr-17	Downtown Livability Land Use Code	2	Placemaker for study session post public hearing to make recommendation to City Council.	City Hall
		Planning Commission Post Retreat - Guiding Principles & Public Engagement	1	Commission reviews current guiding principles and public engagement practices and amends, as needed.	
17-8	26-Apr-17	Comprehensive Plan Amendment Cycle Study Session	2	Discussion of plan amendment scope & types of information that will help the Commission in plan amendment review.	City Hall
		Downtown Livability Land Use Code	2	Placemaker for study session post public hearing to make recommendation to City Council.	

Priority-1 (Red) Public Hearing; 2 (Yellow) PC mandated item; 3 (Green) Information only.

The Planning Commission will set public hearings, as needed, when the Commission approaches the conclusion of their deliberations. Please note that dates and agenda topics are subject to change.



**From:** Brittany Barker  
**To:** [PlanningCommission](#)  
**Cc:** [Helland, Carol](#); [King, Emil A.](#); [Stroh, Dan](#); [DowntownLivability](#)  
**Subject:** Comment Letter - Downtown Livability  
**Date:** Wednesday, March 08, 2017 3:16:32 PM  
**Attachments:** [Comment Letter11\\_030817.pdf](#)

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Dear Planning Commission Members,

Attached please find a comment letter regarding Downtown Livability in advance of tonight's meeting and public hearing.

I will bring hard copies for distribution during the public comment period.

Thank you for your consideration and service,

Brittany

**Brittany F. Barker**

Special Projects Manager

10112 NE 10<sup>th</sup> St., Ste 202, Bellevue, WA 98004 | 425.454.8295 x 106

Direct: 425.732.6791 | Fax: 425.732.6793 | [www.fortin-group.com](http://www.fortin-group.com)



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March 8, 2017

*Hand Delivered and Via eMail*

Bellevue Planning Commission  
City of Bellevue  
450 110<sup>th</sup> Ave. NE  
Bellevue, WA 98009

**RE: *Downtown Livability – Downtown Land Use Code Amendment Update***

Dear Planning Commissioners:

As you know, Fortin Group is focused on positioning our Bellevue Village Property (zoned DNTN-MU with the Deep B Overlay) to accommodate redevelopment over the long-term that will achieve many of the goals and ideals articulated in the Downtown Livability Study.

We want to express our appreciation for all the hard work that has gone into the proposed Livability Initiative Amenity System and Downtown Land Use Code Amendment Updates. Fortin Group has taken an active role throughout the Livability Initiative and has worked closely with the CAC, City Staff and community members to help shape the future of the Northwest Village district of downtown Bellevue.

In our meetings, open houses and one-on-one discussions with neighbors, we've collaboratively developed a future vision for an exemplary mixed-use project on our property that will create neighborhood amenities, active streetscapes, open space, retail and more.

In our initial examination, we believe the updated code amendments and amenity incentive system will help facilitate the realization of our project, and the proposed dimensional standards appear to be feasible as applied to our Future Vision. We are looking forward to confirming the detailed calculation method, assumptions and use of the flexible amenity option with city planning staff. We hope to do that before this legislation is forwarded to city council.

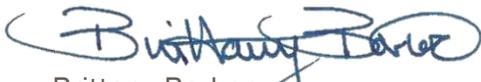
We would also like to submit our perspective on one key point related to podium typology:

In general, the charted dimensional standards seem to work for the Northwest Village with the exception of the maximum floor plate criteria triggers set at +40 feet and +80 feet high. These height triggers should be updated to encourage taller ground-floor retail ceilings of at least 15 feet. A +40-foot height trigger for maximum floor plate size only allows three stories of residential or other use over taller retail in a

building podium. We would prefer podiums to be four stories which would call for trigger heights to be slightly higher: at least 45-to-48 feet tall. Similarly, an +80-foot height trigger for additional floor plate size limitations only allows seven stories with higher ground floor retail ceilings of at least 15 feet. The height trigger would work better at +85-to-88 feet to allow eight total floors of residential or hotel over taller retail.

We appreciate the opportunity to provide comments and look forward to working with City Staff, the Planning Commission and the City Council to create the world class downtown that Bellevue deserves.

Respectfully,



Brittany Barker  
Special Projects Manager

CC: Carol Helland  
Emil King  
Dan Stroh

**From:** bt.livability@gmail.com  
**To:** [PlanningCommission](#); [Slatter, Vandana](#); [Stokes, John](#); [Wallace, Kevin R](#); [Robertson, Jennifer S.](#); [Robinson, Lynne](#); [Lee, Conrad](#); [Chelminjak, John](#); [wherman@moosewiz.com](#)  
**Subject:** Concerns about Downtown Livability  
**Date:** Tuesday, March 14, 2017 5:26:29 PM

---

Erika Wolff [ewolff@gmail.com](mailto:ewolff@gmail.com) sent the following message:

Dear City Council Member:

I am a resident of downtown Bellevue and I oppose increasing building heights and density in downtown Bellevue before plans are in place that will adequately address current or anticipated infrastructure shortcomings related to:

- (i) increasing traffic congestion
- (ii) parking
- (iii) safety risks to pedestrians and cyclists
- (iv) response time of law enforcement and firefighters
- (v) centering development around light rail
- (vi) maintaining sufficient light between buildings
- (vii) formation of wind tunnels in heavily developed areas.

Thank you for your consideration.

Sent by the [Steeple.com](#) Contact Us Form Google Apps Script

**From:** bt.livability@gmail.com  
**To:** [PlanningCommission](#); [Slatter, Vandana](#); [Stokes, John](#); [Wallace, Kevin R](#); [Robertson, Jennifer S.](#); [Robinson, Lynne](#); [Lee, Conrad](#); [Chelminjak, John](#); [wherman@moosewiz.com](#)  
**Subject:** Concerns about Downtown Livability  
**Date:** Thursday, March 16, 2017 8:16:16 AM

---

Mahnaz Yazdi [mahnaz@sazan.com](mailto:mahnaz@sazan.com) sent the following message:

I vote NO on larger buildings proposed in the Livability Update.

1. More people will lead to more traffic
2. Development will continue without added developer incentives
3. Livability will be worse

Sent by the [Steeple.com](#) Contact Us Form Google Apps Script

**From:** bt.livability@gmail.com  
**To:** [PlanningCommission](#); [Slatter, Vandana](#); [Stokes, John](#); [Wallace, Kevin R](#); [Robertson, Jennifer S.](#); [Robinson, Lynne](#); [Lee, Conrad](#); [Chelminjak, John](#); [wherman@moosewiz.com](#)  
**Subject:** Concerns about Downtown Livability  
**Date:** Thursday, March 16, 2017 8:09:38 AM

---

Ioana Danciu [ioanad@msn.com](mailto:ioanad@msn.com) sent the following message:

I vote NO on larger buildings proposed in the Livability Update.

1. More people will lead to more traffic
2. Development will continue without added developer incentives
3. Livability will be worse

Sent by the [Steeple.com](#) Contact Us Form Google Apps Script

**From:** bt.livability@gmail.com  
**To:** [PlanningCommission](#); [Slatter, Vandana](#); [Stokes, John](#); [Wallace, Kevin R](#); [Robertson, Jennifer S.](#); [Robinson, Lynne](#); [Lee, Conrad](#); [Chelminjak, John](#); [wherman@moosewiz.com](#)  
**Subject:** Concerns about Downtown Livability  
**Date:** Thursday, March 16, 2017 6:05:05 AM

---

Mary O'Donnell [mary\\_od@mac.com](mailto:mary_od@mac.com) sent the following message:

I vote NO on larger buildings proposed in the Livability Update.

1. More people will lead to more traffic
2. Development will continue without added developer incentives
3. Livability will be worse

Sent by the [Steeple.com](#) Contact Us Form Google Apps Script

**From:** bt.livability@gmail.com  
**To:** [PlanningCommission](#); [Slatter, Vandana](#); [Stokes, John](#); [Wallace, Kevin R](#); [Robertson, Jennifer S.](#); [Robinson, Lynne](#); [Lee, Conrad](#); [Chelminjak, John](#); [wherman@moosewiz.com](#)  
**Subject:** Concerns about Downtown Livability  
**Date:** Thursday, March 16, 2017 12:33:26 AM

---

Alan Bottomley [alan@audinutz.com](mailto:alan@audinutz.com) sent the following message:

I vote NO on larger buildings proposed in the Livability Update.

1. More people will lead to more traffic
2. Development will continue without added developer incentives
3. Livability will be worse

Sent by the [Steeple.com](#) Contact Us Form Google Apps Script

**From:** bt.livability@gmail.com  
**To:** [PlanningCommission](#); [Slatter, Vandana](#); [Stokes, John](#); [Wallace, Kevin R](#); [Robertson, Jennifer S.](#); [Robinson, Lynne](#); [Lee, Conrad](#); [Chelminjak, John](#); [wherman@moosewiz.com](#)  
**Subject:** Concerns about Downtown Livability  
**Date:** Wednesday, March 15, 2017 10:38:07 PM

---

Lynn Hawley [gayelynnhawley@gmail.com](mailto:gayelynnhawley@gmail.com) sent the following message:

I vote NO on larger buildings proposed in the Livability Update.

1. More people will lead to more traffic
2. Development will continue without added developer incentives
3. Livability will be worse

Sent by the [Steeple.com](#) Contact Us Form Google Apps Script

**From:** bt.livability@gmail.com  
**To:** [PlanningCommission](#); [Slatter, Vandana](#); [Stokes, John](#); [Wallace, Kevin R](#); [Robertson, Jennifer S.](#); [Robinson, Lynne](#); [Lee, Conrad](#); [Chelminjak, John](#); [wherman@moosewiz.com](#)  
**Subject:** Concerns about Downtown Livability  
**Date:** Wednesday, March 15, 2017 8:34:30 PM

---

Sarah Carroll [sarahc7361aol.com](#) sent the following message:

I vote NO on larger buildings proposed in the Livability Update.

1. More people will lead to more traffic
2. Development will continue without added developer incentives
3. Livability will be worse

Sent by the [Steeple.com](#) Contact Us Form Google Apps Script

**From:** bt.livability@gmail.com  
**To:** [PlanningCommission](#); [Slatter, Vandana](#); [Stokes, John](#); [Wallace, Kevin R](#); [Robertson, Jennifer S.](#); [Robinson, Lynne](#); [Lee, Conrad](#); [Chelminjak, John](#); [wherman@moosewiz.com](#)  
**Subject:** Concerns about Downtown Livability  
**Date:** Wednesday, March 15, 2017 7:50:20 PM

---

Chris Cowherd [ccowherd@msn.com](mailto:ccowherd@msn.com) sent the following message:

I vote NO on larger buildings proposed in the Livability Update.

1. More people will lead to more traffic
2. Development will continue without added developer incentives
3. Livability will be worse

Sent by the [Steeple.com](#) Contact Us Form Google Apps Script

**From:** bt.livability@gmail.com  
**To:** [PlanningCommission](#); [Slatter, Vandana](#); [Stokes, John](#); [Wallace, Kevin R](#); [Robertson, Jennifer S.](#); [Robinson, Lynne](#); [Lee, Conrad](#); [Chelminjak, John](#); [wherman@moosewiz.com](#)  
**Subject:** Concerns about Downtown Livability  
**Date:** Wednesday, March 15, 2017 7:48:41 PM

---

Carol Cowherd [carolcowherd@gmail.com](mailto:carolcowherd@gmail.com) sent the following message:

I vote NO on larger buildings proposed in the Livability Update.

1. More people will lead to more traffic
2. Development will continue without added developer incentives
3. Livability will be worse

Sent by the [Steeple.com](#) Contact Us Form Google Apps Script

**From:** bt.livability@gmail.com  
**To:** [PlanningCommission](#); [Slatter, Vandana](#); [Stokes, John](#); [Wallace, Kevin R](#); [Robertson, Jennifer S.](#); [Robinson, Lynne](#); [Lee, Conrad](#); [Chelminjak, John](#); [wherman@moosewiz.com](#)  
**Subject:** Concerns about Downtown Livability  
**Date:** Wednesday, March 15, 2017 6:59:37 PM

---

Allan Hopwood [KB7THX@hotmail.com](mailto:KB7THX@hotmail.com) sent the following message:

I vote NO on larger buildings proposed in the Livability Update.

1. More people will lead to more traffic
2. Development will continue without added developer incentives
3. Livability will be worse

Sent by the [Steeple.com](#) Contact Us Form Google Apps Script

**From:** bt.livability@gmail.com  
**To:** [PlanningCommission](#); [Slatter, Vandana](#); [Stokes, John](#); [Wallace, Kevin R](#); [Robertson, Jennifer S.](#); [Robinson, Lynne](#); [Lee, Conrad](#); [Chelminjak, John](#); [wherman@moosewiz.com](#)  
**Subject:** Concerns about Downtown Livability  
**Date:** Wednesday, March 15, 2017 6:37:49 PM

---

Christin Overton [chris@overtonweb.com](mailto:chris@overtonweb.com) sent the following message:

I vote NO on larger buildings proposed in the Livability Update.

1. More people will lead to more traffic
2. Development will continue without added developer incentives
3. Livability will be worse

You have to actually LIVE in downtown Bellevue not just work in downtown Bellevue to understand what livability really means. That does not mean a token nod to it by developers and letting them out of the complicated requirements for helping up build a livable and workable city.

Please fight for your residents that actually live in the core and not just give into the developers who build and leave the issues for us to deal with as the city evolves. When we let them buy their way out of or get exemptions for requirements they do not want to have to comply with our city and home pays in the long run.

Fight for a livable and workable city.  
Christin Overton  
Bellevue Towers Homeowner and Downtown Resident

Sent by the [Steeple.com](#) Contact Us Form Google Apps Script

**From:** bt.livability@gmail.com  
**To:** [PlanningCommission](#); [Slatter, Vandana](#); [Stokes, John](#); [Wallace, Kevin R](#); [Robertson, Jennifer S.](#); [Robinson, Lynne](#); [Lee, Conrad](#); [Chelminjak, John](#); [wherman@moosewiz.com](#)  
**Subject:** Concerns about Downtown Livability  
**Date:** Wednesday, March 15, 2017 6:08:47 PM

---

Murat Divringi [muratd@gmail.com](mailto:muratd@gmail.com) sent the following message:

I vote NO on larger buildings proposed in the Livability Update.

1. More people will lead to more traffic
2. Development will continue without added developer incentives
3. Livability will be worse

Sent by the [Steeple.com](#) Contact Us Form Google Apps Script

**From:** bt.livability@gmail.com  
**To:** [PlanningCommission](#); [Slatter, Vandana](#); [Stokes, John](#); [Wallace, Kevin R](#); [Robertson, Jennifer S.](#); [Robinson, Lynne](#); [Lee, Conrad](#); [Chelminjak, John](#); [wherman@moosewiz.com](#)  
**Subject:** Concerns about Downtown Livability  
**Date:** Tuesday, March 14, 2017 5:26:29 PM

---

12 [12](#) sent the following message:

Dear City Council Member:

I am a resident of downtown Bellevue and I oppose increasing building heights and density in downtown Bellevue before plans are in place that will adequately address current or anticipated infrastructure shortcomings related to:

- (i) increasing traffic congestion
- (ii) parking
- (iii) safety risks to pedestrians and cyclists
- (iv) response time of law enforcement and firefighters
- (v) centering development around light rail
- (vi) maintaining sufficient light between buildings
- (vii) formation of wind tunnels in heavily developed areas.

Thank you for your consideration.

Sent by the [Steeple.com](#) Contact Us Form Google Apps Script

**From:** bt.livability@gmail.com  
**To:** [PlanningCommission](#); [Slatter, Vandana](#); [Stokes, John](#); [Wallace, Kevin R](#); [Robertson, Jennifer S.](#); [Robinson, Lynne](#); [Lee, Conrad](#); [Chelminjak, John](#); [wherman@moosewiz.com](#)  
**Subject:** Concerns about Downtown Livability  
**Date:** Tuesday, March 14, 2017 5:26:29 PM

---

test3 [12345](#) sent the following message:

Dear City Council Member:

I am a resident of downtown Bellevue and I oppose increasing building heights and density in downtown Bellevue before plans are in place that will adequately address current or anticipated infrastructure shortcomings related to:

- (i) increasing traffic congestion
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- (v) centering development around light rail
- (vi) maintaining sufficient light between buildings
- (vii) formation of wind tunnels in heavily developed areas.

Thank you for your consideration.

Sent by the [Steeple.com](#) Contact Us Form Google Apps Script

**From:** bt.livability@gmail.com  
**To:** [PlanningCommission](#); [Slatter, Vandana](#); [Stokes, John](#); [Wallace, Kevin R](#); [Robertson, Jennifer S.](#); [Robinson, Lynne](#); [Lee, Conrad](#); [Chelminjak, John](#); [wherman@moosewiz.com](#)  
**Subject:** Concerns about Downtown Livability  
**Date:** Tuesday, March 14, 2017 5:26:29 PM

---

Michele Herman [michele@summerhours.com](mailto:michele@summerhours.com) sent the following message:

I vote NO on larger buildings proposed by the Livability Update.

1. More people will lead to more traffic
2. Development will continue even without extra developer incentives
3. Livability will be worse

Sent by the [Steeple.com](#) Contact Us Form Google Apps Script

**From:** bt.livability@gmail.com  
**To:** [PlanningCommission](#); [Slatter, Vandana](#); [Stokes, John](#); [Wallace, Kevin R](#); [Robertson, Jennifer S.](#); [Robinson, Lynne](#); [Lee, Conrad](#); [Chelminjak, John](#); [wherman@moosewiz.com](#)  
**Subject:** Concerns about Downtown Livability  
**Date:** Tuesday, March 14, 2017 5:26:35 PM

---

Jacqui Ramsay [jacqui.ramsay@gmail.com](mailto:jacqui.ramsay@gmail.com) sent the following message:

Dear City Council Member:

I am a resident of downtown Bellevue and I oppose increasing building heights and density in downtown Bellevue before plans are in place that will adequately address current or anticipated infrastructure shortcomings related to:

- (i) increasing traffic congestion
- (ii) parking
- (iii) safety risks to pedestrians and cyclists
- (iv) response time of law enforcement and firefighters
- (v) centering development around light rail
- (vi) maintaining sufficient light between buildings
- (vii) formation of wind tunnels in heavily developed areas.

Current projects are already producing a great strain on the livability of this city. Why on earth would we approve additional density/heights when city streets are already a mess and 405 is all but impassable throughout much of the day and evening!!

Thank you for your consideration.

Sent by the [Steeple.com](#) Contact Us Form Google Apps Script

**From:** bt.livability@gmail.com  
**To:** [PlanningCommission](#); [Slatter, Vandana](#); [Stokes, John](#); [Wallace, Kevin R](#); [Robertson, Jennifer S.](#); [Robinson, Lynne](#); [Lee, Conrad](#); [Chelminjak, John](#); [wherman@moosewiz.com](#)  
**Subject:** Concerns about Downtown Livability  
**Date:** Tuesday, March 14, 2017 5:26:30 PM

---

Bill Herman [wherman@moosewiz.com](mailto:wherman@moosewiz.com) sent the following message:

Dear City Council Members and Planning Commissioners

There is a lot of problems with the latest developments with the downtown livability update.

1. You cannot vote on an update to the zoning rules without knowing their effect on traffic. Once you give the developers additional height and FAR, council won't let you take it back. Your streets are a given. A woman was killed as drivers are racing around trying to avoid traffic. Is it safe to add all those cars? Let's find out before the vote. A study was promised before the vote.
2. Building heights need real limits, stop adding loopholes where heights and FAR are regularly exceeded. Fund affordable housing within the city budget and incentive system. Stop cheating on the rules to grab more resources.
3. Say no to the extra 15% in height for mechanical screening and "interesting roof line" height exception. It doesn't make any sense to exceed limits. Put the interesting roof lines on the signature buildings in the center while adhering to your 600 foot limit. Allowing the exceptions outside of the center and not in the center violates the wedding cake design principle. Who said interesting roof lines are worth extra height and destroying views?
4. Create a mechanism where additional height and FAR are only awarded if transportation and parking goals are met.
5. Create an incentive system that gets the most for the city while still being a viable place for business. Fix the problems with the old incentive system and not simply layer a new system on top of the old broken system.
6. Come up with a plan on how to use accumulated amenity credits from past projects so that we aren't simply setting up a means for developers to cash in unused credits without paying into the new incentive system.

Rushing this through will just lead to further mistakes.

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**From:** bt.livability@gmail.com  
**To:** [PlanningCommission](#); [Slatter, Vandana](#); [Stokes, John](#); [Wallace, Kevin R](#); [Robertson, Jennifer S.](#); [Robinson, Lynne](#); [Lee, Conrad](#); [Chelminjak, John](#); [wherman@moosewiz.com](#)  
**Subject:** Concerns about Downtown Livability  
**Date:** Tuesday, March 14, 2017 5:26:28 PM

---

Sean Knox [seanknox@outlook.com](mailto:seanknox@outlook.com) sent the following message:

Dear City Council Member:

I am a resident of downtown Bellevue and I oppose increasing building heights and density in downtown Bellevue before plans are in place that will adequately address current or anticipated infrastructure shortcomings related to:

- (i) increasing traffic congestion
- (ii) parking
- (iii) safety risks to pedestrians and cyclists
- (iv) response time of law enforcement and firefighters
- (v) centering development around light rail
- (vi) maintaining sufficient light between buildings
- (vii) formation of wind tunnels in heavily developed areas.

Thank you for your consideration.

Sent by the [Steeple.com](#) Contact Us Form Google Apps Script

**From:** bt.livability@gmail.com  
**To:** [PlanningCommission](#); [Slatter, Vandana](#); [Stokes, John](#); [Wallace, Kevin R](#); [Robertson, Jennifer S.](#); [Robinson, Lynne](#); [Lee, Conrad](#); [Chelminjak, John](#); [wherman@moosewiz.com](#)  
**Subject:** Concerns about Downtown Livability  
**Date:** Tuesday, March 14, 2017 5:26:28 PM

---

Lori Keam [lorikeam@hotmail.com](mailto:lorikeam@hotmail.com) sent the following message:

Dear Planning Commissioner or City Council Member:

I am a resident of downtown Bellevue and I am concerned about the coming changes in the land use code. I applaud the goal of creating a more livable city. My most pressing concerns are;

- (i) Increasing density by 67% in the MU district will increase traffic congestion, compounding what will be an intractable problem.
- (ii) There is no rational plan to deal with congestion due to using the wrong measures and not considering diminished capacity,
- (iii) Building height rules are nearly impossible to understand. Building height limits are regularly exceeded and it requires a trip to city hall and a spreadsheet to learn why. We suggest that a 300 foot limit mean that the building can not be taller than 300 feet, including everything.
- (iv) An incentive system that rewards developers for providing underground parking when they would do it anyway is counterproductive and a waste of resources. Either be silent on underground parking or make it a requirement in an optional bundle of incentives.

Thank you for your consideration.

Sent by the [Steeple.com](http://Steeple.com) Contact Us Form Google Apps Script

**From:** bt.livability@gmail.com  
**To:** [PlanningCommission](#); [Slatter, Vandana](#); [Stokes, John](#); [Wallace, Kevin R](#); [Robertson, Jennifer S.](#); [Robinson, Lynne](#); [Lee, Conrad](#); [Chelminjak, John](#); [wherman@moosewiz.com](#)  
**Subject:** Concerns about Downtown Livability  
**Date:** Tuesday, March 14, 2017 5:26:28 PM

---

Munir Orgun [orgun@comcast.net](mailto:orgun@comcast.net) sent the following message:

Dear Planning Commissioner or City Council Member:

I am a resident of downtown Bellevue and I am concerned about the coming changes in the land use code. I applaud the goal of creating a more livable city. My most pressing concerns are;

- (i) Increasing density by 67% in the MU district will increase traffic congestion, compounding what will be an intractable problem.
- (ii) There is no rational plan to deal with congestion due to using the wrong measures and not considering diminished capacity,
- (iii) Building height rules are nearly impossible to understand. Building height limits are regularly exceeded and it requires a trip to city hall and a spreadsheet to learn why. We suggest that a 300 foot limit mean that the building can not be taller than 300 feet, including everything.
- (iv) An incentive system that rewards developers for providing underground parking when they would do it anyway is counterproductive and a waste of resources. Either be silent on underground parking or make it a requirement in an optional bundle of incentives.

Thank you for your consideration.

Sent by the [Steeple.com](http://Steeple.com) Contact Us Form Google Apps Script

**From:** bt.livability@gmail.com  
**To:** [PlanningCommission](#); [Slatter, Vandana](#); [Stokes, John](#); [Wallace, Kevin R](#); [Robertson, Jennifer S.](#); [Robinson, Lynne](#); [Lee, Conrad](#); [Chelminjak, John](#); [wherman@moosewiz.com](#)  
**Subject:** Concerns about Downtown Livability  
**Date:** Tuesday, March 14, 2017 5:26:27 PM

---

Robert & Joan McGowan [robert.mcgowan20@gmail.com](mailto:robert.mcgowan20@gmail.com) sent the following message:

Dear City Council Member:

I am a resident of downtown Bellevue and I oppose increasing building heights and density in downtown Bellevue before plans are in place that will adequately address current or anticipated infrastructure shortcomings related to:

- (i) increasing traffic congestion
- (ii) parking
- (iii) safety risks to pedestrians and cyclists
- (iv) response time of law enforcement and firefighters
- (v) centering development around light rail
- (vi) maintaining sufficient light between buildings
- (vii) formation of wind tunnels in heavily developed areas.

Thank you for your consideration.

Sent by the [Steeple.com](#) Contact Us Form Google Apps Script

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**From:** bt.livability@gmail.com  
**Sent:** Tuesday, March 14, 2017 5:26 PM  
**To:** PlanningCommission; Slatter, Vandana; Stokes, John; Wallace, Kevin R; Robertson, Jennifer S.; Robinson, Lynne; Lee, Conrad; Chelminiak, John; wherman@moosewiz.com  
**Subject:** Concerns about Downtown Livability

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Laurie Tolkin [jumpony@hotmail.com](mailto:jumpony@hotmail.com) sent the following message:

Dear City Council Member:

I am a resident of downtown Bellevue and I oppose increasing building heights and density in downtown Bellevue before plans are in place that will adequately address current or anticipated infrastructure shortcomings related to:

- (i) increasing traffic congestion
- (ii) parking
- (iii) safety risks to pedestrians and cyclists
- (iv) response time of law enforcement and firefighters
- (v) centering development around light rail
- (vi) maintaining sufficient light between buildings
- (vii) formation of wind tunnels in heavily developed areas.

Thank you for your consideration.

Sent by the [Steeple.com](http://Steeple.com) Contact Us Form Google Apps Script

**From:** Matt Jack  
**To:** [PlanningCommission](#)  
**Cc:** [King, Emil A.](#); [Patrick Bannon](#)  
**Subject:** Copy of BDA Cover Letter and Recommendations | Downtown Livability  
**Date:** Wednesday, March 08, 2017 5:53:50 PM  
**Attachments:** [image002.png](#)  
[BDA Cover Letter and Recommendations for 3.8.17 Public Hearing.pdf](#)

---

Dear Chair deVadoss and Commissioners,

I have attached the BDA cover letter and list of recommendations that will be presented this evening at the Public Hearing regarding Downtown Livability.

Thank you for hosting this opportunity and listening to community feedback.

Sincerely,  
Matt

## **Matt Jack**

Policy & Community Affairs Specialist  
425.453.3112 | [matt@bellevuedowntown.org](mailto:matt@bellevuedowntown.org)





March 8, 2017

City of Bellevue Planning Commission  
Bellevue City Hall  
450 110<sup>th</sup> Ave NE  
Bellevue, WA 98004

**RE: BDA Recommendations for Downtown Livability - Downtown Land Use Code Amendment**

Dear Chair deVadoss and Commissioners:

The Bellevue Downtown Association continues active engagement in the Downtown Livability Initiative, representing our Downtown Land Use & Livability Strategy and encouraging member involvement and stakeholder feedback to help shape a positive outcome for the city.

The BDA has tracked the amendment process every step of the way, with members engaging in study sessions of the Commission's packet materials, meeting with City staff, reviewing the BERK economic analysis, participating in the ULI Technical Advisory Panel, and carefully examining the Draft Code. We believe the Draft Code reflects many improvements sought by the community, including:

- Flexibility in standards and process to promote high quality design.
- Illustrated design guidelines and updated definitions.
- Recalibrated FARs and heights with incentive zoning to sustain economic growth, increase housing options and enhance the downtown experience with desired public benefits.

We support the current direction of the Draft Code and urge adoption of the attached BDA recommendations to address Council Principles and the CAC report, avoid downzone issues, and strengthen a simplified, market-ready code. For further study by the Commission, we note two additional concepts that may encourage additional development near light rail stations serving the Downtown core.

We're encouraged by the recent momentum to complete the Code, but we stress the importance of getting it right. The community needs a Code that attracts project investments consistent with growth plans, generates economic value for the city, and enhances the livability of downtown as a major urban center. We're on the right path, and now we need to finish with the best possible Code for Downtown Bellevue.

Thank you for your time, leadership and commitment to this initiative and for hosting a public hearing on this important subject. We appreciate your collaboration on this effort.

Sincerely,

A handwritten signature in black ink, appearing to read "Irene Plenefisch".

Irene Plenefisch, BDA Board Chair

Patrick Bannon, BDA President

Brian Brand, Co-Chair  
BDA Land Use & Livability Committee

Warren Koons, Co-Chair  
BDA Land Use & Livability Committee

## BDA Recommendations for the Downtown Land Use Code Amendment

March 8, 2017 | Planning Commission Public Hearing

1. **Set the new base FARs and heights at 90% of the new maximums.**
  - Establishes clear, consistent, predictable standards across districts.
  - Prevents downzone conditions, consistent with City Council principles.
  - Promotes livability with new standards, design guidelines for tall buildings, and public amenities.
  - Supports the City's land use policy and vision for growth.
  - Applies to districts and building types where the proposed basic FARs and heights are shown below 90% of the proposed maximums.
2. **Allow administrative approval of the Flexible Amenity (#18),** within the proposed FAR and height maximums.
  - Provides a process incentive to pursue creative project designs and a significant public amenity.
  - Consistent with the City Council principle for an "off ramp" opportunity.
3. **Provide an option for a project to apply for and receive a "super-bonus"** of additional FAR or height beyond the maximum through a Development Agreement/Council departure process.
  - The public benefit(s) through the amenity must be deemed significant.
  - The bonus would be no greater than 1.0 FAR beyond the maximum and/or a certain percentage of a project's total height.
4. **Advance the Affordable Housing FAR Exemption** in the Downtown LUCA package.
  - Seek City Council direction and keep the Downtown LUCA process on schedule.
  - Allow administrative departure flexibility for additional height, i.e. to ensure a bonus of 1.0 FAR can be realized consistent with new guidelines.
  - Match the affordability timeframe to the construction type and expected lifespan of the structure.
  - Enable combined use with the City's Multi-Family Tax Exemption.
5. **Provide additional height flexibility in perimeter overlay districts,** specifically allowing projects to reach 70 feet in the A-1 Overlay District.
  - Enables fuller utilization of floor area for additional housing and public amenities, incorporating 5-over-1 and potentially 5-over-2 construction.
  - Requires stepback(s) to reduce the effective building scale along NE 12th and 100th Ave NE.
  - Adds a design guideline with exhibit to provide an example of this stepback.
6. **Remove the proposed 40-foot setback requirement** from internal property lines. Keep the standard at 20 feet to support project feasibility.
7. **Reduce the fee-in-lieu exchange rate** to match the bonus amenity exchange rate. Benchmark performance and usage and adjust the fee over time if needed and as market evolves.

8. **The BDA recommends a thorough transportation study** to ensure the City's transportation network can support the changes reflected in the Downtown Land Use Code Amendment.
  - Keeps the Downtown LUCA process on schedule.
  - Findings to inform the City's next update to the Downtown Transportation Plan, and the anticipated Downtown Comprehensive Parking Study.
  - Reinforces integration of transportation planning with Downtown's land use vision and support to improve mobility and livability.
  - Responds to Planning Commission, Transportation Commission and community questions about the effects of zoning changes on traffic congestion.
  
9. **Land Use Code and Development Process Improvements:**
  - Add an optional early design guideline review process where an applicant can provide conceptual drawings or a model to City staff and receive feedback within a short, established amount of time.
  - Memorialize the expectation to revisit the amenity list and bonuses periodically, e.g., no less often than every five years, make appropriate adjustments, and keep current with changes in the market, building technology, etc.
  - Incorporate additional process/departure flexibility for tower spacing requirements; the City staff's current draft proposal for 80 feet will limit project feasibility on many sites. Spacing could be averaged or modulated for the lot size and tied to actual project impacts.
  - Include enhanced digital street views in the toolkit the City uses for its design review process.

*Additional Concepts Developed by the BDA Land Use and Livability Committee for Further Study*

1. **Support density near Downtown light rail stations.** Consider additional increases in maximum FAR and heights in Downtown districts, including:
  - 1.0 FAR increases within one-quarter mile of the Bellevue Downtown Station
  - 0.5 FAR increases within one-quarter mile of the East Main Station.
  - Encouraging additional density near rail stations is a standard best practice recognized in markets across the nation.
  
2. **Reduce minimum parking ratios near light rail stations.** Consider a reduction of 0.5 stalls per residential unit and comparable reductions for other uses within one-quarter mile of the Bellevue Downtown and East Main light rail stations. This provision could be conditioned on a parking and/or transportation study.

## **BDA Member Comments, Critiques and Clarification Needs**

---

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

20.25A.010\_2

#### **1. Purpose**

The description is missing a reference to commercial or office development. While the section details as a cultural destination for residents and visitors, there is a no mention of office space or business community.

---

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

20.25A.010\_3

#### **2e. Land Use Clarifications**

Seeking further explanation of Old Bellevue’s “character” definition. In order to assure compatibility with the character of Old Bellevue, character needs to be defined so that future developers have a clarity on this requirement.

---

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

20.25A.010\_4

#### **5. Right-of-Way Designations**

Seeking clarification of the future “Downtown vision” for the right-of-way designations. Is the vision referring to the Downtown Comprehensive Plan?

---

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

20.25A.010\_4

#### **5a. Right-of-Way Designations**

Recommend a more colloquial term in place of “High Streets.” While the term by definition accomplishes its objective meaning in the code, it’s not commonly used in the States and may be misunderstood upon reading it.

---

### **D. Departures**

20.25A.030\_12

#### **2. City Council Departures**

Edit the use of “unlimited opportunities” to a more appropriate description that will not be misleading. While the intended purpose is to allow leeway for developers to design creative projects within the scope of the Comprehensive Plan’s vision and policy goals, the use of “unlimited opportunities” vaguely misleads reader to believing that there are not established parameters for design.

---

### **Dimensional Charts**

20.25A.060\_39

#### **B. Exceptions to Dimensional Requirements**

##### **1a**

Clarify the language prohibiting connecting floor plates between buildings taller than 70' in relationship to Departure and Code Flexibility dimensional standards (Attachment B, Connected Floorplates bullet) that suggest buildings over 70' can have a connected floor plate.

---

### **Amenity Incentive System Floor Area Ratio**

20.25A.070\_48

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

##### **2b. Allocation of Amenities**

Consider reducing the 75 percent public open space amenity requirement to provide more flexibility for projects attempting to achieve maximum FAR within a limited amount of parcel space.

---

**Amenity Incentive System & Floor Area Ratio** 20.25A.070\_49  
**Public Open Space Feature Amenities**

The open space amenity requirements are too prescriptive, consider more flexibility. The design criteria for this amenity leave little room for creativity, and in the effort to encourage quality unique designs, the criteria should be more flexible.

---

**Amenity Incentive System** 20.25A.070\_49  
**List of Bonusable Amenities**

**1. Major Pedestrian Corridor and Major Public Open Spaces.**

The bonus ratio has been reduced from 16:1 to 13:3:1, request that the bonus ratio remain at 16:1.

---

**Amenity Incentive System & Floor Area Ratio** 20.25A.070\_55  
**F. Transfer of Bonus Area from Pedestrian or MPOS Construction**

**2**

Is it implied that that no more of 25% of gross floor area should be transferred unless a property is an assemblage of adjacent sites?

---

**Downtown Tower Requirements** 20.25A.075\_56  
**A. Requirements for Additional Height**

**3. Outdoor Plaza Requirement**

Projects which trigger the additional height must dedicate 10% of their site area to an outdoor plaza. For larger sites, this can end up being a very large area which may not have the desired effect. It seems that no outdoor public plaza should be required to be larger than an acre.

---

**Downtown Tower Requirements** 20.25A.075\_58  
**C. Upper Level Stepbacks**

**1b**

Seeking clarification on the use of "view corridors." What currently constitutes a view corridor in this context?

---

**Parking Standards** 20.25A.080\_65  
**H. Director's Authority to Modify Required Parking**

**1a**

Clarify the use of "actual parking demand." How is the demand determined for an applicant who may have future retail/restaurant tenants that could change parking demand for that location?

**1c**

How does the code define "compatible jurisdictions?" By jurisdictions, the code is referring to which area(s)? What is the criteria for a compatible jurisdiction?

---

**From:** Jack McCullough  
**To:** [Cullen, Terry](#)  
**Subject:** Downtown Land Use Code Amendments  
**Date:** Wednesday, March 08, 2017 11:31:49 PM  
**Attachments:** [Letter to PC re Fortress Proposal 3-8-17.pdf](#)

---

Terry,

I meant to pass this letter around tonight. Would you add it to the next packet? Thanks.

Jack

John C. McCullough  
Attorney at Law  
**McCullough Hill Leary, PS**  
701 Fifth Avenue, Suite 6600  
Seattle, Washington 98104  
Tel: 206.812.3388  
Fax: 206.812.3389  
[www.mhseattle.com](http://www.mhseattle.com)

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March 8, 2016

VIA HAND DELIVERY

John deVadoss  
Chair, Bellevue Planning Commission  
450 110<sup>th</sup> Avenue NE  
Bellevue, Washington 98009

Re: Downtown Livability

Dear Chair deVadoss:

We are writing on behalf of Andy Lakha and Fortress Development regarding The Elan, the proposed project at the northwest corner of the intersection of NE 8<sup>th</sup> Street and Bellevue Way in Downtown Bellevue (the “Project”). We have had an opportunity to review the February 2017 draft ordinance for the Downtown Livability code amendments (the “Draft Ordinance”) and would like to provide comments on the Draft Ordinance.

The Elan is a mid-block property located at the most important intersection in downtown Bellevue. The property is oddly-shaped and includes portions of two mid-block connectors – both east/west and north/south – which bisect the site in both directions. These factors significantly limit the developable area of the property.

The central location of the property in downtown Bellevue highlights two elements of future development that should be incorporated at the site: located at the edge of the DTN-02 zone, the site provides a unique opportunity for an iconic tower design that captivates the skyline; and the proximity to Bellevue Square’s vibrant pedestrian life, as well as the dual mid-block connectors on the property, make a robust pedestrian realm a critical feature of any development.

Fortress does not seek extra FAR or development capacity on the site, but the precondition to creating truly great pedestrian spaces throughout the property is the opportunity to achieve somewhat greater height. This height would allow the creation of more pedestrian space at the ground level.

For these reasons, Fortress asks the Planning Commission to consider two amendments to the Draft Ordinance. These amendments are necessary to allow a reasonable development of the site, while at the same time delivering two iconic towers with high-quality pedestrian spaces throughout the property.

1. Height Allowance. Fortress asks that the Draft Ordinance be revised to allow two towers of approximately 300 feet in height on the property.

The property is located in the DTN-MU zone. 47% of the site is located in the northwest Subdistrict B-2 of the Perimeter Design District (the “Deep B District”). The Deep B District is a large area, spanning the width of nearly two superblocks. The Deep B portion of the Fortress property is located almost as far from single-family neighborhoods to the west as the DTN-02 zone north of NE 8<sup>th</sup> Street is located from those single-family neighborhoods to the north. In other words, the Deep B District represents – by hundreds of feet – the largest zoning buffer in downtown Bellevue. The Fortress property is located at the very eastern side of this area.

The Planning Commission has previously reviewed development in the Deep B District to the west, much closer to the Vuecrest neighborhood. In review of the Fortin Development proposal, the Commission determined that structure heights could be as high as 264 feet on that western property.

The Fortress site is the next logical step to the east in the gradations of height for buildings downtown. With 264-foot buildings to the west and 400-foot tall DNT-O2 buildings to the east, heights of 300 feet on the Fortress site are completely appropriate. Given the scale of the new development to the east and west, 300-foot heights at the Fortress site create no significant shadow impacts to the west.

Once again, this height allowance does not allow more development on the property; it just allows the development to be accomplished in a manner that produces more iconic design and improved pedestrian areas.

There are many ways to accomplish this modification in the Draft Ordinance. We have most recently suggested building on the footnote adopted by the Planning Commission for the Fortin development. That amendment would look like this:

(12) Within Perimeter Overlay B-2, multiple tower projects are allowed variable tower heights of 176 feet to 264 feet with an average of no more than 220 feet. Master Development Plan approval is required. Single tower projects within the Perimeter Overlay B-2 shall be limited to 220 feet unless the Director approves an Administrative Departure pursuant to LUC 20.25A.030.D. Where a project limit includes property within both Perimeter Overlay B-2 and DTN-MU, and the majority of the project limit is in DTN-MU, then multiple tower projects are allowed variable tower heights of 264 feet to 315 feet with an average of no more than 300 feet. Master Development Plan approval is required.

We stand prepared to work with the Planning Commission and City staff on an amendment that appropriately captures this proposed change.

2. 40-foot Setback. Recently, the Draft Ordinance included a new provision, not addressed in the four prior years of the Downtown Livability process. This provision requires a 40-foot tower setback from all interior property lines. The stated intent of the 40-foot setback is to help implement an 80-foot separation between towers. The Draft Ordinance previously required such an 80-setback between towers on the same development site.

The belated appearance of this new setback creates several inequities:

- Owners, like Fortress, have spent significant time and resources in project planning based on the years of prior Downtown Livability work. Such a significant change at such a late stage in the planning process puts all this prior work at risk.
- Narrow, oddly-configured sites like the Fortress site are disproportionately encumbered by the new 40-foot setback. Together with the required mid-block connectors, the new setback renders 67% of the Fortress site undevelopable for a tower.
- The new setback “protects” sites that many not develop for decades, at the expense of sites that are ready to develop today. Bellevue’s development process has always given a preference to sites that may redevelop in the near term, as opposed to sites that may not develop for many years. This is the way Bellevue has incentivized the redevelopment of the downtown over the last 30 years. The new 40-foot setback reverses this policy, and gives preference to dormant sites that may not develop for a generation or more. This is not a formula for growth and transformation of the downtown; it is a plan for inertia.

The better approach is to eliminate the 40-foot setback and restore the 20-foot setback from the prior versions of the Draft Ordinance. Other measures can be incorporated in the Draft Ordinance to account for cases in the future in which a 20-foot setback on one site imposes a burden on the neighboring site, such as including increased tower setback (beyond 20 feet) as a new FAR amenity, thereby incentivizing tower separation.

These and other measures can provide equity for sites that may develop years from now, without unduly hampering the development of downtown sites that are ready to proceed today. We ask you to restore the 20-foot setback from the prior versions of the Draft Ordinance.

3. Code Adoption Process. Finally, we would offer some thoughts to the Planning Commission on the process of adoption of the Draft Ordinance. Bellevue has not significantly revised its downtown code in 35 years; you should assume that your work will not be revisited for another generation. We are well past the time when we could say this project would be done quickly, more important now that it is done well.

In this effort, you should be sure not to be limited by artificial constraints. For example:

- The law does not require that you defer to all recommendations of the Citizens' Advisory Committee;
- SEPA review is intended to *advise* the decisionmakers, not limit the range of choices. Do not let prior SEPA review constrain you from making the best decisions for downtown Bellevue;
- The BERK report was intended to inform your review process, not limit it.

Issues and concerns raised at the public hearing should give you reasons to amend the Draft Ordinance. Please remember that in some respects this process has just reached its critical moment. The downtown development community is now fully engaged in the process and it is in the City's interest to ensure that the Draft Ordinance reflects this input. It may take a little longer, but it will be worth the effort.

We appreciate your attention to these comments. We ask the Planning Commission to provide clear direction to staff to incorporate the height allowance noted above and to eliminate the new 40-foot setback in favor of more equitable alternatives.

Sincerely,



John C. McCullough

cc: Fortress Development

**From:** Martin, Larry  
**To:** [PlanningCommission](#); [Cullen\\_Terry](#)  
**Cc:** [Alex\\_Smith \(alex.smith@kayesmith.com\)](#); [Jeff\\_Taylor \(wjefftaylor@gmail.com\)](#); [King\\_Emil\\_A.](#)  
**Subject:** Downtown Livability Code Amendments-Public Hearing  
**Date:** Wednesday, March 08, 2017 3:13:50 PM  
**Attachments:** [Letter regarding legal invalidity per RCW 82.02.020 4816-1127-2515 v.1.pdf](#)  
[ULI TOD Report re revenue and expense of TOD 4812-1732-4868 v.1.pdf](#)  
[Email from K.McDonald RE Transportation Plan--Proposed Downtown OLB Zon....pdf](#)  
[Livability Modeling memo \(4\).pdf](#)

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Mr. Cullen:

Please distribute this email and each of the attachments to the Planning Commission Members as soon as possible in advance of the public hearing on Downtown Livability LUC Amendments to be held this evening.

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Dear Planning Commission Members:

I am submitting the following information for your consideration during the public hearing on the Downtown Livability Land Use Code Amendments:

1. My letter to Mr. Alex Smith dated February 22, 2017 outlining why the amenity incentive system violates state law as it is currently proposed. This is submitted in support of the recommendation by the BDA that the new base FARs and maximum heights be set at 90% of the new maximums. This change would apply the burdens of the program more evenly across all Downtown zones.
2. The December 2016 Urban Land Institute report titled *Fiscal Impacts of Transit-Oriented Development Projects*. The report is based on a study of nearly 10,000 TOD and non-TOD apartment units. Key findings include:
  - People who live in TOD apartments commute by public transit at a rate five times greater than non-TOD residents.
  - Local governments reap substantial fiscal benefits from TOD, including higher net tax revenues and lower impacts on public services.
  - TOD development not only pays its own way, it also subsidizes city services for existing non-TOD residential development.
3. An email from Kevin McDonald and the Livability Modeling Memo he references, both regarding analysis of the potential impacts of allowing more density in the OLB zoned area. The analysis shows that there is likely to be less impact on traffic congestion Downtown with the zoning change than without the change due to the shift of some future development to OLB sites with excellent access from I-405 and other transportation corridors to the east. Traffic to and from development on these sites will have very short trips through the Downtown, thus impacting relatively few Downtown intersections. More development can be accommodated at these OLB locations with less impact than the same development located on sites closer to the Downtown core. The benefits of excellent vehicular access at the OLB sites will be enhanced by proximity to light rail stations.

Items 2 and 3 are submitted in support of proposals to allow increased density near light rail stations (or to exempt a portion of TOD development from the calculation of FAR).

Thank you for considering this information.

Larry Martin

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Anchorage | [Bellevue](#) | Los Angeles | New York | Portland | San Francisco | Seattle | Shanghai | Washington, D.C.

February 22, 2017

**VIA ELECTRONIC DELIVERY**

Mr. Alex Smith  
700 112th LLC  
700 112th Ave. NE, Suite 302  
Bellevue, WA 98004

Dear Alex:

As we have discussed, the proposed Bellevue Downtown Livability Land Use Code Amendments include an amenity incentive system that violates Washington State law. If adopted, it would impose an indirect tax or charge on real estate development in violation of RCW 82.02.020. If challenged in court, the amenity incentive system will be invalidated.

You have asked me to provide an explanation of why the proposed code amendments are unlawful in the hope this will assist you in encouraging City decision makers to revise the proposed amendments so that they comply with the law.

Summary

Washington cities and counties are prohibited by RCW 82.02.020 from imposing any tax, fee or charge, direct or indirect, on the development of land, the classification of land or the construction of buildings. Courts have held that each of the following requirements constitutes an “indirect tax, fee or charge” on development:

- dedication of five percent of a development site for parks or payment of \$400 per lot in lieu thereof;
- dedication of land for open space or payment of fee in lieu thereof;
- payment of a \$400 per lot park mitigation fee;
- frontage improvements for drainage along an adjacent boulevard;
- payment of \$3,000 per lot or provision of offsite traffic improvements;
- requirement to construct onsite recreational facilities or pay a fee in lieu thereof.

The proposed Bellevue amenity incentive system requires that land be devoted to public open space and park uses as a condition of constructing buildings that exceed a designated base level of floor area. It requires that ten percent of the development site be devoted to publicly accessible outdoor plaza space as a condition of constructing a building in excess of a base or

“trigger” height level. These requirements fall squarely within the range of requirements found to be prohibited by RCW 82.02.020.

Washington cities and counties do of course have authority to regulate development, and if properly exercised, to require dedications of land for public purposes. RCW 82.02.020 acknowledges this by exempting “dedications of land or easements within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply”. Identification of development impacts and required mitigation is generally accomplished through the SEPA environmental review process.

To be valid, requirements that public open space be provided as a condition of development approval must (1) be based on individual project review, (2) must be directed at resolving a problem caused in whole or in part by the project’s identified impacts (“nexus”), and (3) must not impose a burden on the property owner that is out of proportion to the extent to which the individual development contributes to the problem (“proportionality”).

Adoption of zoning regulations that establish requirements for all future Downtown development projects do not fall within this exception. The exception applies only to requirements based on individual project review. Bellevue’s proposed requirements clearly fall into the category of prohibited fees or charges on development because the proposed regulations are not based on identification of impacts through individual project review. As proposed, they violate State law.

### Analysis

The State of Washington has prohibited cities and counties from imposing taxes on real estate development through enactment of RCW 82.02.020. Described by the courts as Washington’s “tax preemption statute”, in relevant part, the statute provides:

***RCW 82.02.020. State preempts certain tax fields—Fees prohibited for the development of land or buildings—Voluntary payments by developers authorized—Limitations—Exceptions.***

*. . . . Except as provided in RCW 64.34.440 and 82.02.050 through 82.02.090, no county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.*

In its opinion in *Isla Verde International Holdings, Inc. v. City of Camas*, the Washington State Supreme Court held:

*RCW 82.02.020 requires strict compliance with its terms . . . . A tax, fee, or charge, either direct or indirect, imposed on development is invalid unless it falls within one of the exceptions specified in the statute.*

In the *Isla Verde* case the Washington Supreme Court invalidated a requirement that land be set aside for public open space as a standard condition of subdivision approvals because it violated RCW 82.02.020. The court listed the following examples of development requirements that have been held to fall within the scope of the phrase “tax, fee, or charge, either direct or indirect” as used in the statute:

*The open space condition here is comparable to conditions in a number of cases analyzed under RCW 82.02.020 . . . . dedication of five percent of land for parks or payment of \$400 per lot in lieu thereof . . . . dedication of land for open space or payment of fee in lieu thereof . . . . payment of \$400 per lot park mitigation fee . . . . frontage improvements for drainage along adjacent boulevard . . . . payment of \$3,000 per lot or provision of offsite traffic improvements . . . . ordinance required developers to construct onsite recreational facilities or pay a fee in lieu thereof.*

The proposed Bellevue regulations require that land be devoted to public use and/or that public amenities be constructed as a prerequisite to constructing building floor area that exceeds the level designated as “base FAR” or the “trigger height” in the zoning district in which the building will be located. An option is provided to substitute payment of a “fee in-lieu” for part of the requirement to devote land to public use. Section 20.25A.070 D.2 b. of the February 1, 2017 draft of the proposed amended code provides:

*b. Allocation of Amenities. The Amenity Incentive System has a focus on public open space features. It is required that 75 percent or more of a project’s amenity need must utilize one or more of the following amenities: Major Pedestrian Corridor, Outdoor Plaza, Donation of Park Property, Improvement of Public Park Property, Enhanced Streetscape, Active Recreation Area, Enclosed Plaza or Alleys with Addresses.*

The definitions of these required public amenities include the following:

***Major Pedestrian Corridor:*** The entire corridor must be open to the public 24 hours per day. Segments of the corridor may be bridged or covered for weather protection, but not enclosed.

***Outdoor Plaza:*** Must provide directional signage that identifies circulation routes for all users and informs the public that the space is accessible to the public at all times.

***Donation of Park Property:*** Property which is donated to the City, with no restriction, for park purposes.

***Improvement of Public Park Property:*** Improvements made to City-owned community, neighborhood, and miniparks within the Downtown Subarea

***Enhanced Streetscapes:*** This amenity bonus is intended for an additional four to eight foot frontage zone that is above and beyond the minimum requirements.

***Active Recreation Area:*** An area which provides active recreational facilities and is open to the general public. Does not include health or athletic clubs.

***Enclosed Plaza:*** A publicly accessible, continuous open space located within a building and covered to provide overhead weather protection while admitting substantial amounts of natural daylight (atrium or galleria). Enclosed Plazas function as a “Third Place”, and are “anchors” of community life and facilitate and foster broader, more creative interaction.

***Alleys with Addresses:*** Must be open to the public 24 hours a day and 7 days a week and require an easement for public right of pedestrian use in a form approved by the City.

The proposed Bellevue amenity incentive system clearly falls within the scope of the prohibition on a direct or indirect tax, charge or fee imposed as a condition on the right to develop land or construct buildings. The only question that remains in determining whether the amenity incentive system requirement to devote land to public use violates the statute is whether it is authorized by an exception set out in the statute. Washington case law interpreting RCW 82.02.020 mandates that to fall within the relevant exception in the statute, a requirement to dedicate land or pay a fee arising out of development must be based on an individual assessment of the impacts of the proposed development. The impact assessment must be performed on a development-by-development basis. A legislative determination that a certain class of future developments require that specified mitigation be provided does not satisfy this requirement.

After finding that the required open space set aside at issue in the *Isla Verde* case violated the prohibition in RCW 82.02.020, the court turned to the question of whether the requirement was nonetheless authorized by the exception for development impact mitigation:

*The statute mandates that a municipality must demonstrate that a dedication is "reasonably necessary as a direct result of the proposed development or plat," and also mandates that, in the case of a payment in mitigation of a "direct impact that has been identified as a consequence " of the proposed development, a municipality must establish that the payment is "reasonably necessary as a direct result of the proposed development or plat." RCW 82.02.020 (emphasis added). We have repeatedly held, as the statute*

*requires, that development conditions must be tied to a specific, identified impact of a development on a community. [citations omitted]. RCW 82.02.020 does not permit conditions that satisfy a "reasonably necessary" standard for all new development collectively; it specifically requires that a condition be "reasonably necessary as a direct result of the proposed development or plat." (Emphasis added.) We reject the City's argument that it satisfies its burden under RCW 82.02.020 merely through a legislative determination "of the need for subdivisions to provide for open space set asides ... as a measure that will mitigate a consequence of subdivision development."*

It is clear that the Washington State Legislature understands that RCW 82.02.020 applies to the type of amenity incentive system proposed by the Bellevue draft code amendments. When the Legislature enacted RCW 36.70A.540 in 2006 to authorize incentive zoning provisions that provide bonus density and height as an incentive for constructing low-income housing, it amended RCW 82.02.020 to add this statute to the exceptions listed in RCW 82.02.020. The similarity of the Bellevue amenity incentive system to the type of regulations addressed by the low-income housing law is very clear, as is the exception to RCW 82.02.020 which is repeated in the housing law:

*. . . An affordable housing incentive program may include, but is not limited to, one or more of the following:*

- (i) Density bonuses within the urban growth area;*
- (ii) Height and bulk bonuses*

*. . . .*

*(b) The city or county may enact or expand such programs whether or not the programs may impose a tax, fee or charge on the development or construction of property.*

The fact that RCW 36.70A.540 was specifically added to the list of exceptions in 82.02.020 indicates the Legislature's understanding that an amenity incentive system, i.e., requirement to provide a public benefit as a condition of getting increased density or height, falls within the prohibition of RCW 82.02.020.

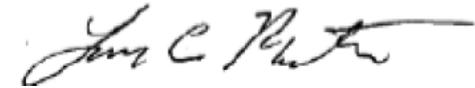
### Conclusion

The proposed Bellevue Downtown Livability Land Use Code Amendments include an amenity incentive system that violates Washington State law because it requires that property owners devote portions of their property to public use as a condition of developing that property. If adopted, it would impose an indirect tax or charge on real estate development in violation of RCW 82.02.020. There is no exception in the statute that applies to the proposed regulations. The proposed regulations violate Washington law as it has been applied by Washington courts, including the State Supreme Court. Our appointed and elected City officials take an oath to

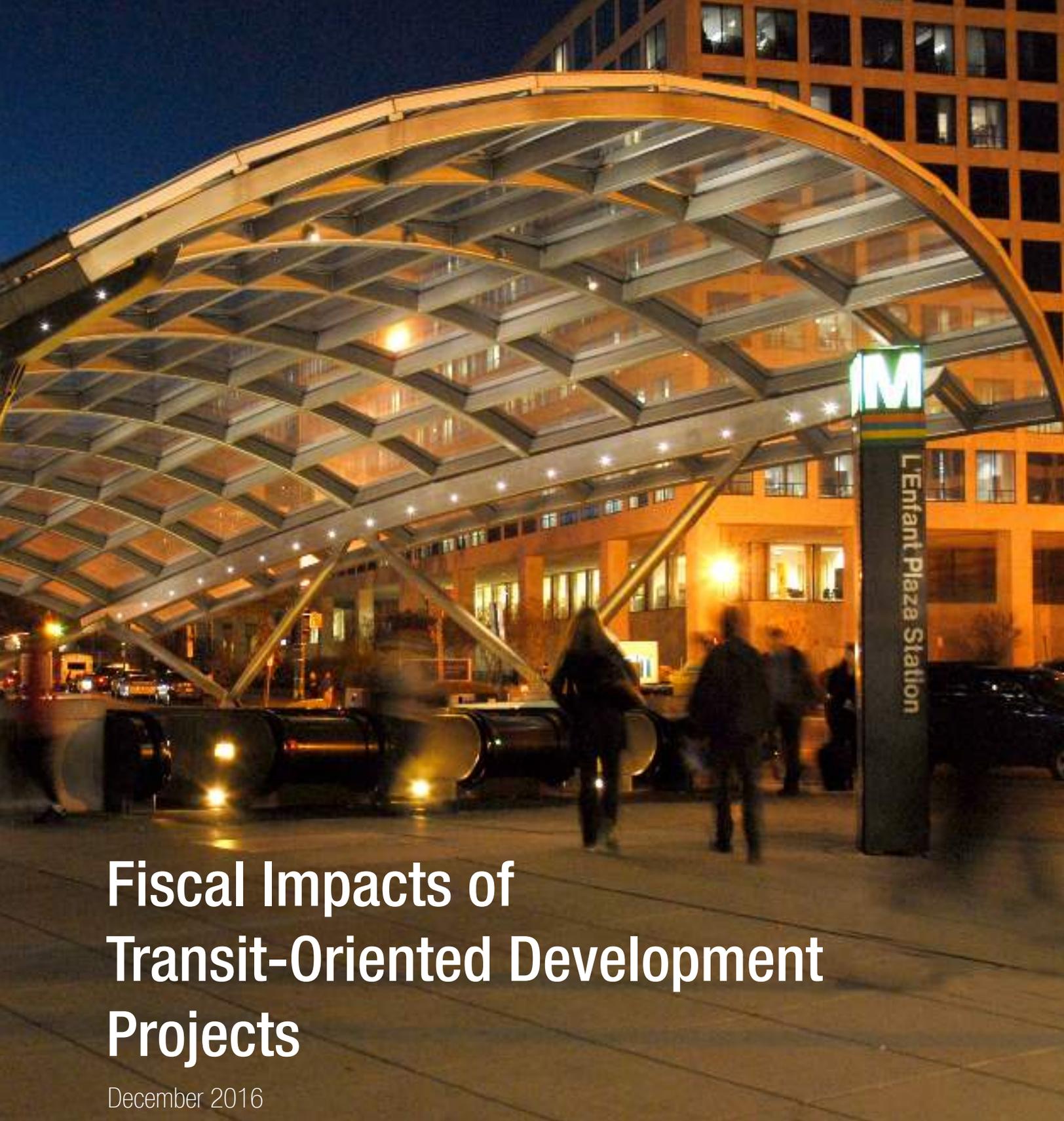
uphold the law. It is their duty to reject the proposed legislation and to ensure that regulations that are ultimately adopted comply with the law.

Very truly yours,

Davis Wright Tremaine LLP

A handwritten signature in black ink, appearing to read "Larry C. Martin". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Larry Martin



# Fiscal Impacts of Transit-Oriented Development Projects

December 2016

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# Introduction

Transit-oriented development (TOD) is a responsible fiscal choice for local governments and can actually save local governments money, as detailed in Fiscal Impacts of Transit-Oriented Development (TOD) Projects. This report, based on research undertaken by the Baltimore-Washington, D.C. Transit-Oriented Development (TOD) Product Council, was prepared by Dr. Dean Bellas, president of Urban Analytics and a member of the TOD product council. The analysis found that TOD not only “pays its own way” but also subsidizes nonTOD development in cities and counties.

## Transit Oriented Development (TOD)

Transit-oriented development is a planning approach that calls for high-density, mixed-use business/neighborhood centers to be clustered around transit stations and corridors. TOD is considered a “smart growth” strategy because it provides a solution to the issue of where growth should occur from a regional sustainability perspective, and it coordinates land use and transportation so both land and infrastructure are used efficiently. TOD is designed to maximize access to public transit and often incorporates amenities to encourage ridership. A TOD neighborhood typically has a center with transit access such as a train, metro station, tram, or bus stop. A transit hub may have multiple modes. TOD neighborhoods typically are located within a radius of one-quarter to one-half mile (400 to 800 meters) from a station or stop, a distance that encourages transit users to walk or bike to transit. Locating the greatest density of housing within this radius provides a solution to “the last mile” problem as well as environmental and health benefits by reducing the need to drive to transit.

This report, based on a study of nearly 10,000 TOD and nonTOD apartment units located within the Baltimore-Washington, D.C. metropolitan region, shows that local governments reap substantial fiscal benefits from transit-oriented development, including higher net tax revenues and lower impacts on public services from people who live near transit. Three TOD case study projects were located in close-in suburbs in the region, and one was located in the City of Baltimore’s downtown core.

The Baltimore-Washington, D.C. TOD Product Council decided to undertake this research and fiscal analysis in response to often-stated opposition in the Baltimore-Washington, D.C. metro region to the development of multifamily apartments and condominiums projects near new transit stops. Opponents generally oppose the level of density these projects are permitted on the grounds that increased density will place a greater burden on public services such as public schools. This sentiment, also heard in other regions across the U.S., is directly opposite to ULI’s responsible development principles, which encourage greater housing density in transit-oriented development to achieve a variety of environmental, health, and social objectives.

## TOD: ULI Best Practice

ULI promotes the close proximity and concentration near transit of multifamily housing, along with office and retail uses, as a best practice and a highest and best use of urban land and infrastructure. Building around transit hubs links people of all ages and abilities more directly with jobs, schools, and services, and reduces the number of cars on the road and resulting traffic congestion. Locating greater density of housing near transit reduces the impacts on local community services on a per-household basis while improving air quality and boosting net local and state tax revenues.

Transit users who live near transit stations also benefit from healthier lifestyles—they are significantly more likely to walk or bike to take a train or bus rather than drive, and this increased physical activity helps reduce the risk of obesity, diabetes, heart disease, and other chronic diseases. Residents who don't need to drive and maintain a car also benefit financially from more disposable income, and thus can spend more on housing, food, goods, and services.

This report presents the fiscal impact of four TOD case study projects on the cities, counties, and states in which these projects are located, as well as the socio-economic characteristics of TOD and nonTOD apartment units in the Baltimore-Washington, D.C. metropolitan region.

### Key Findings:

TOD Housing Pays Its Own Way—and Subsidizes Other Residential Development

- The TOD projects analyzed generated between \$1.13 and \$2.20 in tax and nontax revenues for their respective jurisdictions for every \$1 in public services provided to their residents and employees.
- TOD development not only pays its own way, it also subsidizes city and county services for existing nonTOD residential development.



# Research: Do TODs Cost More for Cities and Counties?

TOD opponents in the Baltimore-Washington D.C. metro region and nationwide claim that TOD projects pose a bigger fiscal burden on the budgets of local jurisdictions than nonTOD projects. TOD projects typically are designed to be higher-density to use urban land more efficiently. The argument against them holds that increasing the total population on a site with a TOD project causes a greater net fiscal burden or deficit for the jurisdiction's budget, compared to a traditional nonTOD project with lower total population density.

Opponents of TOD projects generally have three major concerns about TOD housing development:

1. they contain more units and will add more public-school-age students, thus creating a bigger fiscal burden for the local public school system;
2. they will increase demand for and thus increase the fiscal burden on local public safety departments, which provide police/sheriff, fire, and emergency medical services; and
3. they will pose larger fiscal burdens related to the overall costs of providing public services for people living in these projects.

## Methodology

Urban Analytics collected data on 42 TOD and nonTOD projects comprising 9,546 apartments located in close-in urban-suburban areas in Arlington and Fairfax counties in Virginia and in Montgomery County, Maryland. The firm then selected four TOD projects for an in-depth fiscal impact analysis. The case study projects were located in Fairfax County, Virginia and in the cities of Baltimore and Rockville (Baltimore and Montgomery counties, respectively) as well as in suburban Anne Arundel County, Maryland.

Both the TOD and the nonTOD apartments analyzed reflected the full range of building classes (Class A, B, and C). All 42 TOD and nonTOD apartment buildings analyzed had at least 50 units per building.

## Fiscal Snapshot of TOD Projects

The Virginia and Maryland counties selected for this report offer a “fiscal snapshot” of TOD projects in counties with similar revenue and expenditure categories but very different revenue and operating budgets. Residents and workers in these counties receive similar public services, though what they pay for these services in taxes and how much they actually receive in services can be quite different. This pattern is typical across all counties and cities in the United States. The counties analyzed all provide residents the same basic public services, with some minor technical differences in the way public revenues are collected. The costs of providing these services, however, vary among the counties.

The four case-study TOD projects each had between 235 and 275 apartments, and all were Class A buildings located within one-half mile of a transit station.

Urban Analytics had two objectives: 1) Measure the cost for public services that residents and workers in the TOD projects required from cities and counties' general fund operating accounts, and 2) measure the revenues generated for cities and counties by residents and workers of the selected TOD case study projects. The analysis estimated the type and dollar amount of new tax revenues the TOD development projects generated at full build-out and occupancy within the 2014 fiscal year. It also estimated expenditures required to provide public services to the TOD projects in fiscal year 2014.

## Estimated Expenditures

Estimated expenditures for public services in most of the jurisdictions typically included, but were not limited to: general government administration, judicial administration, planning and zoning, public safety, public works, health and welfare, community development, parks, recreation, culture, and public school education.

## Estimated Revenues

In most jurisdictions in the Baltimore-Washington, D.C. metro region, revenues may include but are not limited to: real estate, personal property, and sales taxes (either paid directly to the jurisdiction or received through intergovernmental transfers from the state); utilities or consumer taxes; transient occupancy taxes; revenues from licenses, fees, permits, fines, forfeitures, and charges for services; miscellaneous and other local taxes; and various intergovernmental transfers in the form of revenue sharing to the jurisdiction from the federal government and the state.

## Fiscal Impact Analysis



**A fiscal impact analysis estimates the type and dollar amount of new tax revenues generated by a new or existing development project at full build-out and occupancy and the estimated expenditures required to provide public services to the existing or new community.**

## TOD Case-Study Project Profiles

The four TOD case study projects selected for analysis all were Class-A buildings located within one-half mile of a transit station. Each had between 235 and 275 apartments. The analysis used average assessed real estate values per unit and average household incomes per unit, so lower household incomes from any moderately priced dwelling units (MPUDs) were offset by higher household incomes in market-rate units. In multifamily buildings, only one real estate tax bill is assessed for all units in the building, regardless of whether they are rented as market-rate or as MPDUs.

## The Shelby, Fairfax County, Virginia

- Size of apartment building: 240 units
- Location: one-half mile from the Huntington Metrorail station
- Location: within TOD neighborhood that encourages walking to the station and public buses
- Average assessed real estate value per apartment: \$250,000
- Average household size: 1.56 people or 42 percent less than the average household size of 2.68 people for renter-occupied housing units in Fairfax County (2010 Census)
- Average school-age children per unit: 0.07 or 85 percent fewer than the average 0.45 per housing unit across all housing in Fairfax County for school year 2013-2014
- Mean average household income: \$88,955 per unit
- Retail space: None
- Revenues generated from tax and nontax sources: \$1,117,400
- Cost to Fairfax County for services for the project's residents: \$752,454
- Total estimated net annual fiscal benefit for the county: \$364,946





**The Alaire in FY 2014 generated an estimated \$1.13 in tax and nontax revenues for the City of Rockville for every \$1 the city spent on public services for the project’s residents and employees.**

## The Alaire, City of Rockville, Maryland

- Size of apartment building: 279 units
- Location: one-quarter mile from the Twinbrook Metrorail station
- Average assessed real estate value per apartment: \$241,000
- Average household size: 1.54 people or 33 percent less than the average household of 2.31 people for renter-occupied housing in Rockville (2010 Census)
- Average number of school-age children per unit: 0.06 or 86 percent fewer than the average 0.42 students per household across all housing in Montgomery County for school year 2013-2014
- Average household income: Not available
- Retail space: 14,800 square feet, supporting 33 full-time equivalent jobs
- Revenues generated from tax and nontax sources: \$388,817
- Cost to City of Rockville for services for the project’s residents and employees: \$342,949
- Total estimated net annual fiscal benefit for the city: \$45,868

## The Fitzgerald, City of Baltimore, Maryland

- Size of apartment building: 275 units
- Location: next to the Mt. Royal Avenue Light Rail Station and 0.4 miles from Penn Station/ Amtrak
- Average assessed real estate value per apartment: \$169,000
- Average household size: 1.25 people or 46 percent less than the average household size of 2.31 people per unit for renter-occupied housing in the city (2010 Census)
- Average number of school-age children per unit: 0.06 or 81 percent fewer than the average 0.32 for all housing in the city for school year 2012-2013
- Average household income: Not available
- Retail space: 23,728 square feet, supporting 53 full-time equivalent jobs
- Revenues generated from tax and nontax sources: \$1,726,045
- Cost the City of Baltimore for services for the project’s residents and employees: \$784,992
- Total estimated net annual fiscal benefit: \$941,053

**The Fitzgerald in FY 2013 generated an estimated \$2.20 in tax and nontax city revenues for the City of Baltimore for every \$1 the city spent on public services for the project’s residents and employees.**





**The Village at Odenton Station in FY 2014 generated an estimated \$1.24 in tax and nontax revenues for Anne Arundel County for every \$1 in public services the county spent on public services for the project’s residents and employees.**

## The Village at Odenton Station, Anne Arundel County, Maryland

- Size of apartment building: 235 units
- Location: next to the Odenton MARC Rail Station
- Average assessed real estate value per apartment: \$147,500
- Average household size: 1.70 people or 32 percent less than the average household size of 2.49 people for renter-occupied housing units in Anne Arundel County (2010 Census)
- Average number of school-age children: 0.14 or 64 percent fewer than the average 0.39 for all housing units in the county for school year 2013-2014
- Average household income: \$105,053
- Retail space: 57,995 square feet, supporting 129 full-time equivalent jobs
- Revenues generated from tax and nontax sources: \$816,912
- Cost to Anne Arundel County for services for residents and employees: \$659,456
- Total estimated net annual fiscal benefit: \$157,456



## [Table 4-1] Residential and Nonresidential Building Program Data: Four TOD Projects, Selected Virginia and Maryland

**Table 4-1  
Residential and Non-Residential Building Program Data  
Four TOD Projects Selected  
Virginia and Maryland**

<b>Residential Uses</b>		<b>Total Units<sup>7</sup></b>	<b>Average Real Estate Assessed Value<sup>5</sup></b>	<b>Total Real Estate Assessed Value<sup>5</sup></b>	<b>Estimated Population<sup>7</sup></b>	<b>Estimated Children<sup>7</sup></b>
<sup>1</sup> The Shelby		240	\$250,000	\$ 60,000,000	374	17
<sup>2</sup> The Alaire		279	\$241,000	\$ 67,239,000	431	18
<sup>3</sup> The Fitzgerald		275	\$169,000	\$ 46,475,000	345	16
<sup>4</sup> The Village at Odenton Station		235	\$147,500	\$ 34,662,500	398	33
<b>Non-Residential Uses</b>		<b>Total Sq. Ft.</b>	<b>Avg. Real Estate Assessed Value<sup>5</sup> per Sq. Ft.</b>	<b>Total Real Estate Assessed Value<sup>5</sup></b>	<b>Estimated FTE Jobs<sup>6,7</sup> Supported</b>	
<i>Retail Space</i>						
	The Shelby	0	n/a	n/a	0	
	The Alaire	14,800	\$225.00	\$ 3,330,000	33	
	The Fitzgerald	23,728	\$265.00	\$ 6,287,920	53	
	The Village at Odenton Station	57,995	\$150.00	\$ 8,699,250	129	

**Source:**

*Building Program Data:* Insight Property Group; JBG; The Bozzuto Group; DOLBEN; Urban Analytics, Inc.

*Assessed and Market Value Data - Retail Space:* Review of third-party market research reports and assessment data from LoopNet.com; CBRE; Lipman Frizzell & Mitchell, LLC; Valbridge Property Advisors, Municipal & Financial Services Group, LLC; and the Maryland State Department of Assessments & Taxation (MD SDAT).

**Note:**

<sup>1</sup> Location: Fairfax County, Virginia. Developer: Insight Property Group

<sup>2</sup> Location: City of Rockville, Maryland. Developer: JBG

<sup>3</sup> Location: City of Baltimore, Maryland. Developer: The Bozzuto Group

<sup>4</sup> Location: Anne Arundel County, Maryland. Developer: DOLBEN

<sup>5</sup> Current dollars.

<sup>6</sup> FTE = full-time equivalent jobs

<sup>7</sup> At full build-out and occupancy.

## TOD Projects Produce More Revenue for Cities and Counties

Urban Analytics analyzed the general socio-economic characteristics of nearly 10,000 apartments in 42 TOD and nonTOD projects in Virginia and Maryland and found that TOD units generated a lower demand for public services per unit on local governments and schools than nonTOD apartment units. In FY 2014, TOD project apartments generated between \$1.13 and \$2.20 in tax and nontax revenues for their respective jurisdictions for every \$1 spent on public services for the residents and employees.

If the four TOD case-study projects had not been located at or near transit rail stations but instead had been located in typical suburban residential locations, they either would have produced significantly fewer revenues or cost local jurisdictions more than they paid for services for residents and employees. At the low end, apartment buildings located in nonTOD areas would have produced only \$0.77 in public revenues for every \$1 they paid for public services for residents and employees, imposing a cost for local governments and school systems of \$0.23 for every \$1 of public revenues received. At the upper end, they would have generated \$1.35 in tax and nontax revenues, producing a surplus of \$0.35 for every \$1 spent providing public services, including school services, to residents and workers in these local jurisdictions.

[Table 1-2] Fiscal Impact Summary: Residential and Nonresidential Land Uses – If the Four Projects Selected Were NonTOD Projects, Virginia and Maryland

**Table 1-2**  
**Fiscal Impact Summary<sup>1</sup>**  
**Residential and Non-residential Land Uses**  
**If the Four Projects Selected were non-TOD Projects**  
**Virginia and Maryland**

<i>Aggregate</i>	<b>The</b>	<b>The</b>	<b>The</b>	<b>The Village at</b>
<b>Residential</b>	<b>Shelby<sup>2</sup></b>	<b>Alaire<sup>3</sup></b>	<b>Fitzgerald<sup>4</sup></b>	<b>Odenton Station<sup>5</sup></b>
Annual Revenues Generated	\$ 1,136,105	\$ 458,304	\$ 1,933,565	\$ 881,998
Annual Expenditures Demanded	\$ 952,961	\$ 498,590	\$ 1,502,500	\$ 1,224,047
Annual Revenue Surplus (Deficit)	\$ 183,144	\$ (40,286)	\$ 431,065	\$ (342,049)
<i>Aggregate</i>				
<b>Non-residential</b>				
Annual Revenues Generated	\$ -	\$ 17,157	\$ 194,147	\$ 111,591
Annual Expenditures Demanded	\$ -	\$ 9,265	\$ 77,101	\$ 69,271
Annual Revenue Surplus (Deficit)	\$ -	\$ 7,892	\$ 117,046	\$ 42,320
<b>Total - All Land Uses</b>				
Annual Revenues Generated	\$ 1,136,105	\$ 475,461	\$ 2,127,712	\$ 993,589
Annual Expenditures Demanded	\$ 952,961	\$ 507,855	\$ 1,579,601	\$ 1,293,318
Annual Revenue Surplus (Deficit)	\$ 183,144	\$ (32,394)	\$ 548,111	\$ (299,729)
<i>Per-Unit</i>				
<b>Residential only</b>	<b>The</b>	<b>The</b>	<b>The</b>	<b>The Village at</b>
	<b>Shelby</b>	<b>Alaire</b>	<b>Fitzgerald</b>	<b>Odenton Station</b>
Annual Revenues Generated	\$ 4,734	\$ 1,643	\$ 7,031	\$ 3,753
Annual Expenditures Demanded	\$ 3,971	\$ 1,787	\$ 5,464	\$ 5,208
Annual Revenue Surplus (Deficit)	\$ 763	\$ (144)	\$ 1,567	\$ (1,455)

Source: Urban Analytics, Inc.

**Note:**

<sup>1</sup> These are the revenue and expenditure figures that are estimated to have been generated (*on an annual basis*) if the four projects selected for analysis were non-TOD projects and had been fully built-out and occupied in FY 2014. Revenues and expenditures are based on each jurisdiction's Comprehensive Annual Financial Report (CAFR). <sup>2</sup>Fairfax County, VA. <sup>3</sup>City of Rockville, MD. <sup>4</sup>City of Baltimore, MD. <sup>5</sup>Anne Arundel County, MD.



Figure 1-1: Net Fiscal Impact per Unit of Residential Units: TOD vs. nonTOD Projects

**Table 1-1**  
**Fiscal Impact Summary<sup>1</sup>**  
**Residential and Non-residential Land Uses**  
**Four TOD Projects Selected**  
**Virginia and Maryland**

<i>Aggregate</i>	<b>The</b>	<b>The</b>	<b>The</b>	<b>The Village at</b>
<b>Residential</b>	<b>Shelby<sup>2</sup></b>	<b>Alaire<sup>3</sup></b>	<b>Fitzgerald<sup>4</sup></b>	<b>Odenton Station<sup>5</sup></b>
Annual Revenues Generated	\$ 1,117,400	\$ 371,660	\$ 1,531,898	\$ 705,321
Annual Expenditures Demanded	\$ 752,454	\$ 333,684	\$ 707,891	\$ 590,185
Annual Revenue Surplus (Deficit)	\$ 364,946	\$ 37,976	\$ 824,007	\$ 115,136
<i>Aggregate</i>				
<b>Non-residential</b>				
Annual Revenues Generated	\$ -	\$ 17,157	\$ 194,147	\$ 111,591
Annual Expenditures Demanded	\$ -	\$ 9,265	\$ 77,101	\$ 69,271
Annual Revenue Surplus (Deficit)	\$ -	\$ 7,892	\$ 117,046	\$ 42,320
<b>Total - All Land Uses</b>				
Annual Revenues Generated	\$ 1,117,400	\$ 388,817	\$ 1,726,045	\$ 816,912
Annual Expenditures Demanded	\$ 752,454	\$ 342,949	\$ 784,992	\$ 659,456
Annual Revenue Surplus (Deficit)	\$ 364,946	\$ 45,868	\$ 941,053	\$ 157,456
<i>Per-Unit</i>				
<b>Residential only</b>	<b>The</b>	<b>The</b>	<b>The</b>	<b>The Village at</b>
	<b>Shelby</b>	<b>Alaire</b>	<b>Fitzgerald</b>	<b>Odenton Station</b>
Annual Revenues Generated	\$ 4,656	\$ 1,332	\$ 5,571	\$ 3,001
Annual Expenditures Demanded	\$ 3,135	\$ 1,196	\$ 2,574	\$ 2,511
Annual Revenue Surplus (Deficit)	\$ 1,521	\$ 136	\$ 2,997	\$ 490

Source: Urban Analytics, Inc.

**Note:**

<sup>1</sup> These are the revenue and expenditure figures that are estimated to have been generated (*on an annual basis*) had the four TOD projects selected for analysis been fully built-out and occupied in FY 2014. Revenues and expenditures are based on each jurisdiction's Comprehensive Annual Financial Report (CAFR). <sup>2</sup>Fairfax County, VA. <sup>3</sup>City of Rockville, MD. <sup>4</sup>City of Baltimore, MD. <sup>5</sup>Anne Arundel County, MD.

The four TOD projects analyzed clearly “pay their own way” compared to nonTOD projects that contain higher resident adult and school-age children populations, as shown in Figure 1-1.

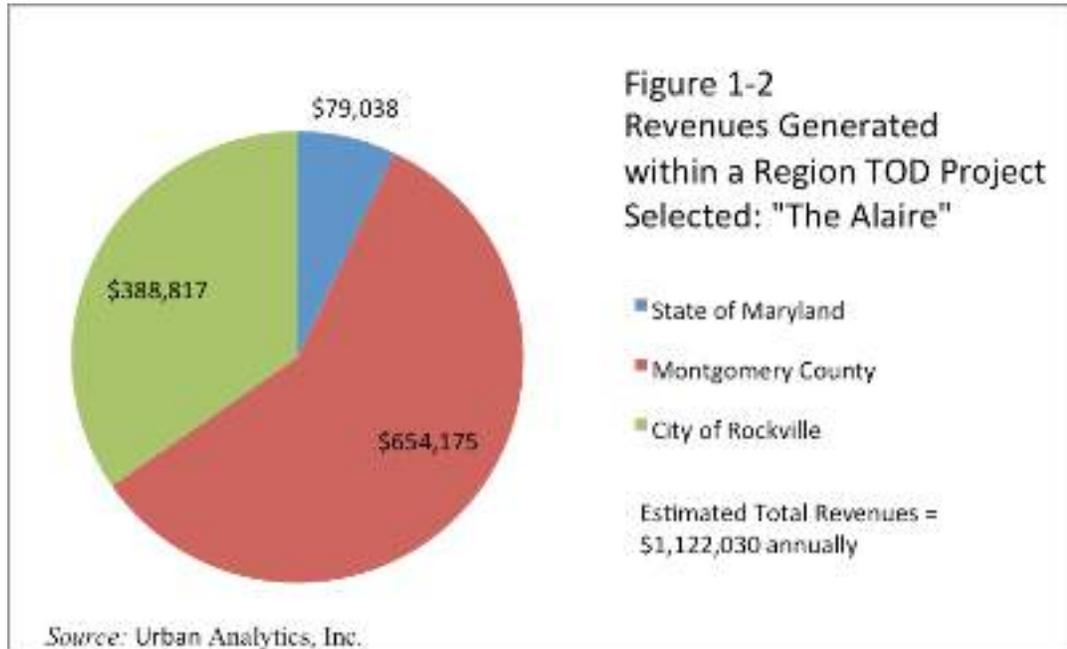
## Regionwide Impacts

The four TOD case study projects had a positive impact on local city and county revenues and across jurisdictions. In Virginia, cities are independent of counties. In Maryland, cities and towns typically receive some level of public services directly from their counties and some directly from the state. These services are supported, in part, by real estate taxes collected from real property in the cities and towns.

Are the fiscal impact findings of a TOD project in one jurisdiction the same as in other jurisdictions? A proposed or existing TOD project would generate different fiscal impacts in other jurisdictions because jurisdictions provide different types and levels of public services, relative to the amount of tax and nontax fee revenues they collect annually.

The Alaire in Rockville, Maryland, for example, generated an estimated \$1,122,030 annually, including \$388,817 in gross revenues for the City of Rockville and an additional \$654,175 for Montgomery County, as well as \$79,038 for the State of Maryland. The estimated annual revenues generated in FY 2014 for the city, county, and state for residential and nonresidential land uses are presented in Figure 1-2 and also in Table 6-1.

[Figure 1-2] Revenues Generated within a Region: "The Alaire" TOD Project



[Table 6-1] Revenues Generated within a Region: Residential and Nonresidential Land Uses: "The Alaire" TOD Project

**Table 6-1**  
Revenues Generated within a Region<sup>1</sup>  
Residential and Non-residential Land Uses  
TOD Project Selected: "The Alaire"  
Virginia and Maryland

Aggregate	City of Rockville, MD	Montgomery County, MD	State of Maryland	Total
<b>Residential</b>				
Annual Revenues Generated				
Real Estate Revenues	\$ 196,338	\$ 623,306	\$ 75,308	\$ 894,952
All other Revenues	\$ 175,322	\$ -	\$ -	\$ 175,322
<b>Total</b>	<b>\$ 371,660</b>	<b>\$ 623,306</b>	<b>\$ 75,308</b>	<b>\$ 1,070,274</b>
<b>Non-residential</b>				
Annual Revenues Generated				
Real Estate Revenues	\$ 9,724	\$ 30,869	\$ 3,730	\$ 44,323
All other Revenues	\$ 7,433	\$ -	\$ -	\$ 7,433
<b>Total</b>	<b>\$ 17,157</b>	<b>\$ 30,869</b>	<b>\$ 3,730</b>	<b>\$ 51,756</b>
<b>Grand Total</b>	<b>\$ 388,817</b>	<b>\$ 654,175</b>	<b>\$ 79,038</b>	<b>\$ 1,122,030</b>

Source: Urban Analytics, Inc.

Note:

<sup>1</sup> These are the revenue figures that are estimated to have been generated (on an annual basis) had "The Alaire" TOD project been fully built-out and occupied in FY 2014 based on the City of Rockville's Comprehensive Annual Financial Report (CAFR).

## Cross Jurisdictional Impacts

The Alaire in Rockville, Maryland, illustrates the additional fiscal benefits and cross-jurisdictional revenues for one TOD project, as shown in Figure 1-2.:

- Estimated gross revenues generated for the City of Rockville: \$388,817
- Estimated gross revenues generated for Montgomery County: \$654,175
- Estimated gross revenues generated annually for the State of Maryland: \$79,038
- Estimated total gross revenues generated annually: \$1,122,030

## General Characteristics of TOD versus nonTOD Projects

**The characteristics of TOD versus nonTOD projects** are based on analysis of 42 projects comprising 9,546 existing TOD and nonTOD apartment units in Virginia's Arlington and Fairfax counties and in Montgomery County, Maryland. The four TOD case study projects were located in Fairfax County, Virginia, and Anne Arundel, Baltimore, and Montgomery counties in Maryland.

**Number of Units:** A total of 5,388 (56.4 percent) of the 9,546 apartment units were located in Virginia, and 4,158 units (43.6 percent) were located in Maryland. Some 45 percent of the Virginia units were identified as TOD projects and were located at or near nine Metrorail stations, while 34 percent of the Maryland units were identified as TOD projects and were located at or near three Metrorail stations.

**Average Household Size:** Average TOD household size varied by location, and ranged from 1.6 people, or 16.2 percent smaller than the average nonTOD households in Montgomery County, to 1.75 people, or 8 percent larger than average nonTOD households in Fairfax County.

**Average Number of School-age Children per Unit:** Both TOD and nonTOD apartments generally had fewer school-age children in Fairfax County (0.12 per TOD unit and 0.14 children per nonTOD unit) compared to Montgomery County, where 0.14 children lived in each TOD unit and 0.35 children lived in each nonTOD unit. The cost of providing public education in the Baltimore-Washington, D.C. metro region usually ranks either first or second among all public services. The lower average students per unit in TOD projects results in a lower per-unit public education cost in the fiscal impact analysis.

**Median Household Income per Unit:** The median household income per unit for the TOD projects was substantially higher (greater than 10 percent) than the nonTOD units. In Fairfax County,

the median TOD household income was \$106,631 or 12.7 percent higher than the nonTOD incomes. In Montgomery County, the median TOD household income was \$116,892 or 39.7 percent higher than nonTOD incomes.

**Median Age Range of Residents:** All projects in all counties, except for the Fairfax County TOD units, reported a median age range of 31 to 40 years. In Fairfax County, the median age range of residents in the TOD units was 26 to 30 years. It is not clear whether the higher median age range of 31 to 40 years reflects a lifestyle choice or a housing affordability issue. Nor is it clear from the data why the median age of households in TOD units in Fairfax County was younger. The reasons for this age difference could include but are not limited to the following factors:

1. housing choices in Fairfax County could be different than in the other counties;
2. housing options in Fairfax County could be more diverse, drawing in younger residents;
3. recent college graduates moving to the Washington, DC metropolitan area from outside the region could be choosing to live in Fairfax County and northern Virginia over counties in suburban Maryland; and
4. employment opportunities for younger workers are more prevalent in Fairfax County and in northern Virginia than in suburban Maryland.





**Average Number of Cars:** On average, the ratio of cars per unit was 1.30 for nonTOD units compared to 1.04 for the TOD units. The fact that TOD residents owned slightly more than one car per unit could indicate the need for more amenities around TOD projects that people can walk to or that many employment centers in the region are located outside of the public transportation network, resulting in the need for at least one member of the household to use a car to get to work.

**Transportation to Work:** People who lived in TOD apartments commuted by public transit at a rate five times greater than nonTOD residents (20.2 percent versus 4.2 percent).

**Average Commute Time:** The average commute time for all nonTOD residents was about evenly split between 1 to 15 minutes (26.8 percent) and 16 to 30 minutes (27.06 percent) for all modes (public transit, driving, walking, carpooling, other). A third (33.92 percent) of the TOD residents estimated that it took 16 to 30 minutes to travel to work, and one-quarter (26.51 percent) reported a 1 to 15-minute commute.

**Previous Residence:** For both nonTOD and TOD projects, slightly more than two-thirds of residents (68.73 percent) moved to their current apartment building from another apartment building. About one-quarter of residents (23.88 percent) moved to their current apartment building from a house. Six percent of residents moved directly to their current apartment building from their parents' house, and the remaining residents (about 1.4 percent) moved to their current residence straight from college.



## Conclusions

- The four TOD projects analyzed clearly “pay their own way,” while nonTOD projects, which have larger average household sizes in both adult and school-age children populations, generally pose a higher fiscal burden for cities and counties.
- TOD project apartments generated between \$1.13 and \$2.20 in tax and nontax revenues for their respective jurisdictions for every \$1 spent on public services for the residents and employees.
- If the TOD projects were not located at or near a transit rail station, they would have generated fewer revenues--between \$0.77 and \$1.35 in tax and nontax revenues for every \$1 spent on public services for the project’s residents and employees.
- The population and school-age children characteristics of TOD and nonTOD projects are quite different. Fewer families with school-age children live in the TOD apartments, so there is less need from those projects for educational services from local school systems.
- The data does not support the major concerns of TOD opponents:
- TODs do not place a greater burden on local public school systems because they generally have fewer school-age children.
- TODs do not place a greater burden on overall costs for services such as public safety, public works, and parks and recreation, because average household size generally is smaller.

## Future Research

The fiscal analysis discussed in this report prompts some questions for future research:

- Are the research and findings unique to the Baltimore-Washington, D.C. region, or can they be replicated in other large urban areas?
- If findings from similar studies do not confirm this report, why is the Baltimore-Washington, D.C. region unique, and what factors might contribute to the differences?
- Three of these projects are in close-in suburban locations. Do the fiscal returns of suburban TODs differ from the returns of TOD projects in the downtown core?
- Are the lower average school-age numbers in the TOD projects unique to the Baltimore-Washington, D.C. region, or does this also occur in TOD projects in other large urban areas?
- Does the median age range of 31 to 40 years for TOD residents reflect a generational or lifestyle choice, or does it reflect a housing affordability issue in the Baltimore-Washington, D.C. region?
- Is this median age range an indicator of a future trend or an anomaly?
- Do specific TOD factors contribute larger revenues by attracting a specific tenant profile? For example:
  - » urban attractiveness for young (age 25 to 40) singles or couples without children?
  - » proximity to the transit station, encouraging walking and biking?
  - » generally smaller residences with more affordable rents, allowing more disposable income?
  - » newer construction, modern architectural styles, and higher-end amenities drawing higher incomes?
- How does the cost of parking, especially structured parking, as well as zoning that requires fewer parking spaces per unit to encourage public transit use, affect the average number of cars per unit in TOD projects?
- What effect would a percentage of affordable and workforce TOD housing units have on the overall fiscal impact to a jurisdiction when those units are priced at market-rate and below-market rate?
- Is there a fiscal break-even point at which TOD housing units priced below the fiscal break-even point generate a net fiscal burden (deficit) to the municipality, while TOD housing units priced above the fiscal break-even point generate a net fiscal benefit (surplus) to the municipality?





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**From:** [KMcDonald@bellevuewa.gov](mailto:KMcDonald@bellevuewa.gov)  
**To:** [Martin, Larry](#)  
**Cc:** [EAKing@bellevuewa.gov](mailto:EAKing@bellevuewa.gov)  
**Subject:** RE: Transportation Plan--Proposed Downtown OLB Zoning Changes  
**Date:** Monday, March 06, 2017 4:37:20 PM

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Hi Larry – an analysis was done by the Modeling and Analysis Group in the Bellevue Transportation Department to compare the vehicle level of service in the Downtown Livability Initiative land use scenario with the Downtown Transportation plan scenario that used existing zoning. The transportation network – including the East Link light rail service – was held constant in both scenarios. The results are described in the attached document that was provided to the Transportation Commission on February 23. You summarize the findings quite accurately in your message below.

Let me know if you have any questions about this document.

Kevin

**Kevin D. McDonald, AICP**

Principal Transportation Planner

Bellevue Transportation Department

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**From:** Martin, Larry [mailto:LarryMartin@dwt.com]  
**Sent:** Monday, March 06, 2017 11:27 AM  
**To:** McDonald, Kevin <KMcDonald@bellevuewa.gov>  
**Subject:** Transportation Plan--Proposed Downtown OLB Zoning Changes

Hello Kevin –

I have been participating in the Downtown Livability Land Use Code Update Process on behalf of a property owner in the OLB zoned area adjacent to I-405 and 112<sup>th</sup> Ave NE. I recall you or another staff member reporting earlier in the Planning Commission review process, that the potential impacts of allowing more density in the OLB zoned area were analyzed. As I recall, the findings indicated there is likely to be less impact on traffic congestion Downtown than might be thought due to the ability to access the sites from I-405 and other transportation corridors to the east with very short trips through the Downtown, and thus impacting relatively few Downtown intersections. I do not recall if the future light rail stations also contributed to this conclusion, but it seems logical that they would.

I cannot locate any written material on these points. Can you provide or direct me to the report and analysis I am thinking of?

Thank you.

Larry

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# Downtown Livability Initiative Land Use Scenario Intersection Analysis Technical Memo

## Summary

This technical memo documents transportation modeling analyses and findings of a land use scenario developed for the Downtown Livability Initiative (DLI). The DLI was guided by a Citizen Advisory Committee (CAC) and included a targeted review of specific regulations for land use and urban design in Downtown Bellevue. The objectives of the DLI are to: better achieve the vision for Downtown as a vibrant, mixed-use center; enhance the pedestrian environment; improve the area as a residential setting; enhance the identity and character of Downtown neighborhoods; and incorporate elements from the Downtown Transportation Plan (DTP) Update and the East Link design work.

The Downtown Transportation Plan (DTP) land use scenario is a 2030 forecast for employment and population developed as part of the DTP Update. It forecasts a total of 70,300 jobs and 19,000 residents for Downtown and is consistent with the Puget Sound Regional Council's (PSRC) forecast. As recommended by the CAC, the DLI scenario assumes the same number of jobs and residents in 2030 as was assumed in the DTP scenario. Both the DLI and the DTP

scenarios assume the same transportation system improvements. The difference is that the DLI scenario redistributes some of the forecast jobs from the Downtown Core to areas north, south and east of the Core, but still within Downtown. Conversely, it redistributes a portion of forecast residential units to the Downtown Core from areas north and south. Various transportation modeling and analysis tools were used to assess the transportation impact of the DLI scenario and compare the results to that of the DTP scenario. A summary of the findings from these analyses is as follows:



- Compared to the DTP scenario, the DLI scenario would improve overall traffic operation in the Downtown area, based on a calculation of vehicle delay at signalized intersections:
  - Average delay per vehicle at Downtown intersections would decrease by nearly 8%, from 49 seconds to 45 seconds in the PM peak hour (4PM to 6PM) in 2030.
  - The total vehicle delay would decrease by more than 8% from 1611 hours to 1472 hours in the PM peak hour in 2030.
- According to the model analysis, most noticeable travel time improvements would be expected in the Downtown Core, while a slight degradation is predicted in the Downtown fringe area. However, with signal timing optimization, the slight degradation in traffic operation in the Downtown fringe area could be mitigated.

These results suggest that, with redistribution of the projected job and population growth in the DLI scenario, average vehicle delay and total vehicle delay on the Downtown roadway network would be lower in comparison to the DTP scenario. The detailed land use scenario descriptions, analysis methodology and analysis results are documented in the sections below.

## **Land Use Scenarios**

**Downtown Transportation Plan Update Land Use Scenario:** The DTP update, with technical work occurring between 2011 and 2013, addressed a 2030 time horizon for its transportation analysis. Inputs to the transportation model included the 2030 land use forecast for Downtown Bellevue of 70,300 jobs and 19,000 residents. This is an increase of 42,321 jobs and 8,887 residents from 2010. The 2030 forecast is generally consistent with the Puget Sound Regional Council's (PSRC) forecast for Downtown and represents the share of regional growth that Downtown Bellevue is expected to accommodate by 2030.

**Downtown Livability Initiative Land Use Scenario:** The DLI enlisted a CAC between May 2013 and June 2014 to develop a set of Land Use Code recommendations intended to enhance livability in Downtown Bellevue. In the report delivered to Council in January 2015, the CAC recommended an increase in the maximum allowable density and/or building height in a number of Downtown zoning districts. The CAC recommendations do not change the 2030 land use forecast that was used in the DTP analysis, which is still tied to Downtown Bellevue's share of regional growth. Rather, the recommendations affect the geographic distribution of employment and residential growth by 2030 in Downtown Bellevue based on the following:

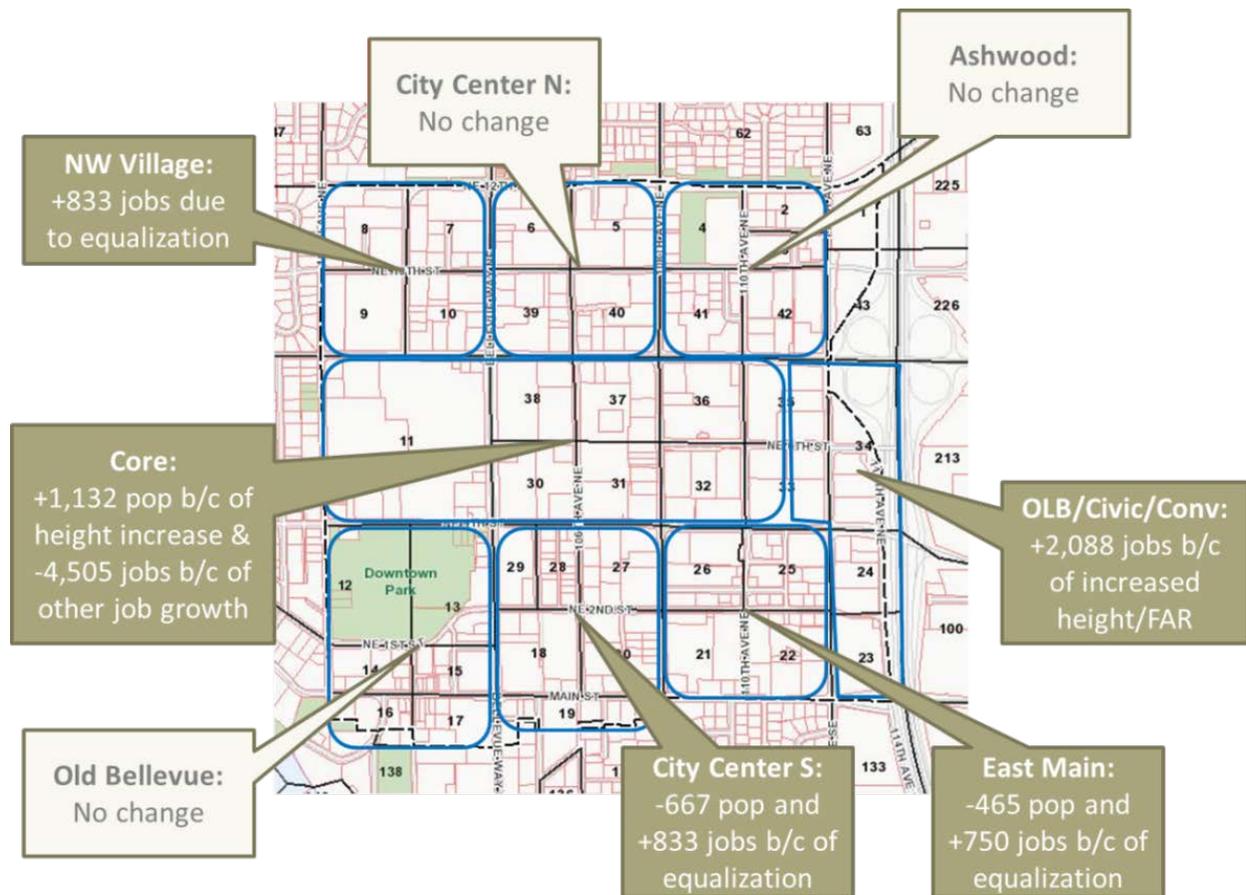
- Increased maximum building height from 450 feet to 600 feet in O-1 District where residential density is currently unlimited, creating the potential to increase the amount of residential development in O-1 above current zoning.
- Increased building height and density in Downtown OLB District and the eastern part of Civic Center, creating the potential to increase the amount of office and hotel development above current zoning.
- Equalization of nonresidential and residential potential building size in MU District, creating the potential to increase the amount of office development in the MU district above current zoning.

The net differences between the DTP scenario under current zoning and the DLI scenario taking into account the CAC recommendations are that:

- An additional 1,132 residents and 4,504 fewer jobs would be expected by 2030 in the Core area.
- An additional 2,416 jobs and 1,132 fewer residents would be expected by 2030 in the areas north and south of the Core within Downtown.
- An additional 2,088 jobs would be expected by 2030 in the Downtown OLB District.

The redistribution of forecast growth is shown in Figure 1. Detailed land use assumptions for the DLI scenario and comparison by individual Transportation Analysis Zone (TAZ) to the DTP scenario can be found in Table A-1 and Table A-2 in the Appendix.

**Figure 1: 2030 Land Use Scenario Comparison – DLI Scenario vs. DTP Scenario**



## Modeling Methodology and Assumptions

Consistent with the DTP analysis methodology, the Bellevue/Kirkland/Redmond (BKR) travel demand model and dynamic traffic assignment model were used to analyze the travel demand and traffic operation conditions for the DLI 2030 horizon year. Before the BKR model was used in the analysis, the PM peak hour volumes were compared to 2030 DTP model for reasonableness and consistency. The travel demand as forecasted by the BRK model was then input into the dynamic model, called Dynameq, for traffic operation analysis. After that, traffic signal optimization software called Synchro was used to conduct further operational analysis for selected intersections. The methodology was discussed with traffic engineering staff and was deemed a reasonable approach.

## Network Assumptions

The DLI scenario uses the same transportation network configuration assumed for the DTP scenario. Both studies include roadway capacity projects that can be realistically expected to be completed by 2030 to support Downtown Bellevue mobility, such as:

- **SR 520:** New ramps to/from the east @ 124th Avenue NE to complete the interchange

- **SR 520:** Slip ramp eastbound under 148th Avenue NE to connect to 152nd Avenue NE
- **I-405:** Southbound braid from SR 520 to NE 10th Street
- **I-405:** Add one auxiliary lane (collector/distributor lane) each northbound and southbound, between SE 8th Street and SR 520. The portion north of Main St will be accomplished through restriping not additional widening.
- **NE 6th Street:** Extend existing HOV facility across I-405 and connect to 120th Ave NE
- **Bellevue Way SE:** Add one HOV lane southbound from 112th Avenue SE to the South Bellevue Park & Ride to align with the forthcoming SB HOV lane between there and I-90.

## Model Results

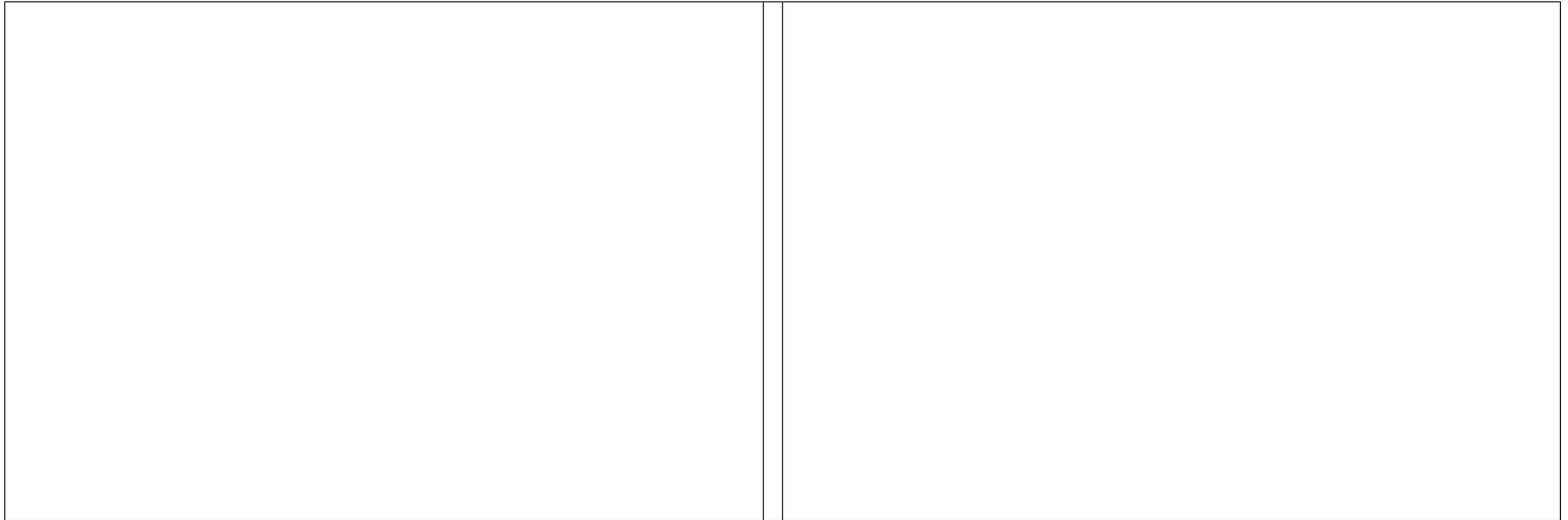
The 2030 PM peak hour is the focus of this modeling analysis. With some job growth redistributed to the Downtown fringe area in the DLI scenario, average intersection delay per vehicle in Downtown as a whole would be expected to drop from over 49 seconds to about 45 seconds, or nearly 8% as shown in Table 1. The expected total vehicle delay in the 2030 PM peak hour would be reduced from 1611 to 1472 hours, a more than 8% time savings compared to the DTP scenario. The average intersection level-of-service (LOS), a qualitative expression of the intersection vehicle delay, would remain at LOS D in both scenarios.

**Table 1: Vehicle Delay and LOS in Downtown Bellevue (2030 PM Peak Hour)**

<b>Downtown-wide</b>	<b>2030 DTP Scenario</b>	<b>2030 DLI Scenario</b>	<b>Difference</b>	<b>%</b>
Hourly Volume	117,938	116,961	-977	-0.8%
Average Vehicle Delay (sec)	49.2	45.3	-3.9	-7.9%
LOS	D	D	--	--
Total Vehicle Delay (hours)	1611	1,472	-139	-8.6%

**Figure 2** below shows the LOS and average intersection delay in Downtown Bellevue. More detailed LOS/delay data, as well as throughput and vehicle delay hours (VDH) at each major intersections.

**Figure 2: 2030 PM Peak Hour Average Vehicle Delay and LOS DLI Scenario and DTP Scenario**



**Note:**

With land use redistribution under the DLI scenario, delay at major intersections on NE 8<sup>th</sup> St., NE 4<sup>th</sup> St, and 112<sup>th</sup> Ave NE would be reduced. Although the initial Dynameq model results in the DLI scenario indicated degradation at 110<sup>th</sup> Ave. /NE 2<sup>nd</sup> St. and 112<sup>th</sup> Ave./ NE 2<sup>nd</sup> St., further analysis using Synchro showed delays at these intersections could be reduced with appropriate signal timing optimization and better coordination. The DLI diagram has incorporated signal timing optimization at selected intersections on NE 2<sup>nd</sup> St. and Main St.

**From:** Munir and Audrey  
**To:** [PlanningCommission](#); [Council](#)  
**Subject:** Downtown Livability Concerns  
**Date:** Thursday, March 16, 2017 9:14:00 AM

---

Dear Planning Commission and City Council,

We shared our concerns with the Honorable Mayor John Stokes after we attended the Planning Commission meeting on Feb 8, 2017. We would like to share our concerns with you as well.

The proposed code changes must balance the interests of the fulltime residents of Bellevue and developers equally, and the actions of the City Council, Planning Commission and the Staff need to reflect this important objective. We, the fulltime residents of downtown Bellevue, are major stake holders in what happens in Downtown Bellevue, and our interests must be seriously considered while accommodating developers' needs/objectives. Based on what we hear during the public meetings, we are convinced developers are fighting very hard against anything new they are asked to do (i.e. increased spacing and setbacks), while they are very eager to get everything they can that would benefit them immensely in terms of code changes (i.e. height, density). We understand their sole objective is to maximize their return on their investment, however, we want to make sure our elected representatives protect our interest so we do not get hurt during the process.

We are very concerned that the most recent code update recommendations do not address the concerns we have repeatedly raised during the development of the code update. We are concerned about height increases and generous "bonuses" given to developers, which further increase the building heights. For example, it is NOT clear to us why the maximum building-height in DT-O-2 South of NE 4<sup>th</sup> has been increased from 302 ft (250 ft plus "bonuses") to 345 ft (with allowed "bonuses"), which is a substantial increase as far as we are concerned. Why is this increase necessarily and how is it justified? How does this increase and/or giving generous "bonuses" to architecturally integrated mechanical equipment or interesting roof forms improve the livability of full-time residents of downtown Bellevue? Why are height/density increases needed right away in the downtown area while there are still many existing properties (i.e. empty lots, old single story commercial buildings, old strip malls, etc.) in other areas of Bellevue. Isn't it possible to improve the downtown livability without height/density increases?

It is not clear to us if the total direct and collateral impact of the height/density increases are well understood. Why are these zoning decisions being rushed without understanding the full impact of the zoning changes? Every action has a reaction (consequences). The total effect is yet to be fully studied and understood, such as the impact on traffic. We made a substantial investment in Bellevue by buying our condominium in downtown and are planning to enjoy our retirement here. We live here day in day out; we are neither day-residents working in downtown nor hotel customers occasionally spending a few days here nor developers that live miles or thousands of miles away from downtown Bellevue. Once the builders take advantage of the zoning changes, there is no way to undo their negative effects, and the full-time Bellevue downtown residents have to live with those negative effects forever.

We have been raising our concerns regarding height/density increase proposals since the start of discussions regarding code changes. We feel our concerns are heard, however, no meaningfully actions have been taken to address those concerns. We are obviously concerned

that the builders have a lot of influence regarding the growth in downtown Bellevue, but we, full-time downtown residents, have very little or no say, or able to affect the outcome. Builders are the only ones who usually harvest the benefits of these height increases beyond the current code, but the full-time residents are the ones who are negatively impacted. The developers build, sell and move on, but the full-time residents stay here dealing with some of the damage builders create.

We live in downtown Bellevue 24/7 (Bellevue Towers). We see downtown livability deteriorating, daily. Getting from I-405 to the downtown core is taking longer and longer (over 20-40 min during the Holidays and 15-20 min during the rush hours). Late night car races through downtown streets are getting more frequent and louder. Regular daily noise (garbage pickup, street cleaning, emergency vehicles, etc.), bouncing from tower to tower, is getting louder every day. Our guests are either having more difficulty finding parking or are paying more for available parking. Disturbingly, the streets are getting windier because of the “canyon effects” of new high rise buildings. Walking in the downtown area and crossing the streets is getting more dangerous and the risk of pedestrian/bicycle/car accidents are increasing. Shouldn't the City of Bellevue improve all of these things listed here first, before adding more height/density to the downtown area?

There are many transit oriented places in Bellevue, such as Wilberton, Spring District, Overlake, Eastlake that can accommodate significant growth, while downtown is most likely already saturated. Why is there so much focus on downtown growth while the density induced heavy traffic already creating a lot of problems for the people going in and out of downtown, especially fulltime residents of the downtown?

We made certain assumptions when we purchased our unit in Bellevue Towers based on the current code and now we are potentially exposed to losing substantial value in our investment with the code update, and therefore, we are obviously concerned. Furthermore, we love downtown Bellevue and chose it over downtown Seattle . . . we certainly do not want Bellevue to become another Seattle!!!

Thank you for listening . . .

Munir and Audrey Orgun

**From:** Todd Woosley  
**To:** [PlanningCommission](#)  
**Cc:** [Cullen, Terry](#)  
**Subject:** Downtown Livability Update Public Hearing Comments  
**Date:** Wednesday, March 08, 2017 8:04:01 PM  
**Attachments:** [Downtown Livability Update Public Hearing Memo.docx](#)

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Dear Planning Commission,

Thank you for your interest my comments regarding the Downtown Livability Code Update.

Please find below a copy of the letter I submitted in person at the Public Hearing.

Also, I would like to reiterate the importance of considering the impacts of any density increases on the response times of our emergency services providers. Specifically, the much anticipated new “downtown” fire station is designed to improve response times. It is important the City understands the impact any density increases would have on such response times.

Sincerely,

Todd

Todd R. Woosley  
10633 S.E. 20th Street  
Bellevue, WA. 98004  
(425) 454-7150 mobile

Todd R. Woosley  
10633 S.E. 20<sup>th</sup> Street  
Bellevue, Washington 98004  
(425) 454-7150

To: Bellevue Planning Commission

From: Todd R. Woosley

Date: March 8, 2017

Re: Comments on Downtown Livability Code Updates

Bellevue's Central Business District (CBD) has emerged as one of the most vibrant downtowns in the Country, due to a variety of factors. These include its location surrounded by three freeways (I-405, I-90 and SR 520), relatively generous zoning (especially building heights and densities), the City's responsible fiscal and infrastructure policies, and remarkable private sector involvement.

The vision for the Central Business District was ahead of its time, and has resulted in an enviable rate of development since the early 1980s. Each development cycle has created even higher quality development than the past.

The current code, in addition to private sector efforts, has led to a great place to work, shop and live. Downtown Bellevue also provides more shopping, dining and entertainment options for the surrounding neighborhoods than ever.

Overall, downtown's livability has never been better.

Therefore, I encourage the Planning Commission to adopt all reasonable changes to the Code that don't include increases in density as soon as possible.

However, the traffic is pretty bad, and will only get worse. The City's study of impacts on traffic in the CDB from potential zoning changes shows that the length of time it will take to get through downtown in the PM peak will almost double by 2030. This is without full development build-out under the existing Code.

Please understand the traffic modeling's summary could be misinterpreted to mean an increase in densities/Floor Area Ratios (FAR) will improve traffic in the CBD. While increasing FARs in the eastern portion of the CBD might shift traffic closer to I-405, in 2030, this would only result in a relatively short-term effect of slight fewer trips within the heart of the CBD. In the longer term, any density increases would result in even more trips, leading to worse congestion.

Also, the study assumed several key transportation infrastructure improvements would be funded and built by 2030. Unfortunately, more recent information proves this is not the case. Therefore, I urge the City to use the modeling results that do not include the following projects:

1. N.E. 10th Street offramp from southbound I-405
2. N.E. 6th Street extension from 112th Avenue N.E. to 120th Avenue N.E.
3. 120th Avenue N.E. final phase expansion to Northup Way
4. 124th Avenue N.E. complete expansion between N.E. 8th Street and SR 520
5. SR 520 “Half Diamond” ramps at 124th Avenue N.E.

Most importantly, I believe a more thorough analysis of the CBD’s ability to handle traffic should be completed before any decision is made on density increases in Downtown Bellevue.

This analysis should include level of service at full build out of the CBD under both the current and proposed FARs. It should also factor in the differences in PM Peak trip generation any upzoning/”equalization” to greater commercial/office densities that might occur.

It’s also worthwhile to note that the CBD is less than 3% of Bellevue’s land mass. Bellevue has several other non-single family neighborhoods that might be better able to handle increases in densities. BelRed, Crossroads, Eastgate, Factoria, the Richards Valley and Wilburton have significant amounts of underdeveloped land that would be able to accommodate growth well.

Overall, the efforts to date have resulted in a good draft proposal. Let’s continue to work together to ensure Downtown Bellevue’s livability continues to improve.

**From:** Kathy Yeyni  
**To:** [PlanningCommission](#)  
**Subject:** DT Livability Plan  
**Date:** Wednesday, March 15, 2017 3:08:05 PM

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Please accept my comments with regards to Downtown Livability:

The plan will add many more people with increased density and yet the prediction is that there will be no impact on mobility – traffic, including motor and pedestrian. This will create additional traffic, parking and safety issues. It doesn't even make sense that with more people, there will be no impact.

I have concerns as to how raising the height to buildings adds to variability.

What happened to taller, skinnier buildings?

What about all the “amenities” given to residents in exchange for bonus given to developers? All we are seeing, and will see, is increased traffic and less safety while walking and a lot more metal to look at.

All I see is developers getting more and more and full-time, tax paying, residents getting traffic and blocked views. Soon we will have wall-to-wall traffic and 100% shade even when the sun is out.

Is anyone doing in-depth traffic studies as to the impact BEFORE adding to the density?

Are there plans for traffic flows, regardless of additional density? Some suggestions for CURRENT issues would be one-way streets on NE 4<sup>th</sup> and NE 8<sup>th</sup> and, at the very least, all-way pedestrian crossing at all the major intersections. I think that these two things alone would help solve current issues.

Thank you for considering my comments and rethinking the entire DT Bellevue Livability plans. Please do not accept the Livability plan as-is.

Sincerely,

Katherine and Josh Yeyni

206-948-2030  
500 106th Ave NE, Unit 2101  
Bellevue, WA 98004

**From:** Bryce Yadon  
**To:** [PlanningCommission](#)  
**Subject:** Futurewise Comments - DT Land Use Code  
**Date:** Wednesday, March 08, 2017 4:16:24 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[Futurewise BPC - DT Livability Rezone.pdf](#)

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Dear Planning Commission –

Attached are comments from Futurewise on the current proposal for the Downtown Land Use Code. We look forward to continuing to work with you and the City of Bellevue as you go through this important process. Please feel free to reach out to me if you have any further questions.

Thank you,

**Bryce Yadon**  
State Policy Director  
Futurewise



816 Second Avenue, Suite 200  
Seattle, WA 98104-1530  
cell: 253 249-4430  
fax: 206 709-8218  
connect: [in](#) [en](#)  
[futurewise.org](http://futurewise.org)

816 Second Ave  
Suite 200  
Seattle, WA 98104



(206) 343-0681  
fax (206) 709-8218  
[futurewise.org](http://futurewise.org)

City of Bellevue  
Planning Commission  
C/O Chair John deVadoss  
PO Box 90012  
Bellevue, WA 98009  
Email: [planningcommission@bellevuewa.gov](mailto:planningcommission@bellevuewa.gov)

March 8, 2017

Dear Planning Commissioners:

Futurewise is reaching out to you in regards to the Downtown Livability initiative rezone. For 25 years, Futurewise has worked to prevent sprawl in order to protect Washington's resources and make our urban areas livable for and available to all. We focus on preventing the conversion of wildlife habitat, open space, farmland, and working forests to subdivisions and development, while directing growth and ensuring livability, affordable housing, effective transportation, social justice, environmental justice and environmental quality in our urbanized areas.

We applaud the efforts by the City of Bellevue, and specifically the Bellevue Planning Commission, in working to update the Downtown Code to foster a vibrant and livable city. This is an opportune time to go through this process, as the Puget Sound Region is growing at a blistering pace and Bellevue will see high capacity transit running through its downtown core in 2023, further connecting key regions. For these reasons and many others, Futurewise would like to provide comments to achieve a walkable, livable city that will support and encourage strong transit oriented development (TOD) outcomes.

This being the first substantive change to the Downtown Land Use Code since 1981, Futurewise believes that the update should allow for the greatest amount of flexibility to build a walkable, livable, and dense community that conforms to TOD principles. The proposed updates to *walkability*, especially as it relates to activation, through-block connections, and width is consistent with TOD principles. We also see improvements to the parking requirements, and with additional flexibility of parking ratios, we believe that parking requirements can be reduced further. These reductions could be achieved by looking at parking vacancy rates at garages within key transit corridors and using shared parking facilities to reduce parking requirements.

Most importantly, as a signatory to the Puget Sound Regional Council's *Growing Transit Communities*, Bellevue should be providing maximum flexibility to increase density around the future light rail stations. Futurewise has serious concerns with the tower separation proposal. The Planning Commission should amend the definition of tower height from 75 feet and increase it 125 feet. This follows best practices for downtown urban planning and will allow for greater density. Futurewise also believes that the 80-foot tower separation requirement far exceeds best practices, will greatly reduce the ability to achieve density, and reduce the utilization of light rail. We recommend that the Planning Commission consider substantially lowering the tower spacing requirements to fully take advantage of this opportunity as you update the Downtown Code.

Futurewise recommends that the City of Bellevue and the Planning Commission use principles that will foster a dense, walkable, and livable city that fully utilizes the expanded capacity of the future light rail connections to the rest of the region. These decisions today will impact development patterns for decades, and we hope Bellevue will continue its commitment to the *Growing Transit Communities* framework and Vision 2040. We look forward to working with the Planning Commission on refining and updating these codes.

Thank you,

Bryce Yadon  
Futurewise – State Policy Director

**From:** [King, Emil A.](#)  
**To:** [Byers, Trish \(Patricia\)](#); [Cullen, Terry](#)  
**Subject:** FW: DT Livability Code Amend. - MBA Comments  
**Date:** Wednesday, March 15, 2017 8:15:29 AM  
**Attachments:** [BuiltGreenLetterBellevue2017.3.8.pdf](#)

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Terry,

Please make sure this letter is included with PC's 3/22 packet. Came in to Trish and I on 3/8 after your noon desk packet cut-off. Not sure if you received it as well.

Thanks,  
Emil King

March 9, 2017

Trish Byers, Code Development Manager  
Emil King, Strategic Planning Manager  
Development Services Department  
P.O. Box 90012  
Bellevue WA  
98009-9012

RE: Downtown Livability Draft Code Amendment 15-123469 AD

Dear Trish and Emil,

Thank you for the opportunity to comment on Bellevue's Downtown Livability Draft Code Amendment, specifically on new incentives for green building. Bellevue is our headquarters location and we appreciate our longtime collaborative and positive working relationship with the city.

Built Green is a residential building program of the Master Builders Association of King and Snohomish Counties (MBA) – created in active partnership and collaboration with King and Snohomish Counties, and engaging other agencies in Washington State. Its focus is to define standards for building excellence that have a significant, sustainable impact on housing, human health and the environment. Built Green provides builders and consumers with easy-to-understand rating systems that quantify environmentally-friendly building practices for new home construction, multi-family development, and residential remodeling projects. The certification framework explains and demystifies green building, showcases a variety of strategies, and provides a flexible path for builders to obtain certification.

The MBA Built Green program offers a diverse mix of homes and apartments that safeguard family health while promoting sustainable communities and protecting our unique Pacific Northwest environment. These resource-efficient homes are designed to exceed standard building codes, and to be cost-effective to own and maintain.

The MBA is pleased to see that our Built Green program and certification are included in tiers of the sustainability certifications that are eligible for a Floor Area Ratio bonus. We believe that this will be a valuable incentive to encourage builders to utilize Built Green at the 5-Star and Emerald Star levels, our most rigorous certifications.

Built Green Emerald Star is recognized as an exceptionally rigorous, holistic certification standard. Emerald Star requires modeling that demonstrates net zero energy use, as well as strict constraints for water consumption, site development, indoor air quality standards, and materials use, among other considerations.

We have one clarification. Although Built Green Emerald Star is appropriately included in Tier 2 of eligible sustainability certifications, the program is inaccurately labeled. To eliminate confusion among applicants, the program should be labeled, "Built Green Emerald Star."

Built Green's 5-Star level is appropriately placed in Tier 3, as it is also a rigorous, holistic designation, though not as rigorous as Emerald Star. Built Green is the most commonly utilized certification program for residential development in our region, and we thank the City of Bellevue for including our program in these valuable incentives.

The Master Builders Association of King and Snohomish Counties' Built Green program has a long and successful track record of certifying environmentally sustainable homes in the Puget Sound region. We look forward to working with Bellevue to increase the number of Built Green homes in the years ahead.

If you have questions or would like to discuss, please contact me directly at [dhoffman@mbaks.com](mailto:dhoffman@mbaks.com) or 425.460.8224.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Hoffman', with a stylized flourish at the end.

David Hoffman  
King County Manager

cc: Carol Helland, Land Use Director, Development Services Department  
Leah Missik, Built Green Program Manager, MBA

**From:** [King, Emil A.](#)  
**To:** [Helland, Carol](#); [Byers, Trish \(Patricia\)](#); [Stroh, Dan](#); [Cullen, Terry](#)  
**Subject:** FW: DT Livability Code Amend. - MBA Comments  
**Date:** Wednesday, March 08, 2017 1:10:12 PM  
**Attachments:** [BuiltGreenLetterBellevue2017.3.8.pdf](#)  
[image003.png](#)

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**From:** Ewing, Jennifer  
**Sent:** Wednesday, March 08, 2017 1:07 PM  
**To:** David Hoffman <dhoffman@mbaks.com>  
**Cc:** Leah Missik <lmissik@mbaks.com>; King, Emil A. <EAKing@bellevuewa.gov>; Byers, Trish (Patricia) <PByers@bellevuewa.gov>  
**Subject:** RE: DT Livability Code Amend. - MBA Comments

Thanks David! I am cc'ing Trish and Emil on this email and attaching your letter.

Regards,

Jennifer

**Jennifer Ewing**  
City of Bellevue  
Environmental Stewardship Program Manager  
425-452-6129  
[jewing@bellevuewa.gov](mailto:jewing@bellevuewa.gov)

---

**From:** David Hoffman [<mailto:dhoffman@mbaks.com>]  
**Sent:** Wednesday, March 08, 2017 12:23 PM  
**To:** Ewing, Jennifer <[JEwing@bellevuewa.gov](mailto:JEwing@bellevuewa.gov)>  
**Cc:** Leah Missik <[lmissik@mbaks.com](mailto:lmissik@mbaks.com)>  
**Subject:** FW: DT Livability Code Amend. - MBA Comments

Jennifer,

When I attempted to send our comment letter to Trish Byers and Emil King I received bounce back messages. Apparently I am using the incorrect addresses. Our letter is attached. Would it be too much trouble to have you forward this to both of them?

Thanks for your help.

**David Hoffman**  
King County Manager & PAC Director  
Master Builders Association of King & Snohomish Counties  
p 425.460.8224 | m 206.605.3836  
th

335 116 Ave. SE | Bellevue, WA 98004  
[mbaks.com](http://mbaks.com)



---

**From:** David Hoffman

**Sent:** Wednesday, March 08, 2017 12:01 PM

**To:** 'tbyers@bellevuewa.gov' <[tbyers@bellevuewa.gov](mailto:tbyers@bellevuewa.gov)>; 'eking@bellevuewa.gov' <[eking@bellevuewa.gov](mailto:eking@bellevuewa.gov)>

**Cc:** [CHelland@bellevuewa.gov](mailto:CHelland@bellevuewa.gov); Leah Missik <[lmissik@mbaks.com](mailto:lmissik@mbaks.com)>

**Subject:** DT Livability Code Amend. - MBA Comments

Good afternoon,

Please find the attached letter which serves as our comments on the draft Downtown Livability Code amendments, particularly the FAR incentives for green building. As the letter states, please feel free to contact me with any questions you may have regarding our comments. Thanks for the opportunity to provide comments on this important code update.

Thank you,

**David Hoffman**

King County Manager & PAC Director  
Master Builders Association of King & Snohomish Counties

**p** 425.460.8224 | **m** 206.605.3836  
335 116<sup>th</sup> Ave. SE | Bellevue, WA 98004  
[mbaks.com](http://mbaks.com)



March 9, 2017

Trish Byers, Code Development Manager  
Emil King, Strategic Planning Manager  
Development Services Department  
P.O. Box 90012  
Bellevue WA  
98009-9012

RE: Downtown Livability Draft Code Amendment 15-123469 AD

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The MBA Built Green program offers a diverse mix of homes and apartments that safeguard family health while promoting sustainable communities and protecting our unique Pacific Northwest environment. These resource-efficient homes are designed to exceed standard building codes, and to be cost-effective to own and maintain.

The MBA is pleased to see that our Built Green program and certification are included in tiers of the sustainability certifications that are eligible for a Floor Area Ratio bonus. We believe that this will be a valuable incentive to encourage builders to utilize Built Green at the 5-Star and Emerald Star levels, our most rigorous certifications.

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We have one clarification. Although Built Green Emerald Star is appropriately included in Tier 2 of eligible sustainability certifications, the program is inaccurately labeled. To eliminate confusion among applicants, the program should be labeled, "Built Green Emerald Star."

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If you have questions or would like to discuss, please contact me directly at [dhoffman@mbaks.com](mailto:dhoffman@mbaks.com) or 425.460.8224.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Hoffman", with a stylized flourish at the end.

David Hoffman  
King County Manager

cc: Carol Helland, Land Use Director, Development Services Department  
Leah Missik, Built Green Program Manager, MBA

**From:** Martin, Larry  
**To:** [PlanningCommission](#); [Cullen, Terry](#); [King, Emil A.](#)  
**Cc:** [Jeff Taylor \(wjefftaylor@gmail.com\)](#); [Alex Smith \(alex.smith@kayesmith.com\)](#)  
**Subject:** Submittal for Public Hearing on Downtown Livability LUC Amendments  
**Date:** Wednesday, March 08, 2017 3:33:09 PM  
**Attachments:** [Copy of FAR Height Summary A 4834-2876-1154 v.4 4837-9419-0914 v.1 4824-2553-7346 v.1.xlsx](#)

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Please distribute the three spreadsheets (FAR; Bldg. Cost; Height) to the Planning Commission for consideration as part of the record for the public hearing this evening.

Thank you.

**Larry Martin** | Davis Wright Tremaine LLP  
777 108th Avenue NE, Suite 2300 | Bellevue, WA 98004  
Office: (425) 646-6153 | Cell: (425) 283-3886  
Email: [larrymartin@dwt.com](mailto:larrymartin@dwt.com) | Website: [www.dwt.com](http://www.dwt.com)

Anchorage | [Bellevue](#) | Los Angeles | New York | Portland | San Francisco | Seattle | Shanghai | Washington, D.C.

**Base Height as a percentage of Max Height varies arbitrarily zone to zone: 22.33% to 100%**

Percent of zones above 75%	53.13%
Percent of zones from 50% to 75%	28.13%
Percent of zones below 50%	18.75%

		Base %		
		New Base	New Max	of Max
DT-O-1	Nonresidential	345	600	57.50%
DT-O-1	Residential	450	600	75.00%
DT-O-2 N	Nonresidential	288	460	62.61%
DT-O-2 N	Residential	288	460	62.61%
DT-O-2 E	Nonresidential	288	403	71.46%
DT-O-2 E	Residential	288	403	71.46%
DT-O-2 S	Nonresidential	288	345	83.48%
DT-O-2 S	Residential	288	345	83.48%
DT-MU	Nonresidential	115	230	50.00%
DT-MU	Residential	230	288	79.86%
DT-MU Civic	Nonresidential	230	403	57.07%
DT-MU Civic	Residential	288	403	71.46%
DT-OLB North	Nonresidential	90	90	100.00%
DT-OLB North	Residential	105	105	100.00%
DT-OLB Central	Nonresidential	90	403	22.33%
DT-OLB Central	Residential	105	403	26.05%
DT-OLB South	Nonresidential	90	230	39.13%
DT-OLB South	Residential	105	230	45.65%
DT-R	Nonresidential	75	75	100.00%
DT-R	Residential	230	230	100.00%
Overlay A-1	Nonresidential	40	40	100.00%
Overlay A-1	Residential	55	55	100.00%
Overlay A-2	Nonresidential	40	40	100.00%
Overlay A-2	Residential	55	70	78.57%
Overlay A-3	Nonresidential	40	70	57.14%
Overlay A-3	Residential	55	70	78.57%
Overlay B-1	Nonresidential	72	72	100.00%
Overlay B-1	Residential	99	99	100.00%
Overlay B-2	Nonresidential	72	72	100.00%
Overlay B-2	Residential	99	264	37.50%
Overlay B-3	Nonresidential	72	72	100.00%
Overlay B-3	Residential	99	220	45.00%

***The portion of a maximum height building that exceeds the trigger height and is thus subject to the ten percent floorplate reduction, public amenity cost and public open space requirement varies from 0% to 77.67% based on zoning***

**Cost of public amenities required for the same office building varies arbitrarily zone to zone**

Additional Cost Per  
SF above base FAR \$25.00

					Square Feet of Land	50,000	Square Feet of Land	50,000
Zone	Type	FAR New Base	FAR New Max	Base % of Max	FAR 5.0		FAR 6.0	
DT-O-1	Nonresidential	6.75	8.00	84.38%	\$0.00		\$0.00	
DT-O-2 N	Nonresidential	5.00	6.00	83.33%	\$0.00		\$1,250,000	
DT-O-2 E	Nonresidential	5.00	6.00	83.33%	\$0.00		\$1,250,000	
DT-O-2 S	Nonresidential	5.00	6.00	83.33%	\$0.00		\$1,250,000	
DT-MU	Nonresidential	3.25	5.00	65.00%	\$2,187,500		N/A	
DT-MU Civic	Nonresidential	3.25	6.00	54.17%	\$2,187,500		\$3,437,500	
DT-OLB Central	Nonresidential	2.50	6.00	41.67%	\$3,125,000		\$4,375,000	
DT-OLB South	Nonresidential	2.50	5.00	50.00%	\$3,125,000		N/A	

**Proposed Base FAR compared to Max FAR varies arbitrarily zone to zone**

Percent of zones above 75% **70.00%** **41.67% - 100%**  
 Percent from 50% to 75% **20.00%**  
 Percent of zones below 50% **10.00%**

		New Base	New Max	Base % of Max
DT-O-1	Nonresidential	6.75	8.00	84.38%
DT-O-1	Residential	8.50	10.00	85.00%
DT-O-2 N	Nonresidential	5.00	6.00	83.33%
DT-O-2 N	Residential	5.00	6.00	83.33%
DT-O-2 E	Nonresidential	5.00	6.00	83.33%
DT-O-2 E	Residential	5.00	6.00	83.33%
DT-O-2 S	Nonresidential	5.00	6.00	83.33%
DT-O-2 S	Residential	5.00	6.00	83.33%
DT-MU	Nonresidential	3.25	5.00	65.00%
DT-MU	Residential	4.25	5.00	85.00%
DT-MU Civic	Nonresidential	3.25	6.00	54.17%
DT-MU Civic	Residential	4.25	6.00	70.83%
DT-OLB North	Nonresidential	2.50	3.00	83.33%
DT-OLB North	Residential	2.50	3.00	83.33%
DT-OLB Central	Nonresidential	2.50	6.00	41.67%
DT-OLB Central	Residential	2.50	6.00	41.67%
DT-OLB South	Nonresidential	2.50	5.00	50.00%
DT-OLB South	Residential	2.50	5.00	50.00%
DT-R	Nonresidential	0.50	0.50	100.00%
DT-R	Residential	4.25	5.00	85.00%
Overlay A-1	Nonresidential			N/A
Overlay A-1	Residential	3.00	3.50	85.71%
Overlay A-2	Nonresidential	1.00	1.00	100.00%
Overlay A-2	Residential	3.25	3.50	92.86%
Overlay A-3	Nonresidential	1.00	1.00	100.00%
Overlay A-3	Residential	3.25	5.00	65.00%
Overlay B-1	Nonresidential			N/A
Overlay B-1	Residential	2.25	5.00	45.00%
Overlay B-2	Nonresidential	1.50	1.50	100.00%
Overlay B-2	Residential	4.25	5.00	85.00%
Overlay B-3	Nonresidential	1.50	1.50	100.00%
Overlay B-3	Residential	4.25	5.00	85.00%

**From:** Paul Pong  
**To:** [PlanningCommission](#)  
**Cc:** [GrandPa Pong](#)  
**Subject:** To Bellevue Planning Commission  
**Date:** Wednesday, March 08, 2017 7:28:48 PM  
**Attachments:** [To Bellevue Planning Commission.pdf](#)  
[ATT00001.txt](#)  
[March 1 Commission\\_BDA key recommendations\\_corrected.pdf](#)  
[ATT00002.txt](#)

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Please accept attached Letter to the Bellevue Planning Commission

March 8, 2017

To: Bellevue Planning Commission

Subject: **Bellevue Comprehensive Land Use Code Amendment (LUCA)**

We have read the Bellevue Downtown Association memo that will be presented to the Planning Commission at the Public Hearing on March 8, 2017.

The BDA recommendations are mandatory changes we support in the final Land Use Code Amendment.

We strongly encourage the Planning Commission and Staff to revise the Land Use Code language accordingly for recommendation to the City Council for voting and adoption.

Regards,



Paul Pong

PFHC Inc

11010 NE 8th Street, Suite 465

Bellevue, WA 98004

## Key Recommendations for Draft LUCA – Updated

March 1, 2017 | Patrick Bannon, BDA President, 425-453-3113, patrick@bellevuedowntown.org

1. **Set the new base FARs and heights at 90% of the new maximums.**
  - Establishes clear, consistent, predictable standards across zones.
  - Prevents downzone conditions.
  - Achieves livability with new standards, design guidelines and amenities.
2. **Allow administrative approval of the Flexible Amenity (#18),** within the proposed FAR and height maximums.
3. **Provide an option for a project to apply for a “super-bonus”** of additional FAR or height beyond the maximum through a Development Agreement/Council departure process.
  - The public benefit(s) through the amenity must be deemed significant.
  - The bonus would be no greater than 1.0 FAR beyond the maximum and/or a certain percentage of a project’s total height.
4. **Advance the Affordable Housing FAR Exemption** in the Downtown LUCA package.
  - Seek Council direction and keep the Downtown LUCA process on schedule.
  - Allow administrative departure flexibility for additional height, i.e. to ensure a bonus of 1.0 FAR can be realized consistent with new guidelines.
  - Enable combined use with the Multi-Family Tax Exemption
5. **Provide additional height flexibility in perimeter overlay districts,** specifically allowing projects to reach 70 feet in the A-1 Overlay District.
  - Enable fuller utilization of floor area for additional housing and public amenities, incorporating 5-over-1 and potentially 5-over-2 construction.
  - Require stepback(s) to reduce the effective scale along NE 12th and 100th Ave NE.
  - Add a design guideline with exhibit to provide an example of this stepback.
6. **Remove the new 40-foot required setback** from internal property lines. Keep it at 20 feet.
7. **Reduce fee-in-lieu exchange rate** to match the bonus amenity exchange rate. Benchmark performance and usage and adjust the fee over time if needed and as market evolves.

*Additional written and oral comments will be submitted for the Public Hearing.*

**From:** william.j.herman@gmail.com  
**To:** [wherman@moosewiz.com](mailto:wherman@moosewiz.com)  
**Cc:** Council; [PlanningCommission](#)  
**Subject:** Vote No on Livability Update  
**Date:** Wednesday, March 15, 2017 2:10:26 PM

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**Please forward this email to other residents of downtown Bellevue – learn more at [www.l4bell.org](http://www.l4bell.org)**

- **Vote No** - [you can click and send your No vote](#) to the Planning Commission and City Council that the residents of downtown Vote No on the Livability update.
- **Public Hearing** on the Livability update occurred March 8 – You can view the [Staff Presentation](#) and listen to the [Recording](#)

The hearing can be summarized as a long line of developers fighting against anything new they are being asked to do.

- **News Coverage** - The Bellevue Reporter added a [story on the hearing yesterday](#) – Please leave your comments at the bottom of the story. It would be great to get influence and encourage news coverage. Create some buzz.
- **March 22 Planning Commission Meeting** on the Livability Update, public comment in person or email [planningcommission@bellevuewa.gov](mailto:planningcommission@bellevuewa.gov)

possible topics for your email or testimony–

- the plan adds more people through higher density yet predicts no impact on mobility – really? This defies common sense
- Claims to add variability and memorability – didn't we already add 15% to building height previously for interesting form and every box building earned the bonus, it was a giveaway and so is this
- How does raising height uniformly add variability?
- No accounting of banked bonuses or their impact?
- Taller and skinnier promise not delivered
  - old maximum is the new minimum - Everyone automatically gets the current maximum height, this will lead to more of the same
  - To achieve the new maximum height, the reduction in footprint is only 10%, that means a reduction in width of 3%. Would you even notice 3%
- The increased spacing and setbacks will get defeated by developers
- Developers get everything ever promised and more, residents get traffic, blocked views and a cupful of amenities
- Shouldn't sidewalks, plazas and pedestrian investment happen

anyway?

- Old problems go unfixed and masked with new incentives, if they don't work then what? 800 feet?
- Better approaches to affordable housing than adding density, it is an invisible tax, but we see through it
- Many transit oriented places in Bellevue (Eastgate, Spring district, Overlake, Wilburton, Hospital area) that can accommodate growth – why overstuff downtown?



CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
STUDY SESSION MINUTES

January 25, 2017  
6:30 p.m.

Bellevue City Hall  
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair deVadoss, Commissioners Barksdale, Hilhorst, Laing

COMMISSIONERS ABSENT: Commissioners Carlson, Morisseau, Walter

STAFF PRESENT: Terry Cullen, Emil King, Mike Kattermann, Dan Stroh,  
Department of Planning and Community Development;  
Carol Helland, Patricia Byers, Department of Development  
Services

COUNCIL LIAISON: Not Present

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

CALL TO ORDER  
(6:31 p.m.)

The meeting was called to order at 6:31 p.m. by Chair deVadoss who presided.

ROLL CALL  
(6:31 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioners Carlson, Morisseau, Walter, all of whom were excused.

APPROVAL OF AGENDA  
(6:31 p.m.)

A motion to approve the agenda was made by Commissioner Hilhorst. The motion was seconded by Commissioner Laing and the motion carried unanimously.

COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND  
COMMISSIONS – None  
(6:32 p.m.)

STAFF REPORTS – None  
(6:32 p.m.)

PUBLIC COMMENT  
(6:32 p.m.)

Mr. Phil McBride spoke representing the property at 11040 Main Street, the John L Scott

building. He noted that there have been no major changes to the downtown zoning for 35 years. The wedding cake concept was part of the original zoning and is still in place. The original zoning never anticipated light rail coming through the city. Sound Transit is bringing light rail into the city at a cost of \$3.7 billion in taxpayer dollars, and Sound Transit and the taxpayers need transit-oriented development. They need to bring ridership to the train stations and they need to create transitions from the rail stations to the surrounding job centers and residences. Transit-oriented development is needed in proximity to the rail stations and the walkshed. The park lid that is going to be over the rail in the East Main area will create a buffer zone for the neighborhoods that was not there before. There is no transit-oriented development overlay in the zoning. The downtown CAC did not really take into account the East Main light rail station. The cost of a throughblock connector is quite high, but the property owner is willing to provide the walkability amenity to improve downtown connections. The desire is to build a project that will be forward looking and aspirational, while being in alignment with the city's intentions for the downtown. The project will embrace the role of transit-oriented development and will serve as the front door to East Main. The current code, however, has obstacles that will prevent what is planned from becoming a reality. The Commission should ask the staff to create new development standards that would allow FAR averaging between A-3 and B-3. Transit-oriented development is best when it has mixed uses and is vibrant. To that end the FAR should be kept independent of uses. The ULI technical assistance panel suggested zoning for station areas should respond to the station area rather than historical zoning boundaries.

Mr. Matt Roewe with VIA Architects spoke on behalf of the project at 11040 Main Street and the corner of 112th Avenue NE and Main Street. He said the project is a good example of two property owners working together to effect a great transit-oriented development in close proximity to the East Main light rail station. He noted that a part of the Surrey Downs neighborhood is within the quarter mile radius of the station, though it has difficulty accessing it. Additionally, a portion of I-405 is within the quarter mile walkshed. The properties at Main and 112th Avenue NE are well positioned to leverage the transit investment, as are the Red Lion and Sheraton properties. The properties are only 600 feet from the East Main station. A new tunnel is under construction where the rail will run underground, creating a nice buffer to Surrey Downs from the subject properties. The idea is to develop the properties to be inviting, bringing people into the downtown. The First Congregational Church behind the John L Scott property has a reciprocal agreement between each property to allow access, so a natural point of access between the properties already exists. Redevelopment of the Red Lion and Sheraton sites makes sense as they will be fully symbiotic and serve as a front door to downtown from that location. The proposed throughblock crossing will transcend the properties, but must negotiate a 55-foot grade change, necessitating the need for public elevators. The entry plaza at Main Street and 112th Avenue NE will include outdoor cafés and an outdoor court with retail above. All of those details are in line with the findings of the downtown CAC. The alternative would be to construct a five-over-two apartment building, which is what the current zoning when interpreted literally encourages. The zoning requires residential uses facing Main Street, but the desire is to have office uses there instead on a small boutique scale. Architecturally, it makes the most sense to put all the building height on the B-3 side and to keep everything low on the A-3 side, but that would mean putting office on the Main Street face. The Commission was asked to work closely with staff to create new development standards that allow the FAR to be averaged across the whole site between the A-3 and B-3 areas, rather than segregating it, and allow for applying FAR independent of use, which would be a more form-based code outcome.

Commissioner Laing asked if the real issue is where the zoning boundary is drawn, and if that is what is creating the problem. Mr. Roewe allowed that that is the issue. Commissioner Laing noted that the Commission has dealt with other parcels with split zoning. He asked how the

current code precludes splitting the FAR across the site. Mr. Roewe said the issue is in the proposed code, which for the A-3 overlay limits the FAR for commercial to 1.0, and allows more FAR in the B-3 overlay. The FAR is segregated by use on both sides in a way that prevents them being traded and swapped. Commissioner Laing said it was his recollection as a member of the downtown CAC was that group uniformly recommended getting rid of the differential between commercial and residential FAR. For many years the Bellevue Downtown Association has also called for the distinction to be removed.

Mr. Carl Van der Hoek, 9 103rd Avenue NE, called attention to a letter in the packet that he had penned to the ULI panel members. He said the letter in part points out how the incentive zoning system is missing looking at affordable housing, which is clearly a livability issue. The ULI panel suggested that a concurrent rollout of affordable housing and incentive zoning would reduce developer uncertainty and enhance the effectiveness of both programs. It would be an injustice to calibrate the system without including affordable housing. It all needs to be calibrated together to avoid running the risk of trying to add in affordable housing some time later as an amenity and taking away from the other amenities or not seeing the affordable housing amenity used at all.

## STUDY SESSION (6:50 p.m.)

### Downtown Livability – Review of Draft Downtown Land Use Code Amendment

#### A. East Main Station Area Plan Interface with Downtown Livability

Senior Planner Mike Kattermann informed the Commissioners that a full briefing on the East Main station area planning effort would be provided in the fall ahead of beginning the code work associated with the CAC recommendations. He outlined on a map the station area study boundaries and the specific primary and secondary transit-oriented development areas to the east of 112th Avenue SE and south of Main Street. The study considered both the quarter mile and the half mile walkshed. The quarter mile metric was used for purposes of making sure of connectivity between the East Main station and the downtown. The directive from the Council was that any redevelopment would occur only in the area to the east of 112th Avenue SE, south of Main Street.

Mr. Kattermann said the downtown livability CAC wrapped up their work in June 2014, while the East Main CAC started its work in September 2014. The East Main CAC had the benefit of having the preliminary proposals from the downtown livability CAC to use as a starting point in considering compatibility between the areas. No land uses were considered that were not part of the downtown livability work; to have done so would have been redundant and unnecessary.

The main issues identified through the East Main station area outreach process included land uses, traffic, ped/bike connectivity to the station, safety, parking, noise, and community character and aesthetics. The latter in particular comes into play when talking about the street frontages along 112th Avenue SE and Main Street, which is where the interface between the areas primarily occurs. The redevelopment area of the East Main study area is uniquely situated. It lies at the confluence of the downtown, the single family residential area, the existing office/hotel uses, and I-405 and the uses to the east. The CAC sought to come to agreement on what specific unique niche the redevelopment area can serve. The area is not an extension of the downtown, it is certainly more than the existing single family area, and it will certainly be more than what it is currently.

Mr. Kattermann said the CAC began with the parameters to be considered. While it was agreed the area would not be an extension of the downtown, the work done by the downtown livability CAC in terms of land use was used as the upper limit of what should be considered for the potential redevelopment area. A consultant was used to develop various scenarios. The low end of the range was determined to be the existing zoning, which is OLB with an FAR of 0.5. At the high end a maximum FAR of 5.0 was considered. For the secondary transit-oriented development area, the CAC did not consider much redevelopment potential, primarily because of the severe environmental constraints; the recommendation of the CAC included only a slight upzone for the area.

The CAC ultimately recommended an FAR of 5.0 for the Red Lion site, which is the area immediately south of Main Street, essentially mirroring what has been recommended for the area to the north of Main Street. With regard to building height, the CAC recommended up to 300 feet. In order to obtain the maximum FAR and building height, certain public benefit requirements must be met. The recommendation could result in a fairly intensive development on the site, which is a little over six acres. The CAC wanted to see the site developed in a way that will be complementary to the community, serving both the residential neighborhood as well as the residential areas in the southeast part of the downtown. The CAC did not want to see big box uses, rather uses that fit in with the notion of transit-oriented development, including mixed uses and that relate to what will continue to be a single family area into the future. The CAC discussed building placement and highlighted a desire to see the tallest buildings located closer to I-405 and Main Street; buildings step back from 112th Avenue SE; the wall effect minimized along 114th Avenue SE; parking that is out of site; safe designs that include visibility for the immediate area and the station across the street; and lighting in public spaces. No part of the CAC's recommendations are incompatible with any of the existing or proposed uses in the adjacent downtown area.

In terms of character, the CAC highlighted the need to draw people into the development through a mix of uses and activities that will serve people to the south and the north of Main Street. The CAC called for Main Street to be safe for all modes of travel, and for continuing to the extent possible the themes for Old Bellevue while respecting the different types and intensities of land uses on the north south of Main Street versus the south side of Main Street. For 112th Avenue SE, the focus of the CAC was primarily to the south of Main Street along the redevelopment area, but the group recognized that there could be some continuation to the north of Main Street and into the downtown.

Commissioner Hilhorst asked why the East Main station area recommendations would not be coming to the Commission until the fall given that the work of the CAC has been done for some time. Mr. Kattermann explained that the policy work must be done before the code work can be done. The Comprehensive Plan policy work will start during the current cycle. There are things already in place in other zones that can be drawn in, avoiding the need to start from scratch, though there are things about the area that are unique and which will require tailoring the code accordingly.

Commissioner Barksdale asked what FAR averaging is and how it might affect the area. Mr. Kattermann said FAR averaging has not been looked at in relation to the East Main area. As envisioned, the 5.0 FAR would apply immediately south of Main Street, and the 4.0 FAR would apply to the rest of the primary transit-oriented development area south to SE 6th Street. To the south of SE 6th Street and north of SE 8th Street, the recommendation is for 1.25 FAR. FAR averaging could affect where things are placed on the East Main site, which could be problematic

given how clear the CAC was about not wanting to see the higher FAR spread across the entire area. Mr. King said FAR averaging involves taking the development potential for one part of a site and transferring it to another building. The result is often a building that has lower density and a building that has more.

Mr. King explained that the downtown CAC took on the elements of station area planning within the downtown livability work. There is no separate station area plan that has been or will be developed for the downtown, rather the principles are integrated into the overall recommendations. The final report acknowledged that and included a number of recommendations that permeated through the density and height discussion, the design guidelines discussion, and was talked about in regard to coordination with Sound Transit and parking management. The quarter-mile walkshed for the prime downtown station, which will be located just outside City Hall, is primarily within the downtown area. The CAC focused its efforts within the downtown boundary.

When the CAC began its work, the group recognized that the urban framework that was put in place 35 years ago was in many ways supportive of transit. It is evident of the office core that developed along 108th Avenue NE and in the iterations of the Bellevue transit center. The CAC did not need to start from scratch, rather it focused on those things that needed to be updated as they relate to station area planning. A lot of time was spent studying the OLB zone, an area that was not transit supportive when it was first put in place. The CAC also looked closely at the Civic Center area where City Hall, Meydenbauer Center and the Bravern are located and there were some modifications made to that area both in terms of FAR, height and urban design. One of the noteworthy modifications to that area were extending the pedestrian corridor all the way down to 112th Avenue NE and beyond to the freeway, which has largely morphed into the Grand Connection that has become a Council priority. The CAC and the Commission have recommended more density and height in the area closer to the freeway, with an FAR of 5.0 and height of up to 230 feet. A number of meetings have also been spent focused on refinements to the historic A and B perimeter design districts in terms of the allowed FAR and height.

Mr. King noted that in the early part of 2016 the Commission spent time talking about the building/sidewalk design guidelines. The guidelines determine how pedestrian activity and uses should be focused along different streets. The East Main area was examined and revised in the recommendation from what historically has been an E classification, which is the lowest of the pedestrian-activated ratings, to the second highest classification, which is a commercial street. Work has also been undertaken to reexamine 112th Avenue NE, Main Street and 110th Avenue NE with regard to pedestrian activities; the current code package recommends 16-foot sidewalks rather than the current 12-foot widths.

Commissioner Barksdale asked if the zoning split along Main Street is to create a buffer. Mr. King said the A overlay goes all the way around the north, west and south sides of the downtown. It serves as an overlay on top of the underlying zoning and suppresses height and FAR because of its proximity to the perimeter areas. The CAC recommended changes to the residential buildings heights from 55 feet to 70 feet, and the Commission took the recommendation and split it up into different pieces. Where the Commission landed was that where the overlay abuts a single family residential neighborhood, such as Northtowne, building height should be kept at 55 feet. In other areas, the Commission's recommendation is for 70 feet of height. The presence of the portal park as well as proximity to the East Main station were the reasons behind recommending a 70-foot height limit in that area. The B design district is the next area in from the A, and it carries additional height and density provisions.

B. Incentive Zoning Update/ULI Panel Findings and Recommendations  
(7:17 p.m.)

Mr. King acknowledged that the incentive zoning system in place dates back 35 years to the original downtown code. The CAC report highlighted the need to update the system to current market economics. The report also contemplates better using amenities to reinforce neighborhood identity, focusing on things that are most important to the city, and acknowledges that some lift could be gained through the incentive system for additional height and FAR.

Mr. King briefly reviewed the steps taken to date relative to the incentive system. A Land Use Code audit was conducted for all of the different elements of the downtown code, including the incentive system, as part of the CAC process. A full chapter in the CAC report focuses on the amenity system. The Council in the spring of 2015 gave the Commission direction to take on the full CAC analysis, including the amenity incentive system. The joint Council/Commission workshop in late 2015 included a discussion of the incentive system; shortly thereafter the Council principles intended to guide the update effort were handed down. A structure and approach for updating the system was before the Council and the Commission in mid-2016. The BERK analysis report was released in early 2017. The incentive zoning system is a companion piece and it interfaces with other parts of the Land Use Code, including the development standards and the design guidelines.

Planning Director Dan Stroh said the incentive zoning system is one of the more complex parts of the code. It is 35 years old and was put in place at a time of much different economics and different goals for what the city wanted to see achieved. A list of amenities has been compiled, and what it comes down to are the economics of updating the system. There is a clear need to be sensitive to the legacy system that is embedded in the existing zoning. In many ways it would be far easier to develop an entirely new system than to update the existing system.

The legacy system is embedded to some extent in current land values in the downtown. In looking to update the system, there is a clear desire to add new amenities and to be aspirational by a 21st Century urban center. All legalities will need to be taken into account as the work to update the system progresses. There could be new requirements added, such as weather protection, while other items may no longer be incentivized, such as structured parking and residential use, both of which the market is providing on its own. It will need to be kept in mind that properties are affected differently by the existing system and the proposed new system. There are market sensitivities to consider, and there is a need to build in periodic updates.

The Council principles for the effort provide some clarity and overall guidance. Among other things, they address the need to avoid modifications that will effectively result in a downzone. They also move the effort toward an understanding of the real value of the incentives for those developers who choose to use them because they are real incentives.

Mr. Stroh said the approach for updating the incentive zoning system will include updating and clarifying what is a code requirement versus what is an incentive, and adjusting the basic FAR accordingly. The incentive zoning system is part of a larger structure; the incentives must work as a whole with the design guidelines and the design standards. The approach will also focus on removing features that are no longer real incentives and adjusting the FAR accordingly; creating some additional lift in the system to create value for new public amenities; adjusting the FAR exemption relative to affordable housing; and keeping the spotlight on key livability features such as placemaking, public open spaces, walkability and cultural elements. The system should promote neighborhood identity, primarily by tailoring the nature and type of bonus open space

by neighborhood. Fee payments in lieu of on-site performance should be looked at, as should building in flexibility under a development agreement to allow for amenities that have not been identified but which provide equal or greater value. The notion of building in periodic updates to the system is intended to keep the approach from getting too far off base. Some element of green building and sustainability needs to be incorporated into the system.

Mr. Stroh shared with the Commissioners a diagram that compared the existing system with the proposed conceptual model. He noted that currently the system allows for some level of FAR exemption for ground-level retail. Each zoning district has a base and maximum FAR and height, and to reach the maximum requires providing certain amenities. Some portion of the amenities that are bonused must be provided whether or not incentive zoning is used. The proposal also envisions exempting FAR for ground-level retail but also for affordable housing. The proposal adjusts upwards the basic FAR to account for the current incentives that are to be removed from the incentive system, and the new requirements. The model has some headroom between the new base FAR and the old maximum FAR. In some cases, though not in every zone, there is bonus FAR and/or height allowed above and beyond what is available under the existing zoning.

The consultant firm BERK was tapped to conduct an economic analysis. Their work involved building some 588 development prototypes in an attempt to avoid cherry picking for just the best results and testing a range of different assumptions. What can be done on any given site is quite variable based on site size, the intent of the developer relative to uses, potential density yields, and other factors. The recommended system resulting from the proposed approach and the additional economic analysis done by BERK maintains base and maximum FARs and heights, with limits set by residential and non-residential building types; raises the new base FAR to 85 percent of the existing maximum FAR for each district to account for new requirements and the deletion of amenities that are no longer real incentives; raises the new base height to the existing height maximum to ensure being able to use the additional FAR that in the base; allow for exceptions to occur in a few instances, such as where the new base FAR must be raised slightly higher due to legacy issues in the existing zoning; sets new maximum FARs and heights based on Planning Commission recommendations; sets a new exchange rate of \$25 per square foot on bonus FAR, which can be converted into the desired amenities; and will set an exchange rate for height building on the current district maximums. With regard to the latter, height is contemplated to increase without an associated increase in the FAR. The process has always talked about determining what that would really be worth as an incentive.

Mr. Stroh said the ULI peer review process wrapped up earlier in the day with a presentation in the Council Chambers. Their work is still being digested.

Chair deVadoss asked for comments with respect to affordable housing as well as zoning for the station area, particularly the parking minimums. Mr. Stroh said the proposed system includes an FAR exemption for affordable housing that is not taken out from the lift between the new base and the maximum. The new base is raised so high that there is far less legroom compared to what there used to be under the old system. The proposed approach offers additional value for affordable housing. ULI said the city should focus on looking at that in an integrated way, and that it would be best to have the two processes reach the finish line at the same time. The affordable housing piece is also moving forward in a channel that is focused on a citywide strategy; the Council wants to understand how what is done relative to affordable housing in the downtown will affect other parts of the city. Staff are struggling with how to bring the two over the line at the same time. With regard to the parking ratios, he noted that the downtown livability update did not really focus on parking, with one big exception. The downtown livability proposal includes the ability for a developer to do a special parking study that could serve as a fact-based

analysis for departing from the requirements of the code. ULI supported the approach but highlighted the need to do it at the right time in the process. The city plans to conduct a comprehensive downtown parking study in the future.

Commissioner Hilhorst suggested that the downtown livability work will not be complete if there is no parking component. She allowed that the issue is complex but pointed out that many have come to the Commission to talk about parking.

Commissioner Hilhorst asked if the development community and the BDA are in accord with removing some existing incentive amenities. Mr. Stroh said there has been a fear from day one that the city would make major adjustments to the incentive system without realizing how significant that might be in terms of the economics of development. It certainly is a sensitive topic. The challenge will be to move forward in a way that is sensitive to the economics of the downtown, always with an eye on seeking to avoid unintended consequences.

Mr. Stroh said the objective of the economic analysis was to evaluate the economic implications of the proposed changes to the downtown incentive zoning system. The key questions were how the base zoning should be adjusted to reflect the proposed changes to the system, and what the potential value is of the incentive capacity that remains, and what the implications are for the utilization of the incentive system. The challenges were predicated on recognizing that the system has not been updated in 35 years and is out of step with current market conditions, and the fact that there is quite a bit of variation within different zoning districts in the downtown. It was determined that success would be measured in the degree to which the system is aligned with what is important to livability in the 21st Century in the downtown while avoiding unintended consequences.

Residual land value was a key tool used in the analysis. Essentially, residual land value is the result of taking into account all the factors contributing to development costs, and the factors contributing to project value. The equation looks to solve for the maximum value a developer would be willing to pay for the land. The resulting residual land values can be compared to existing land values, which was done in the model. In each of the 588 prototypes that came out of looking at different parcel sizes, different density yields and different ways of dealing with parking by district and by use, the output was the residual land value that allowed for freely comparing the different development types.

Mr. Stroh shared with the Commissioners charts showing the results of the FAR analysis, both for the new base low and the new base high, and for both non-residential and residential. He explained that the non-shaded dots indicated where the residual land value meets the test of being within the market ranges of land values for the particular district. The dots that were shaded in represented where the residual land value failed the test. Having a few prototypes fail is not problematic, but having a lot of prototypes fail is evidence of the approach not working. Zeroing in on the A and B districts in Old Bellevue, it was pointed out that the maximum FARs for non-residential versus residential are very small, and that the much higher residential densities the properties will yield result in higher property values. Based on the current FARs, non-residential development is not feasible in those districts. If a developer chooses to develop office in the Old Bellevue district, participating in the amenity incentive system would not make sense.

Commissioner Laing suggested the analysis illustrates the impact of the commercial penalty associated with the FAR differential between residential and commercial. Mr. Stroh agreed that it does at the extreme. The extreme exists in the perimeter for very deliberate reasons. When the

perimeter districts were adopted in the mid-80s, it was determined that the best transition between the more intense downtown and the adjacent residential areas was residential uses.

Commissioner Laing pointed out that the DT-MU district also stands out on the chart for its similar results relative to non-residential development. Stakeholders have for some time been highlighting the fact that the commercial penalty is stalling development and redevelopment in the district. He said it was encouraging to see how the proposed new base high would improve the situation, though not in Old Bellevue.

Mr. Stroh said every attempt was made to be thoughtful about what is obviously such a sensitive topic. Where things did not seem to make sense at the 85 percent rule, adjustments were made higher to make more of the prototypes work. For DT-MU residential, the conclusion reached was that it would be appropriate to adjust the new base higher.

Commissioner Laing asked why removal of the FAR differential between residential and non-residential was not tested in light of the fact that the CAC unanimously recommended doing so. Mr. Stroh said the recommendation of the CAC was to increase building height in the DT-MU to for non-residential to 200 feet, which is the same for residential currently, and the FAR to 5.0, which is what it is for non-residential currently. It was still necessary, however, to find the right base. Increasing the non-residential base to match that of residential turns the table so much that office will consistently outcompete for the land in the district. Finding the sweet spot between the legacy and the proposed approach is a challenge, and the Council is concerned that fully equalizing residential and non-residential will turn things upside down and kill the residential market. The ULI was asked to comment on that, and they agreed that the changes will actually affect the market moving away from the development of residential. With regard to the DT-MU non-residential, an additional adjustment in the base is needed to get more of the prototypes to work. The same thing is true for the Old Bellevue A residential.

Mr. Stroh said the incentive analysis showed a range of remaining incentive capacity between the new base and the maximum FARs and heights. The issue is how much value that converts into. The consultant took all of the different prototypes and generated models based on building to the base, building to the max, and figured the increment between the base and the max for both residential and non-residential by district. That amount of square footage was valued by the increase in the residual land value.

The Commissioners were shown a matrix that indicated the added values by district and by residential and non-residential. The incremental value of the added bonus FAR between the new base and the new maximum were noted to be fairly high in many cases. Mr. Stroh said it would not be appropriate for all of it to be converted into the incentive zoning purchasing power, because it would no longer be an incentive. There is risk to the developer, there are profit margins to consider, and in order to be real incentives there must be calibration to regional comparables and many other factors. The matrix indicated overall averages. Utilization will depend on where the city sets the exchange rate. In Bel-Red the rates range from \$15 to \$18 per square foot. In South Lake Union, the affordable housing fee is \$25 per square foot. The exercise appears to point to \$25 per square foot as being a reasonable number.

With regard to the value of additional height, Mr. Stroh reminded the Commissioners that as proposed there is no additional FAR in many cases. BERK ran models that both used and did not use the additional height to determine if there is value to the height alone. They also had to take into account the additional cost that comes with additional height. In the end, they came up with three options. In the first option, the additional height would only be available where the base

FAR is exceeded. In the second option there would be a premium placed on additional height above the existing height in addition to the \$25 exchange rate. The third option anticipates two different ways to work the value of the added height into the system, using the greater of the value of added height on its own, or the value of added height as part of the bonus system. The third option was identified as the method to avoid double counting the value of the added height. BERK did a very good job of tackling what turned out to be a very complex assignment. They put honest effort into trying to be sensitive to the economics of what the changes would do.

Mr. Stroh said the ULI technical assistance panel was assembled for the purpose testing whether BERK's homework was on point. The panel met for an intensive day-long session on January 18 and was tasked with reviewing each of the key parts of the analysis to see if it met the Council principles and if it was grounded in market realities. The review process was conducted with complete independence. The panel was chaired by Al Levine, adjunct faculty at the Runstad Center, and the other panelists were all very qualified professionals. Overall, the panel concluded that the objectives of revising the downtown zoning incentives were met. The panel allowed that no plan is perfect or will satisfy all stakeholders, and recommended regular updates to the code going forward to ensure the incentives are current.

The panelists identified several caveats in their findings. They commented that the proposed approach does not necessarily simplify the system from what currently exists. They highlighted the need to recognize that there are significant costs involved with increasing height, and the fact that in many cases the market will not support it. They acknowledged the high level of legacy that is embedded in the proposed approach and suggested that had it been possible to wipe the slate clean and start from scratch, some things might have been done differently. They noted that the proposal makes very limited adjustments to issues like parking, and highlighted the need to be sensitive to things like retail in updating the code. The panel answered the question of whether or not the system will act as an incentive by saying it depends on the specifics of individual properties and where the city is relative to the development cycle.

The ULI peer review process was a very valuable exercise. The findings and recommendations will be reviewed in detail as part of the next steps. Additional work is under way, including populating the incentive zoning framework in the draft Land Use Code with the bonus ratios based on the exchange rate and the cost of amenities; tailoring amenities to promote neighborhood identity and character; clarifying the height valuations; developing fee in-lieu provisions; and making provision for periodic reviews that also recognizes the need to have some level of stability.

Chair deVadoss commended staff for the work done and for the willingness to seek feedback.

Commissioner Hilhorst asked if the panelists were all from the Seattle area or if some were able to bring perspectives from outside the area. Mr. Stroh said it was interesting in establishing the panel because it was necessary to find those who are familiar with the regional market but who are not doing development work in downtown Bellevue. Because Bellevue is a great market, many who work in the Seattle area also work in Bellevue. The panelists chosen by ULI were from the region with the exception of the chief economist for the team who is from Portland.

C. Draft Land Use Code – Continued Review  
(8:18 p.m.)

Code Development Manager Patricia Byers said another draft of the Land Use Code amendments will be available for the next Commission meeting. It will reflect the feedback

received to date and will be much more refined. The substantial code changes are centered in four areas: the dimensional charts; the green and sustainability factor; the design guidelines; and the FAR and amenity incentive system.

Ms. Byers said staff heard clearly from the Commission the need to take a look at the tower separation issue. Under consideration is a setback above 40 feet measured from the interior property line on single lots. There was also feedback about the difficulties associated with the smaller sites, so consideration is being given to building in some flexibility and a departure for the tower separation and the setback.

With regard to the perimeter overlay stepback, Ms. Byers noted that it is measured from the façade. The proposed approach involves a refinement to ensure consistency with the existing code requirements. She clarified that the stepback will apply not only in the perimeter but also on NE 8th Street, NE 4th Street, and Bellevue Way.

Staff have also been working on the trigger for additional height. The idea has been to require a ten percent reduction in the floor plate above the trigger height, and staff have been focused on getting the averaging to work to gain more slender towers, averaging down to 80 feet. The required outdoor plaza would be ten percent of the project limit. Feedback was received about the need for a sliding scale related to the height, with less outdoor plaza required for those buildings that are just a little over the trigger height, and more for those buildings that are far over the trigger; staff are working on what a sliding scale would look like.

Ms. Byers said staff have also been working to refine the green and sustainability factor. The refinements being addressed include the addition of a tree list to ensure consistency in review; clarifying language that the landmark and evergreen tree bonuses can be used in addition to the preservation of existing trees credit for a single tree; and the need for bike parking to be visible from public areas and open for public use.

Chair deVadoss asked if there is any language about lighting for the bike parking. Ms. Byers said there are design guidelines for lighting, but said she did not know how they applied specifically to bike parking.

Ms. Byers said other changes under consideration involve the minor design guidelines; the FAR and amenity system in response to the BERK report and the work of the ULI panel; the pedestrian corridor super bonus; graphics in the code, and the conformance amendments. She said the issue would be on the Commission's agenda again on February 8.

Commissioner Laing asked if there will be an opportunity to discuss things like definitions, organization of the code, the departure provisions, and the master plan development. Mr. King said some clarifying language is forthcoming and may be ready for discussion at the next Commission meeting.

## STUDY SESSION

### Planning Commission Post Retreat – Review of Revised Prototype Part B, Suggested Standards and Practices

Commissioner Laing said he was one of the Commissioners that had not attended the retreat. He said he appreciated the time spent by Chair deVadoss and the staff to educate him. However, given the significance of some of the issues in the prototype, he said he would not be in favor of

moving ahead with the discussion given that only three of the Commissioners present at the retreat were in attendance.

A motion to amend the agenda to strike the study session on the Planning Commission Post Retreat – Review of Revised Prototype Part B, Suggested Standards and Practices, was made by Commissioner Laing. The motion was seconded by Commissioner Barksdale. The motion carried with Commissioner Hilhorst casting the single vote against.

Chair deVadoss observed that having all seven Commissioners present for a future discussion of the topic may be unlikely and suggested there should be a reconsideration for how to move it forward.

## PUBLIC COMMENT

Mr. Carl Van der Hoek, 9 103rd Avenue NE, said he was tired of hearing staff talk about not cherry picking with regard to the downtown livability code amendments. He suggested that the fact that staff continues to use the term leads one to conclude someone should check to see if indeed cherry picking is going on. The supporting documentation for the BERK analysis on page 30 calls for assigning some portion of a building's lower floors to above-ground structured parking is available as a way to make the pro forma prototypes work. That would have the effect of reducing the average cost of parking given that it costs less to construct above-ground parking. The report indicates that while reducing development costs in that way that increase residual land value, it can also move in the other direction. Using some of the allowable building height for parking can result in a lower overall income potential, particularly if a project is in a zone with limited building heights. Of the 84 prototypes in the first 18 pages of the report, 54 use above-ground parking in order to make the prototype pencil out. The approach does not represent the livable environment the city is trying to achieve. He also commented that the proposed approach favors office development. That fact is stated in the ULI analysis.

Chair deVadoss asked Mr. Van der Hoek if he felt development should tilt the other way. He said a 50-50 mix would be the best that can be hoped for, but added it would be nearly impossible for the process to deliver on that objective. In some neighborhoods, such as Old Bellevue, office use is discouraged by the low FAR. The argument is that office is not a good use to have next to residential, but that is not necessarily the case and the two uses can peacefully coexist.

Mr. Phil McBride, 11040 Main Street, called attention to the intersection of 112th Avenue NE and Main Street and noted that light rail will be on the southwest corner, the Red Lion is on the southeast corner, the Sheraton is on the northeast corner, and the John L Scott and BDR properties are on the northwest corner. The zoning for the Red Lion site allows building height to 290 feet, 240 feet for the Sheraton site, but only 70 feet for the John L Scott and BDR properties. Part of the problem is that the properties have both the A and the B overlays; one parcel straddles both. The desire is to redevelop with commercial in the front and residential in the back, but with the way the code is written, that will not happen.

Mr. Andrew Miller with BDR, 11100 Main Street said what is needed is a hundred-year solution. To that end, it would make sense to have the John L Scott and BDR properties join the East Main portion of the downtown. The equivalent would have been to address just the west side of the Spring District station and leave the east side for some other time. The project never would have seen the light of day. Given the location close to the East Main station, the site should be allowed to develop with higher density, have a mix of residential and office uses, and serve as the front

door to the downtown with a design that is open and inviting to the public. The code leads in the direction of low-rise low-density. In May 2016, the Commission claimed that it is form that counts, not function. It should not matter what the use of the building is given that statement. The code sees the John L Scott property as one project and the BDR project as another, but the two sites should in fact be considered as a single project. In an ideal world, the FAR could be pushed back away from Main Street in order to be respectful of the old patterns, and put into the tower closer to 112th Avenue NE, but there are no code provisions that allow for that to happen. The result would be a much more attractive development, and the code and the incentives should make the option available. Staff is overloaded and will not choose to do the work on their own; the Commission should ask the staff to do the work.

Commissioner Laing commented that the Council principles specifically direct avoidance of unintended consequences. The fact is, however, there is the unintended consequence of an ownership and parcel configuration that splits the A and B districts. The issue is the type of thing that should be resolvable through the flexibility the community has called for over the last four years. One option might be to allow flexibility through a development master plan, even where there are multiple parcels and multiple overlays involved, provided that at the end of the day the maximum height and FAR is not exceeded. In situations where the code makes it impossible to achieve something that is desirable because of an orthodox adherence to the law, it would be better to tweak the code to allow for flexibility. It will take looking at some of the procedural aspects of the code in order to make that happen.

#### DRAFT MINUTES

January 11, 2017

A motion to approve the minutes as submitted was made by Commissioner Laing. The motion was seconded by Commissioner Hilhorst and the motion carried unanimously.

Mr. Cullen informed the Commissioners that as the meeting was starting he received an email from Mayor Stokes indicating that he was participating in a community meeting and would not be able to attend. The email also stated that the Mayor had read the meeting minutes in the packet, that he appreciates the work being done, and that he was looking forward to the Commission's eventual review and comments on the prototype.

#### ADJOURN

A motion to adjourn was made by Commissioner Laing. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

Chair deVadoss adjourned the meeting at 8:52 p.m.

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Terry Cullen  
Staff to the Planning Commission

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Date

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John deVadoss  
Chair of the Planning Commission

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Date



CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
STUDY SESSION MINUTES

February 8, 2017  
6:30 p.m.

Bellevue City Hall  
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair deVadoss, Commissioners Carlson, Hilhorst, Laing, Morisseau, Walter

COMMISSIONERS ABSENT: Commissioner Barksdale

STAFF PRESENT: Terry Cullen, Emil King, Department of Planning and Community Development; Carol Helland, Department of Development Services

COUNCIL LIAISON: Mayor Stokes

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

CALL TO ORDER  
(6:36 p.m.)

The meeting was called to order at 6:36 p.m. by Chair deVadoss who presided.

ROLL CALL  
(6:36 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Laing, who arrived at 6:37 p.m., and Commissioner Barksdale, who was excused.

APPROVAL OF AGENDA  
(6:37 p.m.)

A motion to approve the agenda was made by Commissioner Laing. The motion was seconded by Commissioner Carlson and the motion carried unanimously.

COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS  
(6:37 p.m.)

Mayor Stokes said he was very glad to see the Commission reviewing the work accomplished at the annual retreat. Planning is a skill that tends to move along at a certain pace, which is good when it comes to being thorough. There is a need, however, to keep moving things forward and getting things done in a timely fashion. All of the city's boards and commissions do important work, but the work of the Planning Commission is the bedrock in terms of fitting everything together. The materials and framework that flowed from the retreat will be very helpful in moving forward. The city is not what it was five years ago or even two years ago, and the Commission needs to keep that in mind in seeking to determine how the city can be better in the

future. Bellevue is seeing international as well as local business investment, and it must all be balanced with investments made by the citizens and the neighborhoods. There is a clear need to begin reviewing and revising the neighborhood subarea plans, but the work should not take a decade.

Commissioner Walter said she attended the rooming house hearing as it related to an Airbnb operating two blocks from her house. The amount of background work done by the attorney was impressive. The outcome was that the parties responsible signed acknowledgment of having not followed city ordinance, and they will now be held to a higher standard.

## STAFF REPORTS

(6:44 p.m.)

Comprehensive Planning Manager Terry Cullen informed the Commission that the error made in how the transient lodging issue related to the Eastgate Land Use Code amendments has been corrected and transmitted to the Council.

With regard to transient lodging in the Neighborhood Mixed Use district, Mr. Cullen said the record reflects the use was shown as allowed with a conditional use at the January 27, 2016 meeting, but somehow it came through as a permitted use when it got adopted. He said the correction will be made and sent back to the Council. The Eastgate Land Use Code amendments are tentatively scheduled to be before the Council on March 6.

Mr. Cullen said he had received a couple of follow-up questions regarding the Factoria land use districts. He said the Eastgate Land Use Code amendments as they relate to Factoria reflect transient lodging as allowed with a conditional use in F1 and as a permitted use in F2 and F3, which is how it is reflected in the current code.

Commissioner Walter commented that transient lodging was an add-on to hotels and motels, which are permitted uses in Factoria. She asked if there ever was a discussion about adding the transient lodging use. Mr. Cullen said transient lodging is a subset of hotels and motels. The use was parsed out into two separate uses.

Land Use Director Carol Helland apologized for the errors that had been made. She explained that the use charts follow standard land use classifications and utilize standardized numbers. For hotels and motels, two numbers are provided, 13 and 15. The standard land use classifications refer to hotels, motels and transient uses such as shelters, YWCAs and YMCAs. For the sake of transparency, the Commission has been interested in making sure the code is understandable and that information is not buried in the charts or the footnotes, so the uses were broken apart. The Commission's task then became deciding the zones in which the uses should be allowed and under what process. The mistakes that were made have been corrected.

With regard to the Commission's upcoming schedule, Mr. Cullen said the Comprehensive Plan amendment cycle for 2017 has begun. Staff is working through a completeness review. Four possible amendments are under consideration: one map amendment, one combination map and text amendment, and two text amendments. A threshold review public hearing will be held in the spring. Certain hard deadlines must be met where plan amendments are concerned, and if the Commission's overall workload starts to back up, it will be necessary to schedule additional meetings.

Mr. Cullen offered his congratulations to the three Commissioners who made it into the final

eight for filling the vacant Council position: Chair deVadoss and Commissioners Laing and Walter. He said in every community he has worked in, the Planning Commission is a proving ground for elected officials.

PUBLIC COMMENT  
(6:52 p.m.)

Mr. Alex Smith spoke representing the 700 112th LLC and addressed the issue of base FAR and height. He introduced his development advisor Jeff Taylor and his land use attorney Larry Martin.

Mr. Jeff Taylor, address not given, called attention to the proposed base and max FAR and allowed that in order to get from the base to the max it is required that certain public amenities be provided or pay a fee in-lieu, currently proposed to be \$25 per FAR foot. He showed a map of all the different zones in the downtown that had on it a comparison of how the base FAR compares to the max FAR. He noted that the higher percentages meant less needed to be provided by way of public amenities, and the lower percentage meant more needed to be provided. The map indicated that 70 percent of the zones had a percentage above 75 percent; 20 percent of the zones had a percentage of between 50 and 75; and 10 percent of the zones had a ratio below 5 percent. A similar map using the same kind of analysis except for building height was also shared with the Commissioners. In 53 percent of the zones, the ratio between the base height and the max height was shown to be above 75 percent; 28 percent had ratios of between 50 and 75 percent; and 18 percent had ratios below 50 percent. The ratios, which were in part based on the BERK analysis, are not consistent. In some cases, building to the max height will require development to do nothing by way of providing amenities or a fee in-lieu, while in other zones, 77 percent of the max height will trigger additional payments. He also produced a chart comparing the zones with a 5:1, 6:1 or better FAR. In the case of a ratio of 5:1, he said given the example of 50,000 square feet of land would be allowed a 250,000 square foot office building. For the exact same building, in one building the developer would be required to pay a \$2 million or \$3 million fee, while in another zone the developer would need to pay zero, putting the former zones at a disadvantage in a competitive world.

Mr. Smith suggested there should be something more unilateral implemented, such as 85 percent of the new max as the base. In some instances where the base is so low compared to the max, it will be very difficult to provide enough public amenities to gain what is needed, defeating the purpose.

Commissioner Laing asked why it should be 85 percent rather than 90 percent or 80 percent. Mr. Smith said the majority of the higher pieces where most of the office development is going to take place falls into the 85 percent range.

Commissioner Laing allowed that the BERK analysis takes a snapshot of data in what can be called a robust real estate market. He asked if any pause should be triggered about the fact that what is being talked about is a percent or two difference from what the consultants identified as the absolute threshold of success in some of the models, and questioned whether or not 85 percent will in fact be a de facto downzone that will impose some unintended consequences. Mr. Taylor said he was trying not to be overly aggressive in using the 85 percent figure.

Mr. Larry Martin urged the Commission to move in the direction of uniformity. Applying an approach involving the FAR base to the max would be very arbitrary and would rest on old and outdated zoning laws. The Council gave direction to ensure that the amenity incentive system is

consistent with state and federal law, in particular the process should be sensitive to the requirements of RCW 82.02.020 and to nexus and rough proportionality. The state statute regulates taxing authority and precludes cities from imposing any tax, fee, charge, direct or indirect, on development, on construction, on the classification or reclassification of land. The system that has been set up could not be more clearly a charge on development. The BERK analysis goes to great pains to show how that is the case. It takes the current zone and looks at the amount of allowed development, and looks at the proposed new zone and taxes each zone by how much development will increase under the proposed zoning code. That is absolutely a charge on development. There is case law that is on point. Adopting the approach in anything close to its current form will force a property owner who is disproportionately affected to challenge the system. The system is going to go down because it is clearly illegal. Moving toward uniformity would deter future lawsuits. The amenity system clearly seeks to gain open space in the downtown. The exception in 82.02.020 regarding fees on development is Growth Management Act impact fees, one of which is for parks and open space. The city has thus far elected not to impose a park impact fee. The right thing to do will be to recommend to the City Council the elimination of the amenity incentive system in favor of adopting an impact fee system. The two ideas could be combined by setting the base FAR for everyone at 85 percent of the new maximum height and by setting in motion the adoption of a park impact fee.

Commissioner Carlson noted that adequate parking in the downtown area is one of the current items on the amenity incentive system. He asked what impacts might result from moving to the proposed approach and away from the incentive amenity system. Mr. Martin noted the proposed approach eliminates parking as a bonusable amenity. Everyone wants to accomplish the major objectives, including the pedestrian corridor and open space in the downtown. Moving toward uniformity and adopting a park impact fee would shift the burden between developers and others and put the control and responsibility of determining where the elements end up on the city.

Mr. Andy Lakha, 500 108th Avenue NE, spoke as principal of the Fortress Development Group. He said he has been a citizen of Bellevue for 20 years and has developed projects in the United States, Latin America and Europe, but not previously in Bellevue. He said he has for many years been searching for an iconic project and has finally found it. Fortress Development has been working collaboratively with the Commission for almost a year, and has brought forward a vision and worked through it. In the summer of 2015, it was agreed that a development agreement would be the way to clear the path for development. The Commission directed the staff to prepare the concept and to come back with it for the Commission to reconsider. More than six months have passed since then and nothing has come forward. No efforts have been made by the staff to respond to the Commission or to prepare the development agreement concept. The Commission was asked to direct the staff again to do what they were supposed to do six months ago. It was surprising to learn a week ago that the latest draft of the new ordinance includes an entirely new concept of a 40-foot tower setback from all internal property lines. Fortress Development has been working on its plans for four years through the CAC process and the Commission process, and the new idea has been sprung at the eleventh hour. The new concept was not recommended by the CAC, nor was it proposed by the Commission. It has received no public review or input. He said to date he has spent hundreds of thousands of dollars working through the project plan, only to discover at a late hour that it may all have been a waste. The 40-foot setback rule would make it impossible to locate even a single realistic tower on the Fortress site. When compounded with the 45-foot podium height limit and the throughblock connector requirements, it will not be possible to achieve the allowable FAR on many sites, and in other cases it will prevent development of anything taller than 45 feet. The approach will produce an apparent downzone when compared to the existing code allowances. The Commission was asked to direct staff to restore the 20-foot tower setback that has been the

rule for the entire process.

Mr. Jack McCullough, 701 5th Avenue, Suite 6600, Seattle, introduced project manager Arnie Hall. He agreed that Fortress Development has spent much of the last year making presentations to the Commission. In the first part of the exercise, attempts were made to persuade the Commission to increase the allowed height. The CAC had recommended 300 feet but the Commission had reduced that to 250 feet. It became clear the Commission was not going to increase building heights as requested so the idea of leaving the height as proposed was floated along with the concept of a development agreement that would serve as a vehicle for allowing the Council in the future to change the height should the project warrant it. On July 27, the Commission gave direction to the staff to work with Fortress Development on the development agreement concept and to bring something back to the Commission for review. Chair deVadoss suggested the approach could possibly be used elsewhere in the downtown. Fortress Development drafted language to jumpstart the process and met with staff on October 27. The thinking at the time was that staff would begin working on language to be brought back to the Commission. More time passed, and two new versions of the ordinance came forward, and still nothing was included regarding the development agreement concept. The staff likely will say the Commission did not give them direction to include the development agreement concept in the ordinance, and they will be right in saying that. The fact is the Commission has not yet had the chance to make that decision. The concept needs to be brought before the Commission for a determination as to whether or not it belongs in the ordinance. It is understood that everyone is under pressure to get the process done, but the development agreement concept is work that has been left undone. The Commission was asked to direct staff to bring the issue to the table. With regard to the 20-foot rule, he noted that the setback occurs above the podium height. That has been the approach operated under for the last year or more in working through the code. The midblock connector and 80-foot tower spacing requirements can be accommodated on the Fortress Development site, but when the 40-foot tower setback from all internal property lines requirement is added into the mix, less than 32 percent of the site is left to build on, meaning there is not enough roof to develop a tower that anyone would live in. The assumption is that the 40-foot rule was based on a concept of fairness and enshrining the 80-foot tower spacing by requiring a 40-foot setback on either side of each internal property line. The problem is that the approach protects the rights of parcels that may not be built on for decades and interferes with those who want to build in the near term. The 20-foot setback should be retained and a departure process should be created that would allow some future development from having to assure a full 80-foot tower separation. Seattle has a tower separation code that was adopted in 2006, and in the 11 years since there has only been one case involving a tower separation battle in the downtown, even though their blocks are a fraction of the size of those in Bellevue.

Commissioner Carlson asked if the proposed 40-foot rule would kill the Fortress Development project. Mr. Lakha said it absolutely would.

Mr. Brian Franklin, 15015 Main Street, Suite 203, spoke on behalf of PMF Investments. He said he has watched the downtown process for the almost five years it has been ongoing. Throughout the process there has been a consistent message from the East Main CAC and from the Council to avoid effectively creating a downzone. Property owners have not tried reaching for anything extra and has tried to stay consistent throughout the process. He voiced support for applying the 85 percent concept throughout the downtown in order to be consistent. In the OLB the current max FAR is 3.0 and that can easily be achieved through the current incentive system. Under the proposal, much of what is now incented will be required, so the base FAR should be increased to 4.25 for the OLB district. Nothing should be put in place that would hamper development of what are arguably the most underutilized areas of the downtown, which is the OLB along the

freeway.

Commissioner Laing said he understood the call for giving everyone 85 percent of the new max across the board as a way to be fair. He asked, however, if 85 percent is the correct number. He noted that under the current incentive system, a developer could gain sufficient bonus points for providing structured parking to max out the FAR and even have points left over. He asked how going to 85 percent while requiring the development of parking could be determined to be the right number. Mr. Franklin said the word he used was consistent, not fair. If the new base FAR were to be set at 2.5 instead of the current 3.0, and if the current incentives needed to achieve 3.0 are removed and some of what currently are incentives become requirements, developers will either have to pay \$25 per foot or provide certain amenities, which is something developers have not previously had to do. In the end, to do the same project under the proposed approach would cost more than under the current approach, and that effectively would be a downzone.

Mr. Phil McBride, 11040 Main Street, spoke representing Lennox Scott and John L. Scott Realtors. He said Andrew Miller's property is adjacent and over a year ago he came forward with the notion of considering doing a project together on the two respective properties. All who have seen the proposed project have embraced it. However, with the way the new code has been proposed, it does not appear the project will get built.

Mr. Andrew Miller, 11100 Main Street, spoke representing BDR. He said his property along with the John L. Scott property will serve as the front door to the downtown from the East Main station. The desire is to build a project that continues to offer a lower scale face toward Main Street and that pushes the bulk toward the higher density downtown. The incentives should be crafted to make the project feasible. In May 2016 renderings of the project were shared with the Commission and met with a favorable response. The notion of averaging the FAR out between the A and B districts was raised at the meeting, and there was a discussion about office versus residential in the front building, and the Commission indicated a preference for form over the uses located inside. However, under the first draft or the latest version of the code, the project cannot be done, even though the project fits the desired height limits and FAR. What is missing is a mechanism in the code to get from point A to point B. In addition to the concerns raised by others, he said the biggest challenge to be addressed is how to average out the FAR. It was previously suggested that it could be done through the use of a footnote, but another way would be to include the notion as an exception to the dimensional requirements allowing projects within a walkshed having transit-oriented developments of a certain size to create a single building concept within the project limit. The proposed two buildings, which would all be built on a single parking garage, would be deemed a single building. As envisioned, the single building would need to be more than 50 percent residential in order to utilize the FAR. If the Commission likes the project as outlined, it should direct the staff to find a way to make it happen.

Mr. David Dowd, 3211 Evergreen Point Road, Medina, spoke on behalf of the Fortin Group. He pointed out the need to make a small correction in the draft code. There are several instances in which the document indicates 101st Avenue NE is a public right-of-way. The fact is that 101st Avenue NE is owned by the Fortin family and it has a tax parcel number recorded by the King County tax assessor. The city does not own an easement to turn it into a public right-of-way, and all such references should be removed.

Mr. Walter Scott, 400 112th Avenue NE, spoke on behalf of Legacy Companies. He said he has been following the process and has seen that the various developers who have stepped forward have highlighted specific problems for their specific sites. Some sites are too narrow. The Legacy site in the winter has ground water at about ten feet. Sound Transit will be driving in two

pylons on the southwest corner of the site to support the light rail line, and that will be problematic given that the load spreads as it goes deeper and will impact the ability to dig down and construct parking. Some flexibility will likely be needed, particularly in regard to parking. Legacy would like to provide plenty of parking, particularly given that Meydenbauer Center does not have enough to accommodate their events, and the close proximity of the transit station. The development community trusts the city staff having worked with them over the years and having found them to be very professional. The BERK report is to be applauded and represents a real effort to understand current market conditions. The numbers in the draft code, however, are just not where they need to be. The 85 percent rule work is workable. Some level of flexibility certainly will be needed, and the staff should be authorized to approve those exceptions. Legacy is currently acting to extend leases with its tenants, which in turn will extend the timeframe in which new development will occur. The longer the process goes on, the longer it will take to see the future development of the downtown.

## STUDY SESSION (7:47 p.m.)

### Downtown Livability – Review Draft of Downtown Land Use Code Amendment

Chair deVadoss asked for some clarification based on the public comment. Land Use Director Carol Helland said the issue of the amenity incentive system would be discussed as part of the study session. With regard to the development agreement, she noted that it was included in the legislative departures found on pages 18 and 19 of the packet materials. The actual development agreement process would be part of a conformance amendment. It was never the intention of the staff to move forward without a development agreement. The staff has been working to weave together the direction received from the CAC and from the Planning Commission in response to the work of the CAC. She said she did not dispute that the notion of allowing for flexibility in the form of a development agreement regarding the property referred to by Mr. Lakha was identified, but the Commission also held a robust conversation regarding height in the Deep B district. Accordingly, the staff has not felt enabled to actually exceed the height limit given the Commission's specific conversation, and that is why the footnote proposed by the property owner's representatives was not included. To run with the proposed format would be to create an approach applicable only to the one site, which raises issues of fairness relative to piercing the maximum height limits citywide.

Commissioner Carlson agreed that the Commission had been clear about setting a height limit of 250, but never insinuated moving the 20-foot setback to 40 feet. Ms. Helland allowed that the process of writing code is iterative and is full of unintended consequences. Feedback was offered about the 80-foot tower separation requirements, and the inclusion of the 40-foot setback was an attempt at fairness. Other developers raise the "what about us" question relative to how the 80-foot separation requirement would be measured across intervening property lines when someone else goes first. The concern was that should someone put the tower portion of a building 20 feet from an interior property line, the adjacent development would have to step back 60 feet. If directed, the approach can be calibrated differently.

Commissioner Carlson commented that the 20-foot setback was developed after a great deal of negotiation, research and public input. He asked why it suddenly was doubled. Ms. Helland said the intention was not to double the setback, rather to apply the direction of the Commission with regard to separating towers by 80 feet. In amending the code, it was concluded that the 80-foot building separation applies to multiple buildings on a single site. That left the need to deal with the edges and separating towers on adjacent properties. The 40-foot setback was intended to

accommodate the 80-foot separation the Commission had directed staff to draft. If the conclusion of the Commission is that the approach ushers in an unintended consequence, the Commission can direct the staff to make a change.

Ms. Helland clarified for Commissioner Walter that the setback relates to towers and is measured from interior property lines. The existing setback from the side and rear property lines for towers above 40 feet is 20 feet.

With respect to the development agreement, Ms. Helland suggested the Commission should think more broadly across all of the downtown about a system that will work fairly for piercing the maximum building height on a single property. If deviations from the maximum building height are going to be allowed, the citywide consequences will need to be considered.

Chair deVadoss suggested there is merit to the approach proposed by Mr. Miller and Mr. McBride for their respective properties. He said he wanted to see the staff engage with them to explore an agreeable outcome. Ms. Helland said staff has in fact engaged with them. The rub comes in trying to reconcile the direction received from the Commission with their proposed project. The project as depicted in renderings is easy to approve of; drafting the approach into code is more problematic. The Commission had a conversation about the downtown boundary and the associated setbacks. The site is constrained by its location across the street from the tunnel portal and the fact that the downtown border runs along Main Street. The site is faced with a 20-foot setback, something the Commission talked about, and something the Commission expressed concerns about eliminating. The required setback serves to shrink the developable portion of the site. Additionally, while the form-based code concept is understandable, functionally there is a reason for taking a tower-by-tower approach and treating each as a separate building. Sometimes the locations of towers and the uses within them are important to the activities seen on the streets adjacent to them. While the form of the gateway project has been rearranged in keeping with the wedding cake approach, the uses proposed for the space right along Main Street are just office. What will happen between 5:00 p.m. and 6:00 a.m. daily, the space will be dark, it will not be pedestrian activated, and it will not create the desired environment in what has been noted to be a major connection between the East Main station and the downtown. The proposed building form makes for a good theoretical argument, but would be difficult to make work in light of the expectations of the CAC about activities at the street level and the Commission's feedback with regard to livability at locations where pedestrian activity will be very dense.

Chair deVadoss thanked Ms. Helland for her detailed clarification of the issues. He asked how the Commission and the staff should engage with those who have for many months been seeking closure in a timely fashion. Ms. Helland said feedback will be needed from the Commission in regard to the appropriate level of latitude when it comes to departures. To date there has been mixed feedback on the maximum height limits that have been attached, and the opportunity to pierce the maximum height limits, even through a legislative process involving Council approval of a development agreement, has ramifications.

Chair deVadoss asked staff to carry on with their agenda items.

Strategic Planning Manager Emil King briefly reviewed the process to date and the Commission's engagement points since June 2015 when the Council directed the Commission to begin working on the downtown code amendments. A number of topics have been addressed in the 20 meetings held to date. The joint Council/Commission workshop in November 2015 was a milestone, as was the early wins package in March 2016 and the two iterations of the draft Land

Use Code in November 2016 and February 2017.

Ms. Helland said the latest draft of the code includes comment bubbles with information regarding what has changed and where sections came from. In addition, all references to King County Records and Elections were changed to King County Recorder's Office; graphics and maps were added; a footer was added at the bottom of pages to help with navigation; and definitions were added and alphabetized. She said she worked with Commissioner Laing on some of the procedural requirements and identified the need for some changes which are essentially clarifications, namely that the general definitions apply in the downtown until specifically noted otherwise; clarification of how the departures have been characterized as being legislative when in fact they are project specific; clarification of the nature of the departures, where they are possible and the criteria for approving them; and identification of a flexible amenity package and clarification that support for a development not specifically identified in the amenities charts would need to come from the Council. Staff wrote the departure to reflect what was deemed to be the direction from the CAC and the Commission, but should the Commission see the need to tinker with them, additional conversation will be needed. No changes were made relative to the use charts. Commissioner Laing did note, however, the need to make it clear there is an interpretation process for the use charts and recommended that a cross reference be made to the general interpretations provisions of the code.

With respect to the dimensional charts beginning on page 41 of the packet, Ms. Helland pointed out that in the third column the minimum tower setback above 45 was added for buildings that exceed 75 feet. She reiterated that the 40-foot setback was an attempt to reconcile the 80-foot tower separation requirement as it relates to side property lines. She allowed that the approach would in fact end up being a greater separation than is currently required under the code.

Commissioner Laing noted that Mr. McCullough made reference to the issue coming up only once in Seattle. The fact is there was an article published in the *Puget Sound Business Journal* that focused on the tower spacing issue in Seattle. The basic issue is first in time, first in right. Seattle's code, however, is somewhat more nuanced than what has been proposed for Bellevue. Seattle has a rule that says the tower width cannot be more than 80 percent of the north-south façade width. The tower spacing requirements are different for the east-west side. Often where there are within a single block alley ways or public or private rights-of-way, the concern is focused on maintaining the tower spacing. That works out well when the measurement is between adjoining towers. The approach of basing it on property lines can be complicated where there is a 30-foot-wide alley. The concerns voiced by Mr. McCullough and Mr. Lakha are well taken. With regard to who should have to request a departure to allow for a de facto encroachment, he suggested it should be both the first person and the second person. Otherwise there could be the unintended consequence of rendering someone's property undevelopable.

Commissioner Hilhorst asked what problem the proposed approach was intended to fix, and what unintended consequence might result from staying with the current code requirement. Ms. Helland said the problem was the staff did not believe they had appropriately addressed the Commission's direction relative to tower separation. As previously written, the code simply required an 80-foot separation. For the owner of a property adjacent to a tower constructed under the current code requirements, which call for only a 20-foot setback, maintaining a separation of 80 feet would require setting any new tower back 60 feet, even if the existing tower is ripe for redevelopment. The 40-foot setback requirement flowed from an attempt to distribute the 80-foot tower separation requirement across an interior property line to effectuate the direction received from the Commission for 80-foot tower separations. Part of the complexity associated with the Lakha property is that it is filled with interior property lines, resulting in an even bigger hit.

Furthermore, the departure added for small sites is probably not applicable to the Lakha site.

Mr. King said the issue of having an 80-foot tower separation dates back to the middle of 2016. The current code calls for a 40-foot tower separation. Ms. Helland said the Commission's direction to require 80-foot tower separation would not be achieved by retaining the current code language, unless the 80-foot tower separation was applied only to multi-building projects. By doing so, however, there would be the unintended consequence of pushing buildings to the outside of sites.

Commissioner Laing said that the approach would push tower massing toward rights-of-way, which will have the effect of moving towers closer to neighboring properties.

Commissioner Hilhorst asked if Mr. Lakha is the only property owner who has voiced concern about increasing the setback from 20 feet to 40 feet. Ms. Helland said Mr. Lakha was the only developer to raise the issue since the information went out on February 3. That is not to say his is the only property that would be impacted. With regard to the Lakha site, the Commission could determine it should be allowed to depart from the parking standards. Retaining the 40-foot setback requirement for purposes of the public hearing would likely increase the number of comments received, and it could always be changed back to something less after the hearing. Changing it to 20 feet for the public hearing would generate no creative thinking about how to achieve the 80-foot tower separation.

Commissioner Carlson said the obvious fallout from those who have firsthand knowledge of who the 80-foot rule will play out is that it will not work. Commissioner Morisseau said she did not know that was necessarily the case. There is a reason the Commission came to recommend the 80-foot tower separation consideration to begin with. She suggested staff should go back and look at how other cities have dealt with the issue. Commissioner Hilhorst concurred. The desire of the Commission all along has been to assure plenty of daylighting in the city, and the conclusion reached was that separating towers by 80 feet would help achieve that goal.

Ms. Helland proposed leaving the 40-foot setback proposal in place while looking for other alternatives for accomplishing the initial direction relative to separating towers by 80 feet. She said staff would also look at how the approach might be applied to various parcels in the downtown.

Commissioner Walter pointed out that the 80-foot tower separation rule was actually developed in concert with allowing taller buildings. Rethinking the one approach could trigger the need to rethink the other. Ms. Helland pointed out that while the two issues play hand in hand, the trigger for height did not immediately relate to the 80-foot rule. Getting rid of one will not compromise the other.

Mr. King called attention to page 8 of the packet. He noted that at a previous meeting a question was raised about one of the sentences regarding the DNTN-O1 district that encouraged transit and pedestrian facilities and activities and discouraged long-term parking and other automobile uses. Staff was directed to research where the language came from and discovered it has been in the code for many decades. At the direction of the Commission, he agreed to look at revising the language to reflect the notion that all modes should be treated equally.

Commissioner Walter referred to the land use chart on page 26 and said it appeared to her that transient lodging was permitted in all downtown districts. She said she would like the Commission to discuss whether or not permitted should be changed to conditional use. Ms.

Helland said the use charts were done as part of the early wins process, which preceded the conversation regarding Eastgate. If directed to do so, staff will separate hotels and motels from transient lodging on the chart as was done for Eastgate.

Commissioner Laing said part of the confusion that arose in regard to Eastgate centered on the fact that the classification 13 and 15 reads hotels and motels, when in fact 13, which is hotels and motels, and 15, which is transient lodging, are very different things. There should be a separate row in the table for 15, with C's in the boxes. The other Commissioners concurred and staff agreed to make the change.

Commissioner Laing commented that the way the land use charts work is that for each land use type there is a P for permitted, C for conditional use and A for administrative conditional use indicated for each zoning district. Where there are no letters shown at all, the use is not permitted. He questioned why uses that are not permitted in any zoning district should even be shown on the chart.

Commissioner Walter suggested that showing uses that are not permitted in any zoning district offers the opportunity for discussion during the review process. Commissioner Morisseau agreed and pointed out that the practice is all about consistency table to table. Ms. Helland pointed out that in fact the tables are not the same for each area of the city. The tables for the downtown are different from the tables in Bel-Red, for instance. In Bel-Red, the approach taken was to collapse some of the categories, which simplified the charts and made them more flexibility. With flexibility, however, comes the ability for the Director to make a best judgment about what box the standard land use classification uses fit into. By including uses that are not allowed in any district, it becomes clear that the Director can never reach the conclusion that building maintenance and pest control services can be permitted in the downtown. The practice provides for certainty in some areas and flexibility in others.

Commissioner Morisseau urged staff to go through the entire document looking for grammatical errors and inconsistencies. Additionally, where something is deleted from one table it should be deleted from all tables. Ms. Helland said each iteration of the draft becomes more refined, but said the point was well taken.

Commissioner Walter called attention to the building height maximum column in the chart on page 43 and said she would like to see it retained to clarity in regard to the new column of maximum building height with 15 percent or 15 feet. Ms. Helland clarified that the new column includes either the 15 percent or the 15 feet. The intention of staff was to remove the old maximum building height table and the information shown in brackets, leaving only the new maximum building height. Commissioner Walter said it was her understanding the new maximum would only be achieved with the 15 percent or 15 feet. Ms. Helland said the 15 percent or 15 feet is to be given as a right except for the highest building height. Mr. King clarified that the additional height is awarded only where interesting roof forms, façades or articulations are provided.

Commissioner Walter observed that the land use table on page 28 showed religious activities as allowed through conditional use in the DNTN-R district. Religious activities are allowed in all residential neighborhoods and it should be outright permitted in the downtown residential district as well. Ms. Helland said the land use classification of religious activities refers to churches, mosques and temples, which are allowed only through conditional use in all residential districts.

Commissioner Laing asked staff to comment on the issue raised by Mr. Dowd about 101st

Avenue NE not actually being a public right-of-way. Ms. Helland Mr. Dowd was correct and that the document would be amended to fix the error.

Commissioner Walter asked for a clarification of the social services providers land use classification relative to allowing them in residential districts. Ms. Helland said the use is allowed in as an administrative conditional use in residential districts. However, there is a footnote that restricts the use to Bellevue School District schools when under control of the school district. The is use is otherwise not permitted at all in residential districts.

Mr. King turned to the issue of the amenity incentive system. He noted that a new section beginning on page 50 of the packet had been added. Where the previous draft essentially just had a list of the 18 amenities, the new draft is more specific and represents an outgrowth of the BERK analysis and the third-party peer review by the ULI panel. While there were a number of caveats in the ULI recommendations, staff felt there was sufficient information to proceed toward flushing out the amenity incentive system.

Mr. King said tailoring the amenities by neighborhood is a concept that emanated from the work of the CAC. The idea was to place more of an emphasis on certain incentives in some neighborhoods, less of an emphasis in others, and having them not apply at all in some neighborhoods. As drafted, the section is in line with the Council principle of tying any increases in height or FAR to amenity incentive system. The fee in-lieu provision was also included in accord with direction from the Council, the CAC, the Commission and the ULI panel. There are also provisions included that call for period reviews.

With respect to tailoring by neighborhood, Mr. King reminded the Commissioners that the Comprehensive Plan for the downtown includes the notion of downtown neighborhoods that are easier to understand than the convoluted zoning districts. He said the way the amenities are laid out, they are bonused by neighborhood. In its final report, the CAC went through a number of the amenity categories, including park improvements, plazas and pedestrian connections and produced a matrix highlighting the need for specific amenities in certain neighborhoods.

Mr. King briefly reviewed the current incentive zoning system and reminded the Commissioners that a certain amount of FAR is exempt for ground floor and second-level retail uses. There is also a basic FAR and there are basic amenity requirements that all developments must provide to varying amounts. The maximum FAR can be achieved only by earning bonus points by providing certain amenities. It was clearly stated in the land use audit and by various stakeholders that as written many of the points can be garnered by doing a residential use or underground parking. The approach given the thumbs up by the Commission and the Council provides in addition to ground-floor and second-level retail an FAR exemption of up to 1.0 for affordable housing, though there is recognition of the need to coordinate the affordable housing exemption with the strategy being developed by the affordable housing technical advisory group. As proposed, affordable housing is separate from the list of 18 amenities.

It has been recognized that the recommendation of the ULI panel and various stakeholders that the basic FAR will need to be significantly increased to account for withdrawn incentives such as parking and residential, as well as to adjust for new requirements. It has also been recognized that there should be some amount of lift going from the new basic FAR to the current maximum FAR. For most zones, the BERK report proposed setting the lift at 85 percent of the current maximum FAR. In some zones, including the OLB and the MU for non-residential, there was CAC and Commission direction to significantly increase the maximum FAR as well as the maximum height. For other zones, the recommendation is to increase the allowed height but not

to increase the allowed FAR.

Commissioner Walter asked if staff has a feel for whether or not developers will put affordable housing in if the only incentive they have is additional FAR. Mr. King said much will depend on the work that comes out of the affordable housing technical advisory group. There is currently a citywide affordable housing bonus that is essentially a one-to-one bonus for up to 15 percent of the overall FAR; a small number of developers have used the bonus, which would seem to indicate a one-to-one bonus is not enticing enough. To make the bonus attractive, it will need to be in the range of two-to-one or three-to-one.

Commissioner Laing suggested the bonus may need to be as high as five-to-one, especially in the downtown environment where construction costs are vastly higher. Unless the city allows for an FAR bonus and the use of the multifamily tax exemption program, affordable housing will not be achieved in the downtown.

Commissioner Walter stressed that unless affordable housing gets developed in the downtown where people work, the workers will be forced to live elsewhere and commute in, putting more cars and buses on the streets.

Commissioner Laing asked if having up to 1.0 FAR exempted for ground-floor and second-floor retail and the same for affordable housing would allow for a development having an FAR of 7.0 in a zone that has maximum FAR of 5.0. Ms. Helland said the initial discussion did not contemplate taking advantage of multiple exemptions, even though the affordable housing was added on. In Eastgate, up to 1.0 FAR is exempted for affordable housing. Getting a full 1.0 FAR in affordable housing is unlikely, but any affordable housing added should not count against the maximum. Should a project in a zone that has a maximum FAR of 5.0 include a 0.5 FAR of affordable housing, the project could come in at 5.5 FAR. Mr. King allowed that the maximum FAR can technically be exceeded by virtue of having some FAR exempted.

By way of example, Mr. King referenced the DT-MU district and noted that the proposal increases the basic FAR from 2.0 to 4.25, or 85 percent of the maximum FAR of 5.0, to accommodate for removing the incentives of parking and the residential use, leaving only 0.75 available to achieve through bonuses. The exchange rate or cost per point as articulated in the ratios equates to \$25 per square foot, an amount that was in the BERK analysis and reviewed by the ULI panel. There is also a focus on trying to target 75 percent of the bonus points on the first eight amenities, which deal with public open space.

One of the scenarios analyzed by the BERK report involved a development that chooses to use only the basic FAR and pay a lesser amount per square foot for additional height. The report identified a host of different rates, but the proposed approach is to use half the value of additional FAR, or \$12.50 per square foot. Mr. King pointed out that the maximum FAR for office in the DT-MU zone is only 3.0. The basic amenity requirements amount to only 0.1 FAR, and the as of right FAR is only 0.5. To go from 0.5 up to 3.0 requires working through the incentive system. The CAC and Commission were both clear about wanting to see similar FAR for office and residential in the DT-MU zone. The direction of the Commission was to increase the maximum FAR in the zone to 5.0. Consideration was given to raising it to 85 percent of 3.0, but based on the economic modeling, the conclusion reached by staff was that the FAR should be increased to 3.25, which is higher than the only maximum. For nearly all of the other zones, the new basic FAR has been set using the 85 percent rule; the exceptions are the DT-MU district and the perimeter overlay A and B districts.

Commissioner Laing asked if a non-residential project even under the new system could actually reach an FAR of 5.0 with the bonus system. Mr. King said it would take some analysis to determine that. He agreed to run some scenarios aimed at determining how it would play out for individual projects. He pointed out that the fee in-lieu provisions would allow developers to avoid providing all amenities on site.

Commissioner Laing pointed out that both the CAC and the Commission recommended eliminating the commercial penalty. Even so, there remains some pushback to retain it, which means there will continue to be an incentive to continue building residential projects in the DT-MU. Mr. King explained that currently residential in the DT-MU has a maximum FAR of 5.0 and a basic FAR of 4.25. A project would need to work up through the incentive system of 0.75 FAR. The current proposal also has a height limit of 288 feet. Non-residential in the DT-MU also has a maximum FAR of 5.0, which represents an increase to be equal with residential. However, the BERK analysis and the staff proposal both include a different basic FAR, making commercial participate at a different level in the incentive system. Based on the Commission's recommendation, the maximum height is different for the two uses. Residential towers may reach the maximum height easier because of the smaller floor plates.

Commissioner Laing noted that for at least 20 years the Bellevue Downtown Association, the Chamber of Commerce and individual stakeholders have been asking to do away with the commercial penalty. Many voiced their opinions before the CAC which ultimately recommended unanimously to overturn it. In the early wins process, the Commission signaled that things would go in that direction, but the proposal does not in fact do that.

Mr. King offered the Commission two conditions relative to valuing height. For both conditions, the projects were assumed to be participating in the incentive system. Where there is no intent to exceed the basic FAR and/or the basic height, there is no need to get involved with the incentive system. In the first condition, a building not wanting to exceed the maximum height, the basic height is the current maximum height. The developer is at \$25 per square foot, picks the amenities and is done. In the second condition, the project takes its basic FAR and through the bonus FAR exceeds the basic height. In the condition there is an amount of FAR above the basic FAR, and an amount of FAR that is a subset of that amount that is above the basic height. In the staff materials and in the text of the code examples are given for when the amount of bonus FAR will be the guiding factor.

Mr. King noted that each of the 18 amenities could be found in the packet between pages 56 and 61. He said the section also includes the fees in-lieu and the periodic review process. The new basic FARs were shown on page 41 of the packet.

Mr. King commented that most of the public comment received regarding the perceived inequity relative to the base FAR was for the OLB Central and OLB South areas. The current FAR in those areas is set at 3.0, but through the BERK analysis a new FAR of 2.5 has been recommended based on the new maximum FAR.

Commissioner Laing urged the Commissioners to go back and read the findings and recommendations of the Downtown Livability Initiative CAC, the Council Downtown Livability Initiative principles, and the Council guidance for updating the downtown incentive zoning. In kicking off downtown livability at the CAC level, there was clear direction given to avoid effecting a de facto downzoning. He said he was concerned that the process has in fact reached that point. The Commission is being asked to make changes that do not necessarily add up. The CAC had staff provide examples of how much FAR developments were earning through

structured parking and residential. Under the current system, a project can earn 120 percent of the maximum FAR by putting in structured parking. By tossing in residential and pedestrian-oriented frontage, the figure rises closer to 150 percent of the maximum FAR. The basic amenity requirements are not in fact incentives given that they are required, though they do earn extra floor area. The reality is that there is no real need to do any of the basic requirements to gain FAR given the bonus earned for structured parking. The city knew that, which is why the basic amenities were required. The whole idea of having an amenity system is based on mitigating impacts caused by projects. The proposed approach essentially allows developments to get 85 percent of the way to the maximum before seeking to squeeze out another five percent. In short, whatever the Commission decides is the acceptable maximum height should be the acceptable maximum height, and what the Commission decides is the acceptable maximum FAR should be the acceptable maximum FAR irrespective of what uses are in the buildings. The basic FAR should be 90 percent of the maximum FAR, and the last ten percent should be gained through providing an amenity from the table.

Commissioner Walter suggested the risk of that approach would be seeing developers building boxes that fit into the 90 percent window. That would mean a very uninteresting downtown. Commissioner Laing said that could be addressed by doing what Seattle does, namely requiring open space amenities and the like as part of projects. Even getting to the maximum FAR from 90 percent is a fairly heavy lift. Commissioner Walter agreed with the notion of instigating a simpler program that would be easier for developers and for the staff, but stressed the need to keep an eye out for the possible downsides.

Commissioner Morisseau said the question not satisfactorily answered in her mind is what the amenity incentive system is intended to bring about. She asked if the desire is to see public open space or funding for developers who did not want to build amenities on site. She also asked if the maximum FAR can even be going with 75 percent of the amenities for open space, and questioned whether the fee in-lieu should be \$25 or \$28. Mr. King said the concept of focusing 75 percent of the amenities on the broad context of open space goes beyond outdoor plazas and includes street front improvements and other amenities. The amenities seek to incorporate all of the Council principles. Including a fee in-lieu option was also in the Council principles. Other cities only incentivize a small list of things; in the South Lake Union area, Seattle requires sustainable buildings and incentivizes only affordable housing and child care. As proposed, the amenity incentive system lists 18 items and a fee in-lieu provision. It cannot be said with any degree of certainty which of the 18 items developers will choose in the coming years, and some likely will be chosen more than others.

Ms. Helland added that the fee in-lieu is capped at 50 percent of the amenity requirement, which means at least half of the amenities must occur on site. Mr. King said hopefully developers will see some of the amenities as things they will want to do anyway, and the more of them that get incorporated into projects, the better the public realm and the projects will be. The fee in-lieu number of \$28 was arrived at by taking ten percent above \$25 and rounding it up as the starting point for discussion. Currently there is no fee in-lieu option in place in the downtown.

Commissioner Hilhorst asked if staff had the direction needed to address the site directly across from the East Main station. Ms. Helland noted that the public had simply asked the Commission to direct staff to fix the issue. However, there is a tension between meeting the objectives across the city and the way in which some projects have been designed in anticipation of a future outcome. She added that it would be helpful for staff to know if they should be talking to developers about being able to negotiate through a development agreement. Currently the parameter for a development agreement as outlined on page 61 allows for working with the

Council to define individual amenities, cost them out, and have them support development. The development agreement process, however, does not allow for deviating from the maximum FAR and height limits. The code amendments suggested for the gateway project seek to amend things the Commission has been looking at for some time, and which were specifically talked about in November. If given direction to work with the gateway project folks with an eye on making their project work, staff would need the flexibility to reconsider the downtown boundary setback, the maximum height limit for the district, the trigger height, the tower setback, the lot coverage and the street classification issues.

Chair deVadoss suggested staff should in good faith be asked to work with the two teams to better understand the tradeoffs. Once the tradeoffs are identified, the Commission might be in a better position to provide input. Ms. Helland said staff would be happy to take that approach. She stressed that staff did not want to create a level of distrust by departing from the very clear standards given by the Commission.

Mr. King said the next steps will involve working toward a level of comfort with a draft code for purposes of conducting a public hearing. Ms. Helland added that if the Commission were to give staff the go-ahead on the current draft, the earliest a public hearing could be scheduled would be March 8 given the noticing requirements. She said focus group conversations could occur ahead of the public hearing in order to gather additional information for incorporation in the staff report.

Commissioner Laing said he would prefer to schedule the public hearing for March 22 to allow the staff and Commission more time to do what needs to be done ahead of the public hearing.

There was agreement to schedule a Commission meeting for March 1 on the understanding that the public hearing draft will have by that date already been published, and to set the public hearing for March 8.

A motion to extend the meeting by 20 minutes was made by Commissioner Hilhorst. The motion was seconded by Commissioner Laing and the motion carried unanimously.

#### STUDY SESSION (10:06 p.m.)

Mr. Cullen reminded the Commissioners that the November 16, 2016, retreat was attended by Commissioners, staff members and the Council liaison Mayor Stokes. The prototype that was created prior to the retreat was discussed and consensus was sought. Part A of the prototype, which was focused on local governance and planning, was mainly for informational purpose. Part B, the suggested standards and practices, became the focus of the retreat. Part C, the guiding principles, was tabled for discussion at another time and has yet to be programmed. Following the retreat, notes from the facilitator and staff were used to add to and edit the draft Part B document. Staff has reviewed the edited version and have offered small edits in the form of footnotes at the bottom of the page.

Mr. Cullen reminded the Commissioners that Part B was put together by consensus, thus it was not up for additional discussion. He asked them to focus on the staff comments and determine whether or not they accurately reflect what was agreed on. The document will next be forwarded to Mayor Stokes who as Council liaison has the final review authority. A separate study session will then be scheduled to talk about Part C, the guiding principles. The principles will be owned by the Commission and as such it will not be necessary to have the staff and the Council liaison

play a role. The final piece will be a discussion regarding public participation. Once all is said and done, the Commission will have a comprehensive package that will be operationalized.

Commissioner Walter commented that the guideline principles, which belong to the Commission, came about at a time when there was a lot of contention between the expectations of the Commissioners and expectations of the staff. The principles were developed to show both give and take and mutual respect. When the time comes to discuss them, the staff should be part of the dialogue.

Turning to Part B, Mr. Cullen noted that the Commission had agreed on items 1, 2 and 3. The discussion regarding item 4 triggered the proposed redraft. He said the revisions to item 5 represented little more than wordsmithing. The Commissioners had agreed on items 6, 7 and 8. Additional wording for item 9 was agreed to by the Commission at the retreat. There was agreement with item 10.

With regard to item 11, Mr. Cullen said the revision was triggered by the City Attorney's review. He noted that there may, on occasion, be certain topics discussed in executive session by the City Council that could impact work the Commission has undertaken. It is possible that in certain instances the Council liaison could share confidential information with the Commission chair and/or vice-chair, but in other instances sharing such information would not be possible.

Commissioner Hilhorst asked if the paragraph could include verbiage calling for halting any work currently before the Commission or set to be given to the Commission until issues before the Council in executive session, such as property deals, are resolved.

Commissioner Walter said she would support including that idea. She said it would have been better for the Commission to halt its work on the Eastgate subarea while the Council was deliberating a property deal in regard to the homeless shelter.

Mr. Cullen said he would craft some wording to that effect and include a footnote for the Mayor's review.

Mr. Cullen noted that there was Commission agreement relative to item 12. The added sentence at the end of item 13 was added by the Commission.

Commissioner Morisseau questioned what value the added sentence brings to the paragraph. Commissioner Walter said the Commission was discussing the need to stay within the parameters. Often the Commission wanders outside the parameters in theory to look at things, but the resolutions determined are within the guiding principles. The overall conversation is richer and better for having strayed outside the box.

Commissioner Hilhorst said the Aegis project serves as a good example. The Commission was given a scope for the work but chose to look at the issue of affordable housing more holistically. The bigger conversation is what led to the final recommendation.

Mr. Cullen said the additional sentence in item 14 was brought forward at the retreat. The Commission was in agreement with respect to item 15. With regard to item 16, staff provided a comment, but the focus of the issue, public engagement, has been postponed for further discussion. The Commission agreed to items 17, 18 and 19. The new language for item 20 was agreed on at the retreat.

Commissioner Hilhorst said she understood the intent of the additional sentence in item 20, namely that the Commission needs to look to the staff to provide technical expertise. However, the Commission should not be limited just to the knowledge possessed by the staff. There are experts in various fields and the Commission would do itself a disservice if it did not allow those experts to come to the table as needed. Mr. Cullen agreed. He explained that staff is the primary source of technical expertise but not the only source. Commissioner Hilhorst said she would bring a suggestion for revising the wording to a future meeting.

With regard to item 21, Commissioner Walter zeroed in on the phrase “angry rhetoric damages working relationships” and suggested that there was some history from before her time that is reflected in the statement. She said if she were a new Commissioner reading the language, she would find it worrisome. She proposed rewording the second sentence to read “Everyone understands that open, thoughtful and honest communication is essential for good working relationships.”

Mr. Cullen noted that the proposed revisions to items 22, 23, 25 and 27 came from the Commission at the retreat, and that the Commission had agreed to items 24 and 26.

MINUTES TO BE SIGNED  
(10:36 p.m.)

January 11, 2017

NEW DRAFT MINUTES TO THE REVIEWED  
(10:36 p.m.)

January 25, 2017

ADJOURN  
(10:36 p.m.)

A motion to adjourn was made by Commissioner Hilhorst. The motion was seconded by Commissioner Morisseau and the motion carried unanimously.

Chair deVadoss adjourned the meeting at 10:36 p.m.

\_\_\_\_\_  
Terry Cullen  
Staff to the Planning Commission

\_\_\_\_\_  
Date

\_\_\_\_\_  
John deVadoss  
Chair of the Planning Commission

\_\_\_\_\_  
Date

CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
STUDY SESSION MINUTES

March 1, 2017  
6:30 p.m.

Bellevue City Hall  
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair deVadoss, Commissioners Carlson, Barksdale, Hilhorst, Laing, Morisseau, Walter

COMMISSIONERS ABSENT: None

STAFF PRESENT: Terry Cullen, Emil King, Nicholas Matz, Department of Planning and Community Development; Carol Helland, Patricia Byers, Department of Development Services

COUNCIL LIAISON: Mayor Stokes

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

CALL TO ORDER  
(6:35 p.m.)

The meeting was called to order at 6:35 p.m. by Chair deVadoss who presided.

ROLL CALL  
(6:35 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioners Morisseau and Walter, both of whom were excused.

APPROVAL OF AGENDA  
(6:35 p.m.)

A motion to approve the agenda was made by Commissioner Laing. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS  
(6:36 p.m.)

Mayor Stokes said he was looking forward to listening to the discussion and preparing for the upcoming public hearing on the downtown livability work. He said while he is not able to attend every Commission meeting, he faithfully keeps up with reading the minutes. The Council is looking forward to getting the Commission's recommendation.

Commissioner Barksdale reported that the Wilburton CAC is making good progress. At the last meeting the group was presented with demographics information to help inform the discussion and contextualize the work. The next meeting is slated for March 2 and the focus will be the

survey data, economic data, and case studies from other cities that have undergone similar development.

#### STAFF REPORTS (6:39 p.m.)

Comprehensive Planning Manager Terry Cullen reported that the work to transition to a fully digital format for the Commission is continuing. He said the iPads are in and are being loaded with software. Once the transition is completed, the Commissioners will access the packet information in the same way the Councilmembers access their packets using an application called iLegislate. Opportunity will be taken in April to talk with the Commission about technology and legal issues.

With regard to the Commission's schedule, Mr. Cullen noted that March 22 has been set aside for continuing the downtown livability study following the public hearing on March 8. Once the downtown livability work is completed, a discussion will be programmed to address some post-retreat follow-up items, including public engagement and guiding principles.

Mr. Cullen said he recently met with Commissioner Barksdale. In that meeting, Commissioner Barksdale stated that developers or citizens often present complex problems they face, or are likely to face, based on decisions made by the Planning Commission. For example, developers and citizens have raised challenges resulting from the lack of or increase in height and/or FAR. Understanding the needs of the developers and citizens is key to any decision made by the Commission, but currently the Commission's primary opportunity for obtaining deeper level feedback from the groups is outside of the Commission meetings. While not scalable, the context is necessary to make well-informed policy recommendations. Another means is needed for gaining an understanding of the deeper context and rationale for the concerns raised by developers and citizens that will allow the Commission to dive deeper into conversations with the groups beyond the limited time and structure typically available during public comment or a public hearing.

Mr. Cullen noted that he had sent that statement out to the Commissioners for a response directly back to him. He said he received two comments. Chair deVadoss wrote to say he understands the issue and appreciates the problem raised by Commissioner Barksdale. He went on to ask how the issue can be addressed without creating additional time and workload commitments for the Commission and the staff, and without creating an alternate to the public hearing, that is devolving to a town hall scenario. Commissioner Walter wrote to say she would like to discuss the issue during a Commission meeting.

Commissioner Hilhorst said she had not responded because she was unclear of the context and whether the intent was to create a new approach in the Commission's guidelines. Commissioner Barksdale said he did not have a particular solution in mind and was open to exploring the problem. The three- to five-minutes allowed the public to speak is not always sufficient. One option might be to ask for information to be submitted ahead of time. Another option might be to develop a new forum in which to engage with developers and citizens on the more technical issues.

Commissioner Carlson commented that during his tenure as Chair of the Commission when the Shoreline Master Plan was being developed he directed stakeholders to meet directly with staff as a way of streamlining the process. He said he also did not hesitate to meet with staff or stakeholders off the clock in between meetings. Commissioner Barksdale said the first approach

was consistent with the intent he was trying to convey, but the second was not scalable and went against it.

Commissioner Laing allowed that the issue raised was well taken. He said the best he had been able to do as a Commissioner and as a member of the Downtown Livability Initiative CAC was the latter approach of meeting directly with stakeholders outside of Commission meetings. He agreed that time is the limiting factor for the Commissioners. During the Downtown Livability Initiative CAC process, the co-chairs encouraged the CAC members to go out, sit with people over a cup of coffee to discuss issues, including staff. The approach is in no way a substitution for the process of having a public meeting, but it is a plausible approach, even if on a limited scale. Other than holding a lot more meetings, there is no real approach that is scalable.

Chair deVadoss supported the need to garner all the information possible. He commented that work tends to expand to fill all available time. He expressed caution about having more meetings or placing more of a burden on the individual Commissioners and the staff. Clearly there is a need to have an established and fair process in terms of receiving information from people. He reminded the Commissioners that the nature of public engagement with the Commission was not discussed at the retreat and suggested it should be put on a future agenda for discussion.

Mr. Cullen said that could certainly be done. He pointed out that in his conversation with Commissioner Barksdale, however, it was agreed that the desire to obtain information is not necessarily a public engagement issue.

Mayor Stokes said he understood the struggle. He stressed the concern about making sure all Commissioners have access to the same information and avoiding situations that could be construed by some as undue influence. The Council operates somewhat differently in that it conducts both study sessions and briefing sessions. Councilmembers certainly can meet with constituents, but every such meeting is put on the books for all to see. In the briefings, a concerted effort is made to make sure every Councilmember has the opportunity to have the same briefing, or the same meeting with the individuals who come in. Of course, there is also a very real need to avoid information overload.

#### PUBLIC COMMENT (6:55 p.m.)

Mr. Todd Woosley, PO Box 3325, noted that while he serves as a member of the Transportation Commission, he was ~~present~~ representing only himself. He suggested it would be very good for the Planning Commission and the Transportation Commission to meet jointly on occasion given that land use and transportation issues are clearly interrelated. With regard to downtown livability, he said what is being planned has the potential to make the downtown area far more livable. Mobility is a key element of livability. An analysis has been done by staff on the impacts of the proposed zoning changes as related to the operations of downtown intersections by 2030. The proposed zoning changes will not affect traffic generation based on the market demands, but it will move development closer to I-405, and that will trigger less of an increase in congestion in the core. In the time since the study was done, however, about half a dozen transportation projects that were assumed by the model to be funded and built by the target year of 2030 will not be built by that year. Accordingly, the No Build scenario for transportation improvements should be given the most consideration. It shows roughly a doubling of vehicle delay in the downtown during the evening peak period. There is no clear understanding of how the system will function at full buildout, either at the current zoned density or at any level of increased density. The citizens would be much better served if that information were in hand. Any private

sector development would be required to analyze all the impacts of the full buildout, and the city should hold itself to the same standard before deciding how much, if any, new density can be supported.

Mr. Patrick Bannon, president of the Bellevue Downtown Association, said one answer to the issue raised by Commissioner Barksdale is that the organization could partner in programming with the staff and the Commission on downtown livability in the future. In the near term, the organization could look at stakeholder and resident feedback in a coordinated way. With regard to the Downtown Livability Initiative, he said the BDA has been working to reach consensus since the draft code was first released on key items. He said the BERK report took a look at development prototypes across the zones and tested how to preserve or maintain land values with certain cost assumptions. The findings were clear, and the ULI panel agreed, that the base FARs should be increased fairly significantly in order to stay true to the Council principles and avoid downzoning conditions. The BERK analysis did not, however, inform the community as to what the base FAR should be in order to achieve certain policy goals around where and how growth should occur; it really looked at maintaining the basic FARs so as not to upset the land values. With that in mind, the BDA strongly recommends setting the base FARs within a fairly high percentage of the proposed maximum FARs. The conclusion reached is that they should be set at the 90 percent level to encourage the density and to leave an appropriate margin for bonuses and public amenities. In addition, the BDA suggests looking at administrative departures for the flexible amenity, and encourages establishing the opportunity for a super bonus through the Council departure process that would require a development agreement and an extraordinary public benefit. The organization is going to look to advance the affordable housing exemption into the downtown Land Use Code. That may require seeking direction from the Council in order to keep things on schedule. Hopefully the exemption can also be combined with the multifamily tax exemption. Further work is needed in the overlay zones, particularly in the A-1, and additional flexibility should be considered to ensure that housing in a five-over-one or five-over-two construction method will be able to achieve its full potential, including affordable housing, and deliver public amenities. The 40-foot internal property line setback is causing issues in terms of developable site areas and capacity on certain properties; the BDA recommends keeping the setback at 20 feet. The Commission should also consider reducing the fee in-lieu exchange rate to the bonus amenity exchange rate; it is currently at \$28 per square foot and should be reduced to \$25 per square foot.

Commissioner Carlson asked if the BDA had a position on the proposed space between buildings. Mr. Bannon said the organization would encourage as much flexibility as possible. Feedback has been received that the 80-foot requirement would be too onerous, though it is understood that there is a Council principle and direction from the CAC to mitigate height increases and in some cases FAR increases above the current maximums.

Mr. Alex Smith, 700 112th Avenue NE, spoke representing 700 112th LLC and addressed the issue of transit-oriented development within a quarter mile of the East Main and Downtown stations, and the best practice as it relates to density around rail stations and other transportation centers of reducing the parking requirements to create some certainty for ~~developers develops~~, realized through a parking study and a negotiation with the city. If the parking were to be reduced through a determined formula with the planning department, the Planning Commission and others, the requirement could be reduced and the funds could be put toward the development itself, and toward the bonus amenity system if that would be appropriate. In addition to the subject of transit-oriented development, one could increase the FAR within the code to benefit those that are within a quarter mile. The public benefit would be more density and more certainty. He said when he first learned about Sound Transit coming to the Eastside, he was not a

fan and did not believe it would be a good deal for the taxpayers. Now that it is here, however, any stimulus toward ridership should be seriously embraced. Hopefully ridership will exceed Sound Transit's projections and all will feel they have gotten their money's worth.

Mr. Jeff Taylor with the Keldo Group said he was not ~~present~~ representing anyone in particular. When the 40-foot setback idea was raised, as well as the requirement to separate towers by 80 feet, an exercise was undertaken relative to the downtown as built to determine which projects would not be in compliance with the code as proposed. He pointed out that nearly 95 percent of the highrise structures would not be in compliance with either the 40-foot setback from internal property lines or the 80-foot separation requirement. He said he personally was involved in the Bravern and Civica projects. If the proposed code were in place currently, the Civica project would be only a single building. As indicated by the Bellevue Downtown Association, there needs to be some degree of flexibility allowed in dealing with the 80-foot separation requirement, allowing for the creative design of spaces for tenants to use. In order for the Bravern to be compliant under the proposed code, two of the highrise buildings would need to be removed. Bellevue Towers would not be compliance because of the 40-foot setback, and because there is not quite 80 feet between the two buildings. John Su's project would also not be compliant, nor would the Avalon project.

Mr. John Stout with Webber Thompson Architects said the diagram provided in the latest draft of the code, which was first published in the March 1 draft, illustrates what the 40-foot setback does, and the 20-foot setback for sites under 30,000 square feet. He showed that the approach breaks a 600-foot superblock into four parcels, which occurs only infrequently in the city. Even with some assumed assemblages for practical purposes, breaking a superblock into seven sites would mean each site would have more than 30,000 square feet. The 40-foot setback would squeeze the interior lots down to only about an 85-foot buildable tower footprint area. Properties with irregular lot lines, of which there are many in the downtown, would see their building footprints squeezed down even tighter, leaving portions of sites completely unbuildable. That is without taking into account the effect of the midblock connections. There are a lot of irregularly shaped parcels that are interior to the superblocks and they would be very negatively affected.

Mr. Taylor said many of the interior lots in downtown Bellevue will not be feasible to develop under the proposed code. At the very least, they will be greatly devalued.

Commissioner Barksdale pointed out that the proposed 40-foot setback and 80-foot tower spacing requirements are intended to address light and air. He asked if the current spacing requirements negatively impact the issue. Mr. Taylor said it is possible to work around the current requirements in that they allow for some flexibility, including moving towers around on sites in order to achieve the objective.

Mr. Brian Franklin said the Bellevue Downtown Association has over the past several weeks facilitated getting property owners together to coalesce around some general themes. There is a growing consensus in favor of setting the FAR base at 90 percent of the maximum. Extensive consideration has been given to the Sheraton site. What was presented for the site during the time the Commission was considering the view corridor is exactly what is being asked of the Commission. One issue specific to the OLB property owners along I-405 is the rear parking facing the freeway. There is a unique water table in the area that abuts into I-405, making subterranean parking extremely challenging. What is needed is allowance to produce a parking structure 55 feet tall facing the freeway; it would need to undergo a design process to avoid being a blight to the community as they drive along I-405. Allowing for the parking would allow for meeting the new density envisioned for the corridor. If forced to put parking all underground,

there will be a number of negative side effects encountered. With regard to the tower issue, he said CollinsWoerman was brought in to discuss what a tower should be. They looked at codes from Seattle, Vancouver, New York and other cities around the world and found that different planners come to different conclusions. However, in just talking about best practices for towers, what seems to come to the fore is fire and life safety. Having towers too close together could mean when one tower catches fire it will easily spread to the next one. That is the reason for the 20-foot setback required by the International Building Code. Outside of that, it usually comes down to planners and owners coming together in considering individual sites with an eye on building the best tower possible. For the Sheraton site, the current 20-foot setback requirement works well because the corners of the buildings come into each other, and all of the residents in the buildings will have good views. To change that requirement will be to ask planners to anticipate the future of all the different sites in downtown Bellevue.

Mr. Andy Lakha with Fortress Development, 500 108th Avenue NE, said his property abuts NE 8th Street and Bellevue Way. He said he plans an iconic project on the site that will be unlike anything that exists in the state. Work has been underway with the Planning Commission for many months on a development agreement concept to help achieve the vision. The property faces the busiest streets in the downtown. A portion of the property is in the DT-MU Deep B zone, but the majority of it is in the DT-MU zone. The Commission opened the door to the development agreement idea, which seems like the best way to achieve two equal height towers and fabulous pedestrian spaces. Six months later some questions were raised about the development agreement process that suggested it was not the best course. The late response was surprising. The goal is to create a great project rather than to focus on the process. The discussions with staff over the last two weeks have suggested a new path instead of the development agreement. The Commission has already blessed the idea of taller towers in part of the B-2 overlay for the Fortin site. Staff is not suggesting the same approach should be considered instead of a development agreement since it is already part of the new code. Having two equal-height towers is the best design solution for the site, but the Fortin approach would require two towers of slightly different heights. He said he was prepared to look at the Fortin approach. He proposed some additional language to the Fortin footnote to make the approach possible on the Fortress site.

Mr. Jack McCullough, 701 5th Avenue, Suite 6600, Seattle, said at the beginning of the process a request was made to allow two 300-foot towers on the Fortress site. The Commission balked at allowing them as a matter of right. The issue of proceeding with a development agreement was raised and discussed, but it was never really resolved by the Commission. There was feedback from the staff that the development agreement approach did not fit well in the model, so it was back to the drawing board. The Fortin approach appeared to be something that would work. The Fortin site is obviously much closer to the Vuecrest neighborhood. If a diagonal line were drawn along the western edge of the downtown to represent the wedding cake scenario, two towers of roughly equal height could fit within it using the Fortin model. The distance from Vuecrest to the Fortress site is the same as the distance from the north boundary of the downtown to the DT-O2 district. The Fortin approach could be applied to the Fortress site by taking the footnote already blessed by the Commission and extending it, allowing towers that are taller than on the Fortin site but shorter than what is allowed in the DT-O2 district to the east.

Mr. Carl Van der Hoek, 342 102nd Avenue SE, addressed the issue of a through-block connection in Old Bellevue halfway between 100th Avenue SE and Bellevue Way and directly south of Downtown Park. He said as outlined, the connection only goes halfway through the block and then stops. Also, as shown the connection is not located in a superblock. According to the text on page 134 of the packet, the intent of a through-block connection is to provide a

pedestrian connection and an opportunity for increased pedestrian movement through the superblocks, thereby reducing their scale. The scale of the block in question in Old Bellevue does not need to be reduced. The connection would in fact interfere with truck loading activities. The connection would also draw pedestrians away from Main Street, which is where the city wants pedestrians to be. When development does occur, just as it has on adjacent sites, it will be high-end, high-scale and well lit. It may also have storefronts and good landscaping, but it should not be called out as a through-block connection.

Mr. Ian Morrison, 701 5th Avenue, Suite 6600, Seattle, said a variety of property owners are looking at development opportunities under the new downtown livability approach. He reiterated the concerns voiced about the proposed tower spacing requirement and said it may in many zones prohibit the opportunity to achieve the Council principle calling for a signature skyline. The PMF representatives have expressed concerns about how the requirement might affect their tower in the OLB district. On the Fortress site, the requirement would limit the development potential to approximately 38 percent of the site. He noted that the staff are continuing to seek opportunities and solutions and said he would encourage that conversation. The work done by CollinsWoerman should be taken into account. Bellevue needs to identify a solution that will work for Bellevue, but the International Building Code solution, which calls for a 20-foot separation from property lines, is a solution that works and provides for light and air. Property owners and architects have creative ways to make towers work under the current standards.

Commissioner Carlson said he was not aware of any Commissioner, Councilmember or staff who like the results of the 40/80 proposal. He thanked those who have brought the issue to the forefront.

#### STUDY SESSION (7:37 p.m.)

##### Downtown Livability – Review of Draft Downtown Land Use Code Amendment

Mr. Cullen reminded the Commissioners that the public hearing on the topic was scheduled for March 8.

Land Use Director Carol Helland said the direction given staff by the Commission on February 8 was incorporated into the March 1 packet materials.

Chair deVadoss commented that the study has required a great deal of work by the Commission and the staff. He allowed that the Commissioners likely were prepared to offer feedback in regard to text, syntax and grammar and suggested any such feedback should be shared with staff via email in the interest of time. He also proposed using the meeting time to focus on the few things that matter most.

Commissioner Laing noted that some of the direction given by the Commission has been incorporated in the living draft, but some of it has not. He suggested the Commission should take the meeting time to make changes to the document before it becomes the public hearing draft.

Ms. Helland clarified that staff on February 8 sought from the Commission reflections on the document and approval to move it forward to the public hearing. The thumbs up was needed in order to prepare the required staff report to demonstrate whether the code amendment complies with the terms of the Land Use Code and is consistent with the Comprehensive Plan. The things that ended up incorporated into the draft were those things around which there was consensus.

All of the changes from the February 8 document were accepted and the revised document became the base document. Clear direction was not given by the Commission as part of the conversation about measuring [base FAR](#) based on 90 percent of the new maximum, so it was not included in the redraft. If there is a desire to go in a direction that is inconsistent with the economic analysis that was undertaken by [BERK.it](#) will require more work by staff that cannot be completed ahead of the public hearing on March 8.

Commissioner Laing said he did not believe the discussion of the Commission relative to using 90 percent rather than 85 percent was inconsistent with the economic analysis. It is in fact fully consistent. He said it was his recollection that Chair deVadoss had clearly asked the Commissioners how they felt about the approach, and after some discussion his takeaway was that there was consensus around the table. If nothing the Commission discusses ahead of the public hearing will be incorporated into the public hearing draft, reaching consensus on any particular point during the conversation will not establish anything.

Ms. Helland explained that the purpose of the conversation was to provide an opportunity for the Commission to go through the entire document given that there were differences of opinion on various topics in the draft. The [March 1 Commission](#) meeting was scheduled to answer questions ahead of the public hearing about how the code operates and the provisions of the code. She also stated that the issues outlined for consideration in the staff report are things the staff have continued to hear by way of themes; they are discussed in the public comment section starting on page 16. During the study session following the public hearing, the Commission may direct staff to make changes to the code to answer the questions. The Commissioners were encouraged to send comments involving errata directly to staff for attachment to the public hearing draft to be addressed later. The Commission may also want to identify areas the public should focus on in the public hearing.

With regard to the 90 percent notion, Ms. Helland explained that the BERK report analyzed the percentage as it related to the old maximum FAR. What the staff understood the Commission to indicate was a desire to set the threshold at 90 percent of the new maximum FAR and spreading it to apply citywide, which would involve a much bigger amendment. However, there are some areas where the old maximum FAR and the proposed new maximum FAR are the same, so in that respect the report analyzed the proposed new approach and was thus within the realm of things that could have been expected as a change from the Commission for incorporation into the final draft.

Commissioner Laing said he saw nothing in any of the materials from the City Council indicating that the findings of a study will constrain the Commission. That would tie the hands of the Commission when it comes to making a recommendation based on all of the information received, not just the BERK study and the ULI findings.

Chair deVadoss said there was a clear request by a large number of Commissioners to schedule an additional study session ahead of the public hearing to ask clarifying questions and receive answers from the staff. The Commission has learned much in just the last couple of weeks, and the comments from the Bellevue Downtown Association and others have been very helpful.

Commissioner Hilhorst noted that one area highlighted in the staff report was affordable housing. It has, however, been stated that the affordable housing issue will be deferred while the affordable housing technical advisory group completes its work. Ms. Helland said the code document includes a section in the FAR table that indicates affordable housing is to be determined. The intention is that affordable housing will indeed be addressed later. The Bellevue

Downtown Association has asked for an early read from the Council on the topic and that might enable incorporating it sooner. She said her suspicion was that during the public hearing comments will be made about process relative to the interest in accelerating the affordable housing discussion so the affordable housing exemption can be included in the downtown livability work instead of having to come back later.

With regard to parking, Commissioner Hilhorst said comments have been made about enhancing flexibility in calculating parking ratios and standards, but it has also been said the parking study will not happen during the downtown livability exercise, and whatever gets included in the proposed code could change in the next year. Ms. Helland said currently there are many specified uses in the downtown and some unspecified uses. There is limited opportunity to do site-specific studies on unspecified uses to come up with a parking demand. The proposed code includes an approach that is similar to what is in place in Bel-Red, which allows site-specific studies even where parking ratios are stipulated if based on certain criteria. The approach could allow for considering reduced parking ratios adjacent to the light rail stations. The long-range parking study has been funded for the budget year 2017-2018 but will not be part of the recommendation on downtown livability except for the process change to allow deviations and flexibility.

Commissioner Hilhorst noted that the document talks about walkability but does not comment on traffic flow in terms of cars and other modes. Strategic Planning Manager Emil King said the Downtown Transportation Plan update work began a year or so before the downtown livability work began. Based on Council direction, the two planning efforts are to be synced. The Downtown Livability Initiative CAC took the recommendations from the Downtown Transportation Plan and tried to integrate the code-related elements into their recommendations. They are included in the draft code [before the Planning Commission](#) and include things like sidewalk widths. The potential FAR changes have also been analyzed. The transportation-related policy work on the downtown subarea plan, which is part of the Comprehensive Plan, is a companion effort that will not necessarily need to be hooked onto the Land Use Code adoption. Commissioner Hilhorst highlighted the need for the public to be made aware of all the pieces, some of which are not part of the proposed code but which are relevant.

Returning to the issue of parking, Ms. Helland said she did not want to presuppose the recommendation of the Commission. She said there has been discussion on both sides of leaving the current parking requirements intact and waiting until the comprehensive parking study is done. The new language from Bel-Red was put into the draft to essentially solicit public comment and feedback, but at the end of the day it will be up to the Commission to decide if the changes should be advanced or if the current recommendations should be retained.

Commissioner Carlson asked how much flexibility to the parking standards, particularly around transit-oriented development areas, was intended. Ms. Helland said currently there is not necessarily a bookend on flexibility. A limit was added on how much parking could be shared along with a requirement for a study to demonstrate adequacy for the uses proposed. Currently in Bel-Red and for unspecified uses in the downtown, a parking study can be done that describes the demand, evaluates it and recommends an appropriate parking level to meet the demand. The amount of parking is never allowed to be zero, however.

Commissioner Carlson asked what the argument is for substituting the Bel-Red approach for the existing downtown plan. Ms. Helland said it hinges on the call for flexibility made by the Downtown Livability Initiative CAC. There is some degree of flexibility already included in the downtown code given that for certain uses, such as hotel, there is no associated parking ratio. In

those instances, a parking study is required to develop the amount of parking needed. The Bel-Red approach would allow for either exceeding the parking ratios or to be lower than the parking ratios based on a study analyzing the uses to be in a development. Office buildings now typically have more people in the same amount of space, so in fact the traditional level of parking that has been provided may be serving a larger population. Even with improved ~~mode splits~~ ~~modesplits~~ and more transit usage, parking may not be adequate, so in some cases questions are asked about exceeding the parking allowed in the current code. On the other hand, developers of uses such as transit-oriented development hold the view that their tenants have higher rates of transit usage and accordingly make the argument that less parking is needed.

Commissioner Carlson said lower parking ratios make him nervous for two reasons. First, if the models are not met, people drive around looking for a place to park, and that adds up to more congestion. Bellevue's retail economy is built on plentiful and available parking. Second is the freeloader effect given that some have no problem sending people off to park in areas that are nearby, which is unfair to those businesses that are making parking available. He cautioned against moving away from the existing parking plan for the downtown while looking to update the code. Ms. Helland said there certainly have been comments to that effect, but there have also been comments made in favor of allowing for flexibility. Developers know that once parking studies are done, the onus of meeting the expectations is on them. There is very strict language about overflow parking into other developments and the need to impose additional restrictions on tenants if the parking demands adopted for the building cannot be met.

Commissioner Carlson allowed that parking is expensive to build, particularly underground parking, so it is no surprise that the development community would prefer to see the thresholds lowered. The question is what happens to the overall health of the downtown economy as a result.

Commissioner Hilhorst called attention to the street and pedestrian circulation standards on page 14 and asked if the boundary is established for the Wilburton-Grand ~~e~~Connection Planning Initiative. She said it would be good to know how many of the downtown properties will border the connection. Property owners may conclude the Commission's recommendation on the Downtown Livability Initiative code will set things in stone and be surprised to learn things could change based on the outcome of the Wilburton-Grand Connection initiative. Ms. Helland said the scope of the Wilburton-Grand Connection initiative includes a defined area. Currently, the pedestrian corridor itself is a defined area in the Land Use Code by legal description. That does not mean there will be no change to the edges and fringes as the planning process moves forward. The project manager is doing a very good job of notifying the property owners that are included in the scope of the initiative and along the pedestrian corridor to encourage their participation.

Mr. King added that Wilburton and the Grand Connection often are listed together and appear to be a single project. They are certainly tied together. The Grand Connection will run from Meydenbauer Bay through the downtown and over to the Eastside Rail Corridor. The Wilburton CAC process that is under way is separate from the work on the Grand Connection. The game plan for the Grand Connection as it goes through downtown Bellevue will include having the Council give the nod to the conceptual plan and vision. The implementation phase will involve going back to see if any code or design guideline modifications will be needed. Much of the Grand Connection route is co-terminus with the pedestrian corridor, but there are properties from the front doors of Bellevue Square and the Bellevue Arts Museum down through the [center of the city](#) ~~that~~ will need a second look when it comes to implementing the project. Ms. Helland noted that the pedestrian corridor provisions in 20.25A.090 reflect the current code requirements,

updated with appropriated cross referencing. If future amendments are needed to create some better implementation tools, only the one section of the downtown code will need to be addressed.

Commissioner Hilhorst pointed out that the reference to November 2, 2017 draft LUC update on page 18 of the packet should be revised to reflect a 2016 date.

Chair deVadoss asked if there had been any early feedback relative to the Bel-Red parking provisions. Ms. Helland said the reason staff has continued to seek inclusion of the approach is that the feedback from the stakeholders has been that they like the flexibility included in Bel-Red and that they would like to see it carried over to the downtown. The parking sections as drafted is a translation of the Bel-Red flexibility to the downtown context.

Commissioner Barksdale asked what process will be utilized to evaluate whether or not the livability objectives are met by the code changes. Ms. Helland said staff has walked through each section of the code comparing the new provisions against the specific downtown livability objectives and Council principles. Staff have also been meeting with property owners who have been bringing their projects forward. Concerns have been voiced about the 40-foot setback and 80-foot tower separation requirements, though some have indicated the provisions would work for their properties. Additional meetings are scheduled to occur prior to the public hearing. Staff agrees that there is some need for additional flexibility in the 80-foot tower separation requirement, which was a game-changer recommended by the CAC. It is not surprising that much of the development on the ground would not meet the proposed standard, but current development patterns were cited by the CAC as part of their interest in seeking a change. The construction that has occurred to date has not quite achieved what was hoped. Staff also believes there should be some flexibility allowed with respect to the 40-foot setback requirement.

Commissioner Barksdale said he would like regular updates once the code goes into effect as to how things are progressing.

Commissioner Laing said it was his understanding that the SEPA threshold determination of non-significance had been issued on February 16, 2017. He asked if any comments had been received or appeals filed. Ms. Helland said no comments had been received. Under the terms of the Land Use Code, the threshold determination is actually part of the code and it would go together with any appeal of the code to the Growth Management Hearings Board. She said any comments received regarding the determination of non-significance will be provided to the Commission.

Commissioner Laing called attention to the definitions beginning on page 29. He said he was perplexed by the build-to line and the setback. The build-to line is defined as being a location along a designated block or right-of-way where a building must be constructed, and it is the back of the required sidewalk unless designated otherwise by the director. The setback is defined as a space unoccupied by structures except where intrusions are specifically permitted by the code. Front setbacks are measured from the back of the required sidewalk to the face of the building, while other setbacks are measured from the property line. He asked how there can be a setback from the build-to line if the building must be constructed to the back of the sidewalk, and why the required sidewalk should be the build-to line unless designated otherwise by the director instead of unless designated otherwise by the code. One cannot both build to the back of the sidewalk and comply with the setback, and it should be the code that determines whether or not a building is to be built to the back of the sidewalk. Ms. Helland explained that the setback and build-to lines do not apply in the same locations. The setback from the downtown boundary is an

actual setback and does not involve a build-to line. The build-to line is the mechanism for bringing buildings up to the back of the sidewalk, but there are opportunities, such as major public open space minor publicly accessible space, that could be adjacent to the sidewalk and in need of being taken into account. She agreed the language giving the director the flexibility to make the determination should be revised. In every instance where the director is given the flexibility to do something different the administrative departure requirements kick in. Where developers come in with a proposal for wider sidewalks than required by the code, or for open space, there should be opportunity to override the build-to line.

With regard to the base FAR issue, Mr. King reiterated that the BERK analysis for many of the zones looked at both 80 percent and 90 percent of the current maximum FAR. In some zones the current maximum FAR is the same as the proposed maximum FAR, so the technical analysis for those zones has already been done. The BERK report landed on 85 percent for those zones. The recommendation includes changes to the maximum FAR for the OLB central and south zones, as well as the MU district for non-residential.

Commissioner Barksdale noted that during public comments someone raised the point that the BERK analysis considered land value but not the growth plan. Mr. King said that comment was correct. The BERK analysis did a very thorough job of looking at where the new base FAR should be set in order to protect existing land values. Clearly there is room for the public, the Commission and the Council to weigh in from a policy standpoint about any additional thought that should go into the some of the zones where the city might want to encourage development. The ULI group essentially examined the BERK analysis with an eye on making sure it was consistent with the Council principles.

Ms. Helland pointed out that in the amenities chart there were some amenities that were valued differently based on the neighborhoods in which they were located. That was done as an attempt to incent more the amenities where they are most needed.

Chair deVadoss called attention to the list submitted by the Bellevue Downtown Association and sought input from the Commission and staff.

Commissioner Laing said he absolutely supported the first and second items on the list. He said he also supported the third item but noted that clearly there needs to be more detail. He noted this support for the fourth item and recognized that the issue has been tabled. With regard to the fifth item, he said the concern of the Commission initially was about allowing additional height beyond what is already allowed in the A-1 overlay district in the northeast corner of the downtown that immediately abuts the Vuecrest neighborhood. He pointed out that situation is different to the east of 100<sup>th</sup> Avenue NE because of the existing uses. He indicated his support for item six, and for item seven as a concept that is not yet flushed out. The amenity system is intended to be aspirational by highlighting what the city would like to see developed. The value of each amenity should be high enough that developers will want to incorporate them.

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Commissioner Barksdale reminded the Commission that he had previously raised the issue of making the amenity system more lean instead of having it be fixed over time. He noted his support for items two and seven on the Bellevue Downtown Association list.

Commissioner Hilhorst thanked the Bellevue Downtown Association for providing some concrete feedback. She said she was generally in agreement with all seven items on the list. The views of the property owners with regard to the 40-foot setback are clear and should not be diminished. The 80-foot tower spacing concept that has been under discussion for the last two

years should not immediately be thrown out because there is good reasoning behind it, including Council direction. The need to identify some flexibility is clear, but so is the need to preserve the light and air elements the spacing is intended to achieve. With respect to the A-1 overlay district, she recalled that the Commission kept heights lower in the top left quadrant because of the feedback from the local community.

Commissioner Carlson said he was curious about where the 40-foot setback came from. He said it did not come from either the Council or the Commission. Ms. Helland said the genesis of the 40-foot tower setback was a response to applying the 80-foot tower separation consistently on properties in common ownership and across property lines. The concern was that a single property owner seeking to comply with the 80-foot separation requirement would spread the two towers to the property edges, thus diminishing the tower separation with any tower on a neighboring site. What staff have heard loud and clear that the devil is in the details and there is a need to allow for flexibility.

Continuing, Ms. Helland said there have been some misunderstandings resulting in a confluence of two sections of the code. The setback provision is in the current code for Bellevue Way, NE 8<sup>th</sup> Street and NE 4<sup>th</sup> Street and has been translated directly in the proposed code. The setback can be modified and is essentially adjacent to the street frontage. The 40-foot tower setback is measured from interior property lines but is intended to be the perimeter. Many of the blocks in the downtown involve several different parcels, including the Lincoln Square site which has numerous different parcels. The setback does not apply to all of the interior property lines to a project limit, it applies to the perimeter. Some who have come forward to determine how the 40-foot setback requirement would apply to their projects have found the requirement perfectly acceptable after learning exactly how it would be applied, though allowing for a modification route would be appropriate.

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Commissioner Barksdale asked if there has been any feedback from those who live and work in the downtown about issues regarding light and air, which is the driver for the 80-foot tower separation requirement. Mr. King said there was a desire identified during the Downtown Livability Initiative CAC process for increased tower separation. The approaches utilized by other cities was studied in an effort to identify best practices. He agreed, however, that in applying a best practice from other jurisdictions to Bellevue, it should always be done with an eye on Bellevue's local circumstances. The CAC received input from the public but it was before getting down to the details of the code provisions. The detailed work done to date has been at the Commission level.

**\*\*BREAK\*\***

## STUDY SESSION

### 2017 Comprehensive Plan Amendment Cycle

Senior Planner Nicholas Matz reported that five amendments had been submitted for the 2017 review and evaluation process: two privately initiated site-specific proposals, Bellevue Technology Center and Eastgate Office Park, and three proposals the Council will be asked to initiate, Complete Streets, East Main station area, and the Downtown Transportation Plan update. The application that will be taken to threshold review is the Bellevue Technology Center.

The city's annual Comprehensive Plan amendment process includes two steps, threshold review and final review. The threshold review process is used to determine if a proposal should be an

amendment. In the final review stage, the Commission takes on the merits of each proposal. Each step involves Commission study sessions, a public hearing and a recommendation to the City Council.

The list of benchmarks are originally set out included a community listening workshop for the Bellevue Technology Center application, but that has since been eliminated in favor of using other means of public engagement, including going out to mini city hall in Crossroads Mall during office hours and inviting people to come and talk about the proposal. Staff will also make themselves available to meet with neighborhood associations to get them engaged and informed ahead of the Commission's first study session, but without creating a record that should only occur inside the hearing process.

Mr. Matz said the schedule calls for coming back to the Commission for a study session in April in anticipation of a threshold review public hearing in June. At the study session, each application will be introduced in more detail and the questions identified during the review will be shared with the Commission. The issue of expanding the geographic scoping of each application will be addressed at that time. The Council will be asked to take action on the Commission's recommendation, and their action will establish the work program. The Commission's heavy lifting for each application will kick off in September. A recommendation for each application will then be forwarded to the Council for action before the end of the year.

Chair deVadoss said that there were comments made during the 2016 annual Comprehensive Plan amendment process regarding the criteria for threshold review. He said it would be helpful to understand the process involved in reevaluating the criteria. Mr. Matz explained that changing any of the criteria would require amending the Land Use Code, something that would have to be included on the work program. He said any such action would not be completed in time to affect the 2017 cycle.

Commissioner Hilhorst recalled that Bellevue's process is somewhat different from other jurisdictions in that it starts with minimal data during the threshold review phase and more robust data during the final review phase. Questions were asked in 2016 by some Commissioners about why more detailed information was not submitted up front. Mr. Matz said Bellevue is actually not that much different from other jurisdictions. The threshold review phase involves looking at issues from the 10,000-foot level, and at that level it is not necessary to know how many trips will be generated and other specific data; what needs to be understood is how the proposal fits into the larger picture. The two-step process was developed several years ago at the direction of the Growth Management Hearings Board.

Mr. Cullen said the Commission will have a study session on April 26 and in the spirit of the retreat, time could be taken then to define the boundaries and the types of data the Commission would like to see. He added that the Bellevue Technology Center application will be the only one for which the Commission will need to conduct a threshold review. The threshold review phase involves making qualitative-type decisions, and the Commission struggled during the last cycle in that it was looking for specific and objective criteria for moving applications forward or not moving them forward. Some of the criteria is open to interpretation. The Commission can be informed by objective criteria, but it will never be definitively defined by data, which means it will always come down to a judgment call. The decisions made to move applications forward are not based on the merits of the proposed amendments, rather the decisions are simply about whether or not each proposal should be added to the work program.

Mr. Matz said there is a decision criteria in the final review phase that allows for measuring the

relative impacts, transportation and otherwise, for purposes of determining if a given development can be accomplished under the intended zoning. At the threshold review phase, the focus is on whether or not each proposal is in compliance with the Comprehensive Plan for the specific area, and what the potential impacts might be do not play a role in that context.

Mr. Cullen added that in 2016 an attempt was made to run the rezoning and Comprehensive Plan amendment processes concurrently, and the result was a great deal of confusion. Most of the testimony received was about the rezoning and site-specific issues. He said staff would seek to guide the Commission away from taking that path and to keep the bulk of the dialog on the policy issues.

Commissioner Barksdale said he appreciated the approach that will seek qualitative feedback from the community, which will lead to the development of more targeted questions to be brought forward during the threshold review. Mr. Matz said being able to target questions around the potential impacts for what the Comprehensive Plan already considers to be transportation solutions will be helpful. The criteria is unchanged, but the manner in which the issues are to be framed is what is different from previous years.

Commissioner Barksdale recommended structuring the engagement with the community around the objectives the Commission will be looking to achieve through the Comprehensive Plan. The approach would generate feedback on how the proposed amendment will in some way help to achieve the outcomes.

Commissioner Hilhorst asked if it were premature to ask what about the Bellevue Technology Center application is different from when it was previously submitted. Mr. Matz said it is fair to say what the applicant has done is taken a couple of steps backwards and are identifying what they are trying to accomplish in light of what is going on in the area and in light of the community's longstanding concerns. The proposal still seeks to add and change policy to influence redevelopment of the site.

#### MINUTES (9:29 p.m.)

Noting that there were fewer than four members present, Mr. Cullen said the Commission's bylaws states that a meeting must have a quorum of not less than four members at the opening of a meeting, and that a quorum shall be considered to exist until the meeting is adjourned irrespective of the members continuing to be present. Actions taken shall be by the majority vote of the members present and voting.

January 25, 2017

A motion to approve the minutes as submitted was made by Commissioner Hilhorst. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

February 8, 2017

Commissioner Hilhorst called attention to the second full paragraph on page 10 of the minutes and noted the "Commissioner Laing that approach..." should be revised to read "Commissioner Laing said that approach...."

A motion to approve the minutes as amended was made by Commissioner Hilhorst. The motion

was seconded by Chair deVadoss and the motion carried without dissent; Commissioner Barksdale abstained from voting as he had not been present at the meeting.

PUBLIC COMMENT - None  
(9:32 p.m.)

ADJOURN  
(9:32 p.m.)

A motion to adjourn the meeting was made by Commissioner Hilhorst. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

Chair deVadoss adjourned the meeting at 9:32 p.m.

CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
STUDY SESSION MINUTES

March 8, 2017  
6:30 p.m.

Bellevue City Hall  
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair deVadoss, Commissioners Carlson, Barksdale, Hilhorst, Laing, Walter

COMMISSIONERS ABSENT: Commissioner Morisseau

STAFF PRESENT: Terry Cullen, Dan Stroh, Emil King, Department of Planning and Community Development; Carol Helland, Patricia Byers, Mike Brennan, Department of Development Services,

COUNCIL LIAISON: Mayor Stokes

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

CALL TO ORDER  
(6:39)

The meeting was called to order at 6:39 p.m. by Chair deVadoss who presided.

ROLL CALL  
(6:39 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Morisseau who was excused.

Chair deVadoss took a moment to acknowledge the time, energy and hard work by members of the community, the Commissioners, Mayor Stokes and the staff team that went into the downtown livability Land Use Code amendment.

APPROVAL OF AGENDA  
(6:39 p.m.)

A motion to approve the agenda was made by Commissioner Laing. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

PUBLIC COMMENT  
(6:40 p.m.)

Mr. ~~Court~~ Olsen, 15817 SE 26th Street, suggested strongly and recommended that the city consider designating if not all at least a part of the Spring District as a special net zero energy district. If not net zero, the area should at least be designated a high-energy efficiency district. Now is the time to take such an action given that most of the area has not yet been built. Other

parts of the country are taking the initiative, which is consistent with the goal of keeping energy usage down and help save the planet.

Ms. Laura Goodwin Hurdelbrink spoke on behalf of the Bellemeade Homeowners Association. She thanked the city and the maintenance staff for their work on the streets during the difficult winter months.

Ms. ~~Betsy~~Betsy Hummer, 14541 SE 26th Street, noted that quite a while ago there was a joint City Council/Planning Commission meeting at the fire training facility. At the meeting one of the Councilmembers mentioned that Bellevue is a very desirable place in which to build and that amenities are wanted for the various neighborhoods, things like public places and affordable housing. In some places developers can just pay a fee in-lieu so they do not have to develop affordable housing, and that is a real disservice to the city. There should be a greater diversity of all different types of people throughout the city, so there should be affordable housing in any kind of residential situation, especially in ~~high rises~~high rises. She said in her neighborhood Bellevue College is building market-rate student housing, new homes in higher-end developments are being built, there is affordable housing at Hidden Village, and there are apartments that are market rate for the most part but which also take Section 8 vouchers. Imagine Housing is next to that, which is near the Fir Terrace development. Many of the older homes in the area are affordable. The same pattern of mixing housing affordability should be repeated throughout the city.

#### INTRODUCTORY COMMENTS BY STAFF (6:46 p.m.)

Department of Development Services director Mike Brennan explained that ahead of the public hearing staff would take a few minutes to provide background and context for the Downtown Livability Initiative, a journey that started in 2013 and has involved a lot of people, time and energy.

Planning Director Dan Stroh explained that the downtown subarea is the subject of the proposed code update. He said the area boundaries are NE 12th Street to the north, 100th Avenue NE to the west, I-405 to the east, and Main Street with a few exceptions to the south. The area encompasses some 410 acres, which is only about two percent of the city's overall land area but which is the area in which the majority of continued residential and non-residential growth is expected to occur. The public hearing is a milestone date for the draft code package. Once a final recommendation is formulated by the Commission, it will be forwarded to the City Council for review and final adoption.

Mr. Stroh said the Council launched the work by establishing a scope and project principles to guide the effort. A Land Use Code audit was conducted to look at what has been achieved so far, how the code has been working since its adoption in 1981, and determining where there is room for improvement. The Downtown Livability Initiative CAC worked with the audit and developed fairly broad level recommendations that were handed to the Council which in turn formally initiated the code amendment process.

The Planning Commission provided some initial direction. Some items were gleaned and detailed and became a set of early wins. The package of early wins included a requirement for every building to provide weather protection. One of the more complicated pieces of the update involves the amenity incentive system. It was subjected to quite a bit of economic analysis that was peer reviewed by the Urban Land Institute. All of the work to date has been incorporated

into the draft Land Use Code amendments package that is the subject of the public hearing. Following the public hearing, the Commission will continue its work of refining its recommendation.

Public engagement has been key throughout the process. There are close to 1400 persons on the email interest list and information is continually shared with them proactively. There have been focus groups, walking tours, open houses throughout the process, as well as small groups and one-on-one meetings with various stakeholders and interested parties. There were a large number of CAC meetings and there have been a large number of Planning Commission meetings at which the public has been allowed to offer comments.

Mr. Stroh said the current code was for the most part developed in 1981. From time to time it is a good thing to step back and make detailed reviews to make sure the code, which has a huge impact on leveraging billions of dollars of private investment, is up to date. The theme of the work to update the code has been building on success. Downtown Bellevue is the envy of many cities and the focus has been on working from that base in taking things to the next level going forward in creating a competitive and livable environment for the 21st Century. Much attention has been paid to the need for a stronger and more vibrant pedestrian environment that is convenient and attractive. The residential community in the downtown is the fastest residential neighborhood in the city, and a code is needed that will work well in supporting those residents. As the downtown has matured, it has developed distinctive neighborhoods, so one objective of the update work has been to enhance the character of the different neighborhoods. There was a parallel effort undertaken that involved transportation planning, and the code update is intended to incorporate the outcome of that work, called the Downtown Transportation Plan.

Mr. Stroh said the code update is just one part of a broader livability agenda for the downtown. A series of other work items is under way, including a focus on enhancing pedestrian crossings, completing Downtown Park, and developing a vision for the Grand Connection stretching from the Meydenbauer Bay waterfront through the heart of the downtown and across I-405 to Wilburton.

Land Use Director Carol Helland explained that the details of the code are intended to fulfill the reality of the vision. She said staff have worked hard with the Commission to receive direction and translate it into code language that can be applied over time to achieve the vision of the CAC, the Commission and the Council for the downtown.

Code Development Manager Patricia Byers said the zoning map serves as the foundation for the code. She said the perimeter overlay districts are intended to create a gentle transition into abutting residential districts, thus the zoning in those areas is a bit more restrictive.

With regard to how the code relates to livability, Ms. Byers said the first factor is walkability. The proposed code makes improvements to the through-block connections, increases sidewalk widths for multiple streets, and seeks to make all downtown streets more pedestrian oriented. Neighborhood character is a livability factor and a map in the code shows how the downtown is divided into distinct neighborhoods. In neighborhoods where an outdoor plaza is needed, the value of the amenity bonus system points are bumped up in the proposal.

How urban form is addressed plays into livability as well. Urban form dictates such things as the amount of light and air between the towers, variability in the built environment, and memorability in the skyline.

With regard to urban form, Ms. Helland noted that the proposed code touches on things like tower setbacks, tower separation, diminished maximum floor plates as buildings get taller, outdoor plaza requirements, and a range of sections that address urban form characteristics aimed at ensuring implementation of the vision of the CAC, the Commission and the Council.

Ms. Byers reiterated that the perimeter zoning districts serve the purpose of creating graceful transitions between the urban forms of the downtown and the adjacent residential neighborhoods. There is a requirement for a linear 20-foot landscape buffer from the downtown boundary. Buildings within the perimeter districts are required by the proposed code to step back above a certain height, the intent of which is to avoid creating a wall of buildings overshadowing the adjacent neighborhoods.

Strategic Planning Manager Emil King explained that the amenity incentive system is a discrete section of the code. The proposed code makes a number of significant changes to the existing amenity system. Through the process, the stakeholders, the Commission and the staff have all learned a lot about the details that go into successfully examining an incentive system that is more than 30 years old and updating it. The joint Commission/Council workshop in November 2015 was guided by a set of Council principles that were specific to the incentive system. The amenities have been subjected to a great deal of analysis by the consulting firm BERK, the staff, and by a third-party review conducted by a panel from the Urban Land Institute. The desired outcomes include having amenities that make sense for the downtown, and having a list of things that will be true incentives for development.

Mr. King explained that the code is structured to outline overall development standards for things like floor plates, weather protection, landscaping, and a full set of design guidelines. Under the proposed code, development wanting to go above and beyond the base heights and FARs will be required to participate in the incentive system. The Commission spent considerable time looking [at](#) the areas in which additional height and FAR may be warranted. The draft code includes a list of 18 amenities, some of which are in the current code, and others of which came out of the CAC process and were vetted by the Commission. In the latter category are things like enhanced streetscapes, alleys with addresses and freestanding canopies. The flexible amenity was a key part of the discussion and allows developers to propose something that is not on the amenity list and have it taken through a process aimed at establishing an appropriate bonus. The code is structured to focus heavily on the open space and public realm; 75 percent of all points are to be earned in that category. A fee in-lieu provision has been added that allows developers an option to on-site performance.

Mr. King noted that the Downtown Livability Initiative CAC and the Commission have served in the role of station area planning, unlike South Bellevue and East Main where there were separate station area planning efforts. All of Bellevue has transit-supported densities and uses, but the CAC and the Commission focused in specifically on the things that can be done in and around the downtown station as well as the portion of the downtown that is adjacent to the East Main station, which lies just outside the downtown boundary. The groups looked at things like upgrading sidewalks and the pedestrian realm around those areas. Substantial density and height increases are proposed for the DT-OLB, Civic Center and A-3 and B-3 overlay districts. The proposal also looks at ways to better connect the pedestrian corridor and the existing bus transit center to the downtown station.

Ms. Helland said one area that is new in the proposed code is the green and sustainability features. The city has historically had land use features and as part of the early wins they were bumped up. The green and sustainability factors enhance the city's focus on sustainability and

ecological performance, seek to soften the urban environment and increase green features in the public realm.

With regard to the mixed use downtown provisions, Ms. Helland noted that the code update accommodates a broader range of uses and seeks to be more flexible. The Land Use Code tends to peg uses very specifically. Urban uses may essentially trend in different directions and the intent was to make sure the code is ~~flexible too inflexible~~ flexible to capture those trends. The provisions also seek to level the playing field between residential and non-residential uses in the DT-MU.

Ms. Helland stated that the affordable housing provisions are reserved in the Land Use Code. The city is currently looking at opportunities to promote affordable housing for a broad range of populations. The list of ideas that have surfaced include allowing an FAR exemption of up to 1.0 for affordable housing. That provision is not in the proposed code but would be added based on the recommendations of the citywide affordable housing strategy effort.

The need for flexibility and departures was heard throughout the CAC and Commission processes. Specifically, it was noted that the code needs to be nimble in able to incorporate architectural designs and departures that are not contemplated by the code. The code should not be a barrier, rather it should foster unique and high-quality designs while at the same time being transparent enough to understand what the outcomes will be. The proposed code includes a range of departures, some of which are administrative and some of which require development agreements and Council action.

The proposed code seeks to incent more slender buildings in the downtown to promote and facilitate light and air. The proposal also seeks to foster distinct architecture and memorable skylines. The amenities to achieve taller buildings have a livability premise in that the taller and more slender buildings will be spaced further apart and will accommodate more plaza space at the ground level.

Ms. Helland said the Commission at its March 1 meeting identified several key topics to be resolved, including the calculation of base FARs and base building heights; the scope of administrative approvals; consideration of a downtown-wide super bonus; the timing for inclusion of the affordable housing FAR exemption; consideration of additional height flexibility in perimeter areas not adjacent to single family districts; tower separation and tower setbacks; the exchange rate for paying a fee in-lieu of providing amenities; and administrative modification of the parking ratios. The list of site-specific topics included the maximum height limits in the DT-O2; increases in the FAR above the maximum in the DT-OLB through a Council-approved departure; height increases above the maximum in the DT-MU and B-2 perimeter overlay districts through a Council-approved departure; appropriate code provisions for the A-3/B-3 perimeter overlay districts; and ownership of 101st Avenue NE.

Mr. Stroh said the public hearing is a key step in the ongoing public involvement process. Following the public hearing the Commission will continue its deliberations in follow-up study sessions. The target date for the Commission to conclude its efforts is the end of April. Once the Commission hands its recommendation off to the Council, the Council will begin its review and adoption process.

Commissioner Hilhorst said at the joint Council/Commission session and again in 2016 she had called for an amenity to provide a function such as a fire station or other official city function. She asked why it was not included on the list of amenities. Ms. Helland said the flexible amenity was intended to capture that idea and other notable ideas that might be brought forward. No

particular examples were included so as not to limit anyone's creativity.

## STUDY SESSION

(7:23 p.m.)

Comprehensive Planning Manager Terry Cullen welcomed the public and briefly explained the rules governing public hearings. He said the testimony and information presented would be deliberated by the Commission in future study sessions.

A motion to open the public hearing was made by Commissioner Carlson. The motion was seconded by Commissioner Hilhorst and the motion carried unanimously.

Mr. Brian Brand spoke representing the Bellevue Downtown Association (BDA). He said he serves as co-chair of the Land Use and Livability Committee, and is a partner with Baylis Architects which is currently celebrating its 45th year in Bellevue. During that time, the firm has worked on many projects in Bellevue, including in the downtown. He acknowledged the excellent progress made by the CAC, the Commission, the Council and the staff in getting the proposed amendment to where it is. It has been 35 years since the current code was written and the update work is critical to shaping a strong, healthy and livable city. BDA members have been engaged throughout the process, and the organization has over the years served as a partner in creating a vibrant downtown. The draft code is almost there; it is certainly headed in the right direction. Consensus has been reached by the Committee members in regard to several key issues that should be added to the code. The Commission was urged to adopt the recommendations. The BDA favors the targeted increase in building heights to encourage thinner towers, distinctive and memorable architecture, less bulky buildings and more light and air. Additional flexibility, improved guidelines and updated code tools will help create a better code. Except for a few targeted areas where additional density is encouraged, the maximum FAR or density in the downtown districts will remain unchanged. The result will be better designs that will respond to the market and anticipate the needs of the community. Ultimately, the new code will help guide where and how growth will occur. The Commissioners were thanked for their time, leadership and commitment to the process.

Mr. Patrick Bannon, president of the BDA. He said the organization has been working in the community for the past 43 years and has as its mission strengthening the economic and cultural vitality of the downtown. He presented to the Commission an updated version of the core recommendations from the BDA that he presented to the Commission on March 1 and stressed that there was Committee consensus for each item. He asked the Commission to set the base FAR and building height in the code at 90 percent of the new maximum FAR and building height to provide a uniform and predictable standard across the districts. He encouraged administrative approval of the flexible amenity within the maximum height and FAR. An option for projects to apply for a super bonus of additional FAR and height beyond the maximum through a Council departure development agreement should be included in the code; the super bonus should not exceed 1.0 FAR. With regard to affordable housing, the Commission was strongly encouraged to recommend or seek Council direction to advance the affordable housing exemption into the Land Use Code package for consideration. Considerable thought has been given to the A perimeter district in proximity to the single family residential neighborhoods and the BDA believes there is additional opportunity around height flexibility, specifically allowing up to 70 feet within the A-1 perimeter to achieve housing. The 40-foot setback from internal property lines requirement for towers should be eliminated in favor of retaining the current 20-foot setback. The fee in-lieu exchange rate should be reduced from the proposed \$28 per square foot to \$25 per square foot, and the rate should be benchmarked and adjusted over time as the

market evolves. The Commission should call for a thorough transportation study to determine how the proposed Land Use Code amendment will affect the transportation network in the downtown. The code should memorialize the expectation to come back to the code within a five-year timeframe. Additional process flexibility should be incorporated around the 80-foot tower separation requirement, and the city's design review process should include digital street views. Concepts brought forward by the Committee for further review include looking at density around light rail stations, and looking at possibly reducing parking around light rail stations for residential uses. Two pages of additional comments, critiques and clarifications identified by the Committee were presented to the Commission for review.

Commissioner Carlson commented that according to the BDA, the justification for setting the base FAR and heights at 90 percent of the new maximums was to establish a clear, consistent and predictable standard. However, the call for including an option for projects to get a super bonus of additional FAR through a Council departure process appears to be just the opposite. He asked for an example of what might qualify for a super bonus. Mr. Bannon answered that if an applicant wants to be encumbered with a Council departure process and work through a development agreement in consideration for an extraordinary amenity, whatever it might be, they should not be precluded from doing so. Those wanting to stick to the predictable path should have a predictable path to follow. In other markets, super bonuses have been allowed for things like affordable housing. One potential super bonus in the downtown could be related to the Grand Connection.

Chair deVadoss asked if the call for a transportation study can be inferred as a belief that the BDA believes the city has not yet done such a study. Mr. Bannon said the BDA and the community will want additional confidence to know the full and potential impacts associated with incorporating the proposed changes into the Land Use Code. The existing study may show a similar result, but the study should be done so that whatever land use changes are made in the next iteration of the Downtown Transportation Plan are fully understood and planned for.

Mr. Robert Wallace, PO Box 4184, said he is the managing partner of entities that own ten parcels in the downtown, primarily in the DT-MU and DT-OLB districts. He commended the Commission for the volume of work accomplished to date. He presented the Commission with a letter summarizing a few concerns that in some instances could preclude the kind of development the city and the property owners envision. He said he looked forward to seeing the Land Use Code amendment process reaching a conclusion, and agreed that the code should be reviewed every five years.

Mr. Jim Hill spoke representing Kemper Development Company, 575 Bellevue Square. He said he serves as a member of the BDA livability committee and that he supported the comments made by Mr. Bannon. He added his appreciation for the work done to date by the Commission and the staff. Setting the base FARs and heights at 90 percent of the new maximum FARs and heights is an important step and a good way to go. The proposed 40-foot setback requirements should be removed in favor of the current setback requirement. More flexibility for the tower spacing requirements should be included. The proposed 80-foot spacing will severely limit feasibility for many sites. A thorough transportation study should be conducted to determine what is needed to support the planned growth of the downtown. A parking study should also be conducted before there is any action to reduce the parking ratios in the downtown. The pedestrian corridor standards should not create arbitrary or unnecessary burdens to development. The current standard says the pedestrian corridor should average 60 feet wide and in no case be less than 40 feet. Sixty feet is the equivalent of five highway lanes and seems a bit ambitious. The standards for the corridor should not create uncertainty or be subject arbitrary decision

making. Artwork is something that could fall into that category. Outdoor dining and café spaces should be encouraged along the pedestrian corridor.

In response to Mr. Hill's comment about artwork being subject to arbitrary decision making, Commissioner Barksdale asked what the alternative should be. Mr. Hill said everyone can live with certainty and predictability. Where there are open-ended ideas about what constitutes significant art, there can be problems. He allowed that while on one hand it is nice to have flexibility, getting to predictability is always important.

Mr. Todd Woosley, 10633 SE 20th Street, said he serves on the Transportation Commission but was present representing only himself. He thanked the Commission for the tremendous amount of work done to date on something that is critically important to the city. The downtown is a remarkable place. It is about halfway built out, has gotten nicer in every development cycle, and has become a far more livable place. The Commission was encouraged to adopt everything having to do with livability other than increases in densities. He said he was concerned about the lack of understanding about the impacts on the transportation system from any increases in density, let alone from the currently zoned densities. The city simply does not know how the system will function at the build buildout under either the current densities or the proposed densities. He supported the BDA's call for a complete traffic study. The traffic study that has been done shows only a snapshot of what the downtown might be like in 2030 and it shows it will take twice as long as it currently takes during the evening peak period to get through the downtown. Adequate capacity is needed to accommodate those who live and work in the downtown. The city is looking at investing in a new fire station, and one criteria being looked at is response times. The impacts on the response times for all emergency service providers should be included in the traffic analysis needed prior to making any changes in density. The downtown represents less than three percent of the city's land mass and there are many other single family neighborhood areas in Bellevue that are perfectly capable of accommodating growth.

Commissioner Carlson asked if the Commission would be better served by holding off making a recommendation relative to building heights until a traffic analysis, possibly with a parking component, is completed. Commissioner Woosley said his concern was not with building height rather with building densities. A building that is taller but has the same FAR will generate the same number of trips. Where additional FAR is allowed, addition trips will be generated. The information a traffic study would offer should be part of making a more informed decision.

Commissioner Carlson asked where in Bellevue more growth should be allowed to happen. Commissioner Woosley said there is room for growth in the neighborhoods. In the Spring District and in Eastgate there is room to handle growth graciously. A thorough analysis on the economic viability of the code provisions should be done for those areas.

Mr. Dave Meissner, 16541 Redmond Way, Redmond, expressed his support for leaving the tower setback at 20 feet. He reminded the Commission that he had previously shared his plans for a revised project for the Conner building under the proposed new downtown code. Given the uncertainty and timing of the new code, the decision was made to move forward under the current code. Issues of light and air are addressed through the International Building Code. Mandating a setback greater than what is currently required will significantly compromise future development. Tweaks and changes that result in making FAR more expensive will ultimately make things less affordable, not more affordable.

Mr. Andrew Miller with BDR Homes, BDR Capital Partner, 11100 Main Street, thanked the Commissioners for their time and perseverance. He said it was with great disappointment that he

was not able to offer his support for the proposed code. In the southeast corner of the downtown, there are a lot of changes going on. He said his property is located on one leg of a gateway/front door site. Of the four corners of the intersection, heights in the DT-MU are set to be increased, height and density increases are planned for the Wig property, and a park will be constructed on the property across the street, leaving only one corner not addressed in the proposal. The code as presented will breed mediocre design solutions adjacent to a light rail station. Bellevue should not settle for it and deserves better. The Downtown Livability Initiative CAC recommendation includes three entire pages dedicated to the light rail station to be located at City Hall; there is only one passing reference to the other light rail station that will affect the downtown. There is much wrong with the proposal, including the 40-foot tower setback, the 20-foot buffers applied to his property for reasons that no longer exist, specific uses and heights with rationale that no longer exist, a code and incentive system that assumes everything is flat, and a new incentive system that will make projects harder. The BDR and John L. Scott property representatives believe they have put in extraordinary effort to demonstrate a vision for the future. What was proposed was a stepped project, a welcoming grand stairway and a grand concourse, in short a project that really fits the context. The code as currently written points toward squatty, wood frame structures that will serve as unwelcoming buttresses against the street. It is shocking that the code as proposed will not allow for bringing forward a great responsive vision. The Commission can still save the day, however, by changing the code to include the changes recommended by the group. The proposal represents the first code rewrite in 30 years but it is still hamstrung by precedent in the East Main area, the very shackles that should be thrown off. The code certainly does not represent a leap into the future, which makes the work of the last few years meaningless. The East Main area deserves to be part of the future of Bellevue.

Mr. Phil McBride spoke representing the owners of Bellevue Main LLC, the property at 11040 Main Street that houses John L. Scott, a company that just celebrated its 85th year. He said the building houses 200 employees and there is a need for more room, which the proposed building would provide. There is a \$3.7 billion taxpayer investment that is going to stop right in front of the building, and if that fact is not addressed, something will be missed. Most of the recommended code changes reference the areas within a quarter mile of a light rail station. There is a clear need for transit-oriented developments near the light rail stations to boost ridership. The vision provided for the properties along Main Street will not be cheap to build, but it is inspirational and something to be excited about. There are restrictions on the property because of elevation changes, but the proposed project offers a lot of amenities, including a through-block connection, a walk corridor, and amenities for the neighborhood. There have been many visits with the Commission and many public and private conversations, but in none of those conversations has the answer been no; in fact, all that has been heard is encouragement to keep going. It is disappointing that the code as written will not allow the project as outlined. As written, the code as drafted supports a five-over-two building, which is not what Bellevue needs. The Commission was asked to instruct the staff to include the requested code changes.

Mr. Alex Smith, 700 112th Avenue NE, spoke representing 700 112th LLC. He thanked the Commission and the staff for diligence that has gone into the proposed amendment. He voiced support for the recommendations made by the BDA, and echoed the comments of Mr. Stroh about what the code objectives are trying to achieve. It is not density for the sake of density. The desire is to build a better and more livable downtown. Density is a very important component of making the downtown more livable. The super bonus, while possibly not well named, should be supported as a departure process for adding more density or height where appropriate. The super bonus does not necessarily contradict the need for other properties, especially in the DT-OLB, that need predictability to support their business models.

Mr. Jeff Taylor with the Keldoon Group said one of the unintended consequences of the proposed 40-foot setback is that property owners with large sites will have a huge incentive to subdivide their properties into 30,000 square-foot sites and sell them. The result would be a bunch of independent projects as opposed to a well thought out master plan development over larger parcels. Allowing for flexibility in regard to the 80-foot tower separation requirement also makes sense. As drafted, 75 percent of what it will take to get from the base to the max must come from open space. He said he did not know who would want to exercise the flexible amenity if it requires going to the Council to bridge the gap in some form. The code should be drafted to allow flexibility through administrative actions instead. With regard to the BERK analysis, he said it was very extensive and thorough. It is not possible, however, to analyze every potential outcome given elements such as specific site soil conditions, market conditions, location, access points and water table issues. Every property owner would like to be allowed to fully build out their sites without having to provide any amenities. For those on the lower tier, however, for 60 percent of their FAR they will either have to write a check or provide some public benefit; even so, it will be difficult for them to get from the base to the max. Seventy percent of the zones are at 75 percent, and there are some below 50 percent. The range from 41 percent to 100 percent does not make sense. Another fundamental challenge is that for the exact same office building, someone in the DT-OLB South would have to write a check for \$3.125 million or provide public amenities in that amount, while someone in ~~another~~ zone would pay nothing at all. Given that both buildings would be chasing the same tenants, the property owner in the DT-OLB South would be fundamentally at a disadvantage. The same applies to height. All of that goes to why the BDA and about every downtown property owner supports setting the base at 90 percent of the new maximum for both FAR and height.

Mr. Larry Martin with Davis Wright Tremaine, 777 108th Avenue NE, spoke representing Mr. Smith and 700 112th LLC. He said the amenity system as proposed is an unlawful tax on development. He noted that he had submitted his explanations in a letter to the Commission to become part of the record. There are many aspects of the incentive system that are unsound, but the most telling point is that it puts the greatest monetary burden on the owners of property who will receive the greatest increase in development capacity as a result of the proposed zoning changes. The required amount of amenities is tied to rezoning, not to the impacts of development. The impacts of a given building will be roughly the same regardless of the zone it is constructed in. By crossing a zoning boundary, the cost of the required public amenities changes as a result of pegging the base FAR to 85 percent of the maximum allowed under the current zoning. Under the proposal, zones that already have a relatively high maximum FAR are required to provide fewer public amenities as compared to zones that currently have a low maximum FAR. The amenity system is thus a tax on the reclassification of land, a tax on constructing buildings, or a tax on development. Whichever term is used, a tax or charge, direct or indirect, on any of those activities is prohibited by state law. The problem can be fixed by following the recommendation of the BDA to set the base FAR and height at 90 percent of the new maximums for all zones, though it is unclear why the city would want to impose a charge on height when taller and skinnier buildings is exactly what the city wants to see. The approach would go ~~a long~~ way toward eliminating the unfairness by spreading the burden more fairly and coming closer to actually dealing with impacts. It would also be consistent with the fact that about ten percent of the FAR for downtown development has been earned through the bonus amenity system. He also urged the Commission to encourage density near light rail stations. There are many reasons why that is a best practice in other communities throughout the country that have light rail. He provided for the record a ULI study from December 2016 of nearly 10,000 apartment units, both transit-oriented development and non transit-oriented development in which it was found that people in transit-oriented development apartments commute by public transit at a rate five times greater than non transit-oriented development residents. The study also

found that local governments reap substantial fiscal benefits from transit-oriented development, including higher net tax revenues and lower impacts on public services. Also submitted was copies of an email from Senior Planner Kevin McDonald along with a transportation analysis that was done to look at the zoning proposed by the downtown livability amendments. In the email, Mr. McDonald confirmed that there will be less impact on traffic congestion downtown with the zoning changes than without them due to the shift of future development to the DT-OLB sites that have excellent access to and from I-405 and other transportation corridors to the east. More development can be accommodated at the OLB locations with less impact than the same development located on sites closer to the downtown core. The benefits of excellent vehicular access at the OLB sites will be enhanced by proximity to the light rail stations. He suggested the Commission should consider exempting some quantity of transit-oriented development from the calculation of FAR as a way of encouraging the use.

Commissioner Walter referred to the chart offered by Mr. Taylor and noted that it showed the maximum FARs in the 85 percent range. She also noted that Mr. Martin had stated that 90 percent lines up with past practices and asked how that percentage can be justified. Mr. Taylor responded by saying that historically getting to the maximum FAR has been achieved almost exclusively by providing below grade structured parking. Typically, that brought developments to the point of only needing about ten percent more. One could make the argument that taking the credit for below grade parking off the table equates to a downzone. Mr. Martin pointed out that the staff report includes a review of a large number of past projects and outlines how bonus FAR has historically been earned. That is where the 90 percent figure pops up.

Ms. Brittany ~~Fortin~~ Barker with the Fortin Group, 10112 NE 10th Street, Suite 202, said the organization is focused on positioning its 11-acre site in Northwest Village to accommodate redevelopment over the long term in a way that will achieve many of the goals and ideals articulated in the downtown livability study. She thanked all those involved in the work that has gone into the downtown Land Use Code updates. Fortin Group has played an active role throughout the Downtown Livability Initiative process; it worked closely with the CAC and continues to work closely with staff and community members. Meetings, open houses and one-on-one discussions with neighbors have been held over the past five years to collaboratively develop a future vision for what will be a truly exemplary mixed use project on the site. The result will be neighborhood amenities, active streetscapes, open space, retail and more. The updated code amendments and the amenity incentive system will help facilitate the realization of the shared goals. The proposed dimensional standards appear to be feasible as they apply to the vision. Fortin Group is looking forward to confirming the detailed calculation method that has been referenced by the BERK study, the assumptions, and the use of the flexibility amenity option with staff, hopefully before the legislation is put through to the Council. With regard to the podium typology, the floor plate trigger height should be increased by five to eight feet to allow for taller retail and more feasible and appropriate podium forms within the current height recommendation.

Mr. John Stout with Webber Thompson Architects, 225 Terry Avenue North, Seattle, focused on the 40-foot setback and 80-foot tower separation proposed requirements. He shared with the Commission an image showing how difficult development would be under the 40-foot setback requirement, along with an indication of the existing projects in the downtown that would not comply. He noted that the Bravern would lose two of its towers under the proposal. That site, which is well over 30,000 square feet, is irregularly shaped. Bellevue Towers are not as close to the property lines as they appear but are not set back 40 feet and would likely only have a single tower. Avalon Towers would also probably be only a single tower on the northeast corner. For smaller projects like Elements, the buildings are right up next to the property line, so a 40-foot

setback would kill all development on that site. The proposed setback diagram included in the draft code supposes an imaginary super block that is cleanly divided into four big parts, but sites in the downtown in reality are much different. The block between NE 2nd Street and NE 4th Street, even with some assemblages assumed, has six different parcels. The 40-foot setback would remove much of the developable area. Two of the sites would lose 55 percent, and another would lose 71 percent of the buildable tower area. Using another sample block, he noted that only one of parcels falls under 30,000 square feet, qualifying it for the 20-foot setback. The small and narrow sites would all have to develop with midrise structures, which is essentially a downzone. The proposed 40-foot setback, 80-foot tower spacing, and 20-foot street setback proposals will greatly reduce the development potential of the downtown, by as much as 50 percent on many parcels, leaving them undeveloped and without public amenities. The desire to provide open space at the street level will inherently be ignored due to interior setbacks pushing all tower developments to the street frontage. The new setback protects sites that may not develop for decades at the expense of sites that are ready to develop, which is not a formula for growth and transformation. Reducing the setback to 20 feet and including an incentive for tower spacing in the FAR bonus system would be a good way to ensure that current and future development will have a path forward.

Mr. Wayne Webber with Webber Thompson Architects, 1521 2nd Avenue, Seattle, said he began his architectural career in Bellevue in 1971 working for El Baylis. He said he has worked on many Bellevue projects over the years. He endorsed the letter from the BDA and expressed his admiration for the planners who have worked very hard to development the proposed code. With regard to the proposed 40-foot setback, he said the outcome will be a severe downzone for many sites along with a diminution of property values and a significant loss of potential tax revenue. It will also reduce the density and preclude the kind of development everyone envisions for the downtown. The list of salient and important suggestions and proposals from the CAC included reducing sprawl, achieve the vision of the downtown as a vibrant mixed use center, encourage the Great Place strategy, accommodate a residential population of 19,000 by 2035, and improve the area's residential setting. All of those goals would be precluded by the 40-foot setback. The 40-foot setback would result in building pads that are too small and impractical for tower development. Two-tower projects would be subject to the 40-foot setback at the side lots as well as the 80-foot setback between towers, resulting in killing the project outright and relegating the site to only midrise developments. A 40-foot setback is unheard of in an urban setting, particularly in cities that are trying to reduce sprawl, incentivize a regional growth center, and encourage the Great Place strategy. The stringent setback will have the opposite effect by devaluing property and discouraging or killing development that would otherwise achieve the goals.

**\*\*BREAK\*\***

Mr. Scott Matthews with Vulcan Development, 505 5th Avenue South, Suite 900, Seattle, thanked the Commission and the staff for the sustained and extraordinary effort that has gone into the planning process. He said Vulcan seeks to provide a rate of return for the owner but also seeks to be thoughtful about engaging the local neighborhoods and community stakeholders in addition to having a soft footprint on the environment. When things are done right, they stand the test of time. Vulcan is very much attracted to the arc of Bellevue's future but regrettably has been slow in identifying opportunities. Bellevue is poised to compete on a local and national basis, as well as on an international basis. He concurred with the comments made by the 40-foot setback and the 80-foot tower separation proposals, and agreed with the need to be flexible with regard to parking. Many of the fast-growing companies in the region started off in buildings under 200,000 square feet. Proving opportunities on the Eastside for companies to grow

incrementally is very important, and what they need is predictability. The proposals regarding the crosswalk connections could use a bit more study and consideration. Consideration should also be given to the grade conditions relative to the pedestrian corridor and how it might impinge on being able to meet the goals. He said Vulcan looks forward to working with the city and in seeing Bellevue keep its place relative to growth in the region.

Mr. Craig Davenport with MZA Architects, 600 108th Avenue NE, voiced support for the recommendations outlined by the BDA. He said the firm has been working on projects in Bellevue over the past year and a half that have been on hold waiting for the code update. The proposed 40-foot setback was not made known until recently and will severely impact several projects. The structural requirements for towers at the allowed heights, especially the core size, reduces the amount of leasable space, and in many cases the 40-foot setback will leave very little site to work with; the requirement will mean many projects will simply not go forward. The 75-foot tower limit spread over the entire downtown core does not feel right. Tower separation makes sense when going beyond 450 feet to 600 feet, but not at 75 feet. The Grand Connection vision is very existing for the downtown, yet the bonus points for providing for the corridor is proposed to be reduced from 16 times the square footage to 13.3 times. The cost of bringing the Grand Connection online will be very high, and while it is something everyone wants to provide, developers could lose a lot of otherwise developable land, for which they will receive a reduction in the amenity bonus. It is a super bonusable area, an area where FAR can be added to the top of the maximum FAR which if not used can be sold into the downtown core and transferred to another site. In effect, property owners will see the value of their property reduced by reducing the multiplier. The bonus should be kept at 16 times the square footage or increased. With regard to parking, he agreed provision should be made for reducing the parking requirements within a certain distance of light rail transit stations. Parking is quickly becoming a project driver as the towers go higher. Where the Elevate project is concerned, below level six there are water table issues and the costs go up astronomically. The parking requirements are serving to limit project size and density. The city needs to take a close look at the downtown parking requirements, what can be done with shared parking, and how much having transit will help.

Mr. Tim Jackson with PMF Investments, 15015 Main Street, suite 203, thanked the Commissioners for the time put into updating the code. He said organizations like Futurewise and [NAIOPMeiop](#) that think about smart growth and planning are weighing in on the process. Their findings are [remarkablyremarkable](#) consistent with each other and with the points raised by the BDA. Most of the work done to develop the proposed code is encouraging and will assure a strong future for downtown Bellevue. There are, however, a few things that need to be addressed, including the tower spacing and setting the base FAR at a fair level. In the current real estate market, things that are not incentivized are difficult to bring online. In most cases, it is the incentives that make it possible to achieve the financing necessary to make projects happen.

Mr. Ian Morrison, 701 5th Avenue, Suite 6600, spoke on behalf of PMF Investments, echoed the points made by the BDA and by some of the other property owners in the DT-OLB district. PMF's interest is in the Sheraton site, which is a gateway site on Main Street and 112th Avenue NE. The request for the potential for additional FAR to support transit-oriented development around the future East Main station should be considered. The transportation study already done by the city recognizes that around light rail stations there is an opportunity to achieve some density that will not have the same level of impact on the transportation network. The Sheraton gateway site is a perfect place to think about strategic opportunities for density while respecting the placemaking reflected in the Council principles, the neighborhood context, and minimizing the impacts on the transportation system. The Commission should recommend the approach to the Council.

Mr. Mike ~~Yellam~~~~Yellum~~, 10655 NE 4th Street, spoke representing the ~~Fana~~~~Fanta~~ Group of companies. He added his support to the comments made by the BDA. He said it appears the proposed code update splits the DT-O2 zoning into maximum heights that are different. It is unfair to bifurcate the different zones, and a single height increase should apply to the DT-O2 zone. He said the 80-foot tower separation proposed requirement is unrealistic. The small lot exemption should be encouraged and maintained. The 20-foot setback from internal property lines should be retained.

Ms. Katherine Crouch-Hughes, 10203 NE 31st Place in the Northtowne community, said the local neighborhood group has been closely following the livability of Bellevue for a couple of decades. She said the allocation of amenities tied to open space is the right thing to do. The fees in-lieu should be tied to projects rather than paid into a central money pot. The fees should flow back to the specific development site. If the fees do not stay with the property, nothing will have been solved. The 80-foot tower separation as proposed should be approved along with the proposed 40-foot setback to achieve the goals regarding light and air. The base height and FAR should be set at 80 percent rather than 90 percent. No super bonus of any kind should be allowed.

Mr. Mike Neilson, 10650 NE 9th Place, said the 40-foot setback, had it been in place 20 years ago, would have resulted in a much different downtown, one without many of the current developments. He said the Washington Square superblock, which he represents, will support about one million square feet of development along NE 8th Street. The problem with increasing height without increasing the FAR is that unless for-sale products are developed, the additional height will not be used. Office developers are not going to choose smaller floor plates in exchange for taller buildings because there would be no real return on the investment and no financier will loan on it. The approach will work for condominium developments that are to be sold. The problem with that is that in the state of Washington the condominium legislation is very onerous, the result of which has been developers shying away from building that product. Under the proposal, tower heights can be increased, but if the site will not accommodate the amenities required for the increased height, the development will have to pay a fee in-lieu. That is counterintuitive. The existing DT-O1 zone has no restrictions on residential. At the end of the day, residential living in the downtown will create vibrancy. More needs to be done to stimulate downtown living and to encourage developers to build condominiums.

Mr. Jonathan ~~Kagle~~~~Kagel~~ said he serves as director of the Vuecrest Community Association, Box 312, said the association is celebrating its 70th year in Bellevue. He thanked the Commissioners and staff who have worked with the organization over the past few years, and for considering the adjacent neighborhoods around the perimeter of the downtown. The perimeter overlay district has done much to reduce the concerns of the Vuecrest neighborhood and to preserve the transition from the urban area to lower-density single family homes. The call for super bonuses and the suggestion to increase the allowed height in the perimeter district by ten feet is somewhat disconcerting. He said he understood the justification for the fee in-lieu issue, but the neighborhood would like to see the collected fees will go toward developing amenities in the areas impacted. He noted that 20.25A.E talks about sunlight and shadows but is limited to public spaces and neighboring developments; it should be expanded to include adjacent neighborhoods. The proposed code talks about alleys with addresses but says nothing about alleys that are used as alleys. Developments such as the one on the corner of 100th Avenue NE and NE 10th Street have no garbage service because there are no alleys; instead, a 36-square-foot garbage area is located right next to the street and it serves the development that has more than 100 apartment units. There are no guidelines in the code about where to put recycling, dumpsters and the like that used to be located in alleys. He noted that there are a lot of numbers and abstract

concepts that have been talked about relative to the economics of the incentive system; it would be helpful to see some examples. Another issue that should be addressed is how to deal with old credits from the incentive system that is currently in place.

Mr. Arnie Hall, 17227 SE 40th Place, thanked the Commissioners for their hard work. He said he shared the aspirations of the Downtown Livability Initiative and the work of the CAC. He said as an architect, builder and developer, it is imperative to support the recommendations of the BDA, including the 90 percent baseline, not deferring the affordable housing issue, and retaining the 20-foot setback requirement. There are many creative design professionals who have practiced in Bellevue for years who are smart enough to figure out how to create public amenities if the restrictions imposed by the new Land Use Code amendment are removed. Two things are inevitable: prices are not going down, and Bellevue fees are not going down. Seattle is a friendlier place than Bellevue to develop in from a developer's standpoint

Mr. Andy Lakha, 500 108th Avenue NE, said he owns approximately three acres of the site where the Cost Plus World Market is located at Bellevue Way and NE 8th Street. He said he has been a resident of Bellevue for 20 years and has been looking for a dream project. The project proposed for the site in question will define his commitment to the city. He thanked the Commission for all their work and said he has been having conversations with the Commission for more than a year. The message all along has been the same, that no more FAR is needed, and that no more parking is needed. The intent is to provide great pedestrian open space and iconic buildings. What is needed to make the project work is just a little more height. The Commission has already proposed increasing height for the Fortin site to the west, the modest height increase requested will fit in nicely with the gentle rise of heights in the downtown core. The site is unique and deserves attention. The block is north of Bellevue Square and is far from the edges of the downtown. It can accept more height. The dual midblock connectors on the site dictate the need for more height. The location deserves an iconic design with greater height. The project as planned will set a new benchmark for high-quality pedestrian space in the downtown. Additional height ~~will~~ provide the opportunity for better tower spacing and better pedestrian access areas. The citizens of Bellevue want and need more iconic architecture and better amenities in the downtown. The Commission was reminded that the CAC endorsed building height up to 300 feet for the location. The request can be accomplished by adding to the Fortin footnote. The Commission was urged to support the request. He said the 40-foot setback should be eliminated as it will kill many projects, including his. He noted his support for all nine points listed in the BDA letter to the Commission.

Mr. Jack McCullough, 701 5th Avenue, Seattle, said the request for the Lakha site has been consistent over the months. Some of the feedback has been that the request represents a radical proposal. The fact is the code amendment process has already led to height increases to the west and east of the site. The footnote incorporated into the code for the Fortin site, completely appropriately, allows building height up to 264 feet on the 11-acre site to the west, which is much closer to the Vuecrest neighborhood. To the east in the DT-O2 zone, building heights under the proposal are allowed up to 460 feet. Mr. Lakha is asking for 300 feet, a request that is in line with the downtown wedding cake. Making a simple addition to the Fortin footnote is one approach to solving the problem. If the city truly wants to see taller slender towers, the Lakha site will serve as the poster project. With regard to the 40-foot setback, he pointed out that size site is less an issue than site dimensions. Many downtown sites are not neatly rectangular. The 40-foot setback requirement runs counter to how Bellevue has approached development in the downtown. For the last 35 years, the city has been clear about allowing projects that are ready to be built to go forward. There has not been any attempt to protect sites that may not be developed. The effect of the 40-foot buffer will be to protect sites that may not be developed, possibly for a

generation, while punishing sites that are ready to develop. Had that approach been taken 35 years ago, the current downtown skyline would not exist. The first draft of the proposed code came out three and a half months ago. Despite all the visioning work that has been done, the code is where the rubber hits the road. The public hearing represents the first time the Commission has been able to hear comments on the document from a broad swath of the development community. Codes and plans are wonderful things, but unless things actually get built, they exist only in a book. The people who are going to build what the code envisions are those who have addressed the Commission during the hearing. He suggested the work of the Commission may just have begun. The time should be taken to get it right, even if that means the work will carry on for a few more months. Exogenous features like SEPA review or the BERK report should not become handcuffs to the Commission's ability to do the right thing.

Ms. Pamela Johnston, 3741 122nd Avenue NE, said she is a resident of Bridle Trails. She suggested that more important than the downtown skyline is the human scale for those in the downtown. She said Guangzhou China is a 24-hour city. Downtown Bellevue should also be a 24-hour city. Currently too many of the places in the downtown are dead both during the night and during the day. The north side of Bellevue Square should be compared to other cities; the side is dead and it is hard to walk down the street to get to Starbucks. Bellevue should be ~~not~~ only livable but lovable. With regard to the incentives, she said she could envision having bubble canopies everywhere. Some incentives may get overused and it is unclear how they will be controlled. If there are going to be lots of canopies, there should be order to what comes first and what comes second versus canopies. Many people are moving into the downtown and the city needs to make sure it keeps play spaces, and not just in the park. It is unclear about how the public process plays into the incentives. Along with keeping the amenities in the same area as the buildings, the city should deal with keeping the utilities needed in the downtown in the downtown and out of the neighboring areas. If the fee in-lieu process is used, the funds should be used appropriately for projects and not allowed to just flow into a general fund for projects in other neighborhoods. It is not clear how the growth cycle will pace itself out. It is unclear how the mix of retail will be addressed. Development in the downtown should allow for room to grow. Parking at the mall is good because it is easy to find a place to park, shop and then go home. The mall, however, is all focused on the interior rather than outwardly. It is unclear if there are incentives to make the roofs of shorter towers pretty for the benefit of those living in taller towers looking down on them. It is unclear if there are any incentives for LEED certified buildings. The public needs to be involved in every process along the way.

Mr. Scott Douglas, 304 112th Avenue West, Seattle, said the current code was written in 1981, the year he graduated from college and began his architectural career. He said the code is a bit like the property in the neighborhood that has become a bit run down and needs an influx of new energy. He pointed out that building height in Bellevue is based on the finished average grade. That means the architects and planners must calculate what the base of a building will be in its final form two years down the road. Seattle keeps it simple and height is measured from the midpoint of a major street elevation, a factor that can be known from day one. He said he was aware of a commercial office building in downtown Bellevue where some games were played with the finished average grade in order to elevate the measuring point that is beyond the intent of the code. He said he was also aware of a residential project that exploited the approach to the point of at least six extra feet beyond the intent of the code. It would be much easier if Bellevue would implement an approach similar to Seattle's. When it comes to calculating FAR, there is a provision in the Bellevue code that allows for the mechanical spaces to be excluded. Accordingly, architects must anticipate the final mechanical design that in many cases is not determined for years after design on a building begins. Seattle has a flat [rate](#) of about 3.5 percent of square footage that can be excluded from the FAR calculation.

A motion to close the public hearing was made by Commissioner Laing. The motion was seconded by Commissioner Hilhorst and the motion carried unanimously.

**STUDY SESSION**  
(9:49 p.m.)

**Downtown Livability – Downtown Land Use Code Amendment**

Chair deVadoss proposed taking time to internalize the feedback before digging into the details.

Commissioner Walter noted that much was said about the fee in-lieu proposal and accountability for it. What some other jurisdictions do with fees in-lieu is put the money into a fund. Fees in-lieu for an open space are kept separated from fees in-lieu for affordable housing. She said the Commission should recommended establishing a policy for how to treat fee in-lieu payments to create both transparency and accountability.

Commissioner Barksdale said he would welcome seeing some alternatives to discuss.

Commissioner Hilhorst said it was clear during the public hearing that there is a desire to retain the current 20-foot setback and to not go forward with the proposed 40-foot setback. She allowed that the 40-foot proposal grew out of the proposed requirement for 80-foot tower separation, which the Commission has been discussing for a year. Nothing was said about the 80-foot separation issue until the 40-foot setback issue was raised. She said she would like to see from staff some options for staying close to the 20-foot setback while achieving the desired tower spacing. Ms. Helland said the Commission has the latitude to recommend a different outcome. She said the staff will do any analysis that would be helpful in making a decision.

Commissioner Carlson suggested the Commission had not heard much feedback about the 80-foot separation rule because there had not been discussions with those directly affected. The approach looks great conceptually but may present problems operationally. He said it would be good to know what tower separation requirements are for the top ten cities in Washington state by population. Ms. Helland said staff would bring some information back to the Commission.

Commissioner Walter said she would like to see some charts comparing base FAR and height at 85 percent and 90 percent. She said she also wanted to know which approach fits best with the analysis done by the consultants.

Ms. Helland commented that some of the testimony offered had been heard before, but some was new. She said staff would bring the information back grouped by themes for the Commission's review.

Commissioner Laing noted that the comment was made by one member of the public that through-block connections not associated with super blocks are in fact alleys. He said he would like information about the proposed connections to determine if some of them should be called alleys. Ms. Helland staff could provide additional information on the topic. With respect to the specific through-block connection referenced, it was mistakenly included on the map and the correction has been added to the errata sheet.

Mr. Cullen said the next Commission meeting was on the calendar for March 22. He noted that the meeting on April 12 was during school break and said he would contact the Commissioners

individually to determine if a different date should be identified.

#### PUBLIC COMMENT

Ms. Pamela Johnston, 3741 122nd Avenue NE, pointed out that not many cities in Washington state have towers. She suggested the staff should research the requirements of Seattle, Portland, San Diego, Sacramento, Phoenix, Vancouver, Calgary and Edmonton.

#### ADJOURN

A motion to adjourn was made by Commissioner Hilhorst. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

Chair deVadoss adjourned the meeting at 9:58 p.m.