



December 6, 2016

Emil King, AICP
Strategic Planning Manager
City of Bellevue Department of Planning and Community Development
Bellevue, WA

Re: Planning Commission Review of Proposed Downtown Development Standards

Dear Mr. King

On behalf of our client, Fortin Group, I have examined the latest draft downtown land use code amendments dated November 17, 2016. Overall, we are generally pleased to see the development standards and zoning adjustments evolve in a manner that seems appropriate for meeting the goals and policies of the Downtown Livability Initiative.

We have assembled the following comments for your consideration and to forward on to The Planning Commission. These comments reflect our examination of the proposed standards as applied to Fortin Group's Master Planning Vision for the NW Village area of downtown. Also included are general comments that may positively improve the overall public realm and other property development projects.

1. The **amenity bonus program** metrics have not been put forward at this time. We hope that this program will remain flexible and be structured to reward development that meets the goals identified in the Livability Initiative such as open space, pocket parks, establishment of new streets where street a complete grid is lacking, alleys with addresses, through block crossings, sidewalk widening, and other public realm enhancements and benefits. Furthermore, please include a weighted scoring system that considers the cost and difficulty of achieving these specific goals. We are happy to share case studies on the feasibility of the bonus program after the first draft is available.
2. **Floor plate limits** - Dimensional Requirements Chart: Setting floor plates at tiered intervals that step backs at 40' and 80' will likely lead to a monotonous layer cake form of development. Also these limits do not necessarily consider the size of the lot (a larger lot could comfortably accommodate a bigger plate than listed in the chart). Also two different levels of step backs require more construction costs, taller floor to floor heights and programmatic changes within the building. Consider establishing one podium step back height at between 4 to 6 stories without plate limits. Also look at using 45'-50' as a starting point so the retail levels can be taller. This podium height could be associated with the type and width of the street it fronts on (arterials and wider streets can have taller podiums). Then establishing average floor plates above these podiums based on uses. Consider the second step back or the concept of

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trigger heights (10% floor plate reduction at higher heights) as more of design guideline rather than an outright prescriptive requirement.

3. **Lot coverage** - Dimensional Requirements Chart: 75% lot coverage limit at the ground plane is proposed in many of the perimeter districts. This is not a metric found in compact, urbanized and walkable cities in our experience. This method of bulk control may not be necessary as FAR , height, floor plate limits all combined with the new FAR bonus amenity program give the city plenty of other ways to manage bulk and incentivize open space, landscaping and generous public realm. Consider eliminating lot coverage at the ground plane or at least increasing it to 85% or more.
4. **Tower spacing** at 80' minimum seems appropriate. This standard has been successfully used in Vancouver BC for more than a generation of development. Consider eliminating the reference to 45' and use the term "podium" as applied to certain street typologies (see item 2 above).
5. **Upper level setbacks above 45'** - Dimensional Requirements Chart: 20' setbacks at +45' creates a burdensome and costly structural challenge in high-rises where the first row of tower columns would need transfer beams to avoid adversely impacting the parking geometry and parking efficiency below grade. A more suitable setback of 10' (or less) would not require transfer beams. 10' is substantial enough to create considerable massing relief, wind shear reduction down the face of the tower and still promote more sunlight to the street below. Please consider a 10; setback rather than 20.
6. **Footnote 9** - Dimensional Requirements Chart: We are not sure how a note regarding parking garage height applies to upper level setback on the MU zones? Was this footnote meant to be more about perimeter district specifics (see old footnote 46)?
7. **Elevator penthouse and mechanical equipment on the roof.** – Height Exceptions: 20% roof coverage and 20' added height may not be enough to adequately accommodate today's systems and equipment normally present on a high-rise tower roof. This also penalizes and limits smaller floor plate towers. Furthermore, requiring the equipment to cluster in the center limits design expression and flexibility. Consider making the clustering and centering a design guideline and increase the equipment coverage to 40% and increase the height limit to 25' subject to appropriate screening and design review.
8. **Parking minimums:** The proposed minimum parking requirements, especially in the In the MU districts near two new light rail stations are likely too high for an urbanizing city. Improved bus service, smart phone access to an expanding realm of car sharing and taxi services, and a more complete and walkable downtown overall are reasons enough to consider much lower parking minimums. We have found the marketplace can be trusted to provide adequate parking. Less parking can generally lead to improved affordability for residents that do not need to store a car. We do

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support the concept that the director has the authority to reduce the ratios through demand analysis.

9. **Minimum sidewalk widths** - 20.25A.090 Street & Ped Standards: We support the proposed sidewalk widths. Please consider rewarding land owners in the amenity bonus program for providing sidewalks within their property line and for creating wider sidewalks than the minimums required in this section.
10. **Sustainability certification:** Amenity Incentive System: Item 17 mentions LEED Platinum and Living Building Challenge. Please consider a tiered and weighted option that incentivized LEED Gold and LEED Silver levels certification as well. Also consider allowing other evaluation programs such as Built Green, Green Globes and LEED for Neighborhood development (for multi building sites) as acceptable alternatives to the LEED program in the Incentive system.
11. **Legislative Departures** - 20.25A030 D: We support the premise of allowing legislative (and administrative) development standard departures where deviations from strict application of code standards can enable better design that meets comprehensive planning goals and downtown's vision for livability. This is especially useful on larger sites where creative solutions with substantial public benefit are possible through a more discretionary and site specific entitlement process. Please continue to maintain the concept for "off ramp" development agreements.

Via Architecture and Fortin Group both share The City's and Planning Commissions desire to create an exceptional downtown for future generations. We sincerely appreciate the many hours that the Planning Commission members and PCD Staff have invested in improving downtown and creating these new community development standards. We look forward to working with you as this process continues.

Thanks for your consideration on these matters. Please call or e-mail me with any questions or comments. Direct Line: 206 454-7939, E-mail: mroewe@via-architecture.com

Sincerely,

Matt Roewe, AIA
Director of Development Planning,
VIA Architecture

Cc: Brittany Barker, The Fortin Group

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December 7, 2016

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 new incentives for green building and a Green and Sustainability Factor. 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 residential remodeling, new home construction and multi-family development 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 thus 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.

With respect to Bellevue's Downtown Livability Draft Code Amendment: the MBA is pleased to see that our Built Green program and certification are included in tiers of the Green and Sustainability Factor score (page 75 of proposed code update). However, the current draft, with regard to FAR bonus incentives, does not include Built Green as an eligible certification (page 43). It is vital that the city include Built Green Emerald Star under sustainability certifications that warrant bonus FAR. Built Green Emerald Star is recognized as a rigorous, holistic certification standard on par or beyond Living Building's Net Zero Energy Petal certification: it not only requires modeling that demonstrates net zero energy use, but also has strict requirements for water consumption, site development, indoor air quality standards, and materials use, among other considerations. Additionally, Built Green Emerald Star is more rigorous than LEED Platinum.





The Master Builders 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 nharper@mbaks.com or 425.460.8207.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Harper", written in a cursive style.

Nick Harper
Senior Director of Strategy and Policy

cc: Carol Helland, Land Use Director, Development Services Department
Leah Missik, Built Green Program Manager, MBA
David Hoffman, King County Manager, MBA

Gulledge, Kristin

From: Regina Wagner <rex10@comcast.net>
Sent: Wednesday, December 07, 2016 10:27 AM
To: council@bellevuewa.go; PlanningCommission
Subject: Bellevue downtown livability study

Follow Up Flag: Follow up
Flag Status: Flagged

Hello
It came to my attention that there will be a voting for a land use code package before an impact study is conducted. As a Bellevue resident I'm very concerned about my city's zoning changes.
The logic tells me that first a study has to be completed to decide afterwards on the right package.
Please take my vote not to decide on the package before a reasonable study result is accomplished.

Best regards

Regina Wagner
500 106th Ave NE
Bellevue WA 98004

Jack McCullough
Public Comment

Downtown Livability
LUCAS
w 12/7/16

20.25A.030 Review Required (NEW)

D. Departures

2. Legislative 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 code Land Use Code provisions 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 this subsection is to provide a legislative departure process to modify provisions of the Land Use Code, 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]; 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; and

(3) Height, up to a maximum height of 300 feet, for properties within a project limit of not less than two acres in total area located in the MU District in the superblock west of Bellevue Way NE, north of NE 8th Street, east of 102nd Avenue NE and south of NE 10th Street, provided that no more than 49 percent of the property within the project limit may be located in Subdistrict B under LUC 20.25A.090.

APPROVAL CRITERIA FOR PART 20.30L LUC:

[To follow]



City of Bellevue

Post Office Box 90012 ▪ Bellevue, Washington ▪ 98009-9012

To: Mayor John Stokes and Members of the City Council

From: Carol Helland, Land Use Director
Trish Byers, Code Development Manager
Development Services Department

Date: December 2, 2016

Re: Eastgate Land Use Code Amendment Transmittal Corrections

On August 26, 2016, the Planning Commission transmitted its recommendation regarding the Eastgate Land Use Code Amendment to the City Council. In that transmittal, the Planning Commission's recommendation regarding permit requirements for Transient Lodging uses were transmitted incorrectly. The transmittal provided that Transient Lodging uses should be permitted in the proposed Office Limited Business 2 (OLB 2) District and an Administrative Conditional Use Permit should be required in the proposed Eastgate Transit Oriented Development (EG-TOD) District. However, the Planning Commission had actually recommended Conditional Use Permits for Transient Lodging uses in both of the proposed districts.

When Commissioner Walter brought these errors to our attention, we reviewed the minutes and tapes from Planning Commission Study Sessions on February 24 and April 27, 2016 when the Planning Commission reviewed the Use Tables for the OLB 2 and EG-TOD. The record reflects that the Planning Commission was clear in their discussions that they intended to recommend Conditional Use Permits for Transient Lodging uses in the OLB 2 and EG-TOD Districts.

To properly reflect the Planning Commission recommendation, the following two changes must be made to their Transmittal. The changes necessary to Attachment B on pages 14, 80, and 81 presented at Council Study Session on September 19, 2016, Agenda Number 16-344, are reflected in redline the excerpts below. Future materials provided to Council, when consideration of the Eastgate amendments are taken up next year, will reflect these changes.

On page 14:

LUC 20.10.440

Residential in Non-Residential Districts

STD LAND USE CODE REF		Profes- sional Office	Office	Office/ Limited Business	Office/ Limited Business 2	Light Indus- try	General Commercial	Neighbor- hood Business	Neighbor- hood Mixed Use	Com- munity Busi- ness	Fac- toria Land Use Dis- trict 1	Fac- toria Land Use Dis- trict 2	Fac- toria Land Use Dis- trict 3
		PO	O	OLB	OLB 2	LI	GC	NB	NMU	CB	F1	F2	F3
13 15	Hotels and Motels, Transient Lodging			P	P/C 10				P	C	C	P	P

...
 10. ~~Intentionally deleted. Hotels and motels are permitted uses in this district. Other transient lodging as defined in the *Standard Land Use Coding Manual* under SIC code 1590 requires a Conditional Use Permit.~~

...
 On pages 80 and 81:

Chart 20.25P.050

Residential Uses in Eastgate Transit Oriented Development Land Use District

	<u>Residential – Eastgate Transit Oriented Development Land Use District</u>	<u>Eastgate Transit Oriented Development Land Use District</u>
<u>STD LAND USE CODE REF</u>	<u>LAND USE CLASSIFICATION</u>	
	<u>LAND USE CLASSIFICATION</u>	EG - TOD
...
13 15	Hotels and Motels Transient Lodging	<u>P/AC 4</u>

Notes: Uses in Eastgate Transit Oriented Development Land Use District – Residential

- (1) An agreement must be recorded with the King County Recorder's Office, or its successor agency, and filed with the Bellevue City Clerk, restricting senior citizen dwellings, congregate care senior housing, or assisted living to remain for the life of the project.
- (2) See LUC 20.20.190 for additional regulations.
- (3) See LUC 20.20.700 for general development requirements for rooming houses.
- (4) Hotels and motels are permitted uses in this district. Other transient lodging as defined in the *Standard Land Use Coding Manual* under SIC code 1590 requires a Conditional Use Permit.

Thank you for your attention to this matter.

cc: Members of the Bellevue Planning Commission
 Dan Stroh, Acting Director, PCD
 Terry Cullen, Comprehensive Planning Manager, PCD