

2017 PLANNING COMMISSION



BELLEVUE

Meeting
6:30 pm April 19

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.

425-452-6800
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www.bellevuewa.gov

APRIL 19



Bellevue Planning Commission

AGENDA

Regular Meeting

April 19, 2017

6:30 PM - Regular Meeting

City Hall, Room 1E-113, 450 110th Avenue NE, Bellevue WA

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 – 7:15 PM	EXECUTIVE SESSION Topic: Legal risks of current or proposed action, RCW 42.30.110 (1)(i).
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7:15 PM – 7:30 PM	Communications from City Council, Community Council, Boards and Commissions and Staff
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7:30 PM – 7:50 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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7:50 PM – 9:30 PM	Study Session <u>1</u> <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.;
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Emil King, AICP, Strategic Planning Manager, Planning & Community Development Dept.

General Order of Business – This is the second study session post Planning Commission public hearing (Mar 08 2017).

1. Staff presents follow-up on issues and request for information from the last meeting (March 22).
2. Each Planning Commissioner states the issues that are most important to them and potential solutions, where applicable.
3. Staff presents information per the scheduled review timetable.
4. The Planning Commission and Staff discuss differences and potential resolution and/or additional follow-up needed.

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

9:30 PM – 9:45 PM

Minutes to be Signed (Chair):

January 25, 2017

February 8, 2017

Draft Minutes Previously Reviewed & Now Edited:

-

New Draft Minutes to be Reviewed:

March 1, 2017

March 8, 2017

March 22, 2017

9:45 PM – 10:00 PM

Public Comment

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

10:00 PM

Adjourn

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
John Stokes, Council Liaison

Staff Contacts:

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April 14, 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.

Public Engagement

On March 8, 2017, the Planning Commission conducted a public hearing on the draft Downtown LUC Update. All written comment and verbal testimony has been provided to the Planning Commission. A summary of themes from the public comment is included as Attachment 1.

Staff also 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 helps in the development of specific code refinements for the Commission to consider.

As a follow-up to the March 22 Planning Commission visit by Eric Synn from the Bellevue Parks and Community Services Board, chair deVadoss, vice chair Walter and Downtown Livability staff attended the April 11 board meeting. Following a discussion, the Parks and

Community Services Board made the following recommendations with respect to the Downtown Livability Initiative:

1. The Parks and Community Services Board recommends that the Downtown Livability Initiative results in achieving the Parks and Open Space Plan's goals, specifically including new parks in the Northwest Village neighborhood and the East Main neighborhood.
2. The Parks and Community Services Board recommends that there is sufficient evidence that the Parks and Open Space Plan's goals will be met.
3. The Parks and Community Services Board recommends that there be further discussion by the Parks and Community Services Board regarding whether plazas are parks.*
4. The Parks and Community Services Board recommends that additional levers and controls, including Park Impact Fees, be identified to incent developers to meet the Parks and Open Space Plan's goals.

*The Parks and Community Services Board is scheduled to discuss whether plazas are parks at their May 9th meeting.

The Bellevue Arts Commission has also provided a correspondence to the Commission (under the Information tab of this packet) regarding the arts-specific elements in the draft Land Use Code package.

DISCUSSION

On March 22, the Planning Commission provided initial direction to staff on a number of draft Code issues (as reflected in the minutes included in this packet) and received an overview of the planned process moving forward for refinement of the draft Code and preparation of a recommendation to Council. The initial Commission direction to staff on March 22 for amending the draft Code was as follows:

- Include a 1.0 FAR exemption for affordable housing, and that the exemption be used in conjunction with the multifamily tax exemption program.
- Revise the dimensional requirement table in section 20.25A.060 to show the base FAR to be 90% of the proposed maximum FAR in all instances.
- Amend Perimeter Overlay A-1 south of NE 12th Street from 102nd Avenue NE eastward to 112th Avenue NE to become Perimeter Overlay A-2. In effect, changing the height limit for residential from 55 feet to 70 feet.
- Create a dedicated account for in-lieu fees collected through the amenity incentive system, and expended only for the acquisition or improvement of publicly accessible open space within Downtown.
- Amend the draft Code to reflect the "Early Wins" Code amendments enacted by Ordinance 6277.
- Incorporate the changes reflected by the BDR and John L. Scott property representatives for Perimeter Overlay A-3 and B-3.
- Bring back additional information regarding the 80-foot tower spacing and 40-foot tower setback.
- Revise the definition of Active Uses to include specific examples.
- Bring back approaches relating to Downtown parking for further discussion.

On April 19, the Commission will continue its review with staff of the draft Code. Staff is seeking initial direction from the Commission. Final action, in the form of a recommendation to Council on the full Downtown Code package, will be sought at a subsequent meeting. The suggested topics for discussion on April 19 are as follows, with a focus on the more complex issues to start. As applicable, previous Commission direction from March 22, errata, and language for Commission consideration are shown in the attachments by discrete Code topic.

Topics for April 19

- Review of Early Wins Amendments relative to Draft Code..... Att. 2
- Tower Separation and Other Requirements Att. 3
- Amenity Incentive System.....Atts. 4, 5

Time Permitting

- Site-Specific Issues Att. 6
- Downtown Parking Flexibility..... Att. 7
- Definition of Active Uses Att. 8
- Code Clarifications Att. 9

The proposed schedule below anticipates completion of the Commission’s work in a timeframe that will facilitate delivery of its recommendation to the City Council by June 5 for final review and approval.

Post Public Hearing Meeting Schedule

Meeting 1	March 22, 2017 – <i>Completed.</i>
Meeting 2	April 19
Meeting 3	April 26
Meeting 4	May 3 – <i>If needed.</i>
Meeting 5	May 10
Meeting 6	May 24

ATTACHMENTS

1. Major Themes from Public Hearing on Draft Code
2. Summary of “Early Wins” Code Amendments Compared with Public Hearing Draft Code
3. Topic: Tower Separation and Other Requirements
4. Topic: Amenity Incentive System
5. Incentive Zoning Council Principles
6. Topic: Site-Specific Issues
7. Topic: Downtown Parking Flexibility
8. Topic: Definition of Active Uses
9. Topic: Code Clarifications
10. Errata sheet

Major Themes from Public Hearing on Draft Code

The following matrix represents a compilation of the themes that emerged from the March 8, 2017 public hearing on the Draft Land Use Code. 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
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
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

MAJOR THEMES FROM PUBLIC COMMENT	COMMENTERS
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
TOPIC 3 - TOWER DESIGN AND BUILDING HEIGHT REQUIREMENTS	Tom Lovejoy Michele Herman
Tower Height – Definition, Stepback, 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
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

Topic: Early Wins

April 19, 2017 Commission Study Session

Changes to Early Wins = Modifications to language adopted with the Early Wins

Additions to Early Wins = Additions to sections amended during the Early Wins project

Topic	Early Wins, Adopted 3.7.16	Draft Code, Published 2.16.17	
		Changes to Early Wins Language	Additions to Sections Discussed during the Early Wins
<u>Land Use Charts</u>	<u>LUC 20.25A.015</u> <ul style="list-style-type: none"> Expanded uses Moved charts from the general section of the Land Use Code (LUC 20.10.440) to the Downtown Overlay Part of the Land Use Code (LUC 20.25A.015) 	<u>LUC 20.25A.050</u> <ul style="list-style-type: none"> No Changes Moved LUC 20.25A.015 to LUC 20.25A.050 	<u>LUC 20.25A.050</u> <ul style="list-style-type: none"> Added Transient Lodging as a Conditional Use in all Downtown Districts. (Requested by Planning Commission) Added footnote to Congregate Care in the Residential Chart for the Downtown O-2 District that reads, “(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.” (Requested by Jack McCullough for Washington Square Sr Apts)
<u>Directional Signage for Public Spaces</u>	<u>LUC 20.25A.030.C.2.</u> <u>LUC 20.25A.100.E.5.c.iv</u> <u>LUC 20.25A.060.C.3.h</u> <ul style="list-style-type: none"> Required Directional Signage for public spaces such as the Plazas in the Amenity Incentive System, Through-Block Connections, and Minor Publicly Accessible Spaces. 	<u>LUC 20.25A.070.D.4</u> <u>LUC 20.25A.090.C.3.d.iv</u> <u>LUC 20.25A.160.D.3.e</u> <ul style="list-style-type: none"> No Changes Moved LUC 20.25A.030.C.2 to 20.25A.070.D.4 Moved LUC 20.25A.100.E.5.c.iv to LUC 20.25A.090.C.3.d.iv Moved 20.25A.060.C.3.h to LUC 20.25A.160.D.3.e 	No Additions
<u>Required Hours for Public Spaces</u>	<u>LUC 20.25A.100.E.5.c.ii</u> <ul style="list-style-type: none"> Minor Publicly Accessible Spaces provision was amended to specify hours of open access 	<u>LUC 20.25A.090.C.3.d.ii</u> <ul style="list-style-type: none"> No Change Moved LUC 20.25A.100.E.5.c.ii to LUC 20.25A.090.C.3.d.ii 	No Additions

Topic	Early Wins, Adopted 3.7.16	Draft Code, Published 2.16.17	
		Changes to Early Wins Language	Additions to Sections Discussed during the Early Wins
<u>Legal Agreements for Public Access to Minor Publicly Accessible Spaces</u>	<u>LUC 20.25A.100.E.5.d</u> <ul style="list-style-type: none"> Added requirement to provide a recorded legal agreement for public access to Minor Publicly Accessible Spaces (aligned with similar requirement that was in place for Major Public Open Spaces) 	<u>LUC 20.25A.090.C.3.e</u> <ul style="list-style-type: none"> No Change Moved LUC 20.25A.100.E.5.d to LUC 20.25A.090.C.3.e 	No Additions
<u>Through-Block Connections Name Change.</u>	<u>LUC 20.25A.060.C</u> <ul style="list-style-type: none"> Changed the name from “Mid-Block Connection” to “Through-Block Pedestrian Connection.” 	<u>LUC 20.25A.160.D</u> <ul style="list-style-type: none"> No Changes to the name Moved from LUC 20.25A.060.C to LUC 20.25A.160.D 	<u>LUC 20.25A.160.D</u> <ul style="list-style-type: none"> Added Proportionate Share provision: Applicant is only required to provide proportionate share of adjacent through-block pedestrian connection (codifies practice). Added easement language for public access to Through-Block Connections (aligned with requirements to provide legal agreements for public access to Major Public Open Spaces and Minor Publicly Accessible Spaces) Strengthened Design Guidelines to advance livability objectives (CAC recommendation) Added administrative departure flexibility (BDA request)
<u>Mechanical Equipment</u>	<u>LUC 20.25A.045</u> <ul style="list-style-type: none"> Added new code section 	<u>LUC 20.25A.130</u> <ul style="list-style-type: none"> No change. Moved LUC 20.25A.045 to LUC 20.25A.130 	No Additions

Topic	Early Wins, Adopted 3.7.16	Draft Code, Published 2.16.17	
		Changes to Early Wins Language	Additions to Sections Discussed during the Early Wins
<u>Streetscape Landscaping (Walkways and Sidewalks)</u>	<u>LUC 20.25A.060.A</u> <ul style="list-style-type: none"> Added new provisions for streetscape landscaping including street tree species, planter strips, tree pits, conflicts and minor modifications. Also includes Plate A (Planter Strips and Tree Pits by Street) and Plate B (Street Tree Species by Street). 	<u>LUC 20.25A.090</u> <u>LUC 20.25A.110</u> <ul style="list-style-type: none"> Split LUC 20.25A.060.A between two new sections (LUC 20.25A.090 and 20.25A.110) Deleted Conflicts paragraph as unnecessary Minor Modifications paragraph amended to conform to new administrative departure provisions in LUC 20.25A.030.D. 	No Addition
<u>Overhead Weather Protection</u>	<u>LUC 20.25A.060.B</u> <ul style="list-style-type: none"> Added weather protection requirements by right-of-way (ROW) designation Continued to allow weather protection to be counted as an amenity in the Amenity Incentive System. 	<u>LUC 20.25A.170.B</u> <ul style="list-style-type: none"> The percentages of weather protection remained the same. ROWs D and D/R were combined. Weather protection removed from Amenity Incentive System per CAC and Council principles. 	No Additions
<u>Downtown Definition</u>	<u>LUC 20.50.016</u> <ul style="list-style-type: none"> Amended the definition of Downtown and added a map depicting the boundaries of Downtown. 	<u>LUC 20.50.016</u> <ul style="list-style-type: none"> No Changes 	No Additions
<u>Major Pedestrian Corridor Extension</u>	<u>LUC 20.50.034</u> <ul style="list-style-type: none"> Amended the definition of Major Pedestrian Corridor to extend to 112th Avenue NE 	<u>LUC 20.50.034</u> <ul style="list-style-type: none"> No Changes 	No Additions
<u>Recycling Center Definition</u>	<u>LUC 20.50.044</u> <ul style="list-style-type: none"> Amended definition in LUC 20.50.044 to include a reference to LUC 20.20.725, Recycling and Solid Waste and Collection Areas, which provides receptacle sizes. 	<u>LUC 20.50.044</u> <ul style="list-style-type: none"> No Changes 	No Additions

Topic: Tower Separation and Other Requirements

April 19, 2017 Commission Study Session

TOWER DEFINITION, TOWER SEPARATION, TOWER SETBACKS AND UPPER LEVEL STEPBACKS

SUMMARY OF ISSUE FROM PUBLIC COMMENT:

Definition of Tower-Bob Wallace commented that the definition of tower should refer to buildings that were 100 feet. Brian Franklin suggested 125 feet. MZA Architects said that the tower limit should not be at 75 feet.

Tower Separation – John Su stated that the 80 foot separation doesn't get at the issue. It will just force larger floor plates to get FAR. The issue is privacy, view, wind and trade-off for height and FAR. The FANA proponent stated that 80 feet is unrealistic for small sites. Katherine Crouch-Hughes was in favor of the 80 foot tower separation to achieve goals around light and air. Jeff Taylor stated that flexibility with regard to the separation made sense. Architects from Webber Thompson said that the combination of the 40 foot setback, 80 foot tower separation and 20 foot street setback would reduce development potential up to 50 percent. Scott Matthews from Vulcan concurred with the other comments about the 80 foot tower separation and 40 foot setbacks.

Tower Setbacks-Several commenters were in favor of 20 foot setbacks rather than 40 foot internal setbacks. They included Brian Franklin, FANA, the BDA, Dave Meissner, Mark Neilson, Arne Hall and Webber Thompson. MZA Thompson said that it will leave little leasable space. Jack McCullough representing the Elan/Fortress project stated that the 40 foot setbacks protects those who are not ready to develop now. Jeff Taylor says that the setback provides an incentive to divide larger sites into 30,000 square foot sites so that the setbacks do not apply. Katherine Crouch-Hughes supports the setbacks.

Upper Level Stepbacks. Bob Wallace requested relief from upper level setbacks where two adjacent buildings have built to the street thereby requiring the latest built building to stepback into the shadows.

DRAFT CODE REFERENCES:

Tower Height The Draft Code in LUC 20.25A.020 (p. 8) provides that a tower is a building located in the Downtown Subarea that is 75 feet or higher.

Tower Separation The tower separation provision for multiple towers is in LUC 20.25A.075.B. (p. 56) and provides that multiple towers in a single project limit must be separated by 80 feet unless a maximum of 10 percent of the façade of one tower intrudes into the tower separation space of the other and the intrusion does not affect the light, air or privacy of either building's users.

Tower Setbacks In LUC 20.25A.060.A.4, (p.36 and 37) the Draft Code provides for a 40 foot setback from the internal property lines that starts 45 feet high where the building exceeds 75 feet. Sites that are 30,000 square feet or smaller are only required to provide a 20 foot setback from internal property lines.

Upper Level Stepbacks Upper level setbacks are required in the Draft Code pursuant to LUC 20.25A.075.C. Fifteen-foot upper level stepbacks are required around the perimeter of Downtown. Twenty-foot upper level stepbacks are required from NE 8th Street, Bellevue Way, and NE 4th Street in the Downtown core and its vicinity.

DIRECTION FROM COMMISSION:

Direction to bring back additional information regarding the 80-foot tower spacing and 40-foot tower setback. The Planning Commission asked to see examples of other cities' tower separation and setbacks. No direction was provided regarding the upper level stepbacks.

ALTERNATIVES:

1. Tower Definition
 - a. Retain definition of 75 feet.
 - b. Use new definition of 100 feet.
2. Tower Separation
 - a. Retain 80 foot tower separation for multiple towers in a single project limit.
 - b. Use new 80 foot tower separation for towers on the same superblock with several exceptions for curved and angular towers, offset towers and small sites of 40,000 square feet or less.
3. Tower Setback
 - a. Retain 40 foot tower setback on internal property lines for towers that exceed 75 feet. The setback would begin at 45 feet.
 - b. Use the 20 foot setback from internal property lines.
 - c. Use the 40 foot setback on internal property lines for towers that exceed 100 feet where there is a tower on the same superblock or where there could be a tower built to 100 feet or more. The setback would begin at 80 feet. There would be a small site exception of 40,000 square feet that would allow a setback reduction to 20 feet.
4. Upper Level Stepback
 - a. Retain current departure opportunities to reduce or eliminate the upper level stepback
 - b. Add a "string test" departure as an addition mechanism to reduce the upper level stepbacks

ANALYSIS:

1. Tower Height The Draft Code in LUC 20.25A.020 defines a tower as a building in Downtown that is 75 feet or higher. Several stakeholders have stated that 75 feet is not high enough for a tower. Also, the definition of "tower" in the Land Use Code should be compatible with the definition of "high-rise building" in the IBC. The IBC defines a high-rise building as "[a]building with an occupied floor or occupied roof located more than 75 feet above the lowest

level of fire department vehicle access.” During design it is difficult to determine exactly where the first occupied floor above 75 feet will be because the plans have not progressed to that level of detail. To avoid this problem and address stakeholder concerns, Staff suggests that the Planning Commission consider a tower height of 100 feet. This would ensure that a “tower” within the meaning of the Land Use Code will be compatible with the definition of “high-rise” in the IBC.

2. and 3. Tower Separation and Tower Setbacks The Planning Commission requested to see how other cities address tower separation and tower setbacks. Below is a table of tower separation and setbacks from other cities. A majority of the cities reviewed had a tower separation of 80 feet or something near 80 feet. Similarly, most of the tower setbacks from interior property lines were near 40 feet. Tower separation and tower setbacks provide light, air, and privacy to the users of both buildings. The pedestrians on the street below will also benefit from the light and air. Tower separation and setbacks also help to create a more distinctive skyline. All of these factors add to livability and were mentioned in both the CAC report and the Council principles as important amenities.

City	Minimum Tower Separation	Beginning Height where Setback is Applied	Maximum Height	Setback from Interior Property Lines	Other
Bellevue Draft Code 2.16.17	80' for multiple towers in same project limit	45'	600'	40'	Small site exception for tower separation
San Francisco	115'	85'	550' in most circumstances	--	
Toronto	82' (25 m.)	40'	none	40'	No small site exception
Honolulu TOD Overlay	80'	75' (Boulevards) 65' (Other streets)	418'	Flexibility granted through design review.	
Vancouver	80'	----	700'	40' or reduced where minimum 80 feet to existing tower or where a tower would likely be on an adjacent site.	
Philadelphia (Market St.)	75'	60'	1145'	36.5'	No small site exception
Downtown LA	80' from existing tower, 40'	150'	none	40'	Exceptions- Towers are offset,

City	Minimum Tower Separation	Beginning Height where Setback is Applied	Maximum Height	Setback from Interior Property Lines	Other
	feet from shared property line or shared alley center line from a parcel where there could be a tower.				Curved or Angled (average of 80'), or largest windows in primary rooms are not facing one another.
Seattle	120' (DT), 80' (Belltown), or 60' (Denny Triangle)	125' (for buildings over 160')	none	20' for buildings over 45'	Can get departure if tower is on the same block and can't meet requirement, but only 2 per block.

During the public hearing, there was the comment that many of the projects built in Downtown under the current code could not be built with the proposed tower separation and tower setbacks. Staff will respond to these comments on April 19. Given the information from other jurisdictions outlined above, an 80-foot tower separation and 40-foot tower setback is comparable to standards adopted by other cities, and advance the important livability objectives described by the CAC to mitigate for additional height that is being considered.

4. Upper Level Stepbacks Additional departure flexibility and certainty was requested by the public to allow reductions to and elimination of the upper level stepback. There was comment that a “string test” would be useful. New departure language has been added to the upper level stepback paragraph to allow reductions based on the location of stepbacks on adjacent properties.

Below is a new draft of the tower separation, setback, and upper level stepback provisions for Planning Commission consideration. The differences from the Draft Code of February 16, 2017 are:

- The tower height has been changed from 75 feet to 100 feet.
- The separation requirement begins at 80 feet instead of 45 feet in height.
- The tower separation applies within a superblock instead of within a project limit.
- Tower separation is measured between existing towers, possible new towers, and proposed new towers.

- Tower separation on adjacent lots is measured from interior property lines or alley centerlines.
- Departures for tower separation allow for reductions down to 40 feet.
- Offset towers may be located within 80 feet of one another provided that no more than 25 percent of one façade is located within the tower separation distance of another façade.
- Curved or angled towers may provide an average separation of 80 feet.
- The small site exception for tower separation has been increased from 30,000 square feet to 40,000 square feet.
- A “string test” departure has been added to the Upper Level Stepback provisions.

These changes add additional flexibility to the tower separation and tower setback requirements and align well with comparable jurisdictions and the CAC recommendations.

20.25A.020 Definitions

DT-Tower: Any building located in the Downtown subarea with a minimum height of ~~75~~ 100 feet or greater.

Commented [HC1]: April 19 Draft for Planning Commission consideration. Improves alignment with the IBC
Removes application to the B Overlays
Simplifies preparation of design review application

20.25A.060.A.4 Dimensional Chart

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' 80' Where Building Exceeds 75' 100'	Trigger for additional height
DT-O-1	Nonresidential	40' (15)	24,000 gs/ff	24,000 gs/ff	100%	600' (8)	6.75/ 8.0	80' (15)	345' (7)
	Residential	40' (15)	22,000 gs/ff	13,500 gs/ff	100%	600' (8)	8.5 / 10.0	80' (15)	450' (7)
	Above-Grade Parking	40' (15)	20,000 gs/ff	20,000 gs/ff	100%	100' (9)	N/A	80' (15)	N/A (10)
DT-O-2 North of NE 8 th St.	Nonresidential	40' (15)	24,000 gs/ff	24,000 gs/ff	100%	460'	5.0/ 6.0	80' (15)	288' (7)
	Residential	40' (15)	22,000 gs/ff	13,500 gs/ff	100%	460'	5.0 / 6.0	80' (15)	288' (7)
	Above-Grade Parking	40' (15)	20,000 gs/ff	20,000 gs/ff	100%	100' (9)	NA	80' (15)	N/A (10)
DT-O-2 East of 110 th Ave. NE	Nonresidential	40' (15)	24,000 gs/ff	24,000 gs/ff	100%	403'	5.0 / 6.0	80' (15)	288' (7)
	Residential	40' (15)	22,000 gs/ff	13,500 gs/ff	100%	403'	5.0/ 6.0	80' (15)	288' (7)
	Above-Grade Parking	40' (15)	20,000 gs/ff	20,000 gs/ff	100%	100' (9)	NA	80' (15)	N/A (12)
DT-O-2 South of NE 4 th	Nonresidential	40' (15)	24,000 gs/ff	24,000 gs/ff	100%	345'	5.0 / 6.0	80' (15)	288' (7)
	Residential	40' (15)	22,000 gs/ff	13,500 gs/ff	100%	345'	5.0 / 6.0	80' (15)	288'

Commented [HC3]: April 19 Draft for Planning Commission consideration. Increases the height at which the tower separation requirement begins.

Commented [HC2]: April 19 Draft for Planning Commission consideration. Deletes tower setback requirement so that it can be combined with the tower separation requirement applicable to buildings located within a single superblock.

Commented [HC4]: April 19 Draft for Planning Commission consideration. Consolidates tower requirements and departures in a single code section.

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
	Above-Grade Parking	40' (15)	20,000 gsiff	20,000 gsiff	100%	100' (9)	NA	80' (15)	N/A (10)
DT-MU	Nonresidential	40' (15)	22,000 gsiff	20,000 gsiff	100%	230'	3.25 / 5.0	80' (15)	115' (7)
	Residential	40' (15)	20,000 gsiff	13,500 gsiff	100%	288'	4.25 / 5.0	80' (15)	230' (7)
	Above-Grade Parking	N/A	20,000 gsiff	N/A	75%	60' (9)	N/A	NA	N/A (10)
DT-MU Civic Center	Nonresidential	40' (15)	22,000 gsiff	20,000 gsiff	100%	403'	3.25 / 6.0	80' (15)	115' (7)
	Residential	40' (15)	20,000 gsiff	13,500 gsiff	100%	403'	4.25 / 6.0	80' (15)	230' (7)
	Above-Grade Parking	N/A	20,000 gsiff	N/A	75%	60' (9)	N/A	N/A	N/A (10)
DT-OB	Nonresidential	40' (15)	20,000 gsiff	13,500 gsiff	100%	(11)	(11)	80' (15)	N/A (10)
	Residential	40' (15)	20,000 gsiff	13,500 gsiff	100%	(11)	(11)	80' (15)	N/A (10)
	Above-Grade Parking	N/A	N/A	N/A	75%	(11)	(11)	N/A	N/A (10)
DT-R	Nonresidential	N/A	20,000 gsiff	NA	75%	75'	0.5 / 0.5	N/A	N/A (10)
	Residential	40' (15)	20,000 gsiff	13,500 gsiff	100%	230'	4.25 / 5.0	80' (15)	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 gsiff	20,000 gsiff	100%	86'	2.5 / 3.0	80' (15)	N/A (10)
	Residential	40' (15)	20,000 gsiff	13,500 gsiff	100%	104'	2.5 / 3.0	80' (15)	N/A (10)
	Above-Grade Parking	N/A	20,000 gsiff	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 gsiff	20,000 gsiff	100%	403'	2.5 / 6.0	80' (15)	90' (7)
	Residential	40' (15)	20,000 gsiff	13,500 gsiff	100%	403'	2.5 / 6.0	80' (15)	105' (7)
	Above-Grade Parking	N/A	20,000 gsiff	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 gsiff	20,000 gsiff	100%	230'	2.5 / 5.0	80' (15)	90' (7)
	Residential	40' (15)	20,000 gsiff	13,500 gsiff	100%	230'	2.5 / 5.0	80' (15)	105' (7)
	Above-Grade Parking	N/A	20,000 gsiff	N/A	75%	45' (9)	N/A	N/A	N/A (10)

Commented [HC3]: April 19 Draft for Planning Commission consideration. Increases the height at which the tower separation requirement begins.

Commented [HC2]: April 19 Draft for Planning Commission consideration. Deletes tower setback requirement so that it can be combined with the tower separation requirement applicable to buildings located within a single superblock.

LUC 20.25A.060

Notes: Dimensional requirements in Downtown Districts and Perimeter Overlay Districts

.....

(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.~~ Refer to LUC 20.25A.075 for Downtown Tower Requirements, which also include an exception for small sites and

Commented [HC5]: April 19 Draft for Planning Commission consideration. Consolidates tower requirements and departures in a single code section.

[opportunities to depart from dimensional requirements applicable to towers located in Downtown.](#)

....

20.25A.060B. Exceptions to Dimensional Requirements.

....

~~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.~~

Commented [HC6]: April 19 Draft for Planning Commission consideration. Dimensional requirements applicable to Downtown Towers are consolidated within a single code section.

LUC 20.25A.075 Downtown Tower Requirements

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. [In no event shall the Outdoor Plaza Space be required by the Director to exceed one acre 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 LUC 20.25A.070.D.2. Vehicle and loading drive surfaces shall not be counted as outdoor plaza space.

Commented [HC7]: April 19 Draft for Planning Commission consideration. Clarification based on comments received from the public on the Amenity Incentive System (Attachment 4), and for consistency with the A-3/B-3 Overlay draft (Attachment 6).

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~~ - Tower separation within a superblock provides privacy, natural light and air, and contributes to a distinctive skyline.

1. Applicability. This paragraph applies to towers that are permitted to be constructed to a height of 100 feet or greater and that are located within a common Downtown superblock. ~~This paragraph shall apply to multiple towers within the Downtown subarea built within a single project limit. This tower separation requirement does not apply across public rights of way that are greater than 40 feet in width.~~
2. Separation. The portion of a tower above 80 feet shall be spaced at least 80 feet from existing or possible future towers located within the same superblock, unless the distance is modified pursuant to the criteria set forth below. ~~Two or more towers built within a single project limit must maintain a tower separation of 80 feet.~~
3. How Tower Separation is Measured. Where there is an existing tower within a superblock, the tower separation shall be measured from the wall of any existing tower to the proposed new tower. Where there is no existing tower, but one could be constructed in the future to a height of 100 feet or greater, the proposed new tower shall be 40 feet from any interior property line and 40 feet from any alley center line shared with the possible future tower. In no event shall the tower setback from any interior property line be required by the Director to exceed 40 feet.
- 4.3. Modification with Criteria. Tower separation may be reduced to ~~a minimum of~~ no less than 20 40 feet between the closest points of multiple towers measured ~~80~~ 45 feet above average finished grade through an administrative departure pursuant to 20.25A.030.D.1 if the following criteria are met:
 - a. No portion of a tower above 80 feet shall be located within 20 feet of any interior property line;
 - b. Offset towers [DIAGRAM TO BE PROVIDED] may be located within 80 feet of one another, provided that no more than 25% of each façade is located within the tower separation distance of another tower's façade;
 - c. Curved or angular towers [DIAGRAM TO BE PROVIDED] may meet the 80 foot separation requirement by averaging the distance between the towers; ~~A maximum of 10% of the façade is within the tower separation distance of another building's façade; and,~~
 - ~~b~~d. The applicant demonstrates that the intrusion does not affect the light, air or privacy of the users of either building's users.
5. Small Site Exception. If a parcel is less than or equal to 40,000 square feet, the tower separation requirement does not apply, provided that the portion of the tower located above 80 feet maintains a 20 foot setback from any interior property line.

Commented [HC8]: April 19 Draft for Planning Commission consideration. Consolidates all tower requirements, exemptions and departures in a single code section fashioned after comparable cities.

Commented [HC9]: Defined in LUC 20.50.046 **Superblock.** In the area bounded by Main Street, 100th Avenue NE, NE 12th St., and 112th Avenue NE, superblocks are those areas bounded by the intersections of the centerlines of even-numbered avenues, or their extensions with the centerlines of even-numbered streets, or their extensions.

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:

- a. Such stepback is not feasible due to site constraints, such as a small or irregularly shaped lot.
- b. The modification is necessary to achieve design elements or features encouraged in the design guidelines of LUC 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.
- c. The modification is necessary to provide a property owner the same development opportunity as an adjacent existing development that did not incorporate an upper level stepback. Where the upper level stepback on properties immediately adjacent to a site is less than the upper level stepback required by LUC 20.25A.075.C.1, the required upper level stepback may be modified as set forth in this subsection. The modification shall be determined by connecting the portion of each adjacent structure that encroaches into the required upper level stepback. The line established represents the upper level stepback for the site.

Commented [HC10]: April 19 Draft for Planning Commission consideration. Adds new "string test" departure applicable to Upper Level Stepbacks.

TRIGGER FOR ADDITIONAL HEIGHT

SUMMARY OF ISSUE FROM PUBLIC COMMENT: Brian Franklin and Bob Wallace requested that the Planning Commission eliminate the open space and reduced floor plate required in the Draft Code when a building exceeds the trigger for additional height in LUC 20.25A.060.A.4. Brian Franklin stated that this would discourage taller, more slender buildings. Bob Wallace stated that there should be no trigger in the Perimeter Overlay Districts A-2, A-3 and B-1 because there can be no towers in those districts. In addition, he requests that the Planning Commission increase the height in the DT-OLB District to the same height as the DT-MU District.

DRAFT CODE REFERENCE: In LUC 20.25A.060.A.4 provides a trigger for additional height for almost every district. In LUC 20.25A.075.A, the Draft Code requires that buildings exceeding the trigger for additional height must provide 10 percent open space and a 10 percent reduction of floor plates above the trigger for additional height.

DIRECTION FROM COMMISSION: None

ALTERNATIVES:

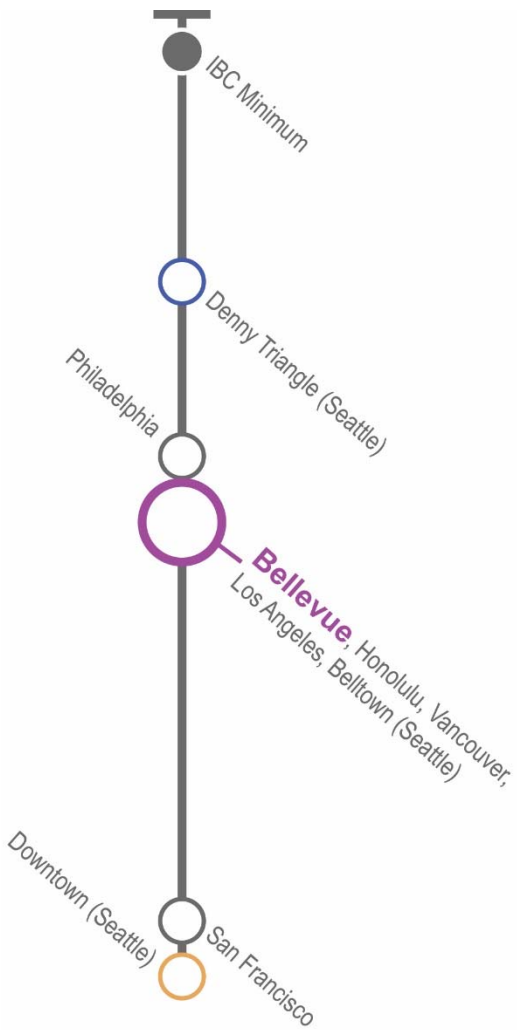
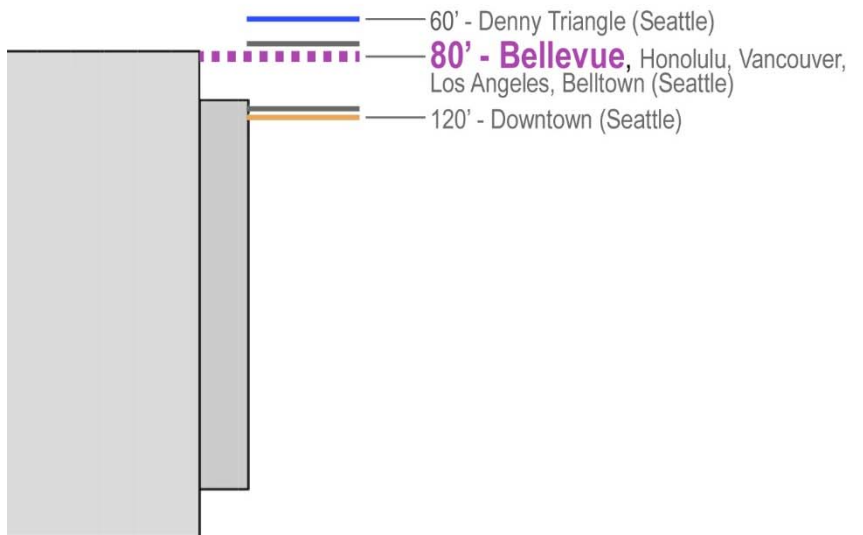
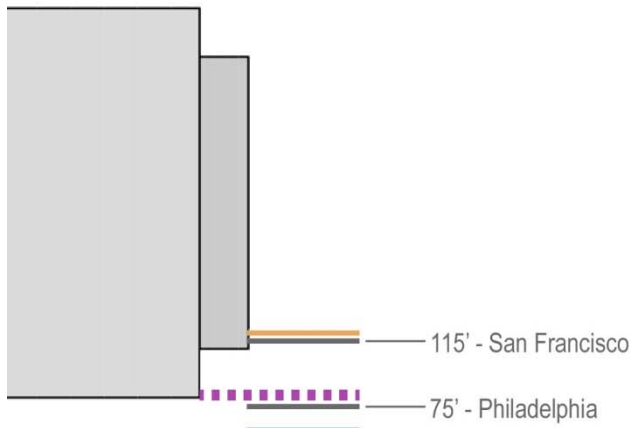
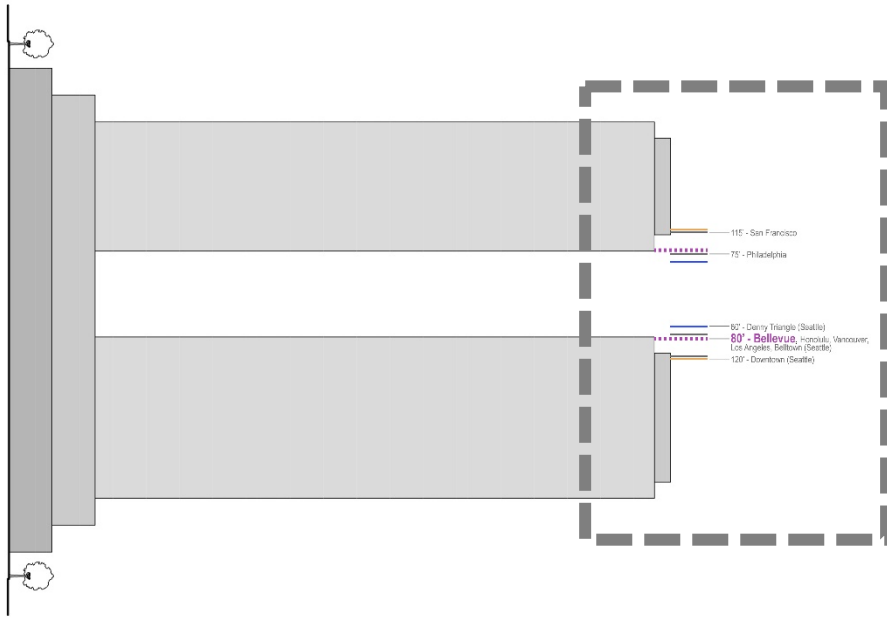
1. Retain the provisions in the Draft Code as they currently exist.
2. Remove the provisions in the Draft Code.

ANALYSIS:

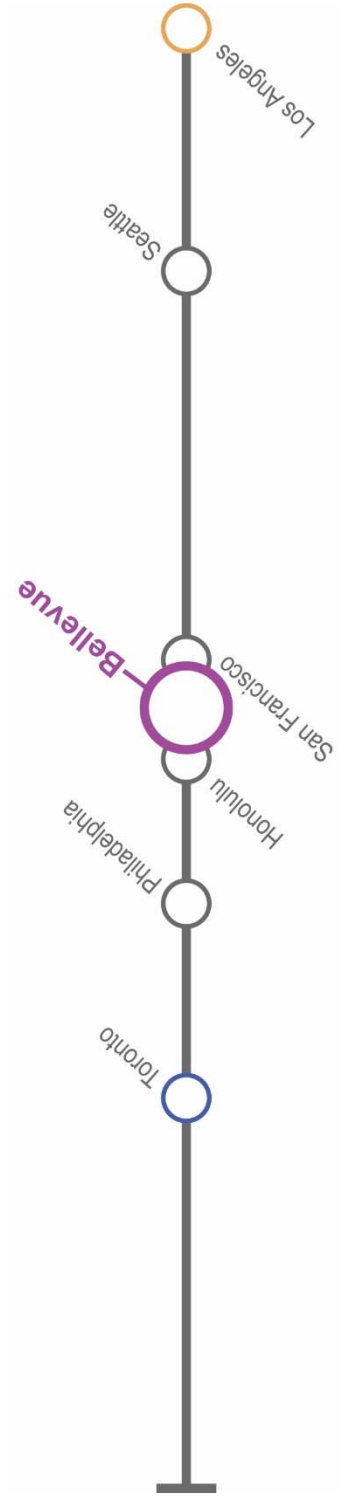
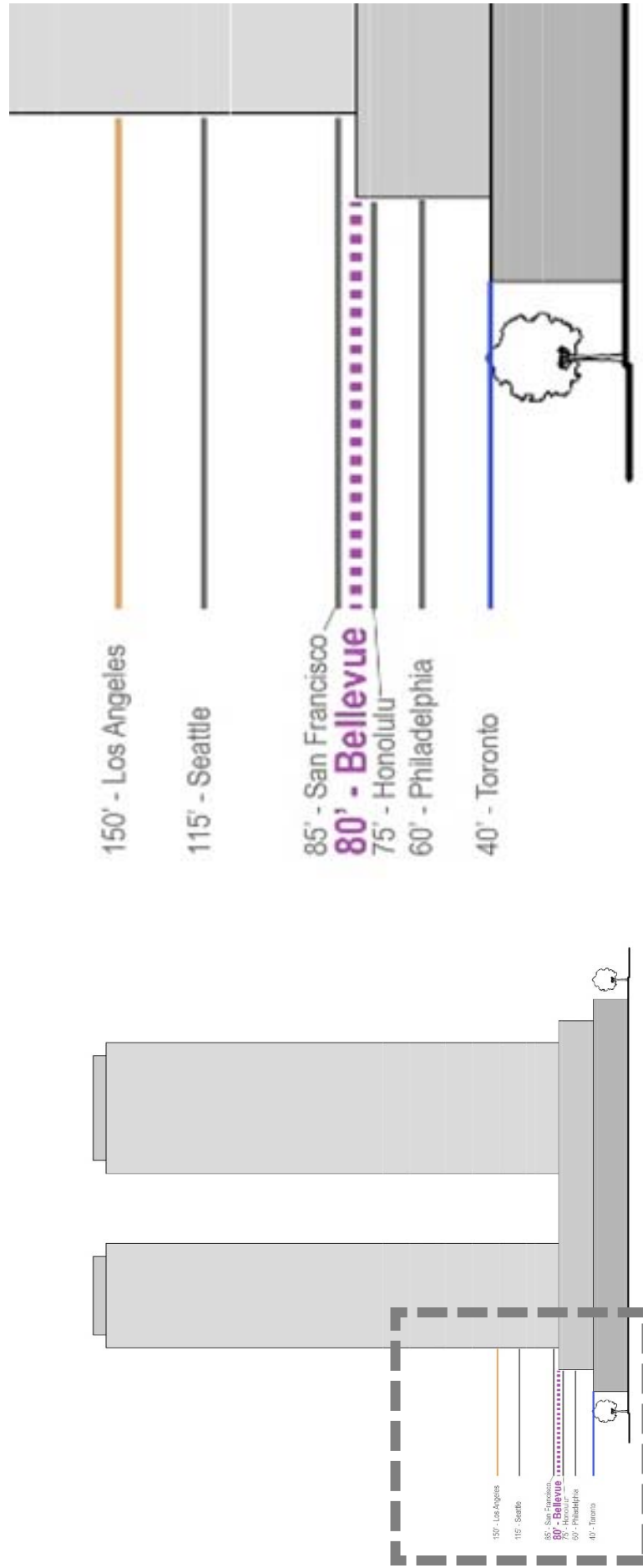
At the start of the Downtown Livability Initiative, the discussion began with the idea that there should be a public benefit/mitigation in exchange for additional height and FAR. Some of the public benefits discussed are open space; taller, more slender towers; and a more distinctive skyline. The taller, more slender towers allow more light and air on the ground plane. The Downtown Subarea Plan recognizes that open space is a key component for livability as did the CAC. As a part of this process, the Planning Commission decided to obtain public benefit for heights that exceed those in the current code. The triggers for additional height are the maximum height currently allowed in the same district. This results in an applicant providing open space and a more slender tower in exchange for additional height.

With respect to the comment that this will discourage applicants to build taller buildings, this concern should be ameliorated because the open space can also be used to meet requirements in the amenity incentive system. The ability to use the open space to count for the requirement within this provision and as an amenity will make it more attractive. One comment was received noting that there are no towers in the Perimeter Overlay Districts A-2, A-3 and B-1, so a trigger was not necessary. However, the trigger height applies to all zones that are receiving increased height limits over and above those allowed in the current code. One additional commenter requested that the DT-OLB trigger for additional height be increased to the trigger for DT-MU. However, the trigger height for DT-OLB does not bear a relationship to DT-MU. The requirement to provide ground level open space and decreased floor plates is tied to the additional height received in the zone within which a property is located. The open space and decreased floor plates are intended to mitigate for the impacts associated with added heights.

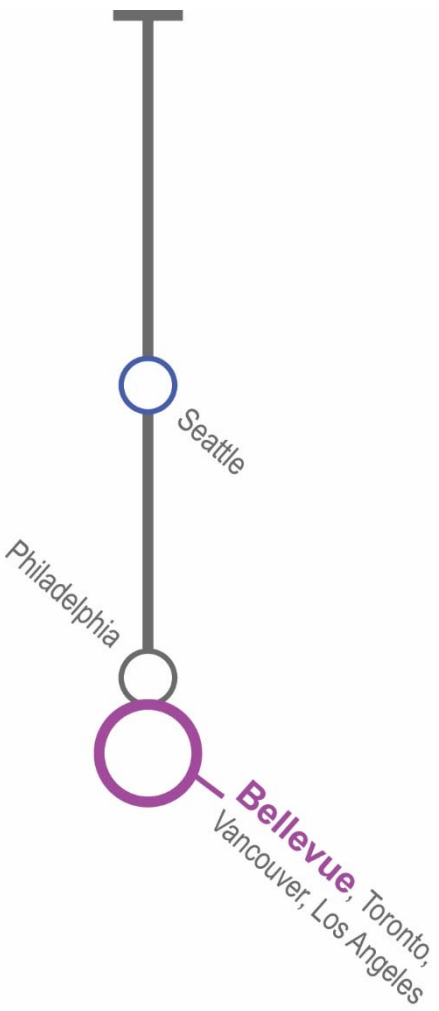
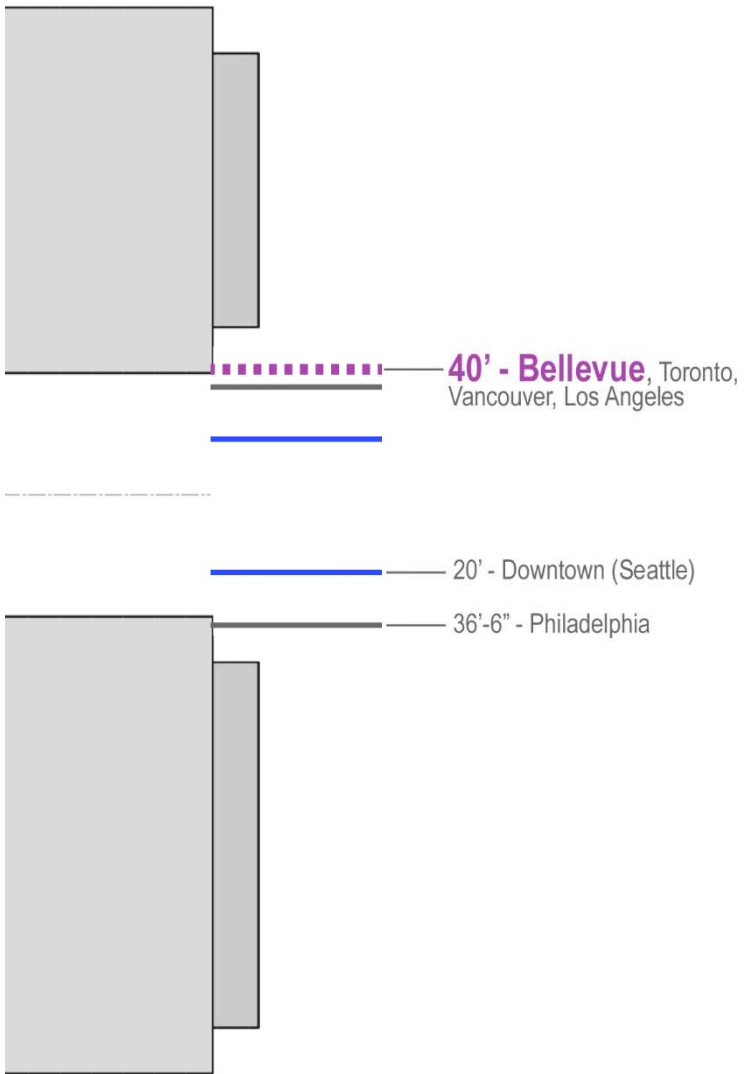
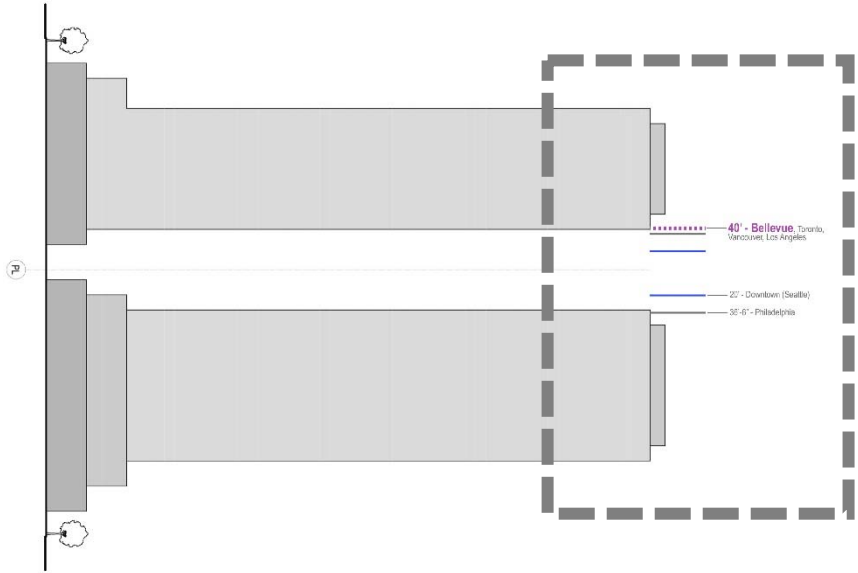
Tower Separation



Starting Height



Property Line Setback



2 - TOWER SPACING

ELEMENTS OF URBAN FORM

Rationale

To preserve and enhance the quality of life for those who live, work, and visit Downtown, providing opportunities for access to sunlight, sky views, and privacy are essential. Tower spacing plays a critical role in preserving and enhancing these elements, in addition to the scale of the pedestrian environment. Towers with inadequate separation can create adverse impacts on the public realm through excessive shade and shadow, obstruction of adequate sky views, and a scale that is detrimental to a pleasurable pedestrian environment. Appropriate tower separation can improve these conditions while also enhancing the quality of the interior environment by providing improved access to daylighting and privacy. Bellevue does not have a precise requirement for tower separation, rather relying on stepback requirements and the International Building Code to establish a minimum 40' separation. Figure 2.1 illustrates comparisons between International Building Code requirements and best practices found in other cities.

The primary objectives of providing appropriate tower separation are:

Sunlight

A rich network of public spaces interconnects the fabric of Downtown, working in support of streetscapes and other public open spaces. Sunlight is an essential element to activating the public realm. When towers are spaced too closely opportunities for sunlight to penetrate to the ground level is significantly diminished.

Scale

When separation is not adequately provided an overwhelming and constrained pedestrian environment can be established. Public spaces such as plazas, parks, through block connections, and streetscapes can appear uninviting, unsafe, and uncomfortable. Appropriate tower separation can establish relief from the overall massing while emphasizing a pedestrian scaled podium.

Privacy

An issue primarily relative to residential developments, appropriate tower spacing can be an integral element to establishing privacy. Appropriate orientation, placement, and spacing can enhance a sense of privacy between residential and office buildings.

Sky Views

Visual access to the sky is important for not only sunlight, but enhancing the feeling of openness and connection to environmental conditions such as weather and sunlight. In a dense urban environment, the clustering of high rise buildings can often create a tight sense of enclosure and intrusion creating an overwhelming and uncomfortable environment. Adequate tower separation enhances opportunities for sky views and creates a feeling of openness that enhances comfort and livability.



Figure 2.1 - Tower Separation Scenarios on a Typical Bellevue Block

Material Previously Reviewed by Planning Commission - February 10, 2016

Design Excellence

Tower separation requirements can enhance the placement of multiple towers on a single site and can create opportunities for abstraction and uniqueness in form. Added visual interest and variation can allow building forms and massings to create fluidity in design, resulting in a more aesthetically pleasing form and skyline as a whole. Towers can become more expressive and offer variation from a more traditional rectilinear form.

Building Performance and Conditions

Adequate tower separation can improve opportunities for daylight internal to buildings. While improving the quality of life of residents and users, daylighting is critical to sustainable building practices. Inadequate tower separation increases the amount of shade and shadow cast upon adjacent buildings, increasing the reliance of artificial lighting. This diminishes the quality of the internal space while reducing building efficiency.

Recommended Requirements

- Tower separation should be a minimum of 80 feet from face of building to face of building above 40 feet in height.
- Departure from the 80 foot separation requirement may be provided for unique & slender forms, spaces not intended for habitation, and fluid forms that demonstrate design excellence.
- Greater separation above the 80 foot minimum would be required for any development pursuing additional height and/or FAR above the existing maximums
- Consideration and coordination should be given to how a proposal relates to the existing and proposed adjacent developments to ensure that the proposal satisfies the separation requirement.
- Where departure of the maximum floor plate is granted, tower separation shall increase by a corresponding percentage. (Ex. Floor plate increase over maximum allowed by 10% = Tower separation increase of 80 feet + 10%)
- Where 80 foot separation is not feasible a site may not be appropriate for multiple towers unless project can demonstrate satisfying the departure requirement for unique & slender forms.
- Sites under 30,000 square feet may be eligible for a departure. See *Small Sites* section.

Precedent

Tower separation has become an important consideration to many urban environments. This separation is to ensure access to light, air, and design excellence within an urban environment. Some examples are as follows:

- **San Francisco**
Minimum Separation: 115'
Beginning Height: 85'
- **Toronto**
Minimum Separation: 82' (25 meters)
Beginning Height: 40'
Exception made for small sites
- **Honolulu (TOD Overlay)**
Minimum Separation: 80'
Beginning Height: Required for all towers below 240' in height
- **Vancouver, BC**
Minimum Separation: 80'

CAC References

Downtown Livability Initiative - Pg. 45

Land Use Code Reference

20.25A.020.A.2

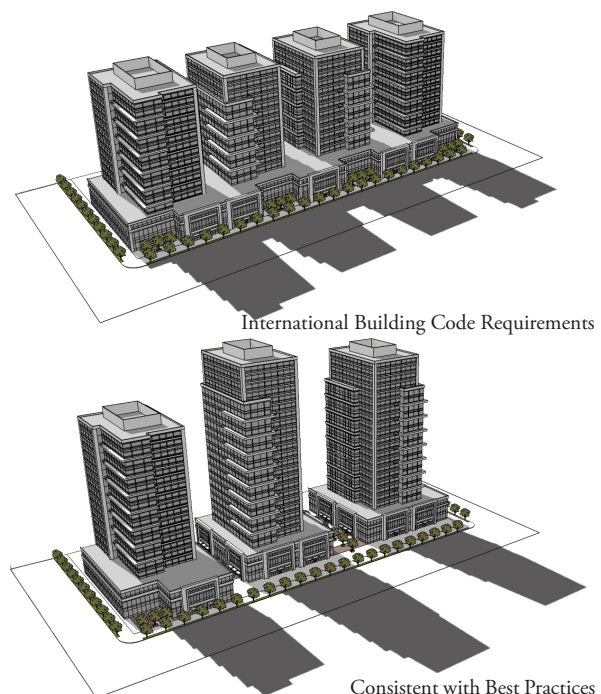


Figure 2.2 - Combined with increased building height, tower separation requirements can reduce the total number of towers per site accommodating the same FAR while, mitigating impacts of shade and shadow on the public realm.

Material Previously Reviewed by Planning Commission - February 10, 2016

Cumulative Impact and Impact on Adjacent Sites

The cumulative impact of multiple towers on a single site or city block can enhance the negative impacts of towers. New towers should avoid locating too closely to property or setback lines so to not negatively affect future development opportunities of adjacent parcels. By locating too closely to the property or setback line, adjacent properties may be restricted in their development opportunity.

When planning for a new tower, the applicant shall consider the impact of all towers, existing and proposed, within the immediate area. The sum of all developments may further restrict access to sunlight and sky views. This consideration should inform the placement and form of the tower so to mitigate these impacts when considered within its greater context. Unique forms and placement of towers can serve as adequate mitigation to protect public space and the street level environment.

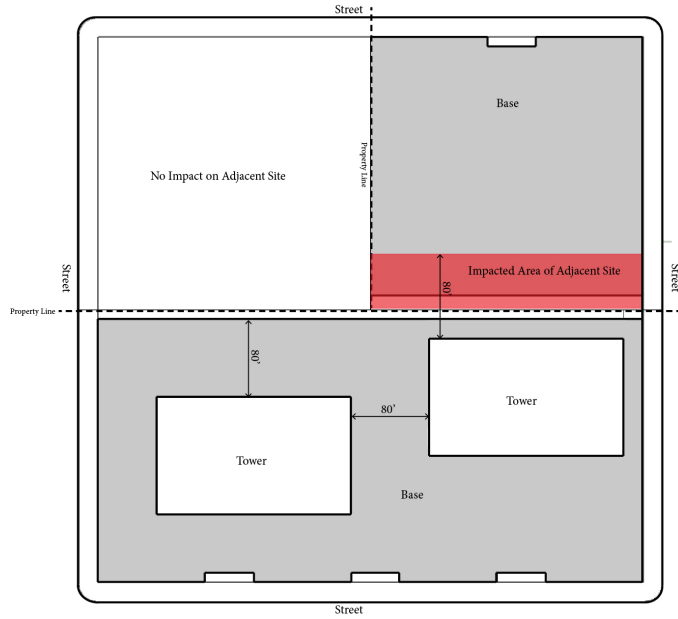


Figure 2.3 - Site to Site Impacts

By providing an adequate setback from the property line a tower can avoid negatively impacting adjacent sites while allowing for adequate separation

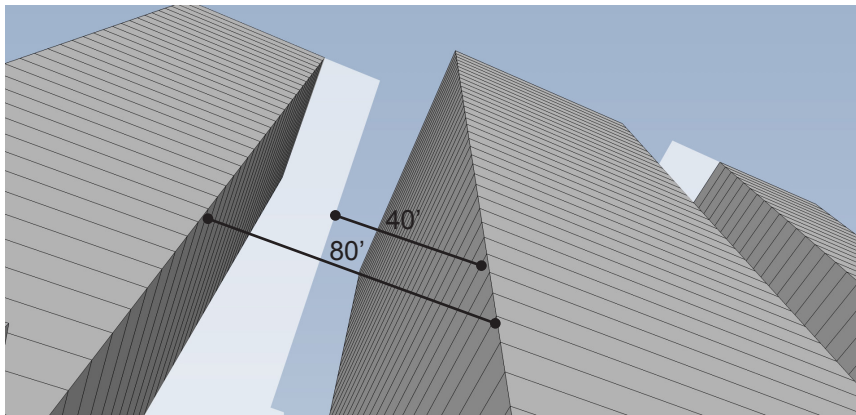


Figure 2.4 - Skyview - Existing Maximum Building Height 450'

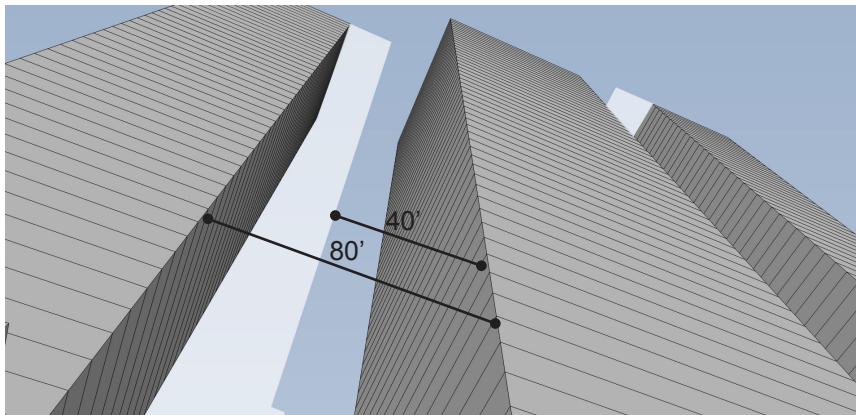


Figure 2.5 - Skyview - Proposed Maximum Building Height 600'

As building height increases, opportunity for light and sky views diminishes. Maintaining a minimum tower separation requirement ensures access to light and sky views that would otherwise be diminished.

Material Previously Reviewed by Planning Commission - February 10, 2016

Small Sites

Small sites can be highly beneficial to an urban environment by providing a more granular scale to the pedestrian realm and variation from large towers. However, smaller sites can be disadvantaged by tower separation requirements as neighboring properties could adversely affect their ability to develop within the separation parameters. To maximize development opportunities while still meeting the City's goals for a livable Downtown, accommodations to tower separation requirements are proposed for small sites.

Small sites are those defined by 30,000 square feet or less. Exceptions to tower separation requirements only apply to small sites where a single tower is proposed. Departure from the separation requirements cannot be applied to buildings that span across multiple parcels or sites.

The following setback requirements for small sites are offered to maximize development opportunity and achieve city objectives in preserving sky views and sunlight.

Stepback from street

Tower shall stepback from base a minimum of 15' from the back of sidewalk.

Stepback from internal property lines, alleys, and through block connections

Tower shall stepback from base a minimum of 20' from property line or public space.

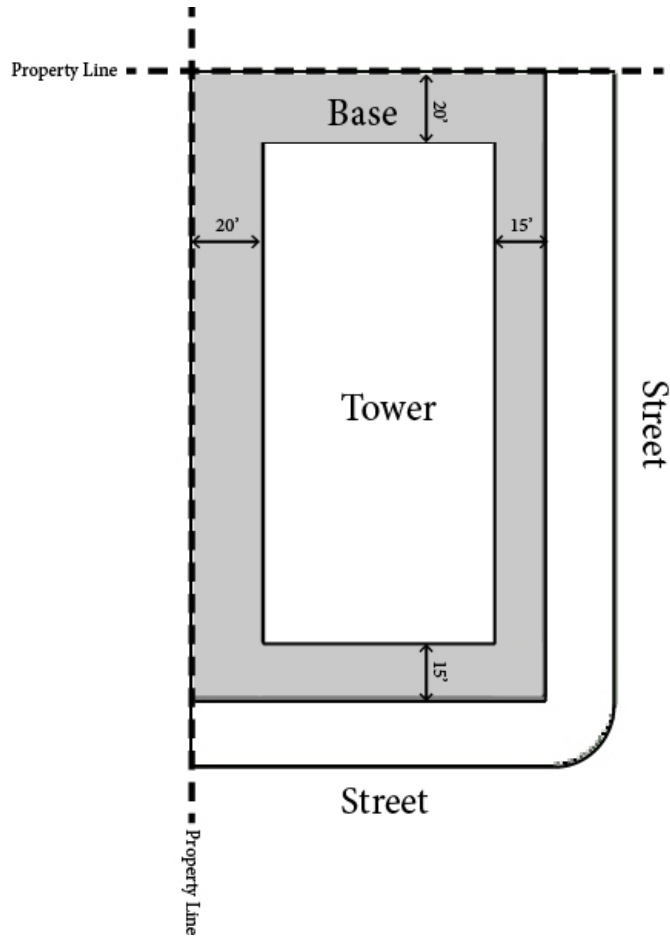


Figure 2.6 - Small Site Departure

Topic: Amenity Incentive System

April 19, 2017 Commission Study Session

SUMMARY OF ISSUES FROM PUBLIC COMMENTS:

A summary of issues relating to the amenity incentive system is as follows:

- A number of questions have been raised regarding the legality of the incentive system. Suggestions have also been made about eliminating the incentive system and adding new development requirements in its place.
- The level that new base FAR and base height should be set relative to existing maximums and proposed new maximums (see Commission direction, below).
- Interest in a “super bonus” through a legislative departure. It would need a clear public benefit and be no greater than 1.0 FAR beyond the maximum and/or a certain percentage of a project’s total height.
- Eliminate the height penalty for projects that are below the bonus FAR limits, but exceed the base height.
- Consider reducing the 75% public open space amenity requirement to provide more flexibility for projects attempting to achieve maximum FAR within a limited amount of parcel space.
- Have a greater focus of amenities by downtown neighborhood.
- Reduce the in-lieu fee exchange rate of \$28 to match the bonus amenity exchange rate of \$25; allow in-lieu fee to be used for greater than 50% of a project’s need if amenities don’t make sense for the site.
- Suggestions for additional new amenities to be added to the list.
- Open space amenity requirements are too prescriptive, consider more flexibility.
- Desire to restore Pedestrian Corridor/Major Public Open Space bonus ratio to what is in existing code.
- Parks and Community Services Board feedback relating to the goals of Parks and Open Space Plan.
- Arts Commission feedback on the Public Art amenity.
- Suggestions regarding the tiering for Sustainability Certifications.
- Desire to have Flexible Amenities approved through an administrative departure instead of legislative departure.
- Clarification regarding the use of excess Pedestrian Corridor/Major Public Open Space bonus floor area.

DIRECTION FROM THE PLANNING COMMISSION – MARCH 22:

On March 22, the Planning Commission began a discussion of the Public Hearing Draft Code relating to the amenity incentive system. Direction provided to staff included:

- The code be amended to include a 1.0 FAR exemption for affordable housing, and that the exemption be used in conjunction with the multifamily tax exemption program. This FAR exemption for affordable housing is related to the amenity incentive system, but not part of the bonusable list of amenities as proposed.

Note: The citywide Affordable Housing Strategy will be discussed again with City Council on April 24. The Planning Commission's initial direction on the FAR exemption for affordable housing within Downtown will be noted in their agenda materials.

- In-lieu fees collected through the amenity incentive system will be placed in a dedicated account and be used exclusively for the acquisition or improvement of publicly accessible open space within the downtown.
- Amend the dimensional requirement table in 20.25A.060.A.4 to show base FAR at 90% of the proposed maximum FAR in all zones.

Response to Commissioner Questions: There were questions raised on March 22 regarding the implications of increasing the base FAR to 90% of the proposed maximum FARs. The BERK analysis examined 80% and 90% of the existing maximum FAR when it established its recommendation for base FAR to be 85% of existing maximum FAR to account for new code requirements and the deletion of amenities that are no longer real incentives, with the following exceptions:

- *In the Downtown MU District for nonresidential development and Perimeter Overlays A-2 and A-3 for residential development, the new base FARs are raised above 85% of the current maximum FAR based on the BERK economic modeling.*
- *In the Downtown R and all Perimeter Overlays (A-1, A-2, A-3, B-1, B-2 and B-3), the new base FAR for nonresidential development is set at the current maximum nonresidential FAR based on the BERK economic modeling.*

The BERK recommendations were reviewed by the Urban Land Institute Technical Assistance Panel in January 2017 and concluded with some caveats that the base FARs and heights were adequately adjusted upward to maintain existing property values.

For most zones, the existing maximum FAR and proposed maximum FAR are the same, so the difference from 85% to 90% is a 1/3 reduction in the potential lift/cost of the incentive system. For zones where the proposed maximum FAR and existing maximum FAR are significantly different, the potential lift/cost of the incentive system is substantially reduced by using 90% of proposed maximum FAR vs. existing maximum FAR. The change from 85% of existing maximum FAR to 90% of proposed maximum FAR does normalize the calculation across Downtown and allows for on-site amenities to satisfy a greater amount of the incentive system points needed to maximize FAR.

Note: The Incentive Zoning Council Principles are attached for reference.

CONTINUED COMMISSION DISCUSSION – APRIL 19:

The following information contains an annotated mark-up of the draft Amenity Incentive System Code section. It includes direction from the Commission on March 22, identified errata and suggested amendments from staff. The Commission will have the chance to review this draft Code language on April 19.

The following elements are retained in the draft Code following a staff review of the public comments:

- **Calculation of amenity based on the value of additional height.** The incentive system includes guidance on how to determine the required amenity incentive points for each

new building based on a developer's desire to exceed the base FAR and/or base building height. This is consistent with the Council Principles and ULI Panel recommendations to incorporate the value of height into the incentive system.

- **List of bonusable amenities.** The incentive system retains the list of 17 bonusable amenities and the opportunity for the flexible amenity (#18).
- **Review of flexible amenity.** It is suggested that the legislative departure be used for the flexible amenity.
- **Allocation of amenities.** The amenity incentive system has a focus on public open space features because of their importance to livability. It is required that 75 percent or more of a project's required amenity incentive points must utilize one or more of amenities #1-#8.
- **In-lieu fee.** The amenity incentive system includes a new option for in-lieu fees to be paid as an alternative to on-site development of amenities for up to 50% of a project's required amenity incentive points. It is suggested to be retained at \$28, which is higher than the exchange rate of \$25 to encourage on-site performance.

Public Comment Relating to “Super Bonus” through a Legislative Departure. There has been interest expressed by the Bellevue Downtown Association and others relating to a “super bonus” that would be tied to a clear public benefit and be no greater than 1.0 FAR beyond the maximum FAR and/or a certain percentage of a project's total height. This concept of a “super bonus” is not included in the editing language below. A number of issues would need to be considered by the Commission if this were discussed, including amount of bonus by Land Use District, increased height provisions, transportation/mobility impacts, etc.

Public Comments to Eliminate Amenity Incentive System; Add New Requirements. As part of the public comment received, it has been suggested that an alternative approach could be used in place of the Amenity Incentive System to achieve similar outcomes. Some of the public's suggested new requirements include: Outdoor plaza, enhanced streetscape, active recreation area, enclosed plaza, public art, water features, and pet relief areas. If during the course of the Commission's continued review of the draft Amenity Incentive System, additional information is desired regarding this approach, staff will proceed based on Commission direction.

Suggested Edits to Base FAR and Draft Amenity Incentive System Language

20.25A.060

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'	Base Building Height	Trigger for additional height
DT-O-1	Nonresidential	40' (15)	24,000 gsf/f	24,000 gsf/f	100%	600' (8)	6.75 7.2 / 8.0	80'	345'	345' (7)
	Residential	40' (15)	22,000 gsf/f	13,500 gsf/f	100%	600' (8)	6.5 9.0 / 10.0	80'	450'	450' (7)
	Above-Grade Parking	40' (15)	20,000 gsf/f	20,000 gsf/f	100%	100' (9)	N/A	80'	N/A	N/A (10)
DT-O-2 North of NE 8 th St.	Nonresidential	40' (15)	24,000 gsf/f	24,000 gsf/f	100%	460'	5.0 5.4 / 6.0	80'	288'	288' (7)
	Residential	40' (15)	22,000 gsf/f	13,500 gsf/f	100%	460'	5.0 5.4 / 6.0	80'	288'	288' (7)
	Above-Grade Parking	40' (15)	20,000 gsf/f	20,000 gsf/f	100%	100' (9)	NA	80'	N/A	N/A (10)
DT-O-2 East of 110 th Ave. NE	Nonresidential	40' (15)	24,000 gsf/f	24,000 gsf/f	100%	403'	5.0 5.4 / 6.0	80'	288'	288' (7)
	Residential	40' (15)	22,000 gsf/f	13,500 gsf/f	100%	403'	5.0 5.4 / 6.0	80'	288'	288' (7)
	Above-Grade Parking	40' (15)	20,000 gsf/f	20,000 gsf/f	100%	100' (9)	NA	80'	N/A	N/A (12)
DT-O-2 South of NE 4 th	Nonresidential	40' (15)	24,000 gsf/f	24,000 gsf/f	100%	345'	5.0 5.4 / 6.0	80'	288'	288' (7)
	Residential	40' (15)	22,000 gsf/f	13,500 gsf/f	100%	345'	5.0 5.4 / 6.0	80'	288'	288'
	Above-Grade Parking	40' (15)	20,000 gsf/f	20,000 gsf/f	100%	100' (9)	NA	80'	N/A	N/A (10)
DT-MU	Nonresidential	40' (15)	22,000 gsf/f	20,000 gsf/f	100%	230'	3.25 4.5 / 5.0	80'	115'	115' (7)
	Residential	40' (15)	20,000 gsf/f	13,500 gsf/f	100%	288'	4.25 4.5 / 5.0	80'	230'	230' (7)
	Above-Grade Parking	N/A	20,000 gsf/f	N/A	75%	60' (9)	N/A	NA	N/A	N/A (10)
DT-MU Civic Center	Nonresidential	40' (15)	22,000 gsf/f	20,000 gsf/f	100%	403'	3.25 5.4 / 6.0	80'	115'	115' (7)
	Residential	40' (15)	20,000 gsf/f	13,500 gsf/f	100%	403'	4.25 5.4 / 6.0	80'	230'	230' (7)
	Above-Grade Parking	N/A	20,000 gsf/f	N/A	75%	60' (9)	N/A	N/A	N/A	N/A (10)
DT-OB	Nonresidential	40' (15)	20,000 gsf/f	13,500 gsf/f	100%	(11)	(11)	80'	(11)	N/A (10)
	Residential	40' (15)	20,000 gsf/f	13,500 gsf/f	100%	(11)	(11)	80'	(11)	N/A (10)
	Above-Grade Parking	N/A	N/A	N/A	75%	(11)	(11)	N/A	(11)	N/A (10)
DT-R	Nonresidential	N/A	20,000 gsf/f	NA	75%	75'	0.5 / 0.5	N/A	N/A	N/A (10)
	Residential	40' (15)	20,000 gsf/f	13,500 gsf/f	100%	230'	4.25 4.5 / 5.0	80'	N/A	N/A (10)
	Above-Grade Parking	N/A	N/A	N/A	75%	40' (9)	N/A	N/A	N/A	N/A (10)
DT-OLB North (between NE 8 th)	Nonresidential	40' (15)	30,000 gsf/f	20,000 gsf/f	100%	86'	2.5 2.7 / 3.0	80'	N/A	N/A (10)
	Residential	40' (15)	20,000 gsf/f	13,500 gsf/f	100%	104'	2.5 2.7 / 3.0	80'	N/A	N/A (10)

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Commented [KEA1]: April 19 Draft – Errata to reflect Amenity Incentive System terminology for Base Heights – reflects existing maximum heights in each zone.

Commented [KEA2]: April 19 Draft – Reflects Commission direction re: base FAR.

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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'	Base Building Height	Trigger for additional height
Street and NE 12th Street)	Above-Grade Parking	N/A	20,000 gsf/f	N/A	75%	45'(9)	N/A	N/A	N/A	N/A (10)
DT-OLB Central (between NE 4th Street and NE 8th Street)	Nonresidential	40' (15)	30,000 gsf/f	20,000 gsf/f	100%	403	2.5 5.4 / 6.0	80'	90'	90' (7)
	Residential	40' (15)	20,000 gsf/f	13,500 gsf/f	100%	403	2.5 5.4 / 6.0	80'	105'	105' (7)
Street and NE 8th Street)	Above-Grade Parking	N/A	20,000 gsf/f	N/A	75%	45' (9)	N/A	N/A	N/A	N/A (10)
DT-OLB South (between Main Street and NE 4th Street)	Nonresidential	40' (15)	30,000 gsf/f	20,000 gsf/f	100%	230'	2.5 4.5 / 5.0	80'	90'	90' (7)
	Residential	40' (15)	20,000 gsf/f	13,500 gsf/f	100%	230'	2.5 4.5 / 5.0	80'	105'	105' (7)
	Above-Grade Parking	N/A	20,000 gsf/f	N/A	75%	45' (9)	N/A	N/A	N/A	N/A (10)

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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)	Base Building Height	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	N/A (10)
	Residential	N/A	20' (6)	75%	55' (8)	3.0 3.15 / 3.5	N/A	N/A (10)
	Above-Grade Parking	N/A	20' (6)	75%	40' (9)	N/A	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	N/A (10)
	Residential	N/A	20' (6)	75% in DT-MU 100% in DT-OB	70' (7) (8)	3.25 / 3.5	55'	55' (9) (7)
	Above-Grade Parking	N/A	20' (6)	75%	40' (9)	N/A	N/A	N/A (10)
Perimeter Overlay A-3	Nonresidential	N/A	20' (6)	75%	70' (8)	1.0 1.5 / 1.5 + 0	40'	40' (7)
	Residential	N/A	20' (6)	75%	70' (8)	3.25 4.5 / 5.0 (14)	55'	55'
	Above-Grade Parking	N/A	20' (6)	75%	40' (9)	N/A	N/A	N/A (10)
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	N/A (10)
	Residential	40' (15)	N/A	75% in DT-MU and DT-R 100% in DT-OB	99'	4.25 4.5 / 5.0	99'	99' (7)
	Above-Grade Parking	N/A	N/A	75%	40' (9)	N/A	N/A	N/A (10)

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Commented [KEA22]: April 19 Draft – Reflects Commission direction re: base FAR.

Commented [KEA23]: No change to base FAR as 3.25 in draft Code was 93% of 3.5 FAR.

Commented [KEA24]: April 19 Draft – Reflects A-3/B-3 changes discussed in Attachment 6

Commented [KEA25]: April 19 Draft – Reflects Commission direction re: base FAR. Reflects A-3/B-3 changes discussed in Attachment 6

Commented [KEA26]: April 19 Draft – Reflects Commission direction re: base FAR.

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)	Base Building Height	Triggers if Additional Height
Perimeter Overlay B-2	Nonresidential	N/A	N/A	75%	72'	1.5 / 1.5	N/A	N/A (10)
	Residential	40' (15)	N/A	75%	176'-264' (7) (12) (15)	4.25 4.5 / 5.0	105'	105' (7)
	Above-Grade Parking	N/A	N/A	75%	40' (9)	N/A	N/A	N/A (10)
Perimeter Overlay B-3	Nonresidential	N/A	N/A	75%	72'	1.5 / 1.5	N/A	N/A (10)
	Residential	40' (15)	N/A	75%	220' (7)	4.25 6.3 / 7.0 5.0 (14)	105'	105' (7)
	Above-Grade Parking	N/A	N/A	75%	40' (9)	N/A	N/A	N/A (10)

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Commented [KEA27]: April 19 Draft – Reflects Commission direction re: base FAR.

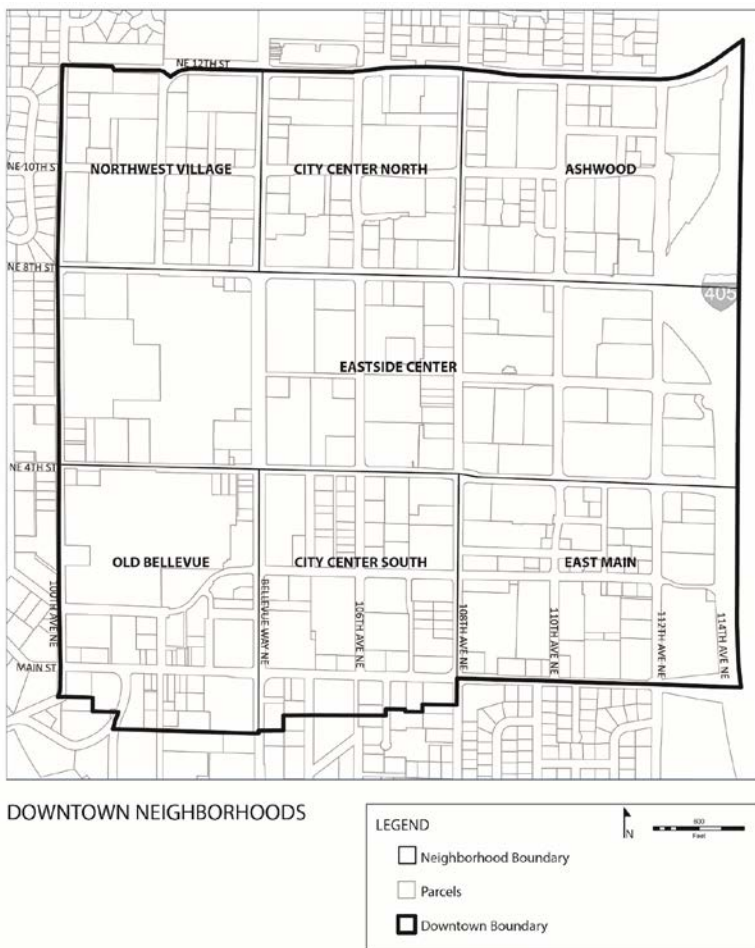
Commented [KEA28]: April 19 Draft – Reflects Commission direction re: base FAR and A-3/B-3 changes discussed in Attachment 6

20.25A.070

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.

Figure 20.25A.070.D.1



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 Required Amenity Incentive Points~~Need~~. The process below shall be used to determine the required amenity incentive points~~need~~ by individual building. There are two conditions that will guide a building's required amenity incentive points ~~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 required ~~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 required amenity incentive ~~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 requirement ~~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 require ~~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 required amenity incentive points~~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 required amenity points ~~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~~ The remaining 25 percent of a project's required amenity points ~~need~~ may be comprised of ~~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 required amenity incentive points~~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 collected by the City will be placed in a dedicated account and used exclusively for the acquisition or improvement of publicly accessible open space within downtown ~~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.

Commented [KEA29]: April 19 draft for Commission consideration – Reflects edits for clarity regarding terminology of “amenity need” vs. required amenity incentive points which is used in existing code.

Commented [EK30]: April 19 Draft - Reflects Planning Commission direction to establish dedicated account for in-lieu fees and use exclusively for acquisition or improvement of publicly accessible open space within downtown.

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
PUBLIC OPEN SPACE FEATURE AMENITIES							
1. Major Pedestrian Corridor and Major Public Open Spaces: 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.				13.3:1			
	13.3:16 bonus points per square foot of Pedestrian Corridor or Major Public Open Space constructed.						
2. Outdoor Plaza: A publicly 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.						
DESIGN CRITERIA: <ol style="list-style-type: none"> 1. Pedestrian Corridor and Major Public Open Space improvements must comply with the requirements of LUC 20.25A.090.. 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 10 percent 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. Plaza should be located within 30 inches of the adjacent sidewalk grade, and shall provide physical and visual access from the adjacent right-of-way 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 							

Commented [EK31]: April 19 Draft for Planning Commission consideration - Changes Pedestrian Corridor and Major Public Open Space bonus ratio to 16:1 based on comments from SRO and BDA. 13.3 bonus ratio was based on estimated construction cost divided by FAR exchange rate. 16:1 is consistent with bonus ratio in existing code.

Commented [KEA32]: Errata.

Commented [KEA33]: Previously identified as errata.

Commented [EK34]: April 19 Draft for Planning Commission consideration - Identified during staff review of A-3/B-3 revisions.

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
	<p>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.</p> <p>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.</p> <p>10. Plazas must meet all design criteria for design guidelines for public open spaces.</p> <p>11. Square footage for purposes of calculating amenity points shall not include vehicle or loading drive surfaces.</p>						
<p>3. Donation of Park Property: Property which is donated to the City, with no restriction, for park purposes.</p>	<p>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.</p> <p>DESIGN CRITERIA:</p> <ol style="list-style-type: none"> 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 						
<p>4. Improvement of Public Park Property: Improvements made to City-owned community, neighborhood, and miniparks within the Downtown Subarea.</p>	<p>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.</p> <p>DESIGN CRITERIA:</p> <ol style="list-style-type: none"> 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. 						
<p>5. Enhanced Streetscape: 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.</p>	7:1	7:1	7:1	7:1	7:1, 7.8:1	7:1, 7.8:1	7:1, 7.8:1
	<p>7 bonus points per square foot of enhanced streetscape constructed; 7.8 bonus points per square foot if part of Lake-to-Lake Trail in Old Bellevue, City Center South and East Main neighborhoods.</p> <p>DESIGN CRITERIA:</p> <ol style="list-style-type: none"> 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: 						

Commented [KEA35]: April 19 draft for Commission consideration – Suggested edit for clarity regarding increased bonus rate if part of Lake-to-Lake Trail.

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
	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.						
6. Active Recreation Area: 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. DESIGN CRITERIA: 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.						
7. 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.	4:1	4:1	4:1	4:1	4:1	4:1	4:1
	4 bonus points per square foot of enclosed plaza provided. DESIGN CRITERIA: 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.						
8. Alleys with Addresses: Pedestrian oriented ways off the main vehicular street grid that provide an intimate pedestrian experience through a combination of residential,	6.7:1					6.7:1	6.7:1
	6.7 bonus points per square foot of alley with address improvement based on Neighborhood location. DESIGN CRITERIA:						

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
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.	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. 2. May not be enclosed. 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. 4. Alley frontage must meet guidelines for C Rights-of-Way, Mixed Streets in LUC 20.25A.170.B. 5. Residential use must provide a strong connection to the alleyway through the use of patios or stoops. 6. Must provide pedestrian scaled lighting. 7. Must provide signage to show open to the public and the hours. 8. Automobile access and use shall be secondary to pedestrian use and movement. 9. Must meet design guidelines at LUC 20.25A.170.C. 10. Square footage for purposes of calculating amenity points shall not include vehicle or loading drive surfaces.						
OTHER AMENITIES							
9. Freestanding canopies at street corners and transit stops (non-building weather protection)	40:1	40:1	40:1	40:1	40:1	40:1	40:1
	40 bonus points per every \$1,000 of investment in freestanding canopies. Maximum 1,000 bonus points per freestanding canopy. DESIGN CRITERIA: Location of freestanding canopies shall be approved by Transportation Department. Design must be consistent with design adopted through a Transportation Director’s Rule.						
10. Pedestrian bridges: Pedestrian bridges over the public right-of-way at previously designated mid-block locations meeting specific design criteria.		250:1		250:1		250:1	
	250 bonus points per linear foot of pedestrian bridge constructed. DESIGN CRITERIA: 1. This bonus shall apply only to pedestrian bridges meeting the location and design criteria of LUC 20.25A.100. 2. Bridge must connect to upper level Active Uses on both sides to qualify for bonus.						
11. Performing Arts Space: Space containing fixed seating for public assembly for the purpose of entertainment or cultural events (live performances only).	16:1	16:1	16:1	16:1	16:1	16:1	16:1
	16 bonus points per square foot of performing arts space provided. DESIGN CRITERIA: This bonus shall apply only to performing arts spaces that are less than 10,000 square feet.						
12. Public Art: Any form of permanent artwork that is outdoors and publicly accessible or visible from a public place. [The purpose is to create a memorable civic experience and affinity between	40:1	40:1	40:1	40:1	40:1	40:1	40:1
	40 bonus points per every \$1,000 of appraised art value. DESIGN CRITERIA: 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.						

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
artist and community.	<p>2. May be an artist-made object or artist-made 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.</p> <p>3. Public art can include murals, sculptures, art elements integrated with infrastructure, and special artist designed lighting.</p> <p>4. Stand alone or landmark artworks should be at a scale that allows them to be visible at a distance.</p> <p>5. Value of art to be determined through appraisal accepted by Bellevue Arts Program.</p> <p>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>13. Water Feature: 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>40 bonus points per every \$1,000 of appraised value of water feature, or actual construction cost, whichever is greater.</p> <p>DESIGN CRITERIA:</p> <ol style="list-style-type: none"> 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>14. Historic Preservation of Physical Sites/Buildings: Historic and cultural resources are those identified in the City's resource inventory, or identified by supplemental study submitted to the City.</p>	40:1	40:1	40:1	40:1	40:1	40:1	40:1
<p>40 bonus points per every \$1,000 of documented construction cost to protect historic façades or other significant design features.</p> <p>DESIGN CRITERIA:</p> <ol style="list-style-type: none"> 1. Voluntary protection of historic façades or other significant design features when redevelopment occurs. 							
<p>15. Historic and Cultural Resources Documentation: Historic and cultural resources are those identified in the City's resource inventory, or identified by supplemental study submitted to the City.</p>	40:1	40:1	40:1	40:1	40:1	40:1	40:1
<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>DESIGN CRITERIA:</p> <ol style="list-style-type: none"> 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>16. Neighborhood Serving Uses: 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>8 bonus points per square foot of space dedicated to Neighborhood Serving Uses.</p> <p>DESIGN CRITERIA:</p> <ol style="list-style-type: none"> 1. Bonusable neighborhood serving uses include child care, community meeting rooms, or non-profit space, 							

Commented [EK36]: April 19 Draft for Commission consideration - Incorporates comments from Bellevue Arts Commission.

Commented [EK37]: April 19 Draft for Planning Commission consideration - Incorporates comments from Bellevue Arts Commission.

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
	<p>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.</p> <p>3. The floor area delineated for these uses will be required to remain dedicated to Neighborhood Serving Uses for the life of the project.</p> <p>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.</p> <p>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.</p> <p>6. Tenant spaces must remain open to the public and may not require fees or admissions to enter.</p> <p>7. Spaces must provide visual access from the street.</p>						
<p>17. Sustainability Certification: 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>Tier 1: Living Building Challenge Full Certification; 0.3 FAR Bonus; Tier 2: Living Building Petal Certification; or Built Green Energy Star; 0.25 FAR Bonus; Tier 1: Living Building Net Zero Energy; Built Green 5-Star; or LEED Platinum; 0.25 FAR Bonus. Tier 2: Passivhaus PHIUS+2015 Verification; Built Green 4-Star; or LEED Gold; 0.2 FAR Bonus. Note: Other Sustainability Certifications with an expected public benefit equal to or in excess of Tier 1 or Tier 2 may be pursued under the Flexible Amenity provisions.</p> <p>DESIGN CRITERIA:</p> <ol style="list-style-type: none"> Buildings shall meet minimum criteria for LEED, Built Green or Living Building Challenge certification in chosen category. A performance bond equivalent to the value of the bonus shall be provided to the City by the developer. In the event the project does not achieve the planned rating within 18 months of project completion, the bonded funds shall be used for environmental improvements within Downtown identified by the City. 						
FLEXIBLE AMENITY							
<p>18. Flexible Amenity: 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>DESIGN CRITERIA:</p> <ol style="list-style-type: none"> Bonus proposal must be approved by City Council through a Legislative Departure and Development Agreement. Proposed bonus must have merit and value to the community. Proposed bonus must be outside of the anticipated amenity bonus structure. Proposed bonus shall not be in conflict with existing Land Use Code regulations. 						

Commented [EK38]: April 19 Draft for Planning Commission consideration - Incorporates comments from Master Builders Association regarding certification tiers.

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. Bonus Floor Area Earned from Pedestrian Corridor or MPOS Construction.

1. Use of Floor Area Earned. 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 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.~~

2.3. 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.

3.4. 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.

Commented [EK39]: April 19 Draft for Planning Commission consideration - Reflects existing code provisions that do not limit amount of excess Pedestrian Corridor or Major Public Open Space bonus floor area that may be transferred.

Council Guidance for Updating Downtown Incentive Zoning Adopted by Council 1-19-16

For many years incentive zoning has been part of Bellevue's strategy for implementing the Downtown Plan. Through the Amenity Incentive System, development is offered additional density (FAR) in exchange for providing certain public amenities. The Downtown Livability CAC report calls for a number of revisions to the system. The Council is providing the following direction to staff and the Planning Commission as they consider the CAC recommendations and move forward to develop the specific Land Use Code amendments to update the incentive zoning system.

1. Focus the system on making Downtown more livable for people. This should include incentivizing public open space, walkability/connectivity, affordable housing in recognition of the City's broader work on affordable housing, and other amenities that are most important to achieving Downtown livability.
2. Be forward-looking and aspirational, reflecting the evolving needs of a 21st century city.
3. Design the incentive system to help reinforce Downtown neighborhood identity.
4. Recognize that incentive zoning is one part of the broader Downtown land use code, and will work together with development standards, design guidelines and other code elements to collectively address impacts of development and ensure Downtown is a great place for people.
5. Simplify and streamline the incentive system with a clear structure and desired outcomes. This includes narrowing the list of incentives by mandating appropriate elements, incentivizing what would not otherwise happen, and increasing the base FAR to account for any current incentive that is converted to a mandate.
6. 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.
7. Design the amenity incentive system to act as a real incentive for developers, and ensure that modifications to the incentive system don't effectively result in a downzoning of land, in particular for current incentives converted to mandates.
8. Ensure that participation in the updated incentive system is required for any increases to currently permitted maximum density (FAR) and/or height.
9. Consider potential unintended consequences of the update, specifically: a) the effect of incentive zoning changes on the ability to continue to provide transit-oriented, workforce housing in Downtown, including the anticipated effect of the MFTE on producing such housing; b) the effect of incentive zoning changes on small lots, to ensure that their redevelopment remains viable and not contingent upon becoming part of an assemblage with other properties; and c) special sensitivity to Perimeter neighborhoods.

10. Provide for a reasonable “fee-in-lieu” alternative to ensure that the amenity incentive system does not unduly hinder development or result in building designs that lack market viability.
11. Consider an “off-ramp” option, with an approval process, providing flexibility for incentivizing elements that were not identified in this update but add equal or greater value.
12. Include a mechanism for future periodic updates of the incentive system to address Downtown needs as they change.

Topic: District and Site Specific Requests

April 19, 2017 Commission Study Session

FANA

SUMMARY OF ISSUES FROM PUBLIC COMMENTS:

Fana will be developing on the southeast corner of NE 4th Street and 106th Avenue NE, which is in the DT-O-2 South District. The company requests a maximum building height of 460 feet. Bellevue Towers is across N.E. 4th Street to the north and is in the DT-O-1 District. Bellevue Towers representatives have expressed concern regarding the height increase because it will obstruct their views. They have requested that the maximum height limit remain at 250 feet which is the current height limit for the DT-O-2 District.

DRAFT CODE REFERENCE: The Draft Code at LUC 20.25A.060.A.4, provides that the maximum heights would be:

- 345 feet for DT-O-2 South
- 403 feet for DT-O-2 East
- 460 feet for DT-O-2 North

DIRECTION FROM THE PLANNING COMMISSION: None

ALTERNATIVES:

1. Increase the maximum height in the Draft Code in the DT-O-2 South to 460 feet consistent with DT-O-2-North.
2. Decrease the maximum height in the Draft Code in the DT-O-2 South to 288 feet consistent with the current DT-O-2.
3. Retain the Draft Code maximum height of 345 feet for the DT-O-2.

ANALYSIS: The CAC originally recommended that the DT-O-2 District should have a maximum height of 300 feet. The DT-O-2 South maximum height was raised to 345 feet, when the Planning Commission directed staff to incorporate the 15% increase for interesting roof forms in every land use district where the increase was allowed in the current code. This change to the dimensional chart was made to improve code clarity and transparency. The Planning Commission also raised maximum heights in the DT-O-2 East and North as shown above.

Fana requests that the Planning Commission raise the DT-O-2 South maximum height to the maximum height identified for the DT-O-2 North. The Planning Commission raised the height of DT-O-2 North because it:

- Is on a major street (N.E. 8th Street);
- Was not completely built out; and
- Provided a better transition between DT-O-1 and DT-MU.

View protection in the City has focused on those views available from public spaces. As a result, the views from residential units have not historically been protected. However, significant residential development has occurred on the south edge of the DT-O-1 core, which was envisioned for predominantly office uses when the Downtown zoning was originally adopted. Approximately 539 condominium units are adjacent to the DT-O-2 South land use district today, and at least half of those units would be impacted by changes to maximum height limits in that district. In addition to private views, there are public view corridors of the Downtown skyline from Meydenbauer Park, Downtown Park and I-90 which are important. In fact, the Downtown Subarea Plan directs us to link additional density with design guidelines relating to public benefit, such as the protection of view corridors. These public view corridors would also be impacted by changes to the maximum height limits in the DT-O-2 district.

In contrast, views to and from DT-O-2 North are distinguishable from circumstances that exist near the DT-O-2 South land use district. Views to and from the DT-O-1 and DT-O-2 North are largely territorial. The north edge of DT-O-1 has not seen the same focus on residential development that has been undertaken on the south edge of DT-O-1. From a livability perspective, private views would not be impacted as significantly by maximum height limits identified for the DT-O-2 North land use district, because the increase would be adjacent to areas developed with predominantly office uses. The difference in public view corridors and impacts on existing private views provides a basis for differentiation in heights between DT-O-2 South and DT-O-2 North. That said, the 250-foot height limit, as requested by the Bellevue Tower residents, would not be consistent with the wedding cake urban form of Downtown. If the height in DT-O-2 were to be decreased, the DT-MU which is located closer to the perimeter of Downtown, would have higher maximum heights than the DT-O-2. The DT-O-1 would have a maximum height of 600 feet and the DT-MU would have a maximum height of 288 feet. To provide the appropriate urban form, the maximum height for DT-O-2 should fall between 600 feet and 288 feet, rather than at 250 feet.

DIRECTION REQUESTED: Staff asks that the Planning Commission select an appropriate maximum height limit for the DT-O-2 South district that is in the range between 460 feet and 288 feet.

ELAN / FORTRESS

SUMMARY OF ISSUE FROM PUBLIC COMMENT: The project proponent wishes to build two towers within a project limit that straddles the DT-MU and the Perimeter Overlay District B-2. It is located at the northwest corner of the intersection of NE 8th Street and Bellevue Way. The proponent wants to build one tower in the DT-MU to 300 feet and the other tower in the Perimeter Overlay B-2 District to a height somewhere between 264 and 315 feet. The average height would be limited to 300 feet. The proponent originally proposed to obtain the additional height in the DT-MU through a Development Agreement, and the additional height in the Perimeter Overlay B-2 through an administrative departure. Since the March 22 Planning Commission meeting, staff has prepared a code revision that representatives have indicated will address their interest.

DRAFT CODE REFERENCE: In Draft Code LUC 20.25A.060.A.4, the maximum height for the DT-MU, Residential is 288 feet. In the Perimeter Overlay B-2 District, multiple tower projects are allowed variable tower heights for residential projects between 176 feet to 264 feet with an average of no more than 220 feet. Single towers are limited to 220 feet unless the Director approves an administrative departure.

DIRECTION FROM PLANNING COMMISSION: None

ALTERNATIVES:

1. Amend the Draft Code with the proponent’s original proposed amendment.
2. Amend the Draft Code with a Staff-prepared alternative to meet Elan/Fortress interests (presented below).
3. Make no changes to the Draft Code.

ANALYSIS:

	CAC	Draft Code	Original Proponent Request	Staff-prepared Alternative
Perimeter Overlay B-2	160’-240’, avg. no higher than 200’	176’-264’, avg. no higher than 220’ without an administrative departure	Draft Code + where property in both DT-MU and B-2, then 264’-315’ with an avg. no higher than 300’	176 ‘-264’, with an average of no more than 220’. Allow single towers up to 264’.
DT-MU	300’ residential 200’ nonresidential	288’ residential 230’ nonresidential	288’, but 300’ with a legislative departure	288’ residential 230’ nonresidential

The current Land Use Code limits height in the Perimeter Overlay District B to 90 feet for residential and to 200 feet in the DT-MU District for residential. The height limits in both

districts, particularly the Perimeter Overlay B-2, have increased significantly from the current code. The Perimeter Overlay Districts are in place to suppress height for a graceful transition to Downtown’s adjacent residential neighborhoods. The closest Downtown boundary to these parcels is the western boundary near Vuecrest. In that area, the Perimeter Overlay A-1 and B-1 would serve to suppress the heights in the Draft Code by limiting heights to 55 feet and 99 feet respectively. However, the next two districts to the east, the Perimeter Overlay District B-2 and the DT-MU, would jump to 300 feet and 315 feet respectively with the Elan/Fortress request.

Given that the Council principles and Subarea Plan require a graceful transition to residential neighborhoods outside of Downtown, that the wedding cake form is still viable, and that there is already a significant increase built into the maximum heights; a compromise seemed appropriate. The staff-prepared alternative would allow single towers in the Perimeter Overlay District B-2 district to be increased to 264 feet. In the DT-MU, the maximum height of 288 feet in the Draft Code would remain unchanged. This compromise position would allow the proponent of Elan/Fortress an increase of 174 feet over the current code applicable to the Perimeter Overlay B-2, and an increase of 88 feet over the current code applicable to the DT-MU. It will also allow for a more graceful transition into the adjacent neighborhoods and will be more consistent with the building heights contemplated to accomplish the wedding cake urban form.

DIRECTION REQUESTED: Provide direction on whether to incorporate the staff-prepared alternative to meet Elan/Fortress interests into the Planning Commission draft.

April 19 Alternative to the Public Hearing Draft

Note: The maximum height of 288 feet in DT-MU for residential would remain the same.

20.25A.060.A.4 (p. 37 and 38)

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)

Commented [BT(1)]: Note 15 will be added to the Errata list because it should be deleted here.

Commented [BT(2)]: April 19 Draft for Planning Commission consideration.

...

(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 ~~160~~ 220 ~~264~~ feet.

HEIGHT IN PERIMETER OVERLAY DISTRICT A-1

SUMMARY OF ISSUE FROM PUBLIC COMMENT: The Bellevue Downtown Association requests an increase in the maximum height on the north side of downtown in the Perimeter A-1 from 55 feet to 70 feet. The BDA also suggested a setback. Vuecrest Neighborhood has requested the maximum heights in the Draft Code, which is 55 feet for residential construction.

DRAFT CODE REFERENCE: In the Draft Code at LUC 20.25A.060.A.4, the maximum height for the Perimeter Overlay District A-1 is 55 feet for residential construction.

DIRECTION FROM THE PLANNING COMMISSION: Amend the Draft Code to change the Perimeter Overlay District A-1 to Perimeter Overlay A-2 in the area from 102nd Avenue NE to 112th Avenue NE.

ALTERNATIVES:

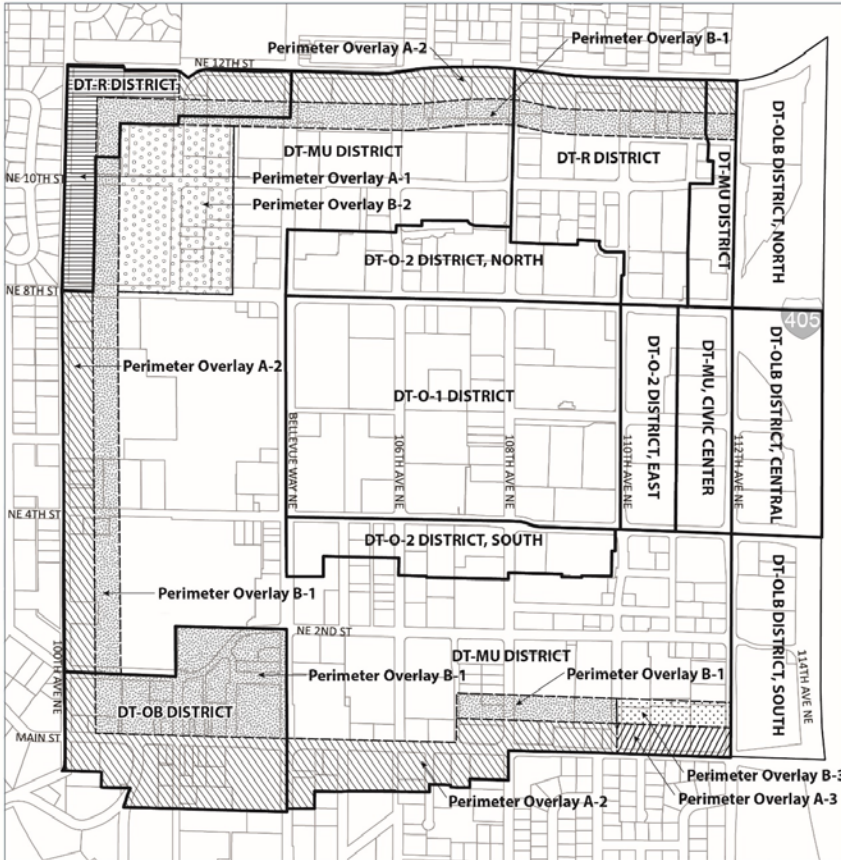
1. Amend the Draft Code as requested by the BDA.
2. Retain the current version of the Draft Code with respect to the Perimeter Overlay District A-1 in the area of NE 12th Street between 102nd Avenue NE and 112th Avenue NE.

ANALYSIS:

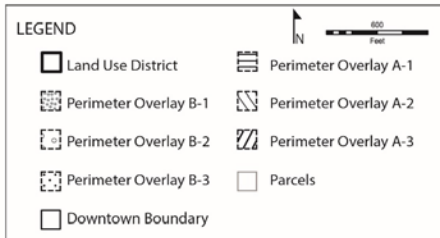
The Planning Commission directed Staff to amend the Draft Code as stated above because McCormick Park created a buffer between Downtown and any residential development on the north side of NE 12th Street. In addition, the Planning Commission asked for a shade and shadow study, the results of which will be presented at the Planning Commission meeting on April 19th. McCormick Park runs on the north side of NE 12th Street from 112th Avenue NE to 102nd NE. However, from 106th Avenue NE to 102nd Avenue NE, it functions more like a landscape strip because of its narrow width. There are townhouses on the north side of NE 12th Street between Bellevue Way and 106th Avenue NE and apartment buildings on the north side of NE 12th Street between Bellevue Way and 102nd Avenue NE.

Figure 20.25A.090.A.1 (p.67) has been revised to reflect modifications requested by the Planning Commission.

Commented [BT(3): April 19 Draft - Reflects Planning Commission direction.



**DIMENSIONAL REQUIREMENTS BY
LAND USE DISTRICT AND PERIMETER
OVERLAY**



Planning Commission Directed Modification to 2/16/17 Draft

LUC 20.25A.060.A.4 (p. 37 and 38)

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 75% in DT-R	40'(8)	1.0; 5 in DT-R / 1.0; 5 in DT-R	N/A (10)
	Residential	N/A	20' (6)	75% in DT-MU 100% in DT-OB 75% in DT-R	70' (7) (8)	3.25; 3.0 in DT-R/ 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)
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)

Commented [BT(4): Errata - Footnote 8 will be removed from this column, it only applies to the maximum 600 foot height limit.

Commented [BT(5): April 19 Draft – Reflects Planning Commission Direction (conformance amendment). With the Planning Commission directed modification, the Perimeter Overlay District A-2 now covers a portion of the DT-R. The table has been modified so that the Lot Coverage and FAR from A-1 for DT-R has been moved to A-2.

OLB DISTRICT SPECIFIC ISSUES: LANDSCAPING FLEXIBILITY NEAR FREEWAY, ABOVE-GRADE STRUCTURED PARKING AND LARGER FLOOR PLATES

SUMMARY OF ISSUES FROM PUBLIC COMMENT:

1. Landscaping, Street Trees, and Sidewalk Requirements. Bob Wallace also requested relief from the landscaping, street tree and sidewalk requirements because the north side of his property abuts the bridge accessing I-405.
2. Parking Garage Heights. Brian Franklin of PMF Investments requested an increase from 40 feet to 55 feet in OLB for parking garages because of topographical issues. He states that there is a 30 foot grade change from 112th Avenue NE toward I-405. To encourage street and pedestrian activation along 112th Avenue NE and to accommodate the grade change, he requests an increase in parking structure heights to 55 feet to leverage the slope change. The parking garage would be built on 114th Ave. NE in his case.
3. Larger Floorplates. Both stakeholders requested larger floor plates. Brian Franklin asked for 30,000 square feet rather than 20,000 square feet at 80 feet or higher, or no smaller than 24,000 square feet at any height. Bob Wallace requested an increase from 20,000 square feet to 22,000 square feet in DT-MU and OLB for nonresidential over 80 feet or to exclude nonresidential buildings in the DT-OLB and DT-MU from the diminishing floorplate requirement in LUC 20.25A.075.A.2. He also requested an increase from 30,000 square feet to 40,000 square feet in DT-OLB Nonresidential between 40 feet and 80 feet. Finally, he suggests an increase from 20,000 square feet to 30,000 square feet above 80 feet for OLB nonresidential.

DRAFT CODE REFERENCE: The landscaping, street tree and sidewalk requirements are in LUC 20.25A.090 and LUC 20.25A.110. The parking garage heights and floor plate sizes are in 20.25A.060.A.4 and are included in the analysis section below.

DIRECTION FROM PLANNING COMMISSION: None

ALTERNATIVES:

1. Landscaping, Street Trees, and Sidewalks
 - a. Retain the Draft Code as it is.
 - b. Amend the sidewalk map as requested.
2. Parking Garage Height
 - a. Retain the 40 foot height for parking garages in the OLB District.
 - b. Raise the height of parking garages in the OLB, remove the requirement of active uses for parking garages that front on 114th Avenue NE and ensure that parking garages have glazed opening and are compatible with the rest of the urban environment.

3. Larger Floor Plates

- a. Retain the Draft Code as it is.
- b. Amend the Draft Code to incorporate one or all of the stakeholders' requests.
- c. Amend the Draft Code to incorporate a site-specific departure to increase floor plates by no more than 20 percent between 40 feet and 80 feet.

ANALYSIS:

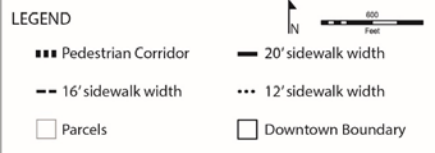
1. Landscaping, Street Trees, and Sidewalk Requirements. Landscaping Flexibility, Street Tree and Sidewalk Flexibility is already factored into the Draft Code. The Draft Code in LUC 20.25A.030.D provides that LUC 20.25A.090 and .110 (Street and Pedestrian Circulation Standards and Landscape Development, respectively) are subject to administrative departures. These departures are there specifically for situations like the ones described by the commenter on this issue. The sidewalk map has been changed to ensure that a sidewalk is not required where the Wallace property abuts the NE 4th Street access to I-405. For consistency, the map has been amended to omit sidewalks on the NE 6th access to I-405 as well.

Below is the new Figure 20.25A.090.A.1

Commented [BT(6)]: April 19 Draft for Planning Commission consideration.



DOWNTOWN SIDEWALK DIMENSIONS



2. Parking Garage Heights. The eastern edge of the DT-OLB District is located adjacent to I-405. There is little opportunity for active uses on 114th Avenue NE where a parking garage would be located. The new design guidelines require active uses for a portion of the first floor of a parking garage, but in this instance, it is not feasible, so the design guidelines should be amended. Also, any buildings along that corridor are viewed first by those driving into Bellevue on I-405. Parking garages, especially those that face the freeway, should be designed to look like an office building with glazed openings. Staff has suggested modifications that would increase the height for parking garages to 55 feet, exempt 114th Avenue NE from the first floor active use requirement, and ensure that any above grade parking garage is finished to be compatible with its urban surroundings.

LUC 20.25A.060.A.4

Commented [BT(7): April 19 Draft for Planning Commission consideration.

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-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%	45-55'(9)	N/A	N/A	N/A (10)

...

20.25A.180.D

Commented [BT(8): April 19 Draft for Planning Commission consideration.

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~~ a right-of-way other than 114th Avenue N.E. or a 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, while providing openings consistent with residential and non-residential buildings:-
- x. Parking garages and structured parking should be designed to be compatible with the urban streetscape;
- xi. Sill heights and parapets should be sufficient to screen view of automobiles; and
- xii. Rhythm and spacing of openings should reflect a typical commercial or residential development.

3. Larger Floorplates

The OLB nonresidential floorplate sizes are depicted below with the requests from the stakeholders.

	40' to 80'	Over 80'
Current Code	22,000 sq. ft.	N/A (Building height limit 75')
Draft Code	30,000 sq. ft.	20,000 sq. ft.
Wallace Request	40,000 sq. ft.	22,000 sq. ft. or 30,000 sq. ft. for tech.
Franklin Request	-----	More than 30,000 sq. ft. or no smaller than 24,000 sq. ft. at any height

The direction from the CAC and the Planning Commission was to work toward taller, more slender towers. Further, the CAC wanted more open space, and more light and air between buildings as they go increase in height. Larger floor plates will make these goals more difficult. In addition, the floor plates from 40 feet to 80 feet have increased 36 percent from the current code to the Draft Code. Heights will increase significantly to 86 feet in DT-OLB North, 403 feet in DT-OLB Central, and 230 feet in DT-OLB South. Though these increases are significant, Staff prepared a new departure to respond to the request for larger floorplates. This departure would provide an opportunity for a 20 percent site-specific increase to the floorplates between 40 feet to 80 feet where the increase will not undermine livability requirements.

LUC 20.25A.060.A.4

Commented [BT(9)]: April 19 Draft for Planning Commission consideration.

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
Note: The dimensions for the other districts were deleted for the sake of brevity.									
DT-OLB North (between NE 8th Street and NE 12th Street)	Nonresidential	40' (15)	30,000 (17) 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 (17) 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 (17) 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)

.....

(17) Modification with Criteria. The maximum floor plate between 40 feet and 80 feet may be increased through an administrative departure pursuant to 20.25A.030.D.1 if the following criteria are met:

- a. The maximum allowed floorplate is increased by no more than 20 percent;
- b. All buildings or portions of buildings located above 40 feet shall include a minimum building separation of 40 feet. The required separation shall provide for

a continuous building separation corridor that extends between I-405 and 112th Ave NE; and

- c. The applicant demonstrates that the increased floorplate size does not affect the light, air or privacy for pedestrians or adjacent properties, and any publicly accessible space that is located in the vicinity.

BELLEVUE GATEWAY

SUMMARY OF ISSUES FROM PUBLIC COMMENT:

Andrew Miller and Phil McBride are the proponents of the Bellevue Gateway Project which will be located on the northwest corner of Main Street and 112th Avenue NE in Perimeter Overlays A-3 and B-3. The Gateway project will be two towers in one project limit. Both towers are proposed to be located in the Perimeter Overlay District B-3. There are shorter structures proposed to be located in the A-3 Perimeter Overlay District that do not meet the definition of a tower. The project proponents originally proposed detailed amendments to the Draft Code that would have allowed the blending of FAR to achieve their desired project vision. Since the March 22 Planning Commission meeting, staff has prepared a code revision that representatives have indicated will address their interests.

DRAFT CODE REFERENCE:

Most of the changes requested are in the Draft Code dimensional chart and notes of LUC 20.25A.060.A.4. The request to blend FAR was made because the towers in Perimeter Overlay District B-3 requires more FAR than is permitted by the underlying district.

ALTERNATIVES:

1. Amend the Draft Code with the original amendments suggested by the Bellevue Gateway proponents.
2. Amend the Draft Code with a Staff-prepared alternative to meet Bellevue Gateway interests (presented below).

ANALYSIS:

Blending FAR across zoning district lines creates a lack of transparency during the design review process, because the ultimate FAR within an individual district is not known. Blending FAR is not necessary when the Dimensional Chart is crafted to allow desired project outcomes to be achieved. The staff-prepared alternative would increase the nonresidential FAR in Perimeter Overlay A-3 to 1.5, and the residential FAR in Perimeter Overlay B-3 to a 6.3 base and 7.0 maximum. This, along with the active use and affordable housing exemptions, would provide enough FAR for the proposed Gateway project to proceed.

The staff prepared alternative would reduce the minimum setback from Downtown Boundary to zero and the linear buffer would no longer be applicable to this project. The presence of the tunnel portal park on the south side of Main Street, eliminates the need for a setback and linear buffer along the north side of Main Street where Perimeter Overlay A-3 is located.

The maximum lot coverage in Perimeter Overlay B-3 would be increased to 100% for nonresidential and residential development. In addition, the height for residential development in Perimeter Overlay B-3 would be increased from 220 feet to 230 feet, to correspond to the maximum height limit in the DT-OLB district that is immediately east of the site and similarly situated within the East Main Light Rail Station walk-shed.

DIRECTION REQUESTED: Provide direction on whether to incorporate the Staff-prepared alternative code modification that would achieve the development outcome desired by the Bellevue Gateway proponents into the Planning Commission draft. This alternative code modification would ensure code consistency with respect to measurement of FAR across the Downtown and maintain transparency during the design review process.

Based on Public Hearing Draft (February 16, 2017) revised to include Planning Commission Direction

20.25A.060 – Chart “Additional Dimensional Requirements in Downtown Perimeter Overlay Districts”

Downtown Perimeter Overlay District	Building Type (2) (5)	Minimum Tower Setback above 45' 80' Where Building Exceeds 75' 100'	Minimum Setback from Downtown Boundary (1)(6)	Maximum Lot Coverage (13)	Maximum Building Height	Floor Area Ratio: Base/Maximum (3)	Triggers for Additional Height
Perimeter Overlay A-3	Nonresidential	N/A	20' (6) 0'	75%	70' (8)	1.0/1.0 1.5/1.5	40' (7)
	Residential	N/A	20' (6) 0'	75%	70' (8)	3.25/5.0 (14) (15)	55'
	Above-Grade Parking	N/A	20' (6) 0'	75%	40' (9)	N/A	N/A (10)

Commented [HC10]: April 19 Draft for Planning Commission consideration. Adjustment of the setback starting heights is discussed as part of the building separation alternative prepared for citywide application. Refer to Attachment 3.

Commented [HC11]: April 19 Draft for Planning Commission consideration. Setback from Downtown Boundary and Linear buffer not needed across Main Street from the Tunnel Portal Park.

Commented [HC12]: April 19 Draft for Planning Commission consideration. Modification of these footnotes is discussed as part of the building separation alternative prepared for citywide application. Refer to Attachment 3.

Downtown Perimeter Overlay District	Building Type (2) (5)	Minimum Tower Setback above 45' 80' Where Building Exceeds 75' 100'	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-3	Nonresidential	N/A	N/A	100 75%	72'	1.5/1.5	N/A (10)
	Residential	40' (15) (14)	N/A	100 75%	220' 230' (7)	4.25/5.0 (14) 6.3/7.0	105'
	Above-Grade Parking	N/A	N/A	75%	40' (9)	N/A	N/A (10)

Commented [HC13]: April 19 Draft for Planning Commission consideration. 7 FAR would allow development of the proposed residential towers on the Perimeter Overlay B-3 portion of the site with use of retail exemption and/or affordable housing exemption (directed by the Planning Commission to be included in the code amendment). Minimum FAR set at 90% of the new FAR maximum as directed by the Planning Commission.

Commented [BT14]: April 19 Draft This footnote was originally inserted for The Bellevue Gateway, but was not sufficient to meet their goals.

...
(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 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.

20.25A.010.B.3

Perimeter Overlay Districts may impose ~~more stringent~~~~additional~~ dimensional requirements that differ from ~~than are allowed by~~ the underlying land use district to provide either (1) an area for lower intensity development that provides a buffer between less intense uses and more intensively developed properties in Downtown or (2) an area of more intensive development due to its proximity to a major transit hub such as a light rail station. ~~—~~ 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.

20.25A.110

C. Linear Buffer

...
2. Linear Buffers.

a. General. Any development situated within Perimeter Overlays A-1 and A-2 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.

Commented [BT(15)]: April 19 Draft for Planning Commission Consideration. Linear buffer is unnecessary in Perimeter Overlay A-3 because it is across Main Street from the Tunnel Portal Park.

Topic: Downtown Parking Flexibility

April 19, 2017 Commission Study Session

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 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 to 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.

ALTERNATIVES:

On March 22, the Planning Commission began a discussion of the Public Hearing Draft Code relating to parking flexibility. Two alternatives on how to proceed were offered up by Commissioners as shown below. Chair deVadoss proposed bringing back the parking issue to the next Commission study session on April 19.

Alternative 1: The Commission discussed an alternative to allow an administrative departure to modify parking ratios, but it should be clear the Director does not have the authority to modify residential guest parking standards. It was also stated parking demand studies need to be based on Bellevue-specifics, not comparable jurisdictions, and be performed by a professional traffic engineer using the ITE (Institute of Transportation Engineers) manual as reference. There was also interest in ensuring it was clear the Director shall accept a parking demand study that complies with professional methodologies.

20.25A.080 Parking Standards

H. Director's Authority to Modify Required Parking.

Through approval of an administrative departure pursuant to LUC 20.25A.030.D.1, the Director ~~shall~~may modify the minimum or maximum parking ratio for any use in LUC 20.25A.080.B, with the exception of required visitor parking for residential uses, if the following criteria are met~~as follows~~:

1. The modified parking ratio is supported by a parking demand analysis performed by a professional traffic engineer, as follows: ~~provided by the applicant, including but not limited to:~~
 - a. Documentation ~~supplied by the applicant regarding actual~~ of the estimated parking demand for the proposed use adheres to professional methods; ~~and/or~~
 - b. Evidence in available ~~planning and~~ technical studies ~~or manuals~~ relating to the proposed use; ~~and/or~~
 - c. ~~Parking demand analysis for the proposed use is Bellevue-specific, but may take into consideration how parking supply for a similar use has been calculated and performed in comparable circumstance in other jurisdictions. 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.

Commented [KEA1]: April 19 Draft for Commission consideration - Reflects Commission discussion on March 22 as described in Alternative 1.

Alternative 2: A second alternative was suggested to retain Downtown’s existing parking standards in the Land Use Code and not include new parking flexibility or departure opportunities.

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 stall per unit is too much based on demand in the transit rich Downtown. Looking at 42 market-rate residential projects in Downtown between 1987 and 2015, 12 were built at a parking ratio of just over 1.0 stall per unit. There appears to a growing trend for projects to come in at the low end of what is required. Of the eight apartment projects that came online from 2010-2015, two were at the minimum, and the average of them all was only 1.15 stalls per unit.

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 in the code, so this type of special parking study is not a new process.

Topic: Definition of Active Uses

April 19, 2017 Commission Study Session

SUMMARY OF ISSUE FROM PUBLIC COMMENT:

Lack of clarity regarding the definition of Active Uses. Commenter stated that definition should be improved to clearly list 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.

DIRECTION FROM COMMISSION:

On March 22, the Planning began a discussion of the draft definition of “active uses.” There was Commission direction to revise the definition to include specific examples. Staff reviewed the Land Use Charts and suggests the following revised definition and administrative departure provisions.

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 revised definition would reference a specific list of uses that would qualify as Active Uses and a mechanism to designate Active Uses, that are not otherwise listed in the definition, based on their unique circumstances through the administrative departure process.

Suggested amendments to the definition of Active Use – LUC 20.25A.020.A

DT – Active Uses: Those uses listed in the “Cultural, Entertainment and Recreation” or “Wholesale and Retail” Use Charts in LUC 20.25A.050, with the exception of recycling centers and gas stations. Those uses listed in the “Residential” (including entrance lobbies and private indoor amenity space), “Service”, “Transportation and Utilities”, and “Resources” Use Charts in LUC 20.25A.050 are not considered Active Uses, but may be determined to meet the definition for an Active Use through an administrative departure pursuant LUC 20.25A.030.D.1 and 20.25A.070.C.2. An Active Use must meet the design criteria in FAR Exemption for Ground Level and Upper Level Active Uses in LUC 20.25A.070.C.1 and the design guidelines for the applicable right-of-way designation in LUC 20.25A.170.B. ~~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)

Commented [KEA1]: April 19 Draft for Commission consideration – Reflects direction from Commission on March 22 to revise Active Use definition to include specific examples.

Suggested new paragraph - LUC 20.25A.070.C.1.c

Designation of an Active Use. The Director may approve an Active Use not otherwise listed in the definition contained in LUC 20.25A.020, through an administrative departure pursuant to LUC 20.25A.030.D.1 if the following criteria are met:

- i. The use is within a building and supports pedestrian activity;
- ii. The use promotes a high degree of visual and physical interaction between the building interior and the adjacent public realm; and
- iii. The use meets the design criteria in FAR Exemption for Ground Level and Upper Level Active Uses in LUC 20.25A.070.C.1.a and b, and the design guidelines for the applicable right-of-way designation in LUC 20.25A.170.B.

Commented [KEA2]: April 19 Draft for Commission consideration – New administrative departure provision for Active Uses.

Topic: Code Clarifications

April 19, 2017 Commission Study Session

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.

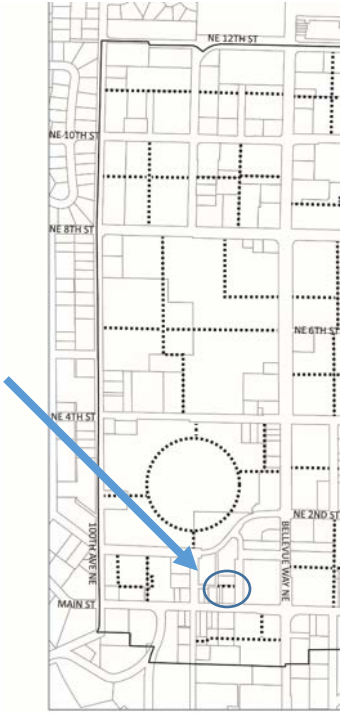
Draft Code Reference: LUC 20.25A.160B.2.iv, p. 105; states that site servicing equipment should be located away from the public sidewalk and through-block connections.

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.

Errata Sheet in Reference to 2-16-2017 Code Draft

April 19, 2017 Commission Study Session

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" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">Floor Area Ratio: Base / Maximum (3)</td> </tr> <tr> <td style="text-align: center;">6.75/ 8.0</td> </tr> <tr> <td style="text-align: center;">6.5 8.5 / 10.0</td> </tr> <tr> <td style="text-align: center;">N/A</td> </tr> </table>	Floor Area Ratio: Base / Maximum (3)	6.75/ 8.0	6.5 8.5 / 10.0	N/A
Floor Area Ratio: Base / Maximum (3)						
6.75/ 8.0						
6.5 8.5 / 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"> • Replace the word “an” with “the” • Omitted the words “in paragraphs A.2 and A.3 respectively.” 	“1. Applicability. Buildings with heights that exceed the trigger for additional height shall be subject to the diminishing floor plate requirement and an <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 th Ave. NE north of 10 th is shown as public ROW. It is private property.	Mapshot is being changed to show 110 th Ave. NE north of 10 th 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
20.25A.060.A.4	Base Height was omitted from dimensional chart and is referenced elsewhere in the code	Add base height column into the dimensional chart for code clarity
20.25A.030	P. 13 of packet 2.a.i. (1) refers to 20.258A.050	Change to 20.25A.050
20.25A.060.A.4	Perimeter Overlay B-2 Note 15 maximum building height,	Delete
20.25A.060.A.4	Perimeter Overlay A-2 Residential Fn 8	Delete
20.25A.090.C.3.b	Omission that minor publicly accessible spaces are required for developments <u>in the Downtown Core</u> that do not participate in the amenity incentive system	Add in verbiage about the Downtown Core



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>
17-7	19-Apr-17	Downtown Livability Land Use Code	2	Downtown Livability Study Session #2 Post Public Hearing	City Hall
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	Downtown Livability Study Session #3 Post Public Hearing	
17-9	3-May-17	Downtown Livability Land Use Code	2	Downtown Livability Study Session #4 Post Public Hearing	City Hall
17-9	10-May-17	Downtown Livability Land Use Code	2	Downtown Livability Study Session #5 Post Public Hearing	City Hall
17-10	24-May-17	Downtown Livability Land Use Code	2	Downtown Livability Study Session #6 Post Public Hearing	City Hall
17-11	14-Jun-17	Comprehensive Plan Amendment Cycle Threshold Review	1	Public hearing	City Hall
		Comprehensive Plan Amendment Cycle Threshold Review	2	Study Session to make recommendation to City Council regarding threshold determination for plan amendments in cycle.	
17-12	28-Jun-17	Comprehensive Plan Amendment Cycle Threshold Review	2	Study Session to make recommendation to City Council regarding threshold determination for plan amendments in cycle.	City Hall

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.



DATE: April 19, 2017

TO: Chair deVadoss and Planning Commission Members

FROM: Terry Cullen, AICP, Comprehensive Planning Manager, tcullen@bellevuewa.gov, 452-4070, *Planning & Community Development Department*

SUBJECT: Quarterly Check-in Q1Y17

DIRECTION NEEDED FROM PLANNING COMMISSION

- Action
- Discussion
- X** Information

The Planning Commission, City Council Liaison and City Staff conduct a quarterly check-in to discuss progress on current initiatives, future ones and other related matters. This is the quarterly check-in for the first quarter, January 1 to March 31, 2017. This agenda item is for information only and no action is required.

BACKGROUND

One of the outcomes of the Planning Commission annual retreat held on September 30, 2015 was the decision to hold a quarterly check-in to include the Planning Commission and City staff. Mayor John Stokes, Planning Commission Chair John deVadoss, Vice-Chair Stephanie Walter, and Comprehensive Planning Manager Terry Cullen met April 7, 2017 at City Hall to discuss items related to the quarterly check-in.

BY THE NUMBERS

The Planning Commission held six meetings in the first quarter of 2017. (January 11, 25, February 8, March 1, 8 and 22). The regularly scheduled meeting for February 22 was canceled because of the School District’s mid-winter break and re-scheduled for March 1. Business conducted in these meetings included: seven (7) study sessions, and one (1) public hearing.

<u>Agenda Item</u>	<u>Meeting Date</u>	<u>Subject</u>	<u>Location</u>
Study Session	January 11	Downtown Land Use Code Amendments	City Hall
Study Session	January 25	Downtown Land Use Code Amendments	City Hall
Study Session (2)	February 8	Downtown Land Use Code Amendments Post Retreat Standards & Practices	City Hall
Study Session (2)	March 1	Downtown Land Use Code Amendments 2017 Comprehensive Plan Amendment Cycle	City Hall
Public Hearing	March 8	Downtown Land Use Code Amendments (27 people testified; 39 people	City Hall

		signed in.)	
Study Session	March 22	Downtown Land Use Code Amendments	City Hall

The Planning Commission made no recommendations to City Council during this reporting period.

OTHER BUSINESS

There is no other business to report.

LOOKING AHEAD

- Items that are confirmed, or likely to be coming, for the Planning Commission in the first quarter of 2017 include:
 - Study Sessions and Recommendations to City Council – Downtown Land Use Code Amendments (May)
 - Study Session and Public Hearing – Comprehensive Plan Amendment Cycle – Threshold Determination (April and June)
 - Officer Elections (June)

The next quarterly check-in is planned for the July 12, 2017 Planning Commission meeting.

Correspondence Received Since the Last
Planning Commission Meeting (March 22,
2017) and Wednesday, April 12, 2017 (noon)

For the Planning Commission meeting packet,
April 19, 2017

Cullen, Terry

From: bt.livability@gmail.com
Sent: Thursday, March 23, 2017 8:55 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

ROBERT E KILIAN rekili@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 Steele.com Contact Us Form Google Apps Script

Cullen, Terry

From: Stu Vander Hoek <stu@vanderhoek.us>
Sent: Friday, March 24, 2017 4:07 PM
To: PlanningCommission
Cc: Carl Vander Hoek; Terri Young
Subject: Livability Parking considerations

Dear volunteer Commissioners,

Having attended the Weds. Commission Livability meeting, and listening to your brief conversations about downtown parking, I think there's more to the actual parking story that you might not have heard from staff about. There are parking dynamics in the downtown that you might want to know about. I would be happy and would enjoy sharing with you the realities of what specific developments in Old Bellevue, old and new, have underprovided, for parking to serve residents, employees, residential visitors, customers.....and DELIVERY VEHICLES like UPS, FED EX, UBER, PEACH, AMAZON, AND 10 OTHERS, plus the recycling and garbage haulers. The outcomes of typical merchant(build to sell) developers and city decision making are not good. Bitterness abounds. There's a crisis in Old Bellevue and you might not even know about it.

If I don't hear back it's fine. I just know after working with the City for as long as I have, that you as a Commission are not fully aware of current parking conflicts on the streets downtown, yet you're going to come to some kind of proposal to Council and they get to figure the parking stuff out. Oh boy! People yell at each other, UPS drivers are yelled at, customers circle the blocks multiple times waiting for a parking stall, and the delivery truck drivers ignore that they are creating traffic hazards while not using provided for service bays if a building even has one. Is it okay for the UPS delivery truck to park in front of Greg's Bicycle Shop on Bellevue Way NE and block 50% of the travel lanes, when the building itself has plenty of room for the driver to park in?

I've been down the path you're on before, in 1986. The City commissioned a Study of Old Bellevue and put out a report and implemented LUC changes, but not per the recommendations of the report. By now those recommendations, and the lack of foresight by the City to do anything about the mistake, have helped create this crisis. That Old Bellevue study should have been updated 20 years ago because by now it doesn't mean anything to new developments. Sound similar to the 1981 LUC? This is a really long story so I'm going to stop now.

On a connected topic, Carl has shared our views on how the process in a new development where the developer tells the city they are going to have certain uses and the parking supply is determined strictly from the code book, to achieve the minimum only, usually becomes a problem for everyone when that space tries to turn into a more intensive parking demand reality. Parking reductions are already provided in mixed use buildings. Ask staff about parking issues at Park 88 Apts, Mckee Condos, One Main Condos, Borgata Apts., and probably the Meyden Apts. Find out the rest of the story, please.

If you want the real history about parking for retail and restaurants, and the associated types of parking demanded, but not provided for, let me know. If not, thank you for your service

Stu

Cullen, Terry

From: bt.livability@gmail.com
Sent: Friday, March 24, 2017 6:18 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

Sean Knox seanknox@outlook.com sent the following message:

I vote YES on larger buildings proposed in the Livability Update.

1. More people will lead to more restaurants and things to do
2. More taxes collected for the city of Bellevue
3. More pressure to build better transportation systems
4. More tech companies will move here

Sent by the Steele.com Contact Us Form Google Apps Script

Cullen, Terry

From: bt.livability@gmail.com
Sent: Sunday, March 26, 2017 5:24 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

Chia Lee cclee74@yahoo.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

Cullen, Terry

From: King, Emil A.
Sent: Monday, March 27, 2017 1:44 PM
To: PlanningCommission
Subject: FW: Public Space Incentive - Downtown

From: Pam Johnston [mailto:pamjjo@msn.com]
Sent: Monday, March 27, 2017 1:41 PM
To: King, Emil A. <EAKing@bellevuewa.gov>
Cc: John deVadoss <jdevados@gmail.com>; Ssteph_rick_w@hotmail.com; ElliottBay@Yahoo.com; loretta@mstarlabs.com
Subject: Public Space Incentive - Downtown

With private plazas and open space incentive, Downtown remains at its base density. With donated parks incentive, Downtown will increase density overall. With park improvement dollars incentive, Downtown will increase in density even more (without an off set). Please explain how this is a good trade-off. Understanding that I am late in the process of the Downtown Livability, however, it is not clear to me the process of incentives, so please indulge me. I take it as a given that FAR directly related to building and site volume.*

1. Plaza and other private open space will **lower the ground density** of Downtown. This appears to be a good use of additional FAR. No additional infrastructure is needed.

2. It does not appear to me that the donation of park space or the park improvement dollars is a good deal right now. In both cases, we are **increasing the overall density of downtown and the cost of infrastructure needed** (more traffic, more police, more fire, more water, more electricity, etc.).

a. It seems that Downtown will price out any meaningful park donation. For park land, how was \$1000 set as the right amount over time?

For example, if the need is four floors at 10,000 sqft, they need 40,000 points, so they need property worth \$1,000,000. However, that \$1,000,000 worth of park property can't buy even 10,000 sqft of property.

Right now, parcel 1047000035 KC Appraised value: \$1,981,500 Lot area: 7,926 and is priced at \$14M

Account	Valued Year	Tax Year	Omit Year	Levy Code	Appraised Land Value (\$)	Appraised Imps Value (\$)	Appraised Total Value (\$)	New Dollars (\$)	Taxable Land Value (\$)
104700003502	2016	2017		0330	1,981,500	1,000	1,982,500	0	1,981,500

Why is the FAR points based on dollars rather than the footprint? It seems that they should give us at least ~4,000 sqft of pocket park.

For 40,000 points there could have been a ~4,000 sqft plaza. (9.3 points/sqft) that was fully built.

b. For park land, if it is in downtown, there will likely be a cost for de-constructing-stripping into park buildable land. So, the appraised property could have consisted of $\$StructureDollars + \$LandDollars$, where the park most likely needs $\$LandDollars - \$DeconstructionDollars$. Why is the donation at a minimal land dollars only and at a maximum, land dollars + a fee. We are likely going to be stuck with a lot of bills for soil contamination.

c. For park improvements, how do you know \$1000 is the right amount over time? How do you determine the air space used cost to the public for use plus environmental effects plus infrastructure needs? I would think that the additional infrastructure needs (transportation and utilities budgets) added for the greater than base downtown density as a greater cost than the park dollars returned.

How did the City calculate the trade-off?

Thank you,
-pamela johnston

Pamela Johnston
3741 122nd Ave NE
425.881.3301

My density notebook

*FAR is directly related to building height**, and thus volume.

Case: Maximum FAR + Bonus+ Public Space = Standard volume = Same density

If you build "public space" into the building, then you get less footprint but more height (Max FAR), making the volume of the building essentially the same as if there was no public space. Leading to a "pocket park-plaza" in the private system. Thus, the **same density in Downtown.**

Case: Maximum FAR + Bonus+ Park Space = Max volume = More than Max density

If you donate noncontiguous park space, you get maximum footprint and more height (Max FAR), making the volume of the building at max footprint and height. Park land is based on \$dollars not footprint of the park. **Thus, more density in Downtown overall.**

Case: Maximum FAR + Bonus+ Park Improvement dollars\$ = Max volume = More than Max density => Increases the Density Downtown. Extra volume is not replaced anywhere.

If you donate Park Improvement dollars\$, you get maximum footprint and more height (Max FAR), making the volume of the building at max footprint and height. Park land is based on \$dollars not footprint of the park. **Thus, even more density in Downtown overall.**

So, in the end, it is possible that Downtown is denser than if every building was at its base FAR. Total downtown volume > Sum of (buildable footprint * base building height)

In the Spring district, the development has one major developer, so they are able to create one big park. In downtown, is a developer able to make a proposal to 'combine" the use of FAR bonus between two different properties, that may be not be contiguous?

For example, one block is built out to maximum FAR, but two blocks over, a plaza is created with a building that is of standard height, but now under maximum FAR.

**If we take the floor height as constant in a building..

$FAR = \text{NumberofFloors} * \text{FloorFootprint} / \text{SiteFootprint}$

$\text{Height} = \text{NumberofFloors} * \text{Floorheight}$

$FAR = (\text{Height} / \text{FloorHeight}) * (\text{FloorFootprint} / \text{SiteFootprint})$

$\text{Height} = FAR * \text{Floorheight} * \text{SiteFootprint} / \text{Floorfootprint}$

Cullen, Terry

From: bt.livability@gmail.com
Sent: Monday, April 03, 2017 2:36 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

Glenn Wright g.c.wright@comcast.net 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

Gulledge, Kristin

From: Leah Missik <lmissik@mbaks.com>
Sent: Wednesday, April 05, 2017 3:57 PM
To: PlanningCommission; Byers, Trish (Patricia); King, Emil A.
Cc: David Hoffman
Subject: Downtown Livability Draft Code Amendment
Attachments: BuiltGreenLetterBellevue2017.4.5.pdf

Good afternoon,

I hope you're doing well. I wanted to submit a letter on behalf of Built Green and the Master Builders Association that follows up on our previous letter concerning the Downtown Livability Draft Code Amendment. Our comments concern green building incentives specifically. Thank you for taking them into consideration, and I hope they aid the process of shaping a successful amendment. You will find the comments attached.

Please do not hesitate to reach out if you have any questions, to either David Hoffman (copied), or me.

Thank you very much,

Leah Missik ■ Built Green Program Manager

t 425.460.8238 c 425.499.1840
335 116th Ave. SE, Bellevue, WA 98004
builtgreen.net





April 5, 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

Dear Trish and Emil,

Thank you for the opportunity to comment again on Bellevue's Downtown Livability Draft Code Amendment, specifically on the incentives for green building. Bellevue is our headquarters location and we appreciate our longtime collaborative and positive working relationship with the city. We wanted to follow up on MBA's March 9 letter with additional comments.

Built Green is a green home certification program of the Master Builders Association of King and Snohomish Counties (MBA). Its mission is to serve as the driving force for environmentally sound design, construction, and development practices in our cities and communities. To achieve this, 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 environmental and social impacts of Built Green projects have been studied and are overwhelmingly positive.

With respect to Bellevue's Downtown Livability Draft Code Amendment: Built Green and the MBA are pleased to see that our Built Green program and certification are included in tiers of the sustainability certifications that are eligible for a FAR bonus. In our opinion, a FAR bonus can be a valuable incentive to spur builders to build more sustainably. On March 13, Built Green participated in a developers' forum on potential green building incentives. The feedback provided by developers and builders, both in general and specifically referring Bellevue's draft code amendment, were enlightening and thus we wanted to elaborate on our earlier letter to better represent the feedback received at the forum.

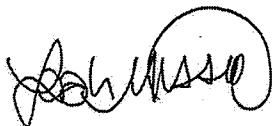
Developers were firm that incentives need to align with the higher risk and cost that comes with applying new practices and building deep green projects, otherwise they will not be utilized. There was concern that the proposed bonuses were not adequate to spur builders to build greener projects, especially in Bellevue, where the number of Built Green certified projects has been low compared to other area municipalities. Therefore, we would recommend adding Built Green 4-Star at the 0.2 FAR bonus level to better align reward with effort and cost. We believe this would encourage broader uptake of green building. Built Green 4-Star requires 20% more energy efficiency than code, and is roughly equivalent to LEED Gold.

We also understand that green building can only receive 25% of the total FAR bonus, after the bonus for open space has been utilized. We understand the important of green and open spaces, and as a part of its certification standard, Built Green requires site stewardship practices and encourages community-focused design. Allowing green building incentives to take full advantage of the FAR bonus would increase adoption. If this is not possible, we would propose moving Tier 1 and Tier 2 certifications (our Built Green Emerald Star certification level falls in Tier 2) to the flexible bonus option so these deep green projects could take full advantage of the bonus. There is merit to granting flexible and substantial incentives to this level of building, as these projects carry higher risk and require innovation, yet pose a tremendous benefit. Built Green Emerald Star is a highly rigorous, holistic certification standard: it requires modeling that demonstrates net zero energy use, a 70% reduction in water consumption, and includes stringent standards for site development, indoor air quality, and materials use.

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 lmissik@mbaks.com or 425.460.8238.

Sincerely,

A handwritten signature in black ink, appearing to read "Leah Missik", enclosed within a hand-drawn circular scribble.

Leah Missik
Built Green Program Manager

cc: David Hoffman, King County Manager, MBA

Cullen, Terry

From: Pam Johnston <pamjjo@msn.com>
Sent: Thursday, April 06, 2017 12:23 PM
To: Matz, Nicholas
Cc: loretta@mstarlabs.com; PlanningCommission
Subject: 17-104627 AC Bellevue Technology Center is too far from the station to be transit-oriented development for light rail
Attachments: MoreThanHalf-Mile_RedmondTechCtrStationTOBellevueTEchCenter-thick.jpg

RE: 17-104627-AC Bellevue Technology Center Comp Plan Amendments
<http://www.ci.bellevue.wa.us/pdf/Land%20Use/02-23-17-Weekly-Permit-Bulletin.pdf>
<http://www.bellevuewa.gov/pdf/land%20use/17-104627-AC.pdf>

Redmond Technology Center Station (Station) is too far from the Bellevue Technology Center (BTC) to be a transit-oriented development for light rail. Thus, a change in the Crossroads Subarea Plan to encourage "transit-oriented" development does not warrant this within the ½ mile walkshed for light rail. All considerations for 17-104627 AC in regards to light rail should be rejected.

King County Metro Transit: Access to Transit Report of July 1, 2015 states "The easy way to identify the walk shed is to draw a ½ mile buffer around the station to define the walk shed. In reality though, the walk access with the defined circle depends on the street and sidewalk network within the buffer."

According to King County, Transit-Oriented Design typically includes higher density, mixed use development in 10 minute walk circle. BelRed has defined these "development nodes" to be generally within a quarter-mile radius of the light rail station.

While these numbers are approximate,

- The radius the Station to BTC NW corner greater than .4 mile. **This is not within the .25 radius for transit oriented design.**
- The walk from the Station to BTC NW corner is greater than .6 mile walk, uphill. **This is greater than the .5 mile, 8-10 minute walk defined for transit-oriented design.**

BACKGROUND

From King Country Metro Transit: Access to Transit Report of July 1, 2015

P. 8 "A common transit agency metric for access to transit is the number of people who live or work within ¼ mile of a bus stop or station"

Pg. 37 "As a general rule, people will walk between a ¼ mile and ½ mile to reach transit."

"Approximate Walk Times

¼ mile = 3-5 minutes to walk

½ mile = 8-10 minutes

1 mile = 12-15 minutes"

<http://metro.kingcounty.gov/am/reports/2015/metro-access-to-transit-July2015-report.pdf>

See also: <http://www.kingcounty.gov/depts/transportation/planning/tod.aspx>

From The BelRed SubArea Plan

<http://www.bellevuewa.gov/pdf/PCD/SPO1.BelRed2010.pdf>

Development Nodes The nodal development pattern **concentrates development in the vicinity of potential future light rail stations**, generally within a quarter-mile radius. Development nodes are located in the vicinity of Overlake Hospital, at 122nd Avenue NE, at 130th Avenue NE, and at 152nd

Avenue NE (with a station in Redmond). These nodes would be mixed-use in nature, with a high level of pedestrian access and amenities. Land use intensities in these nodes can reach a maximum development intensity of 4.0 FAR, but only through participation in an incentive system that provides public amenities in exchange for higher densities. Maximum building heights vary by development node, with the highest allowed heights near the center of the nodes. As with intensity, these maximum heights above the base zoning height limits are allowed only through participation in the amenity incentive system.

See also: http://apps.bellevuewa.gov/gisdownload/PDF/Planning/Zoning_36x52.pdf

Sincerely,
Pamela Johnston

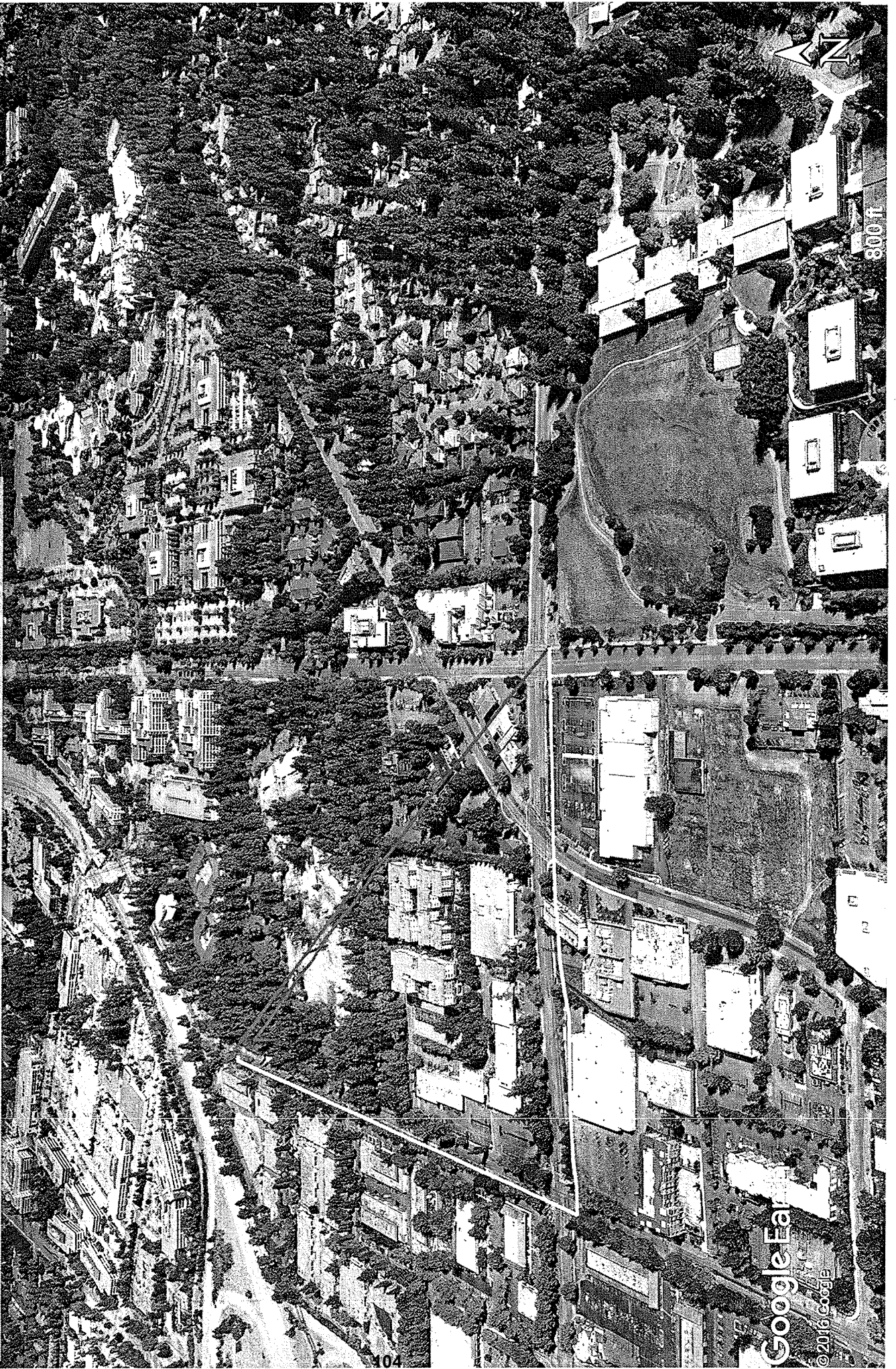
Pamela Johnston
3741 122nd Ave NE
425.881.3301

Redmond Tech. Ctr. Station to Bellevue Technology Ctr

.25 mile radius (red)

.6 mile walk (yellow)

BTC is greater than .4 mile radius (blue)



Google Earth

©2016 Google

Cullen, Terry

From: Michelle Wannamaker <mwannamaker@comcast.net>
Sent: Friday, April 07, 2017 9:05 PM
To: PlanningCommission
Subject: Eastgate/I-90 add'l errors
Attachments: PC_anomalies_letter.docx; CC_anomolies.pdf; Linda's_email_Robertson.pdf

I have attached my letter & corresponding additional files.

Michelle Wannamaker
4045 149th Ave. SE
Bellevue, WA 98006

(425)691-0045
mwannamaker@comcast.net

April 7th, 2017

Commissioners,

I know you are aware of and have corrected the errors in permitting of transient housing in all 3 of the new LUC's in the Eastgate/I-90 project. I have brought the following additional anomaly to the City Council's attention, but I think you should know about it, too. I've attached 3 pages (17-19 with annotations) from the Packet Materials for the 7/27/2016 Planning Commission meeting. This is the meeting at which the vote was taken on the Eastgate/I-90 project. The file CC_anomalies.pdf shows how the height in the TOD increased by 1/3rd, from the CAC's recommended 12 stories to 16 stories. And how the NMU & OLB-2 increased by 88% to 25%, from the CAC's recommended 4 - 6 stories to 7.5 stories. I have no background in development, so I didn't know that the industry standard is 10 feet/story. There was no discussion at this meeting, about increasing the number of stories in any of the LUC's. Only staff's recommendation for the maximum heights of 160 feet for the TOD and 75 feet for the OLB-2 and NMU.

I was unable to convert feet to stories, until I met Linda Nohavec, who is an architect. And it was Linda who started raising the red flag on the increased stories, compared to the CAC's recommendations. With her permission, I have attached her email to Councilmember Robertson, in response to a verbal conversation. It's only through research, that I found where staff snuck in the change, by counting 12 feet/story. There was no discussion of this. I even listened to the meeting, again, on the audio recording, to make sure. You were **NOT** told that 160 feet and 75 feet exceeded the CAC's recommendation. In fact, I believe you thought you **were** following the CAC's guidelines, when you voted to approve this project. If that was the case, I urge you to correct this error, too.

Sincerely,

Michelle Wannamaker
4045 149th Ave. SE
Bellevue, WA 98006

(425) 691-0045
mwannamaker@comcast.net

Request 7 of 7: Provide short summary tables for each of the new zoning districts that show the general uses, Floor Area Ratio, height and lot coverage based on what the Citizens Advisory Committee’s recommended plan and the City staff recommendations with the code amendments.

The information requested is provided below.

neighborhood mixed use

<u>Neighborhood Mixed Use (NMU) Zoning District</u>	<u>CAC Eastgate/I90 Land Use & Transportation Plan (2012)</u>	<u>City Staff Recommendation</u>
Uses	Office, retail, eating, drinking establishments, general commercial, lodging and multi-family residential.	Office, retail, eating, drinking establishments, general commercial, lodging and multi-family residential.
Floor Area Ratio (FAR)	0.75 to 1.0 Industry standard is 10 ft/story	1.0 Base + up to 1.0 for affordable housing on-site.
Building Height	4 to 6 stories 48 to 72 feet (based on 12 feet/story)	75 feet This is 7 1/2 stories, not the 4-6 stories recommended by the CAC
Maximum Lot Coverage by Structure	Not specified	35%
Design Guidelines (generally specified)	<ul style="list-style-type: none"> • Coherent design and image. • Innovation (eg climate change & public health) 	<ul style="list-style-type: none"> • Integrate natural environment. • Promote community gathering. • Compatible parking structures. • Enhance pedestrian system. • Provide interesting building massing. • Attractive building silhouettes. • Welcoming Residential Entries.

office limited business - 2

<u>Office Limited Business-2 (OLB-2) Zoning District</u>	<u>CAC Eastgate/I90 Land Use & Transportation Plan (2012)</u>	<u>City Staff Recommendation</u>
Uses	Office, ancillary retail (ground floor).	Office, ancillary retail (ground floor).
Floor Area Ratio (FAR)	0.75 to 1.0 Industry standard is 10 ft/story	1.0
Building Height	4 to 6 stories 48 to 72 feet (based on 12 feet/story)	75 feet This is 7 1/2 stories, not the 4-6 recommended by the CAC
Maximum Lot Coverage by Structure	Not specified	35%
Design Guidelines (generally specified)	<ul style="list-style-type: none"> • Enhanced pedestrian connections. • Improved pedestrian-oriented outdoor spaces. • Enhanced streetscapes. • Enhanced bicycle access. • Heavily vegetated backdrops (King County site) 	<ul style="list-style-type: none"> • Integrate natural environment. • Promote architectural compatibility. • Promote community gathering. • Compatible parking structures. • Welcoming residential entries.

transit oriented development

<u>Transit Oriented Development (TOD) Zoning District</u>	<u>CAC Eastgate/I90 Land Use & Transportation Plan (2012)</u>	<u>City Staff Recommendation</u>
Uses	Office, retail, eating, drinking establishments, general commercial, lodging and multi-family residential.	Office, retail, eating, drinking establishments, general commercial, lodging and multi-family residential.
Floor Area Ratio (FAR)	0.75 to 1.0 industry standard is 10 ft/story	2.0 Base + up to 1.0 for affordable housing on-site.
Building Height	4 to 6 stories 48 to 72 feet (based on 12 feet/story)	75 feet This is 7 1/2 stories, not the 4-6 recommended by the CAC
Maximum Lot Coverage by Structure	Not specified	35%
Design Guidelines (generally specified)	<ul style="list-style-type: none"> • Coherent design and image. • Innovation (eg climate change & public health) • Highest & most visible concentration of buildings framed by wooded slopes and landscaped SE Eastgate Way. • Urban scale character. • Pedestrian-oriented building facades fronting a main street. • Publicly accessible open spaces. • Promote pedestrian access, amenity and scale. • Natural and human made landscaping. • Stairway with small overlook or plaza on the slopes south of Bellevue College. • Expanded walk & canopy on bridge (142nd PI SE) 	<ul style="list-style-type: none"> • Integrate natural environment. • Enhance pedestrian system. • Establish/strengthen gateways • Create/activate open spaces. • Pedestrian emphasis guidelines. • Protect pedestrian from elements. • Integrate art. • Promote architectural compatibility. • Provide interesting building massing. • Attractive building silhouettes. • Foster Attractive rooftops. • Welcoming Residential Entries. • Inviting Retail/Office/Comm. Entries. • Activate/emphasize corners. • Inviting ground floor retail. • Compatible parking structures.

Recent LUCA Re: 12'=1 story

From : Linda Nohavec <linda@lakestreetstudios.com>

Wed, Mar 22, 2017 11:19 AM

Subject : Recent LUCA Re: 12'=1 story**To :** j robertson <j.robertson@bellevuewa.gov>

Councilman Robertson,

Michelle Wannamaker recently submitted written comments referencing the above subject and referred to my interpretation for standard industry ratios. I didn't have enough time in public comment to address. As a reference and industry professional of 40 years, the info below may clarify our concerns. You may know all of this already, but just in case, submitted as reference.

There isn't one jurisdiction I have researched, also checked with my development and architectural colleagues to ensure I was still current on my calculations and specifications.

Architects follow the average story equation of 10' = 1 story. The only exception from that standard height would be on a case by case permit basis, i.e., if seismic conditions existed, or one or two floors required special mechanical/HVAC system to operate for the entire structure. However, the overall building height would not increase as height restrictions exist by vertical feet. I even pondered if staff are calculating additional area to add abatement insulation or products between floors to decrease sound resonance. However, that doesn't make sense as thinset concrete or sound absorption products such as Enkasonic are placed atop the surface, not between dropped ceiling/subfloor area where insulation/mechanical is placed. (Roof top systems/mechanical and elevator shafts are typically exempt for inclusion in the total overall height if not enclosed space.)

Truly, there needs to be a checks and balances in the staff's recommendations for the story vs height. I reference just the TOD, NMU and OLB2. A total overall height should remain consistent at 10' per story and overall height based on that calculation. I don't believe the CAC or Planning Commission were notified of the 2' increase recommendation by staff. The attempt to push through this 12' height is broad in spectrum and grants taller structures.

I thought you might find the info relevant. Thank you.

Linda Nohavec

Sent from my iPad

Cullen, Terry

From: Pam Johnston <pamjjo@msn.com>
Sent: Monday, April 10, 2017 7:52 PM
To: PlanningCommission
Subject: Fwd: Parking-Downtown Transportation Plan

I may be out of step here (see mail below) but please review <https://bellevue.legistar.com/LegislationDetail.aspx?ID=3015327&GUID=F0B11114-7809-4071-9AC9-876A79D2B8A4&Options=&Search=>

⌀

Begin forwarded message:

From: <pamjjo@msn.com>
Date: April 10, 2017 at 7:44:00 PM PDT
To: <council@bellevuewa.gov>
Subject: Parking

The downtown transportation policy amendments seems out of sync with the planning commission discussion on the need. to keep parking space quantity standards the same as today.

⌀

Cullen, Terry

From: Heim, Joshua
Sent: Tuesday, April 11, 2017 4:26 PM
To: PlanningCommission
Cc: Cullen, Terry; paul manfredi
Subject: Feedback on Downtown Livability amenity incentive system

Dear Mr. deVadoss and members of the Planning Commission,

On behalf of the Bellevue Arts Commission, I submit this letter to provide feedback on the arts-specific elements in the draft land use code amendment package under consideration.

The Arts Commission appreciates the inclusion of public art and performance space as key features of the amenity system. We generally support the updated Downtown Livability amenity incentive system as presented to us on March 7, 2017, and support the arts-specific elements with some exceptions.

We understand and support the proposed updates that expands the definition and siting of public art beyond standalone sculpture at building entrances. While we recognize that integrated art features can improve the architectural interest of buildings, we believe this is not the primary public benefit of art in the public realm. It is to create a memorable civic experience. As a form of collective community expression, we believe public art reflects and reveals the contours and wells of our society. What distinguishes public art is both its location in a public place and the affinity between artist and community. And it is this interactive process between artist, community and site that gives interest and meaning to our city.

To that end, we have identified areas of the public art incentive that could use revision as indicated in italics:

"12. Public Art: Any form of permanent artwork that is outdoors and publically accessible or visible from a public place. The purpose is to create a memorable civic experience and affinity between artist and community."

"2. May be an artist-made object or artist-made 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."

All great cities have great art. The arts in its many forms not only confers collective identity for a city but is often its soul. In Bellevue, our soul expresses itself in a vibrant, high quality collection of public artworks in both public and private spaces and a small but growing schedule of annual performances. As you know, this is unique for cities of our size and it is what makes us special. Our hope is that this situation endures and thrives. Therefore, we respectfully ask that you carefully consider changes to the incentive system that may reduce or inhibit the likelihood of public art and performance space to be realized in Downtown Bellevue.

Thank you for the opportunity to provide feedback and your partnership in elevating the arts as a driving force toward greater downtown livability.

Yours sincerely,

Paul Manfredi, Chair
Bellevue Arts Commission

Joshua Heim

Arts Program Manager
Department of Planning & Community Development
City of Bellevue

E-mail: jheim@bellevuewa.gov
Phone: 425.452.4105
FAX: 425.452.5247



Physical Address:
450 110th Avenue, NE
Bellevue, WA 98004

Mailing Address:
PO Box 90012
Bellevue, WA 98009-9012

Cullen, Terry

From: Diane Carol Mark <diane.mark@me.com>
Sent: Tuesday, April 11, 2017 6:59 PM
To: PlanningCommission
Subject: Public comment: Bellevue School District elementary school at Wilburton

Bellevue Planning Commission:

I just discovered that you're considering construction of a public school on a large swath of open space in Bellevue near the Bellevue Botanical Garden and another public park.

- Can you not find another site for a school?
- Can you not repurpose some aging structures so that we don't have to lose our open space?

I feel very disappointed that you're considering building on this valuable land in Bellevue.

Thank you for listening,

:) Diane

See our *NEW* book *Spirit Work. Too* published on Amazon

<https://www.amazon.com/dp/1543289649>

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 Keldoon 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 100th 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 stepback provision is in the current code for Bellevue Way, NE 8th Street and NE 4th Street and has been translated directly in the proposed code. The stepback 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~~^{Kort} 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 [highrises](#)~~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.

PUBLIC HEARING 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.

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

March 22, 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, Dan Stroh, Emil King, Department of Planning and Community Development; Mike Brennan, 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.

APPROVAL OF AGENDA
(6:36 p.m.)

Commissioner Hilhorst proposed moving approval of the meeting minutes to follow public comment.

A motion to approve the agenda as amended 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 – None
(6:36 p.m.)

STAFF REPORTS
(6:37 p.m.)

Comprehensive Planning Manager Terry Cullen introduced Eric Synn, a member of the Parks and Community Services Board.

Mr. Synn reported that staff gave the Parks and Community Services Board a presentation on March 14 on the Land Use Code and the Board was asked if the proposed code would meet Bellevue's needs for parks and community services. After a full discussion, the conclusion reached was that it would not, particularly in relation to the incentive system. The proposed code does not do enough to ensure that additional park land will come through development in the near future, and the options presented to developers through the incentive system historically have been passed over. The proposal has pet amenities as part of the incentive system. Downtown Park, Ashwood Park, the waterfront and the other park elements are sufficient to sustain the current population, but it is clear that those resources will not be sufficient to sustain the projected population increases.

Commissioner Hilhorst said it would be very helpful to have the Parks and Community Services Board develop a detailed written synopsis of where the proposed code falls short. Mr. Synn said the Board looks forward to working closely with the Commission moving ahead.

Commissioner Morisseau added that the Commission would benefit from having the Board provide specific ideas for addressing the specific issues and needs. Mr. Synn said one issue is the fact that as drafted the incentive for providing open space does not define the aspects of the space. Open space can take several forms and can incorporate various elements to make them welcoming places for the public, but they can just as easily simply be a bit of landscaping with concrete planters located near a road or vehicle entrance that would not be used at all by the public. In making their presentation to the Board, the staff offered a number of very good open space examples. He agreed to have the Board offer additional comments in writing. He suggested it would also be helpful for Chair deVadoss to meet with the Parks and Community Services Board chair.

Mayor Stokes reported that the Council appointed former Transportation Commission member and chair Ernie Simas to fill the vacant Council seat. Councilmember Simas was involved in the Downtown Livability Initiative by serving as co-chair of the CAC. He will be a good addition to the Council.

With regard to the remarks made by Mr. Synn, Mayor Stokes expressed an interest in knowing more about why the issues were just being raised by the Parks and Community Services Board given that the Commission has been working on the proposed code amendment for a long time. He said if there are any additional meetings to be held, he as liaison would want to be involved in coordinating them. The Commission has a lot of work to do without adding anything to the list. He said neither he nor the Council were aware of concerns by the Parks and Community Services Board.

Mayor Stokes said during the study session, the staff would present a process for moving forward. The goal is to have the transmittal memo ready for review by May 24 and to transmit the package to the Council in June. If extra meetings are needed, they will be scheduled. The Council wants the schedule followed so it can receive the recommendation and start its work on the code amendment.

Mr. Cullen noted that the Commission's desk packet included an email from Michelle Herman. He said the email came with an attachment that was 143 pages long and accordingly was not printed out. It was, however, sent to all Commissioners electronically.

Mr. Cullen introduced new senior planner Deborah ~~Munkford~~Mungford, a certified planner with

extensive experience in the planning field. She was most recently a principal in 3 Square Blocks, a well regarded consulting firm. She has both private and public sector experience, having worked many years ago in Bellevue's parks department. Her specialties include comprehensive planning, neighborhood planning, community engagement and environmental review. She is currently assigned to assist with development of the city's affordable housing strategy and is expected to be working on the multiyear neighborhood area planning project as well as other work.

PUBLIC COMMENT
(6:54 p.m.)

Ms. Michelle Herman, a resident of Bellevue Towers, said she lives in unit 3616 which faces south and west. She said there are several things that would be helpful for downtown residents in evaluating the proposals. It would be helpful to know if the maximums listed in the chart on page 36 showing height and FAR and other data are actually maximums or if there are exemptions allowed, if there are bonuses that will allow for going beyond the stated maximums, and if rooftop equipment is included. It is also difficult to compare the proposed changes to the current code and it would be helpful to have a table comparing the two. With regard to the developments constructed after 2000 under the current code, it is difficult to say for sure what their FARs and actual heights are, and it would be useful to have information about some currently developed properties. From Bellevue Towers, DT-O2 South offers the only remaining view corridor. Early on in the process there was a proposal from the CAC to go from 250 feet to 400 feet in the zone. The residents argued against increasing heights beyond 250 feet, and the Commission decided during the meeting to keep the height at 250 feet. There is historical fact that the Commission intended to keep the DT-MU district the same as the DT-O2 South district, and the Commission should do so for the one lot on the southwest corner of 106th Avenue NE and NE 4th Street that is not currently developed.

Commissioner Carlson asked Ms. Herman to clarify the statement in her materials relative to the promise that residents depended on when buying. Ms. Herman said when she purchased her unit on the 36th floor, she looked at the code and was informed that the maximum height south of NE 4th Street was 250 feet. A huge premium was paid to be on a higher floor, and the premiums for the higher floors is even more now. It turns out the maximum 250 feet was not in fact a maximum given that the code allows an additional 15 percent for providing some amenities, and an additional 15 feet for rooftop equipment, taking the actual height up to 302 feet, something those not schooled in the code can easily determine. The code said 250 feet maximum and that was relied on in buying a unit on the higher floors for which a premium was paid.

Mr. Bill Herman, a resident of Bellevue Towers, said he was frustrated by the fact that the current amenity incentive system is being interpreted as a lifetime entitlement. The system should be no more than a ten-year promise after which it should be reviewed and renewed. It is infuriating that structured parking is proposed to be made a permanent incentive. The old maximum height based on the parking requirement blows all of the potential lift that could be put toward amenities. The basic height should be lowered even if no one wants parking anymore. In the future parking may not be needed at all, and moving the new base height to the old maximum height means the value to the amenity system will be lost forever. The code should go forward on the understanding that all amenities will be phased out. The issue of livability is supposedly at the heart of the discussion, but it is not really being discussed and as such is not really understood by downtown residents. Additionally, what the Commission is being told about traffic, that it will not get worse and that everything will be transit in the future, does not make sense to downtown residents because it does not jive with what they see happening.

Ms. Pamela Johnston, 3741 122nd Avenue NE, called attention to a video called driving downtown Bellevue, Washington, USA. She said the film just shows a car driving around the downtown. She said she counted the number of pedestrians she saw coming from her house to City Hall and came up with only 36. She said recently she met some late 20s/early 30s visitors to Bellevue who commented that Bellevue is not really a city and had not found anything to do once their conference ended for the day. The Commission should be looking at how things are put together so that the end result will be a lively city, but growth should not occur too fast and ahead of figuring out how to get the right things done first.

Mr. Todd Woosley with Hal Woosley Properties, PO Box 3325, said he was not speaking as a member of the Transportation Commission but rather on behalf of the Kramer family, owner of property in Eastgate. He noted that somewhat late in the process of updating the Eastgate Land Use Code, local citizens who believed they would be impacted by the proposal raised concerns about traffic congestion in the area. The Council recognized the problem and authorized an additional study that resulted in some relatively affordable recommendations that are poised for approval. For a modest investment of about \$6 million, the congestion going from Bellevue College down 148th Avenue SE and 150th Avenue SE to Newport Way can be reduced by 40 percent, significantly improving the mobility and accommodating additional development in the area. The approach taken serves as a great example of how the city can respond to concerns about increasing congestion resulting from continued development. A broader study for the area is also being initiated, and the Washington State Department of Transportation is currently designing a new shoulder lane on I-90 that will help Eastgate traffic get onto the freeway eastbound. Studies looking at how to accommodate existing congestion and additional trips in the downtown should be done as part of the livability update.

Mr. Jonathan Kagle, 9342 Vineyard Crest, said he was representing himself only and not the Vuecrest Community Association. He said he has attended many of the Commission's meetings focused on downtown livability and participated to some extent in the CAC process. The CAC process began with a focus on creating a balance between amenities and additional height and density, but it seems like with the Commission the balance is changing as things like spacing and incentives are being chipped away. Getting community members to participate in the process has been difficult given the volume of information. The Commission should seek ways to gain broader community involvement in getting closer to making a recommendation. Some specific development examples would be very helpful in comparing the existing code to the proposed code.

Mr. Patrick Bannon, president of the Bellevue Downtown Association, said he recently took the opportunity to look at the early wins ordinance and compare it to language in the draft code. He said he made contact with city staff seeking clarification with regard to where and in what cases the code language has actually changed, such as the midblock connection conditions that are a bit different from the actual ordinance language that was adopted by the Council. The Commission should be supplied with the information. He said he was looking forward to hearing from the Parks and Community Services Board about their concerns regarding the amenity incentive system. He noted that he served as a member of the Downtown Livability Initiative CAC and pointed out that the March 9 staff memo does a very good job of listing how the draft Land Use Code connects to the Council principles and the CAC's recommendations.

Councilmember Kevin Wallace provided the Commissioners with copies of a table of information from Strategic Planning Manager Emil King about what amenity points have been used in the past. He noted that the Council principles included compliance with the law and

avoiding downzones. If amenities are taken away without adding new ones, or adding new ones that are more expensive, the effect is a downzone. The table showed amenities proposed to be taken away and those proposed to remain, which he noted are few in number. Of those remaining, their utilization averaged only 9.47 percent. In the current paradigm that involves going from a base of 3.0 FAR to a maximum of 5.0, ten percent of the difference would be 0.3. In other words, going from 90 percent of the base to the maximum in the new paradigm will be about three times more than the average of the projects. Taking the pedestrian corridor out of the mix yields an even worse number at 5.48 percent average. The median is only 0.57. Most developers have used the parking and residential bonuses, and very few have used the other things. He encouraged adding more amenities to the list to avoid an effective downzone. The early wins ordinance, which was unanimously recommended by the Commission and unanimously adopted by the Council just a year ago, should serve as a guide.

Mr. Carl Vander Hoek, 9 103rd Avenue NE, spoke representing the Vander Hoek Corporation. He said he generally supported the comments made by the Bellevue Downtown Association in the letter presented to the Commission on March 8, specifically the need for a comprehensive transportation study and a use-specific parking study to measure the effects of the changes to the Land Use Code. He said he also concurred with the need to revisit the issue after five years. Referencing section 20.25A.160 and the issue of throughblock connections, he called attention specifically to NE 1st Place in Old Bellevue half a block north of Main Street and a block west of Bellevue Way. The little portion of alley is on a relatively small-sized block. The alley is in place and is used by pedestrians. It should be removed from the map because it does not go all the way through the block. Promoting it as a pedestrian thoroughfare will take people away from the Main Street businesses.

DRAFT MINUTES APPROVAL
(7:25 p.m.)

Mr. Cullen explained that the city attorney in reviewing the Commission's by-laws made the finding that conducting business once a quorum is no longer present is not allowed. The minutes from January 25, 2017 and February 8, 2017 were previously approved by the Commission but without a quorum being present.

A. January 25, 2017

A motion to approve the minutes as submitted was made by Commissioner Hilhorst. The motion was seconded by Commissioner Morisseau and the motion carried unanimously.

B. February 8, 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 without dissent; Commissioner Barksdale abstained from voting because he had not been present at the meeting.

Commissioner Hilhorst proposed addressing the March 1, 2017 and March 8, 2017 meeting minutes later in the meeting.

STUDY SESSION
(7:27 p.m.)

A. Downtown Livability

Planning Director Dan Stroh noted that he was joined by Department of Development Services director Mike Brennan. He allowed that it has taken a great deal of work to update a code that is 35 years old. Throughout the process, the theme has been building on the success of downtown Bellevue. Livability has been the driving force of taking the downtown to the next level. The formal public hearing on March 8 marked a milestone in the process going back to the days of the Downtown Livability Initiative CAC. He said the plan for moving forward takes into account the comments made by Mayor Stokes about the need to keep the issue moving toward the finish line, as well as the procession discussion that occurred at the Commission's annual retreat.

Chair deVadoss agreed that the journey had been a long one for the Commission and the staff as well as the public. The public hearing was very successful. He asked the Commissioners to comment on the hearing and to offer advice on how to expedite things going forward.

Commissioner Hilhorst said the public hearing involved some very good feedback. She said there are possibly some early wins that could be tackled first, including the site at 112th Avenue NE and Main Street. The proposal made by the property representatives might be the way to go. The recommendation of the Bellevue Downtown Association was excellent and she said she agreed with much of what the organization recommended. She said she was not solidified on the issue of 80-foot tower spacing, which is complicated by the 40-foot setback. The Commission has asked staff to identify some options for mitigating the issue.

Commissioner Carlson said the fundamental question that should be addressed at the outset is whether or not downtown Bellevue has been served well by the existing code. He said he believed the answer to the question is yes and by almost every measure. All that exists in the downtown was made possible by the existing plan. That raises the issue of whether or not major revisions to the plan are actually needed. He said he did not concur with those who believe that major changes are needed, but he allowed that some minor revisions would be in order. The new base FAR should be set at 90 percent of the new maximum, and the proposed 40-foot setback should be swept through. The downtown code has served the area well and will continue to do so into the future with only a few minor adjustments.

Commissioner Walter commented that with change comes winners and losers. She said she did not want to see anyone lose, however, especially where the focus is on improving livability. What is lacking is a clear indication of how the proposed code will actually improve livability for those who live in the downtown. She said she would like to see closer discussions occur between downtown residents and those who want to build there. The tables in the document are confusing and could use some clarification. She said she liked the idea that setting the base FAR at 90 percent of the new maximum would be equitable, but said she would like to hear either from BERK or the Urban Land Institute if the approach would work for them. It has been explained that parking has been pulled in, which is why the proposal was made relative to 90 percent, and it has been said that it will be difficult to achieve the last ten percent, yet the concept of a super bonus has been floated, which creates more questions. She said she is a proponent of having affordable housing built on the same property where it is earned. If the real issue is return on investment, everyone should be open and honest about saying so. She said she likes the idea of separating towers by 80 feet and would not want to see the idea completely swept away, but it may be better to develop a ratio system aimed at getting light and air at the ground level given existing conditions. The issue raised by the Parks and Community Services Board is also important. When adding density, it will be important to keep and enhance all existing parks while adding more park facilities in the geographic areas where the amenities are earned. She added that she would like to see a parks designation adopted so that park land will remain park

land in perpetuity.

Commissioner Laing said he keeps coming back in his mind to the problem the solution is trying to solve. The original orientation of the Downtown Livability Initiative CAC included a walking tour of the downtown in the spring of 2013 that focused on the outcomes the current code has produced over the last 35 years. At the heart of it all, what is being discussed is a rezone. Typically, the basis for a rezone is changed circumstances. Rezones are also made to implement the Comprehensive Plan, and they must be in the public interest. At the macro level, only two things have changed over the last 35 years: the coming of light rail to the city, and the significant increase in the residential population of the downtown to more than 15,000. Those are in fact profound changes that impact the concept of livability. As the downtown has filled in under the current code, the lack of publicly accessible ground-level open space has become apparent. It is not that there is less of it, but the lack has been felt more as development has gone vertical. One challenge over the past four years has been less about the need to preserve ground-level open space and more about the need to incentivize the provision of more of it going forward. The CAC operated under the do no harm principle. There is no problem in the pejorative sense, rather there are opportunities at hand. The Commission should seek to identify consensus around some high-level things. One of the big things is the Council direction to not effect a downzone; another is to have an incentive system that is actually an incentive system. The most profound changes under consideration, which the Commission has rather tacitly accepted, are the ideas that the city will no longer provide an FAR bonus for structured parking or residential development. Historically, developers have achieved 90 percent to 100 percent of their allowed FAR just by providing parking, residential, or both. If those are taken away and the base FAR is not increased to the 90 percent level, the effect will be a de facto downzone, and the incentive system will become an extortion system.

Commissioner Barksdale encouraged the Commission to keep the community and the notion of livability in mind in thinking through the proposal. He said developer economics are clearly important, but there needs to be a balance with the interests of downtown residents, pedestrians and bicycle riders.

Commissioner Morisseau said she grew up in Haiti where the systems in place in Bellevue do not exist. She said she appreciates the fact that the community is allowed to be part of the process. To the point that the current code does not need to be changed, she said she strongly disagreed. Bellevue is growing whether anyone likes that fact or not. The Commission has the responsibility to accommodate the growth. The update needs to be done thoughtfully and needs to take into account the concerns of the community. Change is always difficult because people are afraid of losing something. In this case, the Commission needs to find ways to acknowledge the feared losses and mitigate for them. In terms of the incentive system, she said her fear was that the new system will do nothing differently from the existing system. Affordable housing is clearly needed in the community and something should be put in place that will actually work. The fee in-lieu approach is not the answer.

Chair deVadoss asked the Commissioners to point out any big rock issues.

Commissioner Laing agreed with Commissioner Morisseau about the need for affordable housing. He moved that the code be amended to include a 1.0 FAR exemption for affordable housing, and that the exemption be used in conjunction with the multifamily tax exemption program. The motion was seconded by Commissioner Carlson and the motion carried without dissent.

Commissioner Walter said she simply did not have enough information to weigh in on the motion and said she would abstain.

Commissioner Hilhorst asked if the multifamily tax exemption exists currently in the downtown or if it would need to be added. Commissioner Laing said the Council adoption of the program included the downtown.

Mr. Stroh said the process began on the strength of the notion that much about the downtown codes continues to work well and that nothing should be done to harm those facets. The Land Use Code audit clarified what works well, what should be tweaked and where there is room for improvement to take things to the next level. He said staff had hoped to have the chance to process the input from the public hearing and to in some cases bring forward some additional analysis and options before making a final recommendation.

Chair deVadoss said if a few of the big rock issues could be cleared out, the Commission could progress much quicker through the rest of the proposal.

Commissioner Hilhorst said she would prefer to have Commissioner Laing work through his list without making a motion on each one.

Commissioner Laing said if the Commission does not start working on the draft document and turning it into something, it will soon be May and things will not be done. Nothing will be final until the Commission acts on a recommendation to send forward to the Council. Unless the Commission takes votes and directs staff to make changes, the process will not move forward.

Given that statement, Commissioner Barksdale said he would prefer to see any motion taken to be in the form of directing staff to revise the draft document.

Commissioner Laing accepted the friendly amendment to revise his motion to direct staff to include a 1.0 FAR exemption for affordable housing, and that the exemption be used in conjunction with the multifamily tax exemption program.

Commissioner Walter said her concern was in regard to making sure any affordable housing units are built on site. Commissioner Laing said under his suggestion, affordable units would have to be built on site, and a developer could not receive the FAR exemption where the choice was made to pay a fee in-lieu. Additionally, the multifamily tax exemption program would not come into play where a fee in-lieu was paid.

The motion carried unanimously.

A motion to direct staff to revise the draft code so that the base FAR in all zones and in all instances is 90 percent of the proposed maximum FAR. The motion was seconded by Commissioner Carlson.

Commissioner Laing clarified that his motion would change the FAR base/maximum column in the dimensional requirement table in section 20.25A.060 to show the base FAR to be 90 percent of the proposed maximum FAR in all instances.

Commissioner Walter reiterated her call for some analysis by the consultants to the notion of setting the base FAR at 90 percent of the new maximum FAR. Some clarification is needed in regard to what the change would yield.

Commissioner Morisseau concurred. She reminded the Commission that the recommendation of the CAC did not include making the same increase across the entire area. In some areas the CAC recommended an increase in the FAR, but in other areas they did not.

Commissioner Hilhorst agreed as well. She suggested adding a column to the chart to show the delta so everyone can be on the same page.

Commissioner Laing pointed out that the Commission has all of that information. The Commission has heard from virtually every stakeholder as well as from the Bellevue Downtown Association that setting the base FAR at 90 percent of the proposed new maximum is not only the equitable way to address the removal of parking and residential from the incentive system, it is the only way to ensure that across all zones building the exact same building in different zones would not trigger different provisions under the amenity system. The BERK analysis said if the parking and residential bonus is removed, the base FAR would need to be increased to about 85 percent of the maximum just to maintain threshold viability. The bottom line of the data presented to the CAC, which was the same data presented earlier in the meeting by Councilmember Wallace, was that providing structured parking under the existing code earned developers over 90 percent of the maximum FAR, and in many cases it was closer to 100 percent, leaving left over bonus FAR unused. Based on the data in the BERK analysis and 35 years of actual permit data, the base FAR needs to be recalculated to 90 percent of the maximum FAR. The CAC did not have the BERK analysis to consider, but the CAC was cognizant of the data and was concerned from day one that the removal of the parking bonus would result in a massive downzone for the downtown. The only way to avoid it based on the data is to set the new base FAR at 90 percent of the maximum FAR.

Commissioner Carlson said it was his understanding that the intent of the motion was not to deviate from the existing code but rather to restore what would otherwise be a deviation.

Commissioner Walter said her struggle was with the fact that various experts have said different things. She said she did not have the clarity she needed to vote one way or another on the motion.

Commissioner Barksdale asked what policy outcomes the BERK analysis intended to achieve. Mr. Stroh allowed that the staff had hoped to key up the conversation with a lot more context in hand. One thing the consultant was looking at was the Council principles, one of which was where properties were allowed greater height and FAR there should be some offsetting provision in the incentive system that would compensate for the impacts. The difference is not just between 85 percent and 90 percent, it is the context between the existing FAR versus the new FAR. Where properties are being upzoned and where new FAR is being created, there is no difference being asked for in terms of offsetting the impacts through the incentive system. There are actually pros and cons about the various ways to go, and there are arguments on both sides. The intent of staff was to bring the information back in a more systematic way so the Commission could fully understand what was analyzed, what the alternatives are, and what the actual tradeoffs are for the various alternatives.

Commissioner Hilhorst pointed out that the BERK data came relatively late to the process and said it would not be unreasonable to ask for a little more clarity. Adding a column to the chart showing the delta could provide that.

Chair deVadoss called for the vote. The motion carried with Commissioners deVadoss, Carlson,

Barksdale and Laing voted for; Commissioners Morisseau and Hilhorst voted against; Commissioner Walter abstained from voting.

With regard to the map of the Perimeter A district along the northern boundary of the downtown, Commissioner Laing proposed having the A-1 district from 102nd Avenue NE eastward to 112th Avenue NE become A-2. A-2 zoning allows for five-over-one mixed use projects, with retail and shops at the ground level and woodframe apartments or condominiums above. In order for the development style to be viable, a 70-foot height limit is needed. The A-1 has a 55-foot height limit. The issue was discussed by the CAC and is part of the Bellevue Downtown Association's recommendation. The area of the A-1 district along the northern perimeter does not have abutting single family uses across the street. Any purely commercial project in the district would be limited to a building height of 40 feet.

Commissioner Morisseau asked if Commissioner Laing's ~~if his~~ proposal would include bumping up the FAR from 3.0 to 3.25. Commissioner Laing said that would depend on where the base FAR is set as a percentage of the new maximum FAR.

A motion to have the A-1 district from 102nd Avenue NE eastward to 112th Avenue NE become A-2 was made by Commissioner Laing. The motion was seconded by Commissioner Barksdale.

Commissioner Morisseau asked staff if they could foresee any unintended consequences with the proposal. Mr. Stroh noted that the CAC recommended increasing building height to 70 feet in the Perimeter A district, which is designed to serve as a transition zone. In earlier discussions with the Commission, quite a bit of time was spent thinking about where the additional height would be appropriate and where it might raise issues relative to transitioning to the neighborhoods. The current proposed code captures the earlier direction from the Commission to increase heights in the Perimeter A from 55 feet to 70 feet, tailored to where the additional height makes sense and where a more graceful transition to the neighborhoods could be maintained with the current 55 feet, a limit that has been in place for many years and which continues to be appropriate. Height can be a very sensitive matter for neighborhoods directly up against a downtown, and downtown Bellevue is unusual in that it has very healthy neighborhoods pressing up against the edges of the downtown. One unintended consequence of going to 70 feet could be a less graceful transition.

Commissioner Barksdale asked approximately how much increased density could be expected from going up an additional 15 feet for residential uses. Mr. Stroh said the maximum FAR would not change. There are a couple of consequences about the way the building envelope might change with the additional height. What the CAC discussed was a proposal for a more generous bay for retail on the ground floor, and the potential for spreading out the height of the individual floors. There could also be instances in which buildings that could max out their FAR in only four stories over a concrete base could gain a fifth story.

Commissioner Carlson asked if the additional height would in fact encourage more residential development. Mr. Stroh said there could be instances in which that would be the case. An FAR of 3.5 is probably achievable in a four-over-one structure, so typically the height increase would not be likely to lead to more residential.

Commissioner Laing said the five-over-one format in the areas where the multifamily tax exemption is used is the key vehicle for providing affordable housing. He said he saw increasing height to 70 feet, coupled with the multifamily tax exemption and the FAR exemption, as an opportunity to provide affordable units.

Commissioner Walter said she would not be able to make a determination as to additional height in the Perimeter A district without first seeing some light and shadow studies and how McCormick Park might be impacted. The existing buildings across the street from the park have retail on the ground floor and residential above. Commissioner Laing suggested that given the arc of the sun, buildings at either 55 feet or 70 feet on the south side of 112th Avenue NE would be unlikely to cast a shadow onto the park.

The motion carried with Commissioners Laing, Morisseau and Barksdale voting for, and Commissioner Walter voting against; Commissioners Hilhorst and Carlson abstained from voting.

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A motion to place monies collected through the fee in-lieu system be placed into a dedicated account and be expended only for the acquisition or improvement of publicly accessible open space within the downtown was made by Commissioner Laing. The motion was seconded by Commissioner Walter.

Commissioner Laing said his motion was in support of comments made by the Commission as well as the public relative to the fee in-lieu system.

Commissioner Morisseau asked if there could be any unintended consequences associated with the approach. Mr. Stroh said the intent of the fee in-lieu system was to have funds to spend on the most important amenities for the downtown. He said he could not think of any unintended consequences.

Commissioner Walter stated that for transparency purposes, placing collected fees in-lieu into a dedicated fund makes the most sense. Other municipalities take that approach.

Land Use Director Carol Helland said a similar fund was created for the Bel-Red area.

The motion carried unanimously.

A motion to direct staff to change the draft code to reflect the early wins Ordinance 6277 was made by Commissioner Laing. The motion was seconded by Commissioner Barksdale.

Commissioner Laing noted that Mr. Bannon on behalf of the Bellevue Downtown Association pointed out that there have been changes made that differ from the early wins ordinance. The Commission's unanimous recommendation relative to the early wins reflected the unanimous recommendation of the CAC, and the Council in turn unanimously approved it. The draft code should accurately reflect what was previously approved.

The motion carried unanimously.

With regard to the handout provided by the BDR and John L. Scott property representatives, Commissioner Laing pointed out that the property stakeholders have faithfully attended the Commission meetings for at least a year. During the whole time they have pleaded with the Commission to provide the staff with specific direction.

A motion to direct staff to incorporate the changes reflected in the John L. Scott/BDR public hearing handout was made by Commissioner Laing. The motion was seconded by Commissioner Hilhorst.

Commissioner Laing explained that the proposal would involve making a few modifications to the dimensional chart in 20.25A.060.B.5 to insert a new section, and to make some tweaks to the dimensional chart for the Perimeter A-3 and B-3 districts. The overall issue is that the property is split between A-3 and B-3 zoning, which have different heights and FARs. The property owners would like to be able to share the allowed density on both sites, something the current code does not allow. Their request is not unlike the request made relative to the Fortin site where there is also split zoning. The result would be a project that is viable and more in keeping with the East Main station area. The site is close to both the East Main and downtown light rail stations.

Commissioner Carlson commented that across Main Street from the properties there used to be houses, and the code was written to reflect that fact. The coming of light rail means the houses are gone and there will be a park and a light rail station. The property owners would like the site to serve as a gateway to the downtown, and nearly everyone has agreed that their proposal would be nice to see. Changes to the code are needed, however, to accommodate the plan.

Commissioner Morisseau said she would support the motion. She noted, however, that that the Bellevue Downtown Association has called for properties next to light rail to be allowed more FAR.

Commissioner Walter said she agreed with everything except the notion of changing from a 20-foot setback to a 10-foot setback. She said she would prefer to retain the 20-foot minimum setback from the downtown boundary. Commissioner Morisseau concurred.

Commissioner Laing pointed out that the downtown boundary is on the other side of the street.

Commissioner Carlson said the argument of the stakeholders is that the 20-foot setback from the downtown boundary was created more than 30 years ago to buffer single family homes from downtown development. With regard to the BDR/John L. Scott properties, that condition no longer exists. The 10-foot buffer serves as a compromise between the old code and the new urban edge created by the new light rail station across Main Street. The 20-foot buffer is a suburban response to an urban edge.

Commissioner Walter pointed out that just because the property owners could build what they have shown to the Commission if the code change were made, there is no guarantee that they will.

The motion carried unanimously.

Mr. Brennan proposed a structure for moving the process forward. He noted that there had been a significant amount of public engagement to date. The March 8 public hearing was a major milestone. Information from the hearing was captured. Other boards and commissions may choose to weigh in as well. Conversations with stakeholders are continuing to occur, and ~~the~~ information from them will be shared with the Commission. At its retreat in the fall of 2016, the Commission expressed an interest in being efficient and getting agreement up front regarding processes and how information is to be packaged. There is a clear need and desire to be thoughtful about how to manage public input at all levels to maintain an open dialog and transparency.

Mr. Brennan said the approach for bringing information back will be key. He noted that the Commission began the study session discussing several topics around which it did not quite have the information needed to advance a decision. For each of the big rock topics, staff intends to

collect the public input provided by stakeholders and summarize it. Where additional analysis is needed, staff will undertake it as necessary to help identify the pros and cons. Staff also intends to set out alternatives so the Commission will have something to react to. Direction given by the Commission will be translated into the draft code.

Mr. Brennan said the interest of the Council to see the issue moved forward expeditiously was made clear by Mayor Stokes. He shared with the Commission a proposed schedule for getting through the various topical areas, though he noted that holding a meeting on April 12 could be challenging in regard to the availability of Commission members and staff and suggested the meeting could be moved to April 19 to accommodate the Bellevue School District spring break. He proposed scheduling meetings on April 19, April 26, May 3, May 10 and May 24.

Chair deVadoss suggested that individual Commissioners wanting to discuss some specific analysis with staff should schedule times with staff outside of Commission meetings. He also asked if the topics proposed for April 26 and May 3 could be combined into a single meeting. Mr. Brennan said staff will put together a complete package of information to help move the Commission through the topics as quickly as possible.

Mr. Cullen informed the Commissioners that in addition to the downtown livability topic, the April 26 meeting will include a study session on a Comprehensive Plan amendment for the Bellevue Technology Center, and the expectation is that a fair number of people will attend. He also explained that the threshold review public hearing for the Bellevue Technology Center amendment will occur on June 14, then on June 28 there will be a study session on the proposal. It will not be possible to continue the downtown livability work into the month of June.

Ms. Helland commented that the matrix that begins on page 3 of the packet outlines the major themes from public comment and the public hearing. She said staff divided the comments into theme categories and assigned them to specific meetings for discussion. She said staff had already identified incentive zoning, tower design and building height as big rock issues requiring additional information. Staff will bring that information to the Commission along with analysis about the district- and site-specific topics. The closing and process topic discussion will involve tying up topics that do not fit neatly into any of the identified themes, such as the scope of administrative departures, whether or not there should be a super bonus, the affordable housing issue, the SEPA review that has been undertaken, and the request for a transportation study. The less complex topics will be batched for moving them forward quickly, and the Commission will also be asked to go through the errata sheet.

Mr. King called attention to page 15 of the packet and the definition of active uses. He noted that the definition was added as part of the code update. It is an important definition and in some ways replaces the old way of talking about detailed uses or pedestrian-oriented frontage. The CAC and the Commission have been clear about not wanting to end up with empty retail frontages that were either bonused or achieved through exemptions. The public comments relative to the new definition indicated it still lacks clarity and proposed that it should specifically list active uses. He said staff intentionally drafted the definition to allow for flexibility and thus did not include specific active uses. Instead the characteristics of active uses are outlined as being things that support pedestrian activity and a high degree of visual and physical interaction between the building and the public realm. The definition does include a few examples of what active uses are not.

Mr. King said private indoor amenity space, which is listed in the definition as not appropriate, was called out during the public hearing as something that is actually appropriate. He

recommended retaining the definition as drafted.

Chair deVadoss concurred with the staff recommendation. To include in the definition examples of active uses is to run the risk of missing something.

Commissioner Laing disagreed. He said one of the problems with pedestrian-oriented frontage and the concept of active uses is that it means anything and nothing. In all instances the code should be easily understood, and that means the definition should explicitly spell out what active uses are and what they are not. He recommended directing staff to go back and list every single use that is an active use and every single use that is not an active use so there will be no disagreement.

Commissioner Barksdale suggested listing only what are not active uses, which by definition would mean all other uses are active uses. Commissioner Laing said he could agree to taking that approach.

Mr. King reiterated that as drafted the definition is included to describe the characteristics of active uses, to provide for flexibility, and to include a non-exhaustive list of things that are typically not active uses. The current code attempts to define pedestrian-oriented frontage and retail spaces by including a list of some 20 things, but it has been cited as being problematic by developers wanting to put in things that were not specifically listed.

Code Development Manager Patricia Byers added that any attempt to include all things that are permitted and all things that are not permitted will invariably miss something.

Commissioner Hilhorst agreed that the definition should provide clarification and transparency with regard to allowed and not allowed uses.

Commissioner Walter proposed including allowed and not allowed uses along with a process for addressing the things not included on either list.

There was agreement to direct staff to revise the definition to include specific examples.

Turning to the topic of parking standards, Mr. King reminded the Commissioners that the Downtown Livability Initiative CAC did not proffer a specific recommendation and called for a comprehensive downtown parking study. Comments have been made by the public and the Commission about the need for more flexibility relative to parking. Language was included in the draft code that would allow developers through a parking study to provide either more or less parking than what is required by the standard. There has been input from stakeholders about a straight reduction in the minimum parking to 0.5 stalls per unit for developments within a quarter mile of light rail stations. Currently, developments in those areas are generally required to provide one stall per unit. Others have suggested nothing should be decided about parking until a comprehensive parking study is done. There is money in the adopted budget for a comprehensive parking study, though staff have not yet been given direction to proceed.

Continuing, Mr. King said others commented that providing the amount of parking required by the code can actually limit the size of projects. Quite a few called for flexibility when it comes to parking requirements. Some highlighted in the draft code the reference to “actual parking demand” under director’s authority to modify the required parking and questioned how a study could determine actual demand for some future time; “estimated parking demand” would be a more appropriate term. Attention was also called to the term “compatible jurisdictions” and staff

agree that the term “comparable jurisdictions” relative to parking demand analyses would be more appropriate.

Mr. King proposed three alternatives: 1) Retain language in the draft code regarding the Director’s authority to modify the required parking; revise the reference to “actual parking demand” to read “estimated parking demand;” revise the reference to “compatible jurisdictions” to read “comparable jurisdictions” and have it 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 in Alternative 1; allow a departure for residential uses no lower than 0.5 stalls per unit where the existing minimum is 1.0 stall per unit, except 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); reduce other land uses by up to 50 percent from the minimum standard through a parking demand analysis; and 3) Eliminate the ability for the Director to modify the required parking. He said the recommendation of staff was Alternative 2.

Mr. King informed that Commissioners that since preparing the packet materials, staff looked back at 47 residential projects in the downtown between 1987 and 2015, including market-rate apartment projects, condominiums, some affordable housing projects and senior projects. Of the 42 market-rate projects, 12 have a parking ratio of just over 1.0. The general trend for residential is to come in at the low end of what is required. The eight apartment projects that have come online since 2010, two came in at exactly the minimum, and the average of them all was only 1.15.

Commissioner Laing proposed combining some of the language changes of Alternative 1 into Alternative 2. Additionally, an element of Alternative 3 should be incorporated, namely eliminating the ability of the director to modify the required parking. An administrative departure should be allowed, but it should be clear the director does not have the authority to modify visitor or guest parking. If changes to the parking requirements in Bellevue are to be allowed based on parking studies, all decisions need to be based on Bellevue-specific studies, not comparable jurisdictions. Additionally, any parking demand analysis should be provided by a professional traffic engineer and the code should be clear about that. The code should also specifically reference the ITE manual. With regard to the director’s authority to change the parking requirements, where a developer complies with having a professional engineer conduct a Bellevue-specific study that complies with professional methodologies, the director should not be allowed to simply disallow a proposed change out of hand. With regard to how light rail will impact the parking demand in the downtown, the time to conduct a study will be after light rail is fully operational.

Commissioner Carlson reiterated that the current code has served the city very well in a number of ways of which transportation is a good example. Bellevue is more pedestrian friendly than it used to be, it is easier to bike around and is getting more so, Bellevue is more transit friendly than it was 30 years ago, and Bellevue is still a driver-friendly city. The basis for the success of Bellevue can be attributed to having ample and plentiful parking. There are those who would prefer that Bellevue not be friendly for automobiles and who would like to constrain the supply of parking to make driving less convenient. What that will translate into is more congestion all around. Bellevue needs to continue to provide ample parking going forward.

Given the lateness of the hour, Chair deVadoss proposed taking up the issue of parking again at the next meeting.

There was agreement to schedule the next Commission meeting for April 19.

PUBLIC COMMENT
(9:42 p.m.)

Ms. Pamela Johnson, 3741 122nd Avenue NE, stressed the need to have the downtown code be comparable with the Bel-Red code.

Mr. Jonathan Kagel, 9242 Vineyard Crest, echoed the comment of Commissioner Carlson that if it is not broken, it should not be fixed. While the Council cautioned against any downzoning, some community members are concerned about upzoning. There may need to be a different way of looking at things. One way would be to keep the existing code as it is and adding an incentive system on top of it. The current code is somewhat ugly, but it could be cleaned up. Another approach would be to retain the current code and add to it the new code, allowing developers to choose which code they want to follow, phasing out the one that over time is not used much.

Mr. Bill Herman, 10700 NE 4th Street, said he would not support addressing affordable housing through a FAR exemption. That is the wrong approach, and the downtown is the wrong venue. The big problems in the downtown are mobility and transportation, and that is what the update should be addressing. Affordable housing should be tied into some type of employer program to assure that those who take advantage of affordable housing will both live and work in Bellevue. It makes no sense that new construction in the downtown can be affordable. With regard to safety, what the city is focusing on is things like Vision Zero, narrowing lanes and lowering speed limits, all of which could lower traffic capacity. It would make sense to make those decisions first before making lifetime commitment to zoning issues. Incentives should not continue forever. The city should back off on making a parking a requirement; it should be retained as an incentive, which would give the city the option at some time of phasing it out. Once the base FAR and height is increased, no one will ever choose the parking incentive.

Commissioner Barksdale asked for clarification of why there should not be an FAR exemption for affordable housing. Mr. Herman said once FAR is increased, mobility is made worse. The city should not be seeking to provide brand new housing for people who cannot afford housing. It would be more appropriate to locate affordable housing outside of the downtown. There is no guarantee that people in the affordable housing units will not be working in Renton, and that would put more cars on the road.

DRAFT MINUTES REVIEW

- A. March 1, 2017
- B. March 8, 2017

There was agreement to put off approval of the minutes to the next meeting.

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 9:53 p.m.