



# Bellevue Planning Commission

## AGENDA

### Public Hearing and Regular Meeting

September 14, 2016  
6:30 PM - Regular Meeting

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

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6:30 PM – 6:35 PM	Call to Order
6:35 PM – 6:40 PM	Roll Call
6:40 PM – 6:45 PM	Approval of Agenda
6:45 PM – 6:50 PM	Communications from City Council, Community Council, Boards and Commissions
6:50 PM – 6:55 PM	Staff Reports
6:55 PM – 7:10 PM	Public Comment
7:10 PM – 8:10 PM	Public Hearing and Study Session <span style="float: right;"><b><u>1</u></b></span>

**A.** Low Impact Development Principles Project  
Land Use Code Amendments  
Catherine Drews, Assistant City Attorney, Legal Dept  
General Order of Business – The Planning Commission will take public testimony during the Public Hearing and deliberate and take action during the Study Session.  
*Anticipated Outcome – The Planning Commission makes a recommendation to City Council on the proposed code amendments.*

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# Bellevue Planning Commission

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8:10 PM – 9:40 PM	Study Session Downtown Livability – Part 1 of the Land Use Code Packet	<b><u>29</u></b>
	<i>Discuss proposed land use code amendments for the Downtown</i>	
	Category: Land Use Code Amendments	
	Staff: Emil King AICP, Strategic Planning Manager, Planning & Community Development Dept.	
	Staff: Trish Byers, Code Development Manager, Development Services Dept.	
	<i>Anticipated Outcome – Part 1 of the Code Package is introduced, questions are answered and guidance is given to staff to ready this portion of the draft code for public hearing.</i>	
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9:40 PM – 10:40 PM	Study Session Proposed Men’s Permanent Shelter Briefing (Eastgate)	<b><u>87</u></b>
	<i>Information-only briefing on the Proposed Men’s Permanent Shelter in Eastgate</i>	
	Category: Information Briefing	
	Staff: Camron Parker, Senior Planner, Parks and Community Services Dept	
	<i>Anticipated Outcome – No outcome anticipated. This item is presented for information purposes only.</i>	
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10:40 PM – 10:45 PM	Draft Minutes Review June 22, 2016 July 13, 2016 July 27, 2016	
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10:45 PM – 11:00 PM	Public Comment	
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11:00 PM	Adjourn	

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# Bellevue Planning Commission

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

Terry Cullen, Comprehensive Planning Manager 425-452-4070

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Janna Steedman, Administrative Services Supervisor 425-452-6868

Kristin Gulledge, Administrative Assistant 425-452-4174

*\* Unless there is a Public Hearing scheduled, "Public Comment" is the only opportunity for public participation.*

*Wheelchair accessible. American Sign Language (ASL) interpretation available upon request. Please call at least 48 hours in advance: 425-452-5262 (TDD) or 425-452-4162 (Voice). Assistance for the hearing impaired: dial 711 (TR).*



September 7, 2016

**SUBJECT**

Second (rescheduled) public hearing on proposed land use code amendments for the Low Impact Development (LID) Principles Project.

**STAFF CONTACTS**

Catherine Drews, Assistant City Attorney      452-6134 [cdrews@bellevuewa.gov](mailto:cdrews@bellevuewa.gov)  
*City Attorney's Office*

Paul Bucich, Assistant Director of Engineering      452-4596 [pbucich@bellevuewa.gov](mailto:pbucich@bellevuewa.gov)  
*Utilities*

**DIRECTION NEEDED FROM PLANNING COMMISSION**

- Action
- Discussion
- Information

On September 14, the Planning Commission will host a second, rescheduled public hearing to take and consider public comment on the proposed Land Use Code amendments (LUCAs) to incorporate LID principles into the City's development codes and standards. At the July 13 Study Session, the Planning Commission continued the discussion of the proposals, focusing on tree retention on a project site and clustering opportunities. At the conclusion the Planning Commission concurred with the Project Team's recommendation to hold a public hearing on the proposed LUCAs. After initial discussion, the public hearing was rescheduled at the July 27 public hearing to allow for greater stakeholder and public participation.

With the December 31 deadline, it is the Project team's intention that at the conclusion of the September 14 public hearing, the Commission will be prepared to make its recommendation to the City Council. Council action on the proposed amendment will occur following the Planning Commission's recommendation to the City Council. To meet the NPDES Permit December 31, 2016 deadline, the Project team is scheduled to introduce the proposals, including those from the Transportation Commission, to the Council on October 3.

The Project team is recommending the package as revised below. At the conclusion of the September 14 public hearing and consideration of public comments, the Project team will ask the Planning Commission to provide its recommendation to Council on the LID Principle Project Land Use Code Amendments (LUCAs). Below is a sample motion for the recommendation for the Planning Commission's consideration:

*Draft motion language: I move that the Planning Commission recommend to the Bellevue City Council adoption of the draft LID Principles Project Land Use Code amendments as presented in Attachment A and revised in Attachment B.*

## **Project Team Revised Recommendations since July 27**

Based on feedback received from the Planning Commission during the July 27 public hearing, staff has reviewed the LID proposed LUCAs and will introduce revisions to the proposed impervious surface and hard surface standards for the Planning Commission's consideration during the public hearing related to the impervious surface amendments.

Proposed code language will also be posted on the LID Principle project website under the September 14 Public Hearing entry at: <http://www.ci.bellevue.wa.us/low-impact-development-participation.htm>. Copies may also be obtained by contacting Catherine Drews at [cdrews@bellevuewa.gov](mailto:cdrews@bellevuewa.gov) or at 425-452-6134. The project team will also have copies available for the public at the September 14 public hearing. The proposed options are discussed below:

### **1. Minimizing Impervious Surfaces**

The LUCA proposed July 27, included at Attachment A, would eliminate the exception for innovative techniques, which allows surfaces that mimic pervious surfaces, when designed by a professional and approved by the director, to not count towards the impervious surface coverage limit. *See* LUC 20.20.460.G (Innovative Techniques). With the proposed elimination of this provision, the Planning Commission raised concerns regarding the ability of property owners to develop their properties, including the installation of desired amenities. To address these concerns, the Project team is revising the proposal to increase the hard surface limit by allowing additional permeable surfaces. The proposed revision is included as Attachment B.

The Project team initially considered an option allowing the use of unlimited permeable surfaces, while requiring retention of 50% greenscape in a site's setbacks. Application to development scenarios demonstrated this option to be impractical, especially to commercial developments, because in some land use districts the setbacks are zero. The greenscape approach would also have a greater impact on smaller parcels than larger parcels. This is because the setback areas on smaller parcels occupy a larger percentage of the entire parcel than the setbacks on a larger parcel, thereby resulting in a larger percentage of the entire parcel being retained in greenscape relative to larger parcels. These facts alone rendered this option complex to administer, possibly infuse regulatory uncertainty into the development process. Most importantly, this option would likely result in treating similarly-zoned parcels differently merely because of the area of the parcel. Finally, this option would represent a departure from the proposal presented to the City's boards, commissions, the public and the Planning Commission beginning in May 2016.

The Project team developed a second option (Attachment B) that proposes three revisions to the original proposal for impervious surfaces. This proposal:

1. Increases the proposed limits for hard surfaces;
2. Amends the dimensional chart to add "Alternative Impervious Surface Coverage" limits for sites that are infeasible for infiltration; and
3. Retains and revises the innovative techniques provision (LUC 20.20.460.G)

The goal of the revision was to balance development needs with the LID Principles of reducing impervious surfaces, reducing vegetation loss, and reducing stormwater runoff. This revision achieves these goals. Each of the three changes is discussed below.

First, the proposed limits for hard surfaces will be moderately increased to balance the elimination of the LUC 20.20.460.G (Innovative Techniques), which allows unlimited pervious pavement on a site (less the existing greenscape standard for single-family homes). Consistent with the current provision for

innovative techniques (LUC 20.20.460.G), only the limits for permeable surfaces is proposed to be increased. For example, in the chart below, for R-1 through R-3.5, the originally proposed hard surface limit was 50%, meaning that a site could have 40% impervious surfaces and the remaining 10% must be permeable surfaces. The proposed revision would increase the hard surface limit to 70%, which aligns with how property owners are currently using sites. The impervious surface limit would remain at 40%, but the permeable surface limit would increase from 10% to 30%. This increase in permeable surfaces is consistent with the innovative techniques provision that allows additional surfaces that mimic pervious pavements: “[s]urfaces paved with pervious pavement or other innovative techniques designed to mimic the function of a pervious surface shall not be included in the calculation of impervious surface areas....” The revised proposal provides additional permeable surfaces for projects, as the innovative technique provision does today. The result is less impervious surfaces and hard surfaces overall and therefore, should help to minimize vegetation loss because of the cap on the amount of hard surfaces that would be allowed on a site.

Second, the dimensional chart would be amended to add a new category titled “Alternative Maximum Impervious Surface (percent)”. This category would apply to those sites that are infeasible for infiltration under the criteria in Ecology’s Stormwater Management Manual. The new category is provided to assist readers by elevating into the dimensional chart criteria which was previously identified in a footnote to the chart, thereby making the information easier to find and understand. There have been no substantive changes to the impervious coverage amount for these sites; and there have been no changes to the numeric standards presented to the Planning Commission on July 27. What has changed is to extend the opportunity to use innovative site design techniques (LUC 20.20.460.G) for alternative sites.

Below is an example of the proposed revision that the Project Team is recommending (changes in italics):

LAND USE CLASSIFICATION	RESIDENTIAL			
	R-1	R-1.8	R-2.5	R-3.5
<b>DIMENSIONS</b>	(43)	(43)	(43)	(43)
Maximum Lot Coverage by Structures (percent) (13) (14) (16) (26) (27) (37) (39)	35	35	35	35
Maximum Hard Surface Coverage (percent) <sup>(37) (39)</sup> (49)	<i>70</i>	<i>70</i>	<i>70</i>	<i>70</i>
Maximum Impervious Surface (percent) <sup>(35) (37) (39)</sup>	40 <sup>(36)</sup>	40 <sup>(36)</sup>	40 <sup>(36)</sup>	40 <sup>(36)</sup>
<i>Alternative Maximum Impervious Surface (percent)</i> <sup>(35) (37) (39)(50)</sup>	50	50	50	50

A new footnote, note 50, defines the Alternative Maximum Impervious Surface: “The alternative maximum impervious surface limit for sites only where the use of permeable surfacing techniques is determined to be infeasible according to criteria in the 2014 Department of Ecology Stormwater Management Manual for Western Washington, or the City’s Storm and Surface Water engineering and design standards, now or as hereafter amended.”

Third, the provision for Innovative Techniques, LUC 20.20.460.G, has been retained and revised to allow paved surfaces which are designed by a licensed professional engineer to mimic permeable surfaces and are approved by the Director. These designed surfaces will not be included in the calculation of impervious surfaces; however, these surfaces would be included in the calculation of the hard surface limit. Finally, the Innovative Technique provision cannot be used to exceed the maximum hard surface limit established for the underlying land use district. Retaining and revising the Innovative Techniques provision accomplishes two goals. First, it provides flexibility to homeowners and developers while meeting LID requirements. Second, the provision limits the amount of permeable surface where currently there is none, thereby resulting in allowing new or retaining existing vegetation.

The revised proposal for impervious surface limits results in less impervious surfaces and hard surfaces overall and minimizes vegetation loss because of the cap on the amount of hard surfaces that would be allowed on a site. The revision is consistent with the Comprehensive Plan and the Council's Project principles to recognize and seek to balance competing needs and develop Bellevue appropriate amendments. The Project team requests the Planning Commission recommend the LUCA package as revised to the City Council at the conclusion of the public hearing on September 14.

### **NEXT STEPS**

The Planning Commission is being asked to make a motion to recommend the LUCAs to the City Council. The timeline for meeting the December 31 deadline includes the following tentatively scheduled meetings:

1. Council study sessions beginning October 3
2. Council action on the proposal (November, 2016)
3. East Bellevue Community Council public hearing and final action (December, 2016)

### **ATTACHMENTS**

- A. Staff Recommendation with attachments
- B. Recommended revision to Dimensional charts, footnotes, and corresponding LUC provisions

City of  
Bellevue



STAFF REPORT

**DATE:** August 24, 2016

**TO:** Chair deVadoss and Members of the Planning Commission

**FROM:** Catherine Drews, Assistant City Attorney 425-452-6134  
*City Attorney's Office*

Paul Bucich, Assistant Director of Engineering 425-452-4596  
*Utilities*

**SUBJECT:** Second Public Hearing on the Draft Proposals to Incorporate Low Impact Development Principles into the City's Land Use Code. File No. 15-102686-AD

**NOTE:** Please bring your copy of the Planning Commission Materials provided for the May 25, 2016, study session.

This memorandum represents the report and recommendation of the Low Impact Development (LID) Principles project team on the proposal to amend the Bellevue Land Use Code (LUC) to incorporate LID principles into the City's' development-related codes and standards.

At the conclusion of the September 14 study session and consideration of public comment, the project team will ask the Planning Commission to provide its recommendation to Council on the LID Principle Land Use Code Amendments (LUCAs). Below is sample motion language for the recommendation:

***Draft motion language:** I move that the Planning Commission recommend to the Bellevue City Council adoption of the draft LID Principles Project Land Use Code amendments as presented in Attachment A.*

**I. BACKGROUND and ANALYSIS**

The proposed LUCAs result from a requirement under the 2013-2018 National Pollutant Discharge and Elimination System Western Washington Phase II Municipal Stormwater Permit (NPDES Permit) to review and revise development codes and standards to incorporate LID principles. The NPDES Permit is issued by the Washington State Department of Ecology and is required for stormwater discharges under the federal Clean Water Act. The intent of the review and revision process is to make LID the preferred and commonly-used approach to site development. The project team reviewed the City's development codes and standards and found the codes supportive of LID principles, but also found opportunities to incorporate LID principles.



LID principles encompass three goals: (1) reducing the loss of native vegetation; (2) minimizing impervious surfaces; and (3) reducing stormwater runoff related to development and redevelopment. The proposed LUCAs achieve these goals and are based on feedback from the public, city staff, and local boards and commissions. The proposed amendments are further intended to meet the Council-approved project principles and be consistent with the Comprehensive Plan. The revised proposed code amendment package is included as Attachment A.

The project team presented the LID Principles Project as a briefing to the Council on July 6, 2015. At the briefing, Council provided the following direction:

*Bellevue has a long history of supporting low impact development principles in its development policies and regulations; from early (1987) sensitive or critical areas protection and long-standing significant tree and maximum impervious surface coverage regulations to the clustering and LID incentive regulations included in the recent (2009) Bel-Red Rezone.*

***Bellevue supports the objective of maintaining the region's quality of life, including that of making low impact development the preferred and commonly used approach to site development.***

During the briefing, Council approved the following project principles intended to ensure that the community's visions and goals are achieved while developing a program that supports development and redevelopment and meets LID Principles.

***Bellevue Appropriate.*** *Proposed amendments to Bellevue's development codes and standards will be area and context sensitive. A one-size-fits-all is inappropriate. Attention will be paid to the differing levels of urban development, watershed conditions, impervious surface coverage, tree canopy coverage, and areas of direct discharge. Proposed amendments, where feasible, will provide flexibility, incentives, and innovation in achieving the goal of making LID the preferred and commonly used approach to site development in Bellevue.*

***Engage Stakeholders.*** *Provide a public participation process that seeks and includes input from a wide range of stake holders. The process will provide opportunities for interested stakeholders to learn about LID principles, participate in developing options, and provide meaningful and informed comments.*

***Maintain Bellevue's Compliance Record with its NDPES Stormwater Permit.*** *The LID principles project shall be timely completed to ensure compliance with the requirement that amendments are effective by December 31, 2016.*

***Build On Existing Information and Programs.*** *The LID Principles Project will build on existing City information and programs to develop and evaluate options to make LID the preferred and commonly used approach to site development.*

***Recognize and Seek to Balance Competing Needs.*** *The LID Principles Project will recognize and seek to balance competing laws applicable to development and redevelopment, by considering and developing effective, innovative, flexible, and/or area-specific options. The LID Principles Project will also recognize that supporting growth in urban areas is appropriate and that balancing environmental benefits with economic development goals is important.*

Council also approved the following areas of focus to explore for integrating LID principles into the City's development codes and standards:

1. *Land Use Code*
  - a. *Evaluate use of LID principles (and BMPs) early in the site design process;*
  - b. *Reduce impervious surface coverage*
  - c. *Preserve and enhance tree canopy*
  - d. *Improve options for clustering development*
2. *Transportation Code and Design Standards*
  - a. *Reduce impervious surfaces in road rights-of-way*
  - b. *Enhance tree canopy in transportation facilities*

The project team next briefed the Planning Commission on the LID Principles Project at the September 9, 2015 study session. At the study session, the project team provided a general background on LID, Council's direction on "Areas of Focus" for staff to explore for potential code amendments, an overview of the public participation plan, schedule for workshops, and briefings to other boards and commissions. Generally, the Planning Commission was supportive of the project and the Council approved "Areas of Focus," and asked questions relating to the relationship between project goals and Growth Management Act, review of other cities' codes or work plans for integrating LID into codes and standards, considerations for costs/maintenance for LID BMPs versus traditional stormwater methods, and barriers to the use of LID in the City's codes and standards.

Four public workshops were held from September – December 2015 to introduce and educate the public on the LID Principles Project, as well as receive public input on the "Areas of Focus" as potential code amendments that address the goals of the LID Principles Project. The workshops were held throughout the City, to help facilitate the goal of making any proposed code amendments "Bellevue Appropriate" and area and context sensitive. Three workshops were held on various evenings during late September and early October 2015 at Bellevue City Hall, Lewis Creek Visitors Center, and Cherry Creek Elementary School. A fourth workshop was held on December 9, 2015, during the day at Bellevue City Hall to encourage attendance of professionals (developers, designers, engineers, etc.) To date, nearly 100 comments have been received relating to the LID Principles Project. The project team also met with the

Master Builders Association of King and Snohomish County on November 17, 2015 at their offices.

The project team also met with the City's development review staff on multiple occasions, first to kick-off the project, followed by meetings from December 2015 – March 2016 to discuss proposed code amendments. Meetings have been held with "Areas of Focus" small teams to focus discussion on certain code amendments (relating to minimizing impervious surfaces, tree/vegetation retention, etc.). Meetings with the small teams have helped to provide the project team with an in-depth understanding of how project review occurs, the challenges to applying current or proposed code language, and the issues that may arise for both public and private customers. Finally, the LID project team is coordinating with other planning activities that are underway, such as the Eastgate Corridor Study and the Downtown Livability Initiative, to ensure there is consistency between the projects and that project principles are met. Most recently, efforts are underway to coordinate with the Wilburton-Grand Connection Initiative.

## **II. PROPOSAL**

The draft LID Principles LUCAs are included in Attachment A. The amendments are organized by numerical order as they appear in the LUC, beginning with Chapter 20.20 LUC, General Requirements and ending with amendments to Chapter 20.50 LUC, definitions.

The proposed code amendments are based on feedback from the public, city staff, and local boards and commissions and the Comprehensive Plan. From this information, the City's project consultant, AHBL has developed proposed code amendments to the LUC, the Bellevue City Code (BCC), and related development standards. The proposed amendments are intended to meet the project principles and implement the LID principles of minimizing impervious surfaces, native vegetation loss, and stormwater runoff.

### **1. Evaluate the use of LID principles (and BMPs) early in the site design process.**

*Information only: No action is required by the Planning Commission.*

This area of focus falls under the application requirements (LUC 20.35.030.B – Submittal Requirements), and will require revising the application submittal sheet. The goal is to make consideration of hydrology, topography, and soils an integral component of site design early in the process to allow the integration of LID principles and best management practices into site design.

### **2. Chapter 20.20 LUC: General Development Requirements**

Impervious Surfaces. The goal for the proposed amendment is to encourage the use of permeable surfacing materials where they are technically feasible. The proposed code

amendment also seeks to align the maximum allowed impervious surface limit with what is found on the ground in Bellevue. This alignment was done by using GIS analysis of impervious surface coverage throughout the City and comparing what has been historically constructed to what is allowed under the Land Use Code. Maximum allowed surfaces were reduced to levels consistent with development with the goal of not creating nonconforming sites. Encouraging the use of permeable surfaces on feasible sites and reducing impervious surface limits consistent with what has been historically developed are two techniques to minimize impervious surfaces and retain vegetation, thus reducing stormwater runoff from development and redevelopment.

Maximum Hard Surface Coverage. As an alternative to impervious surfaces, hard surface coverage is proposed. “Hard surfaces” equates to the maximum impervious surface plus permeable surfaces. Where site conditions are suitable for permeable surfacing, the maximum hard surface coverage limitation is the same as the existing standard for impervious surfaces. This means that the mix of impervious and permeable surfaces will not exceed the coverage that currently exists within the City. No reduction in lot coverage is proposed. To balance minimizing impervious surfaces with maintaining vegetation, the current exemption for pervious surfaces will be eliminated.

The proposed amendments for impervious and hard surfaces incentivize the use of permeable surfacing materials where feasible without penalizing sites where the practices will not work. Should the use of permeable surfacing be deemed technically infeasible, the applicant may use impervious surfaces up to the maximum hard surface allotment as it currently exists in the code.

### **3. LUC 20.20.010 Uses in land use districts dimensional requirements**

- Reduces maximum impervious surfaces for some land use districts
- No reduction for BelRed or Downtown recommended
- Recommend coverage for Eastgate consistent with BelRed provided Eastgate has similar requirements for natural drainage practices and the use of LID principles
- New maximum hard surface coverage limit that is the same as existing impervious surface coverage limit
  - Result: Property owners are still able to build to the same extent as before (lot coverage by buildings stay the same), however some of the surfacing that may have been impervious will be permeable.
- Adding the following new footnotes:
  - All areas of lot coverage by structures are included in the calculation of maximum impervious surface, and all areas of impervious surface are included in the calculation of maximum hard surface,
  - Referencing (new) section LUC 20.20.425, performance standards for hard surfaces.
  - Including criteria for when permeable surfacing is infeasible and – provide stipulate impervious surfaces may be used up to the maximum

hard surface limit. The effect is that there would be no reduction in allowable surfacing, only a movement toward pervious surfaces for those sites where pervious surfaces are feasible.

**4. LUC 20.20.025 Intrusions into required setbacks**

- Including bioretention facilities as improvements that may be located within setbacks.

**5. LUC 20.20.425 Hard surface (Permeable and Impervious Surfaces)**

- Adds a purpose statement and applicability similar to those found under LUC 20.20.460 Impervious surface.
- Adds exemptions to the calculation of hard surfaces for decks/platforms, rockeries, shoreline stabilization measures and landscape features, consistent with those found under LUC 20.20.460. The benefit of this amendment is that it removes language that would be inconsistent with the use of the term “hard surface.”

**6. LUC 20.20.460 Impervious surface**

- Removes the exemption for pervious pavement under innovative techniques by specifying that permeable surfaces will be included in the calculation of hard surface.

**7. LUC 20.20.590 Parking, circulation and walkway requirements**

- Including permeable pavement as an acceptable surfacing material for walkways.

**8. LUC 20.20.900 Tree retention and replacement.**

- Changes include:
  - Incorporating a “hierarchy” for selecting trees for retention.
  - The director may require assurance devices to ensure the continued healthy life of retained trees, similar to how performance standards for wetlands are regulated in the critical areas ordinance.
  - Including a provision in the code to include notice on the face of the plat.
- Items to note:
  - Tree retention will still be required only for new or redevelopment, however limitations on when a clearing and grading permit is required have been included in the Clearing and Grading Code (Chapter 23.76 BCC) so that removal of more than 5 trees requires a permit, and the City can more effectively track tree loss.

**9. Part 20.25 LUC Special and Overlay Districts**

- Allowing bioretention swales and planters within planter strips and landscape buffers.
- Prioritizing the use of native plant species for landscaping.
- Including pervious pavement as an acceptable paving material within linear buffers.
- Requiring the use of LID drainage practices within Bel-Red unless infeasible (previously was recommended).

- Street trees with grates may be substituted for bioretention facilities.

#### **10. Part 20.30D LUC Planned Unit Development (PUDs)**

- Allowing for zero lot line development through reduction in side yard setbacks.
- Including conservation of vegetation and on-site soils and reduction in hard surfaces as criteria for which PUDs may be evaluated.

#### **11. Chapter 20.50 LUC Definitions.**

- Amends the definition of a significant tree to include trees six inches or greater, and to amend how tree size (diameter at breast height or DBH) is measured (four and one half feet above existing grade instead of four feet). Removes the word “healthy” from the definition of a significant tree as all significant trees should be analyzed as a part of a tree retention plan before determining whether or not they are healthy.
- Includes a definition for “landmark trees”, and reference to a Development Services Handout determining thresholds for “rare, uncommon, unique or exceptional” trees that should be preserved on development sites.
- Includes a definition for “hard surface”, as now used in the dimensional requirements.

### **III. REVIEW PROCESS**

The review process began with the initial presentation to Council on September 16, 2013, where staff introduced the permit requirement in Council. At the Council’s July 6, 2015, Study Session, the LID Principles Project was introduced to Council, and Council provided direction and approved areas of focus to begin exploring ways to incorporate low impact development principles in the City’s development codes and standards. The project team has subsequently briefed the City Council and the city’s commissions and boards about the project, its progress, and most recently, the proposals to integrate LID principles into the City’s development Codes and standards. Those briefings occurred on:

#### **City Council:**

- September 16, 2013
- July 6, 2015
- October 19, 2015
- May 2, 2016

#### **Planning Commission:**

- September 9, 2015
- May 25, 2016
- June 22, 2016
- July 13, 2016

#### **Environmental Services Commission:**

- July 16, 2015
- Parks and Community Services Board:**
- October 13, 2015
- East Bellevue Community Council:**
- September 1, 2015
  - June 7, 2016

The project team also hosted workshops to introduce the project and the Areas of Focus to the public. These were held in three different areas of the City and included a daytime meeting for working professionals. These meetings occurred on September 30, 2015 (City Hall); October 6, 2015 (Lewis Creek Visitor Center); October 15, 2015 (Cherry Crest Elementary); and the daytime meeting was held at City Hall on December 9, 2015. Open houses were held after proposal development to introduce the proposals and receive public feedback. These occurred on May 17, 2016 (City Hall); May 18 (Lewis Creek Visitor Center) and May 19 (Northwest Arts Center). The project also maintains a webpage on the City's website where the public may view documents and submit comments. A summary of the public involvement and outreach follows:

#### **IV. STATE ENVIRONMENTAL POLICY ACT**

Environmental review of this proposal proceeded under the "Integrated SEPA/GMA" process authorized by WAC 197-11-210, to ensure consideration of environmental issues in the development of the proposed LUCA. The Environmental Coordinator for the City of Bellevue determined that adoption of the proposed LUCA will not result in any probable, significant, adverse environmental impacts. Because a DNS was likely, the "Optional DNS Process" authorized by WAC 197-11-355 was used and the final threshold determination of nonsignificance (DNS) was issued on July 7, 2016. A copy of the final threshold determination was included with the July 27 materials and is available for review in the permit file or online at: [http://www.bellevuewa.gov/pdf/Land%20Use/15-102686AD\\_15-102687-AB\\_final\\_LID.pdf](http://www.bellevuewa.gov/pdf/Land%20Use/15-102686AD_15-102687-AB_final_LID.pdf)

#### **V. PUBLIC NOTICE & COMMENT**

Notice of the Application for the LID Principles Project proposed amendments and associated review pursuant to the State Environmental Policy Act (SEPA), was published on June 2, 2016. Notice of the initial public hearing and SEPA threshold determination was published on July 7, 2016 in the Weekly Permit Bulletin.

The proposed LUCA is within the jurisdiction of the East Bellevue Community Council (EBCC). The project team introduced the LID Principles Project to the EBCC on September 1, 2015, and updated the EBCC on the project on June 7, 2016. The EBCC held a courtesy hearing at their regular meeting on August 2. Notice of the courtesy hearing was published in the Seattle Times seven days before the courtesy hearing.

The project team will return for a final public hearing on the LUCA following Council action. Final action by the EBCC is anticipated within 60 days of any Council action.

Pursuant to the Washington State Growth Management Act, state agencies must be given 60 days to review and comment on proposed amendments to the Land Use Code. A copy of the proposed amendment was provided to state agencies on June 13, 2016. City Council final action can be taken anytime on or after August 12, 2016.

A summary of the public comments received is included at Attachment B. Copies of the comments are available in the project file and are available for review during normal business hours.

The balance of this Staff Report analyzes the decision criteria in the Land Use Code that must be met to support adoption of a Land Use Code Amendment.

## **VI. DECISION CRITERIA**

LUC 20.30J.135 establishes the decision criteria for an application to amend the text of the Land Use Code. Those criteria, and the relationship of the proposal to them, are discussed below:

### **A. The amendment is consistent with the Comprehensive Plan; and**

The proposed amendments are supported by the following Comprehensive Plan policies:

#### **COMMUNITY ENGAGEMENT**

**CE-2.** Consider the interests of the entire community and the goals and policies of this Plan before making land use decisions. Proponents of change in land use should demonstrate that the proposed change responds to the interests and changing needs of the entire city, balanced with the interests of the neighborhoods most directly impacted by the project.

*The project developed and implemented a public participation plan with the goal of achieving participation from a wide variety of stakeholders. Communications included using the City's boards and commissions, and public workshops and open houses to reach a broad audience. Other methods of communication included articles in It's in Your City, providing a LID dedicated internet page, and use of social media.*

**CE-10.** Use new and emerging technologies for citizen engagement where they are effective and efficient at enhancing citizen understanding and participation.

*The project utilized social media to reach out to citizens along with traditional communication methods.*



## **LAND USE**

**LU-2.** Retain the city's park-like character through the preservation and enhancement of parks, open space, and tree canopy throughout the city.

**LU-6.** Encourage new residential development to achieve a substantial portion of the maximum density allowed on the net buildable acreage.

**LU-13.** Support neighborhood efforts to maintain and enhance their character and appearance.

**LU-20.** Support Downtown's development as a regional growth center, with the density, mix of uses and amenities, and infrastructure that maintain it as the financial, retail, transportation, and business hub of the Eastside.

**LU-21.** Support development of compact, livable and walkable mixed use centers in BelRed, Eastgate, Factoria, Wilburton and Crossroads.

## **HOUSING**

**HO-16.** Provide opportunities and incentives through the Planned Unit Development (PUD) process for a variety of housing types and site planning techniques that can achieve the maximum housing potential of the site.

*The LID Principles project includes amendments to the City's Planned Unit Development chapter to provide additional flexibility for the siting of structures on lots.*

**HO-17.** Evaluate the housing cost and supply implications of proposed regulations and procedures.

## **UTILITIES**

**UT-13.** Consider Low Impact Development principles to minimize impervious surfaces and native vegetation loss on all infrastructure improvement projects.

**UT-38.** Encourage the use of low impact development and stormwater best management practices to manage stormwater runoff, which may result in smaller facilities constructed on- and off-site for flow control, conveyance, and water quality.

## **TRANSPORTATION**

**TR-24.** Incorporate pedestrian and bicycle facility improvements into roadway projects in accordance with the Pedestrian and Bicycle Transportation Plan.<sup>1</sup>

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<sup>1</sup> See also Pedestrian and Bicycle Transportation policies (TR103-), Transportation Element at 196-97.

**TR-41.** Develop the transportation system in a manner that supports the regional land use and transportation vision adopted in VISION 2040, Transportation 2040 and the Countywide Planning policies for King County.

**TR-51.** Provide sufficient arterial rights-of-way to provide space for street trees and landscaping, and to accommodate pedestrian and bicycle facilities, while considering neighborhood character and context.

**TR-142.** Avoid, minimize or mitigate significant adverse impacts to air quality, noise, light/glare and other elements of the environmental in planning and implementing transportation projects.

**TR-144.** Incorporate natural drainage practices into transportation infrastructure projects where effective and feasible.

### **ECONOMIC DEVELOPMENT**

**ED-5.** Develop and maintain regulations that allow for continued economic growth while respecting the environment and quality of life of city neighborhoods.

**ED-8.** Recognize and consider the economic and environmental impacts of proposed legislative actions prior to adoption.

**ED-21.** Support economic development in the city's commercial areas.

### **ENVIRONMENT**

**EN-1.** Balance the immediate and long range environmental impacts of policy and regulatory decisions in the context of the city's commitment to provide for public safety, infrastructure, economic development and other obligations.

**EN-5.** Protect air, water, land, and energy resources consistent with Bellevue's role in the regional growth strategy.

**EN-12.** Work toward a citywide tree canopy target of at least 40% canopy coverage that reflects our "City in a Park" character and maintain an action plan for meeting the target across multiple land use types including right-of-way, public lands, and residential and commercial uses.

**EN-13.** Minimize the loss of tree canopy and natural areas due to transportation and infrastructure projects and mitigate for losses, where impacts are unavoidable.

**EN-24.** Reduce runoff from streets, parking lots and other impervious surfaces and improve surface water quality by utilizing low impact development techniques in new development and redevelopment.

**EN-43.** Maintain land use regulations that limit the amount of impervious surface area in new development and redevelopment city-wide.

**EN-44.** Provide land use incentives to minimize the amount of impervious surface area below that allowed through prescriptive standards, in new development, redevelopment, and existing development citywide.

**EN-45.** Implement the city-wide use of low impact development techniques and green building practices.

**EN-46.** Make low impact development the preferred and commonly-used approach to site development to minimize impervious surfaces, native vegetation loss, and stormwater runoff.

**EN-49.** Provide education and incentives to support the implementation of low impact development practices, integrated site planning, and green building, with a focus on early consideration of these in the site development process.

**EN-71.** Preserve a proportion of the significant trees throughout the city in order to sustain fish and wildlife habitat.

**EN-72.** Encourage residents and professional landscaping firms to utilize native plants in residential and commercial landscapes.

## **URBAN DESIGN**

**UD-2.** Preserve and enhance trees as a component of the skyline to retain the image of a “City in the Park.”

**UD-6.** Encourage the green and wooded character of existing neighborhoods.

**UD-37.** Use site design, water efficient landscaping and stormwater management practices to reduce the environmental impact of impervious surfaces.

**UD-38.** Minimize paved surfaces within open spaces and use permeable surfaces where appropriate.

**UD-43.** [In the Downtown, Commercial, and Mixed-Use Developments] Permit high intensity development subject to design criteria that assures a liveable environment.

**UD-57.** Preserve vegetation, with special consideration given to the protection to group of trees and associated undergrowth, specimen trees, and evergreen trees.

**UD-64.** Consider alternative street and sidewalk designs that minimize environmental impacts and use permeable surfaces where appropriate.

**UD-65.** Use appropriate street tree species and provide adequate rooting space to limit damage to sidewalk and street infrastructure.

**UD-76.** Minimize the removal of existing vegetation when improving streets to preserve the natural character of Bellevue.

### **SHORELINES**

**SH-9.** Preserve the natural amenities and resources of the shorelines in the context of existing and planned residential, recreational, and commercial land uses.

**Finding:** These code amendments will provide the necessary regulatory framework in the Land Use Code to implement the policies contained in the Comprehensive Plan.

#### **B. The amendment enhances the public health, safety or welfare; and**

**Finding:** The amendment will enhance the public health, safety, and welfare by providing a mechanism that encourages and requires that development and redevelopment projects use LID principles. By reducing impervious surfaces, minimizing vegetation loss and stormwater runoff will benefit Bellevue's waters by reducing flows and reducing pollutant loading. The LID principles LUCAs will enhance the health, safety, and welfare of the public by reducing runoff, improving water quality, and providing a high quality experience to live, work, play, and visit in Bellevue.

#### **C. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.**

**Finding:** The amendment is consistent with the best interest of the citizens and property owners. It incentivizes the use of permeable surfaces, minimizes impervious surfaces, and retains additional vegetation, including trees, which supports the Council's goal of achieving a 40% canopy cover. The amendment recognizes the unique character of the City's land use zones thus balancing the competing needs and laws applicable to development and redevelopment.

### **VII. RECOMMENDATION**

The requested Land Use Code Amendment included in Attachment A is consistent with the decision criteria required for adoption of a Land Use Code Amendment. Staff recommends that the Planning Commission hold a public hearing on the draft amendment, and following consideration of the testimony provided at the hearing transmit a recommendation approving all of the draft amendments.

### **ATTACHMENTS**

- A. LID Principles Project Land Use Code Amendments
- B. Public Comment Summary

**Chapter 20.20 General Development Requirements.**

**20.20.010 Uses in land use districts dimensional requirements.**

**Chart 20.20.010**

Uses in land use districts Dimensional Requirements

LAND USE CLASSIFICATION	RESIDENTIAL										
	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
<b>DIMENSIONS</b>	(43)	(43)	(43)	(43)	(43)	(43)	(43)				
...											
Maximum Lot Coverage by Structures (percent) <sup>(13)</sup> <small>(14) (16) (26) (27) (37) (39)</small>	35	35	35	35	35	40	40	35	35	35	35
<u>Maximum Hard Surface Coverage (percent)</u> <sup>(37)</sup> <small>(39) (49)</small>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>75</u>	<u>75</u>	<u>85</u>	<u>85</u>	<u>85</u>	<u>85</u>
Maximum Impervious Surface (percent) <sup>(35)</sup> <small>(37) (39)</small>	<u>50</u> <u>40</u> <sup>(36)</sup>	<u>50</u> <u>40</u> <sup>(36)</sup>	<u>50</u> <u>40</u> <sup>(36)</sup>	<u>50</u> <u>40</u> <sup>(36)</sup>	<u>50</u> <u>40</u> <sup>(36)</sup>	<u>55</u> <u>45</u> <sup>(36)</sup>	<u>55</u> <u>45</u> <sup>(36)</sup>	<u>80</u> <u>60</u>	<u>80</u> <u>60</u>	<u>80</u> <u>60</u>	<u>80</u> <u>60</u>
<u>Alternative Maximum Impervious Surface (percent)</u> <sup>(35)</sup> <small>(37) (39) (50)</small>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>55</u>	<u>55</u>	<u>80</u>	<u>80</u>	<u>80</u>	<u>80</u>

[...]

**ATTACHMENT B**

Uses in land use districts Dimensional Requirements

LAND USE CLASSIFICATION	Professional Office		Office		Office/Limited Business		Light Industry		General Commercial		Neighborhood Mixed Use		Neighborhood Business		Community Business		Factory Land Use District 1		Factory Land Use District 2		Factory Land Use District 3	
	PO (21)		O (21)		OLB (21)		LI (21)		GC (21)		NMU (21)		NB (21)		CB (21)		F1 (28)		F2 (21, 31)		F3 (21, 32)	
...																						
Maximum Lot Coverage by Structures (percent) (13) (14) (16)	35 (24)		35 (24)		35 (24)		50				35		35 (24)						35 (24)			40 (24)
<u>Maximum Hard Surface Coverage</u> (37) (49)	85		85		85		90		85		80		80		85				85			85
Maximum Impervious Surface (percent) (35) (37)	80		80		80		85		85		80		80		85				80			80
<u>Alternative Maximum Impervious Surface</u> (35) (37) (50)	60		60		60		65		65		60		60		65				60			60
	80		80		80		85		85		80		80		85				80			80

[...]

[...]

- (13) Lot coverage is calculated after subtracting all critical areas and stream critical area buffers; provided, that coal mine hazards (20.25H.130) and habitat associated with species of local importance (20.25H.150) shall not be subtracted.
- (14) Maximum lot coverage by structures is determined after public right-of-way and private roads are subtracted from the gross land area.

[...]

- (16) Exceptions to Lot Coverage. Although not considered structures for purposes of calculating lot coverage, the following may be considered impervious surfaces subject to the impervious surface limits. See LUC 20.20.460 and 20.50.026.
  - (a) Underground buildings as defined in LUC 20.50.050 are not structures for the purpose of calculating lot coverage.
  - (b) Buildings constructed partially below grade and not higher than 30 inches above existing or finished grade, whichever is lower, are not structures for the purpose of calculating lot coverage subject to the following conditions:
    - (i) The 30-inch height limit must be met at all points along the building excluding those areas necessary to provide reasonable ingress and egress to the underground portions of the building; and
    - (ii) The rooftop of the building shall be screened from abutting properties with 10 feet of Type II landscaping as described in LUC 20.20.520.G.2 except that the required trees shall be a minimum of 10 feet in height at planting; or, if a use is proposed for the rooftop, the rooftop may be landscaped consistent with the planting requirements for the specific use that is proposed and for the land use district in which the use is located. All landscaping shall comply with standards set forth in LUC 20.20.520. The provisions of LUC 20.20.520.J (Alternative Landscaping Option) are applicable.

[...]

- (26) See LUC 20.20.125 for specific requirements applicable to detached accessory structures.
- (27) Lot coverage for schools located in residential land use districts is limited to 35 percent of the site area (refer to LUC 20.20.740).

[...]

- (35) See LUC 20.20.460 for exceptions and performance standards relating to impervious surface.
- (36) Impervious surface limits for legally established nonconforming nonresidential uses and for new allowed nonresidential uses in these residential land use districts shall be 80 percent.
- (37) Maximum hard surface, maximum impervious surface and maximum lot coverage by structures are independent limitations on allowed development. All areas of lot coverage by structures are included in the calculation of total maximum impervious surface, unless such structures are

excepted under LUC 20.20.460. All areas of impervious surface coverage shall be included in the calculation of total maximum hard surface coverage.

[...]

(49) See LUC 20.20.425 for exceptions and performance standards relating to hard surfaces.

(50) Maximum impervious surface limit for sites only where the use of permeable surfacing techniques is determined to be infeasible according to the criteria in the 2014 Department of Ecology Stormwater Management Manual for Western Washington, now or as hereafter amended.

[...]

**20.20.025 Intrusions into required setbacks.**

[...]

F. Stormwater BMPs. Where feasible, Stormwater BMPs, as required by the 2014 Department of Ecology Stormwater Management Manual for Western Washington, now or as hereafter amended, may be located within setbacks required in LUC 20.20.010, provided they conform to the setback requirements in the City of Bellevue Storm and Surface Water Engineering Standards, now or hereafter amended.

[...]

**20.20.425 Hard surface.**

A. Purpose.

Limits on the total amount of hard surfaces associated with site development are desirable to minimize vegetation loss and limit stormwater runoff, which are impacted by the increased level of surface flow generated by hard surfaces. Live plant foliage and groundcover intercept stormwater by retaining or slowing the flow of precipitation to the ground, and plant roots protect soil from erosion. Preserving naturally vegetated areas is a passive stormwater management tool that effectively reduces watershed function deterioration.

B. Applicability.

Hard surfaces are defined in LUC 20.50.024, and shall include all surfaces considered impervious under LUC 20.20.460, as well as permeable pavement surfaces and vegetated roofs. The hard surface limits contained in LUC 20.20.010 and the standards of this section, shall be imposed any time a permit, approval, or review including land alteration or land development including subdivisions, short subdivisions or planned unit developments, a change in lot coverage, or a change in the area devoted to parking and circulation is required by this Code, or by the International Building Code.

C. Modifications to Hard Surface Limits.

The hard surface limits contained in LUC 20.20.010 and Chapter 20.25 LUC may be modified pursuant to a critical areas report, LUC 20.25H.230, so long as the critical areas report



demonstrates that the effective impervious surface on the site does not exceed the limit established in LUC 20.20.010 and Chapter 20.25 LUC.

1. Garages on sites sloping uphill should be placed below the main floor elevation where feasible to reduce grading and to fit structures into existing topography. Garages on sites sloping downhill from the street may be required to be placed as close to the right-of-way as feasible and at or near street grade. Intrusion into the front setback, as provided in LUC 20.20.025.B, may be required. On slopes in excess of 25 percent, driveways shall be designed to minimize disturbance and should provide the most direct connection between the building and the public or private street; and
2. Changes in existing grade outside the building footprint shall be minimized. Excavation shall not exceed 10 feet. Fill shall not exceed five feet subject to the following provisions: all fill in excess of four feet shall be engineered; and engineered fill may be approved in exceptional circumstances to exceed five feet to a maximum of eight feet. Exceptional circumstances are: (1) instances where driveway access would exceed 15 percent slope if additional fill retained by the building foundation is not permitted; or (2) where the five-foot fill maximum generally is observed but limited additional fill is necessary to accommodate localized variations in topography.

D. Exemptions.

The following are exempted from determining maximum hard surface. These exemptions do not apply to any other Land Use Code requirement, including setbacks and limits on maximum lot coverage by structure, building code, utilities code or other applicable City of Bellevue codes or regulations.

1. Decks/Platforms. Decks and platforms constructed with gaps measuring one-eighth inch or greater between boards, so long as the surface below the deck or platform is pervious;
2. Rockeries/Retaining Walls. Rockeries and retaining walls shall be exempt from the maximum hard surface limits;
3. Stabilization Measures. Shoreline stabilization measures shall be exempt from the maximum hard surface limits; and
4. Landscape Features. Fences, arbors with lattice or open roof materials and similar structures, individual stepping stones placed in the ground but not interlocking, cemented or held together with an impervious material, and organic mulch shall be exempt from the maximum hard surface limits.

E. Performance Standards.

1. Design shall minimize topographic modification. Structures shall conform to the natural contour of the slope. The foundation shall be tiered to conform to the existing topography and step down the slope with earth retention incorporated into the structure where feasible. Standard prepared building pads, i.e., slab on grade, shall be avoided; and
2. Garages on sites sloping uphill should be placed below the main floor elevation where feasible to reduce grading and to fit structures into existing topography. Garages on sites sloping downhill from the street may be required to be placed as close to the right-of-way as feasible and at or near street grade. Intrusion into the front setback, as provided in LUC 20.20.025.B,

may be required. On slopes in excess of 25 percent, driveways shall be designed to minimize disturbance and should provide the most direct connection between the building and the public or private street; and

- 3. Changes in existing grade outside the building footprint shall be minimized. Excavation shall not exceed 10 feet. Fill shall not exceed five feet subject to the following provisions: all fill in excess of four feet shall be engineered; and engineered fill may be approved in exceptional circumstances to exceed five feet to a maximum of eight feet. Exceptional circumstances are: (1) instances where driveway access would exceed 15 percent slope if additional fill retained by the building foundation is not permitted; or (2) where the five-foot fill maximum generally is observed but limited additional fill is necessary to accommodate localized variations in topography.

F. Maintenance and Assurance.

- 1. Pervious pavement and other hard surface techniques designed to mimic shall be designed by a professional engineer licensed by the State of Washington and the plans are approved by the Director. The Director may require a maintenance plan and long-term performance assurance device to ensure the continued function of the pervious pavement or other technique.

G. Existing Hard Surfaces.

- 1. Hard surfaces legally established on a site prior to [INSERT EFFECTIVE DATE], and which exceed the limits set forth in LUC 20.20.010 and Chapter 20.25 LUC shall not be considered nonconforming. Proposals to increase hard surface on a site shall conform to the limits of LUC 20.20.010 and Chapter 20.25 LUC; where a site already exceeds the allowed amount of hard surface, the additional hard surface shall not be approved unless an equal amount of existing hard surface is removed such that the net amount of hard surface is unchanged.

[...]

**20.20.460 Impervious surface.**

A. Purpose.

Limits on the total amount of impervious surfaces associated with site development are desirable to protect critical areas and limit stormwater runoff, which are impacted by the increased levels and rates of surface flow generated by impervious surfaces.

B. Applicability.

The impervious surface limits contained in LUC 20.20.010 and Chapter 20.25 LUC, and the standards of this section, shall be imposed any time a permit, approval, or review including land alteration or land development including subdivisions, short subdivisions or planned unit developments, a change in lot coverage, or a change in the area devoted to parking and circulation is required by this Code, or by the International Building Code.

C. Modifications to Impervious Surface Limits.

The impervious surface limits contained in LUC 20.20.010 and Chapter 20.25 LUC may be modified pursuant to a critical areas report, LUC 20.25H.230, so long as the critical areas report demonstrates that the effective impervious surface on the site does not exceed the limit established in LUC 20.20.010 and Chapter 20.25 LUC.

1. Garages on sites sloping uphill should be placed below the main floor elevation where feasible to reduce grading and to fit structures into existing topography. Garages on sites sloping downhill from the street may be required to be placed as close to the right-of-way as feasible and at or near street grade. Intrusion into the front setback, as provided in LUC 20.20.025.B, may be required. On slopes in excess of 25 percent, driveways shall be designed to minimize disturbance and should provide the most direct connection between the building and the public or private street; and
2. Changes in existing grade outside the building footprint shall be minimized. Excavation shall not exceed 10 feet. Fill shall not exceed five feet subject to the following provisions: all fill in excess of four feet shall be engineered; and engineered fill may be approved in exceptional circumstances to exceed five feet to a maximum of eight feet. Exceptional circumstances are: (1) instances where driveway access would exceed 15 percent slope if additional fill retained by the building foundation is not permitted; or (2) where the five-foot fill maximum generally is observed but limited additional fill is necessary to accommodate localized variations in topography.

D. Exemptions.

The following are exempted from determining maximum impervious surface. These exemptions do not apply to any other Land Use Code requirement, including setbacks and limits on maximum lot coverage by structure, building code, utilities code or other applicable City of Bellevue codes or regulations.

1. Decks/Platforms. Decks and platforms constructed with gaps measuring one-eighth inch or greater between boards, so long as the surface below the deck or platform is pervious;
2. Rockeries/Retaining Walls. Rockeries and retaining walls shall be exempt from the maximum impervious surface limits;
3. Stabilization Measures. Shoreline stabilization measures shall be exempt from the maximum impervious surface limits; and
4. Landscape Features. Fences, arbors with lattice or open roof materials and similar structures, individual stepping stones placed in the ground but not interlocking, cemented or held together with an impervious material, and gravel mulch shall be exempt from the maximum impervious surface limits.

E. Performance Standards.

1. Design shall minimize topographic modification. Structures shall conform to the natural contour of the slope. The foundation shall be tiered to conform to the existing topography and step down the slope with earth retention incorporated into the structure where feasible. Standard prepared building pads, i.e., slab on grade, shall be avoided; and
2. Garages on sites sloping uphill should be placed below the main floor elevation where feasible to reduce grading and to fit structures into existing topography. Garages on sites sloping downhill from the street may be required to be placed as close to the right-of-way as feasible and at or near street grade. Intrusion into the front setback, as provided in LUC 20.20.025.B, may be required. On slopes in excess of 25 percent, driveways shall be designed to minimize

disturbance and should provide the most direct connection between the building and the public or private street; and

- 3. Changes in existing grade outside the building footprint shall be minimized. Excavation shall not exceed 10 feet. Fill shall not exceed five feet subject to the following provisions: all fill in excess of four feet shall be engineered; and engineered fill may be approved in exceptional circumstances to exceed five feet to a maximum of eight feet. Exceptional circumstances are: (1) instances where driveway access would exceed 15 percent slope if additional fill retained by the building foundation is not permitted; or (2) where the five-foot fill maximum generally is observed but limited additional fill is necessary to accommodate localized variations in topography.

F. Existing Impervious Surfaces.

Impervious surfaces legally established on a site prior to ~~August 1, 2006~~ **INSERT EFFECTIVE DATE**, and which exceed the limits set forth in LUC 20.20.010 and Chapter 20.25 LUC shall not be considered nonconforming. Proposals to increase impervious surface on a site shall conform to the limits of LUC 20.20.010 and Chapter 20.25 LUC; where a site already exceeds the allowed amount of impervious surface, the additional impervious surface shall not be approved unless an equal amount of existing impervious surface is removed such that the net amount of impervious surface is unchanged.

G. Innovative Techniques.

Surfaces paved with ~~pervious-permeable~~ pavement or other innovative techniques designed to mimic the function of a pervious surface shall not be included in the calculation of impervious surface areas, ~~so as~~ long as the technique is designed by a professional engineer licensed by the State of Washington and the plans are approved by the Director. These surfaces, however, shall be included in the calculation of maximum hard surface areas. The Director may require a maintenance plan and long-term performance assurance device to ensure the continued function of the ~~pervious-permeable~~ pavement or other innovative technique. In no case, may the use of innovative techniques exceed the maximum hard surface coverage limit for the underlying use zone.

[...]

**20.20.590 Parking, circulation, and walkway requirements.**

[...]

K. Parking Area and Circulation Improvements and Design

[...]

8. Internal Walkways

[...]

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- c. Design Criteria. Except as otherwise specified in Part 20.25A LUC, internal walkways provided pursuant to this section must be designed and installed in conformance with the following:
  - i. Surface Materials. Internal walkways must be paved with hard-surfaced material such as concrete, asphalt, stone, brick, tile, permeable pavement, etc. Only nonskid paving may be used in walkways construction.

DRAFT



September 7, 2016

**SUBJECT**

Downtown Livability Initiative – Installment 1 of the Land Use Code Amendment Package

**STAFF CONTACT**

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**DIRECTION NEEDED FROM PLANNING COMMISSION**

- Action
- Discussion
- Information

**DISCUSSION**

**Recommendations from the Citizen Advisory Committee**

The Planning Commission is working through the Downtown Livability Citizen Advisory Committee’s (CAC) recommendations for a targeted set of Land Use Code topics including public open space, landscaping, walkability and the Pedestrian Corridor, design guidelines, incentive zoning, and building height and form. Direction for the CAC’s recommendations drew heavily from a set of Land Use Code audits and focus groups that analyzed what was working regarding each topic, what wasn’t working, and areas for improvement. The current Commission work on updating the Downtown Land Use Code through the Livability Initiative is part of a broader agenda to make Downtown more people-friendly, vibrant and memorable, and add to the amenities that make for a great city center.

**Focus of September 14 Study Session**

The Planning Commission’s September 14 Study Session will focus on review of Installment 1 of the Land Use Code Amendment Package which is included with this memorandum as Attachment A. The Commission has been reviewing Downtown code topics over the past year and staff is now forming the consolidated package to take to public hearing. Also included in this packet is an update on the transportation-related Downtown policy amendments previously discussed with the Commission on July 27.

## Review of Installment 1 of the Land Use Code Amendment Package

**On September 14 staff will introduce Installment 1 of the Downtown Livability Land Use Code Packet to the Commission. Staff will highlight key elements of the code package, answer Commission questions, and seek guidance to ready this portion for public hearing.**

The Downtown Livability Land Use Code Amendment Package is being brought forward to the Commission in 3 installments.

### **Highlights of Installment 1 of the Land Use Code Amendment Package are as follows:**

#### **20.25A.010 – General**

This section serves as a roadmap for 20.25A. It explains how the code creates regulatory layers to inform the development of Downtown.

- Land Use Classifications – Determines uses, dimensional requirements and participation in the amenity incentive system.
- Perimeter Overlay Districts – Perimeter Overlay Districts (formerly Perimeter Design Districts) may impose more stringent dimensional requirements than are allowed by the underlying land use classification. This provides a buffer for less intense development usually at the edges of downtown.
- Neighborhood Design Districts – Neighborhood Design Districts are a key organizing principle to implement the Great Place Strategy of the Downtown Subarea Plan. These neighborhood design districts create a series of distinct, mixed-use neighborhoods (or districts) within Downtown that reinforce their locational assets and unique identities.
- Right-of-Way Designations – Right-of-Way Designations allow for development standards and design guidelines to be organized by street.
- Pedestrian Corridor – The Pedestrian Corridor remains the same, but will be updated as a part of the Grand Connection Project.

#### **20.25A.020 – Definitions**

- The definitions will be provided in a subsequent installment.

#### **20.25A.030 – Applicable Review (New)**

- Review includes Master Development Plan (MDP) and Design Review.
- Procedural Merger allows all administrative Land Use permits to be reviewed concurrently and issued as a single administrative decision.

#### **20.25A.040 – Nonconforming Uses, Structures and Sites (Moved from 20.25A.025 and amended)**

- Nonconforming is defined as a use, structure, site or lot which conformed to the applicable codes in effect on the date of creation but which no longer complies because of changes in code requirements or annexation. Defined in 20.20.036.
- Nonconforming Uses
  - Nonconforming uses may be continued by successive owners or tenants unless it has been abandoned.

- A use is abandoned if it is discontinued for 12 months with the intention of abandoning the use.
- A nonconforming use may be expanded pursuant to an Administrative Conditional Use Permit (ACUP) if not more than 20% or 20,000 sq.ft. whichever is less, or by a Conditional Use Permit (CUP) if the expansion is over 20% or 20,000 sq. ft.
- Nonconforming Structures
  - May repair or remodel the structure if there is no expansion of the building and it will not increase the nonconforming condition of the structure.
  - The application of the Design Guidelines will be determined when the Design Guidelines have been completed, except that where any expansions in a three year period exceed 50% of the floor area of the previously existing structure, the structure shall be brought into conformance with the current Design Guidelines.
  - If structure is destroyed by fire, explosion or other unforeseen circumstances, then it may be reconstructed consistent with its nonconformity, but not expanded.
- Nonconforming Sites
  - The site not be changed unless the change conforms to the Code, except reconfiguration of parking lots.
  - A structure on a nonconforming site may be repaired or remodeled as long as there is no expansion of the building and the repair or remodel will not increase the nonconforming condition of the site.
  - Expansions of a structure on a nonconforming site made within 3 years which together exceed 50% of the floor area of the previously existing structure shall require compliance with the site development provisions of the code.
  - Expansions of a structure on a nonconforming site made within 3 years which together exceed 20% shall provide easements for public sidewalks unless the Director of Transportation determines that the easements are not necessary.

**20.25A.050 – Downtown Land Use Charts (Moved from 20.25A.015, Early Wins)**

- Provisions have moved, but substance remains the same. In October, there will be a few changes to the use charts to align with code amendments adopted by the City Council for marijuana uses.

**20.25A.060 – Dimensional Charts (Moved from 20.25A.020 and amended)**

- For a visual representation of the Land Use Districts, Perimeter Overlay Districts, the building heights and the Floor Area Ratio, see Attachment B.
- In Perimeter Overlay B-2, Multiple tower projects may have variable tower heights from 160 -240 feet with an average of no more than 200 feet. Single towers are limited to 160 feet, provided the Commission wanted to further discuss the maximum single tower project height east of 102nd Avenue NE.
- Intrusions into right-of-way or setbacks allowed for marquees, awnings, external decks and balconies.
- Intrusion into stepbacks
  - May eliminate stepback if adjacent street is wider than 70 feet



- If adjacent street is 70 feet wide or less, setback may be modified up to 60% of the depth of the required setback.
- Modifications allowed for building modulation or weather protection.
- Height Exceptions
  - Mechanical equipment may intrude a maximum of 20 feet or as necessary, if it is the minimum necessary, 20% of the rooftop can be covered with mechanical structures and they must be clustered at the center, equipment and housing is integrated into the design of the rooftop.
  - Maximum building height may be exceeded by either 15% / 15 feet (whichever is greater) for architecturally integrated mechanical equipment and interesting roof form or by 10% / 15 feet (whichever is greater) for dedication of right-of-way or linear alignment for light rail.
- Underground buildings are not structures for purposes of calculating lot coverage.

**20.25A.070 – FAR/Amenity System (Moved from 20.25A.030 and amended)**

- Will be provided in a subsequent installment.

**20.25A.080 – Parking Standards (Moved from 20.25A.050 and amended)**

- Deleted references to commercial parking stalls and facilities that were approved for construction prior to March 23, 1981.
- Amended to require screening from above for parking structures.
- Increased the vehicle clearance heights for entries to parking garages from 7.5 to 8 feet to accommodate accessible van parking.
- Added requirement for residential visitor parking.
- Added requirements for bicycle parking.
  - 50% of the spaces must be covered
  - Nonresidential – 1 space for every 10,000 net square feet (nsf) over 20,000 nsf.
  - Residential – 1 space per every 10 dwelling units.

**20.25A.090 – Street and Pedestrian Circulation Standards (Moved from 20.25A.060 and amended)**

- Sidewalk widths map added. Sidewalk widths are 20, 16, or 12 feet.
- Tree pits and planter strips provisions have moved but the substance remains the same.
- Through-block connections will be provided in a subsequent installment.
- “Build to” line will be provided in a subsequent installment.

**20.25A.100 – Pedestrian Bridges (Moved from 20.25A.130)**

- This provision has been moved, but the substance remains the same.

**20.25A.110 – Landscape Development (Moved from 20.25A.060 and amended, Early Wins)**

- Street Tree Plate B, installation, and irrigation remain the same from the Early Wins package.

- Added flexibility to change tree species if listed species becomes unavailable.
- Removed conflict provision as unnecessary.
- On-site landscaping remains the same. (Moved from 20.25A.040)
- In all districts on street frontage, if buffering vehicular access or parking area, 8 foot, Type III buffer with ability for applicant to propose an alternative buffer.
- In DT-MU, R, OLB, and Perimeter Overlay Districts, 5 foot, Type III buffer in rear and side yards for vehicular access and parking areas.
- Linear Buffers
  - All linear buffers
    - Minimum 20 feet wide
    - Not used for parking, vehicular access kept to a minimum
  - If adjacent to the right-of-way or public property
    - 3 deciduous trees, 2 flowering trees, and 10 evergreen shrubs per 1000 sq. ft.
    - Paved no more than 25% of area
    - Ground cover at least 50% of area
    - Walls less than 30 inches
    - Within 3 feet of the elevation of the sidewalk.
  - If adjacent to private property
    - Allows for vehicular entrance drives, patios, and residential entries
    - Requires evergreen and deciduous trees
    - Requires evergreen shrubs
    - Requires living ground cover.

**20.25A.120 – Green Factor Standards (New)**

- Will be provided in a subsequent installment.
- Heritage and Landmark Trees will be defined by Low Impact Development Project.

**20.25A.130 – Mechanical Equipment Screening and Location Standards. (Moved from 20.25A.045, Early Win)**

- These provisions have moved, but the substance remains the same.

**20.25A.140 – Right-of-Way Designations (Moved from Building/Sidewalk Relationships Design Guidelines and amended)**

- Will be provided on a later date.

**20.25A.150 – Downtown-Wide Design Guidelines (Moved from 20.25A.115, Building/Sidewalk Design Guidelines and amended; Outline Subject to Change)**

- Will include the Major Pedestrian Corridor LUC 20.25A.100E.1 and 4.
- The provisions for the Major Pedestrian Corridor have moved, but the substance remains the same. It is likely that the Grand Connection Project will amend these Major Pedestrian Corridor Guidelines at a future date, so not updated are currently proposed.

**20.25A.160 – Neighborhood-Specific Design Standards and Guidelines (New)**

- Will be provided in a subsequent installment.

**Installment 2 (tentatively scheduled for October 12) will include:**

- Downtown Definitions
- Additional Height Triggers
- Through-Block Connections
- The Green Factor
- Right-of-Way Designations
- Design Guidelines

**Installment 3 (tentatively scheduled for as early as October 26) will add:**

- The results of the on-going work on the Incentive Zoning System. Staff previously discussed the proposed structure and approach for updating the system with the Commission on June 8 and July 27.
- The City’s consultant, Berk, is currently working on the economic modeling. Staff and Berk are coordinating work sessions with the Bellevue Downtown Association and other interested stakeholders on details of this analysis.
- Based on Council interest, staff is arranging for third party review of the economic modeling by an Urban Land Institute (ULI) Technical Assistance Panel. This may occur as early as mid-October.
- As has been previously discussed, the Incentive Zoning System will also include a process “off-ramp” where developers may suggest bonusable amenities not on the formal list and pursue an alternative approach that provides an equal or greater contribution to meeting the intent of the incentive system.

**Update on Transportation-Related Downtown Policy Amendments**

On July 27, staff presented a set of Downtown-specific transportation policy amendments which had been previously developed by the Transportation Commission in 2014 as part of the Downtown Transportation Plan Update. The Planning Commission expressed concern about the timing of these policy amendments and desired to have an alternative approach brought back for consideration that allowed for a more up-to-date review.

Staff now recommends that review of Downtown-specific transportation policy amendments be deferred to the 2017 annual Comprehensive Plan Amendment (CPA) process. This recommendation is based on these factors:

- The recommended policy language will be able to be reviewed to take into account changes since the recommendations were formed in early 2014. Additional public comment will also be sought during the annual CPA process.
- Policy amendments are not essential at this time in order to advance implementation of key elements of the Downtown Transportation Plan. This is because transportation projects were adopted in the Comprehensive Transportation Project List as part of the 2015 Major Comprehensive Plan Update.
- There is the potential that policy and/or narrative updates may be forthcoming from the Grand Connection visioning effort. These could also be incorporated into the Downtown Subarea Plan in 2017 with appropriate review by the Planning Commission and Transportation Commission.

## **NEXT STEPS FOR DOWNTOWN LIVABILITY**

It is a Council priority to complete the work on Downtown Livability implementation in 2016. Staff is working to meet this Council priority. Staff's tentative schedule for Downtown Livability Planning Commission time for the remainder of the year is shown below. It is an aggressive schedule, but would allow for the Planning Commission to transmit a recommended Land Use Code Package to Council in January 2017 for final action to occur in Q1 2017 based on the Council calendar.

September 14, 2016	Commission Study Session: Installment 1 of the LUCA Package
October 12	Commission Study Session: Installment 2 of the LUCA Package
October 26	Commission Study Session
November 16	Commission Study Session/Potential Public Hearing
December 9	Commission Study Session
December 16	Commission Study Session

## **ATTACHMENTS**

- A. Installment 1 of the Downtown Livability Land Use Code Amendment Package
- B. Map of Commission's Height and Form Recommendation as of September 7, 2016
- C. Land Use Code Table of Contents

**Part 20.25A Downtown****20.25A.010 General****A. Applicability of Part 20.25A**

1. General. This Part 20.25A, Downtown (DNTN), contains requirements, standards, criteria and guidelines that apply to development and activity within the Downtown land use districts. Except to the extent expressly provided in this Part 20.25A and as referenced in subsection A.2 of this section, the provisions of the Land Use Code, other development codes, the City development standards, and all other applicable codes and ordinances shall apply to development and activities in the Downtown land use districts.
2. Relationship to Other Regulations. Where there is a conflict between the Downtown land use district regulations and the Land Use Code and other City ordinances, the Downtown land use district regulations shall govern.
3. Regulations not applicable in Downtown. The following regulation of the Land Use Code, Title 20 Bellevue City Code (BCC) now or as hereafter amended, do not apply in Downtown. Unless specifically listed below, all other regulations apply.
  - a. 20.10.400
  - b. 20.10.440
  - c. 20.20.005 through 20.20.025
  - d. 20.20.060 and 20.20.070
  - e. 20.20.120 and 20.20.125
  - f. 20.20.135 and 20.20.140
  - g. 20.20.190 and 20.20.192
  - h. 20.20.250
  - i. 20.20.400
  - j. 20.20.520
  - k. 20.20.525
  - l. 20.20.700 and 20.20.720
  - m. 20.20.750 through 20.20.800
  - n. 20.20.890 and 20.20.900

**B. Organization of Part 20.25A Descriptions to come later**

Organization of Part 20.25A is composed of several regulatory layers inform the development of Downtown.

1. Land Use Classifications (or zoning) are applied to each parcel of land in Downtown and determine uses, dimensional requirements (including Floor Area Ratio), and requirements for participation in the amenity incentive system. Specific sections of the Downtown code apply to the following land use classifications.
  - a. Downtown Office 1 (DNTN-O-1)
  - b. Downtown Office 2 (DNTN-O-2)
  - c. Downtown Mixed Use (DNTN-MU)
  - d. Downtown Residential (DNTN-R)
  - e. Downtown Old Bellevue (DNTN-OB)
  - f. Downtown Office Limited Business (DNTN-OLB)
2. Perimeter Overlay Districts (formerly Perimeter Design Districts) may impose more stringent dimensional requirements than are allowed by the underlying land use classification to provide an area for lower intensity development that provides a buffer between less intense uses and more intensively developed properties in Downtown. Specific sections of the Downtown code apply to the following overlay districts.
  - a. Perimeter Overlay District A
    - A-1
    - A-2
    - A-3
  - b. Perimeter Overlay District B
    - B-1
    - B-2
    - B-3
3. Neighborhood Design Districts are a key organizing principle to implement the Great Place Strategy of the Downtown Subarea Plan. These neighborhood design districts create a series of distinct, mixed-use neighborhoods (or districts) within Downtown that reinforce their locational assets and unique identities. Specific sections of the Downtown code apply only within neighborhood districts which are listed below.
  - a. Northwest Village
  - b. City Center North
  - c. Ashwood
  - d. Bellevue Square

- e. City Center
  - f. Convention Civic
  - g. Old Bellevue
  - h. City Center South
  - i. East Main
- 4. Right-of-Way Designations
  - 5. Pedestrian Corridor

**20.25A.020 Definitions (NEW)**

**A. Definitions Specific to Downtown**

- DT Building Height –
- DT Floor Area Ratio (FAR) -
- DT Floor Plate -
- DT Pedestrian Activated Design -
- DT Project Limit-
- DT Setback -
- DT Stepback –
- DT Façade Length-

**B. General Definitions not applicable to Downtown**

**Floor Area Ratio (FAR).** LUC 20.50.016.

**20.25A.030 Review Required (NEW)**

**A. Applicable Review**

- 1. Review is Required. All development in Downtown shall be reviewed by the Director of the Development Services Department through the application of a Master Development Plan and the Design Review process consistent with this section, Part 20.30V LUC, Part 20.30F LUC, and the applicable procedures of Chapter 20.35 LUC.
- 2. Effect of Approval. Approval of the Master Development Plan and Design Review shall constitute the regulations governing development and operation of the approved use. Such approval shall be contingent upon compliance with the conditions specified on the approval, conformance with all applicable development standards, the payment of all fees, and the submittal of assurance devices as may be required. The approval shall expire as provided pursuant to LUC 20.40.500, unless otherwise provided for in this section. The approval shall run with the land.

3. Recording is Required. Upon approval of the Master Development Plan and Design Review, the Development Services Department will forward an approved Master Development Plan to the King County Recorder's Office or its successor agency for recording. Signature of approval from the appropriate, authorized administrator in the Development Services Department shall constitute approval by the City for recording of the Master Development Plan.

**B. Master Development Plan**

**C. Design Review**

**D. Departures**

**E. Procedural Merger**

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

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

**20.25A.040 Nonconforming uses, structures and sites. (Moved from 20.25A.025 and amended)**

**A. Nonconforming Uses.**

1. A nonconforming use may be continued by successive owners or tenants, except where the use has been abandoned. No change to a different use classification shall be made unless that change conforms to the regulations of this Code.
2. If a nonconforming use of a structure or land is discontinued for a period of 12 months with the intention of abandoning that use, any subsequent use shall thereafter conform to the regulations of the district in which it is located. Discontinuance of a nonconforming use for a period of 12 months or greater constitutes prima facie evidence of an intention to abandon.
3. A nonconforming use may be expanded only pursuant to an Administrative Conditional Use Permit if the expansion is not more than 20 percent or 20,000 square feet, whichever is less, or by a Conditional Use Permit if the expansion is over 20 percent or 20,000 square feet.

**B. Nonconforming Structures.**

1. A nonconforming structure may be repaired or remodeled, provided there is no expansion of the building, and provided further, that the remodel or repair will not increase the existing nonconforming condition of the structure.



2. A nonconforming structure may be expanded; provided, that the expansion conforms to the provision of the Land Use Code, except that the requirements of 20.25A.\_\_\_\_ (Design Guidelines) shall be applied as provided in \_\_\_\_\_ (Design Guidelines) below of this section.

3. For expansions made within any three-year period which together do not exceed 50 percent of the floor area of the previously existing structure, the following shall apply:

\_\_\_\_\_ (Design Guidelines).

4. For expansions made within any three-year period which together exceed 50 percent of the floor area of the previously existing structure, the structure shall be brought into conformance with \_\_\_\_\_ (Design Guidelines).

5. If a nonconforming structure is destroyed by fire, explosion, or other unforeseen circumstances to the extent of 100 percent or less of its replacement value, it may be reconstructed consistent with its previous nonconformity. Provided that, the reconstruction may not result in an expansion of the building, nor an increase in the preexisting nonconforming condition of the structure.

#### C. Nonconforming Sites.

1. A nonconforming site may not be changed unless the change conforms to the requirements of this Code, except that parking lots may be reconfigured within the existing paved surface. This paragraph shall not be construed to allow any parking lot reconfiguration that would result in a parking supply that does not conform to the minimum/maximum parking requirements for the Downtown, LUC 20.25A.080.

2. A structure located on a nonconforming site may be repaired or remodeled, provided there is no expansion of the building, and provided further, that the remodel or repair will not increase the existing nonconforming condition of the site.

3. Expansions of a structure located on a nonconforming site, made within any three-year period which together do not exceed 50 percent of the previously existing floor area, do not require any increase in conformance with the site development provisions of this Code, except as otherwise provided in \_\_\_\_ (reference back to B.3 which will be changed) of this section.

4. Expansion of a structure located on a nonconforming site made within any three-year period which together exceed 50 percent of the floor area of the previously existing structure shall require compliance with the site development provisions of this Code.

5. For expansions of a structure on a nonconforming site made within any three-year period which together exceed 20 percent of the replacement value of the previously existing structure:

a. Easements for public sidewalks shall be provided, unless the Director of the Department of Transportation determines such easements are not needed; and

b. A six-foot-wide walkway shall be provided from the public sidewalk or street right-of-way to the main building entrance, unless the Director of the Development Services Department determines the walkway is not needed to provide safe pedestrian access to the building. The Director may allow modification to the width of walkways so long as safe pedestrian access to the building is still achieved.

**20.25A.050 Downtown Land Use Charts (Moved from 20.25A.015, Early Wins) (Pending marijuana amendments will be added shortly.)**

A. Permitted Uses.

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

B. Prohibited Uses.

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

C. Use Chart Described.

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

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

D. Use Charts.

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

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

## Culture, Entertainment, and Recreation – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
711	Library, Museum	P	P	P	A	A	P
7113	Art Gallery	P	P	P	P 3	P	P
712	Nature Exhibitions: Aquariums and Botanical Gardens	P	P	P			
7212 7214 7222 7231 7232	Public Assembly (Indoor): Sports, Arenas, Auditoriums and Exhibition Halls but Excluding School Facilities	P	P	P	A 3	A	P
7212 7214 7218	Motion Picture, Theaters, Night Clubs, Dance Halls and Teen Clubs	P	P	P	A 3	A	P
7213	Drive-In Theaters						
	Adult Theaters (4)	P	P	P			P
7223 73	Public Assembly (Outdoor): Fairgrounds and Amusement Parks, Miniature Golf, Golf Driving Ranges, Go- Cart Tracks, BMX Tracks and Skateboard Tracks (1)						
73	Commercial Amusements: Video Arcades, Electronic Games	P	P	P		P	P
7411 7413 7422 7423 7424 7441 7449	Recreation Activities: Miniature Golf, Tennis Courts, Community Clubs, Athletic Fields, Play Fields, Recreation Centers, Swimming Pools (2)	P	P	P	P 5	P	P
744	Marinas, Yacht Clubs						
7413 7414 7415 7417 7425	Recreation Activities: Skating, Bowling, Gymnasiums, Athletic Clubs, Health Clubs, Recreational Instruction	P	P	P	A/P 3, 5	P	P

## Culture, Entertainment, and Recreation – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
7491 7515	Camping Sites and Hunting Clubs						
76	Private Leisure and Open Space Areas Excluding Recreation Activities Above	P	P	P	P 5	P	P
	Public/Private Park	P	P	P	P 5	P	P
	Stables and Riding Academies						
	Boarding or Commercial Kennels (6)						
	City Park (5)	P	P	P	P	P	P

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

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

## Residential – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
	Two or More Dwelling Units Per Structure	P	P	P	P	P	P
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional	P	P	P	P	P	P

## Residential – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
	Institutions and Excluding Secure Community Transition Facilities						
13 15	Hotels and Motels	P	P	P	P	P	P
	Congregate Care Senior Housing (1)	P	P	P	P	P	P
6516	Nursing Home, Assisted Living			P	P	P	P

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

(1) An agreement must be recorded with the King County Department of Records and Elections and filed with the Bellevue City Clerk, restricting senior citizen dwellings or congregate care senior housing to remain for the life of the project.

## Services – Downtown Districts

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

## Services – Downtown Districts

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

## Services – Downtown Districts

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

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

- (1) Refer to Chapter 20.50 LUC for definitions of child care service, family child care home, and child day care center.
- (2) A child care service may be located in a community facility in any land use district pursuant to LUC 20.20.170.E.
- (3) Auto repair and washing services are permitted only if washing services are a subordinate use pursuant to LUC 20.20.840. All auto repair must be performed in a structure.
- (4) Limited to a maximum of 2,000 gross square feet per establishment.

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



## Transportation and Utilities – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops						
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters	A	A	A			A
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services						
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	A 3	A 3	A 4			A 3
	Accessory Parking (1, 2, 12)	P	P	P	P 14	P	P
46	Auto Parking: Commercial Lots and Garages (12)	P 5	P 5	P 5	A	P 5	P 5
	Park and Ride						
475	Radio and Television Broadcasting Studios	P	P	P		P	P
485	Solid Waste Disposal						
	Highway and Street Right-of-Way (12)	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C
	Local Utility System	P	P	P	P	P	P
	Regional Utility System	C	C	C	C	C	C
	On-Site Hazardous Waste Treatment and Storage Facility						
	Off-Site Hazardous Waste Treatment and Storage Facility						
	Essential Public Facility (9)	C	C	C	C	C	C
	Regional Light Rail Transit Systems and Facilities (13)	C/P	C/P	C/P	C/P	C/P	C/P
	Wireless Communication	6, 7, 10	6, 7, 10	6, 7, 10	6, 7, 10	6, 7, 10	6, 7, 10

## Transportation and Utilities – Downtown Districts

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

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

- (1) The location of an off-site parking facility must be approved by the Director of the Development Services Department. See LUC 20.25A.080.D.
- (2) Accessory parking requires approval through the review process required for the primary land use which it serves pursuant to this section.
- (3) Aircraft transportation is limited in these districts to government heliports used exclusively for emergency purposes and regulated pursuant to the terms of LUC 20.20.450.
- (4) Aircraft transportation is limited in these districts to government and hospital heliports used exclusively for emergency purposes and regulated pursuant to the terms of LUC 20.20.450.
- (5) Design Review approval, Part 20.30F LUC, is required to establish a commercial parking facility. Refer to LUC 20.25A.080.E for additional development requirements.
- (6) Wireless communication facilities (WCFs) are not permitted on any residential structure, undeveloped site located in a residential land use district, or site that is developed with a residential use; except WCFs are allowed on mixed-use buildings that include residential uses. This note does not prohibit locating WCF on any nonresidential structure (i.e., churches, schools, public facility structures, utility poles, etc.) or in public rights-of-way in any residential land use district.
- (7) Refer to LUC 20.20.195 for general requirements applicable to wireless communication facilities and other communication, broadcast and relay facilities.
- (8) Refer to LUC 20.20.730 for general requirements applicable to large satellite dishes.
- (9) Refer to LUC 20.20.350 for general requirements applicable to essential public facilities (EPF).
- (10) Antenna and associated equipment used to transmit or receive fixed wireless signals when located at a fixed customer location are permitted in all land use districts and are exempt from the requirements of LUC 20.20.010, 20.20.195 and 20.20.525 so long as the antenna and equipment

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

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

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

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

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

#### Wholesale and Retail – Downtown Districts

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

## Wholesale and Retail – Downtown Districts

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

## Wholesale and Retail – Downtown Districts

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

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

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

- (9) Battery exchange stations are ancillary to gasoline service stations, and are permitted through the applicable review process as a component of that use. Operators of battery exchange stations must comply with federal and state law regulating the handling, storage, and disposal of batteries.
- (10) See LUC 20.20.535 for general development requirements for marijuana uses.
- (11) Handcrafted product manufacturing is permitted subordinate to a retail establishment selling that product; provided, that the manufacturing use occupies not more than 50 percent of the total square footage of the combined establishment.
- (12) Drive-in and drive-through pharmacies are permitted as a subordinate use pursuant to LUC 20.20.840 only if located within a structured parking area and not adjacent to any publicly accessible space.
- (13) Garden supplies excludes items such as large trees, rock and bulk supplies which require special handling equipment.
- (14) No unreasonable threat to human health and the environment shall be caused by flammable, dangerous or explosive materials associated with this use.
- (15) A recycling center is allowed as a subordinate use if it is consistent with LUC 20.20.725.

**Resources – Downtown Districts**

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

## Resources – Downtown Districts

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

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

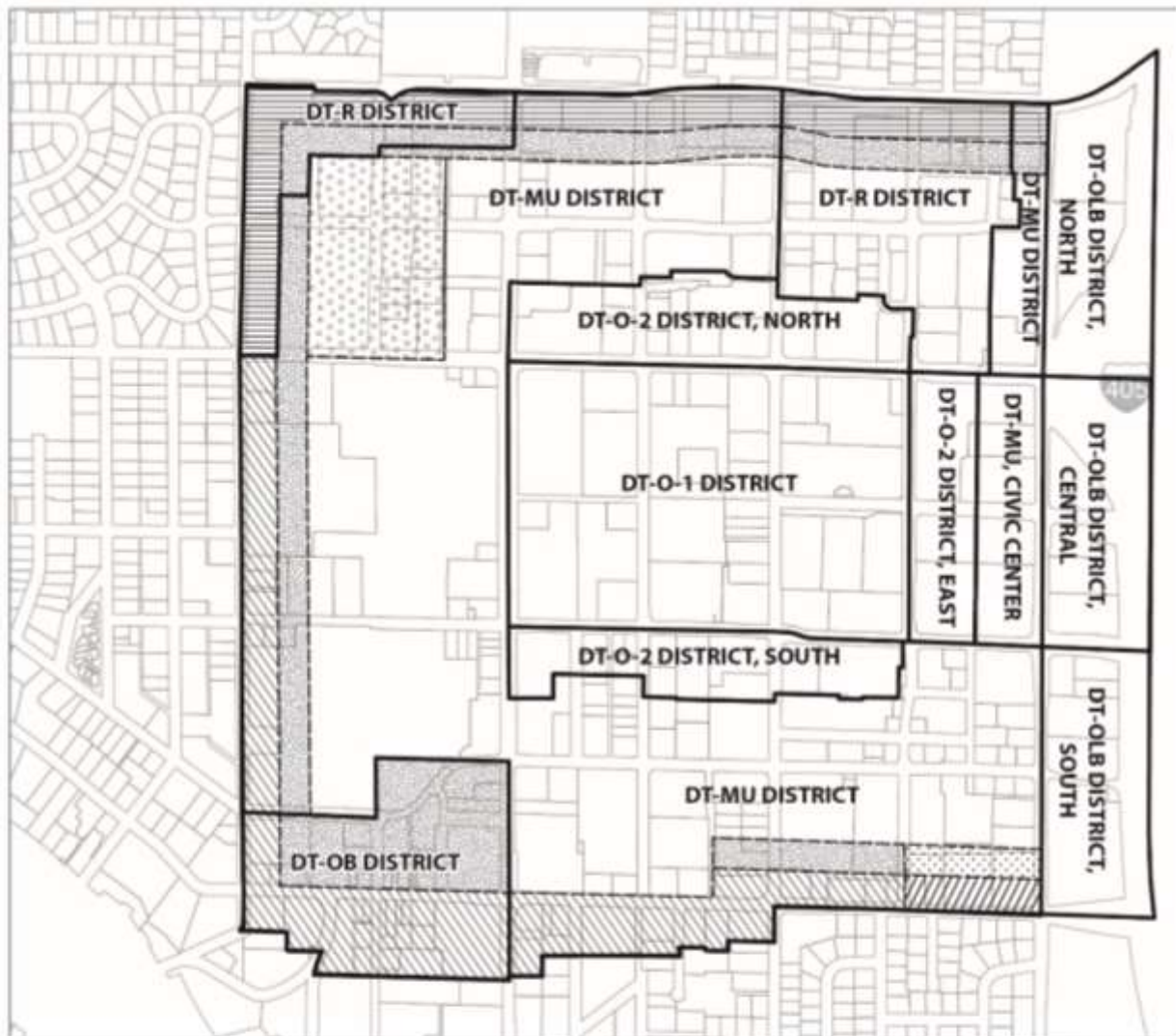
- (1) See LUC 20.20.130 for general requirements applicable to this use.
- (2) When the veterinary clinic and hospital occupies less than or equal to 2,000 square feet, the use is permitted outright. When the veterinary clinic and hospital occupies more than 2,000 square feet, an Administrative Conditional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

**20.25A.060 Dimensional Charts (Moved from 20.25A.020 and amended)****A. Dimensional Requirements in Downtown Districts.**

1. General. Paragraph A.2 of this section (Chart: Dimensional Requirements in Downtown Districts) sets forth the dimensional requirements for each land use district and Perimeter Overlay District in the Downtown. Each structure, development, or activity in a Downtown Land Use District shall comply with these requirements except as otherwise provided in this section.

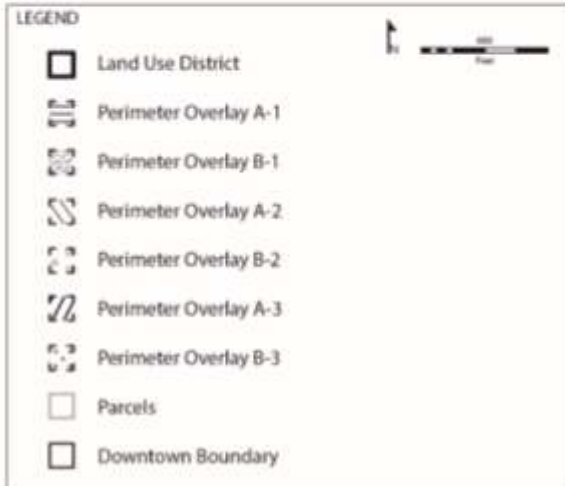
2. Land Use District Map

Figure 20.25A.060A.2



Date: September 2016

LAND USE DISTRICTS





## 3. Chart 20.25A.060A.3

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

### Dimensional Requirements in Downtown Districts

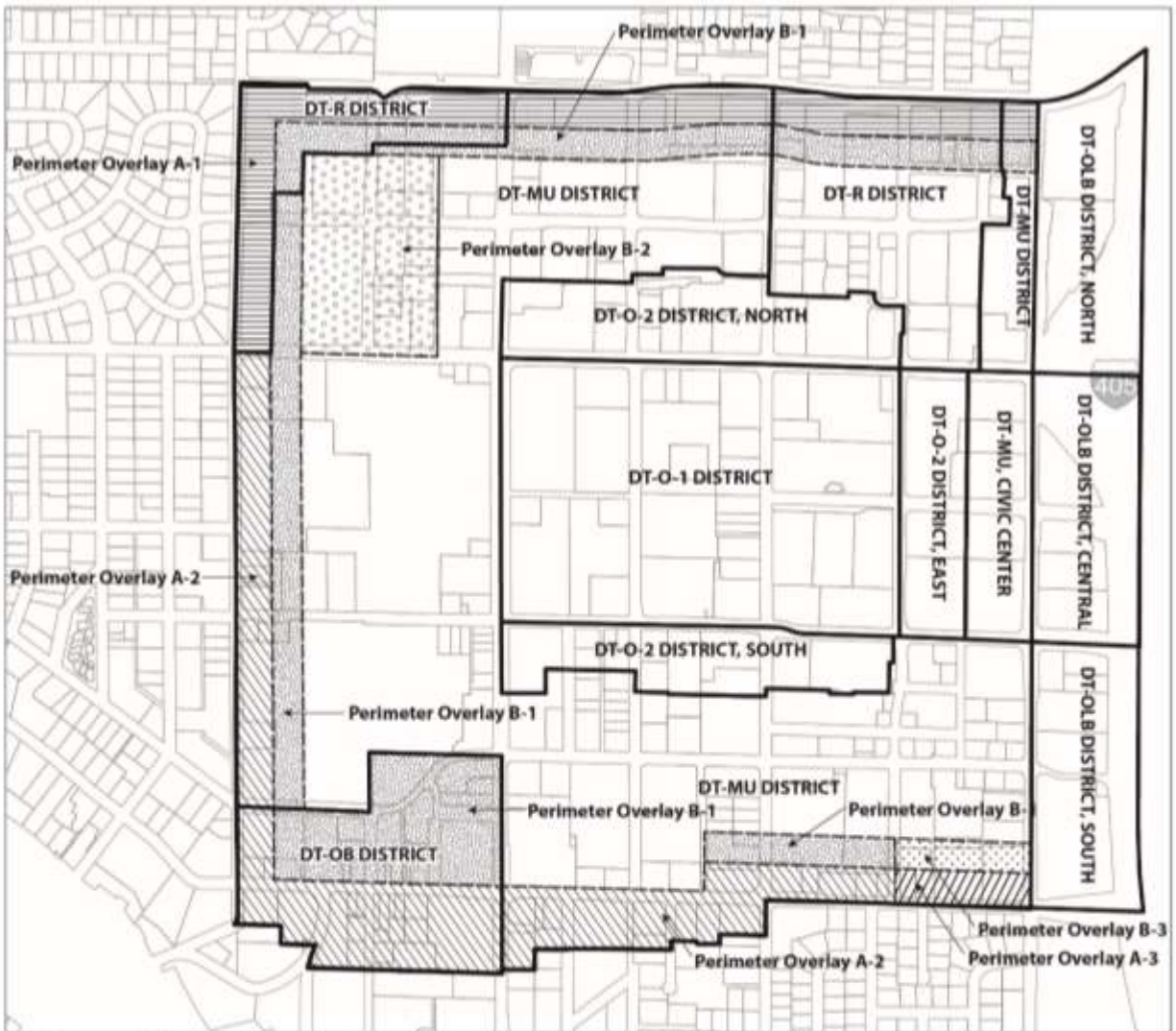
Downtown Land Use District	Building Type (7) (4)	Maximum Floor Plate Above 40' (9) (24)	Maximum Floor Plate Above 80' (9)(24)	Maximum Lot Coverage	Building Height: Basic / Maximum	Floor Area Ratio: Basic / Maximum (10) (8)	Minimum Upper Level Stepback above 45' Where Building Height Exceeds 75' (9)	Tower Separation Above 45'	Trigger for additional height TBD
DT-O-1	Nonresidential	24,000 gsff	24,000 gsff	100%	TBD / 600'	TBD / 8.0	20'	80'	
	Residential	22,000 gsff	13,500 gsff	100%	TBD / 600'	TBD / 10.0	20'	80'	
	Above-Grade Parking	20,000 gsff	20,000 gsff	100%	100' / 100'	N/A	20'	80'	
DT-O-2 North of NE 8 <sup>th</sup> St.	Nonresidential	24,000 gsff	24,000 gsff	100%	TBD / 400'	TBD / 6.0	20'	80'	
	Residential	22,000 gsff	13,500 gsff	100%	TBD / 400'	TBD / 6.0	20'	80'	
	Above-Grade Parking	20,000 gsff	20,000 gsff	100%	100' / 100'	TBD / 6.0	20'	80'	
DT-O-2 East of 110 <sup>th</sup> Ave. NE	Nonresidential	24,000 gsff	24,000 gsff	100%	150 / 350	TBD / 6.0	20'	80'	
	Residential	22,000 gsff	13,500 gsff	100%	150 / 350	TBD / 6.0	20'	80'	
	Above-Grade Parking	20,000 gsff	20,000 gsff	100%	100' / 100'	TBD / 6.0	20'	80'	
DT-O-2 South of NE 4 <sup>th</sup>	Nonresidential	24,000 gsff	24,000 gsff	100%	TBD / 300'	TBD / 6.0	20'	80'	
	Residential	22,000 gsff	13,500 gsff	100%	TBD / 300'	TBD / 6.0	20'	80'	
	Above-Grade Parking	20,000 gsff	20,000 gsff	100%	100' / 100'	TBD / 6.0	20'	80'	
DT-MU	Nonresidential	22,000 gsff	20,000 gsff	100%	TBD / 200'	TBD / 5.0	20' (46)	80'	
	Residential	20,000 gsff	13,500 gsff	100%	TBD / 250'	TBD / 5.0	20'(46)	80'	
	Above-Grade Parking	20,000 gsff	N/A	75%	60' / 60'	N/A	20'(46)	NA	
DT-MU Civic Center	Nonresidential	22,000 gsff	20,000 gsff	100%	TBD / 350'	TBD / 6.0	20'	80'	
	Residential	20,000 gsff	13,500 gsff	100%	TBD / 350'	TBD / 6.0	20'	80'	
	Above-Grade Parking	20,000 gsff	N/A	75%	60' / 60'	N/A	20'	N/A	
DT-OB	Nonresidential	20,000 gsff	13,500 gsff	100%	TBD / 100'	TBD / 1.0	20'	80'	
	Residential	20,000 gsff	13,500 gsff	100%	TBD / 200'	TBD / 5.0	20'	80'	
	Above-Grade Parking	N/A	N/A	75%	40' / 40'	N/A	N/A	N/A	
DT-R	Nonresidential	20,000 gsff	NA	75%	65' / 65'	0.5 / 0.5	20'	N/A	

Downtown Land Use District	Building Type (7) (4)	Maximum Floor Plate Above 40' (9) (24)	Maximum Floor Plate Above 80' (9)(24)	Maximum Lot Coverage	Building Height: Basic / Maximum	Floor Area Ratio: Basic / Maximum (10) (8)	Minimum Upper Level Stepback above 45' Where Building Height Exceeds 75' (9)	Tower Separation Above 45'	Trigger for additional height TBD
	Residential	20,000 gsff	13,500 gsff	100%	150' / 200'	TBD / 5.0	20'	80'	
	Above-Grade Parking	N/A	N/A	75%	40' / 40'	N/A	N/A	N/A	
DT-OLB North (between NE 8th Street and NE 12th Street)	Nonresidential	30,000 gsff	20,000 gsff	100%	75' / 75'	TBD / 3.0	20'	80'	
	Residential	20,000 gsff	13,500 gsff	100%	75' / 90'	TBD / 3.0	20'	80'	
	Above-Grade Parking	20,000 gsff	N/A	75%	45' / 45'	N/A	N/A	N/A	
DT-OLB Central (between NE 4th Street and NE 8th Street)	Nonresidential	30,000 gsff	20,000 gsff	100%	TBD / 350'	TBD / 6.0	20'	80'	
	Residential	20,000 gsff	13,500 gsff	100%	TBD / 350'	TBD / 6.0	20'	80'	
	Above-Grade Parking	20,000 gsff	N/A	75%	45' / 45'	N/A	N/A	N/A	
DT-OLB South (between Main Street and NE 4th Street)	Nonresidential	30,000 gsff	20,000 gsff	100%	TBD / 200'	TBD / 5.0	20'	80'	
	Residential	20,000 gsff	13,500 gsff	100%	TBD / 200'	TBD / 5.0	20'	80'	
	Above-Grade Parking	20,000 gsff	N/A	75%	45' / 45'	N/A	N/A	N/A	

Notes to this chart can be found on page 23

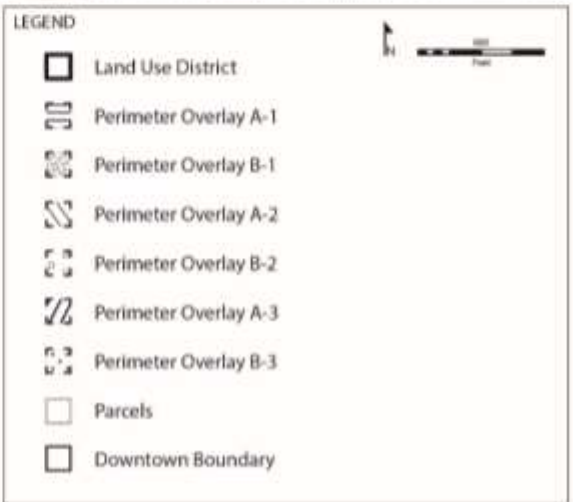
4. Perimeter Overlay District Map

Figure 20.25A.060A.4



Date: September 2016

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



### Additional Dimensional Requirements in Downtown Perimeter Overlay Districts

Downtown Perimeter Overlay District	Building Type (7)	Minimum Setback from Downtown Boundary (3)	Maximum Lot Coverage	Building Height: Basic / Maximum (10) (8)	Floor Area Ratio: Basic / Maximum (3) (44)	Triggers for Additional Height TBD
Perimeter Overlay A-1 (26)	Nonresidential	20'	75%	TBD / 40'	TBD / 1.0 in DT-MU and DT-OB; 0.5 in DT-R	
	Residential	20'	75%	TBD / 55'	TBD / 3.5	
	Above-Grade Parking	20'	75%	30' / 40' (9)	N/A	
Perimeter Overlay A-2 (26) (46)	Nonresidential	20'	75% in DT-MU 100% in DT-OB	TBD / 40'	TBD / 1.0	
	Residential	20'	75% in DT-MU 100% in DT-OB	TBD / 70' (26)	TBD / 3.5	
	Above-Grade Parking	20'	75%	30' / 40' (9)	N/A	
Perimeter Overlay A-3 (26)	Nonresidential	20'	75%	TBD / 70'	TBD / 1.0	
	Residential	20'	75%	TBD / 70'	TBD / 5.0 (44)	
	Above-Grade Parking	20'	75%	30' / 40' (9)	N/A	
Perimeter Overlay B-1	Nonresidential	N/A	75% in DT-MU and DT-R 100% in DT-OB	TBD / 65'	TBD / 1.5 in DT-MU; 1.0 in DT-OB; 0.5 in DT-R	
	Residential	N/A	75% in DT-MU and DT-R 100% in DT-OB	TBD / 90'	TBD / 5.0	
	Above-Grade Parking	N/A	75%	40' / 40'	N/A	
Perimeter Overlay B-2	Nonresidential	N/A	75%	TBD / 65'	TBD / 1.5 in DT-MU; 0.5 in DT-R	
	Residential	N/A	75%	TBD / 160'-240' (45)	TBD / 5.0	
	Above-Grade Parking	N/A	75%	40' / 40'	N/A	
Perimeter Overlay B-3 (44)	Nonresidential	N/A	75%	TBD / 65'	TBD / 1.5	
	Residential	N/A	75%	TBD / 200'	TBD / 5.0 (44)	
	Above-Grade Parking	N/A	75%	40' / 40'	N/A	

#### 20.25A.060

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

Footnotes 1, 2, 4 will be deleted and added into “build to” provisions of 20.25A.090.

Footnotes identified as “intentionally deleted will be removed prior to code adoption.

(1) Measured from inside edge of the required perimeter sidewalk. If existing utilities, which cannot reasonably be relocated, require the planting of street trees on the property side of a sidewalk as provided for in LUC [20.25A.090](#), four feet is added to the required setback.

- (2) No parking or vehicle access lane is permitted between the required perimeter sidewalk and the main pedestrian entrance to the building.
- (3) Minimum setbacks are subject to required landscape development. See LUC [20.25A.110](#).
- (4) The maximum setback from Main Street in the Downtown-OB District is 0 feet. (Add into “Build To” Line)
- (5) Intentionally deleted.
- (6) Intentionally deleted.
- (7) A single building is considered residential if more than 50 percent of the gross floor area is devoted to residential uses. See LUC [20.50.020](#) for the definition of “gross floor area.”
- (8) The maximum permitted FAR may only be achieved by participation in the FAR Amenity Incentive System, LUC [20.25A.070](#). Where residential and nonresidential uses occur in the same building, the FAR is limited to the maximum FAR for the building type as determined in accordance with Note (7).
- (9) See subsection B of this section for exceptions to the minimum stepback and maximum building floor plate requirements.
- (10) Intentionally deleted.
- (11) Intentionally deleted.
- (12) Intentionally deleted.
- (13) Intentionally deleted.
- (14) Hotels and motels shall be considered as residential structures for all dimensional standards except for maximum floor plate where they shall be considered nonresidential.
- (15) Intentionally deleted.
- (16) Intentionally deleted.
- (17) Intentionally deleted.
- (18) Intentionally deleted.
- (19) Intentionally deleted.
- (20) Intentionally deleted.
- (21) Intentionally deleted.
- (22) Intentionally deleted.
- (23) Intentionally deleted.
- (24) The floor plate is the floor area in square feet per floor within the surrounding exterior walls, measured from the interior wall surface and including all openings in the floor plate.
- (25) Intentionally deleted.
- (26) On lots that are bisected by the Downtown boundary, the Director may allow the minimum setback from the Downtown boundary to be measured from the perimeter property lines abutting other lots located outside the Downtown boundary. The modification must be consistent with the Perimeter District purpose statement contained in subsection B of this section. This provision may be used to modify only the setback location and not the minimum setback size.

- (44) 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 from Perimeter Overlay District A-3 to B-3 within the project limit so long as the average FAR throughout the project may not exceed 5.0 FAR.
- (45) Within Perimeter Overlay B-2, multiple tower projects are allowed variable tower heights of 160 feet to 240 feet with an average of no more than 200 feet. Master Development Plan approval required. Single tower projects within the Perimeter Overlay B-2 shall be limited to 160 feet.
- (46) Within Perimeter Overlay A-2, any building exceeding 55 feet is subject to upper level stepback above 40 feet and special open space requirements through TBD.

## B. Exceptions to Dimensional Requirements.

### 1. Floor Plate Exceptions.

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

- i. The connection is to allow for safe and efficient building exiting patterns; and
- ii. The connecting floor area shall include required corridor areas; and
- iii. The alternative design results in a building mass that features separate and distinct building elements.
- iv. The connection shall extend from the grade to the roofline and be a minimum of 10 feet in depth and a minimum of 15% of the façade length.
- v. The connecting floor area must comply with the design guidelines for Connecting Floor Areas in \_\_\_\_\_ (the Design Guidelines).

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

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

### 2. Intrusions into Required Dimensional Standards.

#### a. Intrusions into Rights-of-Way

- i. Marquees or awnings which comply with the requirements of LUC \_\_\_\_\_ are permitted to extend over the public right-of-way upon approval of the Director of the

Transportation Department and the Director of the Development Services Department notwithstanding the provisions of the Sign Code, Chapter 22B.10 BCC, or any other City Code.

ii. External decks and balconies that intrude into the right-of-way are permitted to extend over the setback upon approval of the Director and shall be a minimum of 20 feet above the right-of-way.

b. Intrusions into Setbacks

i. Marquees or awnings which comply with the requirements of LUC\_\_\_\_\_ are permitted to extend over the setback upon approval of the Director.

ii. External decks and balconies that intrude into the right-of-way are permitted to extend over the setback upon approval of the Director and shall be a minimum of 20 feet above average finished grade.

c. Intrusions into Stepbacks

i. The Director may allow modifications to the minimum required stepback if:

aa. The applicant can demonstrate that the resulting design will be more consistent with the Design Guidelines of 20.25A.150; and

bb. The intrusions for building modulation or weather protection features shall be a maximum of twenty percent of the length of the whole façade, twenty five percent of the depth of the required stepback, and a maximum of ten feet in length per intrusion.

ii. Stepbacks may be modified, but shall not be eliminated except where the adjacent roadway width is greater than 70 feet. Otherwise, the maximum modification is 60% of the depth of the required stepback.

iii. The Director may allow modifications to the stepback requirements for performing arts centers if:

aa. The applicant can demonstrate that the resulting design will be more consistent with the Design Review criteria of LUC [20.25A.110](#); and

bb. Interesting roof forms, significant floor plate modulation, significant façade modulation, or other such unique architectural features are provided to minimize impacts to abutting structures.

3. Height Exceptions.

a. Mechanical equipment such as elevator overruns, may intrude a maximum of 20 feet or as necessary to accommodate new technology above the maximum height limit if the following conditions are met:

i. The applicant can demonstrate that the intrusion is the minimum necessary to serve the needs of the building.

- ii. Maximum of 20% of the rooftop can be covered with mechanical structures or housings.
- iii. All mechanical equipment must be clustered at the center of the roof.
- iv. Equipment and housing shall be integrated into the design of the rooftop.

b. The applicant may increase the building height with one of two provisions below, but may not use both provisions in the same project.

- i. The maximum building height for nonresidential and residential buildings may be increased by 15% or 15 feet, whichever is greater, if the additional height provides architecturally integrated mechanical equipment and interesting roof form, Not applicable in the O-1 District or Perimeter Overlays A-1, A-2, and A-3; and limited to a maximum of 10% (9 feet) in Perimeter Overlay B-1; or
- ii. The maximum building height can be exceeded if the right-of-way is dedicated as provided by subsection B.5 but only to the extent of the floor area earned as a result of the dedication. The increase over maximum building height shall not be increased more than 10 percent or 15 feet whichever is larger, as a result of the is subsection. This is not applicable in the Perimeter Overlay Districts.

#### 4. Lot Coverage Exceptions.

- a. Underground buildings as defined in LUC [20.50.050](#) are not structures for the purpose of calculating lot coverage.

#### 5. Floor Area Ratio Computation – Right-of-Way Designation.

- a. General. Land which is dedicated to the City of Bellevue for right-of-way or to accommodate the linear alignment of an RLRT system without compensation to the owner in conformance with subsection b.ii of this section is included in land area for the purpose of computing maximum FAR notwithstanding LUC [20.50.020](#), floor area ratio (FAR).

- b. Special Dedications.

- i. A property owner may make a special dedication by conveying land identified for right-of-way or linear alignment of an RLRT system acquisition in a Transportation Facilities Plan of the Comprehensive Plan, the Transportation Facilities Plan adopted by the City Council or the Capital Investment Program Plan to the City of Bellevue by an instrument approved by the City Attorney.
- ii. A property owner may also make a special dedication by conveying land identified by the Director of Transportation as necessary for safety or operational improvement projects.

- c. Recording Requirements. The Director of the Development Services Department must record the amount (square footage) of floor area earned by area dedicated in conformance with subsection b.ii of this section and the increase in maximum building height acquired in conformance with subsection B.3.d of this section with the King County Recorder's Office or its successor agency.



**20.25A.070 FAR / Amenity Incentive System (Moved from 20.25A.030 and amended)**

- A. General.
- B. Required Review.
- C. How to Calculate FAR
- D. Amenity Table
- E. Amenity Values
- F. Buy out of existing system to use new code
- G. Transfer of FAR

**20.25A.080 Parking Standards (Moved from 20.25A.050 and amended)**

- A. General.

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

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

This subsection supersedes LUC 20.20.590.F.1. Subject to LUC 20.20.590.G and 20.20.590.H, the property owner shall provide at least the minimum and may provide no more than the maximum number of parking stalls as indicated below:

**Downtown Parking Requirements**

Land Use			Downtown Zones			
			-O-1,-O-2		-R,-MU,-OB, -OLB	
			Min.	Max.	Min.	Max.
a.	Auditorium/Assembly Room/Exhibition Hall/Theater/Commercial Recreation (1)	per 8 fixed seats or per 1,000 nsf (if there are no fixed seats)	1.0 (10.0)	2.0 (10.0)	1.5 (10.0)	2.0 (10.0)
b.	Financial Institution	per 1,000 nsf	3.0	4.0	4.0	5.0
c.	Funeral Home/Mortuary (1)	per 5 seats	1.0	1.0	1.0	no max.
d.	High Technology/Light Industry	per 1,000 nsf	2.0	3.5	2.0	3.5
e.	Home Furnishing/Retail/Major Appliances – Retail	per 1,000 nsf	1.5	3.0	1.5	3.0
f.	Hospital/In-Patient Treatment Facility/Outpatient Surgical Facility	per 1.5 patient beds	1.0	2.0	1.0	2.0
g.	(Deleted by Ord. 5790)					

			Downtown Zones			
			-O-1,-O-2		-R,-MU,-OB, -OLB	
Land Use		Unit of Measure	Min.	Max.	Min.	Max.
h.	Manufacturing/Assembly (Other than High Technology/Light Industrial)	per 1,000 nsf	0.7	1.0	1.0	1.5
i.	Office (Business Services/Professional Services/General Office)(3)	per 1,000 nsf	2.0	2.7	2.5	3.0
j.	Office (Medical Dental/Health Related Services)	per 1,000 nsf	3.0	4.0	4.0	5.0
k.	Personal Services:  Without Fixed Stations	per 1,000 nsf	2.0	2.0	2.0	3.0
	With Fixed Stations	per station	0.7	2.0	1.0	1.5
l.	Residential (6)	per unit	0	2.0	1.0(5)	2.0
m.	Restaurant	per 1,000 nsf	0	15.0	10.0(4)	20.0
n.	Retail	per 1,000 nsf	3.3	5.0	4.0(4)	5.0
o.	Retail in a Mixed Development (except Hotel)(2)	per 1,000 nsf	0	3.3	2.0(4)	4.0
p.	Senior Housing:  Nursing Home	per patient bed	0.4	0.8	0.4	0.8
	Senior Citizen Dwelling or Congregate Care	per living unit	0	1.0	0.33	1.0

nsf = net square feet (see LUC 20.50.036)

#### Notes to Parking Requirements:

- (1) Room or seating capacity as specified in the International Building Code, as adopted and amended by the City of Bellevue, at the time of the application is used to establish the parking requirement.
- (2) If retail space in a mixed development exceeds 20 percent of the gross floor area of the development, the retail use parking requirements of subsection B of this section apply to the entire retail space.
- (3) Special Requirement in Perimeter Overlay District. The Director of the Development Services Department may require the provision of up to 3.5 parking stalls per 1,000 net square feet for office uses within the Perimeter Overlay District to avoid potential parking overflow into adjacent land use districts outside Downtown.
- (4) Parking for existing buildings in Downtown-OB shall be provided according to the criteria set forth in this Note (4).
  - (a) Existing Building Defined. For this Note (4), "existing building" shall refer to any building in existence as of December 31, 2006, or any building vested as of December 31, 2006, per LUC 20.40.500, and subsequently constructed consistent with the 2006 vesting.

(b) First 1,500 Net Square Feet of a Restaurant or Retail Use – No Parking Required. The first 1,500 net square feet of a restaurant or retail use located in an existing building shall have a minimum parking ratio of zero (0).

(c) Restaurant or Retail Uses in Excess of 1,500 Net Square Feet. A restaurant or retail use that exceeds 1,500 net square feet and is located within an existing building shall provide parking according to the above table for any floor area in excess of 1,500 net square feet.

(d) Limitation on Applicability of Note (4).

(i) Buildings that do not meet the definition of an existing building shall provide parking for all uses according to the above table.

(ii) Parking in existing buildings for uses other than restaurant and retail uses shall be provided according to the above table.

(5) The minimum requirement for studio apartment units available to persons earning 60 percent or less than the median income as determined by the United States Department of Housing and Urban Development for the Seattle Metropolitan Statistical Area is 0.25 stalls per unit. An agreement to restrict the rental or sale of any such units to an individual earning 60 percent or less of the median income shall be recorded with the King County Division of Records and Elections.

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

#### C. Shared Parking.

1. General. In the Downtown, this subsection supersedes LUC 20.20.590.I.1 –

2. Subject to compliance with other applicable requirements of this Code, the Director of the Development Services Department may approve shared development or use of parking facilities located on adjoining separate properties or for mixed use or mixed retail use development on a single site if:

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

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

2. Number of Spaces Required.

a. Where the uses to be served by shared parking have overlapping hours of operation, the property owner or owners shall provide parking stalls equal to the total of the individual parking requirements for the uses served reduced by 20 percent of that total number; provided, that the Director may approve a further reduction of that total number if the property owner or owners demonstrate to the satisfaction of the Director that the resulting provision of parking will be adequate for the proposed uses.

b. Where the uses to be served by shared parking do not overlap their hours of operation, the property owner or owners shall provide parking stalls equal to the greater of the applicable individual parking requirements.

3. Documentation Required. Prior to establishing shared parking or any use to be served thereby, the property owner or owners shall file with the King County Division of Records and Elections and with the Bellevue City Clerk a written agreement approved by the Director of the Development Services Department providing for the shared parking use. The agreement shall be recorded on the title records of each affected property.

#### D. Off-Site Parking Location.

1. General. In the Downtown, this subsection supersedes LUC 20.20.590.J. Except as provided in paragraph D.2 of this section, the Director of the Development Services Department may authorize a portion of the approved parking for a use to be located on a site other than the subject property if:

- a. Adequate visitor parking exists on the subject property; and
- b. Adequate pedestrian, van or shuttle connection between the sites exists; and
- c. Adequate directional signs in conformance with Chapter 22B.10 BCC (Sign Code) are provided.

2. District Limitations – Downtown-R Limitations. Parking located in the Downtown-R District may only serve uses located in that district unless otherwise permitted through Design Review, Part 20.30F LUC, and then, only if such parking is physically contiguous and functionally connected to the use which it serves in an adjacent land use district.

3. Short-Term Retail Parking Facilities. The Director may approve the development of short-term retail parking facilities (see definition at LUC 20.50.040) not associated with a specific use. Upon the separate approval of the Director, a property owner or owners may satisfy all or a portion of the parking requirement for a specified retail use through an agreement providing parking for the use at a designated short-term retail parking facility; provided, that:

- a. Adequate pedestrian, van or shuttle connection exists between the sites; and
- b. Adequate directional signs in conformance with Chapter 22B.10 BCC (Sign Code) are provided.

4. Documentation Required. Prior to establishing off-site parking or any use to be served thereby, the property owner or owners shall file with the King County Division of Records and Elections and with the Bellevue City Clerk a written agreement approved by the Director of the Development Services Department providing for the shared parking use. The agreement shall be recorded on the title records of each affected property.

E. Commercial Use Parking.

1. Any parking facilities or parking stalls located in the Downtown and developed to meet the requirements of the Land Use Code for a particular use may be converted to commercial use parking (see definition at LUC 20.50.040); provided, that the property owner shall:

- a. Comply with all parking and dimensional requirements and with the performance standards for parking structures of this Code.
- b. If the parking facility or parking stalls proposed for commercial use were approved for construction subsequent to the effective date of Ordinance 2964 (enacted on March 23, 1981), the commercial use parking facility or parking stalls shall comply with all landscaping requirements set forth at LUC 20.25A.110.
- c. If the parking facility or parking stalls proposed for commercial use were approved for construction prior to the effective date of Ordinance 2964 (enacted on March 23, 1981), and the commercial use parking facility occupies more than 30 spaces, the minimum landscaping requirements of this Code shall be deemed met where the property owner installs landscaping in compliance with an approved landscaping plan which achieves the following objectives:
  - i. Surface parking areas shall be screened from street level views to a minimum height of four feet by a wall, hedge, berm or combination thereof.
  - ii. The minimum width of any hedge planting area shall be three feet.
  - iii. Visual relief and shade shall be provided in the parking area by at least one deciduous shade tree (12 feet high at planting) for every 20 parking stalls, provided such trees shall not be required in

covered or underground parking. Each tree planting area shall be at least 100 square feet in area and four feet in width, and shall be protected from vehicles by curbing or other physical separation. If irrigation is provided, the planting area may be reduced to 40 square feet.

iv. The proposed landscaping plan shall be reviewed by the Director for compliance with these objectives and shall be approved by the Director prior to initiation of the commercial use parking.

2. Assurance Device. The Director of the Development Services Department may require an assurance device pursuant to LUC 20.40.490 to ensure conformance with the requirements and intent of this subsection.

F. Parking Area and Circulation Improvements and Design.

1. Landscaping. Paragraph F.1 of this section supersedes LUC 20.20.590.K.7. The property owner shall provide landscaping as required by LUC 20.25A.110.

2. Compact Parking. Paragraph F.2 of this section supersedes LUC 20.20.590.K.9. The Director of the Development Services Department may approve the design and designation of up to 65 percent of the spaces for use by compact cars.

3. Vanpool/Carpool Facilities. The property owner must provide a vanpool/carpool loading facility that is outside of required driveway or parking aisle widths and that is contained within the required parking and circulation areas. The facility must be adjacent to an entrance door to the structure served by the parking or as nearly so as possible and must be consistent with all applicable design guidelines.

4. Performance Standards for Parking Structures. The Director of the Development Services Department may approve a proposal for a parking structure through Design Review, Part 20.30F LUC. The Director of the Development Services Department may approve the parking structure only if:

- a. Driveway openings are limited and the number of access lanes in each opening is minimized.
- b. The structure exhibits a horizontal, rather than sloping, building line.
- c. The dimension of the parking structure abutting pedestrian areas is minimized, except where retail, service or commercial activities are provided.
- d. The parking structure complies with the requirements of \_\_\_\_\_(Design Guidelines).
- e. A wall or other screening of sufficient height to screen parked vehicles and which exhibits a visually pleasing character is provided at all above-ground levels of the structure. Screening from above is provided to minimize the appearance of the structure from adjacent buildings.
- f. Safe pedestrian connection between the parking structure and the principal use exists.
- g. Loading areas are provided for vanpools/carpools as required by paragraph F.3 of this section.
- h. Vehicle height clearances for structured parking must be at least eight feet for the entry level to accommodate accessible van parking.

G. Interim and Phased Parking.

1. Interim Parking.

a. When Allowed. The Director of the Development Services Department may approve the installation of interim parking up to the maximum parking allowed if determined to be necessary to mitigate spillover parking impacts. Such interim parking may exist for a period not to exceed five years from the date of Temporary or Final Certificate of Occupancy, whichever comes first. The Director of the Development Services Department may upon written request grant no more than two one-year extensions to the five-year interim parking time limit.

b. Approval Required. The Director of the Development Services Department must review and approve a plan indicating current parking demand, how much interim parking is proposed, when the parking will be removed, and how the interim parking area will be restored.

c. Design. The property owner must provide perimeter and interior parking lot landscaping as required by LUC 20.25A.110 and must comply with all dimensional standards of this Code.

d. Removal of Interim Parking. The Director of the Development Services Department may require the removal of interim parking prior to the expiration of the approval period when parking supply exceeds demand. The property owner proposing interim parking shall file a written agreement containing this limitation with the Bellevue City Clerk.

e. Assurance Device. The Director of the Development Services Department may require an assurance device pursuant to LUC 20.40.490 to insure conformance with the requirements and intent of paragraph G.1 of this section.

2. Phased Parking.

a. Schedule Required. The property owner may install the required parking spaces in phases if the schedule has been approved by the Director of the Development Services Department. Each phased parking installation must include enough parking to meet the parking requirements for the completed phases of the development for which the parking is provided. This phasing schedule must specifically indicate when all parking approved pursuant to this section will be provided.

b. Assurance Device. The Director of the Development Services Department may require an assurance device pursuant to LUC 20.40.490 to insure compliance with the requirements and intent of paragraph G.2 of this section.

H. Bicycle Parking.

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

1. Ratio.

- a. One space per 10,000 nsf for nonresidential uses greater than 20,000 nsf.
- b. One space per every 10 dwelling units for residential uses.

2. Location. Minimum bicycle parking requirement shall be provided on site in a secure location.

3. Covered spaces. At least 50 percent of required parking shall be protected from rainfall by cover.

4. Racks. The rack(s) shall be securely anchored and a bicycle six feet long can be securely held with its frame supported so the bicycle cannot be pushed or fall in a manner that will damage the wheels or components.

5. Size Requirement. Each required bicycle parking space shall be accessible without moving another bicycle.

I. Director's Authority to Require Parking Exceeding Maximum.

In Downtown Districts, the Director of the Development Services Department may require the installation of more than the maximum number of parking stalls, for other than office uses, if the Director determines that:

- 1. Such additional parking is necessary to meet the parking demand for a specified use; and

2. Shared or off-site parking is not available or adequate to meet demand; and
3. Any required Transportation Management Program will remain effective.

**20.25A.090 Street and Pedestrian Circulation Standards (May include more standards from BSDG and will include a section about “build to” line**

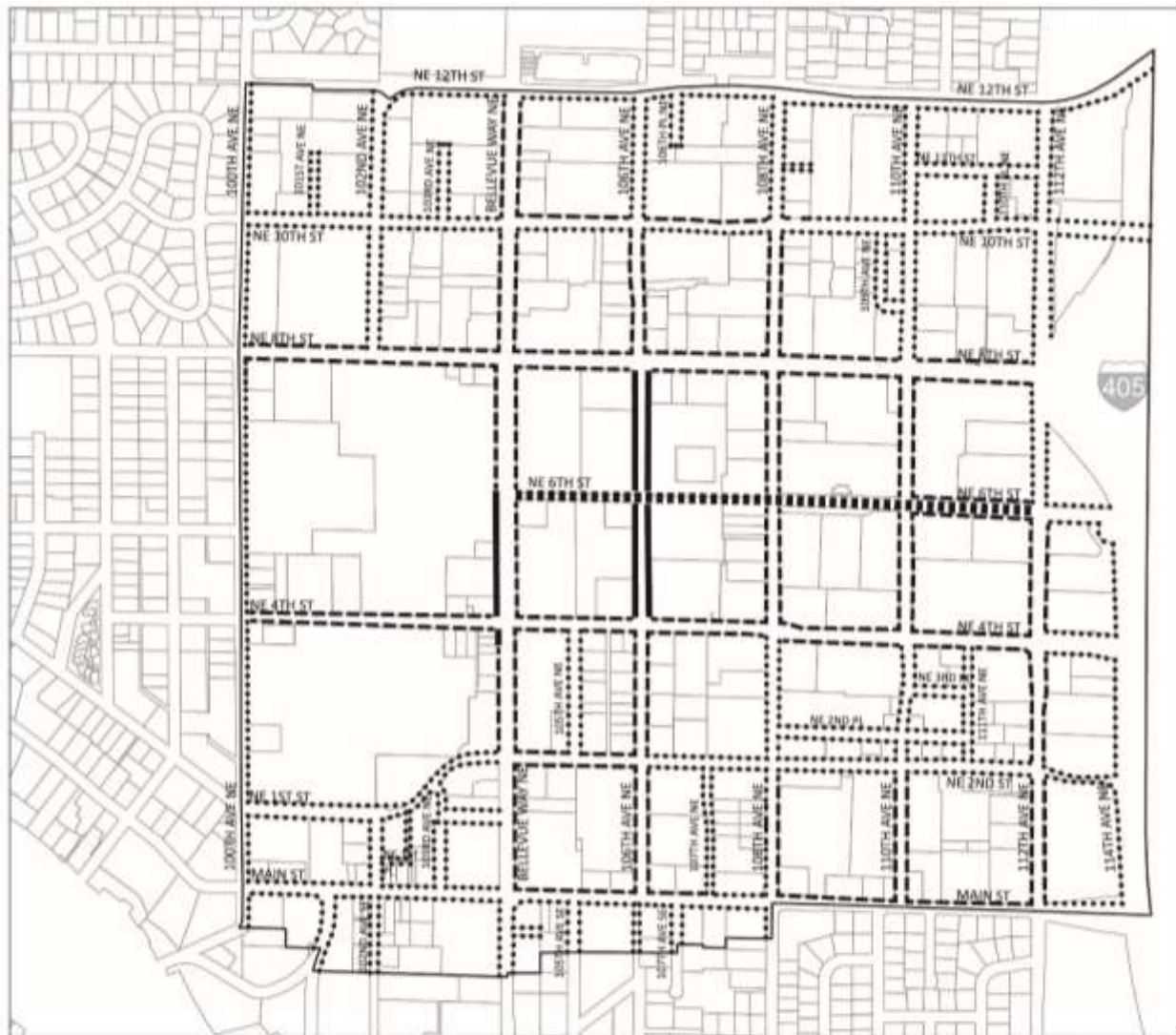
A. Walkways and Sidewalks – Standards and Map (Moved from 20.25A.060 and amended. Includes Early Wins)

1. Sidewalk Widths.

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

DRAFT

Figure 20.25A.090.A.1



Date: September 2016

### DOWNTOWN SIDEWALK DIMENSIONS

LEGEND

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





Plate 20.25A.090A.1

**Downtown Bellevue Planter Strip/Tree Pits Required**

<b>East-West</b>	<b>Planter Strip/Tree Pits</b>
NE 12th (102nd to I-405)	Planter Strip
NE 11th (110th to 112th)	Planter Strip
NE 10th (100th to 106th)	Planter Strip
NE 10th (106 to I-405)	Planter Strip
NE 9th (110th to 111th)	Tree Pits
NE 8th (100th to 106th)	Planter Strip
NE 8th (106th to 112th)	Planter Strip
NE 6th (Bellevue Way to 106th)	See Pedestrian Corridor Design Guidelines
NE 6th (106th to 108th)	See Pedestrian Corridor Design Guidelines
NE 6th (108th to 110th)	Tree Pits
NE 6th (110th to 112th)	Planter Strip on the south side, Tree Pits on the north side
NE 4th (100th to I-405)	Planter Strip
NE 3rd Pl (110th to 111th)	Tree Pits
NE 2nd Pl (108th to 111th)	Planter Strip
NE 2nd (Bellevue Way to I-405)	Planter Strip
NE 1st/2nd (100th to Bellevue Way)	Planter Strip
NE 1st (103rd to Bellevue Way)	Tree Pits
Main St (100th to Bellevue Way)	Tree Pits
Main St (Bellevue Way to I-405)	Planter Strip
<b>North-South</b>	
100th (NE 12th to Main)	Planter Strip
100th (NE 10th to NE 1st)	Planter Strip
100th (NE 1st to Main)	Planter Strip
101st (near NE 10th)	Tree Pits

**Downtown Bellevue Planter Strip/Tree Pits Required**

101st Ave SE (south of Main St)	Tree Pits
102nd (NE 12th to NE 8th)	Planter Strip
102nd (NE 1st to south of Main St)	Tree Pits
103rd (near NE 10th)	Tree Pits
103rd (NE 2nd to Main St)	Tree Pits
Bellevue Way (NE 12th to NE 10th)	Planter Strip
Bellevue Way (NE 10th to NE 4th)	Planter Strip
Bellevue Way (NE 4th to Main)	Planter Strip
Bellevue Way (Main to Downtown Boundary)	Planter Strip
105th (NE 4th to NE 2nd)	Planter Strip
105th SE (near Main St)	Planter Strip
106th (NE 12th to NE 8th)	Planter Strip
106th (NE 8th to NE 4th)	Tree Pits
106th (NE 4th to Main)	Planter Strip
106th Pl NE (near NE 12th)	Tree Pits
107th (NE 2nd to south of Main)	Tree Pits
108th (NE 12th to NE 8th)	Tree Pits
108th (NE 8th to NE 4th)	Tree Pits
108th (NE 4th to south of Main)	Tree Pits
109th (near NE 10th)	Planter Strip
110th (NE 12th to NE 8th)	Planter Strip
110th (NE 8th to NE 4th)	Planter Strip
110th (NE 4th to Main)	Planter Strip
111th (NE 11th to NE 9th)	Planter Strip
111th (NE 4th to NE 2nd)	Planter Strip

## B. Through-Block Pedestrian Connections.

**20.25A.100 Downtown Pedestrian Bridges** (Moved from 20.25A.130)

## A. Where Permitted.

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

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

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

## B. Location and Design Plan.

The City Council shall review any Downtown Pedestrian Bridge Location and Design Plan, and may amend any approved Downtown Pedestrian Bridge Location and Design Plan, using the City Council Design Review Process, LUC 20.30F.116.

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

## C. Public Benefit Required.

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

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

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

D. Development Standards.

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

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

E. Public Access – Legal Agreement.

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

#### **20.25A.110 Landscape Development**

- A. Street trees and landscaping – Perimeter – Plate B (Moved from 20.25A.060 and amended, Early Wins)
  1. Tree Species. The property owner shall install street trees, in addition to any landscaping required by LUC 20.25A.110.B, according to the requirements of 20.25A.110.A.1 Plate B of this section as now or hereafter amended.

## 20.25A.110A.1 Plate B

**Plate B – Downtown Bellevue Street Tree Species Plan**

<b>East-West</b>	<b>Proposed Street Trees</b>	<b>Tree Size</b>
NE 12th (102nd to I-405)	Pear: <i>Pyrus calleryana</i> ‘Glens form’	Small
NE 11th (110th to 112th)	‘Katsura: <i>Cercidiphyllum japonicum</i> ’	Large
NE 10th (100th to 106th)	Tupelo: <i>Nyssa sylvatica</i> ‘Firestarter’	Medium
NE 10th (106 to I-405)	Zelkova serrata ‘Village Green’	Medium
NE 9th (110th to 111th)	Katsura: <i>Cercidiphyllum japonicum</i>	Large
NE 8th (100th to 106th)	Honeylocust: <i>Gleditsia tricanthos</i> ‘Shademaster’	Medium
NE 8th (106th to 112th)	Pac Sunset Maple: <i>Acer truncatum</i> x <i>platanoides</i> ‘Warrenred’	Medium
NE 6th (Bellevue Way to 106th)	Honeylocust: <i>Gleditsia tricanthos</i> ‘Shademaster’	Medium
NE 6th (106th to I-405)	Katsura: <i>Cercidiphyllum japonicum</i>	Large
NE 4th (100th to I-405)	Autumn Blaze Maple: <i>Acer</i> x <i>Freemanii</i> ‘Jeffersred’	Large
NE 3rd Pl (110th to 111th)	Tupelo: <i>Nyssa sylvatica</i> ‘Firestarter’	Large
NE 2nd Pl (108th to 111th)	Persian ironwood: <i>Parrotia persica</i> ‘Vanessa’	Medium
NE 2nd (Bellevue Way to I-405)	English oak: <i>Quercus robur</i> ‘Pyramich’	Large
NE 1st/2nd (100th to Bellevue Way)	Hungarian oak: <i>Quercus frainetto</i> ‘Schmidt’	Large
NE 1st (103rd to Bellevue Way)	Ginkgo: <i>Ginkgo biloba</i> ‘Magyar’	Medium
Main St (100th to Bellevue Way)	Ginkgo: <i>Ginkgo biloba</i> ‘Magyar’	Medium
Main St (Bellevue Way to I-405)	Tupelo: <i>Nyssa sylvatica</i> ‘Afterburner’	Medium
<b>North-South</b>	<b>Proposed Street Trees</b>	<b>Tree Size</b>
100th (NE 12th to NE 10th)	Pear: <i>Pyrus calleryana</i> ‘Aristocrat’	Small
100th (NE 10th to NE 1st)	Scarlet oak: <i>Quercus coccinea</i>	Large
100th (NE 1st to Main)	Ginkgo: <i>Ginkgo biloba</i> ‘Magyar’	Medium
101st (near NE 10th)	Ginkgo: <i>Ginkgo biloba</i> ‘Autumn Gold’	Medium

101st Ave SE (south of Main St)	Katsura: Cercidiphyllum japonicum	Large
102nd (NE 12th to NE 8th)	Miyabe maple: Acer miyabei 'Rugged Ridge'	Large
102nd (NE 1st to south of Main St)	Katsura: Cercidiphyllum japonicum	Large
103rd (near NE 10th)	Ginkgo: Ginkgo biloba 'Autumn Gold'	Medium
103rd (NE 2nd to Main St)	Katsura: Cercidiphyllum japonicum	Large
Bellevue Way (NE 12th to NE 10th)	Tulip tree: Liriodendron tulipifera 'JFS-oz'	Large
Bellevue Way (NE 10th to NE 4th)	Honeylocust: Gleditsia tricanthos 'Shademaster'	Medium
Bellevue Way (NE 4th to Main)	Tulip tree: Liriodendron tulipifera 'JFS-oz'	Large
105th (NE 4th to NE 2nd)	Sweetgum: Liquidambar styraciflua 'Worplesdon'	Large
105th SE (near Main St)	London planetree: Platanus x acerifolia 'Bloodgood'	Large
106th (NE 12th to NE 8th)	Elm: Ulmus propinqua 'Emerald Sunshine'	Large
106th (NE 8th to NE 4th)	Elm: Ulmus Americana 'Jefferson'	Large
106th (NE 4th to Main)	Elm: Ulmus 'Morton Glossy'	Large
106th Pl NE (near NE 12th)	London planetree: Platanus x acerifolia 'Bloodgood'	Large
107th (NE 2nd to south of Main)	Hornbeam: Carpinus caroliniana 'Palisade'	Medium
108th (NE 12th to NE 8th)	Persian ironwood: Parrotia persica 'Ruby Vase'	Medium
108th (NE 8th to NE 4th)	Sweetgum: Liquidambar styraciflua 'Worplesdon'	Large
108th (NE 4th to south of Main)	Zelkova serrata 'Green Vase'	Medium
109th (near NE 10th)	Linden: Tilia cordata 'Chancole'	Large
110th (NE 12th to NE 8th)	Linden: Tilia americana 'Redmond'	Large
110th (NE 8th to NE 4th)	Zelkova serrata 'Village Green'	Medium
110th (NE 4th to Main)	Red maple: Acer rubrum 'Somerset'	Large
111th (NE 11th to NE 9th)	Ginkgo: Ginkgo biloba 'Autumn Gold'	Medium
111th (NE 4th to NE 2nd)	Ginkgo: Ginkgo biloba 'Autumn Gold'	Medium
112th (NE 12th to Main)	Scarlet oak: Quercus coccinia	Large

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

3. **Installation and Irrigation**

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

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

4. **Species substitution.** If a designated tree species is not available due to circumstances such as spread disease or pest infestation, it may be substituted with a different species or cultivar as approved by the Director or the Director's designee.

B. **On-site landscaping (Moved from 20.25A.040)**

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

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

**20.25A.110 Landscape Development Requirements**

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



Land Use District	Location On-Site		
	Street Frontage	Rear Yard	Side Yard
Perimeter Overlay Districts	parking area – 8' Type III (1)	parking area – 5' Type III	parking area – 5' Type III

(1) An alternative design may be approved through Alternative Landscape Option, LUC 20.20.520.J.

C. Linear Buffer (Moved from 20.25A.090.D.4 and amended)

1. General. The standards of this paragraph supplement other landscape requirements of this Part [20.25A](#) and LUC [20.20.520](#) for development in the Perimeter Overlay District.
2. Linear Buffers.
  - a. General. Any development situated within Perimeter Overlay A shall provide a linear buffer within the minimum setback adjacent to the Downtown boundary required by LUC Chart 20.25A.060A.3. The purpose of this feature is to produce a green buffer that will soften the visual impact of larger buildings. These design standards are minimum requirements for the size and quantity of trees and other linear buffer elements. The specific design of the linear buffer for each project will be determined through the Design Review Process. Design considerations include, but are not limited to, the placement of elements and their relationship to adjacent property as well as to the proposed development. Different sets of design standards apply to each of the locational conditions.
3. Requirements for All Linear Buffers. All linear buffers:
  - a. Shall have a minimum width of 20 feet;
  - c. Shall not be used for parking and vehicular access drives shall be kept to a minimum; and
  - d. Must include seasonal color in an amount of at least 10 percent of the perimeter setback area.
4. Linear Buffers that are Adjacent to Rights-of-Way or Public Property shall have:
  - a. Three deciduous trees, with a minimum caliper of 2.5 inches, per each 1,000 square feet of the perimeter setback area;
  - b. Two flowering trees, with a minimum caliper of two inches, per each 1,000 square feet of perimeter setback area;
  - c. Ten evergreen shrubs, minimum five-gallon size, per 1,000 square feet of the perimeter setback area;
  - d. Paved surfaces that comprise no more than 25 percent of the perimeter setback area and these surfaces may be used for private residential recreational space and residential entries;
  - e. Ground cover on at least 50 percent of the perimeter setback area;
  - f. Paved areas that are use brick, stone or tile in a pattern and texture that is level and slip-resistant; and
  - g. Walls and fences that shall not exceed 30 inches.
  - h. Accessibility both visually and physically by abutting the sidewalk and being within three feet in elevation of the sidewalk.
5. Where the Downtown boundary abuts property outside the Downtown other than right-of-way or public property, the minimum setback from the Downtown boundary (or perimeter property lines

when the setback has been relocated pursuant to Note 26 of subsection [20.25A.060.A.4](#)) shall be landscaped as follows:

- a. The entire setback (20 feet) shall be planted. No portion may be paved except for vehicular entrance drives, required mid-block pedestrian connections, patios that do not exceed 25 percent of the area of the required setback, and residential entries that do not exceed 25 percent of the area of the required setback
- b. The setback shall be planted with:
  - i. Evergreen and deciduous trees, with no more than 30 percent deciduous, a minimum of 10 feet in height, at intervals no greater than 20 feet on center; and
  - ii. Evergreen shrubs, a minimum of two-gallon in size, at a spacing of three feet on center; and
  - iii. Living ground cover so that the entire remaining area will be covered in three years.

### **20.25A.120 Green Factor Standards (New)**

#### **A. Insert Table**

#### **B. Heritage Trees and Landmark Trees**

Landmark tree will be defined by LID Project. Place cross reference here.

### **20.25A.130 Mechanical Equipment Screening and Location Standards. (Moved from -20.25A.045, Early Win)**

#### **A. Applicability.**

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

#### **B. Location Requirements.**

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

#### **C. Screening Requirements.**

1. Exposed mechanical equipment shall be visually screened by a predominantly solid, non-reflective visual barrier that equals or exceeds the height of the mechanical equipment. The design and materials of the visual barrier or structure shall be consistent with the following requirements:
  - a. Architectural features, such as parapets, screen walls, trellis systems, or mechanical penthouses shall be consistent with the design intent and finish materials of the main building, and as high or higher than the equipment it screens; or
  - b. Vegetation or a combination of vegetation and view-obscuring fencing shall be of a type and size that provides a visual barrier at least as high as the equipment it screens and provides 50

percent screening at the time of planting and a dense visual barrier within three years from the time of planting.

2. Mechanical equipment shall be screened from above by incorporating one of the following measures, in order of preference:
  - a. A solid non-reflective roof. The roof may incorporate non-reflective louvers, vents, or similar penetrations to provide necessary ventilation or exhaust of the equipment being screened;
  - b. Painting of the equipment to match or approximate the color of the background against which the equipment is viewed;
  - c. Mechanical Equipment Installed on Existing Roofs. The Director may approve alternative screening measures not meeting the specific requirements of this section if the applicant demonstrates that:
    - i. The existing roof structure cannot safely support the required screening, or
    - ii. The integrity of the existing roof will be so compromised by the required screening as to adversely affect any existing warranty on the performance of the roof.

#### D. Exhaust Control Standards.

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

#### E. Modifications.

The location and screening of mechanical equipment and exhaust systems is subject to review and approval at the time of land use review. The Director may allow modifications to the requirements in

this section if the applicant demonstrates that the alternate location or screening measures provide an equal or better result than the requirements of this section.

F. Noise Requirements.

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

**20.25A.140 Right-of-Way Designations (BSRG's)**

- A. Description
- B. Figure 20.25A.140
- C. Design Guidelines
- D. Overhead Weather Protection

**20.25A.150 Downtown-Wide Design Guidelines (Outline Subject to Change)**

- A. Architecture
- B. Open Space
- C. Use Specific Design Guidelines
- D. Major Pedestrian Corridor -Moved from LUC 20.25A.100E.1 and 4 will be incorporated. These provisions are likely to be amended with the Grand Connection project, thus no changes will be made at this time.

**20.25A.160 Neighborhood-Specific Design Standards and Guidelines**

# Downtown Height and Form Review

## Commission's Height and Form Recommendations as of Sept. 7, 2016

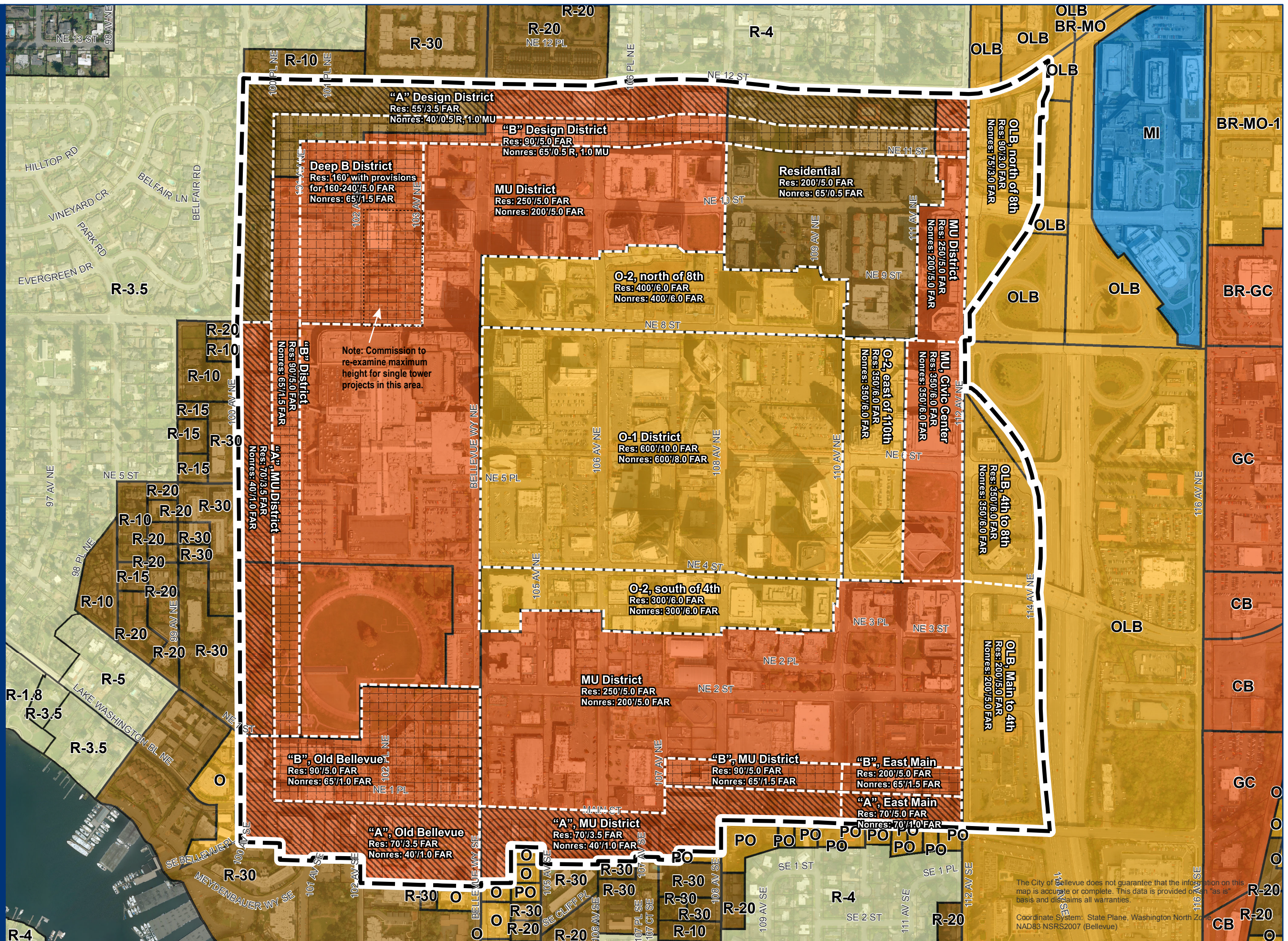
Note: Commission interest expressed on July 27, 2016 to further explore potential height and FAR increases under certain conditions through Development Agreement process in addition to standard FAR exemptions.

### Legend

- Downtown
- Single Family
- Multi-Family
- Office
- Commercial
- Light Industrial
- Evergreen Highlands
- Medical Institution



Sources:  
City of Bellevue



The City of Bellevue does not guarantee that the information on this map is accurate or complete. This data is provided on an "as is" basis and disclaims all warranties.  
Coordinate System: State Plane, Washington North Zone, NAD83 NSRS2007 (Bellevue)

## **Part 20.25A Downtown**

**20.25A.010 General (NEW)**

**20.25A.020 Definitions (NEW)**

**20.25A.030 Review Required (NEW)**

**20.25A.040 Nonconforming Uses, Structures and Sites. (Moved from 20.25A.025 and amended).**

**20.25.050 Downtown Land Use Charts (Moved from 20.25A.015, Early Wins)**

**20.25A.060 Dimensional Charts (Moved from 20.25A.060)**

**20.25A.070 FAR / Amenity Incentive System.**

**20.25A.080 Parking Standards (Moved from 20.25A.050 and amended.)**

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

**20.25A.100 Downtown Pedestrian Bridges (Moved from 20.25A.130.)**

**20.25A.110 Landscape Development 20.25A.120 Green Factor Standards (NEW)**

**20.25A.130 Mechanical Equipment Screening and Location Standards. (Formerly 20.25A.045, Early Win)**

**20.25A.140 Right-of-Way Designations (Building/Sidewalk Relationships Design Guidelines)**

**20.25A.150 Downtown-Wide Design Guidelines (Moved from 20.25A.115 and amended)**

**20.25A.160 Neighborhood-Specific Design Standards and Guidelines (NEW)**



September 7, 2016

**SUBJECT**

Proposed Homeless Men’s Shelter with Supportive Housing Project

**STAFF CONTACT**

Camron Parker, Senior Planner 452-2032 [cparker@bellevuewa.gov](mailto:cparker@bellevuewa.gov)  
*Parks & Community Services*

**DIRECTION NEEDED FROM PLANNING COMMISSION**

- Action
- Discussion
- Information

**DISCUSSION**

At their August 1, 2016 meeting, the City Council approved a Letter of Agreement with King County committing both governments to investigate construction of an overnight shelter and day center for men experiencing homelessness paired with apartments offering permanent service-enriched housing for formerly homeless and low-income individuals. The proposed location is a four-acre King County-owned property that is within the recommended EG-TOD zone designated for transit-oriented development.

With the City Council’s approval of the Letter of Agreement, the City has initiated a public outreach and engagement program for this project. Presentations with opportunity for feedback are being provided to neighboring businesses, property owners and community associations, as well as city boards and commissions for the remainder of the year. The purpose of the presentations are to inform and educate the community about the project and collect feedback that will inform future siting and design decisions of the King County Council, the Bellevue City Council and the project development team.

At the September 7 meeting, the Planning Commission will participate in that engagement and feedback process, learning more about the project (Attachment A) as well as the details of the Letter of Agreement (Attachment B) between the City and County.

**BACKGROUND**

The City Council has a strong adopted policy basis for siting a homeless shelter for men with permanent supportive housing in Bellevue. The 2015-16 City Council Vision Priorities directed the City to “work toward an Eastside solution for permanent winter shelter.” This was advanced in the 2016-17 Council Vision Priorities, calling for the City to work with regional partners to “establish an eastside permanent winter homeless shelter to be ready for the winter of 2018/19.”

These priorities echo the Council’s adopted 2014 Diversity Advantage plan, which includes an action item “supporting the establishment of a year-round homeless shelter on the Eastside.”

These directive actions are consistent with Comprehensive Plan policies including:

- HO-35: Support regional efforts to prevent homelessness, and make homelessness rare, brief, and one-time when it occurs. Provide a range of affordable housing options and support efforts to move homeless persons and families to long-term financial independence.
- HO-36: Collaborate with other jurisdictions and social service organizations to assure availability of emergency shelter and day centers that address homelessness.
- HS-8: Make Bellevue a welcoming, safe and just community marked by fairness and equity provided to those disproportionately affected by poverty, discrimination and victimization.
- HS-14: Support agencies locating human service facilities in Bellevue and, where appropriate, encourage efficiencies through agency collocation and collaboration.
- HS-18: Support an intentional local community response to homelessness with housing and supportive services provided to families, youth and single adults.

Finally, the City Council’s direction to engage in the regional effort to make homelessness rare, brief and one-time are detailed in an Interest Statement approved in June 2015.

Bellevue has hosted the Eastside Men’s Winter Shelter for the past seven years, providing safe overnight shelter for up to 100 men per night. Bellevue, however, does not have a permanent location and has needed to change location repeatedly throughout its history. Most recently, in 2015 and 2016, the Eastside Winter Shelter was located on property in BelRed owned by Sound Transit. This building is scheduled for demolition and again the City has scrambled to locate another suitable interim location. These interim shelter locations have often been located in less desirable locations that may have limited transit, in residential neighborhoods, and within buildings that are not optimally set up for shelter operations. A permanent location for a men’s homeless shelter on the Eastside is needed to best serve the clients and the community by ensuring ease of access, coordinating social services and minimizing and controlling impacts of the shelter on the surrounding community.

At the men’s shelter, the City will be able to support:

- Safe shelter that provides basic services to increase safety and help people survive
- Low barrier community resource with minimal requirements for entry
- Enhance and increase severe weather/low barrier shelter program
- Place for engagement and access to needed social services
- Help individuals move toward a pathway to independence and stable housing
- Strong, sustainable program management
- Good neighbor to immediate neighborhood and broader community

In studying where such a facility could be sited in Bellevue, several objectives were set. These are to:

- Find a site within a predominantly commercial or industrial area.
- Locate shelter near transit center or accessible bus lines.
- Locate shelter in proximity to human and medical services.
- Understand potential impacts to surrounding areas.
- Adequate street lighting and sidewalks.

A potential site achieving several of these objectives has been identified at property located at 14350 SE Eastgate Way. The site is located in Eastgate, just north of I-90, on property owned by King County, adjacent to Eastgate Park and Ride. The property is occupied by the Seattle-King County Public Health Eastgate Clinic and is of a sufficient size that constructing a new building on the property is feasible.

Following the terms of the Letter of Agreement, Bellevue, King County and the development team of Congregations for the Homeless (CFH) and Imagine Housing will use the next six months to determine if this site is an appropriate choice for a new building to house a shelter space with a capacity to sleep up to



100 men along with a day center enriched with on-site services. Additionally, an as yet undetermined number of new apartments will be included in the facility to offer permanent housing with supportive services to individuals departing the homelessness service system. This facility would be operated by a partnership between CFH and Imagine Housing. Both non-profit agencies have a long and successful track record of providing shelter and services to homeless and low-income Eastside residents.

The Planning Commission's work on the land use code update is important to the project and is informing how we proceed with design and feasibility analysis of the site. We are actively using the Planning Commission's recommended code as the parameters to set dimensions and form for possible building configurations so that the design is consistent with the transit-oriented vision of this area. More information on how the proposed code amendment guides the site development options will be part of the presentation to the Commission.

### **NEXT STEPS FOR SHELTER AND SUPPORTIVE HOUSING PROJECT**


The City and King County will take all reasonable steps, within a 6 month period (beginning August 2016), to negotiate an agreement for the use of the property for the purposes of developing and operating an overnight men's shelter, a day-center with on-site services, as well as affordable, service-enriched housing for low-income households and individuals transitioning out of homelessness. A compilation report of public input received and how that input will be incorporated will be published by first quarter 2017, prior to any formal decisions about the use of the site.

### **ATTACHMENTS**

- A. Public Outreach Material
- B. Letter of Agreement

# THE EMERGENCY OF BEING HOMELESS DOES OCCUR IN PEOPLE'S LIVES... ...but it should be rare, brief, and one-time

Over 1200 homeless persons served in shelters last year on the Eastside



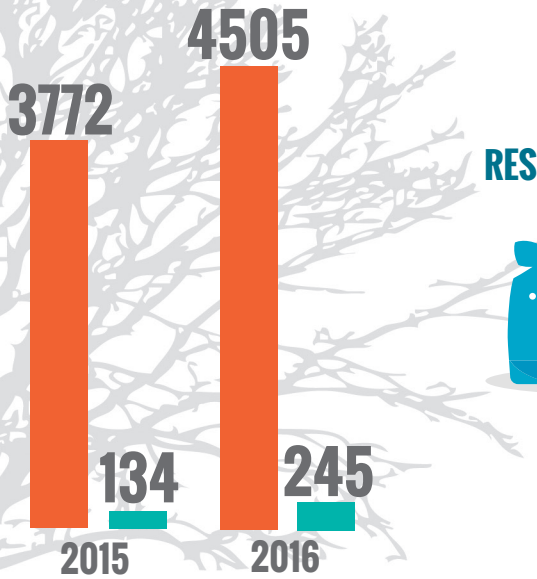
**SCHOOL CHILDREN**  
**252** Bellevue School District 2015-2016

**1**

**ENCAMPMENTS** (Permitted in Bellevue)  
Average of 90 individuals with Tent City 4

**10**

**ENCAMPMENTS** (Unpermitted in Bellevue)  
Separate locations estimate nightly, changes with weather



**VEHICLE RESIDENCES**



**50**  
Separate vehicles counted by Bellevue Police-June 2016

**30**  
Separate vehicles counted by Bellevue Police-October 2015



**ONE NIGHT COUNT UNSHELTERED**

**Bellevue City Council's Two Year Priority (2016-17)**  
Work with regional partners, establishing an eastside permanent homeless shelter to be ready for the winter of 2018/2019.

Provide a range of affordable housing options and support efforts to move homeless persons and families to long-term financial independence.

**409** homeless served

**Year Round Shelters**  
(men, women, families, young adults-2015)

76 Men (Eastside rotation, 11-12 churches in Bellevue)  
69 Women (Bellevue)  
264 Young adults (Redmond)

**844** homeless served

**Winter Shelters**  
(men, women & families) November-May  
150-200 per night average, men in Bellevue, women and families between Bellevue and Redmond.

Men's Shelter (2015-16)  
Unduplicated clients-571 (309 Bellevue residents)

Women's Shelter (2015-16)  
Unduplicated clients-86

Families Shelter (2015-16)  
Unduplicated clients-78 (109 children)

Eastside Men's Shelter and Supportive Housing is a partnership between City of Bellevue, King County, Public Health - Seattle & King County, Congregations for The Homeless and Imagine Housing. For more information see FAQ documents at <http://bellevuewa.gov/eastside-mens-shelter.htm>



# EASTSIDE MEN'S SHELTER AND SUPPORTIVE HOUSING

## Stakeholders briefings available now

The City of Bellevue and King County are working in partnership with Congregations for the Homeless and Imagine Housing to site a permanent men's shelter and supportive housing on the King County property located at 14350 SE Eastgate Way, Bellevue, WA 98007. The site is located in a non-residential area of Eastgate in Bellevue, just north of I-90, on King County property shared with Public Health — Seattle & King County, adjacent to King County Metro Park and Ride.

The "One Night Count" of the Homeless in January 2016, found nearly 4,500 people in King County living outside without shelter. On the Eastside in selected urban areas, there were 245 found unsheltered. Homelessness is here and an Eastside Men's Shelter is a critical need. The Eastside Men's Shelter will provide emergency overnight shelter for men to receive a hot meal and safety from the cold elements. The trained staff of Congregations for the Homeless and Public Health — Seattle & King County will also help connect the homeless to necessary services and resources, to help them transition out of homelessness.

The partnership will include a permanent men's shelter (capacity of serving 100 men a night), with additional supportive housing units, a drop-in day center, accommodating public health services, as well as office space for social service providers. Congregations for the Homeless (CFH) will be the primary operator of the shelter. Imagine Housing will be the developer and operator of the supportive housing. The goal is to have the Eastside Men's Shelter operational by winter 2019.

**We want to hear from you.** Now is the time to share your thoughts, concerns and ideas on the Eastside Men's Shelter and Supportive Housing. In the coming months, we will be meeting with surrounding businesses, neighbors, and interested parties to identify concerns and potential solutions to inform the best possible outcomes for the neighborhood and the Eastside.

**For more information, please go to <http://bellevuewa.gov/eastside-mens-shelter.htm> where you can sign up for alerts, updates on the project, find resources, submit comments and learn about upcoming community meetings.**

## There will be multiple ways to stay engaged and participate:

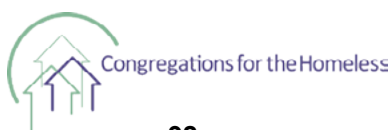
*For more information or to schedule a private stakeholder briefing please contact:*

**Mike McCormick Huentelman,**  
Neighborhood Outreach Manager  
City of Bellevue  
425-452-4089  
[mmhuent@bellevuewa.gov](mailto:mmhuent@bellevuewa.gov)

*For information on Eastside Men's Shelter programs and operations please contact:*

**Steve Roberts,**  
Managing Director  
Congregations for the Homeless  
206-295-7803  
[stever@cfhomeless.org](mailto:stever@cfhomeless.org)

The emergency of being homeless does occur in people's lives, but it should be rare, brief, and one-time.



# EASTSIDE MEN'S SHELTER AND SUPPORTIVE HOUSING

A partnership between City of Bellevue, King County, Public Health – Seattle & King County, Congregations for the Homeless and Imagine Housing.

## Frequently Asked Questions – Site Location

### 1. What is going on?

The City of Bellevue and King County are working in partnership with Congregations for the Homeless and Imagine Housing to site a permanent men's shelter and supportive housing on the King County property located at 14350 SE Eastgate Way, Bellevue, WA, 98007. The site is located in a non-residential area of Eastgate in Bellevue, just north of I-90, on King County property shared with Public Health — Seattle & King County, adjacent to King County Metro Park and Ride.

A Joint Letter of Agreement authorizes the City and King County to take all reasonable steps, within a 6 month period (beginning August 2016), to negotiate an agreement for the use of the property by the City and/or its partners for the purposes of developing and operating a men's shelter, homeless housing and potentially supportive and public health services.

### 2. What is King County's role in this partnership? What is the role of the City of Bellevue?

The Eastside Men's Shelter and Supportive Housing would be located on property owned by King County. The City, along with the development partners will lead the efforts to undertake community outreach to the immediate and broader community.

### 3. What else is included? Who else is involved?

With the objective of helping men transition out of homelessness, the partnership will include a permanent men's shelter with additional supportive housing units, a drop-in day center, public health services and office space for social service providers. Public Health — Seattle & King

## There will be multiple ways to stay engaged and participate:

*For more information or to schedule a private stakeholder briefing please contact:*

**Mike McCormick Huentelman**  
Neighborhood Outreach  
Manager, City of Bellevue  
425-452-4089  
mmhuent@bellevuewa.gov

*For information on Eastside Men's Shelter programs and operations please contact:*

**Steve Roberts**  
Managing Director  
Congregations for the Homeless  
206-295-7803  
steve@cfshomeless.org

County, will provide public health services for the men through the Eastgate Public Health Center. Congregations for the Homeless (CFH) will be the primary operator of the shelter. Imagine Housing will be the developer and operator of the supportive housing.

#### **4. Bellevue has a temporary shelter each winter – isn't that sufficient? Why is a permanent Eastside Men's Shelter necessary?**

The Eastside Winter Shelter does not have a permanent location and has needed to change location over the years. In 2015-16, the Eastside Winter Shelter was located on property owned by Sound Transit. This building is scheduled for demolition. Temporary shelters are often located in less preferred locations that may have limited transit, in or near residential neighborhoods, and with facilities that are not optimally set up for shelter operations. A permanent men's homeless shelter on the Eastside can be located to best serve those in need, ensure ease of access, coordinate social services and minimize the impacts the shelter has on the surrounding community.

#### **5. Why here?**

Every location has challenges. However, the partnership with King County and the City of Bellevue provides a unique opportunity to align services, meet community needs and minimize the impacts to the surrounding community. Several factors were taken into consideration to find an optimal location for the Eastside Men's Shelter, including:

- Avoid single family residential areas.
- Location near transit center and/or accessible bus lines.

- Proximity to human services and medical care.
- Adequate street lighting and sidewalks.

#### **6. When will the shelter be operational and who will operate it?**

The goal is to have the Eastside Men's Shelter operational by winter 2019. The shelter will be open to single homeless men age 18 and older and house up to 100 men per night, who will be supervised at all times. Congregations for the Homeless (CFH) will manage the shelter and day center. CFH has been successfully operating men's homeless programs on the Eastside since 1993 and builds relationships with the community as well as with everyone who comes into the shelter. CFH has a high success rate of helping men transition out of homelessness.

#### **7. How can I get involved?**

We want to hear from you. Now is the time to share your thoughts, concerns and ideas on the Eastside Men's Shelter and Supportive Housing. In the coming months, we will be meeting with surrounding businesses, neighbors, and interested parties to identify concerns and potential solutions to inform the best possible outcomes for the neighborhood and the Eastside.

***For more information, please go to <http://bellevuewa.gov/eastside-mens-shelter.htm> where you can sign up for alerts, updates on the project, find resources, submit comments and learn about upcoming community meetings.***

# EASTSIDE MEN'S SHELTER AND SUPPORTIVE HOUSING

A partnership between City of Bellevue, King County, Public Health – Seattle & King County, Congregations for the Homeless and Imagine Housing.

## Frequently Asked Questions – Permanent Shelter – Daily Operations

### 1. Who will this Shelter/Day Center serve?

This shelter will be open to single homeless men who are 18 years and older. The goal is for the Shelter to begin operations Winter of 2019.

### 2. What is the goal of the Shelter/Day Center?

The Shelter/Day Center provides the only place on the Eastside for men to access showers, laundry, computers, case management, clothing, bus tickets, supportive services and hygiene products during the day. This provides a prime opportunity to build relationships with the most chronic of the homeless and reconnect them to society. It creates an environment that allows the newly homeless to quickly rebound back into stability and independence.

### 3. Who operates the Shelter/Day Center?

Congregations for the Homeless (CFH) will manage the Shelter/Day Center. CFH has been successfully operating men's homeless programs on the Eastside since 1993. They successfully provide a very safe atmosphere for the clients, staff, volunteers and surrounding community.

### 4. How will the Shelter/Day Center be funded?

CFH will receive funding from many Eastside cities, King County, Washington State, United Way, private foundations, corporations, congregations, and many individuals.

### 5. What are the operating hours of the Shelter/Day Center?

The evening Shelter would be open 5pm-8am, and the Day Center would operate 8am-5pm. This facility would provide 24/7 access for our clients.

*For information on Eastside Men's Shelter Operations or to volunteer, contact:*

**Steve Roberts,**  
Managing Director  
Congregations for the Homeless  
206-295-7803  
[stever@cfhomeless.org](mailto:stever@cfhomeless.org)

**Dwight Jackson,**  
Director of Shelter Services  
425-372 7252  
[dwightj@cfhomeless.org](mailto:dwightj@cfhomeless.org)

## **6. Won't this Day Center just bring more homeless to the Eastside?**

A vast majority of people experiencing homelessness are connected to specific geographical communities just like those who are housed. People experiencing homelessness often have a daily routine and a community of support in a particular location. They prefer to stay in that geographical area. A majority of the clients that CFH serves have become homeless while living on the Eastside and continue to have substantial connections to the Eastside. The Eastside has many hundreds of people experiencing homelessness who are camping, couch surfing, sleeping on the streets, or living out of their car who will utilize the Shelter/Day Center.

## **7. Will the addition of the Shelter/Day Shelter bring more litter and loitering issues to the area?**

CFH staff will be make sure that staff, clients, and volunteers monitor both inside and outside for cleanliness and loitering. Clients will not be permitted to loiter in the neighborhood. Bus tickets will help to ensure clients have the means to travel to and from the Shelter/Day Center location. In addition, CFH will build solid relationships with the neighbors to address any issues of clients who may need to be reminded of community interaction guidelines. CFH has a very strong relationship with the Bellevue Police Department and other emergency services in order to address any of the communities' needs and concerns.

## **8. What services will the Shelter/Day Center provide?**

The Shelter/Day center will provide a place for men experiencing homelessness to find a safe, empowering community to rest, rejuvenate, and start the process towards recovery and a transition out of homelessness. The Shelter/Day Center will offer breakfast, lunch, dinner, showers, laundry, hygiene items, bus tickets, clothing, and computer access. One-on-one and

group support by trained case management professionals and qualified volunteers will be offered for addiction, mental health, life skills, employment needs, etc.

## **9. Will the Shelter enforce a code of conduct for clients?**

Through offering an accepting, respectful, empowering environment a vast majority of clients proactively work to respect the Shelter/Day center and surrounding neighborhood. Those who exhibit aggressive behaviors are not allowed into the Shelter/Day Center at any time. In addition, the police are contacted when deemed necessary. CFH has a policy to never release emotionally, medically, or behaviorally fragile individuals into the community around the Shelter/Day center location. CFH always deals with the issues that arise on-site and calls emergencies services as needed.

## **10. What oversight will there be at the Shelter/Day Center?**

The clients at the Shelter/Day Center will be supervised at all times. Every client will be signed in and accounted for. The Shelter/Day Center will be staffed with a manager and site staff at all times. The Shelter Director, case managers, and trained volunteers will be supporting day-to-day operations.

## **11. Are volunteers welcome to be a part of the Shelter/Day Center?**

Volunteers are encouraged to provide support for the running of the Shelter/Day Center and to contribute to the movement towards stability of the clients accessing the center

***For more information, please go to <http://bellevuewa.gov/eastside-mens-shelter.htm> where you can sign up for alerts, updates on the project, find resources, submit comments and learn about upcoming community meetings.***

## JOINT LETTER OF AGREEMENT

between

KING COUNTY

and

THE CITY OF BELLEVUE

This Letter of Agreement is entered into between King County (“County”) and the City of Bellevue (“City”), in order to establish the intent of the Parties to work cooperatively to achieve common goals to benefit the region and City, as set forth in greater detail below.

## RECITALS

1. The County and City have identified numerous mutual interests, and both recognize the value and benefit of collaborating on regional issues that benefit the region and the City.
2. Despite this region’s prosperity, homelessness in King County remains a crisis. In 2015, nearly 10,000 people are experiencing homelessness on any given day with nearly 40 percent of the persons are unsheltered. The 2016 One Night Count found 245 unsheltered individuals in East King County, compared to 134 in 2015.
3. The King County Executive on November 2, 2015 made a Local Proclamation of Emergency due to homelessness affecting King County and stating that King County will continue to work with all the cities within King County on plans to address homelessness.
4. The County and City recognize that additional efforts to provide shelter and housing for homeless individuals and families are needed.
5. The City and its partners have traditionally provided operating funding for a men’s winter shelter located in Bellevue and plan to continue to provide such support.
6. There is interest by the City and other members of A Regional Coalition for Housing (ARCH) in establishing a new, permanent location for the men’s shelter with related services. A conditional commitment of capital funding has been made by Bellevue and members of ARCH through the ARCH Trust Fund.
7. The County owns property and operates a Seattle & King County Public Health facility at 14350 SE Eastgate Way, Bellevue, 98007 (the “Property”).
8. The Property is adjacent to a regional, county-owned park and ride facility with good transit access and has the potential to accommodate additional development on the site.
9. The County and City are interested in developing a partnership to accommodate a shelter, supportive services and permanent supportive housing on the Property (the “Project”), The County and the City will also explore the potential for the Project to take advantage of the property to provide existing and possibly new public health services and other health care services with partner organizations.
10. The County is also interested in ensuring that the Project has minimal impacts to the current and future operations of the public health services at the Eastgate Public Health Center.



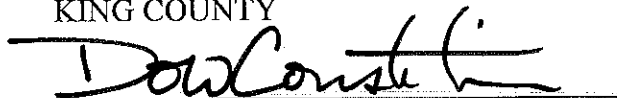
NOW THEREFORE, the City and the County express their intent to work cooperatively with respect to the following:

- I. The City and County agree to take all reasonable and prudent steps consistent with applicable legal requirements and approvals, within a 6 month period, to expeditiously undertake the following actions:
  - a. The City will process Land Use Code amendments and rezone the Property consistent with the Eastgate/I-90 Comprehensive Plan amendments adopted by the City Council in December 2015, to assure the development of the shelter, housing, supportive and public health service areas is consistent with the Eastgate/I-90 Plan.
  - b. The County will negotiate an agreement for use of the property by the City and/or its partners for the purposes of developing and operating a men's shelter, permanent supportive housing and potentially for supportive and public health services.
  - c. The project should be of sufficient size and scope to take full advantage of the 9% Low Income Housing Tax Credit.
  - d. The County will consider the regional benefit of the project providing shelter and related services, housing and potentially public health services in the negotiations of the use agreement.
  - e. The City and ARCH, with input from development partners, will put together a detailed funding and program strategy for the project. The City, and County as a land owner, will be cooperative and active partners in seeking grant and other available funds to support the project, including the County's Housing Finance Program.
  - f. The City with the development partners will lead the efforts to undertake community outreach to the immediate and broader community.

The actions in Sections I.a.-I.f. above are subject to final decisions and/or approvals of the Bellevue City Council and the King County Executive and King County Council and nothing in this LOA shall constitute a waiver of that authority or a commitment to any particular final decision.

- II. This Letter of Agreement does not create rights or obligations in either party, but does express the intent of the Parties to work together to accomplish the contemplated transactions to benefit the region and the City.

KING COUNTY



Dow Constantine  
King County Executive

Date AUGUST 2, 2016

CITY OF BELLEVUE



Brad Miyake  
City Manager

Date 8/2/16

# A SHORTCOURSE

## ON LOCAL PLANNING



Department of Commerce

### A Short Course on Local Planning

Hosted by the City of Burien

Wednesday, September 28, 2016, 6:15–9:15 p.m.

Burien City Hall 400 SW 152nd St, Suite 300, Burien, WA 98166

#### Agenda:

- 6:15– 6:30 WELCOME AND INTRODUCTIONS.....Commerce**
- 6:30 – 7:10 THE LEGAL BASIS OF PLANNING IN WASHINGTON.....Ray Liaw, Attorney at Law**  
The constitutional basis for zoning, the statutory basis of planning in Washington State, and early planning statutes. Constitutional issues in land use planning.
- 7:10 – 7:40 THE GMA AND COMPREHENSIVE PLANNING BASICS.....Anne Fritzel, AICP**  
Overview of the Growth Management Act requirements for local planning. Development regulations, capital facility spending, and other tools for implementing the comprehensive plan. Urban Infill to accommodate growth and Regional Growth Centers.
- 7:40 – 7:50 BREAK**
- 7:50 – 8:20 ROLES AND RESPONSIBILITIES.....Roger Horn**  
Roles and responsibilities in the planning process. Legislative vs quasi-judicial decisions, tips for encouraging public involvement, best practices for effective meetings.
- 8:20- 8:50 OPEN GOVERNMENT LAWS .....Ray Liaw, Attorney at Law**  
Open Public Meetings Act and Introduction to the Public Records Act.\*
- 8:50-9:15 QUESTIONS AND ANSWERS.....All**

*\* This training meets the requirements of RCW 42.30.205 requiring every member of a governing body to take Open Public Meetings Act training within 90 days of taking an official role, and every four years thereafter, as long as they remain in that role. Attendees will receive a certificate of training.*



Planning Association  
of Washington



American Planning Association  
Washington Chapter



**REGISTRATION:** Please register by September 21, by sending an email with your name, organization and title (if applicable) and the location of the short course you wish to attend to [shortcourse@commerce.wa.gov](mailto:shortcourse@commerce.wa.gov) or by leaving the same information at 360 725-3064. Registration is not required, but helps for planning purposes; all will be welcome at the event.

**SEE ALL UPCOMING IN PERSON COURSES AND VIDEO OPTIONS ON THE SHORT COURSE WEB PAGE AT:** [www.commerce.wa.gov/serving-communities/growth-management/](http://www.commerce.wa.gov/serving-communities/growth-management/). Agendas and presentations for past courses will be on the web site for the calendar year.



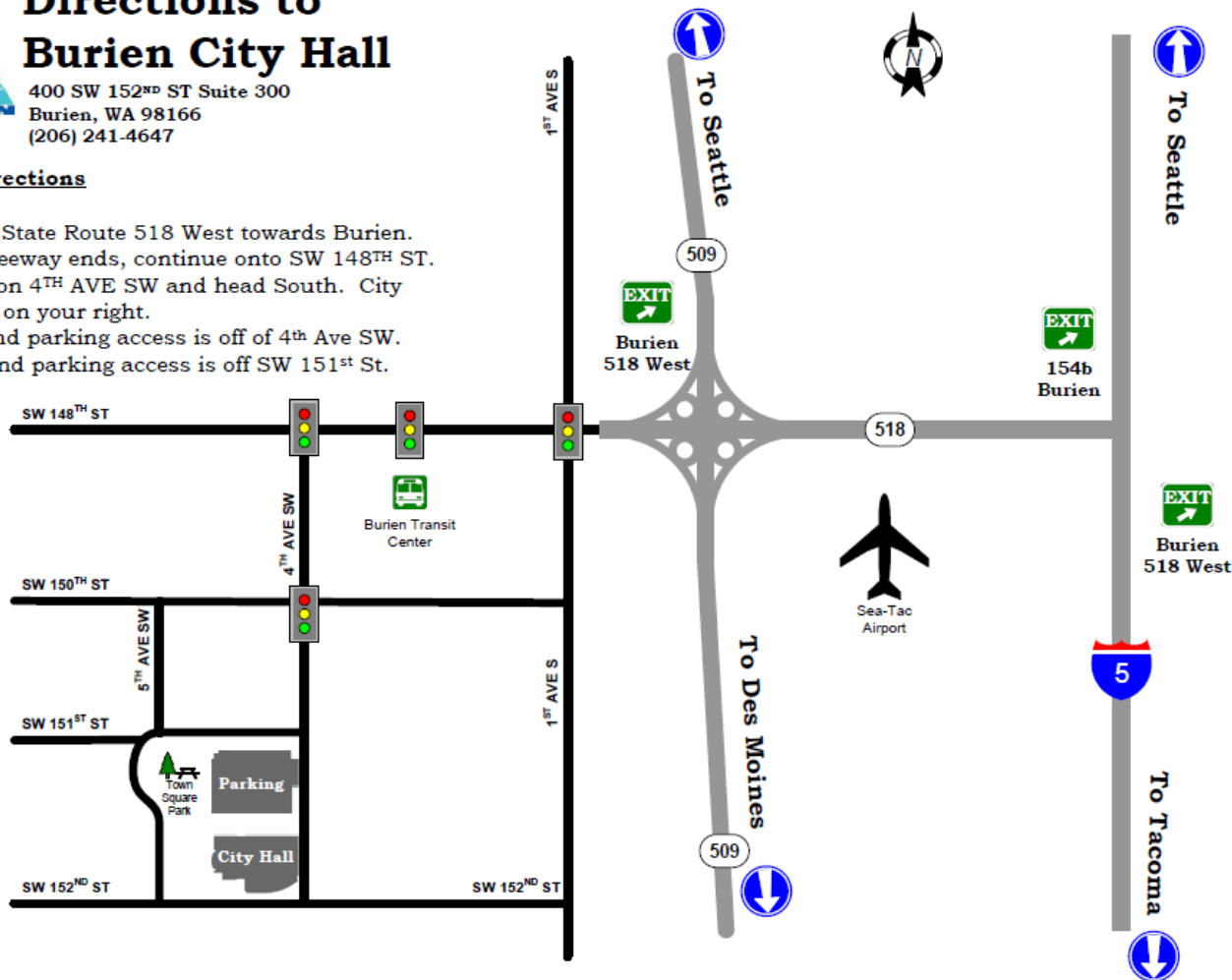
## Directions to Burien City Hall

400 SW 152<sup>ND</sup> ST Suite 300  
Burien, WA 98166  
(206) 241-4647

### Driving Directions

From I-5:

Take State Route 518 West towards Burien. Once the freeway ends, continue onto SW 148<sup>TH</sup> ST. Take a left on 4<sup>TH</sup> AVE SW and head South. City Hall will be on your right. Underground parking access is off of 4<sup>th</sup> Ave SW. Above ground parking access is off SW 151<sup>st</sup> St.



City elected officials will earn 3 CML credits in Community Planning and Development  
County elected officials will receive 2 core credits towards Certified Public Official Training  
For WCIA members, attendance at the Short Course provides COMPACT training credit

For RMSA members, the Short Course meets the requirements of the Land Use Advisory Member Standards  
For WSBA members, viewing the video series provides 1 CLE Legal Credit, and 0.75 other credits (Activity # 1011672)

### A Short Course on Local Planning: Training citizen planners since 1977

The Short Course is an opportunity for planning commissioners, local government staff, elected officials, and community members to learn about our state's legal framework for planning, comprehensive planning and community development processes, and public involvement in the planning process.

[www.commerce.wa.gov/serving-communities/growth-management/](http://www.commerce.wa.gov/serving-communities/growth-management/)

360.725.3064

**LOCAL HOST:** David Johanson, Senior Planner, City of Burien  
[davidj@burienwa.gov](mailto:davidj@burienwa.gov) 206.248.5522

**MODERATOR:** Anne Fritzel, Senior Planner, Washington Department of Commerce  
360.725.3064 [Anne.Fritzel@commerce.wa.gov](mailto:Anne.Fritzel@commerce.wa.gov)

**PRESENTERS:** Ray Liaw, Attorney at Law, Van Ness Feldman, LLP  
206.802.3840 [hrl@vnf.com](mailto:hrl@vnf.com)

Roger Horn, 14-year Olympia Planning Commission member  
[rogerolywa@yahoo.com](mailto:rogerolywa@yahoo.com)

#### **ADDITIONAL TRAINING AND EDUCATIONAL OPPORTUNITIES IN WASHINGTON**

**Department of Commerce, Growth Management Services** <http://www.commerce.wa.gov/serving-communities/growth-management/>. See the Short Course Manual and Videos under the “Short Course on Local Planning” Key Topic.

**Municipal Research and Services Center of Washington** at [www.mrsc.org](http://www.mrsc.org): See [A Planner’s Pocket Reference](#) at [www.mrsc.org/subjects/planning/PocketRef.aspx](http://www.mrsc.org/subjects/planning/PocketRef.aspx), which includes glossaries, web links for land use, environment, housing, census, economics, transportation, technical tools, model codes, and land use law.

**Washington State Office of the Attorney General** Trainings on Open Government, Open Public Meetings Act and Public Records Act training at [www.atq.wa.gov/OpenGovernmentTraining.aspx](http://www.atq.wa.gov/OpenGovernmentTraining.aspx)

#### **OUR SHORT COURSE PARTNERS**

**Planning Association of Washington (PAW)** is a statewide, grass-roots, non-profit incorporated in 1963, with the mission to “provide unbiased practical planning education to the citizens of Washington State”. PAW created the Short Course on Local Planning and is a Founding Partner. [www.planningpaw.org](http://www.planningpaw.org) **Partner since 1980.**

**The Washington Cities Insurance Authority (WCIA)** is a liability insurance risk pool which supports member risk management through education. WCIA encourages their members to attend the Short Course on Local Planning because it is recognized as a tool for reducing land-use liability. [www.wciapool.org/](http://www.wciapool.org/) **Partner since 2009.**

**Washington Chapter of the American Planning Association (WA-APA)** [www.washington-apa.org/](http://www.washington-apa.org/) **Partner since 2014.**

**Association of Washington Cities (AWC)** and the **Risk Management Services Agency (RMSA)** [www.awcnet.org/](http://www.awcnet.org/) and [www.awcnet.org/PropertyLiability.aspx](http://www.awcnet.org/PropertyLiability.aspx) See **GMA Comp Plan Conversation Starter** videos . [www.awcnet.org/ResourcesResearch/GMACompPlanConversationStarters.aspx](http://www.awcnet.org/ResourcesResearch/GMACompPlanConversationStarters.aspx) **Partner since 2015.**

A Short Course on Local Planning: Training citizen planners since 1977

[www.commerce.wa.gov/serving-communities/growth-management/](http://www.commerce.wa.gov/serving-communities/growth-management/) 360.725.3064

CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
STUDY SESSION MINUTES

June 22, 2016  
4:30 p.m.

Bellevue City Hall  
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Hilhorst, Commissioners Carlson, Barksdale, deVadoss, Laing, Morisseau, Walter

COMMISSIONERS ABSENT: None

STAFF PRESENT: Terry Cullen, Department of Planning and Community Development; Patricia Byers, Department of Development Services; Catherine Drews, City Attorney's Office; Paul Bucich, Department of Utilities; Eric Miller, Department of Transportation

COUNCIL LIAISON: Not Present

GUEST SPEAKERS: Brittany Port, Wayne Carlson, AHBL

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

(4:48 p.m.)

The meeting was called to order at 4:48 p.m. by Chair Hilhorst who presided.

2. ROLL CALL

(4:50 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Barksdale, who arrived at 5:08 p.m., and Commissioner Laing, who was excused.

3. APPROVAL OF AGENDA

(4:51 p.m.)

A motion to approve the agenda was made by Commissioner deVadoss. The motion was seconded by Commissioner Walter and the motion carried unanimously.

4. PUBLIC COMMENT – None

(4:51 p.m.)

5. STUDY SESSION

(4:51 p.m.)

A. Low-Impact Development Principles Project

Consultant Wane Carlson with AHBL briefly reviewed the reason for the low-impact development project, including the Council's support for the objective of maintaining the region's quality of life, including that of making low-impact development (LID) the preferred and commonly used approach to site development, which is language taken from the National Pollutant Discharge Elimination System (NPDES) permit. He noted that the Council had also approved various principles to guide the work, including being Bellevue appropriate, recognizing and balancing competing needs, building on existing information programs, engaging stakeholders, and maintaining the city's compliance record with the NPDES permit. Integrating LID into the city's codes and standards will involve both the LID best management practices and the LID principles. The Commission will focus on the principles, while the best management practices will be incorporated through an update to the city's storm water management manual. The goals related to the principles are to minimize native vegetation loss, minimize impervious surface coverage, and minimize storm water runoff. Over the past year an evaluation was done to determine the opportunities to work toward the goals and the areas of focus in the Land Use Code identified included evaluating the use of LID early in the process, reducing impervious surface coverage, preserving and enhancing tree canopy, and looking for opportunities to make the city's existing clustering provisions more attractive to applicants.

Mr. Carlson stressed that the proposed amendments do not involve any changes in the amount of building coverage. The city currently has a standard for building coverage and another for impervious surfaces. The proposed approach does not change the allowed structure footprint. Driveways, patios, walkways, sport courts and parking lots are hard surfaces and a new standard is proposed for hard surface coverage that will supplement the existing impervious surface standard. The new standards are consistent with development that has occurred in each zone and were established both through GIS investigation and development permit research. The proposal allows for the same coverage using permeable surfaces.

A hard surface is an umbrella term that includes both structures, traditional impervious surfaces, and permeable paving and vegetative roofs. In the R-1 zone, the maximum structure lot coverage is 35 percent. No change to that is indicated. The current standard for maximum impervious surface coverage in the R-1 zone is 50 percent. The proposal is to reduce the maximum impervious surface coverage to 40 percent, which is actually higher than the existing development patterns; the GIS and permit research determined what is realized on the ground is close to 22 percent in the R-1 zone.

Commissioner Walter asked if reducing the allowed coverage to 40 percent from 50 percent could be considered to be a downzone. Mr. Carlson said property owners could still get to 50 percent coverage, but where feasible permeable surfaces must be employed beyond the allowed 40 percent impervious surface coverage.

Commissioner deVadoss asked about the comparability between traditional hard surfaces and pervious surfaces. Department of Utilities Assistant Director for Engineering Paul Bucich explained that significant strides have been made over the past 15 years to bring the cost of pervious concrete and asphalt down. Plants are now set up to run that type of material. While the cost is still incrementally higher, it is more than offset by a reduction in the amount of storm water controls that have to be built and maintained. For single family residential, it will cost

somewhat more for a permeable driveway, but with less water running off the site there is less storm water infrastructure needed for the neighborhood, and that theoretically reduces costs to property owners. The developer may actually net an extra lot or larger lots by freeing up what would otherwise be used for storm water facilities.

Ms. Drews noted that some cost information had been included in the EPA fact sheet that was included in the packet, as well as on low-impact development project website.

Chair Hilhorst suggested that the aesthetics of a community could be negatively impacted by not having retention ponds, which often serve as the only green areas within a neighborhood. She asked what homeowners can do under the current approach that they would not be able to do under the proposed approach. Mr. Bucich said tennis courts do not work well with pervious surfaces, and swimming pools are impervious surfaces in that they do not infiltrate into the soil. In reality, however, rainwater that falls on swimming pools and triggers an overflow will in most cases drain into the sewer system. The fact is that on-the-ground residential developments fall far below what is currently allowed in terms of impervious surface, so in most cases the new approach will not represent any constraints. The proposed target is 40 percent impervious surface, and with the extra ten percent, pervious surfaces must be used to the degree possible. There are provisions spelled out in the footnotes that allow for an out where the use of pervious surfaces is not feasible.

Commissioner Barksdale asked about the relative cost differences with regard to maintenance between pervious surfaces and impervious surfaces. Mr. Bucich said the answer is complicated. Porous asphalt can look very similar to regular asphalt. It has a very high porosity level and if used as a residential sidewalk it is necessary to make sure it is not under a lot of trees. Over the long term it is necessary to vacuum it; if really clogged up, jet blasting is required to clean it out. The same is true of porous concrete. Developers of large developments have found it is far more cost effectively to build with LID techniques. For the average homeowner, cleaning by sweeping or with a leaf blower is generally sufficient.

Commissioner Carlson asked about the costs of installing pervious surfaces over pervious surfaces. Mr. Bucich said generally speaking both are fairly comparable depending on a few factors, including the type of pavers and any desired aesthetic pattern.

Chair Hilhorst asked staff to gather and bring to a future Commission meeting data regarding the costs of both installation and maintenance.

Mr. Bucich said there are direct construction costs to homeowners and developers. The Department of Utilities works closely with the Department of Ecology to keep them from going down paths that would result in costs to homeowners in the form of evaluations and studies. What often gets lost in the conversations is the cost to the environment, and that is why Ecology has put the issue into the NPDES permit. The cost to the environment of development activities over time can be very high, and where it is most often seen is in storm water facility fees. It is often difficult to explain to individual property owners how what they do with their properties will benefit them over time, but reducing runoff will reduce stream degradation and will result in lower net costs, all of which play into utility rates.

Commissioner Morisseau asked if the design principles and guidelines as is meet the requirements needed for the permit. Mr. Bucich said they do and the intention is that the same will be true as 2017 begins. To get there will require making changes to the design standards.

The Department of Ecology and others are recognizing that by the time a developer or a homeowner is looking at how to address their storm water problems, they have already made decisions about how they want to develop their sites. The tools that are in place to address that are insufficient to prevent damages to the natural ecosystem. The idea of thinking about site development before design and before any dirt is turned is the next generation of storm water management, and that is what the principles are all about.

Mr. Carlson called attention to footnotes 49 and 50 associated with the maximum hard surface coverage percentages. He explained that footnote 49 calls attention to LUC 20.20.425 and exceptions and performance standards relating to hard surfaces, and footnote 50 indicates that where the application of permeable pavement has been determined to be infeasible using the infeasibility criteria in the Department of Ecology's storm water management manual, the maximum impervious surface coverage may be exceeded, up to the maximum hard surface coverage allotment.

Mr. Bucich pointed out that the work to revise the codes compliments the work being done to revise the engineering standards. Even if after all is said and done the pervious surface limits are not reduced from 50 percent to 40 percent, anyone coming in to develop a site will have to do the feasibility/infeasibility analysis according to the permit and the engineering standards.

Chair Hilhorst commented that it is always better to offer incentives for compliance, possibly in the form of lower permit costs for utilizing LID principles. She said she would not want to do anything that would take away from what property owners can do or to make it harder to improve their properties.

Commissioner Morisseau asked if property owners will have an avenue to dispute or challenge a finding that the criteria either are or are not met. Ms. Drews allowed that decisions are appealable to the hearing examiner and there is due process provided for that.

Commissioner Walter observed that no new ramblers are being built even though there is a growing demand as people age. The proposed approach will make it even more difficult to build that style of home. Ms. Drews reminded her that the GIS study looked at all of the development done throughout the city, including ramblers that were built back in the 1950s and 1960s. Staff believe that the proposed limits will accommodate anyone building a Rambler on their property. Commissioner Walter said it would be more expensive to build under the new approach. Mr. Bucich stressed that nothing in the proposal will change the percentage of structure square footage allowed on a site.

Mr. Carlson said the proposed new section related to hard surfaces describes the intent and applicability. In some ways it replicates the existing language of 20.20.460 related to performance standards, exceptions and modifications as they apply to pervious surfaces.

Commissioner Barksdale asked if the maintenance and assurance item F under 20.20.425 applies only to commercial properties. Consultant Brittany Port said it applies to any permeable surface installed on a residential or commercial property. As drafted, should permeable pavement be



implemented optionally, the Director could require a maintenance plan or long-term performance assurance. Mr. Bucich added that it would be a rare occasion to require a maintenance plan of a single family property owner. The exception might be a very large lot where a lot of impervious surface would trigger the need for a tank, vault or pond for which there would be a maintenance plan required. Ms. Drews said the Department of Development Services has a prepared template for maintenance plans that spells out what needs to be done; for homeowners, it is a simplified version of what is asked of commercial developers.

Mr. Carlson said paragraph G relating to existing hard surfaces is also similar to the existing language for impervious surfaces. It spells out that instances where legally established hard surfaces exceed the allowable limits, applicants can replace but cannot add additional hard surface. Currently, surfaces paved with pervious pavement or other innovative techniques are not included in the calculation of pervious surface areas. The proposal is to revise the language to make it clear that all permeable pavement will be included in calculating the maximum hard surface areas. Ms. Drews said the new approach seeks to balance the use of permeable surfaces with the loss of vegetation.

Chair Hilhorst asked how the use of Astroturf comes into play. Mr. Carlson said it depends on what lies beneath it. Rain will soak through Astroturf, but if the structure beneath it is impervious, the entire area would be considered to be impervious, whereas if there is no structure beneath, it would be considered permeable. An coverage exemption is included for non-residential uses such as parks, schools and churches in residential districts that allows up to 80 percent pervious surfaces.

Chair Hilhorst said when the single room rental issue was on the Commission's table, it was found that some homeowner's were paving their front lawns to accommodate parking for the residents' cars. While that should not be allowed, there may be instances in which homeowners may need to expand their driveways to keep extra cars from being parked on residential streets. She asked if any exceptions could be included to accommodate that need. Ms. Drews reiterated that the amount of hard surface coverage is not changed by the proposal. As proposed, up to 40 percent of sites can be covered with pervious surfaces, and permeable options are required to get all the way up to 50 percent. Where permeable solutions are not feasible, up to 50 percent can be covered with pervious surfaces.

Commissioner Walter asked if there is any chance the proposed approach could lead to land being considered developable that would not be under the current system. Ms. Drews said the proposal does not change anything about the critical areas ordinance.

## 6. PLANNING COMMISSION OFFICER ELECTIONS

(5:57 p.m.)

Chair Hilhorst opened the floor to nominations for Chair.

A motion to have Commissioner deVadoss serve as Chair was made by Commissioner Morisseau. The motion was seconded by Commissioner Carlson and the motion carried unanimously.

A motion to ask the current Chair to continue serving through the end of July was made by Commissioner deVadoss. The motion was seconded by Chair Hilhorst and the motion carried unanimously.

Chair Hilhorst opened the floor to nominations for Vice Chair.

A motion to nominate Commissioner Walter to serve as Vice Chair was made by Commissioner deVadoss. The motion was seconded by Commissioner Carlson.

A motion to nominate Commissioner Carlson to serve as Vice Chair was made by Commissioner Morisseau. The motion died for lack of a second.

The motion to nominate Commissioner Walter to serve as Vice Chair carried unanimously.

#### 7. ADJOURN REGULAR MEETING

(6:01 p.m.)

Chair Hilhorst adjourned the meeting at 6:01 p.m.

#### 8. CALL TO ORDER

(6:33 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioners Carlson and Laing, both of whom were excused.

#### 9. ROLL CALL

(6:33 p.m.)

A motion to approve the agenda was made by Commissioner deVadoss. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

#### 10. APPROVAL OF AGENDA

(6:34 p.m.)

A motion to approve the agenda was made by Commissioner deVadoss. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

## 11. PUBLIC COMMENT

(6:34 p.m.)

Ms. Pamela Johnson, 3741 122nd Avenue NE, addressed the tree canopy issue relating to low-impact development. She said if things are to be changed, it should be done right. The city should develop a policy for a 40 percent tree canopy as an important environmental resource. The lack of trees is a significant environmental justice issue that should be addressed right away. A strategic focused investment is needed to ensure the health of the urban forest. An urban forestry commission should be created focused on improving the health and sustainability of the urban forest. Portland, Seattle and Vancouver have adopted urban forestry commissions. Trees should be planted or retained as part of development and redevelopment. Single family developments have no requirement to retain trees, while short divisions, subdivisions and new planning and development are required to put trees on a map. Landmark trees should be retained and should be considered important community resources, and there should be community input. Notice to the public should be required for any tree retention issues where trees meet minimal standards. Historical significance and cultural importance should not be determined by staff. Currently, there is no public input into which trees should be saved. There should be 50 percent tree canopy for parking; one tree for every 20 stalls is not enough, even in the downtown. Trees provide shade, visual relief, and aid in storm water management.

## 12. PUBLIC HEARING

### A. Proposed Land Use Code Amendments: Eastgate/I-90 Land Use and Transportation Project

(6:39 p.m.)

A motion to open the public hearing was made by Commissioner deVadoss. The motion was seconded by Commissioner Walter and the motion carried unanimously.

Code Development Manager Patricia Byers said the Eastgate/I-90 CAC worked on the Eastgate issues between 2010 and 2012 in relation to both transportation and land use. The purpose was to evaluate land use and transportation conditions, policies and regulations in the Eastgate/I-90 commercial corridor, and produce a plan that builds on the area's assets of accessibility, visibility, job diversity, and stable nearby residential neighborhoods. The CAC's final report included recommendations for amendments to the Comprehensive Plan/subarea plan, the transportation plan, and the Land Use Code.

Ms. Byers explained that Volume 1 of the Comprehensive Plan contains the framework goals and the general elements, and that Volume 2 contains the subarea plans and the transportation facility plans. At the more specific level, the Comprehensive Plan contains regulations, including the Land Use Code, and plans, such as transportation facilities plans and capital facilities plans.

As development projects are submitted to the city, they are subject to review by different departments to make sure all of the requirements are met. At the end, the projects get implemented.

An environmental review is conducted at each stage under SEPA. The reviews are aimed at determining if a proposed action will result in probable significant adverse impacts, and whether the impacts can be mitigated. The SEPA review addresses things not covered by other ordinances or laws. One of those things is traffic.

The new zones Neighborhood Mixed Use (NMU) and Office/Limited Business 2 (OLB-2) were created as part of the Comprehensive Plan amendment in 2015 as recommended by the Eastgate/I-90 CAC. Both were subject to the notice process as required. The Transportation Facilities Plan is also subject to SEPA review. If the changes recommended by the CAC were not implemented, there would still be a 21 percent increase in traffic volumes in the Eastgate corridor by 2030. The preferred alternative is projected to result in a 27 percent increase in traffic volumes by 2030, but if the land use alternative is implemented without the proposed transportation changes recommended by the CAC, there will be a 26 percent increase in traffic volumes by 2030. The incremental increase tied to the recommendations of the CAC are not as much as will occur with just general growth. Growth is coming and there is a need to manage it in a way that will work for people. Where the rubber hits the road is during project review, because that is where it can be determined how trips will be generated and what mitigations are needed.

The three new districts proposed for Eastgate are the Eastgate Transit Oriented Development (TOD), OLB 2 and NMU. The TOD is intended to leverage the park and ride. The OLB 2 responds to the need to accommodate services employees want, such as restaurants and dry cleaners, close to where they work. The NMU contains a mix of residential and commercial/retail serving the local neighborhood. Within each zone there are specific uses allowed, along with specific dimensional requirements, development standards, and design guidelines.

Ms. Byers shared with the Commissioners a map of the Eastgate/I-90 area that showed the existing and proposed land use districts. She noted that the TOD is intended to provide for a mix of housing, retail, office and service uses, with an emphasis on housing. It covers about 40 acres adjacent to the existing park and ride. The FAR is proposed to be 2.0, with an exception of up to 1.0 for affordable housing, open space, public restrooms, special dedications and transfers. The maximum building height is 160 feet, except that parking garages would be limited to 45 feet. The parking requirement is reduced for the area

The OLB 2 district is intended as the location of offices, hotel/motel and eating and drinking establishments. The district is applied in areas that have convenient access to freeways, major highways and transit. The FAR is limited to 1.0 and the maximum building height is 75 feet. Residential uses are not allowed in the district, so there is no affordable housing bonus proposed.

The vision for the NMU is for a district with a mix of retail, service, office and residential uses. The retail uses would be on the first floor of buildings with residential above. The district is designed to be compatible with nearby neighborhoods and easily accessible by nearby office and residential uses. The FAR is 1.0 and the maximum building height is 75 feet. The affordable housing exception of up to 1.0 FAR is available in the district.

Ms. Byers said where there are NMU properties that takes advantage of the affordable housing exception, the overall building height should not exceed that of a house on a hill in a residential zone adjacent to it. The notion plays into the idea of the transition area design district which provides for buffers and other types of mitigation to ensure that the impacts of development in the more dense neighborhoods play nice with abutting residential districts.

Conformance amendments will be included to ensure that the new amendments conform with the code.

Implementation Planning Manager Eric Miller for the city's Department of Transportation. He explained that the Comprehensive Plan serves as the vision for the city. Within it are the Transportation Element in which are housed the long-range transportation facility plans. Those plans are used to inform the Transportation Facilities Plan (TFP) and the Capital Investment Program (CIP). The 12-year TFP is a citywide prioritization of projects; it involves a programmatic environmental analysis, and it forms the basis for the transportation impact fee program, which are fees development pays to help build facilities that serve their traffic impacts on the transportation system. The current TFP was adopted in December 2015 and covers the years 2016-2027. The CIP is the funded budget for capital improvements, including transportation projects.

The Commission was shown a map with suggested Eastgate improvements that included roadway/intersection projects, ped/bike projects, freeway projects, and transit projects.

Mr. Miller explained that under the Growth Management Act, jurisdictions are required to adopt concurrency ordinances. Concurrency is a system to determine the ability of the transportation system to support growth that is caused by new development. An analysis is made of each new development proposal submitted to determine the new trips the development will generate, and a determination is made as to whether or not the existing and funded transportation improvements can accommodate them. The analysis takes into account all existing land uses and factors in all approved development and adopted CIP projects. Each development proposal must meet the minimum thresholds tested for. Within the Transportation Element of the Comprehensive Plan, there are concurrency standards for each of the individual Mobility Management Areas, of which Eastgate is one that has an adopted V/C standard of 0.9, which is a measure of traffic going through system intersections identified in the transportation code and the volume those intersections can handle. The average of the seven system intersections must be within the standard; up to four of the intersections can exceed the standard so long as the average remains below the 0.9.

Each year, or as otherwise directed, an analysis is done of the city's concurrency system. The 2016 iteration was recently completed and it found that currently the overall average within the Eastgate MMA is 0.64, well under the standard. Only one of the seven system intersections is currently exceeding the standard.

Ms. Byers said the SEPA analysis that happens at the project level has three tiers. The first standard under state law is significant probable adverse impact. If it is determined there is that kind of an impact, the focus turns to whether or not it can be mitigated. Mitigation for long-range concurrency can include reducing the size of the development to generate fewer trips; delaying development until the city or others provide the needed improvements; constructing the needed improvements; or paying the money for the improvements. For mid-range mitigation, developers can pay traffic impact fees at the rate of \$4703 per net trip generated. Short-range mitigation can include a review of intersection operation, trip generation, and other transportation issues.

Ms. Byers said the issues raised by the public during the open house and as the study moved forward centered included the degree to which the park and ride is full and what will be done about transit. She said she raised the issue with King County Metro planners and found that the document they have posted to their website is only a visioning document that represents the first step in their planning process. It is a very general document that does not even include projects. No mention is made of expanding the Eastgate park and ride, but that does not mean it will not happen. She said she learned that the cost of a new park and ride facility runs approximately \$80,000 per space, so Metro is looking at ways to use the space they have more effectively, including encouraging walking and biking to the park and ride, and permitting carpool parking. It is true that some who are parking at the Eastgate facility are actually going to Bellevue College, and the college is taking steps to keep that from happening.

Metro continually reviews its routes for crowding, levels of service and on-time service. Changes are formally made on an annual basis, but they also adjust in response to customer input. Metro has a regional grant to increase the speed and reliability for Route 245 that runs between Factoria and Kirkland, and improvements there may help with the Eastgate corridor as well. Currently, Route 271 makes a circuitous route using Eastgate Way and 148th Avenue SE before going through the Bellevue College campus. The Bellevue College connector plan would have the buses using Kelsey Creek Road, Snoqualmie River Road and 142nd Place, reducing the county about \$500,000 annually, decreasing the time it takes to get to the campus, and decreasing the amount of bus traffic on 148th Avenue SE.

Mr. Cullen said the CAC put an enormous amount of work into developing the Eastgate/I-90 land use and transportation project. One of the concerns raised early on was wanting to see the corridor revitalized in a way that would result in a minimal need for additional transportation improvements. Since the CAC completed its recommendations, there have been no less than 35 presentations made to various groups, including the City Council and the Planning Commission, regarding the project. All of that work has brought the project to its final phase, which is the Land Use Code amendments. The proposed amendments clearly address what the CAC recommended relative to the physical constraints, the need for economic vitality, mobility, land

use and transportation integration, connectivity, transportation infrastructure, environmental sustainability, urban design quality and coherence, and incorporation of the Mountains to Sound Greenway. A large number of groups were involved ranging from businesses to residents.

A great deal of technical analyses were done and background reports were drafted. Taken together, the work shows the proposal does not represent a casual thought to change some land use zoning districts and to create some new ones; there is an enormous amount of weight and planning that has gone into it. The proposal represents the work to translate the direction given into zoning districts and Land Use Code amendments.

Mr. Cullen briefly reviewed the FAR and maximum building height for each of the new proposed zoning districts and demonstrated how the proposal reflects what the CAC called for. He allowed that transportation is currently an issue for the area but stressed that it has been accounted for in the transportation facilities work program. Improvements have been put into the financially constrained 12-year TFP that will eventually ended up in the seven-year fully funded CIP.

(7:34 p.m.)

Mr. Pat Callahan, CEO of Urban Renaissance Group and Touchstone, 215 River Road Northwest, Bainbridge Island, said he has been involved the local office market for about 19 years. He said he has been advocating for zoning changes in the Eastgate/I-90 corridor since 2008. He noted that he had attended every single one of the CAC meetings. Currently, what is proposed to be the TOD zone is a sea of parking. The investments made in the transit center total some \$65 million and the proposed land use changes are designed to take advantage of that significant investment. As proposed, however, there is a requirement for residential to be included in the master development plan, but including that requirement would be a mistake. Allowing for residential is a good idea, but going from what is there now, where there are absolutely no amenities, to an amenity rich walkable environment is going to be challenging to achieve economically. The concept talked about with the CAC included making sure density can be gradually increased through the construction of two 12-story buildings, thus producing enough mass to have the amenities and enough income to invest in a pedestrian corridor in the zone. Once that is done, residential can be considered in the zone. It will be too difficult to finance a residential tower in the middle of an office park in the initial phase. Building height to allow for 12-story buildings will be needed to support all of the costs of getting to the next phase of development. The stories above the fourth floor will have commanding views of the Mountains to Sound Greenway and that will bring in rents that justify the development. In practice, that will require building heights of 170 feet, including rooftop equipment. Additionally, driveways should be added to the list of permissible interruptions given the importance of driveways to the flow of traffic in the corridor. The street grid that is in the development actually conflicts with some of the street grid that is in the planning documents, and it would be preferable to have some consistency.

Mr. Jack McCullough, 701 5th Avenue, Suite 660, Seattle, said the penultimate page of the packet distributed to the Commissioners shows the street grid that is included presently in the plan. He pointed out that one of the streets intersects with the probable location of a future tower. He noted that also included in his handout were specific recommendations for change to the proposed Land Use Code amendments. He said the 45-foot allowance for parking structures needs to be increased by about ten feet to allow for retail on the ground floor. With regard to residential, he noted that the language of 20.25P.020.B.1.a says the master development plan must indicate where residential will go, and in fact says it must guarantee that residential will be developed. The guarantee is the issue. There is no historic market for multifamily in Eastgate, so there is no demand and no proven ability to get it done. The guarantee could result in having the opposite effect of what is intended. The CAC report includes a section that suggests a policy requiring some residential, but the report provides the foundation for the Comprehensive Plan amendments looked at by the Commission about 18 months ago and which the Council adopted about a year ago. Those Comprehensive Plan amendments, S-EG-1, S-EG-2, S-EG-3 and others, talk about ensuring that the TOD center can be developed with significant density. To require a guarantee up front would be inconsistent with those policies in that it will prevent the development of the TOD in the near term. Alternative language should be included that calls for preserving locations for future multifamily development, and for not precluding multifamily development.

Chair Hilhorst pointed out that the discussions to date have included the need for housing close to the college. She asked where the break point is. Mr. Callahan said Bellevue College was well represented during the CAC process, and that triggered several discussions about the college's plans. The space by the south entry was identified as a potential location for housing. The problem with the TOD site is that there is not enough density yet to support a six-story residential building. The idea is that once the college finished building out its residential plan for the campus, the TOD site will become a natural site for more housing, including the bridge to the campus from a parking structure, but that is 20 or 30 years in the future.

Commissioner Walter said much has been said about the cost per parking stall and the need for additional height to support the investment. She asked where the revenue source would be if the garages were built with no surrounding development to support it. Mr. Callahan said there are currently five buildings that collectively equal 250,000 square feet. The thinking is that the two additional towers totaling 500,000 square feet in the middle of the project will help to create a place. Support for the parking garage would come from the 750,000 square feet, and that level of density would in turn support coffee shops, lunch places and other amenities.

Mr. Dan Phillips, 4211 135th Place SE, said an increase in commute delay is an increase in commute delay. Concurrency should be targeting improvements. An A would be holding the line, and a C would be not making things any worse than it would be through normal growth in the region, maybe one percent. Allowing an increase of 26 percent or so would not be any better over leaving things as they are. It is not clear as to where all the data is coming from or its timing. During the summer months traffic is always lighter because school is out, and if the studies are done in the summer things could seem okay. Transportation improvements need to be



made before the construction happens, but it looks more like the city is hoping it will happen. If the cornerstone of supporting more automobiles is adding an additional lane on each side of I-90 between 150th Avenue SE and Issaquah, there is a problem. More development will mean more people coming into the area by car. There is hope that some will come by bike and some will come by bus, but the transit center is near capacity already and the park and ride is full. There are quite a few amenities already in place for people who work in the area, and food trucks pick up a lot of the slack. Changing the OLB to allow for more people and more traffic in the area should certainly be support for the businesses that are there. More businesses could be added to the first floor of buildings. One concern is having bigger buildings that will require more energy to be used, and with more HVAC systems running there will be more noise, all of which will impact people immediately adjacent to the area. It is a good proposal to keep building heights down so they do not interfere with existing residences, but there are other considerations, including traffic. Any parking garages put in should have direct access to the freeway to reduce traffic on surface streets.

Chair Hilhorst noted that 20 hands were raised in support.

Mr. Clark Kramer, 15531 SE 37th Street, spoke representing the Trailer's Inn RV Park. He noted that the site is under consideration for a zoning change to NMU. He said he has been involved in seeking a zoning change since 2007. As proposed, the site will be afforded an FAR of 2.0, but the limitation of having 1.0 FAR being for affordable housing bring everything to a halt. From the economic standpoint, no one will redevelopment the site. The site should be given an FAR of 2.5. The site is unique in that it was originally a gravel pit and is currently zoned General Commercial (GC). The site stands ready to be redeveloped. With an FAR of 2.5, it would be possible to include between 65 and 75 affordable housing units in the project. Under GC, the site is allowed to do a number of different things. Going to NMU will take away the ability to have auto dealerships, paid parking lots, auto garages and other uses from a site that is directly adjacent to the freeway. If there are to be restrictions relative to lot coverage, and 1.0 FAR for affordable housing, and a removal of the currently allowed uses, the property will actually be devalued. The currently allowed uses should continue to be permitted.

Mr. Ross Klinger, 500 108th Avenue NE, Suite 2400, said he is the listing broker for the Kramer family's Eastgate RV site. He said he has an unprecedented number of buyers interested in property of that type. The city and the region needs new apartment units and it is up to the Planning Commission to adopt a reasonable land use alternative that allows an FAR of 2.0 and a new zoning district. The Puget Sound vacancy rates are at 3.3 percent, which is below the 20-year standard of 5.0 percent. The Puget Sound area added 61,373 residents in the last year, surpassing the seven million mark. In January 2016, 10,700 people moved to the area, which is 600 more than the same month in 2015. The Puget Sound economic forecast is for the region to add 125,500 jobs over the next three years. A total of 12,500 new residential units came online in 2015, and 15,000 new units are expected in 2016. The unknown is where all those people are going to go. More units available will mean fewer rent increases. The market can easily support a residential project on the RV site.

For the benefit of Chair Hilhorst, Mr. Klinger clarified that there is enough of a market demand for housing. He added that in the past nine months the LIV project in Bel-Red has gone from 92 units leased to 408 units leased, an average of 35 units per month. The demand is there.

Mr. John Shaw, 4555 193rd Place SE, Issaquah, spoke as director of multifamily acquisition for American Classic Homes. He said while close, the proposed NMU zoning misses the mark. The proposal for an FAR of 1.0 for market-rate housing and 1.0 for affordable housing, there is no economic viability for the developer, primarily because it costs the same to build the affordable units but the allowed rents are lower. As proposed, the NMU zoning on the RV site will yield a very skinny seven-story structure with no affordable housing. American Classic Homes builds affordable units into every one of its projects, and it can do so because of incentive-based zoning. In Seattle the multifamily tax exemption program allows for up to 25 percent of the building to be affordable because of the tax credits. In Bel-Red, essentially 20 percent of the bonus FAR goes to affordable, making it economically viable to build them. There is a clear demand and the company wants to build a project on the RV property, but the limitations are a concern. The site is viable since it will be five stories of wood over two stories of concrete, an approach that supports where rents currently are. However, ten- or twelve-story buildings require solid concrete and the rents in the Eastgate area will not support the cost. American Classic Homes wants to provide affordable housing, but as proposed that would not be possible. A traffic engineer was hired to do a peer review of the report done, but was directed to consider an FAR of 2.5 on the RV site. He found the net result of going from an FAR of 1.0 to 2.5 would be a half second delay at the intersection by the car dealership.

Chair Hilhorst asked about the site coverage percentages. Mr. Shaw said as written structures can cover 35 percent of the 3.3-acre site. It is also being proposed that the maximum pervious surface coverage should be 60 percent, and up to 80 percent if pervious surface, but the pervious surface installation costs are about double. Chair Hilhorst asked if more of the site were allowed to be developed with structure if there would be any advantage to a larger footprint coupled with a shorter building. Mr. Shaw said going that route would preserve views for nearby properties. Issaquah allows up to 80 percent pervious surface coverage but allows less height.

Commissioner Walter asked for a response to the comments from the public regarding traffic concerns. Mr. Shaw said traffic is always one of the first things analyzed in looking at doing a project. That is why at such an early phase a peer review has already been conducted. A number of things will be required as part of getting a building permit, including improvements to the intersection.

Mr. Brian Palidar with Group Architect, 1735 Westlake Avenue North, Seattle, said he served as principal in charge and the primary designer for the LIV project in Bel-Red. He provided the Commissioners with copies of alternative code language for the NMU zone. He said the FAR needs to be in the 2.5 range in order to be feasible, but there are also details that come with that number in order to make it all work. He proposed setting a base FAR of 1.25, and allowing an additional FAR of 1.25 through the provision of amenities such as affordable housing, at a ratio of five square feet for every square foot of affordable housing; senior housing; trail dedication;

improving pedestrian connectivity; parks and open spaces; and sustainable certifications. He said while the developer wants to see affordable housing included, not every development would choose to utilize all of the elements of the amenity system and as such they should be allowed to pay a fee in-lieu. Some of the proposed footnotes are items of concern. With regard to the LIV project, counting the cross sectional tower area, comes in at right about 40 percent lot coverage, which is more than the proposed 35 percent in the NMU. In Bel-Red, there is an allowance for up to 75 percent impervious surface pervious surface, whereas the proposal for the NMU is only 60 percent. It makes sense to have commercial and retail uses at the ground level, but it should be done where it makes sense; forcing everyone to do retail or office space could result in a lot of empty space.

Mr. Anthony Allison, 15053 SE 44th Street, said the concerns he and his wife have is the RV site that could end up being a site for affordable housing. The big issue is traffic and it does not seem that an R-20 site in that area will help what has been a problem for years. The schools are at maximum capacity already which means the teachers, students and parents are all stressed. He said his son's teacher has had enough and is moving. Until the school's catch up with the density, the kids will continue to suffer. There is no funding or plans to address the current bottleneck, so it will get worse. The zoning should not be changed until traffic is addressed. The area has seen an increase in crime as well, and he noted that he personally has been robbed three times in the last three weeks; increasing density will increase the crime. There is a clear demand for the housing, but the facilities are not in place to accommodate it. The RV site should be changed to R-20.

Ms. Angela Allison, 15053 SE 44th Street, said she has lived there for 15 years and every year has seen more and more traffic in the intersections, largely due to overcrowded freeways. She said every day in going to work she has to maneuver around the bottlenecks. She said she lives only seven miles from where she works, but the commute can take up to 45 minutes, especially to get home. She said her son's kindergarten and first grade teachers have both said they were moving away because the number of kids they have to deal with is just too much for them. The question is how many years it will take for school services to catch up with the demand.

Chair Hilhorst noted that 12 hands were raised in support.

Ms. Leslie Geller, 15102 SE 43rd Street, commented that Bellevue calls itself a city in a park, but often it feels more like a city in a parking lot. She said he has been in her home for 22 years and just completed a full remodel. She said she has always been happy with the neighborhood but after attending the open house and finding out what is being planned for the Eastgate corridor, frustration and anger set in. She said she would have reconsidered her remodel had she known. Traffic is a huge challenge. If there is going to be a 21 percent increase in traffic even if nothing is done, something should be done to mitigate that increase. The established neighborhoods will be the losers if the plans go forward.

Chair Hilhorst noted that 12 hands were raised in support.

Ms. Sue Israel, 1709 134th Avenue SE #9, said her main concern is traffic. It can take 15 to 20 minutes to travel from Factoria to Eastgate when in fact it should take less than five minutes. Coming down 148th Avenue SE to go to 150th Avenue SE in front of Albertsons, it can take 15 minutes, but it should not take that long. The city should look at the traffic before approving a rezone. The city and the state should work together to get rid of the traffic before allowing more people into the area. She said where she wants to go she cannot take a bus or ride a bicycle.

Chair Hilhorst noted that 14 hands were raised in support.

Ms. Esther Drukman, 1709 134th Avenue SE, #15 said she loves the vision for the Eastgate area, but there has been no evidence presented for how the plans could be carried out with the amount of cars on the streets. She said she was told at the open house that she did not need a car, that she could take a bus, but she said at her age taking the bus or riding are not options. Nothing has been said about where those who will work in the big buildings will be able to park. The public is confused and angered for the fact that they cannot get around the streets quickly and efficiently. It takes 30 minutes to get to work three miles away.

Chair Hilhorst noted that ten hands were raised in support.

Ms. Linda Nohavec Belliveau, 3273 163rd Place SE, said she understands that a great deal of work goes into planning, but said she was just learning about the process. She said she and many of her neighbors were not notified, so it is alarming to find out the work has been going on for six years. The map shows no greenbelts, no wetlands and no parks other than Robinswood Park. With regard to traffic, she asked what the 0.9 LOS equates to in terms of seconds of delay per stoplight. Traffic mitigation usually means just putting in one more stoplight somewhere. It appears that no one has looked at or addressed the cumulative impacts. She said she no longer commutes but chooses to work out of her home, and when she does go out she makes sure it is between the hours of 10:00 a.m. and 3:00 p.m.

Chair Hilhorst noted that 14 hands were raised in support.

Mr. Brian Hartman, 2969 14nd Place SE, #9, said his home is very close to Bellevue College and his concerns are primarily in regard to transportation changes in the area. He said he is not opposed to many of the changes as proposed but are concerned with many of the details, including the increased traffic. The road that goes through the college campus is already close to housing units and the increased traffic will need to be buffered. The intersection off of 142nd Avenue SE that provides access to the college is a multiway stop and some changes are proposed to it, though it is unclear how that might change the entryway into his residential complex. Residents of the complex have seen an increase in crime and it is unclear what will happen if more students are moved through the area. He said he also did not receive notice of the process.

Chair Hilhorst noted that eight hands were raised in support.

Mr. Jonathan Loch, 6129 127th Place SE, said it is a privilege to be part of a community discussion where everyone can express their view. He said he is not a resident of the Eastgate area but rather lives in Newport Hills but certainly is a member of the larger Bellevue area. He said it has been said that affordable housing will only be feasible if an FAR of 2.5 is allowed due to economics. He said he and his wife grew up in south Bellevue, met and got married, sought graduate degrees out of state, and returned to the area to be close to family. However, it has not been possible to find any housing that is affordable, so the decision was made to move in with his parents. He said the desire is still to have a place of their own, and that will require having housing that is affordable, and to have it in the Eastgate corridor would be very convenient. Having transit options would be very important, including bike options.

Chair Hilhorst noted that five hands were raised in support.

Ms. Michelle Wannamaker, 4045 149th Avenue SE, said traffic and transit is an important part of the Eastgate project. The CAC even put it in the name of its report. Much has been heard about the Land Use Code, but the CAC recommendation included city street improvements, Metro improvements, Sound Transit improvements, WSDOT additional lanes on I-90 in addition to the Land Use Code. The city is ignoring all the rest of it and is just going ahead with the Land Use Code. The need for infrastructure is clear and it feels like the city cares enough about Eastgate to exploit it but not enough to invest in it, and not enough to invest in the CAC-recommended surface street improvements. In the Transportation Facilities Plan, the projects shown in red represent capacity improvements, and there are no red projects anywhere near Eastgate. No work will be done on any of the projects identified in the TFP in Eastgate in the next 12 years. The proposed levy does not include any Eastgate projects either. The city does not care enough about Eastgate to pressure Metro to make improvements in a timely manner. The Eastgate project is based on transit, which is Metro, and Metro's recently released draft long-range plan does not have any enhancements starting for another nine years. Transit cannot be used if there is no room to get on the bus, so that means the 9000 to 10,000 additional residents will be driving to and from work on Eastgate's roads. Little has been said about Appendix B, the transportation strategic report. It has been said that the LOS standard for the area is 0.9, and according to the Comprehensive Plan that is a D-. According to LUC 14.10.30, Eastgate is allowed to be a D- and that up to four intersections can exceed that level. The strategy report identifies the congested intersections. Staff talked about the LOS conditions as of 2009 but did not say that four of the intersections at that time would violate the standard even without growth, and that another four were close to violating the standard. Traffic is much worse now than it was in 2009 so those additional intersections have to be over the level of service. The intersection of 150th Avenue SE and SE 38th Street is shown at level A, the best possible, but the map in Appendix B shows the same intersection as red or heavily congested. That is an indication of how much worse traffic has gotten. Without traffic and infrastructure improvements to mitigate the Eastgate project, it would violate the city law.

Chair Hilhorst noted that 13 hands were raised in support.

Ms. Betsy Hummer, 14541 SE 26th Street, voiced appreciation for the work of Michelle Wannamaker on NextDoor to get such a great turnout. It is unfortunate that the city notification process is lacking at so many levels. It is something that needs to be addressed on a citywide basis. Traffic is the issue most talked about. She said it sometimes takes her 30 minutes to go from her house to the South Bellevue Community Center, a distance of only two miles. It is not just those who live and work in Eastgate, it is the surrounding areas. It is known that there is cut-through traffic from the south end of the county over to 150th Avenue SE trying to avoid I-405. There is also cut-through traffic on Newport Way that impacts the Eastgate area. People in Factoria, many of whom work at T-Mobile, use different church parking lots in the Eastgate area, which brings in additional traffic. Part of the problem is the limited options for getting across the freeway; more overpasses are needed.

Chair Hilhorst noted that 13 hands were raised in support.

Mr. Todd Woosley, PO Box 3325, spoke representing the Kramer family. He spoke in favor of the alternative feasible zoning code. He agreed that traffic in the area is awful and said he hates congestion as much as anyone. It will be necessary to work together to solve the issues. He said the state has agreed to fund a pair of new lanes on I-90 between Eastgate and Issaquah. The project, which was not anticipated by the CAC, is in design and will help to relieve the morning and evening commutes. It is not the only improvement needed, however. The intersections that have been identified in city plans need to be improved, but there is no funding currently identified for them. The Council is considering a levy that would in part generate funds for transportation improvements, and there will be three open houses next week. He said he would not be supporting the project for the Eastgate RV site if it did not fit in. Statistically, the potential half-second delay at intersections is not the problem. He shared with the Commission a short video showing how the proposed project would fit in with the NMU zoning. He noted there would be up to 75 affordable units and many more market-rate units. The site is one of two that was identified in the CAC report as having become economically obsolete. The site is nicely buffered from the neighbors by the existing trees. The existing city right-of-way on the property could be improved to provide access to the Mountains to Sound Greenway. He also shared with the Commissioners a rendering showing what a project with an FAR of 2.5 could look like.

Chair Hilhorst noted five hands raised in support.

A motion to close the public hearing was made by Commissioner deVadoss. The motion was seconded by Commissioner Walter and the motion carried unanimously.

**\*\*BREAK\*\***

(9:01 p.m. to 9:05 p.m.)

### 13. STUDY SESSION

A. Proposed Land Use Code Amendments: Eastgate/I-90 Land Use and Transportation Project

(9:05 p.m.)

Chair Hilhorst reported that given the time the study session would be postponed to the Commission meeting on July 13.

14. PUBLIC COMMENT – None

(9:06 p.m.)

15. ADJOURN

(9:07)

A motion to adjourn was made by Commissioner Morisseau. The motion was seconded by Commissioner deVadoss and the motion carried unanimously.

Chair Hilhorst adjourned the meeting at 9:07 p.m.

CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
STUDY SESSION MINUTES

July 13, 2016  
6:30 p.m.

Bellevue City Hall  
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Commissioners Carlson, Barksdale, Morisseau, Walter

COMMISSIONERS ABSENT: Chair Hilhorst, Commissioners deVadoss, Laing

STAFF PRESENT: Terry Cullen, Department of Planning and Community Development; Trish Byers, Carol Helland, Department of Development Services; Franz Loewenherz, Department of Transportation; Wayne Carlson, AHBL

COUNCIL LIAISON: Not Present

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

(6:38 p.m.)

The meeting was called to order at 6:38 p.m. by Comprehensive Planning Manager Terry Cullen who presided until the Commission elected Commissioner Walter Chair Pro Tem.

A motion to appoint Commissioner Walter to serve as Chair Pro Tem was made by Commissioner Carlson. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

2. ROLL CALL

(6:39 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Chair Hilhorst and Commissioners deVadoss and Laing, all of whom were excused.

3. APPROVAL OF AGENDA

(6:39 p.m.)

A motion to move the draft minutes review to the July 27 meeting and to approve the agenda as amended was made by Commissioner Morisseau. The motion was seconded by Commissioner Carlson and the motion carried unanimously.

4. PUBLIC COMMENT

(6:40 p.m.)



Mr. Ian Morrison with McCullough Hill Leary, 701 6th Avenue, Suite 6600, addressed the Conner Building project on 108th Avenue NE. He noted that the request had previously been made to bring the site into the Downtown-O2 zoning. The site lies midblock on 108th Avenue NE and currently has split zoning. In thinking about strategic opportunities for infill density, the site offers the opportunity for a downtown transit-oriented development. The Downtown Livability Initiative principles call for being respectful of the residential adjacencies, and the site is an opportunity to enhance a graceful transition. The Conner Building currently is under Downtown-Residential, which allows height up to 200 feet. If brought into the Downtown-O2 zone, additional height would be allowed and would accentuate the wedding cake in a graceful way. The site is already entitled under the residential zoning, but the site could be memorable and contribute to a distinctive skyline if moved into the Downtown-O2 district while adding to the density of the downtown and supporting downtown livability.

Mr. Dave Meissner, 888 108th Avenue NE, indicated that he supported the previous speaker's comments.

Ms. Linda Nohavec, 3273 163rd Place SE, noted that citizen concerns and questions have been marginalized by city staff driving policies that justify and advocate for tax incentives for development. She said she has a long history of serving in the public sector and understands the process and constraints the commissions are under which makes it difficult for them to be objective when materials are collated by the jurisdiction mandating the agenda. In certain aspects, conflict of interest is apparent at many levels and is especially challenged the stakes are driven by developer interests. Dedicated citizens engage in presenting challenges to the findings of fact, rebuttals to studies, concerns about transparency and accuracy of city data that is buried in a quagmire of land use terminology, and defaults or cites to the Comprehensive Plan. Written or verbal comments should encourage a public podium for the Planning Commission to better guide decisions in the public interest rather than support special interest objectives known or unknown. The obvious conclusion here is that the collective concerns have been viewed as futile expressions. Homeowners recognize the land use change will promote a devaluation of their homes and properties through being impacted by the increased density, traffic congestion, already below code compliance standards, greater numbers of students to the already overburdened schools, noise pollution, and deforestation. She said she has read the reports and knows how to interpret their true scale, identify inconsistencies, potential abuse of the FAR, and nebulous terms such as "may," "encourage," "recommend," "consider" and "promote," none of which provide sound land use directives but which are open to independent consideration and unenforceable action. Since many in the Eastgate area only recently became aware of the second attempt to change the land use designation, it is evident the majority of affected residents are unaware of the activity. Historically, the first Land Use Code proposal for Eastgate was denied in 2005 through the actions of citizen intervention opposing the same developer. The community is disappointed at the lack of due diligence in the notification process but is not surprised.

Ms. Michelle Wannamaker, 4045 149th Avenue SE, added to Ms. Nohavec's comments by formally requesting the city to alert the affected zip codes by postal mail to allow a true reckoning of citizens objecting to the mandate. If the concerns continue to be abated, it will be attorneys asking the questions as they are currently studying the land use and transportation dogma. The neighbors are aligning as the Eastgate community group to manage sustainable growth. Development and reasonable growth can be supported provided it does not diminish or burden resources, services, infrastructure or property values. The Commission may argue that the citizens have come late to the table, but if adequately notified at the outset, the process would have been undertaken earlier advocating a conscientious growth mandate that addresses the

cumulative effect of all development the city of Bellevue envisions for the region. A particular city of Bellevue finding surmises exactly what the concerns are. Item C, this amendment is not contrary to the best interests of the citizens and property owners of the city of Bellevue. The supposition surely requests a greater disproportionate level of understanding by the city of Bellevue of current challenges in the Eastgate community.

Mr. Clark Kramer, 15531 SE 37th Street, asked the Commissioners to review the alternative zoning proposal previously submitted regarding the Eastgate RV park site. He said the supplemental code for determining FAR would still be considered by the Council. If for some reason the zoning stays with what the city is recommending, nothing will happen on the site because redevelopment will not be feasible, and the current allowed uses should be retained. If the new zoning is approved, there is not a real estate agent or broker or developer who will touch it because the numbers do not work. To then limit what can be done with the property under the current General Commercial zoning would take away the ability to do anything with the site.

Commissioner Walter asked if the use on the property would be changed to something else if the General Commercial zoning were to be retained, or if the current use would be retained. Mr. Kramer said the current use would continue.

Ms. Cal McAusland, 10210 NE 8th Street, said he represented himself along with his neighbor to the north, Rod Binden at 810 102nd Avenue NE, and MD Investments at 820 102nd Avenue NE. The property is located at the corner of NE 8th Street and 102nd Avenue NE across the street from Nordstroms and QFC and is the site of Starbucks, See's Candy and Pasta and Co. The properties lie in the current downtown Deep B district. No specific project has been proposed but the overlay is of concern for the future of the site. The recommendations of the staff and the Commission to allow for increased heights in the area are encouraging. The increased height while keeping the FAR the same will enhance the livability of downtown Bellevue. There is, however, an inadvertent consequence to what has been proposed. There are two components under consideration for determining heights, that the property and the zoning will have an increase in potential height for residential to 160 feet, and that if a site is large enough to support more than one tower, there is the ability to go up to 240 feet provided the average of the two towers is no more than 200 feet. The approach is a good way to achieve some of the goals of the livability study. However, there is the unintended consequence of limiting single building sites to 160 feet, while larger properties with the same zoning could have buildings up to 240 feet. He said his site is a single acre in size and could support various sized residential towers, but the neighbors to the east could have two 240-foot towers, and the QFC property could have one if not several 240-foot buildings given their larger property. Different language in the building code should be used that would allow for a single building site to have the same maximum potential height as multiple building sites in the same zoning. The wedding cake approach has served Bellevue very well over the years, however the unintended consequence of limiting smaller building sites to 80 feet less than neighbors with larger sites, which in many cases are closer to the perimeter, has the potential to reverse the wedding cake goal.

Mr. Brian Brand with Baylis Architects, 10801 Main Street, Suite 110, shared with the Commissioners an exhibit that highlighted the unintended consequence. He presented a schematic that demonstrated the difference between a 160-foot tower on the subject property and a 240-foot tower on the adjacent properties. If allowed to go to 240 feet, without increasing the FAR, the resulting tower will be taller but narrower, creating less of an impact in terms of the floor plate.

Mr. Todd Woosley, PO Box 3325, spoke representing the Kramer family, owner of the Eastgate

RV site in the proposed Neighborhood Mixed Use (NMU) zone. He said the family has owned the property for over 50 years and would like to have a code that would allow them to sell the property to someone interested in building multifamily housing. He agreed that traffic congestion is a problem in the Eastgate corridor but stressed that the proposed redevelopment of the site would remain in compliance with the city's code. The good news is that the state is funding improvements on I-90 that will provide additional capacity between Eastgate and Issaquah, which will relieve a significant amount of congestion at Eastgate intersections. Additionally, the Council has decided to move forward with putting a transportation levy on the ballot in November; if approved, some of the funds will go toward congestion relief for neighborhoods. Specific alternative code language has been requested for the NMU district. In the Commission packet are two alternatives, neither of which is consistent with the requirement that the amendment not be contrary to the best interest of the citizens and property owners of the city of Bellevue. The second alternative has a base FAR of 1.0 and an incentive FAR of 1.0 in exchange for providing affordable housing, which makes the approach essentially worthless. The base FAR should be 1.25 and the incentive FAR should also be 1.25. Of the incentive FAR, 20 percent should be dedicated to units affordable to people making 80 percent of the area median income, an approach that is consistent with other city codes and approaches taken by other jurisdictions in the area.

Mr. John Shaw, 4555 193rd Place SE, director of multifamily acquisitions for American Classic Homes, said he has been working with Mr. Kramer on the RV site in Eastgate. He reiterated the call to consider the alternative language for the NMU zone. The staff proposal for a base FAR of 1.0 and an incentive FAR of 1.0 will result in very little or more likely no affordable housing. The alternative language as proposed will.

Commissioner Carlson asked how many units exist as part of the RV park. The answer given was 100. He asked how many units would be part of a redevelopment scenario under the proposed alternative language. Mr. Shaw said that would depend on the average unit size, but if they average 700 to 750 square feet, there would be around 100 to 125 units.

Mr. Andy Lakha, 500 108th Avenue NE, spoke as principle for Fortress Development Group that owns a property on NE 8th Street and Bellevue Way. He said the project represents the missing piece in the middle of the downtown. The plans for the site will take the city to the next level architecturally. The project will be iconic and will be something people will travel to see. The public spaces and amenities will be fully appreciated by the citizens of Bellevue. In order to develop the dream, however, consistent zoning will be needed along with a sufficient amount of height. Currently half the site is zoned DT-MU and half has the Deep B overlay. It is the latter that is prohibitive and not conducive to development. Given the site's location on NE 8th Street where the density is quite high, building height of 300 feet should be considered. That was the recommendation of the Downtown Livability Initiative CAC as well. The height is needed in order to make the project viable.

Mr. Jack McCullough, 701 5th Avenue, Suite 6600, Seattle, said he has been talking with staff about moving the DT-MU/B boundary to accommodate a single zoning on the Fortress property. The buffers for the Deep B area are far more substantial than any other subdistrict in the city and moving the boundary and allowing up to 300 feet of building height will accommodate the proposed redevelopment of the site. The height is needed to allow for doing architecture in a meaningful way. With regard to the transit-oriented development site in Eastgate, he pointed out that the residential development proposed for the RV site would be woodframe construction. Any residential development on the transit-oriented development site wanting to take advantage of the views would have to be concrete and steel, which is expensive to build and for which there

is no market, nor are there any amenities to support it. Any plans for the transit-oriented development area should allow for the incorporation of residential in the future, but residential should not be required to be built. Requiring residential up front could mean nothing will ever happen there.

Commissioner Carlson asked what the current zoning height restrictions are for the Fortress site. Mr. Lakha said building heights of up to 200 feet are allowed on half the site, while the other half restricts height to only 90 feet. Mr. McCullough noted that the CAC had recommended going to 300 feet in the DT-MU, and the suggestion is that the entire site be allowed to go to 300 feet.

Ms. Betsy Hummer, 14541SE 26th Street, said she lives next to Bellevue College. She said a meeting at Bellevue College to talk about their new master plan was planned for July 14 at 5:00 p.m. She said the college has been buying homes in the neighborhood for many years and have amassed enough property to start redevelopment that will include dormitories to accommodate students. The first of three buildings, each of which will have some 300 rooms, will be under construction soon. They are asking to be allowed to use a local residential street to access the dormitories parking lot, which is not something the residents would like to see. The neighborhood is zoned R-5 as is the college property. The state patrol site in Eastgate is also zoned R-5, and the parks and schools are zoned R-5. Neighborhoods should not be zoned the same as commercial areas or schools. The college apparently can do whatever they want on their property, whereas regular property owners must comply with the zoning. That is something that should be looked at.

Mr. Brian Palidar with Group Architect, 1735 Westlake Avenue North, Seattle, said he has been working with American Classic Homes on the Eastgate RV site. He noted that his office was also the architect for the LIV apartments in the Bel-Red district. He shared with the Commissioners in written form information that was missing from materials submitted to the Commission relative to what it would take to make the RV site viable for a multifamily development. Included in the submittal was code language that would be needed. He clarified that while the number of affordable units on the site would be close to 100, the total number of units would be between 400 and 450.

5. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS – None

(7:22 p.m.)

6. STAFF REPORTS

(7:22 p.m.)

Comprehensive Planning Manager Terry Cullen briefly reviewed the Commission's calendar. He noted that the Commission's annual retreat has been tentatively scheduled for October 19, but if the Commission prefers a Saturday morning might be preferable, such as October 15 or 22.

Mr. Cullen informed the Commission that the biennial juried exhibition called Bellwether features artworks sited both indoors and outdoors in public places in the downtown. The exhibition began in 1992 as an initiative to create an art walk experience through the center of the downtown and has become an event that promotes Bellevue's reputation as a destination for people to experience new forms of art and culture. For the current iteration of the exhibition, 56

works of art by some 32 artists will be sited in City Hall, along the pedestrian corridor, and in Downtown Park.

## 8. QUARTERLY CHECK-IN

(7:26 p.m.)

Mr. Cullen explained that the quarterly check-in occurs in the month following each quarter and involves a quick look back at what the Commission has been working on. The Commission's officers also meet regularly with the mayor and will in the future be providing the report to the City Council.

Mr. Cullen noted that the Commission's workload for the second quarter was very heavy. During a normal quarter the Commission typically meets six times, but the Commission in fact met eight times involving nine study sessions, one open house and three public hearings. At one point the Commission met back to back for five consecutive weeks. The topics addressed during the quarter included downtown livability, Eastgate, a floor/area ratio for assisted care facilities, low-impact development standards, and Comprehensive Plan amendments. A representative from the Bellevue School District visited the Commission and provided an informational report regarding how the school district plans for existing and future schools. The Commission also elected new officers for the upcoming year.

Commissioner Barksdale noted that the Commission had previously talked about the importance of data. He said Chair Hilhorst, Mr. Cullen and he met recently with staff from IT to talk about ways to generate data ahead of the Commission's upcoming work on subarea planning.

Mr. Cullen said the interest expressed by the Commission has been in having more data on which to make informed decisions. The city has an effort called the open data portal that is intended to result in data being put online. Some beta testing of the concept will be tested in conjunction with some Commissioners, and the work will focus on the neighborhood area planning process that will begin in 2017. The intent is to detail the types of data that will be needed so that information can proactively be generated for inclusion in the design of the study.

Commissioner Morisseau thanked staff for their hard work and support over the past quarter. She said the Commission would not be able to make good decisions on behalf of the community without the information provided by staff.

## 9. STUDY SESSION

### A. Proposed Land Use Code Amendments – Eastgate/I-90 Land Use & Transportation Project

(7:33 p.m.)

Code Development Manager Patricia Byers explained that she and Mr. Cullen serve as project managers for the Eastgate Land Use Code amendment. She said the issue is tentatively scheduled to be brought before the Council on September 12 and 19.

Ms. Byers said the proposed amendment anticipates the creation of three new districts: EG-TOD, OLB-2 and NMU. For each of those districts there are dimensional standards, development regulations, and design guidelines. There are also transition area design guidelines which help to

ease the transition to zones that are less intense, and there are conformance amendments which are intended to make sure the proposed amendments jive with the rest of the code.

In 2012, the Eastgate/I-90 CAC completed its work of developing recommendations for the Comprehensive Plan, which includes the subarea plan for Eastgate, the Transportation Facilities Plan (TFP), and the Land Use Code (LUC). The Council adopted principles to guide the process and appointed the CAC members. The work of the CAC included outreach, studying the issues, and formulating a final report. The CAC was co-chaired by Planning Commission member Jay Hamlin and Transportation Commission members Françoise Larrivee. Their report was submitted to the Council which then accepted the report and referred the transportation issues to the Transportation Commission and Comprehensive Plan amendments to the Planning Commission. In 2014 and 2015, the Planning Commission studied the Comprehensive Plan amendments, noticed and conducted a public hearing, and transmitted a recommendation to the Council which was ultimately adopted by the Council.

While the Planning Commission was dealing with the Comprehensive Plan amendments, the Transportation Commission was looking at the Transportation Facilities Plan (TFP) and determining which of the project recommendations from the CAC should be included in that document. The Transportation Commission's work included extensive public involvement and their recommendation was transmitted to the Council, which approved the TFP. After the TFP was approved, the Transportation Commission and staff proposed that certain projects in the TFP should be funded for implementation in the Capital Investment Program (CIP). With the exception of the design for the Mountains to Sound Greenway project, the Eastgate projects are all currently in the TFP waiting for funding.

Once Comprehensive Plan amendments are approved, it is necessary to revise the LUC accordingly. Work to amend the LUC began with a Commission tour of the transit-oriented development area and was followed by a number of study sessions. Notice for the public hearing was issued and the public hearing was conducted. Ultimately the Commission will be transmitting its recommendation to the Council for review and adoption.

Decisions regarding the transportation projects to be included in the TFP have already been made by the Council. Decisions regarding the Comprehensive Plan amendments have also already been made by the Council. The focus of the Commission's current work is what amendments should be made to the LUC in order to be consistent with the Comprehensive Plan, and what should be transmitted to the Council. State law requires the LUC to be consistent with the Comprehensive Plan. The Comprehensive Plan is very specific with regard to what needs to happen in Eastgate relative to the development regulations.

Ms. Byers said particular attention should be paid to whether or not the proposed approach is consistent with the final report of the CAC. Additionally, the Commission needs to pay attention to the environmental review and other background documents, such as the economic information that was supplied with regard to the amenity system.

Mr. Cullen explained that essentially Comprehensive Plan planners write the book while the Land Use Code planners write the screenplay that becomes the movie. There must be a connection between the two. He said he and Ms. Byers and others have been working together closely to make sure the Comprehensive Plan is being translated accurately into code language. After a lot of back and forth debate, the conclusion reached was that the translation is solid. The framework for the Eastgate/I-90 land use and transportation study, which was the work of the CAC, has been adopted into the Comprehensive Plan. The specific tenants of the plan are in the

Eastgate subarea plan, which is part of the Comprehensive Plan. The land use strategy of the Comprehensive Plan directs growth into the downtown and compact mixed use development areas throughout the city; the intent is to take the pressure off the single family residential areas by concentrating non-residential development. The Eastgate study area represents only about ten percent of the 1500 acres of land in the Eastgate neighborhood area. The provisions of the LUC amendment have unfolded in numerous study sessions and accurately reflect the work of the CAC and the adopted Comprehensive Plan.

The Commission is charged with the responsibility of reviewing land use ordinances and regulations and making recommendations regarding them to the Council; all such recommendations must be consistent with and implement the Comprehensive Plan. There are specific decision criteria that must be adhered with in relation to text amendments to the LUC, the first of which is all amendments must be consistent with the Comprehensive Plan. Consistency with the Comprehensive Plan is a clear theme throughout the code.

With regard to the suggestion to wait to make the changes until the transportation projects are built, Ms. Byers pointed out that there are projects in the TFP that will benefit the area. She stressed the need for the development regulations to be consistent with the Comprehensive Plan without waiting for the projects to be brought online. She read a quote from the final CAC report. It stated: "While there will always be choke points at particular intersections in the corridor regardless of what changes in land use might occur, the consequences of growth can be addressed through a combination of intersection improvements, improved transportation mode choice, non-motorized transportation facilities, and partnerships with transit service providers." The focus on creating a transit-oriented development environment is intended to reduce traffic. The OLB-2 district will allow services on-site so that people will be able to walk to lunch and the dry cleaners, and getting the Mountains to Sound Greenway will also provide non-motorized opportunities. The two new general purpose lanes on I-90 will also serve to reduce congestion.

Mr. Cullen said the pain the community feels over traffic issues in the area is understandable. There are a number of areas of the city that are experiencing similar impacts. While many may be tempted to delve into the various traffic issues, the fact is they have already been discussed at length many times over in the past years by the Transportation Commission, the Planning Commission and the City Council. The current focus is on the LUC regulations and any attention paid to transportation issues will only detract from the need to zero in on whether or not the proposed approach faithfully tracks what has already been adopted in the Comprehensive Plan. To date, land use has not been talked about as much as transportation has.

Ms. Byers noted that it had also been suggested that residential should not be required in the new EG-TOD zone. She said the CAC envisioned that there would be a residential component in the district. The Comprehensive Plan calls for it as well, but how it happens can be discussed. The timing of how residential will occur could be addressed through a master development plan.

Commissioner Morisseau commented that currently the housing unit inventory is low but by the time the transit-oriented development is built the supply may be caught up with the demand. Over the past years, construction has not kept pace with the demand. She asked how much merit should be given to the comment that requiring housing will mean nothing will get built. Ms. Byers said the concern voiced by the property owner is that housing will not be viable in the short term. What the CAC envisioned is that there would be housing in the TOD, not only for college students but also for those wanting to live and work in the area. The issue is really one of timing, not whether or not there will be residential at all in the district.

The suggestion was also previously made to increase the height of the parking garage in the EG-TOD from 45 feet to 55 feet to accommodate ground floor retail. Ms. Byers said the proposal is consistent with the Comprehensive Plan, the CAC final report, and all of the studies and documents.

With regard to the suggestion to increase building height in the EG-TOD from 160 feet to 170 feet, Ms. Byers said the proposed increase included the elevator over-run which is not normally included in the building height limit. A building height of 160 feet would accommodate a 12-story building.

Commenting on the suggestion to allow driveways as allowable interruptions on the main pedestrian street, Ms. Byers reminded the Commissioners that in a transit-oriented development environment pedestrians can walk where they want without having to deal with cars. At the very least, if there are cars present traffic calming measures are utilized to slow cars down. One of the reasons staff wants to see driveways kept to a minimum is to avoid having cars and pedestrians having to interact by designing vehicle access to be away from the main pedestrian street. The Commission could choose to allow driveway interruptions on the pedestrian street where driveways cannot be accommodated in some other way.

Commissioner Carlson pointed out that the Commission has been informed at a previous meeting that there are no plans to increase the size of the park and ride. Senior Transportation Planner Franz Loewenherz said Metro's long-range plan includes recommendations for increased parking capacity in the region without speaking to specific locations. It also speaks to demand-sized strategies.

Mr. Cullen added that the property has an FAR of 0.5. In looking at the way traffic and land use planning work together, it must be kept in mind that the land use has not caught up yet. In considering how the land use picture should be changed, the traffic planning work will be kicked into gear, upping the priority to make changes and bring in specific projects. It is an iterative process. The forecasting does not show there is a need for additional capacity at the park and ride because the land use is not there yet.

Commissioner Carlson asked if the TOD area, once fully built out as envisioned, can be successful with the size of the existing park and ride facility. Mr. Cullen said the TOD approach is focused on the creation of an environment in which cars are not needed. It includes people living and working in the area, allowing them to walk or bus to work. The transit element also allows people from outside the area to take the bus in and out. The issue of the park and ride garage being inefficiently used has been expressed to King County Metro; there are many using it that are not parking and riding, they are using it as a parking lot for the college and local businesses. Ms. Byers said part of the college's long-range strategy includes addressing students who use the park and ride for parking only.

Commissioner Walter said it seemed counterintuitive to have a parking garage built as part of a transit-oriented development. Ms. Byers said there are a couple of things to think about relative to parking. The parking requirements for the buildings in the TOD have been reduced because of the dependency on transit, but the property owner intends to build office buildings for which there will be a requirement for some parking. It cannot be assumed that everyone living or working in the TOD will be using transit exclusively, thus the need to include a parking garage.

Commissioner Carlson asked what percentage of people working in the area currently use transit. Ms. Byers said she did not know. She also said it would be difficult to say what percentage of



people will use transit once the area is redeveloped given that it cannot be said the residential units will be predominantly used by college students, who would be less likely to have cars. Commissioner Carlson said his concern is that if the estimates are off, people will be driving around looking for a place to park, making a bad traffic situation even worse.

Mr. Loewenherz said there are no projections relative to the percentage of people living and working in the TOD area that will be using transit. There are ridership statistics for every bus stop in Bellevue, but there is no information with regard to how many people at a given building commute by transit, except for the Commute Trip Reduction-affected employers in the broader Eastgate area.

Commissioner Carlson asked what will happen if twice as many people end up driving to the area as opposed to walking or taking transit. Mr. Loewenherz said there are trip generation rates that are developed by the Institute of Transportation Engineers for different kinds of buildings. The developer of buildings built in the TOD area will certainly want to make them appealing to potential tenants and that will involve the provision of some level of parking.

Commissioner Carlson said the scenario that involves new office and residential buildings with fewer parking stalls, no change to the park and ride garage, and new dormitories at Bellevue College with no parking at all can easily be projected to increase traffic in the Eastgate corridor. Mr. Loewenherz said ST-3 envisions a significant investment at the Eastgate location. A study is also under way that is focused on the long term. For the near term, there is a project under way with Bellevue College and King County Metro to enhance transit circulation to and through the campus. The connector project will get buses off of 148th Avenue SE onto 142nd Avenue SE and Snoqualmie River Road past the choke points.

Commissioner Walter said she was sensitive to the need to avoid having a transportation discussion, but suggested it would not be prudent to discuss transportation to some degree particularly with regard to the transit-oriented development area. The one developer who has talked with the Commission was focused on having a parking garage, making it seem as though momentum for the area by the development community does not favor transit-oriented development.

Mr. Loewenherz said the focus on creating a transit-oriented development area is a driver in terms of Metro's long-range plan. While there has been little specificity in terms of the location for commuter parking options, there is specificity in Metro's long-range plan in regard to where bus service will go. Several rapid ride bus rides are planned that will use the Bellevue College connector project, serving both the college and the immediate area.

Mr. Cullen pointed out that what has been talked about by one perspective developer is not necessarily what will get built in the future. What the developer has talked about is little more than a slightly updated suburban campus-style development, which does not fit at all with the requirements of the proposed code which calls out providing for internal street frontages that will produce a pedestrian environment. The physical development will need to include the components that contribute to and build upon the framework needed to create a pedestrian-oriented scheme. The ultimate vision for the area includes a hill climb that will connect the college campus with the TOD. The generic questions being asked could be asked of any redevelopment area. While the questions are valid and should be asked, they need to be coupled with the effect of planned transportation and transit improvements. The challenge of integrating transit, transportation and land use together are significant because the implementing agencies are regional, local and multiple. Regional transit agencies will choose to spend their limited

dollars in the areas where they see growth is going to happen. If growth is not allowed, if the FAR is kept low, they will see no increased demand and will not respond. Additionally, just because an area is zoned for something does not mean that is what will be built. All proposals for development are subject to some very detailed planning review with Development Service and with Transportation specifically to address all of the issues through the provision of specifics.

Commissioner Barksdale said there is a clear gap between infrastructure and development. The question is whether or not infrastructure should be constructed ahead of development or the other way around. The amenity system has effectively been taken off the table because it was shown to not be economically viable, but there may be a way to make filling in transportation gaps an amenity, such as money contributing toward subsidizing Uber activity or bus passes in the area. Mr. Cullen said staff met recently with Metro to discuss shared-use vehicles and the whole Uber experience, and they are planning for that.

Land Use Director Carol Helland addressed the perceived gap between transportation infrastructure and development. She pointed out that what is perceived as a gap must be measured against the data. The Council has set a congestion allowance for the Eastgate area at LOS 0.9. That level permits a fair bit of congestion to occur, not dissimilar to the downtown or the Bel-Red area. However, congestion levels in the corridor are nowhere near that level. So while there is a perception of congestion, it is not at the level the Council has set as a standard, and there is in fact no gap relative to the policy goal with respect to the Eastgate Mobility Management Area (MMA). In all there are 14 MMAs in the city and the Council sets the congestion limits for each of them. The congestion limits are based on intersection operations and where the intersection operation in each of the MMAs is continuing to operate at a level that is consistent with the standard that is adopted into the Comprehensive Plan, growth is allowed to continue. The congestion allowances and the intersections that are measured are all included in the Comprehensive Plan; they went through the Planning Commission and the Transportation Commission before being ultimately approved by the City Council.

Commissioner Carlson asked if the city concedes that there is a mobility problem in Eastgate. Ms. Helland said an update on concurrency is conducted annually. The concurrency summary says the standard is not being exceeded. From a standard perspective, there is no mobility problem in Eastgate. Whether or not the level of congestion is tolerable is not the issue; from the perspective of the standard set by the Council, the standard is being met. The city has created measures by which growth is allowed to occur. The Commission is currently focused on creating a growth policy for the Eastgate corridor. The approach will need to be consistent with the Comprehensive Plan. Once adopted, there will be an abundance of tools to ensure that the goals articulated in the Comprehensive Plan are met. The Comprehensive Plan talks about how much congestion will be tolerated as a community and it is a balance between the level of funding put toward transportation improvement projects, capacity improvement projects, and supporting transit projects. All of that comes together to create a measure of success. While there may be a desire by some to see traffic operate at LOS A, which is no congestion at all, the reality is that the standard that has been adopted by the Council as being acceptable is LOS D, and that is the standard against which congestion is measured.

Commissioner Walter asked if the LOS D standard was established for the area going forward or if it was in anticipation that Sound Transit would bring it back to a level of LOS B or LOS C. Ms. Helland said LOS D is the standard used going forward. Commissioner Walter suggested the people did not understand or anticipate traffic patterns at a LOS D level. She asked what would need to be done for people to see the standard changed to a citywide LOS C level. Ms. Helland said the Council is currently discussing placing a transportation levy on the ballot that will

include funding for some congestion relief projects for the neighborhoods.

Mr. Loewenherz clarified that the level of service is measured against the two-hour PM peak period rather than conditions that exist throughout the day.

Ms. Helland explained that the City Council builds the foundation by saying how much congestion is acceptable during the two-hour period between 4:00 p.m. and 6:00 p.m.. The Council determines and adopts the standard for each MMA. The Commission is asked to make recommendations about land use growth, and all transportation modeling is predicated on ensuring that projects needed to accommodate growth will come online to prevent a drop in the level of service during the two-hour evening peak period. Every year actual traffic counts are made to determine actual traffic levels. Even though the city has no say in what Bellevue College does on its campus, it is possible to know what the impacts will be because of the actual traffic counts. The traffic model is updated every year based in part on the actual traffic counts and in part on all new approved development. When a development project comes in to be permitted, the city requires a transportation model run to ensure the project will not tip the balance over the LOS standard. State law in fact says any development proposal that will trigger a standard to be violated cannot be permitted.

Commissioner Carlson asked what the delta is between the number of people currently living and working in the TOD area and how many will live and work there after the TOD area is fully built out. Ms. Helland said answering that question would require going back to look at what the transportation assumptions were for the area. She added, however, that that is one reason for asking for the residential to come first. There is some interest in having parking garages that once constructed will house the parking stalls that will be displaced by new development and which will accommodate some additional growth before transit arrives. As demand for parking goes down, development can occur on top of the parking garages. In the Bel-Red area, the introduction of residential was required first, and that is what the Spring District is bringing online. That is one strategy the Commission can require as a way of aligning transportation with growth.

Commissioner Carlson said his concern is that unless far fewer people take transit than are projected, once the area is built out what is already a bad traffic situation will worsen dramatically. Ms. Helland said the safeguards the city has in place, including the annual traffic counts and the concurrency regulations that tie growth to transportation infrastructure, will keep congestion in the area from tipping over the standard.

Mr. Cullen commented that growth regionally presents challenges as well. There is a lot of traffic that passes through the area that is not connected directly to the area. There is traffic that originates from points east headed toward Seattle, and points south headed north on 148th Avenue SE. There are a limited number of streets that cross I-90 and what happens on I-405 affects what happens on 148th Avenue SE. There is a complex relationship between transportation and land use. If the city were to come down on the side of disallowing any development until the planned transportation improvements are in place, the revenues needed to pay for the transportation improvements would not be forthcoming, regional growth would continue, and the current situation would only be exacerbated without a hope of improving.

Commissioner Carlson reiterated his concern that once built out the TOD area will have three times the number of people working there and a healthy number of people living there. If the transit targets are missed, there will be far more cars and no place to park. Mr. Loewenherz said the downtown offers a good case study. Over the past two-plus decades, the changes have been

tremendous. The data shows, however, that the average annual weekday traffic counts have stayed the same despite the tremendous growth. Over the past decade, transit usage has gone up 140 percent citywide, and in the downtown even more than that. Commissioner Carlson argued that during that same time period a number of transportation projects came online, including expanding NE 4th Street and expanding NE 6th Street, NE 10th Street and NE 12th Street over the freeway, and the creation of the downtown transit center. Clearly, infrastructure improvements were made to accommodate the great growth in the downtown. He asked if the same will be done for Eastgate. Mr. Loewenherz said even with all the new infrastructure, the number of vehicles driving into and out of the downtown MMA has remained level. Transit has certainly played a role, but so has the number of persons living in the downtown who do not need to use cars to get around as evidenced by the increase in the pedestrian counts.

Mr. Cullen said when a development gets proposed, it will be examined very closely in a number of respects. It will be judged with regard to the number of trips it will generate, how many people will be in the building, and how it will fit into the area. However, until a project is brought forward, it cannot be said for certain how many people will be in the area. Every development must meet the established requirements or make improvements to either abate or mitigate the impacts and in order to be consistent with the level of service standard. If the developer wants to provide less parking, it must be shown what steps will be done to reduce the number of parking spaces needed; that could be through aggressive commute trip reduction strategies or by handing out free bus passes to employees in exchange for agreeing not to drive to work.

Commissioner Barksdale said he would like to see an amenity system devised that would allow development to offset the impacts of traffic by paying a fee in-lieu toward transportation improvements. Ms. Helland said there is already a mechanism in place in the form of transportation impact fees. The fees that are collected go to fund transportation improvements. The approach taken in Bel-Red and proposed for Eastgate allows developers to continue building parking for a period of time. As transportation arrives, reliance on that parking will in the future be reduced. The parking structure called out as part of the first phase of development in the TOD area in Eastgate is largely an acknowledgment that any current surface parking taken away by development will need to be replaced with more than is taken away. That parking will then be used to support additional development on the site. As transportation becomes more robust in the area, a second and vertical phase of development can be ushered in on top of the parking garages.

With regard to the existing Eastgate park and ride facility, Ms. Helland noted that separate legislative discussions are under way with King County Metro about the management of its facility. It is readily acknowledged that there are users parking in the garage even though they are not taking a bus, including Bellevue College students.

Ms. Byers noted that a request had been made to increase the proposed maximum FAR in the NMU district from 1.0 to 2.5. She stated that the current FAR for the area is 0.5, so the request represents a fivefold increase. The Comprehensive Plan calls for growth to be focused in the EG-TOD district. The NMU is supposed to be focused on mixed uses beneficial to the neighborhood. The CAC called for a FAR maximum of between 0.75 and 1.0. The environmental analysis for the NMU used a FAR of 1.0. Should the Commission choose to go higher than the recommended 1.0, an additional environmental analysis would be required. The area is immediately adjacent to a single family residential zone and may not be appropriate for a FAR of 2.5.

Ms. Helland added that in Bel-Red, the assumption was made that people would walk a quarter of a mile to access transit. The Eastgate RV site is quite distantly removed from the park and ride

area and is far less accessible.

Mr. Cullen pointed out that the NMU would be a citywide zoning district and the proposed FAR could be considered in other areas of the city. A 2.5 FAR is not compatible with neighborhood scale; it is, in fact, as dense as what was proposed for the TOD.

With regard to the proposal to exempt affordable housing from the FAR calculation, Ms. Helland explained that the traffic impacts associated with affordable housing and senior housing are far less than those associated with market-rate housing. It has been found that it is far more effective for affordable housing populations not to have cars or the cost that comes with owning cars; it helps them essentially transition to market-rate housing more quickly.

Commissioner Walter asked if the Eastgate RV site owner is seeking a base FAR of 2.5, on top of which affordable housing could be added without counting, or if the maximum would be 2.5. Ms. Byers reminded the Commissioners that the economic analysis drew the conclusion that an incentive system would not be viable in the Eastgate area including the NMU. If instituted, developers would likely build to the base FAR and no public amenities would be provided. The Comprehensive Plan only calls for considering including an amenity bonus system. It also calls for concentrating growth in the TOD. If a maximum FAR of 2.5 were to be allowed in the NMU, growth would be focused in that area as well as the TOD, which is contrary to the Comprehensive Plan. It would also exceed what the CAC recommended.

With regard to the suggestion to change the lot coverage in the NMU from the proposed 35 percent to 70 percent, Ms. Byers said the core issue is how much of a lot can be covered by a building footprint. In Bel-Red there are impervious surface provisions in place that do not apply in Eastgate. The NMU in Eastgate drains to Vasa Creek and increasing the lot coverage to 70 percent would increase the quantity and reduce the quality of storm water entering the public drainage system in violation of Comprehensive Plan policy S-EG-6.

Ms. Helland pointed out that the maximum lot coverage for the NMU is suggested to be held at 35 percent under the low-impact development regulations. Maximum impervious surface is described as 60 percent, while the maximum hard surface remains at 80 percent.

Commissioner Morisseau asked why lot coverage of up to 70 percent is allowed in Bel-Red. Ms. Byers said there are natural drainage provisions in the Bel-Red code that are not included in the Eastgate code. Higher lot coverage is allowed there because the issue has been addressed in another way. Ms. Helland added that in Bel-Red the focus is on parks and open space and on open drainages and streams, all of which contributes to the holistic function of the area.

Assistant City Attorney Catherine Drews explained that a study of the Bel-Red area between 2006 and 2009 resulted in a reduction in the impervious surface areas from 90 percent. The thinking is that because there has already been a reduction in the impervious surface area in Bel-Red, by including natural drainage practices and opening the creeks the intent of the low-impact development principles is met by the area.

Commissioner Carlson questioned whether the four Commissioners present should speak for the entire Commission in making a recommendation to the Council. He said his preference would be to hold off until the next Commission meeting. Mr. Cullen pointed out that a quorum of the Commission was present in accord with the bylaws. A time-sensitive public hearing is slated for the next Commission meeting and having the issue up for discussion at the next meeting may require additional time for the missing Commissioners to get their questions asked and answered.

Commissioner Morisseau observed that the materials have been before the Commission for some time. The missing Commissioners have had time to review the materials and had they had strong concerns, they would have voiced them by reaching out to the staff. She proposed moving forward.

Commissioner Barksdale said he was in favor of proceeding as well. If the matter is to be on the agenda again, there are ways it could be expedited.

Commissioner Walter agreed with Commissioner Morisseau that the materials have been before the Commission for some time. However, she said she agreed with Commissioner Carlson that a final decision on the issue should be put off to the next meeting.

Ms. Helland asked the Commissioners to keep in mind the fact that the Council has an interest in seeing the work completed. The mayor has addressed the Commission about getting work moved forward.

Mr. Cullen stated that the decision to carry forward making a final recommendation was up to the Commission. Commissioner Walter said she would prefer to allow the chair to decide the date.

Commissioner Barksdale proposed asking every Commissioner to carefully read through the documents and to address at the next meeting only the concerns raised.

Mr. Cullen suggested that if the issue is moved to the July 27 meeting, the meeting should begin at 4:30 p.m. to accommodate the already full agenda for that evening.

**\*\*BREAK\*\***

(9:12 p.m.)

(Commissioner Carlson did not return after the break.)

#### B. Low-Impact Development Principles Project

(9:25)

Wayne Carlson, consultant with AHBL, said the impervious surface proposals previously discussed with the Commission are consistent with policies in the Comprehensive Plan. He informed the Commissioners that the metrics relative to impervious surface and hard surface that apply in the residential districts also apply in the commercial zones. The metrics do not apply, however, in Bel-Red or in the downtown where the impervious surface limit and the building coverage limit are essentially the same.

The proposal does not include any change in the amount of allowable building coverage. It seeks to align the impervious surface standards with development that has occurred within each zone. It also proposes a new standard for hard surface that supplements the existing impervious surface standard; the hard surface standard is consistent with the impervious surface limit, resulting in no change in the amount of paving allowed. The proposal includes removal of the innovative techniques allowance which allows unlimited permeable surfaces because it conflicts with the goal of trying to preserve vegetation on sites. The proposal allows the same coverage using

permeable surfaces that are planned under the Comprehensive Plan and the neighborhood plans.

Mr. Carlson said the recommendation of staff was to move forward to a public hearing with the proposed amendments. There was consensus on the part of the Commissioners to do that.

With regard to tree retention, Mr. Carlson said the proposal requires preservation in a hierarchy. He said the current language is less than clear and many of the trees that get preserved do not succeed. The proposal requires an assurance device for retained trees during construction and a couple of years afterwards. Additionally, the proposal requires a note on the face of the plat for trees required to be retained as a condition of approval. The tree retention proposals are supposed by a variety of Comprehensive Plan policies.

Ms. Drews said the 30 percent retention requirement applies to new development or redevelopment. Thirty percent of the significant trees on lots that are to be scraped to accommodate new construction must be retained under the existing code requirements. There is no proposal on the table to change that approach. The proposal approach involving a hierarchy and the types of trees to be saved, however, will go a long way toward achieving the goal of preserving 40 percent of the city's tree canopy. In addition to tree canopy on single family lots, the proposal looks to allow tree canopies in transportation rights-of-way.

Commissioner Morisseau asked why it was not being proposed to align the 40 percent tree canopy goal with the tree retention requirements for new development and redevelopment by increasing the 30 percent to 40 percent. Mr. Carlson said preserving a certain percentage of caliper inches is not an exact transfer to tree canopy. The requirement to preserve 30 percent involves calculating the total caliper inches of all significant trees and preserving 30 percent of those caliper inches. In certain instances the 30 percent can amount to more than 40 percent canopy coverage. There is a move afoot to approach tree preservation in terms of tree canopy, but that notion goes beyond the low-impact development project. Ms. Drews added that tree canopy is measured primarily from aerial photographs and onsite surveys.

Mr. Carlson said under the proposal where there are conflicts between the tree retention section and the critical areas requirements, the critical areas ordinance prevails. Prioritization is given to the trees that are most apt to survive. Landmark trees are given priority; they are the larger specimen trees. Significant trees over 60 feet in height are also prioritized, as are significant trees that form a continuous canopy, and significant trees within the required rear yard within 15 feet of the nearest building envelope. As proposed, the director may require an assurance device to guarantee a continual healthy life of the significant trees for up to five years. For any property where significant trees are required to be retained, notice of the requirement must be noted on the face of the plat.

Commissioner Morisseau asked if significant trees in side yards must be retained in addition to significant trees in rear yards. Ms. Drews said nothing in the proposal would eliminate the retention of trees in side yards. Side yards can be larger than rear yards and the homeowner or developer should be allowed to locate trees in the areas that make the most sense.

Mr. Carlson said the recommendation of staff relative to tree retention topic was to send it to public hearing. There was agreement to do so.

With regard to clustering, Mr. Carlson explained that one of the requirements involves the conservation of on-site soils and the minimization of impervious surface as a criteria for planned unit development (PUD) approval. Secondly, zero lot line development is proposed to be

allowed to facilitate clustering of buildings for the conservation of open space and vegetation, provided that the combined width of the side yard setbacks meet the minimum requirements. The clustering proposals are supported by a variety of Comprehensive Plan policies.

The decision criteria for a PUD currently includes conservation natural features. The proposal includes a modification to include vegetation and on-site soils.

Ms. Drews explained that clustering allows for putting buildings closer together but also where they make the most sense from a conservation point of view. Mr. Carlson added that the idea is to locate development in areas that are most suitable, such as the flatter areas, the areas with appropriate soils, and where impacts to critical areas and buffers can be minimized.

Mr. Carlson said the proposal relative to zero lot lines is intended to provide for flexibility for builders. As proposed, the combined setbacks between structures must be no less than what the side yard minimums would be together. The approach is not intended to allow for placing a new structure right on a property line next to an existing structure that is already five feet from the property line.

Ms. Drews commented that clustering is an optional method for site design. Open space and conservation features are required in exchange for the clustering flexibility. Clustered developments facilitate the generation of more open space.

Ms. Drews called attention to Section 20.30D.165.A on page 312 of the packet and explained that there was a proposal to allow applicants to request a modification of the maximum FAR. On reflection, however, staff have concluded that is not something that should be offered as part of the low-impact development program and has elected to omit it from the proposal.

Mr. Carlson said the recommendation of staff was to send the clustering proposals, excluding the FAR reference, to public hearing. There was agreement to do so.

10. PUBLIC COMMENT – None

11. ADJOURN

A motion to adjourn was made by Commissioner Morisseau. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

Commissioner Walter adjourned the meeting at 9:57 p.m.



CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
STUDY SESSION MINUTES

July 27, 2016  
4:30 p.m.

Bellevue City Hall  
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Hilhorst, Commissioners Carlson, Barksdale, deVadoss, Laing, Morisseau, Walter

COMMISSIONERS ABSENT: None

STAFF PRESENT: Terry Cullen, Emil King, Department of Planning and Community Development; Patricia Byers, Department of Development Services; Franz Loewenherz, Kevin McDonald, Department of Transportation; Catherine Drews, City Attorney's Office; Wayne Carlson, AHBL

COUNCIL LIAISON: Mayor Stokes

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

(4:40 p.m.)

The meeting was called to order at 4:40 p.m. by Chair Hilhorst who presided.

2. ROLL CALL

(4:41 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Barksdale, who arrived at 4:44 p.m.; Commissioner Carlson, who arrived at 5:30 p.m.; and Commissioner Laing, who arrived at 7:00 p.m.

3. APPROVAL OF AGENDA

(4:41 p.m.)

A motion to revise the agenda to include an additional public comment opportunity after 6:30 p.m., to allow for flexibility in approving the minutes depending on the lateness of the hour, and to approve the agenda as amended was made by Commissioner Walter. The motion was seconded by Commissioner deVadoss and the motion carried unanimously.

4. PUBLIC COMMENT

Ms. Jessie Clawson, 701 5th Avenue, Suite 6600, spoke in support of the proposal to move the

boundary of the DNTN-O2 zone to include the property at 888 108th Avenue NE, which is bounded on two sides by DNTN-O2 zoning. The desire is to construct on the site a residential building and the DNTN-O2 would allow for an additional four stories, adding to the number of affordable units under the new downtown livability zoning in a location that is very close to transit. She noted that the staff recommended against including the site in the DNTN-O2 because of the potential for a large office building. The property owner would be open to a development agreement restricting development of the site to a residential tower. A graceful transition would result from the addition of four stories between the existing and proposed developments in the area and the wedding cake approach would be preserved.

Ms. Linda Nohavec, 3273 163rd Place SE, read into the record the notes from the attorney representing the Eastgate residents committee which is concerned with the proposed zoning for the Eastgate area which are intended to increase the residential and commercial intensity in the community. The committee believes that the substantial upzones proposed are not in the public interest, are not needed to meet Growth Management Act goals, and would create dramatic adverse and environmental and community impacts. The rezones should be denied. Density increases will exacerbate already intolerable traffic congestion in the Eastgate area. The proposal adds development density without transportation improvements. Principles supporting transit-oriented development are not present in the Eastgate community. It has become fashionable for communities to increase land use densities in areas served by substantial transportation resources. Such land use changes have occurred in Seattle near light rail stations and other areas served by enhanced bus service. However, transit service is meager in the Eastgate area except at the park and ride. The zoning amendments do not commit additional transit service commensurate with the anticipated growth. Light rail facilities are not currently scheduled for the area, and the long range plans of Metro do not include significant additional service. Bellevue is meeting its housing and employment goals. Growth can and should be concentrated in areas where transit improvements are located. Zoning changes must be consistent with the public interest, not just the interest of land developers and businesses. The staff report indicates that uncertainty exists as to whether the LUCA will result in a vibrant transit-oriented development district, but no uncertainty exists as to the substantial increases in traffic that would occur with the additional density proposed.

Mr. Anthony Allison, 15053 SE 44th Street, said his concern relative to the proposed Land Use Code amendments for the Eastgate area is tied to the traffic infrastructure. Every Eastgate arterial is gridlocked during peak travel times, and the backups are typically a mile long. Based on an average auto length of 14 feet, the backups represent about 377 cars. He shared with the Commissioners photos of traffic backups. The schools are operating at capacity already even with recently built schools.

Mr. Noah Allison, 15053 SE 44th Street, said there used to be 26 kids in his class and that changed to 24 when two moved, but there is still a lot of teacher stress. There is always someone who is acting weird and none of the attention goes to the other kids.

Mr. Allison said property crimes are occurring in the Eastgate area and they have increased over the last few years. He voiced opposition to the R-20 zoning proposal.

Ms. Michelle Wannamaker, 4045 149th Avenue SE, said she recently learned that the only actual data the city is measuring is the number of vehicles that go through specific intersections between 4:00 p.m. and 6:00 p.m. Everything else is just smoke and mirrors involving concurrency modeling software. Given existing traffic conditions, it is clear the modeling does

not work well and is not acting in the best interest of the existing Bellevue residents and existing commuters traveling through Eastgate. There apparently are no measurements taken of the amount of time it takes cars to get to the intersections that are measured. There is something called a floating car which records the speed and time it takes to get to the intersections, but it is almost never done because it is so expensive. It is also not used in the traffic studies for development. The city tells developers to hire consultants to do traffic studies to prove their development will not cause traffic to exceed roadway capacity standards, a clear conflict of interest. Developers do not typically have to utilize the floating car approach because they complain it puts an excessive financial burden on them. The fact is cars stuck in backups are burning gas that causing health and environmental impacts. Floating car measurements should be taken of the whole city to get a baseline of the true existing conditions, including cumulative effects of regional growth. The city's 2016 concurrency report shows the intersection near the park and ride is not a measured intersection, nor is the main intersection to Bellevue College.

Mr. Todd Woosley, PO Box 3325, spoke representing the Kramer brothers, long-time owners of the Eastgate RV Park. He thanked the Commissioners for their time and dedication put into the Eastgate issues. He said the proposed Neighborhood Mixed Use zone will benefit the property owners as well as the city as a whole by adding both market rate and affordable housing units. The property owner in the transit-oriented development area is saying they are not ready to build residential, but the developer of the RV site is in fact ready to build residential. The staff has recommended a base FAR of 1.0 and the property owner is requesting an FAR of 1.25. The staff has recommended an incentive FAR of 1.0 for affordable housing, and the property owner is recommending an incentive FAR of 1.25 for affordable housing. Everyone agrees the development should include multifamily and that the affordable units should be on site mixed into the development. The slight difference in FAR will make all the difference in the viability of the project. The proposed FAR of 1.0 along with the bonus for affordable housing is far less than other jurisdictions allow, which is up to 4.0. The city should adopt existing code language for incentives that is already on the books for the Bel-Red corridor, which calls for 20 percent of the units to be affordable to people making 80 percent of the area median income. The formula has been proven to work.

Mr. Clark Kramer, 15531 SE 37th Street, thanked the Commission and the staff for all the work that has been done. The final report of the Eastgate/I-90 CAC called for doing no harm for the property owners, and that should carry over into any changes to the code. Accordingly, all of the existing permitted uses should be retained. No developer has been found who will touch the RV site with the requirements that have been proposed by the staff.

Mr. Ross Klinger, 500 108th Avenue NE, Suite 2400, said as a commercial real estate land expert he was aware of the market demand in the Eastgate area for new market-rate and affordable housing units. In the greater Puget Sound area, 12,500 new units came online last year, but there were 61,373 residents in migration, passing the seven million mark, and 10,700 people moved to the area in January 2016. The alternative Land Use Code language modeled after the Bel-Red LIV project would allow for the development of affordable and market-rate units, all of which would be absorbed very quickly.

Mr. John Shaw, 4555 193rd Place SE, Issaquah, spoke as director of multifamily acquisitions for American Classic Homes. He said the firm is the developer working with the Kramers to come up with an economically viable project. He said the company desires to build affordable housing and the alternative language proposed would yield the most units. With regard to a comment made by staff to Mr. Kramer indicating that a fee in-lieu may produce a project with no

affordable housing, he said that is not the intent and he proposed striking the fee in-lieu language from the feasible zoning alternative. American Classic Homes includes affordable units in all of its projects and would do so in Eastgate as well.

Ms. Sandra Grace, 14216 SE Eastgate Drive, said she has seen a lot of changes in the 31 years she has lived at that address. In particular, traffic has been the biggest change. She said she and her family no longer go out during certain morning or evening hours. She said when she moved to the area there was a lot of open space and plenty of trees, but all of that is going away, leaving concerns about pollution and noise. The changes have impacted the lives of animals and people alike. Change is good and affordable housing is needed, and the Commission is to be admired for taking on the difficult task.

## 5. STUDY SESSION

(5:10 p.m.)

### A. Proposed Land Use Code Amendments – Eastgate/I-90 Land Use and Transportation Project

Code Development Manager Patricia Byers noted that three new districts have been proposed for the Eastgate area: EG-TOD, OLB-2, and NMU. Each new district has dimensions, development regulations and design guidelines. Additionally, changes have been recommended to the transition area design guidelines, along with the repeal of concomitant agreements and some conformance amendments aimed at ensuring the proposed amendments will fit in with the rest of the code. She pointed out that in the last Commission packet there were a couple of errors: the lot coverage for NMU and OLB-2 should have been shown as 35 percent; there is no lot coverage amount for the EG-TOD; and the EG-TOD maximum height is 160 feet.

Senior Transportation Planner Franz Loewenherz acknowledged that Mayor Stokes participated in the Eastgate/I-90 CAC process from 2010 to 2012 that included an extensive community outreach process.

With regard to the EG-TOD area, Mr. Loewenherz noted that the proposed change in land use will increase the development square footage from 534,000 to 1.48 million, including an additional 475 residential units. He said the modesplit estimates are very conservative and the model for the 2030 preferred alternative assumes the status quo. The model is insensitive to non-motorized elements and thus does not assume any pedestrian or bicycle usage in the corridor into the future. Additionally, the model does not take into account the increase in transit usage envisioned under the Transit Master Plan or Metro's long-range plans, which calls for doubling bus service hours in the corridor by 2030. At the time the CAC's recommendation was drafted, the Transit Master Plan had not yet been developed and the CAC used the best information that was available. By holding the modeshare constant, a very conservative view is taken on the impact to traffic conditions in the corridor. Had the assumptions been different, one could legitimately call into question the rosy picture of conditions in the future.

Chair Hilhorst commented that essentially there are no projections for the corridor, even though there is a ballot measure coming up that acknowledges there will be growth. Mayor Stokes clarified that no one has claimed there will be no growth, only that the patterns of how people get around will stay the same, which is a very conservative outlook. Even absent showing changes in modesplit and additional transit services, the model indicates the anticipated growth can be

supported. Light rail and more bus service will ultimately have a positive effect and could in fact support even more development.

Mr. Loewenherz clarified that modeshare speaks to how people get around relative to driving alone, shared rides, and transit. The modesplit configuration assumes no change, that the same percentages of people who drive alone, ride with others and take the bus currently will continue to do so in the future. The underlying assumption is that the underlying level of bus service in the area will not increase, so no more than currently take the bus will do so in the future, nor does it take into account people who walk or bike, or any improvements that might be made. As more bus service is added, the modeshare percentages will change as more people opt to ride the bus, just as more people will choose to walk or ride their bikes once the Mountains to Sound Greenway trail is constructed.

Commissioner Morisseau commented that growth is going to happen, meaning that more people will need to get from point A to point B. Accordingly, the drive-alone percentage will increase. She asked if the same analysis was done for any increase in transit by 2030. Mr. Loewenherz said the model has not been updated to reflect the Transit Master Plan doubling of bus service that is envisioned, or the Metro long-range plan which has a lot more bus service. The model is undergoing a process by which it will become more sensitive to non-motorized travel, but it is not there yet. Mr. Cullen added that at the time the original transportation studies were done, it was not possible to predict what the modeshare would be by 2030, so the current percentages were carried through and modeled. Not surprisingly, the model indicates there will in the future be more trips on the road than by bus. Transit will eventually come to the area in the future under the plans that are currently being made and coming into play. The model in fact overestimates the amount of traffic that will be on the roadways, but even so the concurrency standard is not exceeded.

Commissioner Walter referred to the employee growth projections for the EG-TOD area and noted that the current 1309 will grow to 4001. She also noted that in 2008 the drive-alone rate was 90 percent and that by 2030 that is projected to fall to 89 percent. Doing the math shows there will be three times as many cars on the roads. Mr. Loewenherz clarified that the modesplit figures zero in on the EG-TOD but are in fact applicable to the broader area. He said the total number of entering vehicles at the 44 measured intersections in the Traffic Analysis Zones in the study area is projected to increase from 95,434 vehicles in the weekday evening peak period to 115,607 under the no action scenario.

Mr. Cullen reminded the Commissioners that numbers are the same as those associated with the CAC's land use assumptions that were made and approved as part of the preferred alternative, including for the EG-TOD area. The numbers have been modeled, discussed, and reviewed by both the Planning Commission and the Transportation Commission. Since then the Transportation Facilities Plan has been updated, the modeling has been done, and there have been plan amendments forwarded to support the CAC's final recommendation. He stressed that the line of questioning is redundant to the work of the Planning Commission, the Transportation Commission, the CAC and the public involvement process that has already been approved over the past four years. The development potential and the vision that was adopted as part of the plan four years ago match. All the modeling and the transportation improvements that are being planned are all commensurate with the amount of development that has been approved. He cautioned the Commissioners to avoid revisiting everything previous commissions have already been through. Transportation is certainly important, but the Commission's due diligence should focus on the land use issues that have not yet been deliberated.

Commissioner deVadoss asked what it will mean for the lay person to maintain the same modesplit ratios. Mr. Loewenherz said currently the average weekday evening peak period delay at the 44 intersections within the study area Transportation Analysis Zones is 31 seconds. The no action scenario anticipates that by 2030 the level of delay will increase to 41.4 seconds. Additionally, if the level of land use recommended by the CAC is added into the mix, by 2030 the delay will increase to 46.5 seconds. However, incorporating the transportation strategies that have been outlined will by 2030 reduce the average intersection delay to 41.7 seconds. By taking the conservative approach rather than painting a rosy picture, the numbers are higher than they would be if the model included increases in transit and bus services. Commissioner deVadoss agreed with Commissioner Walter that using the same ratios for a greater number of people in the area will increase the number of cars on the roads.

For the benefit of Commissioner Carlson, Mr. Loewenherz said a great deal of modeling was done for the entire subarea to determine the impacts resulting from the proposed land use changes. He said previously the information presented was not specific to the EG-TOD area.

Mayor Stokes commented that the process started prior to 2010. The CAC worked on it for two years. Their recommendations were then sent to the Transportation Commission and the Planning Commission for review and approval, following which the Council looked at the package, approved it, and directed the Planning Commission to effect the Land Use Code amendments needed to implement the vision. Recommending a different approach would require going back through the entire process all over again. If the assumptions and the data are questioned based on testimony or personal knowledge, it will be very difficult to ultimately reach a consensus. The fact is that even without assuming additional transit and bus services, the proposed level of development will not exceed the congestion limits. The Eastgate area has developed over time and at every step people living or working there have voiced concerns about changes in transportation. Their concerns have triggered revisions to the transportation system to accommodate the growth. What the Commission needs to do is focus on the job at hand and avoid going back over work that has already been done.

Mr. Cullen added that modeling transportation and land use is incredibly complex. In the public hearing on June 22, staff tried to explain that if absolutely nothing more were to be done relative to land use, traffic would get worse because of the regional growth driver. A certain percentage of the pain being felt in Eastgate is not coming from Eastgate. The improvements to the transportation system that are needed to support the incremental amount of development proposed for Eastgate are supported by the planned improvements. The establishment of a vision for an area begins a planning iteration that intertwines land use and transportation. That work eventually branches off into specific transportation projects planning that involves the city and regional transit providers and the state. The transportation projects cannot, however, be funded until the land use piece is in place. The trigger is the establishment of land use zoning districts; that is the point at which the transit authorities have something to work toward, and is the point at which the city begins to specifically focus on and prioritize projects in the Transportation Facilities Plan, which then leads to the allocation of real dollars to actually get projects constructed. At the point a developer walks in the door at City Hall with a development proposal, a very detailed look at the interface between transportation and land use begins. The developer may be asked to provide very specific intersection studies to determine what the specific impacts of the proposed development will be.

Mr. Cullen said the Commission's focus on pulling out one piece of the very complex puzzle and

trying to understand it is essentially unraveling all the work done to date by all who have been involved. The system is not perfect, and the various elements are complex, but it works very well in jurisdictions across the country. It is understandable that people are feeling the pain resulting from current conditions, and it is understandable that they want an instant solution, but it simply does not work that way. There are no snap answers.

Chair Hilhorst said she appreciated having the planning process explained. The land use vision comes first, then steps are taken to identify the infrastructure needed to support the vision. The problem is it appears the approach taken to date has led to the current problems, leaving little faith in the process. The growth has happened but the infrastructure has not come about. The Growth Management Act includes a provision that requires transportation infrastructure to be developed concurrent with development, yet the Eastgate area has not benefited. Mayor Stokes said part of the issue is the time it takes to bring everything to fruition. The same questions could be asked about the downtown where expansion is continuing and new impacts are being created as a result. At the level of approving the proposed Land Use Code amendments, the Commission is not approving full development of every property to the maximum extent allowed. Every development is scrutinized on its own merits. It is simply not possible to first go out and build all the transportation infrastructure and then focus on what the land uses should be. To continue in the direction the discussion is taking will only further bog down the process and move in the direction of an endless loop.

Commissioner Barksdale said he would be more concerned if the city had no land use plan. That would be far more troubling than having a plan that it will simply take time to implement. So long as there is a plan to grow the infrastructure, it will be just a matter of the time needed to build it out. There is a large difference between what people feel will happen and what is likely to happen.

Commissioner Walter asked staff to clarify whether or not there will be three times as many trips on the roads. Mr. Loewenherz said the travel demand model does not project that level of increase for the entire corridor. The anticipation is that within the EG-TOD, the number of employees will nearly triple. Mayor Stokes reiterated that all of the groups that have looked at the information to date have concluded that even if the current modesplit remains the same as the number of employees working in the area increases, the congestion limits will not be exceeded. The fact is that transit-oriented development will reduce the number of trips, and improvements in transit that are planned will also reduce the number of trips.

Commissioner deVadoss said he understood the fact that it is the Council's prerogative to make final decisions and the Commission's task to provide recommendations. Each Commissioner should share their perspectives relative to what they see, hear and feel as citizens of the city. He added that as staff presents data, it would be helpful to know the assumptions and implications relative to worst case or best case scenarios.

Commissioner Morisseau said in making recommendations, the Commission must determine if the proposed amendments meet the vision of the CAC; are consistent with the Comprehensive Plan; will advance the public health, safety and welfare; and are not contrary to the best interest of the citizens and property owners in the city. The Commission's concerns about traffic address the issues of public health, safety and welfare as well as the best interests of the citizens and property owners. She said the Commission should look at what has been presented and formulate recommendations accordingly to avoid getting caught in an endless loop. Infrastructure will not come until the land use plan is approved and the growth happens; the reality is that the

infrastructure will not appear first.

Ms. Byers asked the Commission to keep in mind that there is a transportation plan that takes into account the recommendations of the CAC. The decisions made relative to the transportation plan are consistent with the Comprehensive Plan. The city's development regulations are required to be consistent with the Comprehensive Plan as well, which is what the current land use effort is all about. The proposed Land Use Code amendments are consistent with the recommendations of the CAC.

Ms. Byers said one of the suggestions previously made was to not require residential in the new EG-TOD. That approach, however, would not be consistent with the Comprehensive Plan and as such will not be recommended by staff. Another request made was to increase the height of the parking garage from 45 feet to 55 feet to accommodate ground floor retail, and staff believes that would be appropriate. The request made to increase the building height in the EG-TOD from 160 feet to 170 feet was aimed at accommodating elevator overruns, but overruns are not counted anyway so the building height of 160 feet as proposed should be retained.

The suggestion was also made to allow driveways as allowable interruptions on the main pedestrian street. Ms. Byers said the desire is to have the street be pedestrian friendly by avoiding conflicts between pedestrians and cars. She said staff could support including a statement about how driveways should not be allowed unless access cannot be otherwise accommodated.

With regard to the proposal to increase the maximum FAR in the NMU from 1.0 to 2.5, Ms. Byers said as suggested there would be a base FAR of 1.25 and an increase of 1.25 through an amenity system. She reminded the Commissioners that the economic analysis for the Eastgate corridor did not support inclusion of an amenity system. The economics of the Eastgate area are different from those of the Bel-Red area. For one thing, the Eastgate area is a very small area to have any kind of an amenity system. The proposed increase to an FAR of 2.5 is quite large given that currently the area has an FAR of 0.5. The NMU is intended to have a neighborhood focus with uses that cater to the adjacent neighborhoods, and allowing an FAR of 2.5 would have substantial impacts on the neighboring residential areas. The recommendation of the staff is to have a base FAR of 1.0 and an additional FAR of 1.0 in exchange for the provision of affordable housing units.

Ms. Byers said the CAC stated that New development on properties that receive additional development capacity as a result of the Eastgate/I-90 Land Use & Transportation Project should provide or contribute to public benefits as a condition of realizing that added capacity. She said when staff concluded that an amenity system should not be recommended, the decision was made to bump up the FAR and include development standards to take into account what the CAC had said with regard to public benefit.

With regard to the request to change the lot coverage in the NMU from the proposed 35 percent to 70 percent to match the Bel-Red regulations, Ms. Byers pointed out that the Bel-Red code includes a number of provisions that deal with natural drainage. Those provisions are not proposed for the NMU, which is why the lot coverage percentage needs to be kept lower.

Ms. Byers called attention to the proposed zoning map and pointed out that the CB zone close to Factoria has already been rezoned and does not need to be approved again. Additionally, there are two parcels on 148th Avenue SE called the Champion Center that are proposed to be CB in



order to expand their allowed uses to bring the existing uses into conformance with the actual use on the ground.

With regard to the NMU district, Commissioner Walter asked how the additional FAR of 1.0 for affordable housing would play out. Land Use Director Carol Helland said the FAR allowance would not drive the split of the building. As proposed, an FAR of 1.0 would be allowed without including any affordable housing. Should a developer choose to include affordable housing, they would be allowed to do so up to an additional 1.0 FAR.

Commissioner Morisseau noted that the Eastgate RV park currently has a commercial zoning designation. She said it was her understanding that the current use could continue to be operated until such time as the site is redeveloped, at which time the new development would have to meet the new zoning requirements. Ms. Byers said that was correct.

Chair Hilhorst asked if existing property owners are allowed to grandfather in uses that are allowed under the existing zoning. Ms. Byers said current uses are allowed to continue even if new zoning regulations are imposed. Discontinuation of a use for a year triggers the need to conform to any new zoning regulations, and that is irrespective of ownership.

Chair Hilhorst asked if the Commission could put forward a recommendation to allow for a base FAR of 1.0 and an additional FAR of 1.0 for affordable housing along with a recommendation to allow for an increase in the FAR in the event additional transit services, the extra lane on I-405 and other infrastructure projects get built out. Ms. Helland said amendments to the Comprehensive Plan can be made annually, so if circumstances change a property owner can always request a Comprehensive Plan amendment or a code amendment. She stressed that the NMU provisions apply citywide, not just on a single site in Eastgate. Additionally, the NMU is intended to have a neighborhood focus, and an FAR beyond 2.0 starts to move beyond the intent. Ms. Byers added that the SEPA document for the proposed code amendment included an FAR of up to 1.0 in the NMU and up to 2.0 in the EG-TOD. To go higher than that would require additional analysis. Ms. Helland said there is never a limit on revisiting the issues as circumstances change. In fact, in many cases the Council has directed staff to look back at zoning once it has been in place for a period of time to see if it is working as anticipated, and if not to make some targeted changes.

Commissioner Morisseau said it was her understanding the CAC had recommended an FAR of 1.0 for the EG-TOD area and asked why staff was recommended 2.0. Ms. Byers said the CAC had actually recommended an FAR of 1.5 to 2.0 for the area, which is where they wanted most of the density to occur. Mr. Cullen added that the CAC had also called for flexibility to ensure a desirable urban form, mix of uses and range of public benefits. Ms. Byers noted that an additional 1.0 FAR is recommended for affordable housing, open space, public restroom, special dedications and transfers.

Commissioner Walter asked if a development that maxed out the base FAR of 2.0 and received a bonus 1.0 FAR for providing affordable housing would need more building height. Ms. Helland explained that bonus FAR does not come with permission to exceed the dimensional requirements to accommodate it.

Chair Hilhorst asked if allowing a building height of 160 feet in the EG-TOD would conflict with the policy that calls for preserving the view amenities of adjacent single family neighborhoods. Ms. Byers reminded her that the EG-TOD is adjacent to Eastgate Way on the

south and abuts a steep hill on the north side, above which is Bellevue College.

Commissioner Walter observed that some things highlighted by the CAC did not translate into the staff's recommendations, including highest and most visible concentration of buildings framed by wooded slopes and landscaped; natural and human-made landscaping; stairway with small overlook; and expanded walk and canopy on 142nd Avenue SE. Ms. Byers said the hill climb walkway is incorporated in the street standards. Mr. Cullen said the reference to highest and most visible concentration of buildings framed by slopes and landscaped was to the entire Eastgate redevelopment area. Ms. Helland added that part of the issue is related to the critical areas code as well which disallows development of the hillside. All of the issues have been incorporated in other places and nothing has been lost.

Ms. Byers reminded the Commissioners that some transition area design district changes will need to be made to ensure graceful edges between more intense uses and residential areas. The changes include establishing a landscape buffer, which is usually 20 feet; not allowing building height in the non-residential areas to exceed the maximum height of the adjacent residential area; and requiring mechanical equipment to be located in mechanical rooms. She reiterated that conformance amendments will also be needed.

In light of the fact that the proposed Land Use Code amendment meets the vision of the CAC, the Comprehensive Plan criteria relative to accommodating greater height and intensity, the transit-oriented development area, integration of the street system to improve multimodal mobility within and between developments, a motion to move the package forward was made by Commissioner Morisseau. The motion was seconded by Commissioner Barksdale. The motion carried 5-1, with Commissioner Walter voting no.

## 6. BREAK

(6:37 p.m.)

## 7. ACKNOWLEDGEMENT OF CHAIR AND VICE CHAIR

(7:07 p.m.)

Mr. Cullen noted that the Commission would not meet again until September 14, at which time the tenure of the current chair and vice chair will have ended. He took a moment to acknowledge their service on behalf of the Commission and the community.

Commissioner Carlson thanked Chair Hilhorst for keeping the Commission on a steady pace over what proved to be a very eventful year that involved some very intense issues. He also thanked Vice Chair deVadoss for the role he played.

Chair Hilhorst said it had been an absolute honor to serve as chair of the Commission. She thanked the Commissioners for their thoughtful deliberations, and the staff for the hard work they do.

Commissioner deVadoss acknowledged that having been elected to serve as the next chair he had some very big shoes to fill.

## 8. PUBLIC COMMENT

(7:15 p.m.)

Mr. Brian Brand with Baylis Architects, 10801 Main Street, spoke representing three property owners located in the Deep B portion of the DT-MU on the east side of 102nd Avenue NE. He noted that the Commission has been considering allowing multiple building heights ranging from 160 feet to 240 feet in the DT-MU to create more visual interest and to allow for more light and open space between the buildings. To the east of the property there are smaller properties of varying sizes that are going to be adjacent to the 240-foot towers, and to date there has not been much discussion about what height should be allowed there. He shared with the Commission an aerial map showing what would happen if 160-foot buildings were to be constructed on two of the three sites adjacent to the Fortin site and noted that a better scale could be achieved by allowing taller buildings in the Deep B. Taller buildings are slimmer and allow for more open space and interesting designs for the same amount of FAR. Some of the smaller sites will not have the opportunity to reach up to 240 feet anyway, so the result will be the desired varying heights.

## 9. PUBLIC HEARING

(7:21 p.m.)

### A. Low-Impact Development Principles Project

Wayne Carlson, consultant with AHBL, reminded the Commissioners that the National Pollutant Discharge Elimination System Phase II Municipal Storm Water Permit requires the city to make low-impact development the common and preferred method of site development. The work involves amendments to the storm water and land use codes that must be effected end of the year. The proposals are grouped into three categories. In the impervious surfaces category, the proposal includes establishing a hard surface limit equal to the current impervious surface limit; reducing the impervious surface limit consistent with what was found on the ground through a GIS analysis; and providing off-ramps for sites where permeable pavement is infeasible.

Mr. Carlson said the Department of Ecology has moved to the hard surfaces standard for storm water management. Hard surfaces include traditional impervious surfaces but also permeable paving and vegetative roofs. The GIS analysis coupled with permit data from the city's tracking software determined the level of impervious surfaces on the ground in various zones. The proposed hard surface limit is equal to the existing impervious surface limit by zone.

The proposal does not change any of the numbers related to building coverage. The proposal includes a new standard for hard surface that is aligned with the existing impervious surface limits and allows for the same overall coverage using permeable pavement. Where infiltration-based practices are infeasible, impervious surface coverage is allowed to the existing limit.

Mr. Carlson said there is an exemption in 20.20.460 that identifies permeable paving as an emerging technology and which does not currently include the calculation of permeable pavements within the calculation of the maximum impervious surface. Currently, for a zone that allows up to 75 percent impervious surface coverage, impervious surfaces can be utilized up to that limit. Under 20.20.460, additional permeable paving could be put down. The proposal removes the exemption. Under the permit, permeable paving is not considered to be a cutting edge technology, rather it is now required by the NPDES unless it is infeasible.

The permit objectives include minimizing impervious surfaces, vegetation loss, and storm water flows. By removing the 20.20.460 exemption, a balance can be achieved between essentially paving an entire site and retaining some modicum of vegetation on site. The research to date has determined that no applicant to date has actually exercised that part of the code.

Mr. Carlson pointed out that a number of Comprehensive Plan policies support the proposal, including land use policy 13, environmental policies 43 and 44.

Commissioner Morisseau asked if the code in its current form meets the criteria of minimizing impervious surfaces, vegetation loss, and storm water flows. Ms. Drews pointed out that the hard surface limit does not currently exist, only an impervious surface limit. The proposal maintains the impervious surface limit, adds a hard surface limit, and provides an off-ramp for sites where the use of permeable paving is infeasible.

Mr. Carlson added that the NPDES permit deals with the low-impact development best management practices, such as rain gardens and permeable pavement, and the requirements for those elements are very prescriptive relative to what is considered feasible, when they have to be used and when they do not have to be used. The Department of Ecology refers to low-impact development as a storm water and land use management strategy and has directed jurisdictions to integrate the low-impact development best management practices and principles. The principles are intended to harmonize with the city's existing plans, so there is no metric against which to measure whether or not the existing code meets the permit criteria. Under the proposal, the amount of coverage by paving and structure would remain the same. The 20.20.460 exemption allows for permeable pavement beyond the impervious surface standard without being counted in determining the coverage requirements; removing that exemption is a major change.

Chair Hilhorst said her concerns lie in limiting what a property owner can do with their property. She said her preference would be to create an incentive system to encourage good land use behavior rather than imposing requirements. She also asked how an unimproved two-acre plot of single family land on which a developer wants to put 20 homes on would be impacted by the proposed approach. Mr. Carlson said the developer would be required to adhere to the allowed density in determining the total number of units; that would not change under the proposal. There currently is an impervious surface standard identified in the code that varies by zone, but the proposal includes a hard surface standard as well. If property were subject to an impervious surface standard of 60 percent, which is common in single family zones, the hard surface standard being proposed would also be 60 percent. The focus is on encouraging the use of permeable paving where feasible.

Commissioner Laing pointed out that according to the information in the packet, the new maximum hard surface coverage limit would be the same as the existing impervious surface coverage. That is true in that currently a single family property owner can have impervious surface up to 50 percent or so. Where things go off the rails is the claim that property owners will still be able to build to the same extent as before. The same building coverage of 35 percent will be allowed, but where currently 50 percent of the site can have impervious surfaces, the code also allows for additional permeable paving, which would mean after reaching the 50 percent impervious surface limit, a property owner could also have a sport court, driveway, sidewalk or patio so long as it is pervious. Under the proposed approach, the 50 percent limit could not be exceeded. He also suggested that the lack of comments by the public during the hearing would be attributable to the fact that the stakeholders do not know the changes that are being proposed.

Ms. Drews said the GIS analysis that was done included all hard surfaces included sports courts, swimming pools and other features that people typically put on their properties. The limits were set based on that data, which means there will still be sufficient coverage provided for people to put those kinds of things in. The proposal is not intended to disallow those kinds of things. Mr. Carlson pointed out that the GIS analysis found that in some zones the amount of impervious surface coverage was only 20 percent.

Chair Hilhorst asked if anyone in the building industry has expressed opposition to the proposal. Ms. Drews said staff had reached out to the Master Builders Association and had a meeting with them in May.

Commissioner Morisseau suggested that the building industry would oppose the approach. She said the code in Bellevue as it exists is already restrictive compared to other cities in the area. The proposal will impact developers because of the additional restrictions.

Commissioner Barksdale asked if notice of the public hearing had been sent out to the stakeholders. Ms. Drews said the hearing was advertised on the city's webpage. Mr. Carlson said all applicants who have made development applications to the city were noticed by email, as were all the parties of record who attended the various open house events and stakeholder meetings.

Commissioner Barksdale pointed out that there was no one in the audience present to testify during the hearing. He suggested the hearing should be postponed to allow for more noticing.

Commissioner Carlson agreed. He noted that the proposed changes are in fact substantive and the Commission should hear by those who will be affected.

Commissioner Barksdale said he could see no reason to continue the staff presentation given that those who need to hear were not present in the audience.

Chair Hilhorst reminded the Commission that there is a hard and fast deadline that must be met. She recognized the concern that either stakeholders were not appropriately notified or that the noticing was not adequate to bring the public to the hearing.

Ms. Drews noted the willingness of staff to reschedule the public hearing, to re-notice it, and to reach out personally to stakeholders. She said she could not, however, guarantee the public would show up for the rescheduled hearing either.

There was consensus to reschedule the public hearing for September 14.

Commissioner Morisseau commented that in the R-1 zone currently, the impervious surface limit is 50 percent, and the proposal would reduce that to 40 percent. She proposed for the next meeting looking into what the impacts would be if the 50 percent limit were retained while also introducing the hard surface and off-ramp options. Ms. Drews said she would do that.

## 10. PUBLIC COMMENT

Mr. Dave Meissner, 888 108th Avenue NE, referenced his request to change the zoning for that property from R to O2. He allowed that the staff had recommended against making the change in

part on the argument that the O2 zone allows building height up to 400 feet. The 22,000-square-foot site in question is the last remaining undeveloped piece on 108th Avenue NE between NE 8th Street and NE 10th Street. A project that is basically permit ready includes 158 apartment units. The site is too small for a 400-foot building. Staff also recommended against making the change because the O2 zone allows for office buildings. He said the owner would agree to enter into a development agreement with the city to limit construction on the site to apartments. The desire is to be allowed an additional 40 feet or so of height and to increase the density by roughly 24 units. The proposed development already has an affordable component built into it. The site is a thousand feet from transit and is the perfect live/work location. The traffic impacts have been studied and found to be negligible. The parking ratio is currently at 1.35 and increasing the density as proposed would bring it to 1.17, which is 15 percent what the code requires.

Mr. Cal McAusland, 10210 NE 8th Street, said one of the objectives of the proposed rezone in the Deep B zone is to encourage architects to design attractive buildings that are taller, more slender, and which will improve the pedestrian experience by allowing for more light, air and pedestrian plazas. The current recommendation allows for buildings up to 240 feet on sites large enough for at least two buildings. There are, however, some properties that will only support a single building in which case the proposed height limit is 165 feet. The current recommendation will inadvertently limit all development on 102nd Avenue NE between NE 8th Street and NE 10th Street to the lower height of 165 feet, which is an unintended consequence. The CAC did not deal with the issue, probably because it was not identified earlier in the process. The intent to achieve taller and more slender buildings will not be met on single building sites. The site is on the other end of the block from the most important corner in Bellevue, which is NE 8th Street and Bellevue Way. The corner of NE 8th Street and 102nd Avenue NE is also a very important corner in Bellevue's future in that it is the first and most prominent corner as one enters downtown Bellevue from the west on NE 8th Street. Single building properties should be given the same opportunity to create projects that meet the intent of the important rezone.

Mr. Rod Bindon, 916 102nd Avenue NE, said he owns the Burton Building adjacent to Mr. McAusland's property. He said his father built the building in 1965 and also designed the building that currently is Bellevue's City Hall. By allowing for increased height, the city will benefit from a taller and more slender building that will have fewer impacts on views for the people in Vuecrest and the surrounding areas. The Commission was asked to give equal treatment relative to height by allowing height up to 240 feet, otherwise the wedding cake will look like it has a bite out of it.

Mr. Andy Lakka, 500 108th Avenue NE, spoke in regard to the Fortress property at NE 8th Street and Bellevue Way. The property has remained unchanged for more than 50 years. It has not been possible to redevelop the site despite its location and the best development cycle Bellevue has ever seen. The development opportunities must be enhanced in order to promote redevelopment. The CAC recommended a height of 300 feet and that should be approved, and the split zoning issue must be resolved. If the zoning from the 1980s is left unchanged, the site will not redevelop; the financial returns from the existing users are too strong to forgo them in favor of an undersized redevelopment plan. Redevelopment will occur if certain criteria can be met. He said he has pledged to bring a deserving project to the city and is prepared to uphold his word, but the Commission must provide a path to allow it all to happen.

Mr. Jack McCullough, 701 5th Avenue, Suite 6600, Seattle, noted that the Commission had previously been shown slides focused on the downtown, the importance of NE 8th Street, the development density that has and will occur there, the Grand Connection, the grand shopping

street, and how it all leads to the most important intersection in Bellevue, the corner of NE 8th Street and Bellevue Way. Three of the quadrants have been developed, leaving only the final piece of the puzzle. The Lakka site is not a corner site, rather it is in the middle of the block. The 2.75-acre site is possibly the largest site in the downtown without a corner position and with only a little street frontage. Because of its location in the middle of the block, the site is impacted by midblock connectors, both east-west and north-south, by limiting the development sites within the block. The site has about equal areas of DT-MU and DT-MU B zoning; both have long, narrow proportions making redevelopment challenging. The site is also 800 feet, or one and a half superblocks, from any single family neighborhood zone; it is also 830 feet from the western boundary of the downtown, and 900 feet from the northern downtown boundary. The distance between the northern boundary of the downtown and the DT-O2 zone is 950 feet, which means the property is about the same distance from the single family zones as the DT-O2 zone which allows heights of up to 450 feet. The site is a critical location for an iconic development given its proximity to the downtown's key intersection. However, the site characteristics will thwart the redevelopment potential unless they are addressed. The lack of street frontage and the lack of corner presence means the site will need a scale and high design quality to justify redevelopment. The disproportion of midblock connectors calls for greater height and scale to justify redevelopment. The relative areas of DT-MU and DT-MU B are similar so if it is all developed as DT-MU it will not be out of scale, and the 800-foot buffer is more than adequate. The current zoning for the site has been in place more or less for 30 years and it would be a shame to retain the status quo for the next 20 years or more. The requests to move the subdistrict B boundary and to allow building height to 300 feet have not been recommended by staff. The Commissioners were asked not to slam the door to the potential for redevelopment by using the development agreement tool has been used in other zones. While not a guarantee, the tool allows the opportunity to come forward with the project that has been promised and gives the City Council the chance to increase height on the whole site to 300 feet at a later time. Most of the development would need to be located in the DT-MU zone, not in subdistrict B. The site would have to be at least 800 feet away from any single family zoned property, and it would have to meet or exceed the new downtown livability standards for tower spacing and pedestrian amenities. The Commission has recommended tower spacing of 80 feet, but for the Fortress site the spacing would be as much as 140 feet. Finally, the design of the project would need to be of a high quality and represent an iconic addition to the skyline. The development agreement approach would allow for moving forward without changing the zoning right away. One of the problems with allowing 250 feet is that structural peer review is required above 240 feet, triggering the need to substantially increase the amount of steel and concrete in the building, driving the cost up. The advantage of 300 feet, as recommended by the CAC, is that the additional height can help to amortize the additional structural costs. The additional height would yield less than 100 additional units and the traffic impacts would be minimal. Written copies of the development agreement proposal were shared with the Commissioners.

Chair Hilhorst commented that if nothing changes, there would be one tall tower and one smaller tower on the site. Mr. McCullough said that would be the case if any redevelopment occurs at all. The financial returns on the site currently are quite good. If it is not possible to do the iconic tower Mr. Lakka wants to do, the likelihood of doing anything at all with the property in the next several years will be quite small. Mr. Lakka added that he wants to take things to the next level architecturally. Things would have to be much different architecturally with one short tower and one tall tower, and the fact is the project would not be reasonable to build; it would be unattractive and the returns would not be worth the effort.

Commissioner deVadoss asked Mr. McCullough to clarify his ask. Mr. McCullough said the ask

does not involve changing the rules, rather to incorporate a process that says if certain criteria are met, the Council can have the opportunity to increase height on the site to 300 feet. The increased height would not be automatic and the case would have to be made. Mr. Lakka added that currently there is no such avenue.

Commissioner Morisseau asked if an iconic structure could be built with a height of only 250 feet. Mr. Lakka said the project needs 300 feet and the development agreement path should be created to allow for that. The twist building design under consideration works at 300 feet but not at 250 feet. Mr. McCullough said complaints are often made about the lack of iconic towers in Bellevue. The reason so many plain boxes have been built is because they are less expensive to construct. The proposed building will not be inexpensive to build given that the structural grid moves in the air and space is cantilevered. The building will, however, be iconic. Mr. Lakka added that at 250 feet the design of the building would have to change to something far more conventional.

Ms. Misha Averill, 400 112th Avenue NE, thanked the Commission for its work on downtown livability in identifying the major needs and issues and in shaping the future of Bellevue. There are, however, a few idiosyncrasies and variable factors that make each property unique. The site across the street from City Hall in the DT-OLB zone is in proximity to the freeway as well as the downtown, and the new light rail line will be crossing the property on the northern edge. That fact will create an encumbrance to development. On the south end of the property fronting NE 4th Street there is an overpass that crosses the property. The area under the overpass is being used for parking, but it cannot be developed. Some flexibility is needed to support future redevelopment of the site because of the encumbrances, and it could come about through the bonus amenity system. The suggested FAR of 6.0 and building height of 350 feet cuts things very close. The Commission was asked to consider allowing development on the site to go a bit higher than 350 feet through incentives. The site is ideal for a taller, slender building. In the materials presented by staff, a cut-through through the site leads to 114th Avenue NE, but it is unclear what the benefit would be.

Mr. Walter Scott, 400 112th Avenue NE, said he favors including public spaces, but the same brush being used to paint other districts is not being used for his site. As currently developed, the area is fairly sterile, but there is a large amount of opportunity. With the right amount of retail and convenient parking and access, the site could be very successful. Private open space should be considered as opposed to 24/7 public open space. What is needed is flexibility in terms of permitted uses, parking and open space and how it is regulated. He noted his support for the Grand Connection.

Mr. Carl Vander Hoek, 9 103rd Avenue NE, said he recently questioned staff for having made specific recommendations on height and form as well as recommendations to deny specific requests of individual property owners without specifically studying those requests. The city should wait for the Berk analysis to be completed before making such specific suggestions or before denying specific requests. Staff have indicated that their recommendations to date have been preliminary and are subject to change depending on the results of the Berk analysis. Without study, the staff recommendations appear to be nothing more than uninformed opinions. Staff have said that significant height increases and FAR should be considered in order to offset the removal of the underground parking incentive. That is warranted in order to stay in line with the Council-adopted principles guiding downtown livability, including the principle aimed at designing the incentive system to ensure that modifications to the system will not effectively result in the downzoning of land. He suggested that Berk should do two pro forma prototypes,



specifically in Old Bellevue Perimeter A and B, and he volunteered Vander Hoek Corporation resources to aid in that conducting that analysis. Referring to the second page of the downtown livability portion of the Commission packet summarizing the Commission and Council comments on June 8 and 20, he highlighted the statement that the Commission wants to ensure that staff's suggestion to withdraw parking as a bonusable amenity with an associated increase to the base FAR is fully assessed, including how it would affect project economics and how it might impact the development of parking above versus below grade, and that it was suggested by a Councilmember to explore mandating underground parking while adjusting the base FAR upwards. In Old Bellevue Perimeter A and B, there is no proposed adjustment upwards for the base FAR or height. Perimeter A has a 15-foot height increase only, which is not enough to offset taking away the underground parking incentive. Staff has yet to upwardly adjust the base FAR for many areas, which is why the staff recommendation to deny the request for increased height and FAR to offset the withdrawal of the underground parking bonusable incentive is premature. He said he was cautious about having the Urban Land Institute participate having not been in the conversation for the last three years, and suggested that because there are additional requests for work from the Council and the Commission, the process should be extended beyond December 2016.

Mr. Patrick Bannon, 400 108th Avenue NE, spoke as president of the Bellevue Downtown Association. He said several BDA members are key stakeholders with informed views on how to make the process work well overall for the community and position things to help their sites perform well in the future under the new code. He encouraged the Commission to hold open all options through the analysis. He also noted that the meeting agenda included a review of the subarea plan transportation policies for the downtown. It has been some two years since they were first dealt with and reviewed by the Transportation Commission. The Commission should keep in mind that the policies have not been recently reviewed or subject to significant involvement by stakeholders or the public. That is a step that needs to be taken moving forward.

Mr. John Concannon, 688 110th Avenue NE, said he has been a resident of downtown Bellevue for the last four and a half years and a resident of Bellevue in general for 27 years. With regard to the architectural uniqueness of the Fortress property as proposed, he said Bellevue has transformed over that last few years but no unique architecture has been incorporated. Bellevue has an emerging cosmopolitan demographic. The available undeveloped inventory in the downtown is very limited, and the Fortress site offers an excellent opportunity to create something visually iconic for the city. The Commission should open a possible avenue for bringing online something different.

## 11. STUDY SESSION

### A. Downtown Livability

Strategic Planning Manager Emil King noted that the work being undertaken by the consultant Berk has yet to be completed. The firm encountered some delays but the quality of the work product or the stakeholder engagement will not be compromised. He reminded the Commissioners that at the Commission's June 8 meeting time was spent in going over the staff's proposed approach for the incentive zoning update. That was followed on June 20 by a check-in with the Council. The Council expressed a desire to engage a third party review of the economic analysis with a group such as the Urban Land Institute (ULI).

Mr. King briefly reviewed with the Commission the feedback received to date from both the

Commission and the Council. He noted that relative to affordable housing, the Commission proposed exploring an option in which affordable housing would be included along with the rest of the bonusable amenities rather than a new FAR exemption; the Council offered no specific direction to hold joint meetings with other groups, but acknowledged the work of the Affordable Housing Technical Advisory Group that is looking at citywide options and approaches.

With regard to a residential bonus, the Commission called for fully assessing the suggestion of the staff to withdraw “residential use” as a bonusable amenity with an associated increase to the base FAR. A full understanding of the economic implications is needed. The Commission has held the same to be true about parking as a bonusable amenity, and a Councilmember voiced the need to explore mandating underground parking in conjunction with adjusting the base FAR upwards.

Mr. King said multiple Commissioners expressed a desire for staff to explore a bonusable category for “neighborhood serving uses” with built-in flexibility for a full range of uses to avoid ending up with vacant space in bonused areas.

In June a Commissioner suggested a public safety bonus in the form of land dedication or space for a public safety building should be explored. The Council expressed an interest in having the concept flushed out more.

With regard to sustainability features, several Commissioners proposed exploring having green building and sustainability added as a bonusable amenities. The Council wanted to make sure any bonuses in the category would not be given to things the market is likely to deliver anyway.

Mr. King said the consultant is working to answer a number of questions, including how much upward adjustment to the basic FAR is needed for moving some incentives to development requirements, and for removing residential and structured parking as bonusable amenities; the value of the incentive system lift, in dollars/square foot of bonus, based on the economic modeling; the value of increased height alone when not coupled with an increase in the FAR; and what bonus incentive is needed for a developer to choose to use the 1.0 FAR affordable housing exemption.

Commissioner deVadoss suggested it would be valuable to also look at the potential implications of increasing the FAR while retaining height restrictions.

Mr. King reminded the Commissioners that currently all zones have a basic FAR and a maximum FAR. By definition the maximum is always higher than the basic. The analysis work will include a focus on how much the basic FAR will need to be moved in light of removing certain incentives and adding more development requirements. In certain zones, there is a recommended change in the maximum FAR from 3.0 to 6.0, and a change to the base FAR is also under consideration.

Mr. King said questions were raised about the rationale for the suggested new 1.0 FAR exemption for affordable housing. He explained that currently there is an FAR exemption for ground floor and upper level retail. Once developers pursue that they basically have a measured FAR for getting up to the maximum. The proposal is to expand the exemption to allow affordable housing. The proposal does not affect the maximum FAR. Two of the Council incentive zoning principles particularly relate to the proposal. Principle 1 specifically mentions affordable housing in addition to open space and other things they would like to see achieved.

Principle 7 calls for designing the amenity system to act as a real incentive for developers. The approach basically parses out a 1.0 FAR that would be dedicated for developers who by choice want to pursue affordable housing. As an alternative, putting the incentive above the measured FAR level would mean it would have to compete with all the other incentives.

Commissioner Walter asked if any affordable units created as part of the exemption would have to be built onsite. Mr. King said they would need to be built onsite. There has been a desire for the rest of the incentive system to have a fee in-lieu option for the potential bonus areas. Having it as an FAR exemption with onsite performance would require the units to be integrated into the residential development. There is benefit to having housing and affordable housing within the downtown area where residents have the potential to work in the same area where they live. The public will be invited to weigh in on the approach at an upcoming open house.

Mr. King shared with the Commission staff's first cut of prototype developments for the consultant to analyze as part of the economics piece. There are currently some two dozen permutations of zones and overlays within the downtown and it would be too cumbersome to do a pro forma for each of them. He noted that Mr. Vander Hoek had asked to have the Perimeter A and B design districts for Old Bellevue included for analysis. He said other areas could be added as directed.

Chair Hilhorst asked how the request from Mr. Vander Hoek differs from the other four districts that have been proposed. Mr. King the four are primarily near Main Street and in some ways are focused in revisiting some of the prior CAC and Commission work. The prototypes will fold into very detailed economic modeling that involves a full development pro forma.

Mr. King turned to the remaining building height and form issues and noted that the Commission had previously generated recommendations relative to tower spacing, wind and solar access. He noted that the Commission had also discussed the CAC's recommendations and developed a series of recommendations relative to maximum height and FAR.

The Commissioners were reminded that staff went before the Council on June 20 to talk about the incentive system and the Mt. Rainier view corridor issue. A range of issues that had been brought up were shared with the Council. The Council directed staff not to pursue the view corridor, making it possible to bring back the original CAC recommendation for the DT-OLB area between 112th and I-405 and between Main Street and NE 4th Street. The CAC recommended an FAR of 5.0 and height of 200 feet for both residential and non-residential. Currently, the maximum FAR is 3.0 and the height is 90 feet. The CAC also recommended allowing for larger floor plates between 40 and 80 feet because of the way the topography drops off. There is also a suburban-type setback from 112th Avenue SE that has been in place for the last 35 years which the CAC proposed removing. The CAC also recommended that in order to exceed the current height and FAR maximums, additional tower spacing, diminishing floor plates, and special open space requirements should be met.

Mr. King noted the OLB just to the north is recommended for building heights up to 350 feet and a maximum FAR of 6.0 for both residential and non-residential. He noted that during public comment the Commission was asked to consider flexibility in moving forward to possibly exceed the height and FAR maximums. Staff has done no additional analysis on that particular issue.

Chair Hilhorst noted that the Sheraton site property recently exchanged hands and she asked if

the new ownership has weighed in since the Council's direction to not pursue the view corridor. Mr. King said no additional comment has been received from PMF Investments. Their initial concerns were centered on not being able to move forward with the CAC recommendations.

The Commissioners agreed with the staff recommendation.

With regard to the request to shift the DNTN-O2 boundary to include the CD Heritage property at 888 108th Avenue NE, Mr. King said the half-acre site is currently in the residential zone. He said the recommendation of staff was to retain the DNTN-O2 boundary in its current location. The site is just north of the DNTN-O2 North area for which the recommendation is for an increase in building height to 600 feet while retaining the current FAR of 6.0 for both residential and non-residential. The CD Heritage property lies within a superblock that is bounded by NE 10th Street, NE 8th Street, 110th Avenue NE and 108th Avenue NE, about half of which is zoned DNTN-O2 and half is zoned DNTN-R. The DNTN-R zone is quite different from the DNTN-O2 zone in that it heavily favors residential uses by allowing heights up to 200 feet and a maximum FAR of 5.0 for residential, and heights up to only 65 feet with a maximum FAR of 0.5 for non-residential. The property owner has done a lot of work to date toward permitting a residential building, but there are potential unintended consequences involved with changing the boundary and having something else happen on the site. Given the size of the site, it is unlikely that a building taller than 250 feet could be constructed based on floor plate sizes and the allowed FAR.

Mr. King said staff believes the residential feel for the northern half of the superblock should be retained. Other uses in the immediate area include condominiums, the Pacific Regent project, and other residential developments. Additionally, the CAC did not recommend changing the DNTN-R zone, though it did not specifically look at the issue of changing the boundary.

Chair Hilhorst cautioned against pushing out boundaries. Once that happens, it becomes easier to move them again in the future. She said she also was nervous about going directly from 200 feet to 400 feet, which the boundary change would allow, but was less uncomfortable with limiting the building height for the site to 250 feet and keeping the uses on it residential, an approach that could be achieved through a development agreement.

Commissioner deVadoss allowed that there is a clear economic opportunity involved with the CD Heritage site. He said more homework should be done to avoid ruling out an approach that would fit with what the owner wants to accomplish.

Commissioner Walter agreed with the need to avoid the slippery slope involved in moving boundaries. She also agreed, however, that the best option would be to go with a development agreement. The other Commissioners concurred.

Mr. King said the Fortress Group site is directly adjacent to the McAusland, Bindon, MD Investments site. Both sites are situated in the northwest corner of the downtown. Both properties are located in the DNTN-MU district, though the Fortress Group property is split nearly in half by the DNTN-MU B overlay. The McAusland, Bindon, MD Investments site is located fully within the DNTN-MU B overlay district. The Commission previously recommended 250 feet in the DNTN-MU zone for residential uses with a maximum FAR of 5.0.

The Commissioners were informed that projects have been successfully developed with split zoning. While it makes things a bit more complicated, it does not make development unfeasible.

It was noted that the Commission previously had significant discussions regarding the provisions for the Deep B district, and Mr. King said the staff recommendation was not to shrink the area by shifting the boundary.

The Fortress Group more recently has expressed an interest in utilizing a development agreement approach. Their thinking is that the approach could achieve their goals without changing the Deep B boundary or revisiting the DNTN-MU height recommendation.

The McAusland, Bindon, MD Investments site is part of the same superblock. The group reviewed the CAC and Commission recommendations for the Deep B district and did some architectural modeling in line with the FAR and height provisions. They found that the small properties that are prevalent on the east side of 102nd Avenue NE by their very nature will not support multiple towers. Under the CAC and Commission recommendations, the towers that do get constructed would only be 160 feet tall. The issue with allowing single tower projects up to 240 feet is that it might go against the desire of the CAC and the Commission to see variable tower heights. It would also represent a diminishing of the Deep B recommendations.

Commissioner deVadoss noted his support for the recommendation of the staff to limit single towers in the Deep B to 160 feet.

Mr. King said would be willing to do some analysis as to what height between 160 and 240 would be appropriate for single tower projects if so directed.

Commissioner Walter said she would like to see the potential for the properties because of the geography and the small lot size. The city should be as flexible as possible in making something happen there. Chair Hilhorst said she was open to further exploring the range between 160 and 240 feet.

Commissioner Morisseau said the same principle should apply to the Fortress Development site. The city should be open to the development agreement concept.

Chair Hilhorst agreed but cautioned that continuing exploration of the McAusland, Bindon and MD Investments and Fortress Development sites, the property owners to the north may also come seeking similar considerations, and the result may be an inadvertent moving of the line. Mr. King said the public comment has been clear about the special relationship the Bellevue Way and NE 8th Street intersection has with the rest of the downtown. There may be some logic to considering the development agreement approach but limiting it to the area bounded by NE 8th Street, Bellevue Way, 102nd Avenue NE and NE 9th Street.

Commissioner deVadoss suggested that the development agreement principle should be considered for other hot spots in the downtown.

Mr. King agreed to explore the concept further.

With regard to the Vander Hoek requests, Mr. King said the ask seeks reconsideration of Perimeter A and B overlay districts in Old Bellevue. The suggestions include new height limits, maximum FAR, and increases to the base FAR. Mr. Vander Hoek has suggested that the economic modeling might help inform the decisions made for Old Bellevue.

Mr. King outlined on a map the A and B overlay boundaries for the benefit of the

Commissioners. The CAC analyzed 125-foot building heights for residential without increasing the FAR for the B overlay in Old Bellevue, and recommended retaining the current 90-foot limit. He said staff was not recommending any changes to what the CAC or the Commission has done to date. For the A overlay, the CAC and Commission concurred with setting the height limit at 70 feet and retaining the maximum FAR of 3.5 for residential, in contrast to the request of Mr. Vander Hoek for heights up to 75 feet and a maximum FAR of 4.5. Mr. King noted staff was not recommending a change to the direction from the CAC and the Commission. The materials submitted by Mr. Vander Hoek provide some very good thoughts in support of his proposal for considering taller heights and increased FAR in relation to economic feasibility.

Chair Hilhorst said the lower heights in the A district make sense given that it abuts single family to the south. She said she could see no reason to make a change but would be willing to keep an open mind should additional information come to light.

Commissioner Morisseau agreed with respect to the A Old Bellevue and the A MU districts.

Commissioner deVadoss said the point made by Mr. Vander Hoek was well taken with regard to the argument that the scope of the work was the tradeoff around height and FAR. He noted that while the Commission waits for the work of the consultant, there should be no rush to make a decision.

Mr. King said the argument made by Mr. Vander Hoek specific to the B district was that the current 90-foot height limit and 5.0 FAR, the result has been some bulky, large footprint buildings in Old Bellevue, and that going to 160 feet would result in better projects that are more economically feasible. He said the concept could be teased out. Mr. Vander Hoek also pointed out the inherent differences between apartment buildings and condominiums and the ability to invest different levels of money into those types of structure, and that is also something about which more information is needed.

Senior Planner Kevin McDonald sought from the Commission concurrence with the Transportation Commission's recommended Downtown Subarea Plan transportation policy amendments that are consistent with the Downtown Transportation Plan and move them to the 2016 annual Comprehensive Plan amendment packet which is moving forward on a separate process toward adoption in December.

Chair Hilhorst said it was her understanding that a Councilmember has suggested conducting a joint session of the Planning Commission and Transportation Commission to discuss the transportation policy amendments. Mr. McDonald said he was not aware of that request and would wait to receive that direction.

Mr. McDonald said the Transportation Commission worked over a period of three years to develop the plan that was transmitted to the Council in October 2013. The Council then provided direction to implement the plan. The work to implement the plan is being carried out in two ways, first by updating the subarea plan, and second by the construction of infrastructure projects.

The current subarea plan is 12 years old and has a 2020 horizon. The Transportation Commission reviewed every policy in the subarea plan that was related to transportation and made recommendations that were in sync with the Downtown Transportation Plan. Their recommendations were shared with the Planning Commission in December 2014. The intent all

along has been to intersect with the Downtown Livability Initiative and to forward all at once to the Council a comprehensive set of policy amendments. The Comprehensive Plan update work was completed in 2015 and included the creation of a comprehensive transportation project list that consolidated all of the projects in the subarea plans and all the transportation facilities plans that were scattered throughout the Comprehensive Plan. The projects from the downtown subarea plan are now included in the updated master list. All that is left to do is address the policies.

The basis for the Downtown Livability Initiative and the Downtown Transportation Plan is a 2030 projection for employment and population growth. The Council provided direction to the Transportation Commission to enhance mobility for private vehicles, transit, bicycles and pedestrians. The Transportation Commission worked to break down the individual components and addressed them separately before rolling them all together in a plan that considers all tradeoffs and balances the priorities of each different mode people use to get around the downtown.

Mr. McDonald said a number of roadway projects were assumed for the 2030 horizon in the downtown. She shared with the Commission a map indicating the projects that have been completed since the Downtown Transportation Plan was adopted. The Commission was also shown a map of downtown intersections marked to indicate their aspirational type: standard, enhanced and exceptional. It was noted that many of the intersections have been built by the city, while development has provided some of the components and amenities.

Chair Hilhorst asked if the downtown vision of exceptional intersections is aimed at improving walkability from the point of view of safety and aesthetics, particularly with regard to the pedestrian corridor. Mr. McDonald said that is exactly what the vision of the Transportation Commission was. The vision is not inconsistent with the Grand Connection concept, though at the time the projects were approved by the Council, the Grand Connection was not yet conceived. It may be necessary to take a look at the components to make sure they are consistent with the Grand Connection, but the Transportation Commission's vision for the individual intersections provides for a pallet of choices from which to choose.

Mr. McDonald said there has been less activity with regard to midblock crossings. The crossing of 100th Avenue NE at the west end of Downtown Park will be addressed through public investment, but the others will all be addressed through private investment. The recently adopted Land Use Code requirements for sidewalk width and landscaping, which was a Downtown Livability Initiative early win recommendation, was initially reviewed by the Transportation Commission and their recommendation was forwarded to the Downtown Livability Initiative CAC. Further refinements were made by the Planning Commission for adoption in the Comprehensive Plan. With regard to the bicycle facilities network, Mr. McDonald said a few improvements have been effected around the downtown, while other improvements are in the planning stage.

Mr. McDonald noted that with the Downtown Transportation Plan in mind, the Transportation Commission looked at all the subarea plan policies and provided recommendations for changes needed to incorporate the Council's direction. The policy amendments are organized by the way people get around, specifically by driving, by riding transit, by walking and by riding bicycles. Policy S-DT-80 addresses how pedestrian bridges are accommodated in the downtown. The Council approved a new pedestrian bridge across the pedestrian corridor to the east of Bellevue Way to connect the two Lincoln Square towers, something the Transportation Commission had

not anticipated and thus was there is a need to amend the policy to include it. Additionally, opportunity should be made to provide for a new pedestrian bridge from the new light rail station across NE 6th Street connecting to Meydenbauer Center. With regard to policy S-DT-144.2, the notion of the Grand Connection needs to be included.

Chair Hilhorst said she favors pedestrian bridges and asked if they could be somehow incentivized to be built anywhere in the downtown. The bridges offer excellent opportunities for improving safety. Mr. McDonald said the issue has been the subject of discussion for many years. The city has adopted strict criteria for new pedestrian bridges given the desire to keep as much pedestrian traffic as possible at the street level, something the exceptional and enhanced crosswalks contribute to. The Council has provided for pedestrian bridges in exceptional locations, on Bellevue Way, NE 4th Street and NE 8th Street where cars are given the priority. Chair Hilhorst stressed the need to allow for flexibility in making such decisions. Mr. McDonald said the Council is authorized to allow for changes where a developer can make the case.

Mr. Cullen said direction from the Commission will carry the proposed amendments over into the 2016 annual Comprehensive Plan amendment cycle for consideration. No threshold review is needed for amendments initiated by the city.

Chair Hilhorst pointed out that the transportation policies as recommended by the Transportation Commission have been sitting on the shelf for a year and a half and she asked if there was a rush to get them approved in the 2016 Comprehensive Plan amendment cycle. Mr. McDonald said subarea plan policies are relied on by Department of Development Services staff; they use them in working with developers on conditions of development. The project list has already been adopted. Policy S-DT-164 encourages, but does not prescribe, developers, owners and managers of buildings to provide bike parking. Once the policy is adopted, developers can be asked to consider adding bicycle facilities as part of their projects. Chair Hilhorst noted that bicycle facilities are on the list of bonusable amenities. Mr. McDonald said it certainly does not hurt to have policy support for amendments. Chair Hilhorst suggested the policy appears to be redundant and really not necessary.

Mr. Cullen pointed out that in reviewing Vision Zero the Commission had a number of questions and provided staff with direction. He suggested moving forward with including the transportation policies in the Comprehensive Plan amendment cycle while leaving open the opportunity to continue to review them. Chair Hilhorst said her concern was that once direction is given to do that, the opportunity to continue reviewing the policies will largely be lost. Mr. McDonald agreed with Mr. Cullen that the same approach was used with Vision Zero and pointed out that it was also used relative to the Transportation Element policies. Additional dialog can still be had at subsequent meetings once the policies are moved into the Comprehensive Plan amendment package.

Chair Hilhorst said her concern was that the timeline would not allow for additional back and forth in reviewing the policies given the strict schedule. Mr. McDonald reminded her that the policies were fully vetted by the Transportation Commission as directed by the Council. The issue is before the Planning Commission because it has authority over the Comprehensive Plan. The Transportation Commission worked on the policies while the Downtown Transportation Plan was fresh and made recommendations for the subarea plan accordingly. Since then there has been no additional review or action taken. Chair Hilhorst pointed out that the current Transportation Commission members have not seen the policies and said she could not in good faith move the package forward.



Commissioner deVadoss agreed, as did Commissioner Walter who pointed out that they delay was not the fault of the Planning Commission.

Chair Hilhorst said she was open to putting the issue on hold to allow for additional review and recommendation by the Transportation Commission. Mr. McDonald said he would make that happen.

12. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCIL, BOARDS AND COMMISSIONS - None

(10:30 p.m.)

13. STAFF REPORTS

(10:30 p.m.)

Mr. Cullen reported that planning for the Commission's annual retreat is under way and the target date is October 5.

Chair Hilhorst reported that she recently presented to the Council the Commission's recommendations relative to the Eastgate and park plan Comprehensive Plan amendments. She said the Council chose not to move forward with the two park plan amendments, which was contrary to the Commission's recommendation. The Eastgate proposal was approved to move forward to the work program.

14. DRAFT MINUTES REVIEW

(10:34 p.m.)

A. June 1, 2016

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

B. June 8, 2016

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

C. June 15, 2016

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

D. June 22, 2016

Approval of the minutes was deferred to the next Commission meeting.

E. July 13, 2016

Approval of the minutes was deferred to the next Commission meeting.

15. PUBLIC COMMENT

(10:38 p.m.)

Mr. Carl Vander Hoek, 9 103rd Avenue NE, noted that he had previously submitted three letters to the Commission, on February 9, April 13 and May 13. He urged the Commissioners to review the letters, most specifically the May 13 letter, to better understand the requests he made. He also said his review of the transportation policies raised several red flags for him, including the projected number of jobs and residents over the next 15 years, and the fact that Main Street is referred to as a transit street. West of Bellevue Way, there is no bus service on Main Street. The concept of vehicle delay at intersections was introduced to the Commission a few months back and is used as justification for why everything in the transportation system is okay. Quite a lot of language about parking has been deleted in the proposed policies. He commended the Commission for calling for more review by the Transportation Commission.

Chair Hilhorst urged Mr. Vander Hoek to resend his letters for inclusion in the next Commission packet.

16. ADJOURN

Chair Hilhorst adjourned the meeting at 10:45 p.m.