

City of
Bellevue



STAFF REPORT

DATE: February 26, 2025

TO: Chair Goepple and Members of the Planning Commission

FROM: Nick Whipple, Assistant Director, 452-4578
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Development Services Department

SUBJECT: Public Hearing on a Land Use Code Amendment (LUCA) for the Wilburton Transit Oriented Development (TOD) area, amending chapters and sections of the Land Use Code (LUC) that apply citywide to facilitate future development within a new category of land use districts in the Wilburton TOD: "Mixed-Use Districts". The LUCA also creates a new Part 20.25R LUC to respond to the specific needs within the approximately 300-acre Wilburton TOD area, such as the implementation of various access typologies, the establishment of smaller walkable blocks, and design requirements that reflect unique elements of Wilburton, including the Eastrail, Grand Connection, and sustainability district concepts. This LUCA supports the vision, goals and polices outlined in the Wilburton/N.E. 8th Street Subarea Plan Comprehensive Plan Amendment (CPA) and rezones parcels within the Wilburton TOD to four new land use districts: Urban Core (UC), Mixed-Use Highrise (MU-H), Mixed-Use Midrise (MU-M), and Mixed-Use Residential Midrise (MUR-M), pursuant to the new Mixed-Use land use designations created by the Wilburton/N.E. 8th Street Subarea Plan CPA. File No. 24-126192-AD.

I. BACKGROUND

A. Purpose of the Proposed LUCA

The Wilburton TOD encompasses approximately 300 acres and abuts Interstate 405 (I-405) to the west, BelRed to the north, the Wilburton residential neighborhood to the east, and Wilburton Hill Community Park and Bellevue Botanical Garden to the south and southeast. A defining feature of the future TOD is Eastrail, a 42-mile multi-use trail repurposed from a former railroad line, which connects Renton to Snohomish. Running north-south through the center of the TOD, Eastrail serves as a key catalyst for creating a vibrant, transit- and trail-oriented neighborhood.

The area also benefits from exceptional accessibility, with four light rail stations within a half-mile radius: Wilburton Station within the TOD, Bellevue Downtown and East Main stations across I-405, and Spring District/120th Station to the north in BelRed. Currently, the 300-acre Wilburton TOD is characterized by an auto-oriented, suburban-style

commercial environment with several car dealerships, surface parking lots, and drive-through establishments.

The Wilburton Vision Implementation initiative aims to transform the TOD into a dense, vibrant, mixed-use neighborhood, anchored by light rail and extensive non-motorized travel corridors. Major public investments—such as Sound Transit’s light rail, King County’s Eastrail, and the Grand Connection—lay the groundwork for a walkable, sustainable district that supports the planned housing and job growth for the area.

The proposed LUCA is the next critical step in realizing the Wilburton Vision. It translates the vision, goals, and policies outlined in the Wilburton CPA—adopted by Ordinance No. 6802 on July 23, 2024—into implementable development regulations. At the time the Wilburton CPA was adopted, the City Council emphasized priorities for this LUCA to address, including:

- Ensuring transportation infrastructure supports planned densities
- Encouraging a diverse, transit-oriented community with a broad range of land uses
- Supporting small businesses through affordable commercial spaces
- Promoting walkability and housing affordability
- Expanding housing production and affordable housing opportunities
- Developing policies that withstand economic fluctuations and cycles
- Continuing robust community and stakeholder engagement

The proposed LUCA aims to implement key elements of the Wilburton Vision and address the priorities outlined above. It also rezones parcels into four new Land Use Districts and establishes requirements for development such as height and form, Floor Area Ratio (FAR), parking, circulation, landscaping and open space, the amenity system, and nonconformities.

Complementary efforts, including the development of a sustainable district framework and a multimodal access and walkability concept for the Wilburton TOD area, to be incorporated within the City’s Transportation Design Manual, will further shape the Wilburton TOD into a resilient and accessible neighborhood.

B. Proposed LUCA

The proposed LUCA currently under consideration by the Planning Commission provides two distinct options for addressing affordable housing needs in the Wilburton TOD. The intent behind providing two options is to illustrate different implementation pathways. These options were discussed in greater detail during the January 22 Planning Commission Study Session.

Option A proposes a mandatory affordable housing requirement, meaning that projects within the TOD must include affordable housing as part of redevelopment, pay a fee in-lieu, or transfer land to the city for future affordable housing development. This requirement is balanced with higher base FARs, allowing for more "by-right" development.

Option B proposes a voluntary affordable housing approach through incentive zoning. Under this option, projects can provide affordable housing in exchange for additional building height and floor area. Compared to Option A, this approach features lower base FARs and prioritizes affordable housing as a first-tier public benefit when a project exceeds the base FAR or height limit.

A high-level summary of the proposed Option A LUCA strike-draft is listed below. Callouts indicating where the Option B approach differs from Option A, specifically regarding the affordable housing provisions (required vs. incentivized) are noted in the table below. LUCA provisions to update internal references and other non-substantive amendments are not included in the table. However, both options are included as attachments to this staff report for further reference.

Section	Description
20.10.398 Mixed-Use Land Use Districts NEW	Includes the four new Mixed-Use Land Use Districts, the purpose and goals of these Districts, location of the new Land Use Districts, and a description of each of the Districts.
20.10.445 Land uses in Mixed-Use Land Use Districts NEW	Provides for what land uses may be permitted in the TOD and their form, in order to transform the TOD into a dense, vibrant, mixed-use neighborhood.
20.20.010 Mixed-Use land use districts dimensional requirements	Requirements for building height and form, including: <ul style="list-style-type: none"> • Maximum floor plate above 55' where a building exceeds 100': <ul style="list-style-type: none"> ○ Nonresidential: 30,000 gross square feet/floor ○ Residential: 16,000 gross square feet/floor District-specific standards: <u>Urban Core (UC):</u> <ul style="list-style-type: none"> • Base height: <ul style="list-style-type: none"> ○ Option A: N/A ○ Option B: 250' • Maximum height: 450' • Base FAR:

	<ul style="list-style-type: none">○ Option A: 6 (nonresidential); 8 (residential)○ Option B: 2 (nonresidential); 2.5 (residential)● Maximum FAR: 10 (nonresidential); unlimited (residential) <p><u>Mixed-Use Highrise (MU-H):</u></p> <ul style="list-style-type: none">● Base height:<ul style="list-style-type: none">○ Option A: N/A○ Option B: 100' (nonresidential); 160' (residential)● Maximum height: 250'● Base FAR:<ul style="list-style-type: none">○ Option A: 4 (nonresidential); 6 (residential)○ Option B: 2 (nonresidential); 2.5 (residential)● Maximum FAR: 8 (nonresidential); unlimited (residential) <p><u>Mixed-Use Midrise (MU-M):</u></p> <ul style="list-style-type: none">● Base height: N/A● Maximum height: 100'● Base FAR:<ul style="list-style-type: none">○ Option A: 2.5 (all uses)○ Option B: 1.5 (all uses)● Maximum FAR: 6 (all uses) <p><u>Mixed-Use Residential Midrise (MUR-M):</u></p> <ul style="list-style-type: none">● Base height: N/A● Maximum height: 100'● Base FAR:<ul style="list-style-type: none">○ Option A: 2.5 (all uses)○ Option B: 1.5 (all uses)● Maximum FAR: 6 (all uses)
20.20.128 Affordable Housing	<p>Establishes affordable housing requirements, incentives, and fees for new development, provides development requirements for affordable units, updates section-specific definitions, and establishes compliance options for satisfying mandatory affordable housing requirement.</p> <p>Option B LUCA provides only the development requirements for affordable units and updates section-specific definitions. Incentives to provide affordable housing under Option B are included in 20.25R.050.</p>

20.20.420 Green Building <i>NEW</i>	Provides information about the green building incentive that is available in the TOD and enables the director to establish a tiered list of green building incentives and an appropriate assurance device to ensure compliance.
20.20.525 Mechanical Equipment	Amends the allowable projections above maximum height for mechanical equipment in all Land Use Districts with height limits of 100 feet and above, including all Mixed-Use, BelRed, and Eastgate Land Use Districts to better support life science uses.
20.20.542 Modification of Certain Development Regulations <i>NEW</i>	Provides a procedure through which the amount of on-site affordable housing required under Option A and the amount of payment required for affordable housing may be modified to ensure that the affordable housing requirements of Option A may be applied constitutionally to a development project.
20.20.561 Nonconforming Uses, Structures, and Sites – Mixed-Use Land Use Districts <i>NEW</i>	Provides status and requirements to address nonconformities resulting from adoption of this LUCA, primarily modeled after the BelRed approach for addressing similar conditions.
20.20.590 Parking, circulation, and walkway requirements	Amended to provides a 75 percent reduction to the minimum parking ratios by use in the Wilburton TOD; added provisions for shared parking and off-site parking; and Director's authority to modify certain parking requirements.
20.20.725 Recycling and solid waste collection areas	Amends citywide standards to differentiate between collection areas and staging areas, and to permit both permanent and temporary staging areas outside of buildings.
NEW Part 20.25R Mixed-Use Land Use Districts	
20.25R.010 General	Includes how this new Part 20.25R applies and its organizational structure, the purpose of the new Mixed-Use Land Use Districts, departure and development agreement limits, criteria, and procedures, and the applicable permit review processes for development applications.

<p>20.25R.020 Access and connectivity</p>	<p>Provides standards for local streets, flexible access, active transportation access, and pedestrian corridors; block size and length; Eastrail and Grand Connection access.</p>
<p>20.25R.030 Site organization and public realm</p>	<p>Establishes active use, open space, and landscaping requirements for the TOD. Provides standards for Eastrail improvements, the design of open spaces, site organization, bicycle parking, and streetscape and public realm with the intent of realizing a TOD district in Wilburton that has a unique character and is walkable and accessible. Includes a green and sustainability factor requirement, a score-based system requiring an applicant to choose from a suite of landscaping and sustainability elements to install or preserve.</p>
<p>20.25R.040 Building design</p>	<p>Provides standards and exceptions for the design of buildings in the TOD, including facade modulation, tower separation, how active use spaces are provided, and provisions to support mass-timber construction.</p>
<p>20.25R.050 Amenity incentive system</p>	<p>Provides for exemptions to FAR calculation, calculation methods for FAR, and a list of bonusable amenities and ratios. The list of bonusable amenities has thirteen (13) public amenities, consistent with the priorities in the Wilburton CPA and a pioneer provision to encourage affordable housing development in the near-term.</p> <p>Option B provides the same information above and includes an allocation of amenities provision, requiring the first 75 percent of amenity points to be earned from affordable housing.</p>

II. REVIEW PROCESS

The LUCA adoption process is an action by the City Council, or a Process IV decision under LUC 20.35.400-.450. The Wilburton Vision Implementation Initiative CPA and LUCA was initiated by City Council on April 25, 2022, and introduced to the Planning Commission at their May 11, 2022 study session.

The content of this LUCA was introduced and presented to the Planning Commission in six (6) study sessions. The first two sessions, held on February 14, 2024, and March 27, 2024, took place before the publication of the complete draft LUCA in May 2024. Following the release of the draft, the Planning Commission held four additional study sessions on September 11, 2024, November 6, 2024, December 11, 2024, and January 22, 2025. During the January 22 session, the Planning Commission directed staff to schedule the required

public hearing for February 26, 2025. After the hearing, the Planning Commission will hold another study session, where they will be asked to make a recommendation for transmittal to the City Council for final action.

Since May 2024, staff have published and shared four complete drafts of the LUCA, each shaped by valuable feedback from stakeholders, the general public, and the Planning Commission. These drafts have focused on refining strategies to advance affordable housing in Wilburton, carefully balancing mandatory requirements, voluntary incentives, and additional redevelopment priorities such as streets and circulation, open space, and building design. Each iteration has incorporated previous feedback, with updates presented at each study session to ensure transparency and facilitate review. This iterative process reflects a commitment to stakeholder collaboration and thoughtful policy development, aiming to produce a final draft that is both effective and responsive to the community's needs.

Throughout the Planning Commission's review of the four draft LUCAs, Wilburton TOD property owners and stakeholders have requested several additional changes. While many of these requests were initially addressed since the initial publication in May 2024, stakeholders continue to seek further modifications to the latest LUCA draft, including:

- Further reduction of open space requirements
- Additional exceptions for "small sites" (defined in the LUCA as sites less than 40,000 square feet)
- Further reductions to access corridor and sidewalk width requirements
- Lowering the affordable housing fee-in-lieu amount for both residential and nonresidential development
- Vesting the fee-in-lieu amount at the land use application stage rather than at building permit issuance
- Offering a catalyst program to waive affordable housing fees and requirements for the first 2,000 residential units and 800,000 square feet of commercial development
- Maintaining the fee-in-lieu amount at the 2025 rate until the catalyst provision is exhausted, after which it would adjust annually based on the Seattle area Consumer Price Index (CPI)
- Providing an option for off-site performance of affordable units

It is important to note that several public comments received throughout the CPA and LUCA process have consistently advocated for increased open space requirements, wider sidewalks, enhanced active transportation corridors, the elimination of minimum parking requirements, mandatory green building certification within the TOD, and the prioritization

of rapidly delivering affordable housing—either on-site or through an effective fee-in-lieu option.

On January 22, the Planning Commission requested additional information and analysis regarding stakeholder requests for further changes to the latest draft LUCA shared with the public, which was the fourth version of the LUCA. The Commission also directed staff to schedule the required public hearing on the LUCA, allowing them to receive and consider comments from the public and interested parties on both the draft LUCA and the additional changes requested by property owners and stakeholders.

III. STATE ENVIRONMENTAL POLICY ACT (SEPA)

The application for SEPA review was completed under the Comprehensive Plan Periodic Update (Bellevue 2044) Environmental Review; the Final Environmental Impact Statement (FEIS) was issued February 1, 2024.

IV. PUBLIC ENGAGEMENT

Required Public Notice

The notice required for City Council Legislative Actions (Process IV) is governed by LUC 20.35.415 through 20.35.450. Notice of the Public Hearing was published in the Weekly Permit Bulletin on February 6, 2025, along with availability of this staff report, and availability of the Weekly Permit Bulletin was noticed in the Seattle Times. The notice of public hearing was also provided to those individuals who have subscribed to receive these notices and those who have expressed interest in this LUCA.

Department of Commerce Notice

Pursuant to the Washington State Growth Management Act, proposed amendments to the LUC must be sent to the Washington State Department of Commerce to review and comment on the proposed amendments to the LUC. The required notice to the Department of Commerce and the initial draft LUCA (Options A and B) were transmitted on January 27, 2025, and a copy of both documents is available for review in the code amendment file. No comments have been received by Commerce as of the date of this report.

Enhanced Public Engagement

In addition to the requirements of LUC 20.35.415 *et seq* for City Council Legislative Actions under Process IV, staff has provided enhanced public outreach and engagement for this

LUCA. The engagement efforts specific to this LUCA build upon the extensive outreach conducted for the broader initiative throughout 2022 and 2023.

Since the first complete draft LUCA was published in May 2024, staff has held 16 stakeholder workshops and meetings, as well as two public information sessions. These workshops and meetings have included direct engagement with Wilburton property owners, affordable housing groups, the Bellevue Development Committee, and other interested parties.

Additionally, staff has responded to numerous email inquiries from the general public and participated in several additional meetings with stakeholders, including property owners and other interested parties.

V. DECISION CRITERIA

LUC 20.30J.135 establishes the decision criteria for an application to amend the text of the LUC. Those criteria, and the relationship of these proposed amendments to them, are discussed below:

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

Finding: The proposed LUCA is consistent with the Comprehensive Plan. The amendment will implement the vision, goals, and policies for the Wilburton/N.E. 8th Street Subarea Plan to create a vibrant, livable, and memorable transit-oriented neighborhood, as adopted by the Wilburton CPA. The proposed code amendment is supported by the following Comprehensive Plan policies:

S-WI-33. Allow for the tallest buildings along Interstate-405 and around the Grand Connection, transitioning down in height toward the east.

S-WI-34. Provide for mixed-use development with convenient access to transit, jobs, daily necessities, services, and activities consistent with the Future Land Use Map.

S-WI-35. Provide for ground floor uses and publicly accessible open spaces that support an engaging pedestrian experience.

S-WI-36. Use appropriate vehicle and bicycle parking supply and requirements to reflect trail and transit proximity and access, and local access needs.

S-WI-37. Develop compact, mixed-use site and neighborhood configurations that support through-block and active transportation access to transit, the Eastrail corridor, the Grand Connection, and adjacent developments.

S-WI-38. Accommodate the continued operation of existing service and commercial uses and allow new service and commercial businesses that are compatible with planned land uses.

S-WI-39. Increase access to affordable commercial space for small-scale retailers, emphasizing trail-oriented retail along the Eastrail corridor and the Grand Connection.

S-WI-40. Provide flexibility toward developing building floorplates that support a diverse business mix within higher density development.

S-WI-41. Promote uses that create third place for people to gather, connect, and build community.

S-WI-42. Support the development of an environmentally resilient neighborhood through a sustainable district framework, code updates, and public-private partnerships.

S-WI-43. Support strategies for net-zero and net-positive development, including renewable energy, net-zero carbon emissions, and net-zero waste.

S-WI-46. Promote and implement sustainable mobility through integrated transportation and land use planning, increased access to low carbon transportation options, and innovative technologies.

S-WI-47. Incentivize improvements that enhance the aesthetic and functional qualities of natural features, such as Sturtevant Creek, Lake Bellevue, and the wetland at 116" Avenue NE and Main Street.

S-WI-48. Incentivize opportunities through the development process to expand green stormwater infrastructure, tree canopy, and landscaping that enhances ecological functions and urban wildlife habitat connectivity.

S-WI-49. Cultivate mixed-income communities that integrate market rate development with subsidized affordable housing through regulatory and incentive approaches.

S-WI-50. Increase opportunities for a range of residential unit types, including for seniors and families, that are close to and/or integrated with neighborhood amenities and services.

S-WI-51. Provide for housing that supports a workforce representing a broad spectrum of professions and income levels being able to live in proximity to where they work.

S-WI-52. Provide for housing units and amenity spaces that are directly accessible at ground level.

S-WI-54. Seek, through the development process, small-scale facilities, such as neighborhood parks, plazas, active recreation facilities, and natural features as public amenities to increase community access to open space opportunities.

S-WI-55. Provide a system of active transportation connections that links park facilities, including Bellevue Botanical Gardens and Wilburton Hill Park, with other parks and points of interest, including transit, employment, and medical facilities.

S-WI-56. Enhance active transportation and through-block connections with landscaping and amenities to serve as linear open spaces.

S-WI-58. Provide for centrally located public space as part of the Grand Connection between and including the I-405 lid park and the Grand Connection intersection with the Eastrail.

S-WI-59. Require and/or incentivize public access and open space opportunities linking the Grand Connection to 120th Avenue NE and residential neighborhoods east of 120th Avenue NE.

S-WI-60. Collaborate with King County, Sound Transit, and adjacent property owners to develop the Eastrail corridor into a linear park, including recreational and natural features within and adjacent to the corridor.

S-WI-62. Redesign and develop the 116th Avenue NE corridor to include planned bicycle facilities, sidewalks, and landscaping.

S-WI-63. Incorporate an integrated system of local access and active transportation facilities to support the intended transit-oriented and trail-oriented land use pattern.

S-WI-64. Require publicly accessible internal access corridors to facilitate mobility and livability through development review.

S-WI-65. Work with developers to provide vehicle access onto their site via internal access corridors rather than along arterial streets.

S-WI-69. Provide for emergency and maintenance vehicular access to the Eastrail.

S-WI-70. Secure abundant active transportation access to the Eastrail and along/adjacent to the Eastrail through development review.

S-WI-72. Use transportation facility design guidelines and standards that support the intended land use pattern, ensure safety and accessibility for all users, and advance an efficient development review process.

S-WI-74. Allow flexibility for buildings to provide for activation along the building's frontage zone.

S-WI-76. Use design guidelines and standards that promote a high-quality, attractive, and safe pedestrian environment with ample access to sunlight, air, and weather protection.

S-WI-77. Support a wide range of active uses and gathering spaces, prioritizing these opportunities fronting the Eastrail corridor and the Grand Connection.

S-WI-79. Require buildings to be developed in a manner that provides direct connections to the Grand Connection.

S-WI-80. Use design guidelines and standards for development within and adjacent to the Eastrail corridor that consider unique characteristics, topography, and different user groups along the corridor.

S-WI-81. Allow adjacent developments to provide upper-story or podium connections to the Eastrail where there is significant elevation difference between the Eastrail corridor and adjacent properties.

S-WI-82. Maximize usable Eastrail corridor space for programmable area accessible to the public and allow for integration with adjacent development where there is public benefit.

S-WI-87. Use land use code tools that enable development contributions toward public benefit, including affordable and family-sized housing units, open space, and community and cultural spaces.

S-WI-91. Coordinate with public and private development so that planned infrastructure, amenities, and uses are provided efficiently and integrated with the surrounding environment.

Policy HO-18. Promote housing density, choice and affordability in areas served by the frequent transit network, businesses serving the community's day-to-day needs and significant nodes of employment.

Policy HO-30. Substantially expand funding sources for affordable housing.

Policy HO-35. Create opportunities to require or incentivize affordable housing when increases to development capacity are made.

Policy HO-43. Recognize the connection between housing cost burden and mobility cost, and work to provide affordable housing in areas served by the frequent transit network.

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Policy HO-47. Encourage and prioritize the development of affordable housing through incentives, regulations, funding, policies, procedures and other tools.

Policy HO-48. Implement the bonuses and incentives for qualifying properties to encourage affordability and housing diversity and to prevent displacement of marginalized populations.

Policy HO-54. Implement the bonuses and incentives for qualifying properties to encourage affordability and housing diversity and to prevent displacement of marginalized populations.

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

Finding: The amendment enhances the public health, safety, and welfare by promoting a walkable, transit-oriented environment that includes appropriate permitted uses, development standards, and design requirements. The LUCA supports housing affordability and economic resilience, ensuring a diverse and inclusive community. Additionally, it incorporates infrastructure and design standards that enhance pedestrian safety, accessibility, and overall neighborhood livability.

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 interests of Bellevue's citizens and property owners by fostering a well-planned, transit-oriented neighborhood that balances growth with sustainability. The LUCA supports economic vitality by encouraging diverse land uses and small business opportunities, and promotes a high quality of life with walkability, open spaces, and housing options.

VI. RECOMMENDATION

Both Wilburton LUCA Option A (Mandatory Affordable Housing Approach) and Option B (Voluntary Affordable Housing Approach) are consistent with the decision criteria required for adoption of a Land Use Code Amendment, pursuant to Part 20.30J LUC. Staff recommends Option A (Mandatory Affordable Housing Approach) to the Planning Commission and further recommends that the Commission direct staff to prepare Option A for recommendation to City Council.