



WILBURTON PROPERTY OWNERS GROUP

City of Bellevue Planning Commission
450 110th Avenue NE
Bellevue, WA 98004

Re: *Comment on Updated Draft Wilburton Land Use Code Amendments (“LUCA”)*

Dear Planning Commissioners:

Wilburton Property Owners Group (WPOG) submits this letter in response to the Wilburton LUCA issues before you today and in response to the draft code released last week. We appreciate the Planning Commission’s engagement and thoughtful feedback on the Wilburton LUCA to date, and it is very disappointing and surprising that the latest draft code did not make any meaningful updates, despite your clear direction.

Attached to this letter is the WPOG list of priorities, which has not changed since the last Planning Commission meeting (since the code has not changed). We also enthusiastically endorse the compromised position outlined in the Eastside Housing Roundtable (EHR) letter. We urge you to continue to support changes to the code consistent with our priorities list and the EHR letter. We also wanted to specifically respond to the four topics in the Agenda Memo for today’s meeting.

- 1. Access Corridors.** WPOG has consistently requested a reduction in access corridor requirements to maximize housing production. These are not new requests. The Planning Commission has repeatedly encouraged staff to adjust the access corridor standards, and there has been no progress in the draft code. We urge the Planning Commission to support the “Property Owner Request” option for each access corridor typology. It does not make sense to require 10’ sidewalks and 5’ amenity zones on both sides of the street everywhere cars drive in Wilburton. There is no reason to include a separate amenity zone on fire lanes. And there is zero indication why a 10’ vs. 14’ shared-use path is “unsafe.” These are not all going to be high-volume pedestrian environments. Every corridor does not need to be designed to a worst-case scenario. The trade-off is housing production, and the “Property Owner Requests” present a reasonable alternative that will create a vibrant and functional neighborhood.
- 2. Off-Street Parking.** WPOG is fine with either a 75% reduction to parking or no minimum parking.
- 3. Small Sites.** WPOG supports an adjustment to allow small sites to achieve maximum development capacity *only* through the green building incentive. Under Option A, affordable housing will be provided (through performance or payment) on the entire building. Residential tower projects should not have to provide additional affordable housing units in order to achieve the bonus floor area. A full amenity incentive exemption for residential towers on small sites is reasonable, but WPOG would at least encourage the amenity incentive to be limited to green building incentives.

4. **Affordable Housing.** WPOG reiterates the negotiated compromise position outlined in the EHR letter, and we urge the Planning Commission to support the “Stakeholder Request” option for the fee amounts and the catalyst program in the EHR letter. We would also reiterate that this is not a menu of options, and this approach has been carefully calibrated to produce the Wilburton Vision.

We appreciate the Planning Commission’s continued engagement and support. We hope your feedback from this meeting will finally move the code forward on these important topics.

Nesse, Katherine

From: Matt Jack <matt@bellevuedowntown.com>
Sent: Wednesday, February 26, 2025 3:36 PM
To: PlanningCommission
Cc: Ka-Chung Kwok; Mia Marshall; Patrick Bannon; 'tcarr@meydenbauer.com'; Nesse, Katherine; Whipple, Nicholas; Steiner, Josh; King, Emil A.
Subject: BDA Comment Letter on Wilburton LUCA
Attachments: BDA Letter re Wilburton LUCA (02.26.24).pdf

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Greetings Chair Goepple and Members of the Planning Commission,

Attached is a letter reaffirming the BDA's position on Wilburton's future transformation. Please take a moment to review the two-page letter ahead of tonight's meeting.

Thank you for your time and consideration.

Sincerely,
Matt

Matt Jack (he/him)

Bellevue Downtown Association
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Note: email responses may be delayed or at irregular hours.



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February 26, 2025

Bellevue Planning Commission
City of Bellevue
450 110th Avenue NE
Bellevue, WA 98004

Re: BDA Comments on the Draft Wilburton Land Use Code Amendment

Dear Chair Goeppelle and Members of the Planning Commission,

On behalf of the Bellevue Downtown Association (BDA), I am writing to reinforce our Board-approved position on Wilburton's future transformation as comments for the draft Land Use Code Amendment (LUCA). Our vision for Wilburton is a dynamic new neighborhood that complements and enhances Downtown Bellevue.

For the past 20 years, the BDA has supported planning efforts, ballot initiatives, and major infrastructure investments to prepare Wilburton for this transformation. Our goal is for the LUCA to inspire and enable development that leverages these investments while remaining adaptable over multiple development cycles. To achieve this, the land use code must provide a strong foundation while allowing for flexibility to evolve over time. We urge you to apply the following principles based on our analysis of Wilburton's existing conditions, future potential, and critical relationship with Downtown Bellevue.

Wilburton Land Use Code should:

1. Balance uses to support sustainable growth and long-term viability.
2. Focus density around light rail stations to encourage transit-oriented development (TOD).
3. Promote flexibility to ensure plans can adapt to changing conditions.
4. Support maximum density to optimize development potential.

We recognize the extensive public input and stakeholder engagement that have helped shaped the latest draft Wilburton LUCA. As you weigh feedback and finalize the code, we encourage you to ensure it supports Wilburton's long-term success as a thriving, complementary neighborhood to Downtown. Success can be measured by the following benchmarks.

Wilburton should be:

1. An 18-hour destination catering to all economic, cultural, and social backgrounds. A place that offers experiences for various occasions and preferences.
2. An attractive place to develop and assemble land with thoughtful economic incentives that reduce investor risks, and that are resilient and adaptable to capital market trends and changes.
3. Easy to travel to and through, with street grid connectivity that creates a system of roads, transit infrastructure, bike lanes, and pedestrian pathways.
4. A walkable community prioritizing the pedestrian experience and accessible linkages to 2 Line stations, Eastrail and the Grand Connection.
5. Built to maximize density yet maintain human scale in areas with street-level activity.
6. Residentially focused with many multifamily housing options and types, with particular attention to affordable and workforce units.

Wilburton must have:

1. An abundance of housing for both the missing middle and lower-income residents to support near-term needs and long-term goals as a resilient place.
2. A character that defines Wilburton as a unique neighborhood that can foster a sense of community.
3. Distinctive urban experiences achieved by developing unique neighborhoods, or "places within a place," each capitalizing on its surrounding environment.
4. A sustainable and vibrant makeup of building uses, active uses (restaurants, shops and entertainment venues), open spaces, and amenities that create a place where people can live, work and play.

We appreciate the City's dedication and thorough process to develop a draft LUCA that supports Wilburton's transformation. We look forward to seeing this vision come to life. Thank you for your leadership and support of Downtown Bellevue's future relationship with Wilburton.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matt Jack', with a long horizontal line extending to the right.

Matt Jack
BDA Director of Public Policy

Nesse, Katherine

From: Fay Hou <fayhou@gmail.com>
Sent: Wednesday, February 26, 2025 3:47 PM
To: PlanningCommission
Cc: Menard, Mathieu
Subject: Opposition to HOMA Amendment in Newport Hills, Bellevue

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You don't often get email from fayhou@gmail.com. [Learn why this is important](#)

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Dear Bellevue Planning Commission,

As a Newport Hills resident, I strongly oppose the proposed Housing Opportunities in Mixed-Use Areas (HOMA) land use code amendment for the following reasons:

1. **Contradiction with Existing Plans:** HOMA contradicts the 2044 Comprehensive Plan's recommendation to cap Neighborhood Centers designated Mixed Use-Lowrise 1 at 2-4 stories, instead proposing 3-6 story buildings. [HOMA](#)
2. **Tech Industry Changes:** Recent tech layoffs and AI advancements are reducing workforce needs, potentially leading to less growth in the area [layoffs](#). This trend suggests the proposed development may be excessive for future needs.
3. **Office Space Vacancy:** Bellevue's downtown vacancy rate is expected to climb to nearly 23% to 40% by 2025 [vacancy](#). This high vacancy rate questions the need for additional large-scale developments.
4. **Implications for Newport Hills:**
 - Increased traffic congestion on narrow arterials
 - Potential school overcrowding
 - Loss of community character and existing businesses
 - Environmental concerns, including shadowing effects on residential properties
5. **Foreign Investment:** My street in the Newport Hills has seen significant foreign investment in housing. We should consider policies similar to Canada's, which has extended its ban on foreign homebuyers until 2027 to address affordability issues [BAN](#).
6. **Affordable Housing Concerns:** The "fee in lieu" option may not guarantee affordable housing within Newport Hills itself.
7. **Community Engagement:** There are concerns about the adequacy of the public engagement process for such significant changes.

I urge the Planning Commission to reconsider the HOMA amendment, particularly its application to Newport Hills. Our community needs thoughtful, measured growth that preserves its character and addresses the real needs of current and future residents.

Thank you for your consideration.

Nesse, Katherine

From: Kevin Wallace <kwallace@wallaceproperties.com>
Sent: Thursday, February 27, 2025 12:24 PM
To: Council; PlanningCommission
Subject: Wilburton LUCA Comment Letter
Attachments: Comment Letter to Wilburton LUCA 022625.pdf; Wilburton LUCA Table of Wins.pdf; EHR Feb 2025 Wilburton Letter_FINAL version.pdf

Follow Up Flag: Follow up
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Dear Council and Commissioners,

Please find attached my recommended revisions to the Wilburton LUCA draft that was discussed last night at the Planning Commission meeting. For the Commissioners and Deputy Mayor, I polished up the letter a bit from the version I handed out last night, so please review the attached version instead.

The second attachment is my “table of wins”. I’ve been tracking the changes that staff have been willing to make since the original version in June. This list is not comprehensive, but is a good indication of the staff’s willingness to listen and compromise. The current code is much better than the original version from June of last year, and the collaboration is appreciated.

That said, several provisions remain that will unnecessarily drive up the time, risk and cost of building a new residential or nonresidential project in Wilburton. This is true even as compared to projects in Downtown and Bel-Red, where many requirements are already quite cumbersome and expensive. There is no public need to have even greater restrictions in Wilburton. Relaxing the mandates somewhat will still result in a great neighborhood and enable it to redevelop faster, at greater density, and at a lower cost. On the other hand, if you maintain these restrictions it will be difficult to achieve significant growth in the Wilburton rezone area. There is reason to be concerned that redevelopment of many of the parcels will be infeasible to the cost and constraints imposed on land that is already producing income.

This is all the more true with EHR’s proposal for mandatory affordable housing or a \$13/16.50 fee in lieu, which is roughly \$10,000 per residential unit, or \$1 million on a 100 unit apartment building. To achieve that goal, it’s critical to find reasonable ways to offset the additional cost of the fee in lieu, and make it easier to provide the affordable units on-site. I provide recommendations to achieve both of those goals. I also believe the proposal is open to legal challenge, and provide suggestions to make it less susceptible to one.

Outside of the affordable housing provisions, my letter is not inconsistent with the attached EHR letter, but I dive into greater detail about the “horizontal” site and offsite development requirements, and “vertical” requirements applicable to the building design. These comments are based on my years of working with the city staff and codes on projects in Downtown, and from development of mixed-use housing projects in Seattle, where I’ve produced 1,000 market rate and rent-restricted homes.

I hope you'll continue to support the changes called for by Eastside Housing Roundtable, but also consider the more granular comments in my letter. Please feel free to call if you'd like to discuss this further.

Kevin Wallace

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February 26, 2025

Planning Commission planningcommission@bellevuewa.gov

City Council council@bellevuewa.gov

Re: Wilburton Vision Implementation Land Use Code Amendments
Comments Pertaining to **January 3, 2025 Wilburton LUCA revision**

Dear Commissioners and Councilmembers:

I commend city staff for the great outreach they have conducted with the Wilburton community over the last eight months, and willingness to make modifications to the code. The February 26, 2025 version is much improved from the June 3, 2024 version. At the same time, in order to achieve the city's growth targets for housing it is necessary to reduce the regulatory burdens on housing development. I have tried to distill the comments below to the key design issues that will impact the ability to provide housing by imposing unnecessary costs and impacts to density. I also touch on a few issues with respect to the affordable housing requirements.

20.10.445.B.5.c	Prohibited Uses - Surface parking exceeding 10% of the lot area is a prohibited use. 15% for small sites. The calculation area includes all parking stalls and drive aisles adjacent to parking stalls.	<p>Recommendation: Delete these sections. Instead, consider adding the rule from Downtown (20.25A.170.B) that says, [Except for auto sales,] “no surface parking or vehicle access shall be allowed directly between perimeter sidewalk and main pedestrian entrance.”</p> <p>This is an unnecessary rule that is almost certain to cause problems on some sites. The current version is an improvement over the original, but I still don't see the justification.</p>
20.20.010	Base FAR – Option A	<p>Recommendation: Increase MU-M and MU-H Base FAR from 2.5 to 4.0.</p> <p>The affordable housing requirements are already cost-burdening these sites. The base FAR in UC is 6.0, and in MU-H it is 4.0 for nonres and 6.0 for res. In contrast, MU-M and MU-R is only 2.5. This is not equitable for MU-M and MU-R. As it stands, very few amenity points will be required on projects in UC and MU-H, but many points will be required in MU-M and MU-R, and the amenity point function will act as a constraint on the the density in these zones because it will be very difficult to get the maximum points needed using the amenity options that are available.</p>
20.20.128-A-I.	City-wide applicability	<p>Recommendation: Make the changes applicable only to the mixed-use zones (similar to subsection J) for now.</p> <p>All of the affordable housing provisions before subsection J apply city-wide. This is unfair to all property owners outside of Wilburton who have not been adequately informed that some of the Wilburton LUCA amendments apply to their property.</p>

<p>20.20.128.A.2</p>	<p>Director will publish rules governing the affordable dwelling units.</p>	<p>Adopt a Council policy that the Director’s standards should lean toward providing a high <i>quantity</i> of affordable housing over unnecessary <i>quality</i>.</p> <p>Not every aspect can or should be codified, and the Director should have the flexibility to deal with unique situations, but the Seattle Office of Housing, and more recently, ARCH, have been mandating that the affordable units include high value units that developers rely on to make the projects pencil. Whether a rent-restricted unit should be required to provide a deck, a view of Mt. Rainier, a jacuzzi tub, or whether they can be more basic, will heavily impact the ability to provide the quantity of both affordable and market rate units that are needed in the City.</p>
<p>20.20.128.A.3</p>	<p>Standards for location of affordable units.</p> <p>g. The materials, finishes, design, amenities and appliances of affordable dwelling units shall have substantially the same functionality as, and be substantially comparable with, those of other dwelling units in the development.</p>	<p>Recommendation: At a minimum, please delete subsection g. Preferable, codify the following rules in replacement of 3a, 3.e, 3.f., 3.g:</p> <ul style="list-style-type: none"> - Studio, 1BR and 2+BR units must be proportionate to within 5% of market rate units. - Projects with 3+bedroom units can meet affordable unit requirements solely with 2 bedroom units. - In highrise buildings, the penthouse units on the top three floors are excluded from the calculation of area and proportionality. - Affordable units must be located on at least 60% of the residential floors. - The average area of the studio, 1BR and 2BR affordable units must not be more than 10% lower than the average area of the studio, 1BR and 2BR market rate units. - An open one-bedroom unit may be counted as a 1BR if the unit has an exterior window and an interior closet, there is a door to close off the bedroom from the rest of the unit, and the floor area of the bedroom is at least 90 square feet with minimum dimension of 8’8”. - Affordable units are not required to be proportionate with market rate units with respect to views, decks, or similar unit-based amenities intended to generate higher rents than the basic units in the building, so long as, at minimum, an equal number of basic units are rented at both market and affordable rates. <p>It should not be the policy that all materials, finishes, design, amenities and appliances of affordable units are substantially the same as market rate units. This requirement has been problematic in Seattle because it greatly increases the complexity and risk of coming to an agreement on which units should be the affordable ones. The above rules provide some reasonable restrictions to keep the units comparable. It’s reasonable to require that units not be clustered into a certain area so it ends up feeling like the “affordable” area of the building, but at the same time it’s reasonable to permit developers to create</p>

		premium rent units that are rented only to those willing to pay the higher rent premiums for those units.
20.20.128.A.3.h. and 20.20.128.A.4.c.	Life of the project but not less than 50 years.	Recommendation: Change to “not more than 50 years.” The code is vague as to the duration of affordability. 50 years is sufficient duration and provides a clear end point. New buildings become naturally affordable after 20-30 years or so.
20.20.128.J.	Off-site performance option.	Recommendation: Allow the offsite option for residential or nonresidential, and enable it to apply to conversion of market-rate units to rent-restricted units in existing buildings, subject to additional rules to be promulgated by the Director. It would be very difficult to do offsite with a new development and get the timing to work correctly with that of another development. Allowing existing buildings to agree to make their market rate units rent-restricted enables the efficient creation of more affordable units. The Director can develop rules to ensure the affordable units are of good quality.
20.20.128.J.4	Fee in lieu	Recommendation: <ul style="list-style-type: none"> - Reduce fees to \$13.00 across the board. - Allow payment of the fee at certificate of occupancy, not building permit. - Make the fee applicable to the FAR above the max FAR that currently exists for the property. - Define “New Non-Exempt Gross Floor Area”. Is this different from the definition of FAR? Does it include the parking garage, for example? This is still \$10,000 per average unit, \$1 million dollars on a 100-unit project, \$6.5 million on a 500ksf highrise office tower. To be consistent with state law, the fee in lieu should only apply to FAR used over and above the current max FAR.
20.20.542	Modification of Affordable Housing Regulations	Recommendation: Change the standard to be consistent with the nexus/rough proportionality standard promulgated by the U.S Supreme Court. The standard of “depriving an owner of all economically beneficial use of the property” is not correct. It is whether the city can establish a nexus and rough proportionality for the affordable housing requirement, or not.
20.25R.020.B.3.b	b. All sidewalks shall be a minimum paved width of 10’.	Recommendation: Delete this requirement or modify to reasonable widths for the location and use. Sidewalk widths should be determined by the transportation design manual, or the widths should be comparable to the widths in Bel-Red. Arterials, local streets and green streets in Bel-Red are required to have 6’ wide sidewalks (20.25D.110).

20.20.420.	Green Building.	<p>Recommendation: Defer to the Downtown standards until staff have time to provide updated requirements and codify them.</p> <p>This is still unresolved and left to the discretion of the Director. If the City is unable to resolve this now, implement the Downtown standards until they can be updated city-wide.</p>
20.25R.020.B.2.d	Shared access corridors across property lines.	<p>Recommendation: Clarify that the developer to build first need only construct the half of the corridor that lies on such developer's side of the property line.</p>
20.25R.020.B.3.b	10' wide minimum paved sidewalk width.	<p>Recommendation: Delete.</p> <p>This is unreasonable.</p>
20.25R.020.B.3.c.i & iii.	Cantilevers and connections of buildings across access corridors.	<p>Recommendation: Reduce the minimum vertical clearance to 16'.</p> <p>Requiring the minimum at 20' will reduce the residential floor heights in midrise buildings. The extra 4' is not necessary for public benefit, particularly on private driveways/access corridors.</p>
20.25R.020.B.3.d	Flexible Access Corridor. A minimum 20' wide drive aisle and 10' wide sidewalks on either side and 5' wide landscape strips on either side, plus 6" curbs. Total 51'.	<p>Recommendation:</p> <ul style="list-style-type: none"> - Reduce sidewalk width to 6', which is consistent with Bel-Red for internal driveways, and only require planter strips on one side. - If a street is adjacent to a property line, do not require a sidewalk on the outside. - If the 20' wide driveway requirement is maintained, provisions need to be made for the last 30' before the curb cut, because 20' is not wide enough for the turning movements required in Section 3.1.3 of the TDM.
20.25R.020.B.3.e	Active Transportation Access Corridor	<p>Recommendation: Reduce minimum width to 15' if fire truck access is not provided, and 25' if it is.</p> <p>The above widths allow for a 10'/20' wide hard surface area plus 5' for a soft surface area.</p>
20.25R.020.B.3.g	Commercial driveways.	<p>Recommendation: Delete.</p> <p>It appears the only reason for this subsection is to impose a 10-wide sidewalk requirement on every commercial driveway where a sidewalk is required. This is unreasonable.</p>
20.25R.020.B.3.i.	Public Access Easement	<p>Recommendation: Delete.</p> <p>This requirement bears more legal scrutiny. What is the basis for mandating a public access easement over every commercial</p>

		driveway as a condition to development? Even if legal, what is the public purpose?
20.25R.020.3.b. & c.	Emergency vehicle access to Eastrail.	Recommendation: Delete. This is not legal. The city has no basis to mandate the provision of access for emergency vehicles to Eastrail as a condition to development of private property.
20.25R.020.3	Access to Eastrail.	Recommendation: Direct staff to negotiate access rights with King County. How is a private property owner with no condemnation authority supposed to secure the right to connect to Eastrail?
20.25R.030.B	Active Uses	Recommendation: Delete the 50% requirement from flexible access corridors, active transportation access corridors and and 25% requirement from shared-use paths. This is a huge impact on sites greater than 105,000 sf, which are the only ones where flexible access corridors, active transportation access corridors and pedestrian corridors are required. It would force active uses into areas where they will likely not be successful.
20.25R.030.C	Open Space. Percentage requirement is reduced to 10% of the site area.	Recommendation: Delete. This requirement is far greater than any comparable requirement in Downtown or Bel-Red. Property owners will provide a reasonable amount of open space without being mandated to do so. Other restrictions in the code, such as green factor and driveway requirements, force open space to be provided. There is no need for this additional mandate and it will unnecessarily hinder development and density.
20.25R.030.E.4	b., c. Weather protection no less than 10' nor more than 12' above the sidewalk. d. in proportion to sidewalk. e. freestanding	Recommendation: <ul style="list-style-type: none"> - Modify b and c to 9' minimum and 13' maximum. It's important to have at least a 4' range, particularly on sloped sites. - Delete d "In proportion to building and sidewalk" (vague) and replace with "minimum 4' from building face, but shall not impact street trees, light fixtures or other street furniture." - Delete the requirement for freestanding weather protection in e. This is unreasonably expensive.
20.25R.030.G.2.c.	Frontage path requiring 10' in width is required from NE 8 th to NE 12 th .	Recommendation: Delete. The frontage path requirement is redundant with the Eastrail path and burdens the properties that are subject to the requirements because this area is needed for back of house and fire truck access. The proposed code requires connections to be made to Eastrail in the same area. There is no need for both

		connections to Eastrail and a redundant footpath on the private property running in parallel with Eastrail.
20.25R.040.D.3	Building Base - Mandatory Green Roof on Podium. At least 10% of the top of building podium shall contain a green roof.	Recommendation: Delete. The requirement to provide green roof or landscaping on 10% of the exterior area on top of a building podium is redundant with the green factor. Not a requirement in other Growth Area LUC's.
20.25R.040.D.4.a	Building Base - Parking Structures. 20 feet of habitable commercial use along the ground floor	Recommendation: Delete. Requiring habitable space along the entirety of the ground floor is a poison pill for elevated parking structures. The remaining rules are adequate to address the aesthetic concerns with elevated parking without requiring unusable habitable space. Keep in mind that active use requirements apply to high traffic ground floor areas that have parking behind them.
20.25R.050.D.2.c	Amenity Incentive System	Recommendation: Allow all amenity points that are available in Downtown and Bel-Red. Reduce the requirements for "Small Sites". There are not enough amenity points available for small sites, midrise buildings and the MU-R and MU-M zones at a Base FAR of 2.5. A number of amenity points were removed from the original draft.

Thank you for considering these comments.

Sincerely yours,

Kevin Wallace



The table below provides the list of issues from the June draft of the Wilburton LUCA that have been resolved favorably in the November 6 update. The newly added rules for staging of garbage and recycling are also appreciated, but there are suggestions for improvement to the language so it hasn't been moved into the wins list yet.

20.20.010	Minimum FAR	The City eliminated Minimum FAR, at our request.
20.20.010	Max FAR	The proposed maximum FAR's are sufficient. MU-H max FAR is 8.0 for nonresidential and unlimited for residential. It will not be possible to attain the 8.0 nonresidential FAR due to other restrictions like open space, building height, floorplate limit. The remaining issue is how much the project has to pay in affordable housing requirements and other public benefits or fees in lieu in order to achieve the FAR the project requires.
20.20.010	Height Limits	The 250' height limit is OK and it's unlikely we will be able to obtain an increase.
20.20.010 20.25R.040.B.3	Floorplate Limits. Residential was increased from 13,500 to 16,000, but nonresidential was not increased.	Requested change: Increase the limit for nonresidential to the greater of 30,000 gsf or the floorplate permitted in the UC zone. The land in the North MU-H area should have the largest floorplates for nonresidential due to its proximity to the hospitals. The city previously verbally committed to the 30,000 gsf increase. At a 250' height limit, the large floorplates are essential and also reasonable, as compared to the UC zone with the 450' height limit. WPOG has asked for 35,000 gsf in the UC zone, and if that is granted then it should be allowed in North MU-H as well.
20.20.010	Floorplate Averaging	Request: Provide the same floorplate averaging rule as Downtown and Bel-Red. See 20.25A.075.A.2.b, 20.25D.080.A(16). Resolved. Staff provided larger floorplates, and the proposal for floorplate averaging would have resulted in smaller floorplates if used, so the group consensus was to drop this issue.
20.20.540 20.25R.030.C.3	Multifamily Play Area. Required for all residential buildings at 50 SF per unit, max 10,000sf.	The City eliminated the requirement at our request.
20.20.590	Parking Quantity 75% reduction from City-wide standard.	Previously we were seeking the ability to depart from the parking minimums, but with a 75% reduction this is not worth fighting. The market will require parking in excess of the minimum threshold.
20.20.561	Nonconforming Sites –	This language generally tracks the Bel-Red code and is acceptable.

20.25R.010.A	Applicability	At our request, the City provided a list of the sections in LUC 20.20 that do not apply in Wilburton. Particularly important is that 20.20.900 (tree code) is exempted.
20.20.725	Recycling and Solid Waste Collection Areas. New rules provided to allow/regulate permanent and temporary staging.	New city-wide rules are provided, bringing clarity that temporary staging is allowed on the exterior of the building, but also providing reasonable regulations for the design and location of the permanent and temporary staging.
20.25R.030.D	Green and Sustainability Factor	Internal driveways, such as the flexible access corridors (curb to curb), should be exempt from the numerator and denominator for the site area calculation. The City agreed to this. Same language should be applied in Downtown and Bel-Red. The current green factor scoring does not provide enough credit for vegetated walls (0.2). Green wall systems are 3.5x more at 0.7, yet vegetated walls are easier to maintain, require less water and provide an aesthetically pleasing vertical surface. Please increase vegetated walls to 0.5, city-wide. City agreed to this.
20.25R.030.E.2	Public Realm Blank walls at least 10' in height and 50' in width, containing no transparent windows, garage entries, loading docks, must contain ...	City modifications are OK because of all of the added exclusions.
20.25R.030.E.3	Exterior lighting	No remaining issues.
20.25R.030.G.1&.2	Vehicle Parking	City agreed to compact parking at 65% without departure, per our request.
20.25R.030.G.3.c	Bicycle Parking – Size Requirements. Each space shall be at least six feet in length and 1.5 feet in width.	City fixed the language. OK now.
20.25R.030.G.5	Landscape Buffer near I-405. 30' wide buffer with landscaping.	Language fixed to allow 20' wide access corridor with 5' wide buffer.
20.25R.030.H.1	Location-specific design. Eastrail (8 th to 12 th). a. A minimum 15' setback applies to the North MU-H area.	a. Structure setback OK. City eliminated the prohibition on back of house fronting retail.
20.25R.040.C	Location requirements and screening requirements for mechanical equipment.	The update is reasonable.

20.25R.040.E.2.b	Towers – Separation.	Change the height for defining a tower from 55' to 100' Otherwise OK. Resolved.															
20.25R.050.C.	FAR Exemptions	<p>1. Active Use. Only <i>required</i> Active Use is exempt. In Downtown, all Active Use is exempt. This should be the standard in Wilburton too. Standards for achieving an FAR exemption for Active Use should be similar to Downtown.</p> <p>City made this change.</p>															
20.25R.050.D.2.g	Green building incentive points. Note: the actual green building requirements are still not resolved.	<p>Incentives for greater levels of sustainability should be the same as Downtown LUC, 20.25A.070.D.4(17) and East Main, where amenity bonus points are available for LEED and other compliance options. Green Globes should be added as a compliance option. When BelRed is updated it should be equalized with Downtown and East Main too.</p> <table border="1" data-bbox="732 701 1419 905"> <thead> <tr> <th data-bbox="732 701 1008 743">Green Building Cert.</th> <th colspan="2" data-bbox="1008 701 1419 743">FAR Bonus</th> </tr> <tr> <th data-bbox="732 743 1008 785">District</th> <th data-bbox="1008 743 1214 785">LEED Gold</th> <th data-bbox="1214 743 1419 785">LEED Platinum</th> </tr> </thead> <tbody> <tr> <td data-bbox="732 785 1008 827">Downtown</td> <td data-bbox="1008 785 1214 827">0.20</td> <td data-bbox="1214 785 1419 827">0.25</td> </tr> <tr> <td data-bbox="732 827 1008 869">BelRed</td> <td data-bbox="1008 827 1214 869">0.13</td> <td data-bbox="1214 827 1419 869">0.33</td> </tr> <tr> <td data-bbox="732 869 1008 905">East Main</td> <td data-bbox="1008 869 1214 905">0.20</td> <td data-bbox="1214 869 1419 905">0.25</td> </tr> </tbody> </table> <p>The City is proposing to provide 0.3 points per GSF of certified building for Tier 1 and 0.4 per GSF in Tier 2. This exceeds the award in Downtown and Bel-Red for most buildings.</p>	Green Building Cert.	FAR Bonus		District	LEED Gold	LEED Platinum	Downtown	0.20	0.25	BelRed	0.13	0.33	East Main	0.20	0.25
Green Building Cert.	FAR Bonus																
District	LEED Gold	LEED Platinum															
Downtown	0.20	0.25															
BelRed	0.13	0.33															
East Main	0.20	0.25															
20.50.010	Active Use	Definition was improved, and is OK now.															
20.50.012	Build-To Line	<p>This definition is flawed, but no longer impacts DM or OPGE. There is no reason the definition should be different than Downtown.</p> <p>This was deleted.</p>															



February 18, 2025
Bellevue Planning Commission 450
110th Ave NE
Bellevue, WA 98004

Subject: Recommendations for Housing Affordability in Wilburton

Dear Bellevue Planning Commission:

Thank you for your continued interest in the Wilburton Land Use Code Amendment and the countless hours you have spent perfecting this important policy for the future of Bellevue.

Since the last Planning Commission meeting, the Eastside Housing Roundtable (“EHR”) has worked to address some of the questions and concerns from staff, commissioners, and members of our coalition to ensure our recommendations create a balanced and viable framework to spur housing and economic development in this part of Bellevue.

Our diverse 31-member coalition of large employers, business organizations, housing experts, private and non-profit housing developers have continued our work alongside city staff and with individual commissioners to arrive at a revised set of proposals for your consideration.

This package of recommendations is carefully balanced. We again ask that they not be viewed as a menu of severable options, but rather as complete set of policies that will make the Wilburton community one of the most attractive areas for dense housing development, while creating both incentives and directives for housing affordability.

We appreciate your consideration of these carefully constructed recommendations and look forward to moving this plan forward.

1. Code-based Cost Reductions

Through our continued work with staff, we have modified our list of code-based cost reductions as best as we are able to address our continued concerns about the high cost of development in this sub-area, while appreciating city staff’s prior movement and collaborative approach.

We Recommend the following:

- While open space comes at a significant cost to development, we are dropping our request for further reductions and will agree to staff’s recommended 10%.
- We remain concerned that small sites will be unable to reach their desired densities given the limited menu of incentive points available to them. As such, we request that small sites be allowed to reach their max FAR through use of the green building amenity points only. This does not exempt these small sites from the affordable housing requirements enumerated below but would prevent them from having to perform above those base requirements in order to achieve the desired height or density. In time, we hope that this will enable viability for residential towers on small sites.
- We believe that EHR and staff are in agreement that for sites less than 105,000 sf, driveways serving the site should meet driveway standards in the Transportation Design Manual (TDM), not the flexible access corridor (FAC) standard.
- Commercial driveways should not need to provide 10’ sidewalks or public access

- easements when only private garages.
- We remain supportive of reducing Flexible Access Corridors to 37'. Alternatively, there should be clear and predictable criteria in code for conditions where these smaller FAC's will be granted.
 - Developments require reasonable standards for "back of house" access that do not create unnecessary pedestrian access requirements. These corridors should require no more than 20 feet minimum for fire lane (or such other width as legally mandated by the applicable fire code), garbage, and incidental loading. Alternatively, there should be clear and predictable criteria in code for conditions where smaller "back of house" access corridors will be granted.
 - The Planning Commission has correctly indicated that there should be different requirements for pedestrian facilities and sidewalks on major arterials like 116th. We support full 14-foot sidewalks on these major pedestrian walkways. However, pedestrian corridors, through block connections, and areas with less pedestrian traffic should be allowed to have significantly reduced 6-foot minimums. We welcome staff's input on generating criteria in code that will create similar and predictable "off-ramps" for these narrower pedestrian corridors.
 - The phasing for Master Development Permits continues to create uncertainty around what level of compliance is required at each phase of a project. We continue to request an early MDP phase to proceed without requiring full code compliance in future phases, including the 10% limit on surface parking, to produce housing as quickly as possible on large sites. Staff has indicated that a solution to this issue is forthcoming, and we look forward to reviewing their suggestions.

When you link affordable housing with development, reducing development costs is an important component to a viable affordable housing strategy. The whole code must come together for this critical benefit to the public. We appreciate staff's openness to these concerns and applaud the Planning Commission's actions to date in prioritizing these issues.

2. Affordable Housing Performance Option: AMI Levels, Set-Asides, MFTE and Stacking

We Recommend: using the city's "Option A" base code with the following modifications:

- Preserving the proposed 10% set aside at 80% AMI for rental units, with alternative options for lower incomes and adjusted set aside percentages (7% at 60% AMI, 5% at 50% AMI)
- For ownership units, requiring a 10% set aside at 100% AMI or 7% set aside at 80% AMI
- Applies to developments of 10+ units only
- MFTE units be allowed to be located anywhere in the building so long as they are not clustered together on the same floor. For reference, the City currently has a guideline where no more than 40% of affordable units can be located on a single floor ([reference](#)). Vertical stacking of affordable units is allowed. No affordable units shall be required to be constructed within the top 1/3 of a mid-rise or high rise residential or mixed-use building;
- Fixtures and appliances in affordable units should have the same functionality but do not

need to be identical in form, (i.e., Lighted vs unlighted mirrors, galley configuration vs. island; stacked vs. side-by-side washer/dryer). We are preparing a draft Director's Rule to better define these standards so that there is no uncertainty on what is required when housing providers work with ARCH and the City of Bellevue on specific projects.

- Additionally, Option A's affordable housing requirement must be allowed to "stack" with MFTE without requiring reduced AMI levels that are currently required in the city's MFTE code for double-counted units. The set aside percentages in Wilburton are not well-calibrated without the inclusion of MFTE. This policy is not presently before the Planning Commission as part of this LUCA. However, this provision is necessary for the affordability requirements to work. We will continue to work with Community Development staff, the City Manager's Office, and Council to ensure that this policy is included in this year's MFTE update. We have included it in this letter to highlight the necessity of this change to make the LUCA succeed in generating housing within Wilburton.

3. Affordable Housing Fee-In-Lieu Option

We Recommend: Allowing developers to pay a fee-in-lieu as an alternative to building affordable units onsite. Set a predictable fee-in-lieu schedule for both residential and commercial development. A commercial fee-in-lieu option is necessary to balance residential and commercial demand. The affordable housing requirement approach, when implemented alongside other cost-saving measures and a fee-in-lieu option, allows Bellevue to ensure predictable affordable housing in Wilburton and robust private development.

We Recommended:

- A fee schedule of \$13/sf for all projects that include residential product and \$16.50/sf for nonresidential;
- That this fee would readjust annually with the Seattle area Consumer Price Index ("CPI"), however, these annual adjustments would not begin until after all development qualifying for the catalyst program (outlined below) is vested;
- Fee calculation vests at land use application for a 2-year period where the vesting provisions would expire if a building permit has not been submitted;
- Off-site, fee, and on-site performance may be used in combination with one another;
- Off-site performance must continue for the life of the project, covenants must be recorded on sending and receiving properties;
- Off-site performance allowed for a bond or other security, with some parameters (i.e. time limit for security), at the time a fee would normally be due.

4. Catalyst Program

We have considered the feedback received since the last Planning Commission meeting and have made adjustments to the catalyst program to address these concerns.

We continue to recommend a phased implementation of the mandatory affordability program through a catalyst/pioneer program. Participation and vesting into the pioneer program should be established at project land use application, not permit issuance, to avoid uncertainty during the entitlement process. A project loses its place in the catalyst program if a building permit application is not submitted within one year of land use application.

The pioneer program from the original city draft does not offer the type of incentive that could be useful in a “mandatory” program like Option A. The development environment remains very difficult with high costs and high interest rates driving down project velocity and interest by financial institutions and investors. Bellevue’s policy must provide a meaningful incentive for those who take the additional risk of developing under an untested code at a time when most projects are still failing to pencil. We believe the recommendations below strike this balance while still encouraging much needed housing development.

Residential Catalyst Program

We support phased implementation for the affordable housing requirement to catalyze initial residential development and to provide more certainty in an uncertain time. The catalyst program should work as follows:

First phase: 5% set aside at 80% AMI for both rental and for-sale product. (A 50% reduction in the required performance requirement. The in-lieu fee would be reduced by 25% (\$9.75/sf for all residential zones). The first phase will be in effect at land use application for the first 500 units and June 1, 2026. No more than 1000 units shall be vested under the catalyst program.

Second phase: 10% set aside at 80% AMI (full requirement) for both rental and for-sale product. The in-lieu fee would at 100% (13/sf for all residential zones). There will be no CPI adjustment during phase two. Phase two terminates after land use application for an additional 250 and June 1, 2027.

Following June 1, 2028, the city may conduct a “look back” to ensure market rate and affordable development is progressing and consider adjustments to the program if not.

Commercial Catalyst Program:

First phase: Reduced fee by **25%** to \$12.38 / s.f. commercial fee. The first phase will be in effect at land use application for the first 600,000 s.f. of commercial development and June 1, 2026. No more than 600,000 s.f shall benefit from the catalyst program.

Second phase: Full fee of **\$16.50** s.f. commercial fee. There will be no CPI increase during phase two. Phase two terminates after land use application for the next 250,000 s.f. of commercial development and June 1, 2027.

Following June 1, 2028, city may conduct a “look back” to ensure development is progressing and consider adjustments to the program if not.

Research & Development or Medical Office

The City has expressed a strong preference to attract both research and development and

medical office uses to the Wilburton area. To promote this we recommend that commercial fees be reduced for these uses by 50% (\$8.25 s.f.) of the full fee until June 1, 2028.

5. Conclusion

These recommendations have been carefully considered to maximize housing development for the Wilburton sub-area. **The provisions and calibrations are specific to the Wilburton sub-area and should not be viewed as suggestions for city-wide adoption.**

Our workgroup has also carefully considered the input of countless stakeholders, city staff, residents, the development community, affordable housing advocates, and previous feedback by Planning Commissioners, to arrive at a revised set of recommendations that we believe address the outstanding concerns of each of these entities and individuals.

The Roundtable looks forward to collaborating with the city to ensure that the Wilburton Community is a vibrant, transit-oriented neighborhood that is affordable to all.

Respectfully,

Patience Malaba, HDC

Co-Chair

Joe Fain, Bellevue Chamber

Co-Chair

Nesse, Katherine

From: Tyler Woodbridge <tyler.woodbridge@live.com>
Sent: Thursday, February 27, 2025 5:55 PM
To: PlanningCommission
Subject: Middle Housing - Bellevue Code Revisions

Follow Up Flag: Follow up
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You don't often get email from tyler.woodbridge@live.com. [Learn why this is important](#)

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Good Evening,

I recently attended a middle housing code amendment information session and wanted to take a moment to share my thoughts, along with the feedback from several others who participated in the meeting.

While I support increasing housing density, supply, and affordability, I believe this shouldn't come at the expense of other housing types. I agree with incentivizing density through increased FAR for multiple units on a lot, and I think the proposed policies will effectively support this, especially in areas that can accommodate higher density and promote transit use.

However, I'm strongly opposed to two specific proposals:

1. Reduction in FAR for Lots Above 10,000 Square Feet

I believe the reduction should be tiered—similar to Kirkland's approach—rather than creating a hard cutoff at 10,000 square feet. The current proposal could unfairly penalize homeowners with lots just over this threshold. I believe .5 FAR up to 10,000 and .3 FAR for square footage beyond 10,000 is a far more equitable approach.

2. Elimination of FAR Exemptions for Single Dwelling Units

While incentivizing density is important, removing these exemptions feels punitive to homeowners who prefer a single home per lot. Keeping the exemptions would allow greater choice for homeowners while still encouraging density where it makes the most sense. Retaining these exemptions would also ensure that lots where increasing density is not feasible can still be utilized to their highest and best use, encouraging positive and thoughtful development within the city.

Thank you again for your time and consideration.

Best,

Tyler Woodbridge

425-213-8531

Nesse, Katherine

From: Fay Hou <fayhou@gmail.com>
Sent: Friday, February 28, 2025 10:23 AM
To: PlanningCommission
Cc: Menard, Mathieu
Subject: Opposition to HOMA Amendment in Newport Hills, Bellevue

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I am writing to follow up on my previous email regarding the HOMA amendment, with additional concerns based on recent developments in our area:

The Basel Newport Townhouse Project near Coal Creek and Factoria Boulevard stands as a stark warning against large-scale developments in our community. The heartbreaking clear-cutting of over 200 trees has not only destroyed a vital habitat for local wildlife but also erased a cherished green space that once brought beauty and tranquility to our neighborhood [Petition](#). The potential harm to the year-round salmon stream and the increased risk of landslides due to construction on steep slopes are deeply troubling environmental concerns that we cannot ignore.

This project highlights several critical issues:

Funding Uncertainty: The project's pause due to foreign investment complications underscores the risks of relying on unstable funding sources for major developments [BellevueReporter](#).

Environmental Devastation: The destruction of the greenbelt for this project is nothing short of an ecological tragedy. Where once stood a lush forest teeming with life, we now see barren land and the ghosts of a once-thriving ecosystem. It's painful to witness the severe ecological costs of dense development in areas with sensitive natural features [Petition](#). Even more distressing is the sight of building shells left to rot in the elements before being hastily "wrapped." We're left wondering if the City of Bellevue will allow construction to continue with potentially mildewed structures, or if they'll require a complete restart - either option a grim reminder of the project's mismanagement.

Traffic Concerns: The project was expected to generate additional traffic, exacerbating existing congestion issues in an area already struggling with poor infrastructure.

Inconsistent Regulations: The discrepancy between permitting this large development near Coal Creek while restricting smaller property improvements raises questions about the city's decision-making process [Petition](#).

Market Demand: The paused construction might indicate a lack of immediate demand for luxury housing in the area, especially considering the current market conditions [BellevueReporter](#).

Infrastructure Strain: The potential failure of multimodal Level of Service (MMLOS) in Newport Hills if HOMA is implemented could lead to significant traffic congestion issues [1](#).

Community Character: Large-scale developments can dramatically alter the character of neighborhood centers, contrasting with the city's previous plans for more modest growth in these areas [BellevueWa](#).

Furthermore, recent changes to the EB-5 program, including increased investment thresholds and stricter oversight, may deter foreign investors and reduce demand for large-scale developments [EB-5investment](#). This uncertainty in immigration policy could lead to hesitation in funding large projects like those proposed in HOMA.

Lastly, the Eastside office market vacancy rate has increased to 19.2% by the end of Q4 2024, with some areas experiencing even higher rates [BellevueReporter](#). This further questions the need for additional large-scale developments in our area.

These points strongly suggest that the HOMA amendment, particularly its application to Newport Hills, needs to be reconsidered. We need a more cautious and community-focused approach to development that respects our natural environment and preserves the character of our neighborhoods.

Thank you!

Fay Hou

On Wed, Feb 26, 2025 at 3:47 PM Fay Hou <fayhou@gmail.com> wrote:

Dear Bellevue Planning Commission,

As a Newport Hills resident, I strongly oppose the proposed Housing Opportunities in Mixed-Use Areas (HOMA) land use code amendment for the following reasons:

1. Contradiction with Existing Plans: HOMA contradicts the 2044 Comprehensive Plan's recommendation to cap Neighborhood Centers designated Mixed Use-Lowrise 1 at 2-4 stories, instead proposing 3-6 story buildings. [HOMA](#)
2. Tech Industry Changes: Recent tech layoffs and AI advancements are reducing workforce needs, potentially leading to less growth in the area [layoffs](#). This trend suggests the proposed development may be excessive for future needs.
3. Office Space Vacancy: Bellevue's downtown vacancy rate is expected to climb to nearly 23% to 40% by 2025 [vacancy](#). This high vacancy rate questions the need for additional large-scale developments.
4. Implications for Newport Hills:
 - Increased traffic congestion on narrow arterials
 - Potential school overcrowding
 - Loss of community character and existing businesses
 - Environmental concerns, including shadowing effects on residential properties
5. Foreign Investment: My street in the Newport Hills has seen significant foreign investment in housing. We should consider policies similar to Canada's, which has extended its ban on foreign homebuyers until 2027 to address affordability issues [BAN](#).
6. Affordable Housing Concerns: The "fee in lieu" option may not guarantee affordable housing within Newport Hills itself.
7. Community Engagement: There are concerns about the adequacy of the public engagement process for such significant changes.

I urge the Planning Commission to reconsider the HOMA amendment, particularly its application to Newport Hills. Our community needs thoughtful, measured growth that preserves its character and addresses the real needs of current and future residents.

Thank you for your consideration.

Fay Hou

Newport Hills

Nesse, Katherine

From: Leung, Pearl <phleung@amazon.com>
Sent: Friday, February 28, 2025 12:15 PM
To: Leung, Pearl
Subject: Amazon announces \$100M for affordable housing in Bellevue in addition to \$780M in the region!

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Some people who received this message don't often get email from phleung@amazon.com. [Learn why this is important](#)

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Friends,

Yesterday, David Zapolsky, Chief Global Affairs and Legal Officer at Amazon, announced Amazon's commitment of \$100 million in the city of Bellevue to accelerate the production of affordable housing for low-to-moderate income families. Amazon will partner closely with the City of Bellevue on this initiative with a goal of decreasing construction timelines by one to two years, helping to get individuals and families into their new homes faster. This is on top of the \$780 million we have committed to help create or preserve affordable housing in the Puget Sound Region since 2021.

We made the announcement at the ground breaking of Spring District, a BRIDGE Housing Community that will bring 234 affordable homes to the City of Bellevue through a transit-oriented development. Amazon provided \$25.85 million to the project through our previously announced \$100 million partnership with Sound Transit.

You can read more about the announcement [here](#).

Quick Facts about [Amazon Housing Equity Fund](#)

- Since 2021, we've committed more than **\$780 million** in the Puget Sound region to help create or preserve affordable housing for more than **19,000 people**,
- To date, Amazon has helped create or preserve more than **1,400 units** in Bellevue, which increased the city's number of affordable housing units by **31%**,
- Last year, we extended our commitment to help create or preserve an additional 14,000 affordable homes, bringing the Amazon Housing Equity Fund's total commitment to **\$3.6 billion** for 35,000 affordable homes,
- While many public funds only require affordability for 15-40 years for a property, Amazon's housing fund requires that a property that we fund must be affordable for **99 years**.

This fund is part of Amazon's broader [commitment to the Puget Sound region](#), where we continue to invest in housing, education, food security, and other causes that make a tangible impact in our community. Last year alone, we contributed \$68 million to 120 Washington state community partners. Read more about our commitment to the Puget Sound community in our [2024 Community Impact Report](#).

Pearl H. Leung
Senior Manager | Public Policy
phleung@amazon.com | 206-251-3937

To learn about Amazon in the Puget Sound, check out [About Amazon](#) and sign-up for our [Washington State Amazon Newsletter](#)
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Nesse, Katherine

From: TJ Woosley <tj@woosleyproperties.com>
Sent: Friday, February 28, 2025 3:05 PM
To: PlanningCommission
Cc: PlanningCommission
Subject: RE: Brierwood Center tour

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Hi Planning Commissioners,

We would like to re-extend the invitation for each of you to come to our Brierwood Center (12001 – 12005 NE 12th St.) to take a look at the topography and practicality of the proposed transportation corridor ideas. Two initial options: Either Tuesday 3/4 at 2:00 p.m. or Wednesday 3/5 at 2:00 p.m.. If neither of those work for any of you please let us know and we can arrange some additional times. We look forward to this and to making the whole Wilburton area serve its true purpose within Bellevue.

Please RSVP.

Thanks much,

T.J. Woosley
Hal Woosley Properties, Inc.
"Commercial Real Estate Services since 1974"
12001 NE 12th St., Ste. #44
Bellevue, WA 98005
O – 425-455-5730
M – 425-765-8323
F – 425-646-4577

Nesse, Katherine

From: Kranthi Gaddam <gaddamkranthi@gmail.com>
Sent: Friday, February 28, 2025 3:23 PM
To: PlanningCommission
Cc: Mandt, Kirsten
Subject: Comment of FAR in the draft- february for LUCA middle housing changes.

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1. Based on my research and calculations for a 10000SF lot, the **FAR increases only marginally** as the number of units increases. This creates a **significant cost challenge**, making it difficult to justify the development of **4 or 6 units** on a single lot.

The **City of Sammamish** has implemented **more balanced FAR ratios**, as shown in the table (highlighted in red). Their approach appears **more practical** than the **City of Bellevue's draft regulations**, where:

- o **4 units are allowed a 0.7 FAR**
- o **6 units are allowed a 0.9 FAR**

For a **10,000 SF lot**, the current draft regulations would result in:

- o **6 units × 1,666 SF per unit (total 9,000 SF buildable)**
- o **250–300 SF per unit dedicated to garages**, further reducing **usable living space**

This results in **extremely small units**, making it **financially unfeasible** to develop 6-unit middle housing projects on a **10,000 SF lot**.

To encourage middle housing development, the City of Bellevue should consider:

✓ **Revising the FAR ratios** to provide **adequate floor area per unit**, ensuring that middle housing.

4. Floor Area Ratio

Floor Area Ratio limits are based on the underlying district standards established in SMC 21.04.030C with an increase of 0.15 FAR permitted per unit above one unit:

	Floor Area Ratio (FAR)
<u>Two Units</u>	<u>0.65</u>
<u>Three Units</u>	<u>0.80</u>
<u>Four Units</u>	<u>0.95</u>
<u>Five Units</u>	<u>1.10</u>
<u>Six Units</u>	<u>1.25</u>

Thanks,
Kranthi G

Nesse, Katherine

From: Ryan Gillis <ryan@gillisrealestate.com>
Sent: Monday, March 3, 2025 5:41 PM
To: PlanningCommission
Cc: Mandt, Kirsten
Subject: Bellevue Middle Housing DRAFT Code Review
Attachments: dsd-02242025-middle-housing-luca-february-draft.pdf; Bellevue Middle Housing DRAFT Code Notes 3-03-25.pdf

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Hello Bellevue Planning Commission,

Please see the attached for my marked up comments on the draft code, along with some of my general middle housing comments. Please let me know if you would like to further review in depth prior to the next meeting on 3/12/25.

Thank you



Ryan Gillis
Founder / Designated Broker
C: (425) 770-2962
E: ryan@gillisrealestate.com
W: www.gillisrealestate.com
A: 2800 156th Ave SE Suite 105
Bellevue, WA 98007

**Draft Middle Housing LUCA
February 2025 Draft**

Title 20 Land use Code

Chapter 20.10 Land Use Districts

20.10.020 Establishment of land use districts.

Land use districts in the City are hereby established as follows:

District	Designation
Single-Family Large Lot Residential 1 Estate	R-1LL-1
Large Lot Residential 2	R-1.8LL-2
Single-Family Suburban Residential 1	R-2.5SR-1
Suburban Residential 2	R-3.5SR-2
Suburban Residential 3	R-4SR-3
Suburban Residential 4	R-5SR-4
Low Density Residential 1	R-7.5LDR-1
Multifamily Residential Low Density Residential 2	R-10LDR-2
Low Density Residential 3	R-15LDR-3
Medium Density Residential 1	R-20MDR-1
Medium Density Residential 2	R-30MDR-2

20.10.180 ~~Single-Family Residential Estate Districts (R-1, R-1.8LL-1 through MDR-2).~~

~~Single-Family Residential Estate Districts provide for a range of low to high density residential environments and associated compatible activities depending on location and scale of residential density (1 and 1.8 dwellings per acre) which may serve to protect steep slopes or unstable land from overdevelopment and may include agricultural uses and activities compatible with low residential density.~~

~~Properties in this district with an affordable housing (AH) suffix may provide attached residential dwellings when consistent with the requirements of LUC 20.20.128.~~

20.10.200 ~~Single-Family Residential Districts (R-2.5, R-3.5, R-4, R-5, R-7.5).~~

~~Single-Family Residential Districts provide for residential areas of low to moderate densities (2.5, 3.5, 4, 5 and 7.5 dwellings per acre), and permit compatible, related activities.~~

~~Properties in this district with an affordable housing (AH) suffix may provide attached residential dwellings when consistent with the requirements of LUC 20.20.128.~~

20.10.220 ~~Multifamily Residential Districts (R-10, R-15, R-20, R-30).~~

~~Multifamily Residential Districts provide areas for attached residential dwellings of low density (10 units per acre) and of moderate density (15, 20, and 30 dwellings per acre). The R-20 and R-30 Districts are intended to be convenient to centers of employment and have primary access to arterial streets. The R-~~

**Draft Middle Housing LUCA
February 2025 Draft**

~~10 and R-15 Districts are more restrictive and may be utilized as a buffer between Suburban Residential Districts and moderate density residential or commercial districts.~~

...

20.10.380 Evergreen Highlands Design District (EH).

...

B. The Evergreen Highlands Design District is divided into four performance areas as delineated by the Evergreen Highlands Zoning Map. These performance areas constitute separate land use districts and permit variation in use and development standards in order to implement the goals and policies of the Evergreen Highlands Subarea Plan, and to ensure attention to specific environmental features of the various performance areas.

1. Evergreen Highlands Performance Area A (EH-A). The purpose of this performance area is to provide a location for Medium Density Multifamily development, not exceeding 11 units per gross acre. This performance area is intended to provide housing opportunities, and to serve as a transition to the ~~single-family~~ lower density residential housing adjacent to the Evergreen Highlands Design District.

...

20.10.440 Land use charts.

Chart 20.10.440

Uses in land use districts

Manufacturing – Residential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	R- 1LL- 1	R- 1-8L L-2	R- 2-5S R-1	R- 3-5S R-2	R- 4SR- 3	R- 5SR- 4	R- 7-5L DR- 1	R- 10L DR- 2	R- 15L DR- 3	R- 20M DR- 1	R- 30M DR- 2
2 and 3	Manufacturing (1,4)											

...

...

Chart 20.10.440

Uses in land use districts

Recreation – Residential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	R- 1LL- 1	R- 1-8L L-2	R- 2-5S R-1	R- 3-5S R-2	R- 4SR- 3	R- 5SR- 4	R- 7-5L DR- 1	R- 10L DR- 2	R- 15L DR- 3	R- 20M DR- 1	R- 30M DR- 1
2 and 3	Manufacturing (1,4)											

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February 2025 Draft**

...

...

Notes: Uses in land use districts – Recreation:

~~(1)~~ Cultural activities include only branch libraries in ~~R-2.5, R-3.5, R-4, R-5, R-7.5, R-10, R-15, R-20 and R-30~~ the Suburban Residential, Low Density Residential, and Medium Density Residential Districts.

...

(10) City parks are generally permitted in all zones, with the exception of the following types of uses or facilities:

(a) Lighted sports and play fields, sports and play fields with amplified sound, and community recreation centers located in City parks ~~in single-family or R-10 zones~~ all Large Lot, Suburban Residential, and LDR-1 and LDR-2 districts require conditional use approval pursuant to Part 20.30B LUC.

(b) City beach parks in all Large Lot, Suburban Residential, and LDR-1 and LDR-2 districts ~~single-family or R-10 zones~~ located on Lake Washington, Lake Sammamish, Phantom Lake and Larson Lake and not identified in a Council-adopted Master Plan require approval through the Conditional Use Permit process pursuant to Part 20.30B LUC. However, a City park as described in this note is a permitted use when established consistent with applicable Shoreline Master Program requirements (refer to Part 20.25E LUC).

...

**Chart 20.10.440
Uses in land use districts
Residential – Residential Districts**

STD LAND USE CODE REF	LAND USE CLASSIFICATION	R-1L <u>1</u>	R-1.8L <u>L-2</u>	R-2.5S <u>R-1</u>	R-3.5S <u>R-2</u>	R-4SR <u>3</u>	R-5SR <u>4</u>	R-7.5L <u>DR-1</u>	R-10L <u>DR-2</u>	R-15L <u>DR-3</u>	R-20M <u>DR-1</u>	R-30M <u>DR-2</u>
1	Residential											
	Single-Family Dwelling (3)	P	P	P	P	P	P	P	P	P	P	P
	Two-One to Four Dwelling Units per Structure (3)	PD (19) (21)	PD (19) (21)	PD (19) (21)	PD (19) (21)	PD (19) (21)	PD (19) (21)	PD (19) (21)	P	P	P	P
	Five or More Dwelling Units per Structure <u>(2)</u>	PD (21)	PD (21)	PD (21)	PD (21)	PD (21)	PD (21)	PD (21)	P	P	P	P
...												

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February 2025 Draft**

Accessory Dwelling Unit (9)	S	S	S	S	S	S	S	S	S	S	S	S
	P	P	P	P	P	P	P	P	P	P	P	P
...												

...
Notes: Uses in land use districts – Residential:

(2) ~~Intentionally deleted. Structures with five or more dwelling units are only permitted where the middle housing density allows five or more units per LUC 20.20.538, or as permitted by the underlying density.~~

(9) Accessory dwelling units are permitted ~~only as subordinate to single family dwellings and are~~ subject to the provisions of LUC 20.20.120.

(10) ~~Except in transition areas, the~~ allowable building height of any building located in PO, O, OLB, GC, NB, or CB Districts may be increased by 1 story, but not to exceed 15 feet, if basement parking for that building occupies a minimum of 75 percent of the building footprint.

(15) One ~~single family~~ dwelling unit, occupying no more than 25 percent of the floor area of the structure, is permitted in the PO District. ~~Accessory dwelling units are permitted subject to the provisions of LUC 20.20.120.~~

(18) Supportive Housing, as defined in LUC 20.20.845.C.2, may be permitted when meeting the requirements in LUC 20.20.845 and as provided below.

a. In ~~Single Family Residential~~ Land Use Districts (~~R-1LL-1 to R-7-5MDR-2~~), the Supportive Housing development shall comply with all standards and requirements applicable to ~~single family~~the residential use in the underlying ~~Single Family Residential~~ Land Use District.

b. ~~In Multifamily Residential Land Use Districts (R-10 to R-30), the Supportive Housing development shall comply with all standards and requirements applicable to multifamily residential use in the underlying Multifamily Residential Land Use District.~~

c. In Nonresidential Land Use Districts, Supportive Housing development shall comply with all standards and requirements applicable to residential use in the underlying Land Use District.

(19) ~~Affordable housing duplexes and triplexes are permitted within subdivisions when the requirements of LUC 20.20.128 are met.~~

(21) Multiple dwelling units per structure are permitted ~~without a planned unit development~~ on properties with an AH suffix when consistent with the requirements of LUC 20.20.128.1.

**Chart 20.10.440
Uses in land use districts**

Resources – Residential Districts

STD LAND USE	R-1LL-1	R-1-0L	R-2-5S	R-3-5S	R-4SR-3	R-5SR-4	R-7-5L	R-10L	R-15L	R-20M	R-30M
LAND USE CLASSIFICATION	<u>1</u>	<u>L-2</u>	<u>R-1</u>	<u>R-2</u>	<u>3</u>	<u>4</u>	<u>DR-1</u>	<u>DR-2</u>	<u>DR-3</u>	<u>DR-1</u>	<u>DR-2</u>

Draft Middle Housing LUCA
February 2025 Draft

CODE REF											
8	Resource Production (Minerals, Plants, Animals Including Pets and Related Services)										
...											

...

Chart 20.10.440
Uses in land use districts
 Services – Residential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	R-1L 1	R-1L L-2	R-2S R-1	R-2S R-2	4SR-3 3	5SR-4 4	7.5L DR-1	10L DR-2	15L DR-3	20M DR-1	30M DR-2
6	Services											
...												

...

Chart 20.10.440
Uses in land use districts
 Transportation and Utilities – Residential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	R-1L 1	R-1L L-2	R-2S R-1	R-2S R-2	4SR-3 3	5SR-4 4	7.5L DR-1	10L DR-2	15L DR-3	20M DR-1	30M DR-2
6	Transportation, Communication and Utilities											
...												

...

Chart 20.10.440
Uses in land use districts
 Wholesale and Retail – Residential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	R-1L 1	R-1L L-2	R-2S R-1	R-2S R-2	4SR-3 3	5SR-4 4	7.5L DR-1	10L DR-2	15L DR-3	20M DR-1	30M DR-2

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February 2025 Draft**

CODE REF												
5	Trade (Wholesale and Retail) (39)											

...

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

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Residential										
		<u>R-1LL-1</u>	<u>R-1.8LL-2</u>	<u>R-2.5SR-1</u>	<u>R-3.5SR-2</u>	<u>R-4SR-3</u>	<u>R-5SR-4</u>	<u>R-7.5LD-R-1</u>	<u>R-10LD-R-2</u>	<u>R-15LD-R-3</u>	<u>R-20M-DR-1</u>	<u>R-30M-DR-2</u>
	DIMENSIONS	(43, 52)	(43, 52)	(43, 52)	(43, 52)	(43, 52)	(43, 52)	(43, 52)	(52)	(52)	(52)	(52)
	Minimum Setbacks of Structures (feet) Front yard (18)(20)(38)(39)	35	30	20	20	20	20	20	20	20	20	20
	Rear Yard (11)(17)(18)(20)(38)(39)	25	25	25	25	20	20	20	25 20	25 20	25 20	25 20
	Side Yard (11)(17)(18)(20)(38)(39)	5	5	5	5	5	5	5	5	5	5	5(4)
	2 Side yards (17)(18)(20)(38)(39)	20	15	15	15	15	15	10	15 10	15 10	15 10	15 10
	Minimum Lot Area Acres (A) or Thousands of Sq. Ft. (3)(39)	35	20	13.5	10	8.5	7.2	4.7	8.5	8.5	8.5 (12)	8.5 (12)
	Dwelling Units per Acre (15)(21)(22)	1 (1)	1.8 (1)	2.5 (1)	3.5 (1)	4 (1)	5 (1)	7.5 (1)	10 (2)	15 (2)	20 (2)	30 (2)
	Minimum Dimensions (feet) Width of Street Frontage	30	30	30	30	30	30	30	30	30	30	30
	Width Required in Lot (4)	100	90	80	70	65	60	50	70	70	70	70
	Depth Required in Lot (4)	150	80	80	80	80	80	80	80	80	80	80
	Maximum in Building Height (feet) (10)(26)(45)	30/3 5 (44)	30/3 5 (44)	30/3 5 (44)	30/3 5 (44)	30/3 5 (44)	30/3 5 (44)	30/3 5 (44)	30 40	30 40	30 40	40

**Draft Middle Housing LUCA
February 2025 Draft**

Maximum Lot Coverage by Structures (percent) (13)(14)(16)(26)(27)(37)(39)	35	35	35	35	35	40	40	3540	3540	3540	3540
Maximum Hard Surface Coverage (percent) (37)(39)(47)	75 (36)	75 (36)	75 (36)	75 (36)	75 (36)	80 (36)	80 (36)	90	90	90	90
Maximum Impervious Surface (percent) (35)(37)(39)	45 (36)	45 (36)	45 (36)	45 (36)	45 (36)	55 (36)	55 (36)	65	65	65	65
Alternative Maximum Impervious Surface (percent) (35)(37)(39)(48)	50 (36)	50 (36)	50 (36)	50 (36)	50 (36)	55 (36)	55 (36)	80	80	80	80
Minimum Greenscape Percentage of Front Yard Setback (40)(51)	50 (40)	50 (40)	50 (40)	50 (40)	50 (40)	50 (40)	50 (40)				

Notes: Uses in land use districts – Dimensional requirements:

...

(1) ~~Side yard setback in R-30 Districts increases to 20 feet on any side yard where structure exceeds 30 feet above finished grade. At a minimum, one single-family structure is permitted per lot, unless developing middle housing or for single-family developments within the critical areas overlay. See LUC 20.20.538 for dimensional requirements for middle housing projects. Dwelling units per acre for single-family developments located within the critical areas overlay shall be calculated pursuant to LUC 20.25H.045.~~

(2) ~~All rear and side yards shall contain landscaping as required by LUC 20.20.520. The permitted number of dwelling units shall be either the units calculated in LUC 20.20.538 for middle housing projects or dwelling units per acre, whichever is larger. For sites located within the critical areas overlay, dwelling units per acre shall be calculated pursuant to LUC 20.25H.045.~~

...

(5) ~~Except in transition areas, the maximum allowable building height in R-20 Districts may be increased to 40 feet if ground floor or underground parking for that building is provided and occupies a minimum of 75 percent of the building footprint.~~

...

(7) ~~Intentionally deleted. Townhomes proposed on adjacent lots may be permitted to develop with zero side yard setbacks.~~

...

(10) ~~Except in transition areas, t~~he allowable building height of any building located in PO, O, OLB, GC, NB, or CB Districts may be increased by 1 story, but not to exceed 15 feet, if basement parking for that building occupies a minimum of 75 percent of the building footprint.

...

(15) ~~Except for sites in the Critical Areas Overlay District, if there is a conflict between the minimum lot area and the permitted number of dwelling units per acre, the minimum lot area controls. Density/intensity on sites in the Critical Areas Overlay District is calculated pursuant to LUC 20.25H.045.~~

...

Commented [A1]: Consider extending this allowance to townhomes being developed in MDR districts

**Draft Middle Housing LUCA
February 2025 Draft**

(18) See LUC 20.20.030 for designation and measurement of setbacks.

...

~~(35) See LUC 20.20.460 for exceptions and performance standards relating to impervious surface.~~

...

(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. See LUC 20.20.460 for exceptions and performance standards relating to impervious surface coverage and LUC 20.20.425 for exceptions and performance standards relating to hard surface coverage.

...

(40) The greenscape requirements of this section shall be imposed any time a permit, approval, or review, including land alteration or land development for Single-Family Land Use ~~Districts~~, is required by the Bellevue City Code or Land Use Code. Existing single-family front yard setbacks legally established on a site prior to January 1, 2008, which do not meet the minimum greenscape requirements set forth in Chart 20.20.010 shall not be considered nonconforming. The City shall not, however, approve proposals to decrease the greenscape percentage set forth in Chart 20.20.010 where a site already falls below the minimum greenscape requirements. Where an existing site falls below the minimum requirements set forth in Chart 20.20.010, the removal of greenscape shall not be approved unless an equal amount of existing impervious surface, pervious surface, or hardscape is removed, such that the net amount of greenscape is unchanged. The Director may modify the requirements of Chart 20.20.010 for nonconforming lots, corner lots, or lots with unique sizes and shapes. See LUC 20.50.022 for the definition of greenscape.

~~(41) See LUC 20.20.900.F for significant tree retention requirements relating to Single-Family Districts excluding, however, the R-1 Land Use District in the Bridle Trails Subarea which is otherwise governed by LUC 20.20.900.E.~~

...

~~(43) See LUC 20.20.390 for FAR requirements Floor Area Ratio (FAR) Threshold. Development which exceeds a gross Floor Area Ratio (FAR) threshold of 0.5 shall comply with the following requirements:~~

~~(a) Applicability: FAR threshold requirements are applicable to new single-family homes and additions to existing homes that result in a 20 percent or greater increase in gross square feet.~~

~~(b) Maintain a minimum structure setback of 7.5 feet for each side yard; and incorporate either daylight plane standards or a second-story stepback of not less than five feet on each side of the building facing a side yard property line.~~

~~(c) Exemptions: New single-family homes constructed as part of a subdivision pursuant to Part 20.45A LUC or planned unit development pursuant to Part 20.30D LUC are not subject to FAR threshold requirements. The Director may modify the FAR threshold requirements on either side of the structure where it can be demonstrated that the adjacent structure has been constructed at an FAR that exceeds~~

**Draft Middle Housing LUCA
February 2025 Draft**

~~the 0.5 threshold and the adjacent structure is built to dimensions which exceed the requirements noted in subsection (b) of this note.~~

(44) Maximum building height for single-family uses ~~in Single-Family Residential Land Use Districts~~ is 30 feet measured from the average elevation of the existing grade around the building to the highest point of a flat roof, or 35 feet to the ridge of a pitched roof. Refer to LUC 20.50.012 for definition of “Building Height – Single-Family Uses ~~in Single-Family Land Use Districts.~~”

(45) For new single-family residential homes and additions ~~in Single-Family Land Use Districts~~, the maximum height of any individual building ~~façade-façade~~ is 40 feet measured from the existing grade at the building wall to the ridge of a pitched roof or top of a flat roof. New single-family homes constructed as part of a subdivision pursuant to Part 20.45A LUC or planned unit development pursuant to Part 20.30D LUC are exempt from this requirement.

...

~~(47) See LUC 20.20.425 for exceptions and performance standards related to hard surfaces.~~

...

(52) See LUC 20.20.128.F for modified dimensional requirements for affordable housing when the requirements of LUC 20.20.128 are met.

(53) This requirement is not applicable to Supportive Housing, as defined pursuant to LUC 20.20.845.C.2.

...

20.20.017 Minimum lot size – Averaging in short plats and subdivisions.

In approved short plats and subdivisions, the individual lots shall be considered in compliance with minimum area requirements if the average of the areas of all the lots in the short plat or plat meets the minimum requirement for the district in which the short plat or plat is located, provided: (1) that no individual lot therein shall be reduced more than 10 percent from the district minimum required area, except that lots in zones ~~R-1, R-1.8, R-2.5, and R-3.5~~ ~~LL-1, LL-2, SR-1, and SR-2~~ may be reduced by up to 15 percent from the district minimum; (2) a reduction of five percent in the required lot width may be applied to 20 percent of the lots, provided no reduction in the required area is applied to these lots. The lot averaging described in this section shall not be allowed for conservation subdivisions or conservation short subdivisions where the required minimum lot size for such subdivision is reduced as allowed under LUC 20.45A.060 or 20.45B.055, as applicable.

...

20.20.070 Lots nonconforming as to area, street frontage, width or depth – Status

A. An individual nonconforming lot legally created pursuant to LUC 20.20.060 may be used for a building site if:

1. There are no restrictions on development imposed by prior permits or land use approvals; and
2. The lot does not lie within a Residential (~~R-1 – R-30~~ ~~LL-1 – MDR-2~~) Land Use District; or
3. The lot lies within a Residential (~~R-1 – R-30~~ ~~LL-1 – MDR-2~~) Land Use District; and

**Draft Middle Housing LUCA
February 2025 Draft**

- a. The area, width and depth of the lot each meet or exceed 70 percent of the minimum requirements for the Residential (~~R-1~~~~-R-30LL-1~~ - MDR-2) Land Use District in which it is located, or
- b. Although the area, width or depth of the lot, or a combination thereof, do not meet 70 percent of the minimum requirements of the Residential (~~R-1~~~~-R-30LL-1~~ - MDR-2) Land Use District in which it is located,

...

- C. Notwithstanding subsection A of this section, a nonconforming lot in a Residential (~~R-1~~~~-R-30LL-1~~ - MDR-2) Land Use District failing to meet or exceed 70 percent of minimum area, width and depth requirements of the district in which it is located may not be used for a building site if at any time since the effective date of the ordinance which first established a minimum lot area, width, depth or street frontage requirement larger than the lot contains or annexation, whichever was later, has a person, partnership, corporation or marital community owning said lot simultaneously owning additional contiguous property. Such lots must be combined with additional contiguous property sufficient that the area, width and depth of the combined property each meets or exceeds 70 percent of the minimum requirements of the land use district in which the property is located. This subsection does not constitute a waiver of any of the requirements of boundary line adjustment procedure.

...

20.20.120 Accessory dwelling units.

~~A. General.~~

~~One accessory dwelling unit is permitted as subordinate to a single family dwelling provided the following criteria are met:~~

- ~~1. The accessory dwelling unit shall be located within the same structure as the principal residence and shall not be a detached structure or located within existing detached accessory structures such as garages, workshops, or guest cottages.~~
- ~~2. The floor area of the accessory dwelling unit shall be limited to the larger of 1,200 square feet or 40 percent of the gross floor area of the primary residence and accessory dwelling unit combined, excluding any related garage area.~~
- ~~3. In addition to any off street spaces required for the primary residence, and except when the property has frequent transit service as provided in LUC 20.20.590.L.1, off street parking shall be provided for accessory dwelling units as follows:~~
 - ~~a. No off street parking is required for accessory dwelling units less than 1,000 square feet in floor area (excluding any garage area).~~
 - ~~b. One off street parking space is required for accessory dwelling units between 1,000 and 2,000 square feet in floor area (excluding any garage area).~~
 - ~~c. For accessory dwelling units exceeding 2,000 square feet:~~

**Draft Middle Housing LUCA
February 2025 Draft**

- ~~i. One off street parking space is required on lots smaller than 6,000 square feet.~~
- ~~ii. Two off street parking spaces are required on lots greater than 6,000 square feet.~~
- ~~iii. For purposes of this subsection A.3.c, lot area shall refer to the square footage of a parent lot prior to any unit lot subdivision as described in LUC 20.45A.065 and 20.45B.057.~~
- ~~4. The accessory dwelling unit shall meet all technical code standards, BCC Title 23, including building, electrical, fire, and plumbing code requirements.~~
- ~~5. A site may not contain both an accessory dwelling unit and a business subject to the regulations in Part 20.30N LUC for a Home Occupation Permit.~~
- ~~6. The creation of an accessory dwelling unit shall not satisfy the affordable housing requirements in LUC 20.20.128.~~

A. Purpose

The purpose of this section is to regulate both attached and detached accessory dwelling units.

B. Definitions.

- 1. Major Transit Stop. For the purposes of this section, major transit stop is as defined in RCW 36.70A.696.

C. Standards – Generally Applicable.

- 1. Up to two accessory dwelling units are permitted on each lot located in a land use district that allows a single-family dwelling to be located on that lot, provided that all applicable requirements of this section are met.
- 2. Until a certificate of occupancy is issued for the accessory dwelling unit, the accessory dwelling unit must be a subordinate use to a primary structure located on the same lot. Once a certificate of occupancy is issued, then the accessory dwelling unit shall become a permitted use.
- 3. The floor area of an accessory dwelling unit shall be limited to a maximum of 1, 200 square feet, except that:
 - a. The Director may approve an increase in floor area beyond 1,200 square feet in the following circumstances:
 - i. Where the proposed accessory dwelling unit is located entirely on a single floor of the primary structure;
 - ii. Where the accessory dwelling unit is proposed as an addition to an existing or proposed detached accessory structure; or
 - iii. Where the accessory dwelling unit is proposed to be created through a conversion of an existing detached accessory structure.
 - b. Accessory dwelling units created through the conversion of a structure previously permitted as a guest cottage are exempt from the maximum floor area limit.

What happened to ADU's being allowed to be 40% of the size of the SFR? People want ADUs that are a little larger that allow for at least 3 bedrooms or an office with a garage. The Kirkland market is finding that these are not that desirable by the market and will in-turn not be built in the future.

Allow for a max of 1,500sf and exempt garages, and unheated storage spaces from the max sqft calculations.

Make this predictable. What about for new units, not conversions of existing spaces.

4. Accessory dwelling units may be converted from existing structures, including but not limited to detached garages, regardless of whether the existing structure itself currently meets applicable setback and lot coverage dimensional requirements so long as the existing structure was otherwise a permitted use when constructed. An accessory dwelling unit resulting from such a conversion shall not constitute a nonconforming structure, and the site shall not constitute a nonconforming site, solely due to the existing structure's noncompliance with applicable setback and lot coverage dimensional requirements.
5. In addition to any off-street parking spaces required for the primary structure, ~~and except when the property has frequent transit service as provided in LUC 20.20.590.L.1,~~ off-street parking shall be provided for accessory dwelling units as follows:
 - a. No off-street parking is required for accessory dwelling units less than 1,000 square feet in floor area (excluding any garage area).
 - b. No off-street parking is required for accessory dwelling units located within one-half mile of a major transit stop as defined in this section.
 - c. One off-street parking space is required for accessory dwelling units between 1,000 and 2,000 square feet in floor area (excluding any garage area).
 - d. For accessory dwelling units exceeding 2,000 square feet:
 - i. One off-street parking space is required on lots smaller than 6,000 square feet.
 - ii. Two off-street parking spaces are required on lots greater than 6,000 square feet.
 - iii. For purposes of this subsection A.3.c, lot area shall refer to the square footage of a parent lot prior to any unit lot subdivision as described in LUC 20.45A.065 and 20.45B.057.
6. A site may not contain both an accessory dwelling unit and a business subject to the regulations in Part 20.30N LUC for a Home Occupation Permit.

C. Standards – Attached Accessory Dwelling Units.

1. Attached accessory dwelling units must be located within, or be attached to, the primary structure.
2. Attached accessory dwelling units shall be subject to the same height and setback requirements as the primary structure.

D. Standards – Detached Accessory Dwelling Units.

1. Detached accessory dwelling units shall be limited to 24 feet in height or 28 feet in height when proposed as an addition over an existing or proposed accessory structure as measured to the highest point of the structure.
2. Detached accessory dwelling units shall be subject to the same setback requirements as middle housing projects per LUC 20.20.538, except that:

Allow for 2 DADU's. It does not specifically state this is allowed or not allowed.

a. Detached accessory dwelling units may be sited at the lot line that abuts an alley

...

20.20.125 Accessory structures in residential districts – Detached.

...

B. Applicability.

This section applies to detached accessory structures located on lots less than 20,000 square feet within any residential land use district. ~~This section is not applicable to Guest Cottages regulated pursuant to LUC 20.20.250. This section is not applicable to detached accessory dwelling units regulated pursuant to LUC 20.20.120.~~ This section is not applicable to structures exempt from regulation under the International Building Code, as adopted and amended by the City of Bellevue; however, exempt structures (e.g., swimming pools, greenhouses, and similar structures) and parked or stored recreational vehicles, watercraft, and utility trailers (regulated pursuant to LUC 20.20.720 or 20.20.890) may intrude into side or rear yard setbacks pursuant to the process contained in paragraph F.3 of this section.

~~C. Definition of Detached Accessory Structure.~~

~~Detached accessory structure refers to buildings or structures which are secondary to and associated with a primary single-family or multifamily structure.~~

~~D. Height Limitations.~~

~~Detached accessory structures are limited to a maximum height of 15 feet except as otherwise provided in paragraph F.1. of this section.~~

~~E. Limitations on Location and Lot Coverage.~~

...

2. Detached accessory structures are required to comply with the front and side setbacks required for the primary structure and are required to maintain a five-foot setback from the rear lot line except as otherwise provided in subsection F.3 of this section.

Note: The International Residential Code as adopted and amended by the City of Bellevue contains additional fire protection requirements that are applicable to some structures constructed within a side or rear yard setback.

...

~~F. Exception Process.~~

...

20.20.127 Adult entertainment uses.

- A. Adult entertainment uses are prohibited within 660 feet of any Residential Land Use District (~~R-1~~ ~~R-30LL-1~~ ~~MDR-2~~), single or multiple-family residence, public or private school (preschool – twelfth grade), religious facility, public park, child care service, child day care center, public library, community youth center, massage parlor, or other adult entertainment use.

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Draft Middle Housing LUCA
February 2025 Draft

C. The 660-foot distance shall be a straight, horizontal line, measured from the nearest point of that portion of a lot proposed to be used for an adult entertainment use (generally, the enclosed building or indoor leased space, excluding, for example, parking areas, landscaping or tenant common areas) to the nearest point of:

...

3. A Residential Land Use District (~~R-1 – R-30~~LL-1 – MDR-2).

...

20.20.128 Affordable housing.

...

B. Definitions.

1. “Mixed-income multifamily development” means a multifamily development project that includes both market rate and affordable housing units in any land use district that permits multifamily housing.

...

3. “Affordable housing suffix” means a suffix consisting of AH and a number, enclosed in parentheses and appended to the Land Use District classification applied to a property. These suffixes correspond to alternate ~~multifamily~~ Land Use Districts where multifamily housing is permitted which are applicable to affordable housing development when consistent with the requirements of subsection I of this section.

...

D. Eligibility.

1. Density Bonus. The following residential development, including both new development and rehabilitation projects, shall be eligible to receive a density bonus and other modifications as provided in this section:

a. ~~Mixed-Income Multifamily Development.~~ Mixed-income multifamily development in any ~~applicable~~ land use district that permits multifamily housing when the development includes affordable housing; ~~and~~

b. Mixed-Income Middle Housing Development. Mixed-income multifamily development in any residential land use district (LDR-1 – MDR-2) when the development includes affordable housing; and

~~b.c.~~ Affordable Housing Development. The following ownerships and locations of residential development when all housing units are affordable housing:

i. Owned or controlled by a religious organization and located in ~~Single-Family~~ Residential Land Use Districts LL-1 through LDR-1; and

...

2. Affordable Housing Suffix Rezone. The following ownerships and locations of property shall be eligible to be rezoned under Part 20.30A LUC, adding an affordable housing suffix for multifamily development and other modifications as provided in this section:

Draft Middle Housing LUCA
February 2025 Draft

...
 b. Located in any Single-Family Residential Land Use Districts LL-1 through LDR-1; and
 ...

E. Density Bonus.

1. Mixed-income multifamily development as provided in subsection D.1.a of this section may exempt 1 bonus market rate unit for each equivalent-sized affordable unit provided, up to 15 percent above the maximum density allowed in the underlying land use district.
2. Mixed-income middle housing development as provided in subsection D.1.b of this section may receive bonus units beyond the underlying permitted density subject to the following affordable housing requirements:
 - a. Two bonus units citywide when providing two affordable units or when providing a fee in-lieu for two affordable units.
23. Affordable housing development as provided in subsection D.1.b-c of this section may receive a bonus of 50 percent above the maximum density allowed in the underlying land use district.

Commented [A2]: Potential for an option to allow two bonus units when providing a fee in-lieu of two affordable units

F. Dimensional Standard Modification.

1. Mixed-Income Multifamily Development as provided in subsection D.1.a of this section may replace the nonresidential dimensional requirements in LUC Chart 20.20.010 with those in Chart 20.20.128.F.1. All other applicable dimensional requirements in LUC Chart 20.20.010 but not included in Chart 20.20.128.F.1 shall continue to apply, including applicable footnotes.

Chart 20.20.128.F.1

Modified Dimensional Requirements for Mixed-Income Multifamily Development

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Residential										
		1L 1	1.8L L-2	2.5S R-1	3.5S R-2	4SR- 3	5SR- 4	7.5L DR-1	10L DR-2	15L DR-3	R- 20M DR-1	R- 30M DR-1
	DIMENSIONS											
	Minimum Lot Area (Thousands of Sq. Ft.)	30.4	17.4	11.7	8.7	7.4	6.3	4.1	8.5	8.5	8.5	8.5
	Dwelling Units per Acre	1.2	2.1	2.9	4.0	4.6	5.8	8.6	11.5	17.3	23	34.5
	Maximum Lot Coverage by Structures (percent)	35	35	35	35	40	40	40	40	40	40	40
	Maximum Hard Surface Coverage (percent)	75	75	75	75	80	80	90	90	90	90	90
	Maximum Impervious Surface (percent)	45	45	45	45	55	55	55	70	70	70	70

Residential – Nonresidential Districts

**Draft Middle Housing LUCA
February 2025 Draft**

STD LAND USE CODE REF	LAND USE CLASSIFICATION	O	OLB	OLB 2	NB	CB	F2	F3
	DIMENSIONS							
	Minimum Lot Area (Thousands of Sq. Ft.)	30.4	17.4	11.7	8.7	7.4	6.3	4.1
	Dwelling Units per Acre	1.2	2.1	2.9	4.0	4.6	5.8	8.6
	Maximum Lot Coverage by Structures (percent)	35	35	35	35	40	40	40
	Maximum Hard Surface Coverage (percent)	75	75	75	75	80	80	90
	Maximum Impervious Surface (percent)	45	45	45	45	55	55	55

- ...
- Affordable housing development as provided in subsection D.1.b-c of this section may replace the dimensional requirements in LUC Chart 20.20.010 with those in Chart 20.20.128.F.2. Applicable dimensional requirements in LUC Chart 20.20.010 but not included in Chart 20.20.128.F.2 shall continue to apply, including applicable footnotes.

G. Modification of Other Applicable Requirements.

For eligible residential development as provided in subsection D of this section, the following requirements of this Code may be modified through the procedures outlined in subsection C of this section, to the extent necessary to accommodate affordable housing units on site:

- ...
- Building Height. Except in transition areas and the Shoreline Overlay District, the maximum building height in [R-10LDR-2](#), [R-15LDR-3](#), [R-20MDR-1](#), and [R-30MDR-2](#) Land Use Districts and for properties with an AH suffix may be increased by up to 12 feet for those portions of the building(s) at least 20 feet from any property line.

H. Attached Housing Within Subdivisions.

~~Affordable housing development as provided in subsection D.1.b of this section may be permitted as attached multifamily dwelling units in single-family land use districts when meeting the following criteria:~~

- ~~The attached multifamily dwelling units shall be reviewed through a subdivision, Chapter 20.45A LUC, or short subdivision, Chapter 20.45B LUC, process, provided nothing in this subsection shall affect the allowance to build attached multifamily dwelling units through a planned unit development, Part 20.30D LUC;~~
- ~~Multifamily dwelling units within a subdivision or short subdivision may be considered as unit lot subdivision, with each lot accommodating attached multifamily dwelling units as a parent lot and individual unit lots created for the attached multifamily dwelling unit, and shall also be~~

Draft Middle Housing LUCA
February 2025 Draft

reviewed for compliance with LUC 20.45A.065 for subdivisions or LUC 20.45B.057 for short subdivisions;

3. A proposal to create a Unit Lot Subdivision with a Parent Lot and Unit Lots may be reviewed as part of a single proposal for a subdivision or short subdivision;
4. An attached multifamily dwelling unit shall not be placed on or across any parent lot line within the subdivision or short subdivision;
5. The attached multifamily dwelling units may only be duplexes and triplexes;
6. No more than 50 percent of the units within the subdivision or short subdivision shall be attached multifamily dwelling units; and
7. The attached multifamily dwelling structure shall comply with all applicable dimensional requirements.

H. Affordable Housing Suffix.

3. Rezone Criteria. Owners of property meeting all eligibility criteria of subsection D.2 of this section may apply for a rezone, under Part 20.30A LUC, to append an affordable housing suffix to the property’s existing Land Use District.

Table 20.20.128.I.1.
Affordable Housing Suffix Eligibility

Reference Land Use District	Associated Affordable Housing Suffix
R-10 LDR-2, PO	(AH-1)
R-15 LDR-3, NB	(AH-2)
R-20 MDR-1, O, GC	(AH-3)
R-30 MDR-2, BR-CR, BR-ORT, BR-RC, CB, DT (Any), EG-TOD, EM (Any), F1, F2, F3, LI, NMU, OLB, OLB 2, NMU	(AH-4)

4. Development with Suffix.
 - a. Increased Density. Development on a property with an affordable housing suffix may conform to the associated multifamily Land Use District identified in Chart 20.20.128.I.2, including associated dimensional standard modifications identified in subsection F.2 of this section, instead of the underlying Land Use District when all housing units are affordable housing.

Table 20.20.128.I.2.
Alternate Land Use Districts Associated with Affordable Housing Suffixes

Affordable Housing Suffix	Associated Land Use District
(AH-1)	R-10 LDR-2
(AH-2)	R-15 LDR-3
(AH-3)	R-20 MDR-1
(AH-4)	R-30 MDR-2

**Draft Middle Housing LUCA
February 2025 Draft**

20.20.170 Child care service use.

...

D. Child Day Care Center.

...

2. Review or Registration Required.

- a. If located in an [R-10LDR-2](#) or [R-15LDR-3](#) Land Use District, a child day care center requires a Conditional Use Permit prior to the initiation of the use.

...

20.20.190 Churches, clubs, and similar use structures.

In [Residential](#) Districts ([LL-1 – MDR-2](#)), churches, institutions, clubs and community recreation buildings shall have side and rear yard required setbacks of a minimum of 50 feet each. Automobile traffic to and from such a use and its parking area shall be from an arterial street, unless other access is approved through a Conditional Use Permit.

...

20.20.195 Communication, broadcast, and relay facilities.

...

E. Development Requirements for Wireless Communications Facilities.

a. Allowed Locations.

- i. In ~~the Residential~~ ([R-4LL-1](#) through [R-30MDR-2](#)) and BR-R Land Use Districts, WCFs may only be deployed in the following locations:

...

(5) Undeveloped sites and sites developed with residential or mixed uses in the [R-20MDR-1](#) and [R-30MDR-2](#) Land Use Districts.

- ii. WCFs located outside of Residential ([R-4LL-1](#) through [R-30MDR-2](#)) and BR-R Land Use Districts may be deployed in any location, subject to the requirements under this section.

...

20.20.250 Cottage ~~guest~~ Housing Development.

~~One detached cottage for the use of guests or domestic employees or the residents of the main residence may be permitted on any lot having at least 13,500 square feet in lot area and having a single-family residence as the principal use of the lot.~~

A. General.

1. The size of a cottage unit shall be limited to 1,750 square feet, measured as the area within the roofline, except that:

a. Up to 25% of the square footage of any cottage structure utilized for covered porches may be exempted from the maximum square footage.

B. Site Design Standards.

1. Total Open Space. Total open space includes all of the open space provided on-site for a cottage housing development subject to the following requirements:

a. Total open space shall be provided at a minimum of 20% of the lot size. This may include common open space, private open space, setbacks, critical areas, or other open space; and

Are garages allowed to be exempt and in addition to the total limited max sqft?

Draft Middle Housing LUCA
February 2025 Draft

- b. Total open space shall be consolidated into a common area to the maximum extent possible.
- 2. Common Open Space. Common open space shall be included in the calculation of the total open space. Common open space shall be provided subject to the following requirements and is intended for common use by the residents of a cottage housing development:
 - a. A minimum of 100 square feet provided per cottage as common open space;
 - b. Common open space shall be bordered by cottages on at least one side for developments with four or fewer cottages and at least two sides for developments with five or more cottages;
 - c. Common open space shall not include critical areas, critical area buffers, or critical area structure setbacks;
 - d. Common open space shall have a minimum dimension of 20 feet on any side; and
 - e. Total open space shall be developed consistent with LUC 20.20.520, including a mix of landscaping, pedestrian paths, and other amenities. Impervious surfaces shall be limited to 75% of the total open space.
- 3. Private open space. Any designated private open space areas shall have a minimum dimension of 5 feet on any side.
- 4. The minimum required distance between cottages shall be limited to the minimum required by building and fire code.
- 5. On-site required parking shall be consolidated to the maximum extent feasible.

20.20.252 Courtyard Housing Development.

A. General

- 1. Courtyard housing developments that contain up to nine dwelling units shall be subject to the requirements of this subsection and the development regulations in Chart 20.20.538.B.2.
- 2. Courtyard housing shall be in an L- or U-shaped configuration.

B. Site Design Standards.

- 1. Courtyard housing shall include a central courtyard area providing primary or secondary access to all units.
- 2. The central courtyard shall have a minimum dimension of 20 feet in any direction
- 3. On-site required parking shall be consolidated to the maximum extent feasible

...

20.20.255 Electrical utility facilities.

...

C. Required Review.

Draft Middle Housing LUCA
February 2025 Draft

For new or expanding electrical utility facilities proposed on sensitive sites as described by Figure UT-7-6 of the Utilities Element of the Comprehensive Plan, the applicant shall obtain Conditional Use Permit approval under Part 20.30B LUC. For expansions of electrical utility facilities not proposed on sensitive sites as described by Figure UT-7-6, the applicant shall obtain Administrative Conditional Use Permit approval under Part 20.30E LUC.

1. Conditional Use Permit. In addition to the requirements set forth in Part 20.30B LUC ~~and Part 20.25B LUC (if applicable)~~, the applicant shall:
...
2. Administrative Conditional Use. In addition to the requirements set forth in Part 20.30E LUC ~~and Part 20.25B LUC (if applicable)~~, the applicant shall comply with all decision criteria and design standards set forth in this section, provided the applicant is not required to complete the alternative siting analysis set forth in subsection D of this section.

D. Alternative Siting Analysis.

In addition to the requirements set forth in Part 20.30B LUC, ~~Part 20.25B LUC (if applicable)~~, and the decision criteria and design standards set forth in this section, the applicant shall identify alternative sites, provide required content showing analysis relating to identified sites, describe technologies considered, and describe community outreach conducted for proposals relating to new or expanding electrical utility facilities on sensitive sites as described in this section.

2. Content of Alternative Siting Analysis. Upon submittal of the Conditional Use Permit application required pursuant to subsection C of this section, the applicant shall submit results of the siting analysis which:
...
 - b. Map the location of the sites identified in subsection D.1 of this section and depict the proximity of the sites to Neighborhood Business Land Use Districts, ~~and Residential Land Use Districts, and Transition Areas.~~
 - c. Describe which of the sites analyzed are considered practical or feasible alternatives by the applicant, and which of the sites analyzed are not considered practical or feasible, together with supporting information that justifies the conclusions reached. For sites located within a Neighborhood Business Land Use District, Residential Land Use District, and/or Transition Area ~~(including the BelRed Office/Residential Transition (BR-ORT))~~, the applicant shall:
...
 - d. Identify a preferred site from the alternative locations considered for the proposed new or expanding electrical utility facility. The following location selection hierarchy shall be considered during identification of the preferred site alternative: (i) nonresidential land use districts ~~not providing transition~~, (ii) ~~nonresidential Transition Areas (including the BelRed Office/Residential Transition (BR-ORT))~~, and (iii) residential areas. The applicant may identify a preferred site alternative in a Residential Land Use District or ~~Transition Area (including the BelRed Office/Residential Transition (BR-ORT))~~ upon demonstration that the location has fewer site compatibility impacts than a nonresidential land use district location.

E. Decision Criteria.

Draft Middle Housing LUCA
February 2025 Draft

In addition to the requirements set forth in Part 20.30B LUC, Part 20.30E LUC, ~~Part 20.25B LUC (if applicable)~~, and other applicable provisions of this section, all proposals to locate or expand electrical utility facilities shall comply with the following:

...

F. Design Standards.

In addition to the requirements set forth in Part 20.30B LUC, Part 20.30E LUC, ~~Part 20.25B LUC (if applicable)~~, and other applicable provisions of this section, all proposals to locate or expand an electrical utility facility shall comply with the following:

...

20.20.350 Essential public facilities (EPF).

C. Decision Criteria.

In addition to the decision criteria applicable to any permit required to construct or modify the EPF, the City may approve, or approve with modifications, a proposal to construct or modify an EPF if:

...

4. An EPF may be permitted in a Neighborhood Business or Residential Land Use District (~~R-1 through R-30~~), only if there is an operational or other need that requires locating in that district to achieve the purpose or function of the EPF;

...

20.20.390 Floor Area Ratio, Single-Family and Middle Housing.

A. Applicability.

The requirements of this section apply to the following:

1. All new single-family and middle housing developments, except for accessory dwelling units which are exempt from floor area ratio provisions; and
2. Additions to existing single-family dwelling that result in a 20 percent or greater increase in gross square feet.

B. Maximum Floor Area Ratio for Single-Family and Middle Housing.

The maximum residential floor area ratio as defined in LUC 20.50.020, **Floor Area Ratio (FAR) – Single-Family and Middle Housing Dwelling**, for qualifying development is listed in Table 20.20.390.B.1, and shall be determined by the quantity of dwelling units on the lot. For multi-family projects proposing 10 or more dwelling units, floor area ratio shall be determined by the dimensional requirements in Chart 20.20.010 or, where applicable, as regulated by a special or overlay district.

Table 20.20.390.B.1
Maximum Floor Area Ratio for Single-Family and Middle Housing

<u>Number of dwelling units</u>	<u>Floor Area Ratio</u>
<u>1</u>	<u>0.3/0.5(1)</u>
<u>2</u>	<u>0.5</u>
<u>3</u>	<u>0.6</u>
<u>4</u>	<u>0.7</u>
<u>5</u>	<u>0.75</u>

**Draft Middle Housing LUCA
February 2025 Draft**

<u>6</u>	<u>0.9</u>
<u>7</u>	<u>1</u>
<u>8</u>	<u>1.2</u>
<u>9</u>	<u>1.4(2)</u>

(1) FAR for lots that are less than 10,000 square feet shall be 0.5. Lots that are 10,000 square feet or larger shall be limited to 0.3 FAR.

(2) Cottage housing developments may utilize the highest FAR and there is no limit on the maximum allowable units.

...

20.20.400 Fences.

...

C. Electric Fences.

Electric fences are not permitted in an [Residential Land Use](#) District, except where additional fencing or other barriers prevent access to the fence by small children on the adjacent property. Otherwise, electric fences are permitted provided they comply with the following requirements: (1) An electric fence using an interrupted flow of current at intervals of about one second on and two seconds off shall be limited to 2,000 volts at 17 milliamp, current; (2) An electric fence using continuous current shall be limited to 1,500 volts at 7 milliamp, current. All electric fences shall be posted with permanent signs a minimum of 36 square inches in area at intervals of 15 feet stating that the fence is electrified. Electric fences sold as a complete and assembled unit can be installed by an owner if the controlling elements of the installation are certified by an A.N.S.I. approved testing agency.

...

20.20.460 Impervious Surface Coverage

...

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.

...

4. Landscape Features. Fences, arbors with lattice or open roof materials and similar structures, individual stepping stones placed in the ground but not cemented or held together with an impervious material, ~~and gravel mulch~~ shall be exempt from the maximum impervious surface limits.

...

20.20.520 Landscape development.

...

B. Applicability.

The requirements 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 impervious surface, or a change in the area devoted to parking and circulation is required by this Code, or by the International Building Code, as adopted

Draft Middle Housing LUCA
February 2025 Draft

and amended by the City of Bellevue. ~~However, t~~his section does not apply to a permit for a single-family dwelling or middle housing projects as defined in LUC 20.50.034, except where required for open space in cottage and courtyard housing developments unless restrictions on the removal of significant trees on individual single-family lots have been imposed through prior City approval.

...

F. Site Landscaping.

1. Perimeter Landscaping Requirements for Use Districts. The applicant shall provide site perimeter landscaping either according to the following chart and subject to subsections F.2 and F.6 of this section; or in conformance with subsection J of this section.

Perimeter Landscaping Requirements for Use Districts

Land Use District in Which the Subject Property is Located ³	Street Frontage (Type and Minimum Depth)	Interior Property Lines (Type and Minimum Depth) ¹
R-10LDR-2, 15LDR-3, 20MDR-1, 30MDR-2	Type III, 10' but if located in a transition area, and directly abutting S/F², see Part 20.25B LUC for requirements.	Type III, 8' but if located in a transition area, and directly abutting S/F², see Part 20.25B LUC for requirements.
NB, PO, O, OLB, OLB 2, OLB-OS	Type III, 10' but if located in a transition area, and directly abutting S/F², R 10, 15, 20 or 30, see Part 20.25B LUC for requirements. ⁴	Type III, 10' but if located in a transition area, and directly abutting S/F², R 10, 15, 20 or 30, see Part 20.25B LUC for requirements. ⁴
LI, GC, CB, NMU	Type III, 10' but if located in a transition area, and directly abutting S/F², R 10, 15, 20 or 30, see Part 20.25B LUC for requirements.	Type III, 8' but if located in a transition area, and directly abutting S/F², R 10, 15, 20 or 30, see Part 20.25B LUC for requirements.

...

~~(2) S/F includes the R-1, R-1.8, R-2.5, R-3.5, R-4, R-5, and R-7.5 Land Use Districts.~~

~~(32)~~ Notwithstanding the provisions of this paragraph, landscape development requirements for specific uses are listed in paragraph F.2 of this section.

~~(43)~~ Landscape development requirements for the OLB-OS District may be modified pursuant to Part 20.25L LUC.

2. Planting Requirements for Specific Uses. Notwithstanding the provisions of paragraph F.1 of this section, the uses listed in this paragraph require specific landscaping as follows:

...

- c. Subject to paragraph F.6 of this section, equipment and vehicle storage yards require 15 feet of Type I landscaping on all sides ~~if in a transition area, or~~ visible from a public right-of-way.

**Draft Middle Housing LUCA
February 2025 Draft**

Alternative landscaping may be approved by the Director of the Development Services Department if the requirements of subsection J of this section are met.

...

H. Limitation of Landscaping Requirements.

1. ~~Except in a transition area,~~ The total buildable area of the subject property which is required to be landscaped is limited as follows. The location of this landscaping within the buildable area must meet the purpose and intent of subsections A, F.1 and G of this section.

...

20.20.535 Marijuana uses.

...

F. Limitations on Uses.

The following limitations shall apply to all marijuana producers, processors, and retailers, unless stated otherwise:

...

2. A marijuana retailer shall not be located within 100 feet of ~~the following land use districts: all single family and multifamily districts (R-1 through R-30).~~ residential use districts.
6. No marijuana producer, processor, or retailer shall be allowed in ~~single family and multifamily~~ residential land use districts, ~~(R-1 — R-30, DT-R, and BR-R).~~

...

20.20.538 Middle Housing

A. Applicability.

This section outlines the dimensional requirements applicable to middle housing developments as defined in LUC 20.50.034. For dimensional standards applicable to single-family development and multi-family development see Chart 20.20.010 in LUC 20.20.010. For additional site design regulations for cottage housing see LUC 20.20.520. For additional site design regulations for courtyard housing see LUC 20.20.252.

B. Definitions.

1. Major Transit Stop. For the purposes of this section, major transit stop is as defined in RCW 36.70A.030
2. Frequent Transit Service. For the purposes of this section, frequent transit service means:
 - a. A stop that receives transit service at least four times per hour for twelve or more hours per day.

C. Standards.

**Table 20.20.538.C.1.
Development Requirements for Middle Housing.**

<u>Middle Housing</u>

**Draft Middle Housing LUCA
February 2025 Draft**

STD LAND USE CODE REF	LAND USE CLASSIFICATION	LL-1	LL-2	SR-1	SR-2	SR-3	SR-4	LDR- 1	LDR- 2	LDR- 3	MDR -1	MDR -2
	DIMENSIONS	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
	Dwelling Units per Lot (2)(3)(4)	4/6/ 9	4/6/ 9	4/6/ 9	4/6/ 9	4/6/ 9	4/6/ 9	4/6/ 9	4/6/ 9 (5)	4/6/ 9 (5)	4/6/ 9 (5)	4/6/ 9 (5)
	Minimum Setbacks of Structures (feet)	25	20	10	10	10	10	10	10	10	10	10
	Front yard											
	Rear Yard	15	15	15	15	10	10	10	10	10	10	10
	Side Yard (6)	5	5	5	5	5	5	5	5	5	5	5
	Maximum in Building Height (feet)	38	38	38	38	38	38	38	38	38	38	38
	Maximum Lot Coverage by Structures (percent)	40	40	40	40	40	45	45	45	45	45	45
	Maximum Hard Surface Coverage (percent)	80	80	80	80	80	85	85	90	90	90	90
	Maximum Impervious Surface (percent)	50	50	50	50	50	60	60	65	65	65	65
	Alternative Maximum Impervious Surface (percent)	50	50	50	50	50	55	55	80	80	80	80

In kirkland we get a 50% lot coverage for structures.

How are these fees established? What is the fee in lieu? is the fee in lieu only required on the 3 homes over 6 in section (2) or the 2 over 4 in section (3)

- (1) See Chart 20.20.010 for standards related to minimum lot area, minimum street frontage width, lot width, and lot depth.
- (2) Lots located within ½ mile of a major transit stop as defined in subsection B.1 may develop up to 9 units per lot. Lots located within ¼ mile of frequent transit service as defined in subsection B.2 may develop up to six units per lot.
- (3) When providing two affordable units any lot located in a residential land use district may develop up to six units. See LUC 20.20.128.E.2 for density bonuses where affordable units are provided in middle housing projects.
- (4) Lots located within ¼ mile of a Neighborhood Center, Regional Growth Center, or Countywide Growth Center as mapped in the Land Use Element of the Comprehensive Plan may develop up to six units per lot.
- (5) See Chart 20.20.010 for the maximum allowable dwelling units per acre for land use districts LDR-2 through MDR-2. When calculating site density, the greater of the middle housing units per lot density or the dwelling units per acre density may be utilized.
- (6) Townhomes proposed on adjacent lots may be permitted to develop with zero side yard setbacks.

Commented [A3]: Consider extending this allowance to townhomes being developed in MDR districts

**Draft Middle Housing LUCA
February 2025 Draft**

20.20.590 Parking, circulation, and walkway requirements.

...

F. Minimum/Maximum Parking Requirement by Use.

1. Specified Uses. Subject to subsections G, H, and L of this section, the property owner shall provide at least the minimum and may provide no more than the maximum number of parking stalls as indicated below:

	Use	Minimum Number of Parking Spaces Required	Maximum Number of Parking Spaces Allowed
...			
m.	Residential (3):		
	Single-family detached	2:unit	No max.
	Multiple-unit structure (4):	1:unit	No max.
	One-bedroom or studio unit	1-2:unit	No max.
	Two-bedroom unit	1-6:unit	No max.
	Three or more bedroom unit	1-8:unit	No max.
...			

...

[\(4\) Middle housing projects, as defined in LUC 20.50.034, are exempt from minimum parking requirements when located within one-half mile of a major transit stop as defined in LUC 20.20.538.B.1.](#)

...

K. Parking Area and Circulation Improvements and Design.

Parking of vehicles for all uses is only permitted in parking areas that meet the requirements of this section; except that, vehicles on residential lots may also be parked in areas that meet the requirements of LUC 20.20.720 and 20.20.890 relating to the storage of recreational vehicles and trailers.

...

3. Driveways.

- a. Entrances and Exits. The Director of the Transportation Department shall fix the location, width, and manner of approach of vehicular ingress and egress from a parking area in conformance with Chapter 14.60 BCC. The Director of Transportation may require the property owner to alter ingress or egress as necessary to control traffic in the interest of public safety and general welfare. ~~Wherever available, the property owner shall provide access from commercial or multifamily property onto streets which do not abut R-1, R-1.8, R-2.5, R-3.5, R-4, R-5, or R-7.5 Districts.~~

...

8. Internal Walkways.

- a. When Required. The property owner shall install internal walkways in each new development or substantial remodel of existing development in ~~R-10|DR-2, R-15|DR-3, R-20|MDR-1, R-30|MDR-2~~, NB, NMU, PO, O, OLB, OLB 2, OLB-OS, CB, LI, GC, MI, EG-TOD, or Downtown Land Use Districts, except for middle housing developments that are not cottage or courtyard developments. In addition, schools in all land use districts shall install internal walkways in each new facility or substantial remodel of an existing facility.

Draft Middle Housing LUCA
February 2025 Draft

...
L. **Minimum Parking for Residential Uses with Frequent Transit Service.**
...

1. Applicability

- ...
- c. For accessory dwelling units, [see the parking requirements in LUC 20.20.120](#) ~~frequent transit service shall be defined as:~~
- ~~i. Within one half mile of a transit stop that receives transit service at least 4 times per hour for 12 or more hours per day; or~~
 - ~~ii. Within one half mile of a future light rail or bus rapid transit station scheduled to begin service within two years.~~
- ...

20.20.720 Recreational vehicles, watercraft, and utility trailers.

- A. Parking or storage of recreational vehicles, watercraft (whether mounted on trailers or unmounted), or utility trailers, except for loading and unloading activities completed within a three-day period within any given two-week period, is not permitted within a Residential Land Use District ~~(R-1—R-30)~~, unless there is compliance with the following:
- ...
- C. Parking or storage of recreational vehicles, watercraft or utility trailers for compensation is not permitted within a Residential Land Use District ~~(R-1—R-30)~~. This subsection does not apply to storage facilities provided exclusively for tenants of multifamily dwelling complexes.
- ...
- E. Recreational vehicles, watercraft and utility trailers which exceed 40 feet in length are not permitted in any Residential Land Use Districts ~~(R-1—R-30)~~.
- ...

20.20.725 Recycling and solid waste collection areas.

All new development for multifamily housing exceeding ~~four-ten~~ units, commercial, office, and manufacturing uses shall provide on-site collection areas for recyclable materials and solid waste, as those terms are used in Chapter 9.26 BCC, as follows:

...

20.20.730 Large satellite dish antennas.

A. Large Satellite Dish Antennas in Nonresidential Land Use Districts.

Large satellite dish antennas in all nonresidential [land use](#) districts ~~(all land use districts except R-1 through R-30)~~ shall be screened in accordance with the requirements of LUC 20.20.525.C for mechanical equipment screening.

B. Large Satellite Dish Antennas in Residential Land Use Districts.

The requirements for screening of large satellite dish antennas in residential [land use](#) districts ~~(R-1 through R-30)~~ shall depend upon the nature of use and building type of the development.

1. Large satellite dish antennas in any residential development other than ~~detached or~~ single-family ~~attached or middle~~ housing shall be screened in accordance with the requirements of LUC 20.20.525.C for mechanical equipment screening.
2. Large satellite dish antennas in any residential development consisting of ~~detached or~~ single-family ~~attached or middle~~ housing shall be screened in accordance with subsection C of this section.

Draft Middle Housing LUCA
February 2025 Draft

- C. Large satellite dish antennas in any residential development consisting of ~~detached or~~ single-family ~~attached or middle housing~~ housing as specified in subsection B.2 of this section are permitted subject to the following criteria, provided the Director may modify setback and screening requirements upon proof that strict application of the requirements is infeasible or renders use of an antenna impossible:

...

20.20.740 Schools

- A. Public and private schools are permitted as indicated by the charts in LUC 20.10.440 and use charts applicable to specific land use districts contained in Chapter 20.25 LUC, "Education: Primary and Secondary," provided the following standards are met:

...

- 5. Perimeter Landscaping. In lieu of the Perimeter Landscaping Requirements set forth in LUC 20.20.520.F.1, schools shall provide the following landscaping, subject to LUC 20.20.520.F.6:
 - a. Schools in Residential Districts or ~~in Transition Areas as Described in Part 20.25B LUC and in the BelRed Office/Residential Transition (BR-ORT) Land Use District.~~

...

- i. Ten feet of landscaping meeting the following requirements of ~~LUC 20.25B.040.C.2.c~~ along interior property lines, unless more stringent requirements apply pursuant to this section.
 - (1) At least 50 percent native species;
 - (2) Evergreen and deciduous trees, of which no more than 40 percent can be deciduous. There shall be a minimum of 5 trees per 1,000 square feet of buffer area, which shall be a minimum of 10 feet high at planting, along with the evergreen shrubs and living groundcover as described in subsections C.2.c.ii and iii of this section to effectively buffer development from adjacent residential properties;
 - (3) Evergreen shrubs, a minimum 42 inches in height at planting, at a spacing no greater than 3 feet on center;
 - (4) Living groundcover planted to cover the ground within three years; and
 - (5) Alternatively, where the street frontage landscaping will be planted to buffer a building elevation and not a parking area, driveway or site development other than a building, a lawn no less than five feet in width may be substituted for the shrubs and groundcover required in subsections A.5.a.i(3) and A.5.a.i(4) of this section; provided, that the soil in the entire area of lawn is amended in accordance with LUC 20.20.520.F.8.

...

- 7. Design Guidelines for Schools in Residential Districts ~~and in Transition Areas~~. Schools in residential land use districts ~~and in Transition Areas~~ shall meet the following site and building design standards set forth in ~~LUC 20.25B.040.D through G and 20.25B.050-;~~

...

20.20.760 Shelters and storage facilities – Temporary.

A. Purpose.

The purpose of this section is to prohibit use of temporary shelters or storage facilities in ~~Single-Family~~ Land Use Districts ~~LL-1 through LDR-1~~, which are predominately visible from the right-of-way or any public or private street.

B. General.

Commented [A4]: This section previously referenced the listed standards in the Transition Area Design District. Those standards have been pulled into this section.

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February 2025 Draft**

Temporary shelters or storage facilities are not permitted in ~~Single-Family~~ Land Use Districts [LL-1 through LDR-1](#) if predominately visible from the right-of-way or any public or private street.

...

20.20.800 Short term stay uses – Limitations and general requirements.

A. Definition.

Short Term Stay Use. Transient lodging provided in a Planned Unit Development or multifamily dwelling unit located in a Residential (~~R-1 through R-30~~) land use district. Boarding houses and bed and breakfasts permitted to operate in Residential districts pursuant to a valid Home Occupation Permit, Part 20.30N LUC, group homes for children sited pursuant to the Group Home for Children Community Involvement Process, Chapter 9.19 BCC, and institutions housing persons under legal restraint or requiring medical attention or care are not included within the scope of this definition.

...

20.20.900 Tree Retention and Replacement

...

B. Applicability.

1. The requirements of this section shall be imposed any time a permit, approval, or review for Development Activity is required by the Bellevue City Code or Land Use Code.
2. The requirements of this section alone shall not reduce maximum allowed density, number of allowed lots, or preclude required access and utility connections.
3. ~~Tree removal that is not associated with development activity is regulated by the Clearing and Grading Code (Chapter 23.76 BCC).~~
4. Trees ~~subject to the requirements of this section that are growing within or~~ overhanging any public right-of-way are also subject to the requirements of Chapter 14.06 BCC.
5. ~~Exceptions~~ This section is inapplicable in the following circumstances:-
 - a. If there is not a permit, approval, or review for Development Activity, then this section does not apply. Tree removal, retention, or replacement that is not associated with development activity is regulated by Chapter 23.76 BCC, Clearing the Grading Code.
 - b. This section does not apply to development activity in the vegetation conservation area, as defined by LUC 20.25E.065.F.5, within the Shoreline Overlay District. The retention and replacement of trees/Trees located in the Shoreline Overlay District within the vegetation conservation area are-is regulated by Part 20.25E LUC, Shoreline Overlay District.
 - c. This section does not apply to development activity in critical areas, critical area buffers, or critical area structure setbacks. The retention and replacement of trees/Trees located in critical areas, critical area buffers, or critical area structure setbacks or their associated buffers are-is regulated by Part 20.25H LUC, Critical Areas Overlay District.
 - d. This section does not apply to trees located entirely within any public right-of-way. The retention and replacement of trees located within any public right-of-way is regulated by

Draft Middle Housing LUCA
February 2025 Draft

~~Chapter 14.06 BCC. The portions of this section which require retention of Significant Trees or the planting of new trees are not applicable in any Downtown Land Use District or in the East Main Transit Oriented Development Land Use District.~~

~~e. This section does not apply to development in any Downtown Land Use District established under LUC 20.10.020 and described in LUC 20.25A.010.~~

~~f. This section does not apply to development in any East Main Transit Oriented Development Land Use District established under LUC 20.10.020 and described in LUC 20.25Q.010.~~

C. Definitions.

The following definitions are specific to this section. Where a term defined below is used in this section its meaning shall be as defined below.

1. "Development Activity" means any alteration or development regulated by the Bellevue City Code or Land Use Code ~~proposed to occur through one or more of the following; including~~
 - a. ~~An application for a subdivision under Chapter 20.45A LUCs;~~
 - b. ~~An application for a short subdivision under Chapter 20.45B LUCs;~~
 - c. ~~An application for a planned unit development under Part 20.30D LUCs;~~
 - d. ~~Any application that proposes changes in lot coverage that exceed 20 percent;~~
 - e. ~~Any application that proposes changes in the area devoted to parking and circulation; or~~
~~and~~
 - f. ~~Any application the proposes additions to impervious surface areas that exceed 20 percent.~~

...

3. "Hazardous Tree" means a tree that, in the written opinion of a Qualified Tree Professional who also has the International Society of Arboriculture (ISA) Tree Risk Assessment Qualification (TRAQ), meets all of the following criteria:
 - a. The tree has a combination of structural defects, disease, or both structural defects and disease that makes it subject to a high probability of failure;
 - b. The location of the tree is in proximity to areas where, with moderate to high frequency, persons or property are likely to be located that could be injured or damaged by tree failure;
 - c. The assessed tree has a high to extreme risk rating using the International Society of Arborists Tree Risk Assessment Qualification method in its most current form; and
 - d. The hazard condition of the tree cannot be lessened with reasonable and proper arboricultural practices.

...

**Draft Middle Housing LUCA
February 2025 Draft**

5. "Tree Canopy Site Area" means, for the purpose of determining the minimum tree density required for a site, the area of a site remaining after subtracting the following areas from the gross site area:
 - a. Critical areas, critical area buffers, and critical area structure setbacks and their buffers (as may be modified pursuant to Part 20.25H LUC, if applicable); and
 - b. Shoreline vegetation conservation areas; and
 - c. Public rights-of-way; and
 - d. Private roads in separate tracts; and
 - e. Submerged lands (lands waterward of the ordinary high water mark).

...

E. Minimum Tree Density

...

2. Minimum Tree Credits by Land Use District. Minimum tree credits are determined based on the Land Use District, Land Use, and Tree Canopy Site Area. The minimum tree credits required are calculated by dividing the Tree Canopy Site Area, measured in square feet, by 1,000 then multiplying by the applicable rate identified in Table 20.20.900.E.1. If this calculation would result in a fractional requirement, and that fraction is 0.5 or greater, then the number of required tree credits shall be equal to the next higher whole number. Otherwise, where that fraction is less than 0.5, then the number of required tree credits shall be equal to the next lower whole number.

round down

Table 20.20.900.E.1.

Minimum Tree Credits per 1,000 Square Feet of Tree Canopy Site Area

Land Use District	One Dwelling Unit per Lot	<u>Two to Nine Dwellings Units per Lot</u>	Two <u>Nine or More Dwelling Units per Lot</u>	Commercial, Office, Light Industrial, and All Other Nonresidential Land Uses
R-1	5		4	1
R-1.8				
R-2.5				
R-3.5	2		1.5	0.75
R-4				
R-5				

Commented [A5]: Additional tree credit considerations for middle housing projects are being contemplated

**Draft Middle Housing LUCA
February 2025 Draft**

Land Use District	One Dwelling Unit per Lot	<u>Two to Nine Dwellings Units per Lot</u>	Two <u>Nine or More Dwelling Units per Lot</u>	Commercial, Office, Light Industrial, and All Other Nonresidential Land Uses
All Other Land Use Districts	1		0.75	0.5

Commented [A5]: Additional tree credit considerations for middle housing projects are being contemplated

4. Retained Trees.

- b. Tree Credits for Retained Trees. Each retained Significant Tree provides a tree credit value determined by its d.b.h. or Landmark Tree classification, as identified in Table 20.20.900.E.2. When determining tree credits for a Significant Tree that is an alder or cottonwood, the applicable tree credit value identified in Table 20.20.900.E.2 shall be reduced by 50 percent. Significant Trees located on a property line do not provide any tree credit value. When determining tree credits for a Significant Tree that is located on a property line, the applicable tree credit value identified in Table 20.20.900.E.2 shall be reduced by 50 percent unless a covenant meeting the requirements of LUC 20.20.900.F.

Table 20.20.900.E.2. Tree Credits for Retained Trees

DBH	6"-10"	Larger than 10" and up to 12"	Larger than 12" and up to 14"	Larger than 14" and up to 16"	Larger than 16" and up to 18"	Larger than 18" and up to 20"	Larger than 20" and up to 22"	Larger than 22" and less than 24"	24" or greater and all Landmark Trees
Tree Credits	2	3	4	5	6	7	8	9	10

- c. Exceptions. The following shall not provide any tree credits if retained:
- i. Invasive or Noxious Species.
 - ii. Trees located outside the Tree Canopy Site Area.
 - iii. Trees in areas devoted to access and sight areas as defined in the Transportation Code (Chapter 14.06 BCC).
 - iv. Trees located on a property line.
- d. Trees on Property Lines. A Significant Tree located on a property line may only be removed where all of the following criteria are satisfied:
- i. The Significant Tree constitutes a Hazardous Tree; and

**Draft Middle Housing LUCA
February 2025 Draft**

ii. All property owners with an ownership interest in the tree provide written certification, in a form acceptable to the Director, that they consent to the removal; Provided, that the Director may waive this requirement where, in the written opinion of a Qualified Tree Professional, the tree poses an imminent danger to the public health, safety, or welfare.

6. Planted Trees.

~~e. Relationship to Other Requirements. Any trees planted or retained to meet other Bellevue City Code or Land Use Code requirements within the Tree Canopy Site Area, including LUC 20.20.520, shall count towards the minimum required tree credits. The number of trees required to be planted or retained to meet other requirements shall not be reduced if exceeding the required minimum tree credits.~~

i. Any significant tree retained to meet other Bellevue City Code or Land Use Code requirements within the Tree Canopy Site Area, including LUC 20.20.520, may provide tree credits towards the minimum required tree credits in an amount calculated pursuant to subsection E.4 of this section.

ii. Any tree planted to meet other Bellevue City Code or Land Use Code requirements within the Tree Canopy Site Area, including LUC 20.20.520, may provide tree credits towards the minimum required tree credits in an amount calculated pursuant to subsection E.6.a of this section.

iii. The number of trees required to be planted or retained to meet other Bellevue City Code or Land Use Code requirements within the Tree Canopy Site Area shall not be reduced if exceeding the required minimum tree credits.

h. Locations. Planted trees providing credit toward the required minimum tree density shall be planted within the Tree Canopy Site Area in locations suitable for the planted trees to reach maturity, in the following order of priority:

- i. Within required setbacks and transition areas.
- ii. Adjacent to existing Groves.
- iii. Other locations within the Tree Canopy Site Area.

~~iv.~~ In-Lieu Fee. If the applicant demonstrates that all planting options have been considered and are infeasible, for each additional tree credit required, the applicant shall pay a fee-in-lieu equivalent to the cost of a tree meeting the requirements of this section for planted trees, installation (labor and equipment), maintenance for three years, and fund administration.

~~(4)~~ As of July 16, 2024, the in-lieu fee rate shall be \$1,300 per tree credit. This rate shall be published in the City's fee rate schedule, shall be reviewed annually, and, effective January 1st of each year, the Director may administratively increase or decrease the rate

**Draft Middle Housing LUCA
February 2025 Draft**

by an adjustment to reflect the current published annual change in the Seattle Consumer Price Index for Wage Earners and Clerical Workers as needed in order to maintain accurate costs for the region.

~~(2)~~iIn-lieu fee monies shall be used to support Bellevue’s tree canopy and related initiatives including, but not limited to, one or more of the following: planting and maintaining individual trees (including supporting infrastructure), restoration activities, urban forestry education, or the purchase of land for reforestation or preservation.

...

F. Tree Protection.

...

2. Tree Protection Covenant. ~~When a modification to development standards is granted under subsection E.5 of this section to avoid development within a TPZ, the applicant shall record with the King County Division of Records and Elections a covenant, in a form approved by the City Attorney’s Office, prohibiting development on or within any portion of a TPZ located on the site that was avoided through the modification to development standards. The covenant shall include a site plan, prepared by a qualified professional, clearly delineating the TPZ(s) located wholly or partially on the site that were avoided through the modification to development standards. To the extent that any Significant Tree or Landmark Tree protected by the covenant becomes a Hazardous Tree, the covenant shall allow for the removal of Hazardous Trees and the planting of replacement trees within the Tree Canopy Site Area in a manner consistent with the ratios established in subsection E.6.d of this section.~~
 - a. The applicant shall record with the King County Recorder’s Office a covenant in the following circumstances:
 - ~~i. When a modification to development standards is granted under subsection E.5 of this section to avoid development within a TPZ; or.~~
 - ~~ii. When a significant tree is located on a property line and the applicant seeks to earn full tree credits for such tree under subsection E.4.b of this section.~~
 - b. The covenant shall be in a form approved by the Director and shall contain the following terms:
 - ~~i. Where a modification to development standards is granted under subsection E.5. of this section to avoid development within a TPZ, the covenant shall prohibit development on or within any portion of a TPZ located on the site that was avoided through the modification to development standards.~~
 - ~~ii. Where a significant tree is located on a property line and the applicant seeks to earn full tree credits for such tree under subsection E.4.b of this section, the covenant must be fully executed by all property owners with a property interest in such tree.~~
 - ~~iii. The covenant shall include a site plan, prepared by a qualified professional, clearly delineating the TPZ(s) located wholly or partially on the site that were avoided through~~

**Draft Middle Housing LUCA
February 2025 Draft**

the modification to development standards or the TPZ(s) of the trees located on the property line and shall require retention of such trees except as provided in subsection F.2.b.iv of this section.

iv. To the extent that any Significant Tree or Landmark Tree protected by the covenant becomes a Hazardous Tree, the covenant shall allow for the removal of Hazardous Trees and the planting of replacement trees within the Tree Canopy Site Area in a manner consistent with the ratios established in subsection E.6.d of this section.

v. Any other terms and conditions that the Director finds to be reasonably necessary.

...

Part 20.25A Downtown

...

20.25A.020 Definitions.

...

B. General Definitions Not Applicable to Downtown.

The general definitions contained in Chapter 20.50 LUC apply unless specifically listed below as inapplicable to Downtown.

Active Recreation Area. LUC 20.50.010.

Alley. LUC 20.50.010.

Building Height. LUC 20.50.012.

~~**Building Height – Transition Area Design Districts.** LUC 20.50.012.~~

...

Part 20.25B Transition Area Design District

Part 20.25B deleted in full

...

Chapter 20.30 Permits and Decisions

...

Part 20.30D Planned Unit Development

...

20.30D.150 Planned Unit Development plan – Decision criteria.

...

~~**D. The perimeter of the Planned Unit Development is compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes but is not limited to size, scale, mass and architectural design of proposed structures; and**~~

Draft Middle Housing LUCA
February 2025 Draft

- ~~D.~~ Landscaping within and along the perimeter of the Planned Unit Development is superior to that required by this code, LUC 20.20.520 and landscaping requirements applicable to specific districts contained in Chapter 20.25 LUC, and enhances the visual compatibility of the development with the surrounding neighborhood; and
- ~~E.~~ At least one major circulation point is functionally connected to a public right-of-way; and
- ~~F.~~ Open space, where provided to meet the requirements of LUC 20.30D.160.A.1, within the Planned Unit Development is an integrated part of the project rather than an isolated element of the project; and
- ~~H.~~ ~~The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and~~
- ~~I.~~ ~~That part of a Planned Unit Development in a transition area meets the intent of the transition area requirements, Part 20.25B LUC, although the specific dimensional requirements of Part 20.25B LUC may be modified through the Planned Unit Development process; and~~
- ~~G.~~ Roads and streets, whether public or private, within and contiguous to the site comply with Transportation Department guidelines for construction of streets; and
- ~~H.~~ Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the proposed project; and
- ~~I.~~ Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, open space, recreation space, landscaping and utility area necessary for creating and sustaining a desirable and stable environment.

...

Part 20.30F Design Review

...

20.30F.175 Modification or addition to an approved Design Review project or decision.

C. Land Use Exemption for Design Review Approval.

...

2. The Director may determine that a new development outside the Downtown is exempt from review as a new application; provided, that the building form and scale of the new building or addition, regardless of size, is not visible from the right-of-way, ~~or a public park or zoned and developed single family residential property.~~

...

Chapter 20.45A Platting and Subdivisions

...

**Draft Middle Housing LUCA
February 2025 Draft**

20.45A.065 Special requirements for unit lot subdivisions.

A. Applicability.

The provisions of this section apply exclusively to the unit lot subdivision of land proposed to be developed with attached or detached multifamily dwellings ~~in all land use districts in which multifamily dwellings are permitted.~~

~~B. Definitions Specific to This Section.~~

- ~~1. "Dwelling, attached multifamily" means a multifamily dwelling unit constructed in a group of two or more units attached by a common wall or walls in which each unit extends from foundation to roof.~~
- ~~2. "Lot, parent" means a lot which is subdivided into unit lots through the unit lot subdivision process.~~
- ~~3. "Lot, unit" means a subdivided lot within a development as created from a parent lot and approved through the unit lot subdivision process.~~

~~C. General Requirements.~~

...

4. Within the parent lot, required parking ~~for an attached multifamily dwelling unit~~ may be provided on a different unit lot than the lot with the dwelling unit if the right to use that parking is formalized by an easement recorded with the King County Recorder's Office.

...

~~D. Notes on Plat.~~

...

Chapter 20.45B Short Plats and Short Subdivisions

20.45B.057 Special requirements for unit lot short subdivisions.

A. Applicability.

The provisions of this section apply exclusively to the unit lot short subdivision of land proposed to be developed with attached and detached multifamily dwellings and middle housing projects ~~in all land use districts in which multifamily dwellings are permitted.~~

~~B. Definitions Specific to This Section.~~

- ~~1. "Dwelling, attached multifamily" means a multifamily dwelling unit constructed in a group of two or more units attached by a common wall or walls in which each unit extends from foundation to roof.~~
- ~~2. "Lot, parent" means a lot which is subdivided into unit lots through the unit lot short subdivision process.~~

Allow for ULS's to be administrative and concurrently reviewed with other project documents.

**Draft Middle Housing LUCA
February 2025 Draft**

3. ~~“Lot, unit” means a subdivided lot within a development as created from a parent lot and approved through the unit lot subdivision process.~~

CB. General Requirements.

...

4. Within the parent lot, required parking ~~for an attached multifamily dwelling unit~~ may be provided on a different unit lot than the lot with the dwelling unit if the right to use that parking is formalized by an easement recorded with the King County Recorder’s Office.

...

DC. Notes on Short Plat.

...

Chapter 20.50 Definitions

20.50.010 A Definitions.

Accessory Dwelling Unit. A ~~subordinate~~ dwelling unit ~~that is, either attached or detached from a primary residential, incorporated within a single-family structure.~~

...

~~**Accessory Structure, Detached.** Buildings or structures which are secondary to and associated with a primary single-family or multifamily structure. Detached accessory structures do not include accessory dwelling units.~~

...

20.50.012 B definitions.

...

Building Height. The vertical distance measured from the average elevation of the finished grade around the building or building segment to the highest point of a flat roof, or to the mean height between the eaves and ridge of a pitched roof. Specifically excluded from this definition and from the regulation of maximum building height are structural elements not intended for habitation and not exceeding 15 feet above the maximum building height including penthouses for mechanical and elevator equipment, chimneys, wireless communication facility antenna arrays, smoke and ventilation stacks, flagpoles, mechanical and elevator equipment, and parapet walls designed solely to screen mechanical and elevator equipment. This definition does not apply to projects located within ~~a Transition Area Design District (refer to LUC 20.25B.040),~~ the Shoreline Overlay District (refer to LUC 20.25E.280 – “Height”), ~~Single-Family~~ Land Use Districts ~~LL-1 through LDR-1~~ (refer to the definition of “Building Height – ~~Single-Family Residential~~ Land Use Districts” contained in this section; see also LUC 20.10.440, Note (16), and to the F1 Land Use District (refer to LUC 20.25F1.040, Footnote (6)).

...

Building Height – Single-Family and Middle Housing Uses in ~~Single-Family Residential~~ Land Use Districts

. The vertical distance measured from the average elevation of the existing grade around the building to

**Draft Middle Housing LUCA
February 2025 Draft**

the highest point of a flat roof, or to the ridge of a pitched roof, provided this measurement does not apply to chimneys, wireless communication facility antenna arrays, shortwave radio antennas, smoke and ventilation stacks, and flag poles. This definition applies only to single-family [and middle housing](#) residential structures, and structures accessory thereto, located in a [single-family residential](#) land use district. For all other structures, regardless of land use district, see the definition of Building Height contained in this section.

~~[Building Height – Transition Area Design Districts. See LUC 20.25B.040.A.1 – Transition Area Design District Building Height definition.](#)~~

...

20.50.014 C definitions.

...

~~[Cottage Housing, Guest. See Guest Cottage, Guest House. Cottage dwelling units clustered on a lot with a common open space area that is either: \(a\) owned in common; or \(b\) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space.](#)~~

~~[Courtyard Housing. Attached dwelling units arranged on two to three sides of a shared central courtyard.](#)~~

...

20.50.016 D Definitions.

...

~~[Dwelling, Multifamily Attached. A building structure designed to house two containing 10 or more families living independently of each other primary dwelling units, or where 10 or more primary dwelling units share common walls on one or more sides where each unit extends from the foundation to the ceiling, and that provides separate front or rear access for each unit.](#)~~

~~[Dwelling, Multifamily Detached. A development site containing 10 or more detached structures that are not located on fee simple lots.](#)~~

...

20.50.020 F Definitions.

...

Floor Area, Gross. The area included within the inside finished wall surface of the surrounding exterior walls of a building, excluding interior openings in floor plates (e.g., vent shafts, stair wells, and interior atriums), outdoor courts, [courtyards](#), and exterior balconies.

...

Floor Area Ratio (FAR) – Single-Family [and Middle Housing Dwelling](#). A measure of development intensity equal to the gross floor area divided by net on-site land area (square feet). Included in the calculation of gross floor area is the floor area of the ground floor plus that of any additional stories of all buildings on the lot, including accessory structures. High-volume spaces – 18 feet or greater in height – are counted twice. Excluded in the calculation of gross floor area is the floor area or partially exposed lower levels that are less than five feet above finished grade, attic areas which are unfinished and nonhabitable, and carports, porches, and decks ~~[that are open on at least two sides](#)~~. See also LUC 20.20.010, Note (43).

**Draft Middle Housing LUCA
February 2025 Draft**

...
20.50.032 L Definitions.

...
[Lot, Parent.](#) A lot that is subdivided into unit lots through the unit lot subdivision process.
[Lot, Unit.](#) A lot subdivided within a development created from a parent lot and approved through the unit lot subdivision process.

...
20.50.034 M Definitions.

...
[Middle Housing.](#) Residential buildings or developments that are compatible in scale and form with single-family housing that contain between two and nine attached, stacked, or clustered units including townhouses, stacked flats, courtyard apartments, and cottage housing.

...
20.50.040 P Definitions.

...
Primary Structure. The structure on a site that houses the principal use. For residential uses, the primary structure houses the dwelling unit(s) [or, for the purposes of apply development regulations relating to accessory dwelling units, constitutes the “principal unit” as defined under RCW 36.70A.696.](#) For nonresidential uses, the primary structure houses the use undertaken on the site, as classified by LUC 20.10.440 and district-specific land use charts contained in Chapter 20.25 LUC. Primary structures do not include structures that contain only certain functions or equipment that support the principal use, such as sheds, garages, or mechanical equipment structures.

...
20.20.700 R Definitions.

...
[Residential Land Use District.](#) Residential land use districts are those described in LUC 20.10.180 and include LL-1, LL-2, SR-1, SR-2, SR-3, SR-4, LDR-1, LDR-2, LDR-3, MDR-1, and MDR-2.

...
20.50.046 S Definitions.

...
Subordinate Use. A use which is secondary or incidental to a permitted or principal use. These uses are governed pursuant to LUC 20.20.840, [except that accessory dwelling units are governed pursuant to LUC 20.20.120.](#)

...
20.50.048 T Definitions

...
[Townhouse.](#) Buildings that contain multiple primary structures that are attached, which extend from the foundation to the roof and have a yard or public way on at least two sides. The definition has the same meaning as defined in RCW 36.70A.030.

...
[Tree, Large Diameter.](#) A tree having a mature spread of at least 50 feet.
[Tree, Small Diameter.](#) A tree having a mature spread of less than 50 feet.

DRAFT

Bellevue Middle Housing DRAFT Code Notes 3-03-25

- Affordable housing fees will crush middle housing projects. Builders are already under pressure with the increased cost of bridge and construction loans, new energy code requirements, increased material and labor costs, softening sales prices and concessions provided to buyers for home purchases due to higher home loan rates.
- Existing home values will outweigh what a builder can pay for a property and will therefore result in less projects.
- If you look at the city of Seattle's housing permit activity for upzoned properties that were then required to pay an MHA fee, you'll see that housing production on those lots went down by 70%. This results in less permit fees for the city, less homes, and less tax revenue.
- The average lot size for Bellevue is much smaller than what a 4-6 unit can hold. Even with the allowable option to put up to 9 units, the max density wont be built due to the impacts of lack of parking spaces, maneuverability, yards and garages. The eastside is not Seattle. Everyone has a car and is not a walkable downtown core in most areas. I bet most lots wont get the max yield allowed due to the balance of building a good product at what the market wants.
- Is there any reductions in other fees to off set the costs of the affordable housing fees? Impact fees, permit fees, can we reduce excise tax on sales of middle housing units?
- Cities are already benefiting from builders creating housing, but they can only take on so much costs to where these small projects are not economically feasible
 - Public ROW improvements
 - Impact fees
 - School
 - Fire
 - Parks
 - Transportation
 - Permit fees
 - Increased tax revenue from newly completed homes
- If affordable housing fees are added as part of the code by end of June, can we delay the implementation of these fees to allow for building permits to vest for projects that are already in process?
- The ARCH report provided to cities to help consult with their affordable housing program does not have accurate data. We have taken a look at the report and it specifically does not include

Bellevue Middle Housing DRAFT Code Notes 3-03-25

- Land and construction loan interest. Current rates for construction loans average around 10% interest plus 1-2% fee over 24-month period. ARCH cites a 6.5% rate with 40% down which may be unrealistic for many builders.
 - Sales cost and concessions are missing. These include real estate broker commissions, Excise Tax, title and escrow fees and other closing costs.
 - Construction lenders often require builders NET profit to be approx. 10%. With all the missing costs ARCH has not shown in their report there is little to NO actual profit based on their report.
-
- Regarding all the different typologies in the DRAFT code (duplex, triplex, fourplex, townhome, cottage, six plex, stacked flats, ADU's etc...) I think we should just get away from all that and just allow a more simplistic approach. Give a general FAR, lot coverage, setbacks, height, and density, and allow the private market to determine what is best.
 - Allow ADU's and DADU's to have attached or detached garages be exempt from the max allowed square footage. We have a lot of this product we are selling through right now and Most of the market wants at least 3 bedrooms at minimum (one may be an office), at least a 1 car garage with additional parking stalls, and some yard space.
 - What are the public works code updates to match up with the zoning code updates?
 - Can we combine sewer lines on private property to allow for 1 sewer main tap in the street?
 - What about power, water, and storm requirements now that multiple homes will be allowed per lot?

Nesse, Katherine

From: Council Inquiry <council-inquiry@bellevuewa.gov>
Sent: Tuesday, March 4, 2025 8:52 AM
To: nicolemikomyers@gmail.com
Subject: Re: Middle Housing incentive suggestion - [#5866]

Follow Up Flag: Follow up
Flag Status: Flagged

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Hi Nicole,

Thank you for taking the time to share your comments on middle housing and the city's efforts to increase the supply of housing in Bellevue. We appreciate your engagement and the thoughtful input you've provided.

We encourage you to attend the Planning Commission meeting next Wednesday, March 12, where commissioners will be discussing this topic. Meeting materials will be posted by this Thursday at <https://bellevue.legistar.com/Calendar.aspx>.

You can also follow along with this project by visiting our webpage <https://bellevuewa.gov/middle-housing-code>, where you'll find project materials, a list of FAQs, a timeline, and contact information for the project planner if you have any further questions.

Thanks again for your feedback and for participating in this important discussion.

Best,



Nick Whipple

Code and Policy Director
Development Services, City of Bellevue
(He/Him)

[425-452-4578](tel:425-452-4578) | nwhipple@bellevuewa.gov | BellevueWA.Gov

On Fri, 28 Feb at 10:45 AM , Nicole Myers <nicolemikomyers@gmail.com> wrote:

[EXTERNAL EMAIL Notice!] Outside communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Greetings!

I believe we need to have a vision for what good architecture looks like and create policies that incentivize that kind of growth. The city is deliberating whether to increase density even beyond the

four to six units allowed by HB 1110, and I hope we can use that density bump as an incentive. I consider the six unit building at 101 99th Ave NE (across from the Boys and Girls Club) particularly appealing, and it inspires the following idea:

I would like to propose that in addition to or instead of the two bonus units associated with affordable housing, that there be an option for two bonus units if the development is able to offer the following advantages to future residents and neighbors:

- 1) Good soundproofing
- 2) Higher rated fire walls and sprinklers
- 3) Single entrance enclosed parking, at least 1 space per unit (shared garage)
- 4) Space for large trees and street trees
- 5) Balcony/patio/sunroom or skylight for each unit
- 6) At least one unit accessible without stairs (non-enclosed parking allowed for this unit at unit entrance)

It is possible that these incentives would only be on offer if the missing middle housing takes the form of a stacked flat or courtyard apartment. It is hard for me to imagine this working with a townhome or minihouse model since so much space is wasted on stairs in each unit. It is also likely that this will work more easily on a slope where the garage entrance may be built into a hill. The draft wording has 10' setbacks and increased lot coverage, so potentially even less open space than the South Park example from the Seattle Times article below. <https://deptofcommerce.app.box.com/s/tfivrrq4t97nggquanr3syaz4zeo8nxd>

This Sightline article republished by Grist has some great images of the contrasts between apartment court, dingbats, and garden court/courtyard/cottage housing. I feel like it would be lovely to have a garden court arrangement with parking beneath, and I think the enclosed parking also works well for stacked flats. <https://grist.org/cities/ugly-by-law-check-out-how-parking-requirements-shape-our-buildings-and-neighborhoods/>

This article was shared by a commenter on the Engaging Bellevue Affordable Housing FAQ. It has some very useful pictures of the Residential Small Lot zoning outcomes in Seattle, and shows the impact of increased lot coverage allowances and reduced setbacks. With this mini-house configuration, there are no trees, and each home is \$500k (prices in this area are about 1/3 of Bellevue property prices). If you want to see a very similar one for sale, there's 1042 S Donovan Street (\$459k list for a 640 sqft one bedroom that has been on the market for months, one of six units on a 5951sqft lot). I agree with the writer that it's easy to imagine a stacked flat arrangement giving much more space for trees for the same amount of livable space. <https://www.seattletimes.com/opinion/more-concrete-less-green-a-cautionary-tale-about-upzoning-from-south-park/>

As a city, we have a huge interest in encouraging building forms that are beautiful and enhance the city, and I think it can be done while complying with rules about objective design. People will want to live in them if they have good soundproofing (no more noise from neighbors than the

minihomes do) and the thermal advantages of being in a larger structure that has trees for shade. Pedestrians will benefit from streets that are not crammed with parked cars, and it is likely that the parking minimums appropriate for areas that are not efficient to provide transit to will be taken away (see SB 5184).

If you have read this far, please let me know if you can think of any other amenities that would be valuable to future residents and their neighbors and should be rewarded.

Thanks,
Nicole Myers

Nesse, Katherine

From: Council Inquiry <council-inquiry@bellevuewa.gov>
Sent: Tuesday, March 4, 2025 9:02 AM
To: nicolemikomyers@gmail.com
Subject: Re: Middle Housing Impacts on Co-housing/SRO/Boarding houses in Bellevue - [#5864]

Follow Up Flag: Follow up
Flag Status: Flagged

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Hi Nicole,

Thank you for taking the time to share your comments on middle housing and the city's efforts to increase the supply of housing in Bellevue. We appreciate your engagement and the thoughtful input you've provided.

We encourage you to attend the Planning Commission meeting next Wednesday, March 12, where commissioners will be discussing this topic. Meeting materials will be posted by this Thursday at <https://bellevue.legistar.com/Calendar.aspx>.

You can also follow along with this project by visiting our webpage <https://bellevuewa.gov/middle-housing-code>, where you'll find project materials, a list of FAQs, a timeline, and contact information for the project planner if you have any further questions.

Thanks again for your feedback and for participating in this important discussion.

Best,



Nick Whipple

Code and Policy Director
Development Services, City of Bellevue
(He/Him)

[425-452-4578](tel:425-452-4578) | nwhipple@bellevuewa.gov | BellevueWA.Gov

On Fri, 28 Feb at 10:25 AM , Nicole Myers <nicolemikomyers@gmail.com> wrote:

[EXTERNAL EMAIL Notice!] Outside communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Greetings!

As we consider changes to support middle housing, I think it's necessary to consider the potential implications of thereby allowing co-housing on large Bellevue lots. It has been proposed that we go above and beyond the HB 1110 middle housing requirements, and one of the most significant changes would be to allow 6 or 9 units by right on many additional parcels throughout the city. Because of HB 1998, we will be required to allow co-housing on any parcel that can have 6 or more

units starting in January 2026. I do not think the original intent of HB 1998 was to allow co-housing in so many sections of the city, and I believe the legislation was crafted with smaller lot sizes (such as those in Seattle) in mind. It might be possible to have a Bellevue boarding house with dozens of rooms. If these are located in areas of the city that are not reachable by the fire department in a timely manner, this could result in a mass casualty incident and/or endanger our first responders.

Since HB 1998 is a possible poison pill for authorizing 6 units by right, we can create many other paths to reach the 6 units. I suggest that we rely on these strategies to expand housing creation at least until 2027 or 2028, giving us a chance to see how the new HB 1998 structures look in real life.

- High build quality - e.g., skylights, balconies, enclosed parking, and room for big trees
- Senior housing dedication
- Payment of a fee in-lieu
- Retention of a major grove of trees or 30" landmark trees
- Dedication of public space
- More than six units available near neighborhood and regional centers if at least two are affordable.

I think HB 1998 requires that bedrooms be a minimum size of 50 square feet, in accordance with WAC 388-61A-1105, so it seems possible that we'll create some fire traps with dozens of rooms. This article mentions 17 and 25+ rooms per house in some cases.

<https://www.civilbeat.org/2017/11/honolulu-city-council-considers-regulating-monster-homes/>

HB 1998 says we cannot require any standards more restrictive than other multifamily development. I believe sprinklers are not currently required if there are only one or two guestrooms (BCC 23.12.010 A.2.b), and for two-family buildings, either 1-hour fire rating or 1/2 hour with sprinklers is required. <https://codes.iccsafe.org/s/IRC2018/chapter-3-building-planning/IRC2018-Pt03-Ch03-SecR302.3> I think boarding facilities (R-3) should have a fire rating of two hours and hotels (R-1) would have a fire rating of 3 hours. My reading of this is that a facility like this would be less safe if it used the rules applicable to a two-family building.

We do have some rules governing rooming houses, but will these rules need to be updated to remove any conflict with HB 1998? I do not think we can require a maximum of four rooms per rental.

<https://bellevuewa.gov/city-government/departments/development/zoning-and-land-use/zoning-requirements/rentals>

- Single-family home - Rooming House: This is a non-owner-occupied single-family home where individual rooms are rented, and the tenants generally do not share living expenses or household chores. A Rooming House can accommodate a maximum of four (4) rooms for rental and are not allowed in single family land use districts. Applicable Land Use Code requirements for Rooming Houses are in [LUC 20.20.700](#).

These "monster homes" are not guaranteed to result in affordability. It is also easy to imagine that if we allow them to operate in places that have large lot protections, the resulting boutique hotel properties could overwhelm the capacity of our expensive new lake line sewer upgrade. (Received clarification at the presentation yesterday that we are also proposing to go beyond HB 1110 to allow middle housing on the lakefront Large Lots, which is even more of a concern for capacity.) Sleeping units might count as half of a dwelling unit for the calculation of sewer connection fees, at least.

<https://www.civilbeat.org/2024/09/controversial-monster-home-goes-on-sale-for-13-million-in-west-maui/>

I would also like to point out that we already have a policy for microhousing that has about 200 units in the pipeline, according to the recent affordable housing update. These offer more livable space and privacy than co-housing for anyone who needs a longer-term option, and they have enough inherent affordability that I think we can create cost-efficient incentives from the city to reach ambitious goals for annual microhousing production.

Thank you for taking the time to read this. I hope that we will have clarity on this issue before the middle housing policy moves forward in the next couple months, and I will also seek the expertise of our fire code review team and planning experts to weigh in on this issue since the potential production of thousands of housing units are at stake.

Sincerely,
Nicole Myers

Nesse, Katherine

From: Jazmine Smith <jazmine@futurewise.org>
Sent: Thursday, February 20, 2025 5:35 PM
To: PlanningCommission
Cc: 'Joe Fain'; 'Patience Malaba'; Whipple, Nicholas; Steiner, Josh; Johnson, Thara; King, Emil A.
Subject: Eastside Housing Roundtable Wilburton Letter

Follow Up Flag: Follow up
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You don't often get email from jazmine@futurewise.org. [Learn why this is important](#)

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Hello Bellevue Planning Commissioners,

I'm grateful to all the hard work and collaboration on the Wilburton LUCA. The Eastside Housing Roundtable has an updated letter through iterative collaboration and would like to present our recommendations. Please find it linked [here](#) for your review. Please let me know if you have any further questions.

February 18, 2025
Bellevue Planning Commission 450
1100 Ave NE
Bellevue, WA 98004

Subject: Recommendations for Housing Affordability in Wilburton

Dear Bellevue Planning Commission:

Thank you for your continued interest in the Wilburton Land Use Code. We have spent countless hours you have spent perfecting this important policy for the community.

Since the last Planning Commission meeting, the Eastside Housing Roundtable worked to address some of the questions and concerns from staff, one of our coalition to ensure our recommendations create a balanced and housing and economic development in the past of Bellevue.

Our diverse 31-member coalition of large employers, business owners, private and non-profit housing developers have continued our work with individual commissioners to arrive at a revised set of proposals for you.

This package of recommendations is carefully balanced. We again ask a menu of severable options, but rather as complete set of policies that community one of the most attractive areas for dense housing development incentives and directives for housing affordability.

We appreciate your consideration of these carefully constructed recommendations forward to moving this plan forward.

1. Code-based Cost Reductions

Through our continued work with staff, we have modified our list of our

Wilburton LUCA EHR Letter

online.fliphtml5.com

Thank you for your consideration,

Jazmine Smith (she/her)
Director of Local Advocacy



futurewise

Futurewise

1201 3rd Ave, Suite 2200

Seattle, WA 98101

e: jazmine@futurewise.org

m: 425.381.9269

futurewise.org



February 18, 2025
Bellevue Planning Commission 450
110th Ave NE
Bellevue, WA 98004

Subject: Recommendations for Housing Affordability in Wilburton

Dear Bellevue Planning Commission:

Thank you for your continued interest in the Wilburton Land Use Code Amendment and the countless hours you have spent perfecting this important policy for the future of Bellevue.

Since the last Planning Commission meeting, the Eastside Housing Roundtable ("EHR") has worked to address some of the questions and concerns from staff, commissioners, and members of our coalition to ensure our recommendations create a balanced and viable framework to spur housing and economic development in this part of Bellevue.

Our diverse 31-member coalition of large employers, business organizations, housing experts, private and non-profit housing developers have continued our work alongside city staff and with individual commissioners to arrive at a revised set of proposals for your consideration.

This package of recommendations is carefully balanced. We again ask that they not be viewed as a menu of severable options, but rather as complete set of policies that will make the Wilburton community one of the most attractive areas for dense housing development, while creating both incentives and directives for housing affordability.

We appreciate your consideration of these carefully constructed recommendations and look forward to moving this plan forward.

1. Code-based Cost Reductions

Through our continued work with staff, we have modified our list of code-based cost reductions as best as we are able to address our continued concerns about the high cost of development in this sub-area, while appreciating city staff's prior movement and collaborative approach.

We Recommend the following:

- i. While open space comes at a significant cost to development, we are dropping our request for further reductions and will agree to staff's recommended 10%.
- ii. We remain concerned that small sites will be unable to reach their desired densities given the limited menu of incentive points available to them. As such, we request that small sites be allowed to reach their max FAR through use of the green building amenity points only. This does not exempt these small sites from the affordable housing requirements enumerated below but would prevent them from having to perform above those base requirements in order to achieve the desired height or density. In time, we hope that this will enable viability for residential towers on small sites.

- iii. We believe that EHR and staff are in agreement that for sites less than 105,000 sf, driveways serving the site should meet driveway standards in the Transportation Design Manual (TDM), not the flexible access corridor (FAC) standard.
- iv. Commercial driveways should not need to provide 10' sidewalks or public access easements when only private garages.
- v. We remain supportive of reducing Flexible Access Corridors to 37'. Alternatively, there should be clear and predictable criteria in code for conditions where these smaller FAC's will be granted.
- vi. Developments require reasonable standards for "back of house" access that do not create unnecessary pedestrian access requirements. These corridors should require no more than 20 feet minimum for fire lane (or such other width as legally mandated by the applicable fire code), garbage, and incidental loading. Alternatively, there should be clear and predictable criteria in code for conditions where smaller "back of house" access corridors will be granted.
- vii. The Planning Commission has correctly indicated that there should be different requirements for pedestrian facilities in different parts of Wilburton. For pedestrian corridors, we support 10-foot corridors, instead of 14-foot corridors. For sidewalks, we support a 6-foot minimum for required sidewalks throughout most site developments, except commercial driveways serving private garages and back-of-house areas. However, we support full 10-foot sidewalks on major arterials like along 116th. We welcome staff's input on generating criteria on what conditions would warrant the larger 10-foot sidewalks in code.
- viii. The phasing for Master Development Permits continues to create uncertainty around what level of compliance is required at each phase of a project. We continue to request an early MDP phase to proceed without requiring full code compliance in future phases, including the 10% limit on surface parking, to produce housing as quickly as possible on large sites. Staff has indicated that a solution to this issue is forthcoming, and we look forward to reviewing their suggestions.

When you link affordable housing with development, reducing development costs is an important component to a viable affordable housing strategy. The whole code must come together for this critical benefit to the public. We appreciate staff's openness to these concerns and applaud the Planning Commission's actions to date in prioritizing these issues.

2. Affordable Housing Performance Option: AMI Levels, Set-Asides, MFTE and Stacking

We Recommend: using the city's "Option A" base code with the following modifications:

- i. Preserving the proposed 10% set aside at 80% AMI for rental units, with alternative options for lower incomes and adjusted set aside percentages (7% at 60% AMI, 5% at 50% AMI)
- ii. For ownership units, requiring a 10% set aside at 100% AMI or 7% set aside at 80% AMI
- iii. Applies to developments of 10+ units only

- iv. MFTE units be allowed to be located anywhere in the building so long as they are not clustered together on the same floor. For reference, the City currently has a guideline where no more than 40% of affordable units can be located on a single floor ([reference](#)). Vertical stacking of affordable units is allowed. No affordable units shall be required to be constructed within the top 1/3 of a mid-rise or high rise residential or mixed-use building;
- v. Fixtures and appliances in affordable units should have the same functionality but do not need to be identical in form, (i.e., Lighted vs unlighted mirrors, galley configuration vs. island; stacked vs. side-by-side washer/dryer). We are preparing a draft Director's Rule to better define these standards so that there is no uncertainty on what is required when housing providers work with ARCH and the City of Bellevue on specific projects.
- vi. Additionally, Option A's affordable housing requirement must be allowed to "stack" with MFTE without requiring reduced AMI levels that are currently required in the city's MFTE code for double-counted units. The set aside percentages in Wilburton are not well-calibrated without the inclusion of MFTE. This policy is not presently before the Planning Commission as part of this LUCA. However, this provision is necessary for the affordability requirements to work. We will continue to work with Community Development staff, the City Manager's Office, and Council to ensure that this policy is included in this year's MFTE update. We have included it in this letter to highlight the necessity of this change to make the LUCA succeed in generating housing within Wilburton.

3. Affordable Housing Fee-In-Lieu Option

We Recommend: Allowing developers to pay a fee-in-lieu as an alternative to building affordable units onsite. Set a predictable fee-in-lieu schedule for both residential and commercial development. A commercial fee-in-lieu option is necessary to balance residential and commercial demand. The affordable housing requirement approach, when implemented alongside other cost-saving measures and a fee-in-lieu option, allows Bellevue to ensure predictable affordable housing in Wilburton and robust private development.

We Recommended:

- i. A fee schedule of \$13/sf for all projects that include residential product and \$16.50/sf for nonresidential;
- ii. That this fee would readjust annually with the Seattle area Consumer Price Index ("CPI"), however, these annual adjustments would not begin until after all development qualifying for the catalyst program (outlined below) is vested;
- iii. Fee calculation vests at land use application for a 2-year period where the vesting provisions would expire if a building permit has not been submitted;

- iv. Off-site, fee, and on-site performance may be used in combination with one another;
- v. Off-site performance must continue for the life of the project, covenants must be recorded on sending and receiving properties;
- vi. Off-site performance allowed for a bond or other security, with some parameters (i.e. time limit for security), at the time a fee would normally be due.

4. Catalyst Program

We have considered the feedback received since the last Planning Commission meeting and have made adjustments to the catalyst program to address these concerns.

We continue to recommend a phased implementation of the mandatory affordability program through a catalyst/pioneer program. Participation and vesting into the pioneer program should be established at project land use application, not permit issuance, to avoid uncertainty during the entitlement process. A project loses its place in the catalyst program if a building permit application is not submitted within one year of land use application.

The pioneer program from the original city draft does not offer the type of incentive that could be useful in a “mandatory” program like Option A. The development environment remains very difficult with high costs and high interest rates driving down project velocity and interest by financial institutions and investors. Bellevue’s policy must provide a meaningful incentive for those who take the additional risk of developing under an untested code at a time when most projects are still failing to pencil. We believe the recommendations below strike this balance while still encouraging much needed housing development.

Residential Catalyst Program

We support phased implementation for the affordable housing requirement to catalyze initial residential development and to provide more certainty in an uncertain time. The catalyst program should work as follows:

First phase: 5% set aside at 80% AMI for both rental and for-sale product. (A 50% reduction in the required performance requirement. The in-lieu fee would be reduced by 25% (\$9.75/sf for all residential zones). The first phase will be in effect at land use application for the first 500 units or June 1, 2026, whichever is later. No more than 1000 units shall be vested under the first phase of the catalyst program.

Second phase: 10% set aside at 80% AMI (full requirement) for both rental and for-sale product. The in-lieu fee would be 100% (\$13/sf for all residential zones). There will be no CPI adjustment during phase two. Phase two terminates after land use application for 250 units or June 1, 2027, whichever is later.

Following June 1, 2028, the city may conduct a “look back” to ensure market rate and affordable development is progressing and consider adjustments to the program if not.

Commercial Catalyst Program:

First phase: Reduced fee by **25%** to \$12.38 / s.f. commercial fee. The first phase will be in effect at land use application for the first 600,000 s.f. of commercial development or June 1, 2026, whichever is later. No more than 600,000 s.f shall benefit from the first phase of the catalyst program.

Second phase: Full fee of **\$16.50** s.f. commercial fee. There will be no CPI increase during phase two. Phase two terminates after land use application for the next 250,000 s.f. of commercial development or June 1, 2027, whichever is later.

Following June 1, 2028, city may conduct a “look back” to ensure development is progressing and consider adjustments to the program if not.

Research & Development or Medical Office

The City has expressed a strong preference to attract both research and development and medical office uses to the Wilburton area. To promote this we recommend that commercial fees be reduced for these uses by 50% (\$8.25 s.f.) of the full fee until June 1, 2028.

5. Conclusion

These recommendations have been carefully considered to maximize housing development for the Wilburton sub-area. **The provisions and calibrations are specific to the Wilburton sub-area and should not be viewed as suggestions for city-wide adoption.**

Our workgroup has also carefully considered the input of countless stakeholders, city staff, residents, the development community, affordable housing advocates, and previous feedback by Planning Commissioners, to arrive at a revised set of recommendations that we believe address the outstanding concerns of each of these entities and individuals.

The Roundtable looks forward to collaborating with the city to ensure that the Wilburton Community is a vibrant, transit-oriented neighborhood that is affordable to all.

Respectfully,



Patience Malaba
Co-Chair, EHR
HDC, Executive Director



Joe Fain
Co-Chair, EHR
President & CEO, Bellevue Chamber

Nesse, Katherine

From: Campbell Mathewson <cmathewson@cmrepartners.com>
Sent: Monday, February 24, 2025 11:27 AM
To: PlanningCommission
Cc: Horner, Rebecca D; Steiner, Josh; Whipple, Nicholas; King, Emil A.
Subject: Comment letter for 02.26.2024 Planning Commission meeting re: Wilburton LUCA
Attachments: 2-26 Planning Commission Comment Letter - Ditty Mathewson.pdf

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Dear City of Bellevue Planning Commission,

Attached please find a copy of our comment letter for your meeting next Wednesday, February 26th. Please include this letter in the planning commission packet. Thank you for your continued good work and engagement with the community.

Sincerely,

Campbell Mathewson

Manager / Ditty Mathewson, LLC

11647 NE 8th Street / Bellevue, WA 98005

M: 206-910-2448 / E: cmathewson@cmrepartners.com

Ditty Mathewson LLC

February 24, 2025

Planning Commission
City of Bellevue
450 110th Ave NE
Bellevue, WA 98004
PlanningCommission@bellevue.gov

Re: Updated Wilburton LUCA – FOR FEBRUARY 26, 2025 MEETING
Comments from Ditty Mathewson, LLC, property owner

Dear Planning Commissioners,

This letter is submitted in response to the version of the Wilburton Land Use Code Amendment (“LUCA”) released on February 19, 2025 and as a follow up to the letters we sent on November 4, 2024, December 8, 2024, and January 20, 2025 about our small 22,564 square foot site located at 11635-11647 NE 8th Street. The Planning Commission has continued to ask great questions about the Wilburton LUCA and help push it in a positive direction.

We reiterate our request in our January letter for increased flexibility on sites adjacent to Eastrail. A development agreement is a good backstop option, and we continue to think it makes good sense to have this tool available. **We want to focus our feedback on our ongoing request for a reasonable mechanism to achieve bonus FAR (8.0 FAR to 17.0 FAR) on small sites. This is identified as “Topic 3” in the Agenda Memo for your February 26, 2025 meeting. We support staff’s recommendation with a modification so only green building standards are necessary to achieve bonus floor area for residential towers on small sites.** We hope to build a residential tower on our small site and help execute on the City’s TOD vision for the Wilburton neighborhood. This is only possible if we can actually achieve the tower FAR.

1. Create an Amenity Incentive System Exemption for Residential Towers on Small Sites.

As discussed in our last three comment letters, small tower sites are likely to have FARs at levels well above the modest base FARs in the code under either affordable housing Option A or Option B. To build residential towers on small sites, a viable and achievable mechanism for obtaining that bonus FAR must exist in the code. Weber Thompson’s analysis demonstrated the current amenity incentive system does not work for our site. It is prohibitively expensive to earn the bonus FAR from a low base to a very high FAR on a small site. This remains true under the updated draft LUCA.

In Agenda Memo “Topic 3”, staff recommends limiting the amenity requirements to green building standards and affordable housing requirements. We appreciate staff support to address this issue. **However, we would request a modification to their recommendation to either exempt residential towers on small sites from the amenity incentive system, or only require**

the green building amenities, not additional affordable housing amenities. If the City pursues Option A, then there will already be an affordable housing obligation on the square footage of the entire building (either through the performance or fee-in-lieu option). On a residential tower project, this represents a massive affordable housing contribution and hundreds of new housing units.

If a project must then provide additional affordable units, on top of the mandatory obligation that applies to the whole building under Option A, then it will make the tower project too expensive and tower projects on small sites will not get built, which seems to be a misalignment of the policy intent in Wilburton. This is a uniquely challenging issue for small tower sites because the proposed FAR levels in towers are so high, and there is nowhere onsite to build bonus amenities. **We respectfully urge the Planning Commission to adopt staff's recommended approach on "Topic 3" but take it one step further and only require green building amenities for residential towers on small sites.**

We cannot overstate the importance of easily allowing sites, particularly small sites, to achieve higher FARs that allow projects like those shown by Weber Thompson in Exhibit A to be developed. This is the only way the City will create the housing stock necessary at 1,550 units per year as identified in the City's comprehensive plan.

Thank you for your good work advancing the Wilburton LUCA to support housing. We look forward to continued engagement with staff, the Planning Commission, and City Council. Please feel free to reach out with any questions.

Sincerely,



Campbell Mathewson
Manager – Ditty Mathewson LLC
11647 NE 8th Street, Bellevue, WA 98005
M: 206-910-2448
E: cmathewson@cmrepartners.com

Exhibit A





Conceptual rendering of the ground level experience along NE 8th for the 11635 Site.

Nesse, Katherine

From: Brady Nordstrom <brady@housingconsortium.org>
Sent: Monday, February 24, 2025 6:59 PM
To: PlanningCommission
Cc: hal.ferris@outlook.com; Chris Buchanan; Patience Malaba; Khanloo, Negin; Lu, Jonny; Goepple, Craighton; Cuellar-Calad, Luisa; Villaveces, Andres; Bhargava, Vishal; Ferris, Carolynn
Subject: EAHC - Support for Wilburton Affordable Housing
Attachments: EAHC_WilburtonLUCA_PlanningCommission_02-26-2025.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Some people who received this message don't often get email from brady@housingconsortium.org. [Learn why this is important](#)

[EXTERNAL EMAIL Notice!] Outside communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Dear Bellevue Planning Commission,

My name is Brady Nordstrom and I am reaching out as a representative of the Eastside Affordable Housing Coalition ("EAHC") and Housing Development Consortium ("HDC"). We are made up of many local organizations that build, operate, and advocate for affordable housing on the Eastside, including in Bellevue. **We are writing today in support of the [Eastside Housing Roundtable \("EHR"\) Wilburton position letter](#)** that was shared with the Planning Commission over email on February 20th, 2025.

Please see the attached letter for our full comment and let us know if you have any questions in advance of the February 26th Wilburton hearing.

Best Regards,
The Eastside Affordable Housing Coalition

--

Brady Nordstrom (*he/him*)
Associate Director of Government Relations and Policy
[Housing Development Consortium of Seattle-King County](#)
1326 5th Avenue, Suite 230 | Seattle, WA 98101
C: (253) 886-2099



February 26, 2025
Bellevue Planning Commission
450 110th Ave NE
Bellevue, WA 98004

Subject: Affordable Housing Requirement in the Wilburton LUCA – Support for Eastside Housing Roundtable Position

Dear Bellevue Planning Commission:

The Eastside Affordable Housing Coalition (“EAHC”) and Housing Development Consortium (“HDC”) extend our appreciation to the City of Bellevue for its commitment to updating the Wilburton code in a way that supports affordable housing at scale in a vibrant, transit-oriented neighborhood. We continue to support a well-calibrated affordable housing requirement as the best tool to achieve predictable affordable housing in Wilburton alongside robust overall development and growth. **More specifically, we are writing today in support of the [Eastside Housing Roundtable Wilburton position letter](#) that was shared with the Planning Commission over email on February 20th, 2025.**

The Eastside Housing Roundtable (“EHR”) is a broad coalition comprised of employers, non-profits, business organizations, housing advocates, and private and non-profit housing developers that unite to support the creation of more affordable housing and diverse housing types at all income levels on the Eastside as a shared response to rapid growth. The Eastside Affordable Housing Coalition represents many of the nonprofit and housing advocate voices in the EHR, including the team of negotiators that worked closely with the Bellevue Chamber of Commerce PLUSH Committee (this group represented private/business and employer interests) to reach cross-sectoral agreement on the EHR “Recommendations for Housing Affordability in Wilburton” letter. This EHR agreement represents years of relationship-building and months of difficult technical work, frank conversations about tradeoffs and goals, and creative problem solving. **We believe that the EHR compromise position is “well-calibrated” and strategically balances tradeoffs to support both development overall and affordable housing in Wilburton. We urge you to see the EHR letter as a carefully balanced package of recommendations that work together as a whole, not an à la carte menu of individual options.**

We remain committed to supporting the City of Bellevue and appreciate your careful consideration and support of the [EHR Wilburton position](#). Thank you for your continued engagement and collaboration.

Sincerely,
Eastside Affordable Housing Coalition & HDC

Patience Malaba, Executive Director, Housing Development Consortium
Hal Ferris, co-chair, Eastside Affordable Housing Coalition
Chris Buchanan, co-chair, Eastside Affordable Housing Coalition

[see organizations on the next page]

**Housing Development Consortium
of Seattle-King County**
1326 5th Avenue, Suite 230, Seattle, WA 98101
206.682.9541 | www.housingconsortium.org

1. Bellwether Housing
2. Catholic Housing & Community Services
3. CIRC
4. Eastside for All
5. Ferris Advisors, LLC
6. Futurewise
7. GMD Development
8. Habitat for Humanity
9. Home & Hope CLT
10. Hopelink
11. Horizon Housing Alliance
12. Imagine Housing
13. King County Housing Authority
14. Lake WA United Methodist Church Safe Parking
15. Plymouth Housing
16. Porchlight
17. Rafn
18. Shelter Resources Inc.
19. The Sophia Way
20. TWG Development

Nesse, Katherine

From: Ben Mickle <benmickle@gmail.com>
Sent: Monday, February 24, 2025 7:50 PM
To: PlanningCommission
Subject: Wilburton LUCA

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You don't often get email from benmickle@gmail.com. [Learn why this is important](#)

[EXTERNAL EMAIL Notice!] Outside communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Dear Bellevue Planning Commission,

My name is Ben Mickle. I'm a resident of Downtown Bellevue, and I'm emailing you because I'm genuinely excited about the work you've been doing to create a pedestrian-friendly and bicycle-friendly neighborhood surrounding the Wilburton light rail station. I think many future Bellevue residents will love being able to safely walk or ride their bikes along the Eastrail to access their homes, their places of work, grocery stores, community events, and local businesses.

I wanted to share with you my thoughts regarding a couple of topics you may be discussing at your Wednesday meeting: sidewalk width and parking requirements.

I strongly support having 10-foot-wide sidewalks in as many places as possible. Did you know that next month Bellevue will begin construction on [a project on Main Street](#) (near 112th Ave) to rip up a still-pretty-new 8-foot-wide sidewalk to replace it with a 12-foot-wide one? Did you know that Bellevue's [Transportation Design Manual](#) specifies 10 feet as the minimum width of a multipurpose path? Our transportation department simply does not consider eight feet to be enough space for bikes and pedestrians to share a path. That's not my personal opinion. Those are our city's standards.

Developers have been telling you that narrower sidewalk requirements are important for development feasibility. I investigated this claim using the [Wilburton development feasibility spreadsheet](#), and I found that it is not supported by the numbers. While the spreadsheet doesn't let you set a sidewalk width, it does let you specify an open space requirement, which should be a good proxy. Here is a table summarizing the effect of increasing the open space requirement from 10% to 30% (a change which should have a much bigger impact on development feasibility than 10 feet sidewalks) on Residual Land Value per square foot (RLV/sf).

	10% open space requirement	30% open space requirement
Urban core (19 floors)	-\$1545	-\$1546
Mixed-use high rise (12 floors)	-\$909	-\$910
Mixed-use mid rise (5 floors)	-\$78	-\$79

As you can see, the much higher open space requirement makes almost no difference for development feasibility. We can infer that requiring 10 feet sidewalks would have a similarly miniscule effect. Don't sacrifice community safety over bogus fears about development.

But you know what *does* have a big impact on development feasibility? Parking requirements! Don't take my word for it. Look at what the spreadsheet says if we only change the parking ratio (again, these numbers are the RLV/sf, where larger numbers imply that building is more financially feasible):

	parking ratio: 0.6 (50% reduction)	parking ratio: 0.3 (75% reduction)	parking ratio: 0 (100% reduction)
Urban core (19 floors)	-\$1235	-\$981	-\$725
Mixed-use high rise (12 floors)	-\$767	-\$643	-\$519
Mixed-use mid rise (5 floors)	-\$32	\$19	\$71

The numbers are clear: going from a 75% requirement reduction to fully eliminating the parking requirements would significantly improve the development feasibility of housing in Wilburton. With the Federal Reserve slowing its cuts, and with the CPI on the rise, we cannot depend on lower interest rates to save us. Eliminating parking requirements is a very impactful change you can make to provide more housing for our community.

During your last discussion on parking requirements, concerns were raised about residents parking their cars on neighboring streets. I wanted to share with you [this article](#), which mentions similar concerns in the City of Tempe when they approved the famously-parking-free Culdesac development:

The city had to pass legislation to green-light the development, and helped negotiate concerns of the immediate surrounding community, including the likelihood of future Culdesac residents **parking cars on surrounding streets**. "We did create some on-street parking on the main thoroughfare in the area, Apache Boulevard," says Kris Baxter-Ging, communication director for the City of Tempe. "Over a period of time, neighbors have come to understand that the **people who live at Culdesac truly are car-free** and use ride services, bikes, scooters and light rail."

Since the neighborhood provided good alternatives to driving, the fears of residents parking on surrounding streets just... never happened! Please don't setback housing development over these debunked fears.

I hope my email has provided you with useful information for your upcoming meeting. Once again, I want to say how much I appreciate you volunteering to serve on our Planning Commission, and I'm looking forward to getting this LUCA done!

Thanks,
Ben Mickle

Nesse, Katherine

From: Patience Malaba <patience@housingconsortium.org>
Sent: Tuesday, February 25, 2025 5:40 AM
To: Brady Nordstrom; PlanningCommission
Cc: hal.ferris@outlook.com; Chris Buchanan; Khanloo, Negin; Lu, Jonny; Goeppele, Craighton; Cuellar-Calad, Luisa; Villaveces, Andres; Bhargava, Vishal; Ferris,Carolynn
Subject: RE: EAHC - Support for Wilburton Affordable Housing

Follow Up Flag: Follow up
Flag Status: Flagged

Some people who received this message don't often get email from patience@housingconsortium.org. [Learn why this is important](#)

[EXTERNAL EMAIL Notice!] Outside communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Commissioners,

Thank you for your engagement with HDC and our coalition over the past year. Your efforts are instrumental in ensuring Bellevue remains a leader in advancing housing solutions that meet the needs of our growing community.

We strongly urge your support for the Eastside Housing Roundtable's Wilburton position. This is a pivotal opportunity to implement a code update that drives affordability and fosters sustainable growth. Your commitment to these principles will help shape a more inclusive and thriving Bellevue for years to come.

We look forward to working with you on this!

Patience Malaba
Executive Director (Pronouns, She/Her)
Housing Development Consortium of Seattle-King County
1326 5th Avenue, Suite 230
Seattle, WA 98101
Cell: (206) 450-0955
Office: (206) 682-9541
www.housingconsortium.org

From: Brady Nordstrom <brady@housingconsortium.org>
Sent: Monday, February 24, 2025 6:59 PM
To: PlanningCommission@bellevuewa.gov
Cc: hal.ferris@outlook.com; Chris Buchanan <cbuchanan@bellwetherhousing.org>; Patience Malaba <patience@housingconsortium.org>; NKhanloo@BellevueWA.gov; Lu, Jonny <JLu@bellevuewa.gov>; Goeppele, Craighton <CGoeppele@bellevuewa.gov>; Cuellar-Calad, Luisa <LFCalad@bellevuewa.gov>; avillavece@bellevuewa.gov; Bhargava, Vishal <vbhargava@bellevuewa.gov>; CFerris@BellevueWA.gov
Subject: EAHC - Support for Wilburton Affordable Housing

Dear Bellevue Planning Commission,

My name is Brady Nordstrom and I am reaching out as a representative of the Eastside Affordable Housing Coalition ("EAHC") and Housing Development Consortium ("HDC"). We are made up of many local organizations that build, operate, and advocate for affordable housing on the Eastside, including in Bellevue. **We are writing today in support of the [Eastside Housing Roundtable \("EHR"\) Wilburton position letter](#)** that was shared with the Planning Commission over email on February 20th, 2025.

Please see the attached letter for our full comment and let us know if you have any questions in advance of the February 26th Wilburton hearing.

Best Regards,
The Eastside Affordable Housing Coalition
--

Brady Nordstrom (*he/him*)

Associate Director of Government Relations and Policy

[Housing Development Consortium of Seattle-King County](#)

1326 5th Avenue, Suite 230 | Seattle, WA 98101

C: (253) 886-2099

Nesse, Katherine

From: Jacquie Quarre <jacquie@tharsis.land>
Sent: Wednesday, February 26, 2025 10:58 AM
To: PlanningCommission
Cc: Nesse, Katherine
Subject: Planning Commission Comment 2/26 - Beta-Bellevue
Attachments: 02.26.25 Planning Commission Letter - Beta Bellevue.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL EMAIL Notice!] Outside communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Good morning,

Please find attached a comment letter on behalf of Beta-Bellevue for tonight's Planning Commission meeting regarding the Wilburton LUCA.

Thank you for your consideration of our comments.

Jacquie

Jacquie Quarré
Tharsis Law P.S.
jacquie@tharsis.land
Direct/cell: 425-891-7842



February 26, 2025

Tharsis Law, PS
Jacquie Quarré
425-891-7842
jacquie@tharsis.land

City of Bellevue Planning Commission
450 110th Ave NE
Bellevue WA 98004

VIA EMAIL TO: PlanningCommission@bellevuewa.gov

Dear Planning Commission:

We represent Beta-Bellevue Auto Center, L.L.C. (“Beta-Bellevue”). Beta-Bellevue is the owner of property in the City of Bellevue’s Wilburton planning area, located at 620-638 116th Ave NE (“Beta-Bellevue Property”). The Beta-Bellevue Property is a lightly developed, approximately 134,000 SF parcel located less than 500 feet from the Sound Transit Wilburton Station and near the planned Grand Connection. It is a central to the vision for Wilburton’s Urban Core and uniquely encumbered by a long segment of Sound Transit guideway that makes light rail possible in Wilburton.

1. First, we support the addition of 20.25R.020.B.2.v in the “Option A” of the draft LUCA:

We want to express full support for the code language at 20.25R.020.B.2.v added in the “Option A” of the draft LUCA recommended by City Staff:

- v. *The requirements of subsection B.2 of this section do not apply to an individual parcel abutting 116th Avenue NE that contains at least 300 feet of elevated guideway for light rail, except as follows:*
 - (1) *Vehicular access onto these sites shall be provided from a commercial driveway; and*
 - (2) *The north-south dimensions of the block shall be no more than 350 feet in length along 116th Avenue NE. A commercial driveway may be used to satisfy this requirement for the north-south dimension of a block.*

Staff's comment explains that this was added to "address the unique constraints imposed by lengthy segments of elevated light rail infrastructure." This includes the Beta-Bellevue Property, and the new code provision is critical to making development feasible on the property under the LUCA. We are grateful to Staff for listening to our concerns and adding this code language.

Please ensure 20.25R.020.B.2.v recommended by Staff is included in the draft LUCA that the Planning Commission recommends to City Council.

2. Second, we support inclusion of a reasonable fee-in-lieu option for affordable housing.

Any affordable housing requirement must include a reasonable, easily applied fee-in-lieu option for contributing to affordable housing production. The amount of the fee in lieu should be the amounts listed as the "Stakeholder Request" in the Agenda Memo: \$13 for residential and \$16.50 for commercial.

Most importantly, there should not be a difference in the residential fee between the Urban Core and all other districts (which is what Staff currently proposes). With all the other cost that the LUCA places property owners to achieve high-rise development, imposing a fee of \$18 on residential development in the Urban Core will only deter the high-rise development that the City envisions for this zone. Less high-rise means less housing, defeating the goal for an affordable housing program.

3. Third, please recommend a LUCA that includes the development standards in "Option B: Property Owner Request" in the Agenda Memo.

We have been involved in the Wilburton Property Owners Group ("WPOG"), and we support the feedback that WPOG is providing Staff and the Planning Commission. Many of the recommendations that WPOG has made for months have not resulted in changes in the LUCA proposed Staff. We ask that the Planning Commission look closely at WPOG's requests, particularly for dimensional standards for access types, commercial driveways, and sidewalks. These are categorized as "Option B: Property Owner Request" in the Agenda Memo.

The changes requested by WPOG maintain safe, inviting access types for development but increase flexibility so that architects can work with each unique site to design the best project. Developers want people to live, work, and visit their developments – they will voluntarily add elements that go beyond minimum code requirements when those elements create a better project for the community. But requiring excessive widths for access types and sidewalks for commercial driveways, which is what Staff's "Option A" in the Agenda Memo proposes, detracts from good design and removes square footage that could be put to the highest and best use of housing. We urge you to recommend a draft LUCA to City Council that includes the standards in "Option B: Property Owner Request" in the Agenda Memo.

We appreciate the time and thought that the Commission and City Staff have put into this process and look forward to continuing to work with you as the process continues.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Quarré". The signature is fluid and cursive, with a small flourish at the end.

Jacquie Quarré
Tharsis Law, PS

Nesse, Katherine

From: Jacquie Quarre <jacquie@tharsis.land>
Sent: Wednesday, February 26, 2025 10:57 AM
To: PlanningCommission
Cc: Nesse, Katherine
Subject: Planning Commission Meeting Comment 2/26 - Brierwood Center
Attachments: 02.26.25 Planning Commission Comment Letter - Brierwood Center.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL EMAIL Notice!] Outside communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Good morning,

Please find attached a comment letter on behalf of Brierwood Center for tonight's Planning Commission meeting regarding the Wilburton LUCA.

Thank you for your consideration of our comments.

Jacquie

Jacquie Quarré
Tharsis Law P.S.
jacquie@tharsis.land
Direct/cell: 425-891-7842



February 26, 2025

Tharsis Law, PS
Jacquie Quarré
425-891-7842
jacquie@tharsis.land

City of Bellevue Planning Commission
450 110th Ave NE
Bellevue WA 98004

VIA EMAIL TO: PlanningCommission@bellevuewa.gov

Dear Planning Commission:

The key issues in Wilburton Land Use Code Amendment (“LUCA”) for this Planning Commission to decide before making a recommendation to City Council can be summarized in a quote from Hal Woosley:

“You can’t legislate high costs and mandate low prices.”

Hal Woosley built the shopping center called Brierwood Center in Wilburton over 50 years ago, located at 12001-12005 NE 12th Street in Bellevue, Washington 98005 (“Brierwood Center”).¹ We represent the owners of Brierwood Center, who are Hal Woosley’s sons. They care deeply about the future of Wilburton.

The most recent draft LUCA makes very few changes to respond to the high costs that property owners, including the Woosley family, have repeatedly raised concerns over with City Staff. The results of the high costs legislated by Staff’s proposal will be less development, higher rents, and continued lack of adequate housing supply.

You, as Planning Commissioners, have the opportunity to make a recommendation on the LUCA to City Council that remedies the highest costs imposed by the current draft LUCA presented by Staff and delivers the public benefits you have advocated for in your past study

¹ King County Parcel Nos. 1099100165 (54,242 SF), 1099100168 (20,660 SF), 1099100169 (20,039 SF), and 1099100170 (22,462 SF).

sessions. The Planning Commission recommendation needs to differ in some ways from Staff's current recommendation for the "Wilburton Vision" to succeed – the changes requested are simple but extremely important to allow redevelopment to occur.

We urge the Planning Commission to listen to and make the changes requested by the Wilburton Property Owners Group ("WPOG"). We also request the following changes:

1. The LUCA should not require a local access street between Bel-Red Road and NE 12th St.

- **Please visit Brierwood Center.** T.J. Woosley and Todd Woosley would be happy to have each of you come visit Brierwood Center in the next few weeks to see the topography and visualize the challenges created by requiring a local street between Bel-Red Road and NE 12th St. Requiring a local street in this location does not make sense based on geography, access, and/or traffic.
- **Requiring a local street here prevents development of housing.** The draft LUCA requires local streets that are 67 feet wide – at least 16 feet wider than any other access type. If located on the Brierwood Center property, a local street will significantly reduce the number of housing units that can be built. Brierwood Center has already been dramatically reduced in size *on three sides* by past dedications of public right-of-way to the City. The City should not take yet a fourth side of Brierwood Center and dramatically hinder housing supply.
- **Requiring local access streets before knowing the impacts of a development violates RCW 82.02.020.** RCW 82.02.020 places the burden on the City – not the applicant for a permit – to demonstrate the nexus and proportionality of a tax, fee, or charge on development. The draft LUCA does the opposite and places the burden on the applicant to disprove the City's *assumptions* that (1) an unknown future project will have direct impacts that need mitigation beyond impact fees and other existing mechanisms for mitigation; (2) requiring the applicant to build a local street of a predetermined size and location is reasonably necessary to mitigate the assumed impacts of that unknown future project. We appreciate the departure language in the draft LUCA that seeks to give some flexibility to this requirement, but *the local street requirement should be removed entirely*. If the City wants a public street built, the appropriate mechanism to do so is through the City's capital planning processes for transportation infrastructure.

2. If a local access street is required (it should not be), then reduce the dimensions and clarify the location.

- **Support "Option C: Potential Adjustment":** The Agenda Memo proposes an adjustment for local access widths to a 51-foot corridor by eliminating on-street parking in "Option C: Potential Adjustment". Brierwood Center supports this adjustment. Parking and loading requirements can be satisfied by on-site loading and parking spaces. If the Planning Commission does not favor Option C, it

should instead recommend “Option B: Property Owner Request” which allows for 59-foot corridors for local access. Every foot of space required for a local access street detracts from units of housing that could have been built. Give developers the flexibility they need to design projects to maximize housing and other public benefits. Developers are motivated to attract people to new developments and will choose to voluntarily add elements such as on-street parking and wider sidewalks when those elements achieve a better building that serves tenants and public visitors.

- **Clarify the location.** If this local access street remains in the LUCA (which it should not), the code should clarify that the location of the local access street is on the parcels to the east of Brierwood Center (King County Parcel Nos. 1099100171 and 1099100185), where the grade and overall location along existing streets make more sense to build public right of way.

3. Any affordable housing program must include a reasonable fee-in-lieu option to work. Brierwood Center supports the inclusion of a fee-in-lieu option in any affordable housing program for Wilburton. The fee-in-lieu option is vital to enabling development in a mandatory affordable housing program. It also is a pivotal funding mechanism to allow development of residential projects offering deeper levels of affordability. We support the \$13 fee-in-lieu for residential and \$16.50 fee-in-lieu for commercial listed as “Stakeholder Request” in the Agenda Memo. These legislated costs are likely as high as the market can bear if the City wants development to occur.

4. The parking standards for Micro-apartments should be the same as for studio and one-bedroom multi-family residential units. The LUCA should not allow for zero parking or reduced parking for Micro-apartments as compared to a studio or one-bedroom apartment in a multi-family development. *See* Draft 20.20.537.B.2. The code should require the same parking standards for Micro-apartments as studio and one-bedroom apartments. *See* Draft 20.20.590.F (note 5). There is already a parking shortage near Brierwood Center – people from neighboring new developments are illegally parking at Brierwood Center costing both time and money for tenants and the property owner. To the extent Micro-apartments are developed in Wilburton, parking *provided in the building* is needed to serve the tenants and visitors cars, even near light rail.

We encourage the Planning Commission to view the LUCA like a recipe for baking a cake – all the ingredients must be added in the right proportions for it to turn out as envisioned. If the LUCA imposes too many costs or does not provide enough flexibility, it will inhibit development of housing and other public benefits, not encourage it. The changes that Brierwood Center and WPOG are asking this Planning Commission to make are necessary to achieve the additional housing supply and affordability that the Comprehensive Plan requires and the overall vision for Wilburton that the City wants.

We appreciate the time and thought that the Planning Commission and City Staff have put into this and look forward to continuing to work with you as the process continues.

Sincerely,

A handwritten signature in black ink, appearing to read 'J.C.2.' with a flourish at the end.

Jacquie Quarré
Tharsis Law, PS