

**CITY COUNCIL AGENDA TOPIC**

Recommended Land Use Code Amendment and Rezone for the Wilburton Transit-Oriented Development area. File Nos. 24-126192-AD and 24-126194-LQ.

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**EXECUTIVE SUMMARY****DIRECTION**

On April 15, Council reviewed the Planning Commission's recommendation for the Wilburton Transit-Oriented Development (TOD) Land Use Code Amendment (LUCA). During the discussion, Council raised several questions and requested additional information and analysis, particularly related to requests submitted by the Eastside Housing Roundtable ahead of the February 26 Planning Commission public hearing, as well as additional requests submitted by the Bellevue Chamber on April 14, the night before the last Council meeting on this LUCA.

Staff is bringing forward responses to these questions and topics for Council's review. Following discussion, staff will seek Council direction to prepare the LUCA Ordinance and associated rezone for final action at a future meeting.

**RECOMMENDATION**

Consider directing staff to finalize the LUCA Ordinance, and the ordinance for the associated rezones, for final action at a future meeting.

**BACKGROUND/ANALYSIS****Background**

The Wilburton Vision Implementation LUCA advances the City's ongoing effort to realize the vision, goals, and policies adopted through the Wilburton Comprehensive Plan Amendment (CPA).

This planning effort began in 2016 with an Urban Land Institute Advisory Panel study recommending the transformation of the Wilburton TOD area into a complete community—integrating housing, jobs, amenities, sustainability, and affordability. From 2017 to 2018, a Council-appointed Citizen Advisory Committee advanced this work through the Wilburton Commercial Area Study, which envisioned Wilburton as *"Bellevue's next urban mixed-use community that enhances livability, promotes healthy living, supports economic vitality, and meets the needs of a diverse and growing population."*

On July 23, 2024, the City Council took a major step by adopting the CPA through Ordinance No. 6802, establishing TOD-focused policies and map updates.

Tonight, Council will continue discussing the recommended LUCA, provided as Attachment A. This LUCA is a key policy tool for implementing the CPA, building on existing Land Use Code (LUC) chapters while creating a new category of Mixed-Use Land Use Districts and a new section (20.25R LUC) applicable to the 300-acre TOD area. It advances the vision for an inclusive, vibrant, and walkable urban neighborhood anchored by transit.

### Information and Responses to April 15 Study Session Questions

At the April 15 Study Session, Council reviewed the recommended LUCA and requested additional information and clarifications on LUCA provisions, responses to questions, and an analysis comparing the Eastside Housing Roundtable and Bellevue Chamber requests to the recommended LUCA.

Additional clarifications on the LUCA and responses to April 15 study session questions are provided as Attachment B.

An analysis of stakeholder requests and options for Council consideration is included below.

#### Analysis comparing stakeholder requests to the recommended LUCA

A comparison of Option A (Planning Commission (PC) Recommendation), Option B (the Eastside Housing Roundtable requests), and Option C (Bellevue Chamber requests) is provided below, with staff analysis and recommendations highlighted in green.

Access Corridors		
Local Streets		
Option A: PC Recommendation	Option B: Eastside Housing Roundtable	Option C: Chamber Request
67-foot corridor: <ul style="list-style-type: none"> <li>• (2) 10' vehicle travel</li> <li>• (2) 6" curb</li> <li>• (2) 8' parking</li> <li>• (2) 5' amenity zone</li> <li>• (2) 10' sidewalk</li> </ul>	<u>59-foot</u> corridor: <ul style="list-style-type: none"> <li>• (2) 10' vehicle travel</li> <li>• (2) 6" curb</li> <li>• (2) 8' parking</li> <li>• (2) 5' amenity zone</li> <li>• (2) <u>6' sidewalk</u></li> </ul>	Eliminate local streets <i>or</i> select Option B
<p><b>Analysis:</b> Staff recommend Option A and do not support reducing sidewalk widths (Option B) or eliminating Local Streets (Option C).</p> <p>Bellevue is a member of the National Association of City Transportation Officials (NACTO), a coalition of cities committed to advancing people-first street design and equitable, multimodal mobility. A 10-foot sidewalk is essential to delivering a walkable, vibrant Wilburton TOD. National best practices, including NACTO and WSDOT standards, call for 8 to 12-foot sidewalks in urban cores and mixed-use areas to ensure pedestrian safety, comfort, and activity. Bellevue's Downtown standards require similar widths (8-15 feet), with most sidewalks at 10–11 feet.</p> <p>Reducing sidewalks to 6 or even 8 feet would weaken the walking environment, particularly since these sidewalks are planned near areas where buildings can be 250 to 450 feet tall. This would diminish comfort, compromise safety and accessibility, and ultimately limit the area's potential to thrive economically. Wide, well-designed sidewalks directly support economic vitality by encouraging longer visits, higher foot traffic, and stronger business performance. Ample sidewalks create inviting spaces for retail spillover and street-level</p>		

experiences that draw residents, workers, and visitors, all of which are critical for supporting small businesses and creating a dynamic, successful transit- and trail-oriented urban neighborhood.

Lastly, the city receives consistent feedback from residents that sidewalk quality, pedestrian safety, and a comfortable walking experience are top priorities in urban areas. A 10-foot sidewalk maintains the high-quality public realm residents expect and is critical to realizing the Wilburton Vision as a premier, people-first urban neighborhood.

### Flexible Access

Option A: PC Recommendation	Option B: Eastside Housing Roundtable	Option C: Chamber Request
47-foot corridor: <ul style="list-style-type: none"> <li>• (2) 10' vehicle travel</li> <li>• (2) 6" curb</li> <li>• (2) 5' amenity zone</li> <li>• (2) 8' sidewalk</li> </ul>	<u>37-foot</u> corridor: <ul style="list-style-type: none"> <li>• (2) 10' vehicle travel</li> <li>• (2) 6" curb</li> <li>• <u>(1) 4' amenity zone</u></li> <li>• (2) <u>6' sidewalk</u></li> </ul>	Same as Option B

**Analysis:** Staff recommend Option A and do not support Options B or C, which would reduce the sidewalk width from 8 feet to 6 feet, shrink the amenity zone from 5 feet to 4 feet, and eliminate the amenity zone on one side of the street.

Option A was recommended by the Planning Commission after prior width reductions. Further reducing sidewalks to 6 feet would be inconsistent with national best practices and contrary to the City's own standards for urban, transit-oriented areas like Downtown, BelRed, and East Main—areas that prioritize wider sidewalks to enhance pedestrian comfort, safety, and accessibility.

Similarly, reducing the amenity zone to 4 feet and eliminating it on one side directly conflicts with the Wilburton Vision for a sustainable district. The Wilburton planning process, shaped by extensive community feedback, emphasized the importance of creating a strong urban tree canopy and investing in public realm improvements. This mirrors the successful approach in Downtown, where 5-foot amenity zones were adopted as part of Downtown Livability to support larger trees and enhanced canopy coverage. Applying the same approach in Wilburton ensures consistency across the city's transit-oriented neighborhoods and reinforces the commitment to creating greener, more resilient urban environments.

Maintaining the full 5-foot amenity zone on both sides of the street, along with an 8-foot sidewalk, is critical to achieving Wilburton's vision as a sustainable, livable district. Appropriately scaled sidewalks paired with adequate landscaping expand the urban tree canopy, mitigate urban heat island effects, improve stormwater management, and create a better scale and more comfortable and vibrant pedestrian experience.

### Shared-Use Path

Option A: PC Recommendation	Option B: Eastside Housing Roundtable	Option C: Chamber Request
14-foot corridor	<u>10-foot</u> corridor	Same as Option B

**Analysis:** Staff recommend Option A and do not support Options B or C, as they would create unsafe conditions and fail to meet established City of Bellevue development standards.

The Shared-Use Path in Option A was added in direct response to stakeholder feedback seeking smaller, flexible corridor options to frame blocks. Its purpose is to create meaningful, safe, and attractive links between blocks, supporting active transportation and promoting trail- and transit-oriented development.

Bellevue’s adopted minimum standard for a shared-use path is 14-16 feet, a standard consistently applied citywide. Reducing the width to 10 feet, as proposed in Options B and C, would conflict with City standards and introduce unacceptable safety risks by creating conflicts among pedestrians, cyclists, and other wheeled users in a constrained space. A narrower facility would not reasonably or safely accommodate the projected multi-modal traffic volumes expected in this high-activity, transit-oriented area.

The Shared-Use Path is intended to encourage movement toward Eastrail, a major regional trail expected to experience pedestrian and cyclist volumes comparable to the busiest sections of the Burke-Gilman Trail in Seattle. Creating safe, direct connections for foot and wheeled traffic is critical to achieving the vision of a vibrant, accessible, and trail-oriented urban neighborhood.

Reducing the width would undermine this vision, compromise user safety, and set an undesirable precedent of allowing facilities that do not meet Bellevue’s established standards.

Open Space		
Option A: PC Recommendation	Option B: Eastside Housing Roundtable	Option C: Chamber Request
<p>10% of the site area as public open space.</p> <p>Sites smaller than 40,000 square feet are exempt from this requirement.</p>	<p>Same as Option A</p>	<p><u>5%</u> of the site area as <u>public</u> open space.</p> <p><u>5%</u> of the site area as <u>private</u> open space.</p>
<p><b>Analysis:</b> Staff recommend Option A and do not support Option C.</p> <p>The proposed open space approach in the LUCA is critical to achieving Wilburton’s vision as a sustainable, livable, and vibrant urban district. With tower heights of 250–450 feet in most places (and 100 feet at TOD edges), narrow access corridors required on larger block, and only requiring commercial driveways for blocks less than 105,000 square feet or blocks between I-405 and 116th Avenue NE, there is significant concern that development intensity could crowd out public space and urban respite opportunities.</p> <p>Given Wilburton’s proximity to I-405, NE 8th Street, and 116th Avenue NE—some of Bellevue’s busiest corridors—the availability of public open space will be critical to ensuring the district feels welcoming, comfortable, and sustainable. Without clear and consistent standards, projects may unintentionally contribute to a canyon effect and miss the opportunity to create a greener and healthier spaces.</p> <p>Option A strikes a balance by requiring meaningful public open space while offering flexibility to account for site conditions and development design:</p> <ul style="list-style-type: none"> <li>Requires a minimum of 10% of site area as publicly accessible open space. <ul style="list-style-type: none"> <li>Exemption for sites smaller than 40,000 square feet to address practical constraints.</li> <li>Departures allowed through design review to maintain flexibility while upholding intent.</li> </ul> </li> <li>Reflects a reduction from an earlier 15% requirement based on stakeholder feedback while maintaining the sustainable district goals.</li> <li>Flexible options and double-counting allowed:</li> </ul>		

- Sidewalks, landscaping, and access corridor amenity zones can count toward the requirement.
- Landscape buffers along I-405 count towards open space.
- Off-site park dedications or improvements can also satisfy open space requirement.
- Open space must be provided at ground level (except podium connections to Eastrail or Grand Connection), responding to community feedback that upper-level spaces feel inaccessible and less welcoming to the public.

#### Comparison to Downtown Bellevue and Seattle

The Bellevue Chamber has suggested that the recommended open space requirement for Wilburton is higher than Downtown Bellevue's. This is not accurate. Downtown also requires 10% open space, but only when a project exceeds a designated "trigger height," which varies by district:

- In some districts, the trigger height is as low as 0 feet;
- In others, it is 40 feet;
- In the Downtown Core, it rises to 450 feet.

Additionally, in certain locations, such as along the Grand Connection route or near NE 8th Street, open space is required regardless of whether a building exceeds the trigger height.

Wilburton's approach applies the 10% open space standard across all developments, regardless of building height, but offers significantly more flexibility. Features like sidewalks, landscaping, and access corridors can count toward the open space requirement—an option not available Downtown.

Comparisons to Seattle are also not straightforward. Some Seattle zones require just 5% open space, while others require up to 20%, and some have no requirement at all. Seattle's code offers multiple alternative compliance paths, making direct comparisons difficult.

While it can be interesting to look at Downtown Bellevue and Seattle for context, it's important to recognize that the policy foundation, vision, and goals for Wilburton differ meaningfully from these areas. Option A supports Wilburton's vision as a sustainable, people-centered district, ensuring that new development contributes to a vibrant and resilient public realm.

Fee In-Lieu Vesting		
Option A: PC Recommendation	Option B: Eastside Housing Roundtable	Option C: Chamber Request
Fee assessed and collected at building permit issuance	N/A	Fee assessed <u>at land use application</u> and collected at building permit issuance
<p><b>Analysis:</b> Staff recommend Option A and do not support Option C.</p> <p>The primary difference between Option A and Option C is the timing of when the fee amount is established:</p> <ul style="list-style-type: none"> <li>• Option A assesses the fee closer to the time of construction, helping preserve purchasing power and encouraging construction.</li> </ul>		

- Option C locks fees at land use application, even if construction is not planned for years or not planned at all, leading to outdated fee values that erode purchasing power over time.

The Bellevue Chamber cited Seattle’s approach to support their request for early vesting. Under Seattle’s Mandatory Housing Affordability (MHA) program, fees generally vest either at the Master Use Permit (MUP) submittal or at the intake of a complete building permit application (when no MUP/Design Review required).

Bellevue’s citywide approach of assessing fees at building permit issuance provides stronger fiscal protection for the City and ensures that the value of collected fees remains better aligned with market conditions. Given that costs (land, labor, and materials) continue to rise, locking in fees too early would significantly erode purchasing power, increasing the funding gap the City must fill to meet affordable housing targets.

For example, a fee set in 2025 (\$13/sf residential, \$16.50/sf commercial) could be paid years later in 2035, purchasing far less affordable housing. Bellevue’s other fees (transportation and school impact fees, and BelRed parks, streams, and affordable housing fees) are assessed and collected at building permit issuance to protect the City’s purchasing power.

In effect, early vesting would shift greater financial responsibility onto the City and the broader public.

Bellevue’s development activity over the past decade demonstrates that our current approach has not impeded growth. The City has experienced robust construction investment and continued interest from the development community while maintaining policies that aim to protect the value of public contributions to affordable housing.

### Master Development Plan Phasing

Option A: PC Recommendation	Option B: Eastside Housing Roundtable	Option C: Chamber Request
Future phases must implement pre-identified improvements—up to 20% of the active phase’s value—as part of the MDP process.	Allow early MDP phase(s) that don’t rely on land area, FAR, improvements, or amenities from a future phase to advance without requiring future phases to comply with the Land Use Code.	Same as Option B.
<p><b>Analysis:</b> Staff recommend Option B.</p> <p>Option A was drafted to mirror the BelRed approach, requiring proportional compliance for future phases within a Master Development Plan (MDP). While proportional compliance has merit, staff support Option B, which follows the Downtown approach. Under Option B, early phases can proceed without full site compliance as long as they do not rely on land area, FAR, improvements, or amenities from future phases.</p> <p>Many large sites face practical and financial barriers to immediate, full-scale redevelopment or proportional compliance. Allowing initial phases to move forward independently enables site owners and developers to reinvest in their properties sooner, rather than deferring investment until a full site redevelopment plan is financially or logistically viable. The Downtown approach has successfully supported phased redevelopment while delivering high-quality urban form and public benefits over time.</p>		

Off-Site Performance Option for Commercial Projects		
Option A: PC Recommendation	Option B: Eastside Housing Roundtable	Option C: Chamber Request
N/A	N/A (raised in the context of residential projects)	Allow off-site performance option for commercial projects
<p><b>Analysis:</b> Staff recommend Option C.</p> <p>Including an off-site performance option for commercial affordable housing requirements in the Wilburton LUCA is a reasonable and low-risk addition, even if it is unlikely to be heavily utilized in practice.</p> <p>While this concept was not raised directly by the Eastside Housing Roundtable, Planning Commission, or other stakeholders during prior LUCA discussions, it does align with the broader goal of offering flexible compliance pathways.</p>		

Multifamily Tax Exemption (MFTE)		
Option A: PC Recommendation	Option B: Eastside Housing Roundtable	Option C: Chamber Request
N/A	Allow stacking without lower AMI required	Allow stacking without lower AMI required
<p><b>Analysis:</b> The City understands that modification to the MFTE Program in chapter 4.52 BCC is integral to the affordable housing approach the Housing Roundtable has coalesced around in the Wilburton LUCA. As part of the City's planned review of the MFTE Program later this year, staff will develop options for Council consideration, including potential amendments to allow projects in Wilburton to "stack" or overlap mandatory affordable units with MFTE units for 12 years without requiring a reduction in AMI for the overlapping units. Staff will also evaluate the potential for extending the MFTE program beyond the current 12-year limit.</p> <p>Staff is preparing to return to Council this fall with an analysis of these options, including the potential for overlapping units, time extensions, and a comparison of tradeoffs between the City's current approach (requiring a lower AMI for overlapping units) and the Housing Roundtable's suggested approach (maintaining the original AMI and extending the benefit period).</p>		

### Public Engagement

Staff has executed a public engagement plan with three modes of outreach to ensure that community members and neighbors, property owners, and all stakeholders and interested parties have the opportunity to stay informed and to provide comments.

- A. Process IV Requirements. The LUCA process is following the Chapter 20.35 LUC procedural requirements to provide opportunities for public comment.
- B. Direct Engagement and Feedback. Ongoing dialogue with stakeholders and the community. Staff held two general community info sessions, six workshops with the Bellevue Development Committee (BDC) Wilburton Sub-Team, and eight additional meetings with stakeholder groups.

Stakeholders include the following groups:

- General public
- Wilburton Property Owners Group
- Bellevue Chamber
- Eastside Housing Roundtable
- Bellevue Development Committee Sub Team, comprising of Wilburton property owners, affordable housing groups, Bellevue Chamber, and other interested parties.

- C. Online Presence. Wilburton webpage to inform the public about this LUCA and share the latest drafts and comment tracker.

## **POLICY & FISCAL IMPACTS**

### **Policy Impact**

The recommended LUCA will implement the vision, goals, and policies adopted in the CPA for the Wilburton TOD area.

### **Fiscal Impact**

There is no fiscal impact associated with implementing this recommended LUCA.

## **OPTIONS**

1. Direct staff to finalize the LUCA Ordinance, and the ordinance for the associated rezones, for final action at a future meeting.
2. Provide alternative direction to staff.

## **ATTACHMENTS**

- A. Strike-Draft of Recommended LUCA
- B. Information and Responses to April 15 Study Session Questions

## **AVAILABLE IN COUNCIL LIBRARY**

Wilburton Affordable Housing Nexus Study