

CITY COUNCIL AGENDA TOPIC

ORDINANCE relating to development in the Wilburton Transit-Oriented Development (TOD) Area within the Wilburton/N.E. 8th Street Subarea; Amending Chapters 20.10 and 20.20 of the Land Use Code (LUC); Amending Chapter 20.25 LUC to include a new Part 20.25R governing Mixed-Use Land Use Districts; Providing support for the development of life science uses; providing for severability; and establishing an effective date.

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EXECUTIVE SUMMARY**ACTION**

This Ordinance is a Land Use Code Amendment (LUCA) to establish requirements and standards for the Wilburton Transit-Oriented Development (TOD) area. On May 20, during discussion in study session, Council directed staff to bring back this Ordinance, along with information relating to Council amendments to the Ordinance for final adoption.

Staff is bringing forward this information and amendments for Council's review. Following discussion, staff will seek Council action to adopt the LUCA Ordinance.

RECOMMENDATION

Move to adopt Ordinance 6846.

BACKGROUND/ANALYSIS**Background**

The Wilburton Vision Implementation LUCA advances the City's ongoing efforts to realize the vision, goals, and policies established in the Wilburton Comprehensive Plan Amendment (CPA), adopted through Ordinance No. 6802.

Council reviewed the Wilburton Transit-Oriented Development LUCA during study sessions held on April 15 and May 20. Following the May 20 study session, Council directed revisions to the LUCA, including updates to access corridors, open space requirements, off-site affordable housing performance for commercial development, and the framework for Master Development Plans. Council also requested the inclusion of a provision allowing commercial development projects to meet their affordable housing obligations through off-site performance. These updates are reflected in the LUCA strike-draft (Attachment A).

Additionally, Council asked for further information on five topics:

1. Vesting process for affordable housing in-lieu fees
2. Shared-use paths
3. Replacement of local streets with active transportation corridors
4. Design for flexible access corridors
5. A potential incentive for upper-level building setbacks.

Analysis and Policy Options

This section addresses the five policy topics raised by Council during the May 20 study session. Each topic includes a summary of the issue, staff analysis, and policy implications or recommendations where applicable. Precise language that may be used to amend this Ordinance is provided in Attachment B.

Topic 1: Fee In-Lieu Vesting

Council expressed interest in allowing affordable housing in-lieu fees to be calculated and vested at the time of land use application submittal, rather than at building permit issuance. Staff were asked to evaluate the financial implications of this change.

The examples below illustrate the potential savings for developers and the funding shortfall the City would either need to cover or accept as lost revenue. These examples do not assume projects qualify for lower fee amounts under the Catalyst Program, as those fees follow different vesting rules.

Example 1: Office project

A proposed 20-story office building with 500,000 square feet would pay an affordable housing fee of \$8,250,000 in 2026, based on a rate of \$16.50 per square foot.

If the design review process takes 18 months and the building permit is issued 12 months later, the City would not collect the 2026 fee amount for 2.5 years. With a 3 percent annual inflation adjustment, the fee rate would increase to \$17.50 per square foot by 2028. At that rate, the same project would owe \$8,750,000 under our current policy.

Vesting the fee at the time of application in 2026 would save the developer \$500,000, but the City would lose that amount in affordable housing revenue.

Example 2: Residential project

A 140-unit residential development with 115,000 square feet would owe \$1,495,000 in fees in 2026, based on a rate of \$13 per square foot.

If the design review process takes 15 months and the building permit is issued 9 months later, the City would collect the fee two years after the initial application. With a 3 percent annual adjustment, the rate would rise to \$13.79 per square foot by 2028, resulting in a fee of \$1,585,850.

This would represent a savings of \$90,850 for the developer and a corresponding loss in affordable housing revenue for the City.

Policy Implications

Allowing early fee vesting would reduce the City's ability to keep pace with inflation and would shift costs from developers to the public. Bellevue has experienced strong development activity under its current policy of assessing and collecting fees at the time of building permit issuance.

Recommendation

If the Council is interested in exploring alternatives, staff recommend a more balanced approach to vest fees at the time of the design review *decision* rather than design review *submittal*. Under this approach:

- Fees would not vest when the land use application is submitted.
- Fees would vest upon issuance of the design review decision and would remain valid for the initial three-year approval period.
- If a project has not submitted a building permit or seeks a design review extension, the fee would be recalculated to reflect the rate in effect at the time of the extension.
- Fees would still be collected at the time of building permit issuance.

Using this approach:

- In Example 1, the City's funding loss could be reduced from \$500,000 to approximately \$250,000.
- In Example 2, the loss could be reduced from \$90,850 to about \$44,850.

This approach links vesting to a meaningful project milestone and helps protect City resources.

Topic 2: Shared-Use Paths

At the May 20 study session, Council expressed support for maintaining a 14-foot corridor width for shared-use paths, rather than reducing it to 10 feet as proposed by the Eastside Housing Roundtable. Council also requested further information on the rationale for the 14-foot standard.

Purpose of the 14-foot shared-use path

Shared-use paths serve as an important corridor option that may be used to delineate a block within the TOD. The recommended 14-foot path is appropriately sized to promote walking and rolling (e.g., biking, scootering, and other wheeled mobility) throughout the district and aligns with Bellevue's and WSDOT's minimum transportation standards for this type of facility.

This path type was added to the LUCA in Fall 2024 in response to stakeholder requests for smaller-scale corridors that provide block definition. These paths may also count toward required open space and help break up large development parcels into shorter, more logical pedestrian routes.

Bellevue's citywide standard for shared-use paths specifies a minimum width of 14 feet, which is necessary for safety and functionality. Although a minimum width of 16 feet may be required where higher user volumes are expected, such as a TOD area, a minimum width of 14 feet is proposed per Council direction. The recommended 14-foot width will ensure that pedestrians, cyclists, and other wheeled users can coexist safely, with enough room for passing and two-way travel, and considers the higher speeds often associated with e-bikes and e-scooters. Reducing the width below minimum

standards would undermine this standard and result in higher incidents of safety concerns. It would increase the risk of collisions, limit accessibility, and reduce the corridor's effectiveness in a high-traffic, transit- and trail-connected environment like Wilburton.

More broadly, reducing the width would undermine the long-term vision for Wilburton as a vibrant, transit- and trail-oriented urban neighborhood. Shared-use paths are intended not only to move people but also to support placemaking, activate the public realm, and enhance connectivity between destinations. The decision to allow shared-use paths to define a block perimeter in Fall of 2024 significantly compromised scale, and narrowing to 10 feet would further exacerbate this compromise. A narrowed path would detract from these goals, diminishing the quality of the pedestrian experience and discouraging the kind of walking, biking, and rolling trips the district is designed to support.

Topic 3: Replacing Local Streets with Non-Motorized Corridors

At the most recent study session, staff recommended retaining the local street map, which would require a public, dedicated right-of-way, including a specified 10-foot sidewalk width. The recommendation also allowed flexibility in the street's location to accommodate site-specific conditions, property ownership, and phasing considerations, ensuring adaptability while maintaining alignment with the overall vision for the street network.

However, during the session, Council directed staff to remove Figure 20.25R.020.C.2 (the local street map) from the LUCA, while retaining the cross-section for local streets that includes a reduced sidewalk width (6 feet) as an optional design choice for developers.

Council then discussed whether the pre-identified local street corridors shown in Figure 20.25R.020.C.2 could be replaced with non-motorized access corridors (which may also serve as required fire lanes). Staff do not recommend replacing local street corridors identified on the map at the last study session with non-motorized access corridors in the same locations. Instead, the LUCA should retain flexibility by allowing block faces to be planned for either motorized or non-motorized access, depending on project needs.

Limitations of pre-determining locations of active transportation corridors

While promoting active transportation is a key planning goal for the TOD, this approach would impose significant limitations on future development flexibility and site functionality. Most future projects within the TOD area are expected to include some level of on-site parking to accommodate employees, residents, visitors, and service vehicles. Additionally, many land uses, such as retail, office, or residential, will generate ongoing vehicular trips for deliveries, ride-hailing, mobility-impaired users, maintenance, and emergency services. Restricting an entire block face, or in some cases multiple block faces, to non-motorized access would severely constrain how projects can manage access and circulation needs.

Topic 4: Flexible Access Corridor Standards

At the most recent study session, staff recommended that the Council incorporate the Planning Commission's option into the final ordinance to require a 47-foot width for flexible access corridors. This configuration would include two vehicle travel lanes, two 5-foot planters (one on each side of the street), and two 8-foot sidewalks.

At the study session, a majority of Council expressed support for the Eastside Housing Roundtable's request to reduce the flexible access corridor width from 47 feet to 37 feet. This would be achieved by narrowing the amenity zone from 5 feet to 4 feet, eliminating the amenity zone on one side of the street, and reducing sidewalk widths from 8 feet to 6 feet. Council requested additional analysis of these trade-offs.

Amenity zones on both sides vs. one side

Staff recommend retaining amenity zones on both sides of the street. This approach supports Wilburton's vision for a sustainable, livable, and pedestrian-oriented district, is consistent with Bellevue's Vision Zero goals, and is supported by NACTO, WSDOT, and AASHTO as reducing the potential for collision between vehicles and pedestrians. Amenity zones, which are typically planted strips between the sidewalk and the curb, serve as critical buffers between pedestrians and moving vehicles. In the absence of on-street parking, loading areas, or other physical separations, amenity zones provide the only barrier between people walking and traffic. This separation enhances both real and perceived safety and significantly supports the City's Vision Zero goals of eliminating traffic-related fatalities and serious injuries.

Amenity zones also reinforce the vision for Wilburton becoming a sustainable district. They provide space for street trees and landscaping that help expand the urban tree canopy, mitigate urban heat island effects, improve stormwater management, and allow space for green stormwater infrastructure. They contribute to an attractive, human-scaled streetscape that encourages walking and improves public life.

From a developer perspective, removing the amenity zone on one side of the street can allow more space for building density and reduce construction and maintenance costs associated with landscaping and infrastructure. While removing one amenity zone may reduce costs and increase flexibility for developers, it would negatively affect safety, pedestrian experience, and sustainability.

Sidewalk width: 8 feet vs. 6 feet

National best practices, including those from NACTO and WSDOT, call for 8- to 12-foot sidewalks and our Downtown standards require 8- to 15-foot sidewalks, with most sidewalks at 10 to 11 feet. With buildings in Wilburton allowed to be up to 450 feet tall, narrower sidewalks are not optimal for scale and may limit usability and reduce the potential for vibrant street life.

Although some developers argue that reducing sidewalk widths could increase housing capacity, other strategies such as building over corridors or maximizing height and floorplates are more effective and less detrimental to the public realm. Removing 2 feet from each sidewalk is unlikely to produce meaningful housing gains but would significantly reduce pedestrian quality.

Topic 5: Upper-Level Building Stepback Incentive

At Council's request, staff have explored an option to incentivize upper-level building stepbacks within the TOD. From a policy perspective, upper-level stepbacks help mitigate the visual and physical impacts of taller buildings on the pedestrian realm, promote a more human-scaled streetscape, and improve access to light and air at ground level.

To support these objectives, staff recommend creating a new amenity incentive that awards 500 bonus points for every 5 feet of stepback provided between a height of 25 feet and the first floor above 55 feet, up to a maximum bonusable stepback depth of 20 feet. This incentive would be available along any required access corridor or existing street within the TOD.

For example, a 20-foot stepback along one corridor would earn 2,000 square feet of bonus floor area. A project that provides stepbacks along two corridors would earn 4,000 square feet. This incentive supports design goals while offering developers a clear benefit.

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. Adopt the Ordinance relating to development in the Wilburton Transit-Oriented Development (TOD) Area within the Wilburton/N.E. 8th Street Subarea; Amending Chapters 20.10 and 20.20 of the Land Use Code (LUC); Amending Chapter 20.25 LUC to include a new Part 20.25R governing Mixed-Use Land Use Districts; Providing support for the development of life science uses; providing for severability; and establishing an effective date.
2. Do not adopt the Ordinance and provide alternative direction to staff.

ATTACHMENTS

- A. LUCA Strike-Draft
- B. Ordinance Amendment Language
Proposed Ordinance 6846

AVAILABLE IN COUNCIL LIBRARY

N/A