

## CITY COUNCIL AGENDA MEMORANDUM

### **SUBJECT**

Ordinance No. 6277 authorizing Downtown Livability Initiative Early Win Code Amendments.

### **FISCAL IMPACT**

The proposed amendments have no direct fiscal impact to the City. These code changes would be administered through the existing Development Services permit review function.

### **STAFF CONTACT**

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### **POLICY CONSIDERATION**

The following policies are from the City's Comprehensive Plan and are organized by proposed amendment. They are specific to the Downtown Livability LUCAs because consideration of the high-rise sign code amendment has been postponed to allow for additional stakeholder engagement.

#### Permitted Uses

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

#### Signage for Publicly Accessible Spaces

- UD-53. Develop and maintain a public signage and wayfinding system throughout the city that reinforces the identity of Bellevue and its distinct neighborhoods.
- POLICY S-DT-50. Develop a comprehensive wayfinding system geared for a range of users (i.e. pedestrians, bicyclists, and automobiles). The system should be built around a set of common design elements, but also includes unique components that vary by Downtown neighborhood as appropriate.

#### Location and Screening of Mechanical Equipment

- UD-29. Integrate rooftop mechanical equipment screening with building architecture.
- POLICY S-DT-33. Minimize potential impacts to pedestrians caused by utility equipment, such as cabinets, within the sidewalk where possible.

#### Street Trees and Planter Strips

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

- POLICY S-DT-40. Enhance the appearance of all types of streets and adjoining sidewalks with street trees, landscaping, water features, pedestrian scaled lighting, street furniture, paving treatments, medians, or other softening treatments as appropriate.
- POLICY S-DT-160. Improve the pedestrian experience by providing street trees and other landscaping in sidewalk construction, especially along the edges of Downtown.

Downtown Boundary Redefinition

- N-13. Update neighborhood area plans consistent with the planning boundaries shown in Map N-1. For any given site, the 2014 subarea plan policies remain in effect until and unless they have been superseded by new planning area boundaries and policies.

Overhead Weather Protection

- UD-34. Provide both weather protection and access to sunlight in pedestrian areas using architectural elements.

Major Pedestrian Corridor Extension

- POLICY S-DT-81. Develop the NE 6th Pedestrian Corridor as a unifying feature for Downtown Bellevue by siting buildings and encouraging uses that add to pedestrian movement and activity.

**DIRECTION NEEDED FROM COUNCIL**

  X   Action (Attachment B: Planning Commission Recommendation as revised in response to Council feedback)

**BACKGROUND**

On October 5, 2015, the City Council approved the DSD/PCD Coordinated Code Amendment Work Program, and the Downtown Livability Amendments were identified as a high priority. The Downtown Livability Early Wins Amendments comprise a subset of the larger Downtown Livability code amendment project. The Early Wins were identified by the Planning Commission for expedited processing because the Citizen’s Advisory Committee recommendation on the topics was unanimous, and the topics were discreet and not complex.

Amendments recommended as Downtown Livability Early Wins will be available for use by developers immediately upon adoption, will provide added code flexibility, will simplify permit review processes, and will enhance livability of the built environment.

The package of Downtown Livability Early Wins includes the following recommended amendments:

- Expand uses allowed in the Downtown and remove redundant processes,
- Require signage for public spaces that are developed to earn amenity bonus points,
- Require mechanical screening to be architecturally compatible and clarify locational preferences,
- Update streetscape landscaping requirements to improve vegetation survival,
- Expand weather protection requirements to improve walkability of Downtown,
- Revise the Downtown definition to align with boundary changes adopted in the Comprehensive Plan Update, and
- Extend the Major Pedestrian Corridor east to 112th Avenue NE.

The Planning Commission voted unanimously to recommend the Downtown Livability Early Wins to the City Council for approval. The transmittal forwarded to the City Council on February 1, 2016 provided detail regarding each of the Early Win Amendments, described the public outreach undertaken and comments received, and presented the Planning Commission recommended ordinance.

At the City Council Study Session, Planning Commission Chair Hilhorst presented the Planning Commission recommendation to the Council. Councilmembers asked questions and made several comments. The code sections identified by grey highlighting include proposed changes to the Planning Commission's recommendation in response to Council comments. Some items in the Planning Commission recommendation have been renumbered or relocated. These non-substantive modifications do not change the intent of the Planning Commission recommendation. For instance, in the Cultural, Entertainment and Recreation Chart, the Planning Commission recommendation had two footnotes that were mistakenly numbered as 5. Only the second Footnote 5 should have been provided as the Planning Commission recommendation. The first Footnote 5 was an earlier version of the footnote that was not recommended by the Planning Commission. The second Footnote 5 was the version of the footnote that was ultimately recommended by the Planning Commission. For the sake of brevity, neither the renumbering nor the non-substantive modifications are described in any further detail below. Responses to the questions posed by the Council, together with code changes where recommended, are set forth below.

**1. Is multi-family housing consistent with the vision of OLB?**

Yes. The vision acknowledges that offices, hotels, and motels are predominate uses. No rush to develop multi-family housing is expected in the Downtown OLB District because neither FAR nor height have been changed with the Planning Commission recommendation.

**2. What is contemplated with the use of the term "Recycling Centers"?**

Recycling centers are generally subordinate uses and are currently defined within the Land Use Code in LUC 20.50.044 (set forth below). Size limits for recycling centers are also provided in LUC 20.20.725. For code clarity, staff added two cross-references to the general provisions governing recycling centers that are located in the definitions section and in a new footnote to the utilities use chart. See below.

LUC 20.50.044 R definitions.

...

**Recycling Center.** A collection point for small refuse items, such as bottles and newspapers, located either in a container or a small structure. Size limits are provided by LUC 20.20.725.

Add Footnote (15) to Recycling Center on the Wholesale and Retail Use Table in LUC 20.25A.440.

(15) A recycling center is allowed as a subordinate use if it is consistent with LUC 20.20.725.

**3. What is the difference between a stand-alone emergency room and a medical clinic?**

A stand-alone emergency room is able to handle comprehensive emergency medical, surgical, and trauma services 24 hours a day, 7 days a week. A medical clinic may provide some of the same

services, but is unlikely to be staffed around the clock and have the necessary equipment for comprehensive emergency medical, surgical, and trauma services.

**4. How is 100% screening of mechanical equipment by vegetation determined?**

This provision was modeled after the citywide provision, LUC 20.20.525.C.4.c that addresses mechanical equipment screening. In the existing citywide provision, vegetation creating a screen must provide a *dense visual barrier* in two years. To more closely follow the citywide provision, LUC 20.25A.045.C.1.b has been revised to use the words “dense visual barrier” rather than “100% screening.” See below.

~~e.b. Vegetation and/or a combination of vegetation and view-obscuring fencing, shall be of a type and size which that will provides a dense visual barrier at least as high as the equipment it screens and will provides 50% screening at the time of planting and 100% screening a dense visual barrier within two-three years from the time of planting; or~~

**5. Exhaust on an “area accessible to the public” seems too broad. What if the exhaust is 100 feet over the plaza or sidewalk or is in a service alley?**

The recommended amendments to LUC 20.25A.045.D have been reorganized for clarity. See below.

D. Exhaust Control Standards

1. Purpose. Where technically feasible, exhaust equipment shall be located so as not to discharge onto a sidewalk, right-of-way, or area designated accessible to the public; including but not limited to a plaza, through-block connection, pedestrian bridge, and minor publically accessible space.

~~a. Exhaust air discharges or outlets shall never be located within 16 feet above finished grade sidewalk, street, easement or other area designated accessible to the public.~~

~~b. Where exhaust discharges or outlets abut a sidewalk or right of way, the discharge must be deflected away from the public space.~~

2. Exhaust Location Order of Preference. Mechanical exhaust equipment shall be located and discharged based on the following order of preference:

- a. On the building roof,
- b. On the service drive, alley, or other façade that does not abut a public street, sidewalk or right-of-way,
- c. Located above a driveway or service drive to the property such as a parking garage or service court, or
- d. Location that abuts a public street or easement, provided that the exhaust discharge is not directly above an element that has earned FAR Amenity Incentive System points, such as a public plaza.

3. If mechanical exhaust equipment is located as provided in LUC 20.25A.045.D.2.c or d, then it shall be deflected from such public space and located at least 16 feet above finished grade, street, easement or other area designated accessible to the public.

34. Exhaust outlets shall not be allowed to discharge to an area that has earned FAR Amenity Incentive System points, such as a public plaza.

#### E. Modifications

The location and screening of mechanical equipment and exhaust systems is subject to review and approval at the time of land use review. The Director may allow modifications to the requirements in this section if the applicant demonstrates that the alternate location or screening measures provide an equal or better result than the requirements of this section.

#### **6. Can pavers be used over portions of the tree pits?**

Yes. The recommended amendments to LUC 20.25A.060.A.1.d have been modified to allow pavers. See below.

#### d. Planter Strips and Tree Strips

- ~~e. Planter strips shall be at least 5 feet wide and tree pits shall be at least 5 feet wide by 10 feet long.~~ Planter strips shall be at least 5 feet wide and as long as the street frontage, excluding curb cuts, driveways and spacing for utilities. Planter strips and tree pits shall be located adjacent to the curb between the street improvement and the walkway or sidewalk unless precluded by existing utilities which cannot be reasonably relocated. The width of the planter strip or tree pit shall be included in the total width of the sidewalk above. Tree pits may shall be covered with protective grate or pavers.

#### **7. Downtown Boundary Definition**

The most recent legal description for the Downtown Boundary Definition was not in the packet provided to the Council for its Study Session on February 1, 2016. It has been replaced with the most recent legal description. As requested, a map has also been included in the definition as well. See Attachment A.

#### **8. Footnote 4 in the Services Use Chart.**

This was not a change suggested by the Council, but a change that should have been made in the Planning Commission Recommendation because the Planning Commission voted to support a 2,000 square foot limitation on some services uses located in the Downtown residential district rather than a 1,500 square foot limitation.

Amend Footnote (4) on the Services Use Table

(4) Limited to a maximum of ~~1,500~~ 2,000 gross square feet per establishment.

9. Marijuana Production, Marijuana Processing. Other Horticultural Specialties: Medical Cannabis Collective Gardens, and Footnote 4 were inadvertently omitted from the Resources Chart. All three uses are prohibited Downtown, but should be included in the Downtown Resources Use Chart.

| STD<br>LAND<br>USE<br>CODE<br>REF | LAND USE<br>CLASSIFICATION  | Down-<br>town<br>Office<br>District<br>1 | Down-<br>town<br>Office<br>District<br>2 | Down-<br>town<br>Mixed<br>Use<br>District | Down-<br>town<br>Residential<br>District | Down-<br>town<br>Old<br>Bellevue<br>District | Downtown<br>Office<br>and<br>Limited<br>Business<br>District |
|-----------------------------------|---|--|--|---|--|--|--|
|                                   |   | DNTN<br>O-1                              | DNTN<br>O-2                              | DNTN<br>MU                                | DNTN<br>R                                | DNTN<br>OB                                   | DNTN<br>OLB  |
| 8                                 | Resource Production<br>(Minerals, Plants, Animals<br>Including Pets and Related<br>Services)          |  |  |   |  |  |  |
| 81                                | Agriculture, Production of<br>Food and Fiber Crops,<br>Dairies, Livestock and Fowl,<br>Excluding Hogs |  |  |   |  |  |  |
|                                   | Marijuana Production  |  |  |   |  |  |  |
|                                   | Other Horticultural<br>Specialties: Medical<br>Cannabis Collective Gardens<br>(4)                     |  |  |   |  |  |  |
| 821                               | Agricultural Processing   |  |  |   |  |  |  |
|                                   | Marijuana Processing  |  |  |   |  |  |  |

(4) Medical cannabis collective gardens are prohibited in Bellevue.

**EFFECTIVE DATE**

If approved, this Ordinance shall take effect on March 15, 2016.

**OPTIONS**

1. Adopt the Ordinance as recommended by the Planning Commission and revised to respond to Council feedback. (Attachment B)
2. Decline to adopt the proposed Ordinance and provide staff with alternate direction.

**RECOMMENDATION**

Option 1.

**MOTION**

Move to adopt Ordinance No. 6277 as recommended by the Planning Commission and revised to respond to Council feedback.

**ATTACHMENTS**

- A. Downtown Boundary Definition legal description and map

B. Ordinance No. 6277 as recommended by the Planning Commission and revised to respond to Council feedback.