

City of  
Bellevue



## *Planning Commission Study Session*

March 2, 2017

### **SUBJECT**

Downtown Livability Land Use Code Update – Public Hearing

### **STAFF CONTACTS**

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### **DIRECTION NEEDED FROM PLANNING COMMISSION**

☐ Action  
☒ Discussion  
☒ Information

### **BACKGROUND**

Over the past 18 months, the Planning Commission has been reviewing and further refining recommendations from the Downtown Livability Citizen Advisory Committee (CAC). The Draft Downtown LUC (Land Use Code) Update currently before the Planning Commission represents the second installment of code amendments necessary to advance the Downtown Livability Initiative following adoption by Council of the “Early Wins” code amendments in March 2016.

### **DISCUSSION**

On February 8, 2017 the Commission provided direction to staff to ready the draft Downtown LUC Update for a March 8, 2017 public hearing. The draft code amendment would update Bellevue’s Downtown Land Use Code, Part 20.25A. Notice of the SEPA threshold determination and notice of public hearing on the Draft Downtown LUC Update was published on February 16, 2017 in the City’s Weekly Permit Bulletin, and sent to stakeholders.

Tonight, on March 8, 2017, the Planning Commission will hold a public hearing on the Draft Land Use Code Update dated February 16, 2017. Following the hearing, and at subsequent Commission sessions, the Planning Commission will be asked to finalize the Draft Downtown LUC Update and transmit its recommendation to the City Council for final review and approval.

This Planning Commission packet includes the Public Hearing Staff Report and Draft Downtown Land Use Code Update for reference (draft dated February 16, 2017). Changes made to the Land Use Code following the February 8 Planning Commission meeting are indicated in the February 16 draft in strike/underline format for ease of review. Also included in the packet as Attachment 3 is an Errata Sheet that itemizes technical errors and associated corrections applicable to the February 16, 2017 Draft Land Use Code Update published for public hearing.

#### Public Comment on the Draft Land Use Code Update

The Public Hearing is an opportunity for stakeholders to provide comment on the Draft LUC Update that is included with this memorandum as Attachment 2. Since the draft was originally released in November 2016, it has gone through several iterations and refinements. The Planning Commission has welcomed public comment as they have considered the draft code in preparation for the Public Hearing on March 8, 2017. At this point, there are several outstanding issues that are still being discussed by the Planning Commission.

The Planning Commission will be asked to finalize the Draft LUC Update following the Public Hearing, and will be considering stakeholder requested changes to the draft code as part of its deliberations. In addition to comments on the draft code, the Planning Commission has expressed an interest in receiving feedback on the outstanding issues that are described in Section VI of the Staff Report that is included with this memorandum as Attachment 1. The Planning Commission also expressed an interest in receiving feedback on code changes that it discussed during the March 1 Study Session. The changes to the Public Hearing Draft code discussed by the Planning Commission are summarized below.

1. Set the new base FARs at 90% of the new maximum FARs. The Public Hearing Draft code currently sets the new base FARs at 85% of the current maximum FARs. Refer to LUC 20.25A.060.A.4.
2. Allow administrative approval of the Flexible Amenity by the Development Services Director. The Public Hearing Draft code currently requires that the flexible amenities be approved by the City Council. Refer to LUC 20.25A.070.D.4 Amenity 18.
3. Provide an option for a project to apply for a “super bonus” of additional FAR or height beyond the maximums through a Development Agreement approved by the City Council. The Public Hearing Draft code currently provides a transferable bonus for construction of the Pedestrian Corridor or Major Public Open Space. Refer to LUC 20.25A.070.F.
4. Advance the Affordable Housing FAR Exemption in the Downtown Livability code package. The Public Hearing Draft code currently defers inclusion of the affordable housing exemption pending conclusion of the Citywide Affordable Housing Technical Advisory Group work. Refer to LUC 20.25A.070.C.2.
5. Provide additional height flexibility in the A-1 perimeter overlay district, specifically allowing projects to reach 70 feet in the A-1 Overlay District. The Public Hearing Draft code currently allows a maximum building height of 40 feet for nonresidential buildings and 55 feet for residential buildings. Refer to LUC 20.25A.060.A.4.
6. Remove the 40 foot required setback from internal property lines and retain the 20-foot separation imposed by the existing land use code. In the alternative, if the 40-foot setback were retained, a

greater range of modifications to the tower setback requirement could be provided. The Public Hearing Draft code imposes a 40-foot tower setback above 45 feet from interior (side and rear) property lines located at the perimeter of a project limit. Refer to LUC 20.25A.060.A.4. A reduction to 20 feet is allowed for parcels that are less than 30,000 square feet in size. Refer to LUC 20.25A.060.B.4.

7. Reduce the fee-in-lieu exchange rate to match the bonus amenity exchange rate. The Public Hearing Draft code currently values the FAR exchange rate at \$25 if the amenity is provided on-site as a component of the proposed development. Developers wanting to pay a fee-in-lieu of providing on-site amenities would pay an FAR exchange rate of \$28 under the terms of the Public Hearing Draft code. Refer to LUC 20.25A.070.D.2.c.
8. Allow modification of required parking ratios through an administrative departure approved by the Development Services Director based on a technical study. This modification of required parking ratios is a flexibility amendment currently included in the Public Hearing Draft code. Refer to LUC 20.25A.080.H.

The full set of materials published on February 16, 2017 may be accessed at:

[https://planning.bellevuewa.gov/UserFiles/Servers/Server\\_4779004/File/Planning%20and%20Community%20Development/Planning%20Commission/2017/20170308\\_PC\\_Packet.pdf](https://planning.bellevuewa.gov/UserFiles/Servers/Server_4779004/File/Planning%20and%20Community%20Development/Planning%20Commission/2017/20170308_PC_Packet.pdf)

The Weekly Permit Bulletin may be accessed at:

[https://development.bellevuewa.gov/UserFiles/Servers/Server\\_4779004/File/pdf/Land%20Use/02-16-17-Weekly-Permit-Bulletin.pdf](https://development.bellevuewa.gov/UserFiles/Servers/Server_4779004/File/pdf/Land%20Use/02-16-17-Weekly-Permit-Bulletin.pdf)

## **ATTACHMENTS**

1. Public Hearing Staff Report
  2. Draft Downtown LUC Update (dated February 16, 2017)
  3. Errata Sheet in Reference to February 16, 2017 Draft Code
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NOTE: Attachments have been provided in earlier study sessions.