

CITY COUNCIL STUDY SESSION ITEM

SUBJECT

Continued consideration of the Downtown Livability Land Use Code Amendments, Land Use Code Part 20.25A – Meeting 4.

STAFF CONTACTS

Carol Helland, Code & Policy Director, 452-2724

Patricia Byers, Code Development Manager, 452-4241

Development Services Department

Mac Cummins AICP, Director, 452-6191

Emil A. King AICP, Strategic Planning Manager, 452-7223

Planning and Community Development

POLICY ISSUES

How to allow Downtown Bellevue to grow in a way that is not negatively impactful while better aligning the Downtown Land Use Code with the Downtown Subarea Plan and its vision for a dense, mixed-use urban center with a range of complementary land uses, high pedestrian orientation, urban amenities, and variety of unique public places. Part 20.25A of the Land Use Code implements the policy direction of the Downtown Subarea Plan. This is the first comprehensive update of the Downtown Land Use Code since its original 1981 adoption. The Downtown Subarea Plan was updated substantially in 2004 through the Downtown Implementation Plan.

DIRECTION NEEDED FROM COUNCIL

ACTION

☐

DIRECTION

☒

INFORMATION ONLY

☐

Tonight is the fourth in a series of study sessions for the Council to consider the Planning Commission's recommendations for updating the Downtown Land Use Code. Staff will seek City Council direction on an Ordinance that will meet the goals of the City Council. No formal action is requested tonight. This work is intended to support Council review of the Planning Commission recommendation, identify areas where modifications to the Planning Commission recommendation are desired, and to move toward Council adoption.

BACKGROUND/ANALYSIS

On June 26, the Planning Commission's recommended update to the Downtown Land Use Code was presented to Council. Following that presentation, Council identified areas of the code that they were interested in reviewing in greater detail. A list of these topic areas is summarized in the Memory Book that is included with this memorandum as Attachment A.

On July 10 and July 17, the City Council reviewed code topics and provided some initial direction as highlighted in the Memory Book. On September 5, Council will continue its review of identified topics

to provide staff direction for drafting an Ordinance. Council adoption of the full Downtown Code Update package is tentatively scheduled for October 2, pending input on issues tonight.

The suggested topics for discussion on September 5 are summarized in the table below, and detailed in Attachment B. The Planning Commission's recommended Downtown Livability LUCA with Council direction as of July 17 is included as Attachment C.

Proposed Council Meeting Schedule

	Council Meeting Date and Topics
<input checked="" type="checkbox"/>	<u>Meeting 1: June 26 – Study Session</u> <ul style="list-style-type: none"> • Formal transmittal of recommended Land Use Code Amendments from Planning Commission to City Council
<input checked="" type="checkbox"/>	<u>Meeting 2: July 10 – Study Session</u> <ul style="list-style-type: none"> • Downtown transportation analysis • Tower separation and tower setbacks • Downtown parking flexibility • Small site exceptions and deviations
<input checked="" type="checkbox"/>	<u>Meeting 3: July 17 – Study Session</u> <ul style="list-style-type: none"> • Floor plate reduction and open space requirement with added height • Affordable housing FAR exemption
	<u>Meeting 4: September 5 – Study Session</u> <ul style="list-style-type: none"> • Tower setbacks between projects • Floor plate reduction when buildings exceed trigger height, and additional information on larger floor plates • Downtown Office Limited Business District (DT-OLB) density and design • Affordable housing code flexibility • Accessibility and use of alleys • Downtown boundary linear buffer • Use of in-lieu fees for parks • Wrap-up of minor topics
	<u>Meeting 5: September 18 – Study Session</u> <ul style="list-style-type: none"> • Continued Council discussion of Sept 5 meeting topics, if needed, and review of final code package
	<u>Meeting 6: October 2 – Regular Session (date proposed)</u> <ul style="list-style-type: none"> • Final Council Adoption

SUMMARY OF RECOMMENDATIONS AND OPTIONS FOR COUNCIL CONSIDERATION

No final action on the recommended code amendment is requested tonight. Staff requests direction on whether to prepare modifications to the Planning Commission's recommended code pertaining to previously identified Council follow-up items. As discussed in greater detail in Attachment B, the following is a summary of the staff recommendations and options for Council consideration as applicable.

September 5 Council Meeting: Code Topics and Status	Staff Recommendations and Options for Council Consideration
1. Tower setbacks between projects	
STATUS: On July 17, Council confirmed the Planning Commission's recommendation for 60-foot tower separation within a project limit and 20-foot tower setbacks from internal property lines. At that time, Deputy Mayor Chelminiak noted that he may wish to further discuss tower setbacks between projects within a Downtown block or superbblock.	<p>OPTIONS: If Council were to choose to include provisions for 60-foot tower spacing both within a project limit as well as between parcels that are not within the same project limit, there are generally two approaches in addition to retaining the Commission's recommendation below.</p> <ol style="list-style-type: none"> 1. Provide deference to first-in development so 60 feet of ultimate tower separation between projects would occur as 25 feet for the first tower and 35 feet for the second tower, or alternatively 20 feet for the first tower and 40 feet for the second tower. 2. Increase tower setbacks from internal property lines from 20 feet to 30 feet, applied evenly to adjacent properties for 60 feet total. 3. Retain Commission's recommendation for 20-foot tower setbacks from internal property lines.
2. Floor plate reduction when buildings exceed trigger height, and additional information on larger floor plates	
STATUS: On July 17, Council began a discussion of floor plate reductions when buildings exceed the trigger height, but did not conclude their recommendation pertaining to nonresidential buildings. Council also directed Staff to bring back additional information concerning where larger floor plates are recommended and provide insight about market demand for different size floor plates.	<p>STAFF RECOMMENDATIONS:</p> <ol style="list-style-type: none"> 1. Maintain Planning Commission's recommended 10 percent floor plate reduction for nonresidential development in the DT-MU and DT-MU Civic Center Districts. 2. 15 percent floor plate reduction in the DT-O-1 and DT-O-2 Districts for nonresidential development that allows for floor plates of 20,400 square feet above the trigger height. The Planning Commission recommended that Council explore floor plate reductions between 10 percent and 25 percent for nonresidential development across Downtown. <p>Note: DT-OLB floor plate reductions are covered below.</p>

September 5 Council Meeting: Code Topics and Status	Staff Recommendations and Options for Council Consideration
3. Downtown Office Limited Business District (DT-OLB) density and design	
<p>STATUS: On June 26, Council indicated an interest in discussing density and design issues relating to the recommended code changes in the Downtown OLB Districts. Staff has reviewed floor plate sizes, issues regarding east-west permeability to avoid a “walling off” of Downtown, and other related stakeholder requests made to Council.</p>	<p>STAFF RECOMMENDATIONS:</p> <ol style="list-style-type: none"> 1. Allow 25 percent floor plate increase in the DT-OLB Central District between 80 and 150 feet of building height with required continuous east-west building separation above 40 feet and no negative impact on access to light and air, or privacy. Commission recommended this provision for the DT-OLB South District only in their transmittal. 2. Based on Council interest in preventing the “walling off” of Downtown, add a 125-foot maximum north/south façade length above 80 feet in addition to the building separation requirements, above. 3. Use a 10 percent floor plate reduction above the trigger height. This would apply to the nonresidential trigger height of 115 feet and residential trigger height of 230 feet in the DT-OLB Central and South Districts. 4. Discussion of potential additional density bonuses in the DT-OLB Central District should await the planned 2018 code updates to implement the Grand Connection Framework Plan currently being developed.
4. Affordable housing code flexibility	
<p>STATUS: The Planning Commission provided a placeholder in their recommended Land Use Code for a 1.0 FAR exemption to be used towards affordable housing. On July 17, Staff recommended a ratio of 2.5 market units for every 1 affordable unit at 80 percent Area Median Income (AMI) in Downtown to comprise the 1.0 FAR affordable housing exemption. Based on stakeholder input later in the meeting on July 17, Council asked for Staff review of potential dimensional standard flexibility to be used by a developer in combination with the affordable housing FAR exemption.</p>	<p>STAFF RECOMMENDATIONS:</p> <ol style="list-style-type: none"> 1. Provide code flexibility for projects participating in the affordable housing FAR exemption as follows: <ol style="list-style-type: none"> a. Reduced minimum parking ratio of 0.5 stalls per unit for affordable studio and one-bedroom units located in participating projects. b. Increase maximum lot coverage by five percent in Perimeter Overlay Districts A-1, A-2, A-3, B-1, and B-2, where it is currently 75 percent. c. Decrease the upper level stepback requirements by a maximum of five feet. Currently at 15-20 feet depending on street.

September 5 Council Meeting: Code Topics and Status	Staff Recommendations and Options for Council Consideration
5. Accessibility and use of alleys	
<p>STATUS: On June 26, Council requested additional information on the topic of accessibility and use of alleys. The example most often cited are private streets that have sidewalks and allow for pedestrian movement, but also have considerable “back of house” functions such as mechanical equipment, site servicing, or solid waste receptacles that can impede pedestrian and vehicle passage.</p>	<p>STAFF RECOMMENDATION:</p> <ol style="list-style-type: none"> 1. Adopt the code provisions as recommended by the Planning Commission. Revised sidewalk standards and design guidelines address many of the concerns. In addition, the Utilities Department, which administers the contract with Republic Services, will be promulgating rules that will be incorporated by reference into the Land Use Code.
6. Downtown boundary linear buffer	
<p>STATUS: On June 26, Council requested more information on the Downtown linear buffer and the amendments to the measurement of the buffer. The 20-foot linear buffer is intended to provide a transition from Downtown to the adjacent residential neighborhoods. The Planning Commission recommended elimination of the buffer in the Perimeter Overlay A-3 on the southeast corner of Downtown and a reduction of the buffer in the Perimeter Overlay A-2. The Planning Commission also recommended measuring the linear buffer from the back of curb rather than the back of sidewalk in the Perimeter Overlay A-2.</p>	<p>STAFF RECOMMENDATION:</p> <ol style="list-style-type: none"> 1. Consistent with the Commission recommendation, adopt the code provisions that eliminate the Downtown buffer in Perimeter Overlay A-3. It is reasonable because the tunnel portal park will be located across the street. 2. Staff has analyzed available parcels for redevelopment on the north, west and south edges of Downtown where the back of curb would function as the starting point for measuring the linear buffer, and recommends adoption of the Commission’s recommended code language.
7. Use of in-lieu fees for parks	
<p>STATUS: On June 26, Council requested more information on the use of amenity incentive system in-lieu fees for parks. The Planning Commission’s recommendation states that “in-lieu fees collected by the City shall be placed in a dedicated account and used exclusively for the acquisition or improvement of publicly accessible open space within Downtown.” This would allow in-lieu fees to be used for acquisition or improvement of City park facilities as well as for other publicly accessible open spaces. The Amenity Incentive System also allows for park land donation or developer construction of improvements to City-</p>	<p>STAFF RECOMMENDATION:</p> <ol style="list-style-type: none"> 1. Retain the Planning Commission’s language for use of in-lieu fees. It provides flexibility for the fees to be used for park facilities as well as for other publicly accessible open spaces at the City’s discretion. If Council wished to be more directive, the language could be changed to focus solely on acquisition or improvement of City park facilities.

September 5 Council Meeting: Code Topics and Status	Staff Recommendations and Options for Council Consideration
owned park facilities as bonusable amenities.	
8. Wrap-up of minor topics	
a. Vesting	
<p>STATUS: The topic of vesting of applications under the current Land Use Code was raised by developers, but not discussed by the Planning Commission. This was not identified as a topic that needed to be codified into the Land Use Code. Instead, Staff recommend that the topic of vesting of applications currently in review under provisions of the Land Use Code in effect prior to the Downtown Livability Update be addressed as a section of the ordinance.</p>	<p>STAFF RECOMMENDATIONS:</p> <ol style="list-style-type: none"> 1. Complete applications will continue to be reviewed under the prior code. Vested status of a land use application under the prior code shall expire on July 1, 2019, unless a complete Building Permit application is filed before the end of the two-year term. 2. The vested status of a land use permit or approval issued prior to the adoption of this Downtown Code Update shall be governed pursuant to the terms of LUC 20.40.500.B
b. Sustainability Certifications	
<p>STATUS: The Master Builders Association (MBA) has requested that the Built Green Certifications be included in the Tier 2 amenities and in the “open space” amenities as defined in the Amenity Incentive System or moved to the Flexible Amenity. The reason for this request is to balance the increased risk and cost for green projects with the number of amenity points.</p>	<p>STAFF RECOMMENDATION:</p> <ol style="list-style-type: none"> 1. Leave Built Green-5 Star in Tier 1 and Built Green-4 Star Certification in Tier 2 of the Sustainability Certifications in the Amenity Incentive System. Applicant may apply for a Flexible Amenity in extraordinary situations.
c. Open Space Provisions	
<p>STATUS: Council requested more information on how the open space provisions worked together in the new code. Open space is addressed in the amenity incentive system, minor publicly accessible spaces, open space required when a building exceeds the trigger height, and in the Major Pedestrian Corridor and Major Public Open Spaces provisions. Open space is further refined by the new design guidelines, which are found in Attachment C at LUC 20.25A.150 to 20.25A.180. These design guidelines will help to create better open spaces Downtown.</p>	<p>STAFF RECOMMENDATION:</p> <ol style="list-style-type: none"> 1. Retain the Planning Commission’s recommended open space provisions which provide both mandatory and optional mechanisms to encourage open space in Downtown. The new design guidelines encourage a better quality of open space by addressing characteristics like solar access, uses allowed in open space, and locating towers away from open space. Consistent with the Downtown Subarea Plan, these provisions help to make Downtown more livable.

ATTACHMENTS

- A. Memory Book
- B. Council Topics for Follow-Up: Staff Recommendations and Options for Council Consideration
 - 1. Tower setbacks between projects
 - 2. Floor plate reduction when buildings exceed trigger height, and additional information on larger floor plates
 - 3. Downtown Office Limited Business District (DT-OLB) density and design
 - 4. Affordable housing code flexibility
 - 5. Accessibility and use of alleys
 - 6. Downtown boundary linear buffer
 - 7. Use of in-lieu fees for parks
 - 8. Wrap-up of minor topics
- C. Downtown Livability LUCA with Council Direction as of July 17

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

N/A