

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Study Session

September 5, 2017  
6:00 p.m.

Council Conference Room  
Bellevue, Washington

PRESENT: Mayor Stokes, Deputy Mayor Chelminiak, and Councilmembers Lee<sup>1</sup>, Robertson, Robinson, and Simas

ABSENT: Councilmember Wallace

1. Executive Session

The meeting was called to order at 6:06 p.m., with Mayor Stokes presiding. There was no Executive Session.

2. Study Session

- (a) Continued consideration of the Downtown Livability Initiative Land Use Code Amendments, Land Use Code Part 20.25A

City Manager Brad Miyake said this is the fourth discussion regarding the Downtown Livability Initiative Land Use Code Amendments. The Planning Commission presented its recommendations to the Council during the June 26 Extended Study Session, and subsequent discussions were held on July 10 and July 17.

Mac Cummins, Director of Planning and Community Development (PCD), said staff is seeking Council direction on the eight remaining issues related to the Downtown Livability LUCAs.

Emil King, Strategic Planning Manager, noted the eight topical areas from the memory book list developed through the series of Council discussions. He said additional discussion is scheduled for September 18, if needed, and staff requests Council adoption of the LUCAs on October 2. Mr. King recalled that certain items identified as early wins were adopted in 2016.

Mr. King recalled the July 17 discussion regarding tower separation. He said there was initial Council direction to move forward with the 60-foot tower separation requirement within a single property. However, he said the Deputy Mayor requested additional options to discuss.

---

<sup>1</sup> Councilmember Lee arrived at 6:14 p.m.

Mr. King summarized staff's options for Council consideration: 1) deference to first-in development, with a 60-foot tower separation between projects (25 feet for the first tower and 35 feet for the second tower, or 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 a total of 60 feet; or, 3) retain the Planning Commission's recommendation for a 20-foot tower setback from internal property lines.

Mr. King presented a graphic discussed on July 17, which depicted an example of development assuming a 60-foot separation between towers within the same project and an example of a 20-foot setback for separate projects. He presented aerial views of existing Downtown buildings including the Avalon on NE 10<sup>th</sup> Street, Washington Square, and the PSE/Summit Building. Mr. King said the Downtown is approximately 60 percent built out in terms of development capacity.

*[Councilmember Lee arrived at 6:14 p.m.]*

Responding to Mayor Stokes regarding existing development, Mr. King said that, on blocks where a single property owner builds two towers, there can be up to 80-100 feet of separation between towers. However, the tower separation regulations currently under consideration will help guide future development, especially for smaller properties.

Councilmember Robertson questioned whether staff conducted a massing study of the areas available for development, using maximum FAR and building height, and the narrowest tower separation possible. Mr. King said staff has not modeled every block, and many assumptions go into how properties are assembled. He opined that there might be cases of mid-sized parcels (1.5 acres to 2 acres) where it would be difficult to place a tower next to existing towers.

Ms. Robertson stated her understanding regarding development in Seattle, which is there can be a rush to be the first to build, and if you are not, you can be in an unfavorable position. Mr. King said the situation may vary depending on whether the development is office or residential, which guides the size of the floorplates.

Councilmember Robertson said she is comfortable with the Planning Commission's recommendation.

Deputy Mayor Chelminiak noted the possibility for a distance as short as 40 feet between the inside of residential units in high-rise towers. He wondered whether there would be a way to have only parts of the building closer together.

Councilmember Simas noted his interest in fairness regarding tower separation between projects. He said he has not heard a convincing argument for the 40-foot versus 30-foot separation. He is open to considering a 30-foot separation but does not think first-in development should necessarily have an advantage. He observed that the goal is to promote urban development that retains a sense of openness. Mr. Simas said he would consider a split of 25 feet for the first tower and 35 feet for the second tower, as long as the total distance is approximately 60 feet.

Responding to Councilmember Robinson, Mr. King said building podiums may be built to the property line, but towers typically do not extend to property lines.

Responding to Mayor Stokes, Mr. King said Downtown rights-of-way are typically 60 feet, and many have sidewalks with a minimum width of 20 feet. Mr. King said the distance between two buildings across the street from each other is generally 80-100 feet.

Councilmember Lee said he appreciated the different perspectives in the discussion. However, he believes that developers know what works best based on their experience. He said the Planning Commission studied and discussed the proposed amendments extensively. He concurred with Councilmember Robertson's support of the Commission's recommendation.

Mayor Stokes said he is not as comfortable with the Commission's recommendation. Mr. King said most of the Planning Commission's discussion was about tower separation within a single project/parcel, and not about tower setbacks between projects. The 80-foot separation originally discussed with the Commission caused concerns with the development community. Mr. King said the Commission ultimately supported 20-foot tower setbacks.

Deputy Mayor Chelminiak concurred with Councilmember Robertson's suggestion to analyze the potential massing of development. Mr. Chelminiak questioned whether, with FAR and other regulations, it would be possible to achieve a minimum distance of 40 feet. However, he acknowledged that certain Councilmembers would rather consider a distance closer to 60 feet. He expressed an interest in seeing what development might occur with the 60-foot separation. Mr. Chelminiak suggested further analysis and public input before making a decision.

Mr. Cummins noted that the issue of how much mass can be achieved is a function of the parcel size, while tower placement is a function of the developer's choice. He said two properties could be developed, neither of which might achieve the maximum building height. However, their relationship to each other is independent of each other and may achieve 40 feet spacing in any scenario.

Councilmember Robertson opined that the described scenario is unlikely because developers want to place their towers for maximum development capacity. With regard to the distance between the inside of residential units, she said the distance can be relatively close between single-family homes as well. She suggested that the distance is less likely to be an issue because the floorplates for residential development can be smaller and the towers can be narrower. Ms. Robertson said office towers might be more likely to be closer together than residential buildings.

Mr. Cummins said most developers will not intentionally place buildings too close together. There is a public policy objective in trying to decide the minimum tower separation in the event that a developer chooses to do so. Mr. Cummins said the question for the Council is whether to create a requirement or to continue to rely on the development community to self-regulate in this area.

Responding to Councilmember Robertson, Mr. King said the closest distance between existing towers is approximately 55 feet within a single project, and there are no current regulations on tower spacing. Mr. Robertson suggested that, if the Council modifies the Planning Commission's recommendation, her preference would be a change that applies to residential buildings versus office buildings. She believes it is unlikely to be an issue with residential buildings, however, due to the smaller floorplates and narrower towers.

Councilmember Robinson said she has heard from Downtown residents that the proximity of buildings affects their quality of life. She said this is a sensitive issue. Perhaps the City should explore more ways to address concerns regarding residential development without impinging on development rights. She said she is leaning toward option 2 presented by staff, which is to increase tower setbacks from internal property lines from 20 feet to 30 feet, applied evenly to adjacent properties for a total of 60 feet. However, she acknowledged the nuances reflected in this issue.

Mr. Cummins summarized his understanding that Councilmembers are interested in differentiating between residential and office development with regard to tower spacing from internal property lines. He said that approach is one option, and he questioned the additional information requested by the Council to advance discussion on that approach.

Deputy Mayor Chelminiak said there are Councilmembers interested in considering the 60-foot separation between residential towers. He would defer the decision regarding office towers until the City hears from the development community.

Responding to Ms. Robertson, Mr. Cummins confirmed that, based on tonight's discussion, staff would come back for further discussion of a 30-foot setback from internal property lines for residential towers and the Commission's recommended 20-foot setback for office projects.

Councilmember Robertson observed that a majority of the Council favors that option, which she could support. However, she believes the 20-foot setback would not be an issue for residential towers due to the narrower buildings.

Councilmember Lee observed that developers will know what to do to ensure that buildings are marketable. He said the City cannot prescribe what individuals prefer in terms of separation with both residential and office development. He concurred with Ms. Robertson that similar distances occur between single-family homes. Mr. Lee reiterated that the Planning Commission and development community studied the issues extensively in reaching the Commission's recommendation.

Mayor Stokes summarized the Council's interest in the 20-foot tower setback for office development and 30-foot setback for residential developments.

Mr. Cummins said if someone chose to build a commercial building, it would be 20 feet from the property line. If someone chose to build a residential tower, it would be 30 feet from the property

line. That would result in a scenario in which the towers are 50 feet apart due to the difference of uses.

Responding to Councilmember Robertson, Mr. Cummins said the distance would be 60 feet between two residential towers.

Moving on, Mr. King recalled the Council's discussion on July 17 regarding the floor plate reduction for exceeding the building trigger height. The Planning Commission recommended a 10-percent reduction for residential projects. The Commission suggested that the Council have further discussion on non-residential or office projects to consider a floor plate reduction of 10 percent to 25 percent.

Mr. King recalled that staff presented information to the Council on July 17 regarding this issue for non-residential development in the DT-MU (mixed use) and DT-MU Civic Center districts. Staff recommended not exceeding the Commission's recommendation of a 10-percent floor plate reduction. Following further study of the DT-O-1 and DT-O-2 districts for non-residential development, Mr. King said staff supports a 15-percent floor plate reduction.

Responding to Councilmember Robertson, Mr. King said it is possible that the recommendations could result in floor plates less than 20,000 square feet. Ms. Robertson said she can support the Commission's recommendation if the regulations reflect that non-residential development would not be required to develop floor plates smaller than 20,000 square feet. She said many technology companies require a minimum floor plate size of 20,000 square feet. Ms. Robertson said she wants developers to be able to build towers that are feasible, functional, and meet the market niche. She expressed concern that smaller floor plates would not result in the City's desired building designs and tenants.

Responding to Mayor Stokes, Mr. Cummins said Ms. Robertson is referencing the MU zoning district. Mr. Cummins said the reductions under consideration apply to all Downtown districts. However, concerns have been raised regarding the MU district only. He said there have been questions about how to average, whether the wedding cake design dictates development, and other issues. Mr. Cummins said staff could work through those issues because he feels the City has received positive responses to the business concerns on all of the other questions. He suggested revisiting the MU discussion to consider the 20,000 square-foot minimum floor plate for office development.

Mr. King described examples of buildings and their trigger heights requiring 10-percent open space and a reduction in floor plate size. Options are that the floor plate could occur at the trigger height or the floor plates above the 80-foot height could be averaged.

Responding to Ms. Robertson, Mr. King described examples of development provided in the presentation reflecting the 15-percent floor plate reduction.

Responding to Councilmember Lee, Mr. King said he did not have a comparison of the 10-percent versus 15-percent floor plate reduction in the presentation. However, Mr. King recalled

the July 17 discussion, which reflected a potential range of 5 feet to 25 feet with a 15-percent floor plate reduction.

Responding to Councilmember Robertson's earlier comments, Mr. King described a DT-MU example of development with a trigger height of 115 feet and a floor plate reduction of 10 percent. In further response, Mr. King confirmed that the maximum floor plate size in the DT-MU district is 20,000 square feet for non-residential development.

Ms. Robertson expressed concern about floor plates smaller than 20,000 square feet for non-residential towers. Mr. King said planning and economic development staff worked together and determined that 18,000 square feet is the minimum viable floor plate. He said certain stakeholders expressed an interest in floor plates up to 30,000 square feet, which occur in the South Lake Union area of Seattle. Mr. King said certain zones in the BelRed corridor have provisions for floor plates up to 28,000 square feet for building heights of 125 feet to 150 feet.

Councilmember Robertson reiterated her preference for allowing a minimum floor plate size of 20,000 square feet for non-residential development, based on input she has received from the development and business community.

Councilmember Lee concurred with Ms. Robertson. Mr. Lee questioned whether a 20,000 square foot minimum would allow developers to meet their goals. Mr. King said staff concurs with the Planning Commission's recommendation of a 10-percent floor plate reduction triggered by building height. The recommendation includes flexibility for averaging floor plates down to the 80-foot building height. Mr. King noted that a minimum floor plate of 20,000 square feet is a competing policy objective with the Planning Commission's objective that, if a building exceeds the maximum height, the tower would become more slender. Staff's recommendation is based on ensuring that towers become more slender with floor plate reduction. Ms. Robertson expressed concern that smaller floor plates will result in shorter buildings than desired.

Councilmember Simas said he has heard input that each floor plate reduction on a building requires a re-design for the smaller floors. He expressed an interest in the aesthetics that can be achieved by floor plate reductions. He observed that 20,000 square feet makes sense based on what he has heard from the development community. However, he questioned whether 18,000 square foot floor plates would result in more desirable building designs.

Mr. Cummins noted that the desirable design varies with individual preferences. He acknowledged that a 20,000 square foot floor plate is more flexible for a much larger segment of the development community. He said the public policy question is whether there should be a tradeoff involved to achieve additional building height. The tradeoff proposed for the MU district is a reduction in floor plate size. He suggested that the Council consider whether it would be satisfied if cube-shaped buildings were the predominate design in that district.

Deputy Mayor Chelminiak recalled past discussions about creating an interesting and appealing skyline. He suggested that encouraging stepbacks with a minimum floor plate size of 20,000 square feet reverts to the Downtown's wedding cake design. He favors larger floor plates and

understands the costs of varying the sizes of floor plates. However, he said the City needs to find the right balance. He suggested perhaps an 18,000 square foot minimum floor plate, which could result in better architecture, especially with floor plate averaging.

Mr. Chelminiak expressed support for the 10-percent floor plate reduction in the MU districts and the 15-percent reduction in the DT-O-1 and DT-O-2 districts above the applicable building heights. He suggested that developers given reasonable guidelines and regulations will result in good buildings. He said the policies can be amended in the future if appropriate.

Responding to Mayor Stokes, Mr. Chelminiak said his idea of reasonable guidelines is the 10-percent and 15-percent reductions noted above. Mr. Chelminiak said he was not ready to say whether 20,000 square feet should be the minimum size and whether it would achieve the City's architectural goals.

Responding to Mr. Stokes, Mr. Cummins said staff would not advocate for an entire building of 18,000 square foot floors. Staff's view is that the concept of smaller floor plates for sections of a building is a viable approach. Mr. Cummins acknowledged, however, that larger floor plates are more flexible.

Councilmember Robertson summarized that three Councilmembers have expressed support for a minimum floor plate size of 20,000 square feet for non-residential development. She expressed concern that the 115-foot trigger height is too low, especially for the DT-MU Civic Center district, if the minimum floor plate size is 20,000 square feet. She questioned whether that would allow an economically feasible non-residential structure.

Mayor Stokes commented that achieving more attractive buildings might require something other than the 20,000 square foot floor plate. Ms. Robertson said staff's recommendation reflects the potential for reduced floor plate sizes at two points of the tower structure.

Councilmember Robinson said she is leaning toward supporting staff's recommendation to maintain the Planning Commission's recommended 10-percent floor plate reduction for non-residential development in the DT-MU and DT-MU Civic Center districts, and to follow a 15-percent floor plate reduction in the DT-O-1 and DT-O-2 districts for non-residential development. She has not heard of any formal opposition by developers to the proposal.

Responding to Mayor Stokes, Mr. King said the Planning Commission suggested that the Council and staff examine floor plate reductions ranging from 10 percent to 25 percent for all Downtown non-residential development.

Mr. Chelminiak suggested moving forward while staff prepares a potential amendment that includes the 20,000 square foot minimum floor plate size. Ms. Robertson encouraged the development community to provide feedback on the options.

Mayor Stokes observed there is a Council consensus regarding the 15-percent floor plate reduction for non-residential development in the DT-O-1 and DT-O-2 districts. However, the

Council has not reached a majority regarding the 10-percent reduction in the MU districts and a minimum floor plate of 20,000 square feet.

Moving on, Mr. King said the next topic relates to density and design in the DT-OLB district, which is the area between 112<sup>th</sup> Avenue NE and I-405 from Main Street to NE 8<sup>th</sup> Street. Staff's recommendation includes a number of provisions. The first is to allow a 25-percent floor plate increase with design requirements in the DT-OLB Central district for buildings 80-150 feet tall, which is consistent with regulations in the DT-OLB South district.

The second recommendation is to allow a maximum north-south façade length of 125 feet, which would apply primarily to office buildings. Responding to Mayor Stokes, Mr. King said a continuous wall of buildings would not occur due to tower spacing. Mr. King said staff wanted to preserve the opportunity for east-west permeability in the potential development along the corridor.

Staff's third recommendation is to move forward with the Planning Commission's minimum 10-percent floor plate reduction above the trigger height for both residential and non-residential development. If the Council wanted staff to prepare similar amendments for the MU district, Mr. King said the maximum floor plate above 80 feet is 20,000 square feet.

The fourth recommendation is that the consideration of potential additional density bonuses should be deferred until implementation of the Grand Connection Plan.

Mr. King said there have been discussions about how the OLB could provide an appealing gateway to the Downtown. The Planning Commission and Downtown Livability Initiative Citizen Advisory Committee (CAC) discussed larger floor plates up to 30,000 square feet below the 80-foot building height. Mr. King said the higher water table in some areas of the OLB district might require above-grade parking structures. He noted that parking structures do not count toward a development's FAR.

Mr. King said a number of Councilmembers previously expressed that they do not want to create a wall in the OLB district between I-405 and the Downtown. He said the OLB-Central district is between NE 4<sup>th</sup> Street and NE 8<sup>th</sup> Street, and OLB-South is between Main Street and NE 4<sup>th</sup> Street.

Mr. King presented a graphic depicting potential development in the OLB district. The Planning Commission recommends allowing towers up to 400 feet tall in the OLB-Central district. Mr. King said the heights of Bravern's towers vary from 200 feet to 300 feet. With the topographic difference between 110<sup>th</sup> Avenue and 114<sup>th</sup> Avenue, the tallest buildings allowed would appear as approximately 30 feet higher than the highest Bravern tower. Responding to Ms. Robertson, Mr. King said the graphics reflect floor plates up to approximately 18,000 square feet.

Mr. King presented photo simulations of potential development in the DT-OLB, with different building heights and façade widths, from a number of perspectives (i.e., I-405, NE 1<sup>st</sup> Street, Grand Connection, NE 8<sup>th</sup> Street).



Responding to Councilmember Robertson, Mr. King said the Planning Commission's recommendation includes the first and third staff recommendations, as described above. The second recommendation is a new concept for Council consideration, and the fourth recommendation is a response to a stakeholder question.

Councilmember Robertson said she is comfortable with the first and third recommendation, as long as the latter does not prevent 20,000 square foot floor plates for non-residential development. She expressed concern regarding the trigger height of 115 feet reflected in the third recommendation, given that some of the height could be used for above-grade parking. She would like to see a higher trigger height.

Ms. Robertson expressed concern regarding the second recommendation regulating the north-south façade length because it has not been previously discussed with the Council. She said she is not concerned about building heights given the lower elevation along I-405. She suggested that buildings along the corridor might block sound and dust from the freeway and result in enhanced livability. Ms. Robertson said she is not interested in adding another level of regulation unless the Land Use Code amendments add flexibility and reduce a different regulation.

Ms. Robertson expressed an interest in addressing potential additional density bonuses now, before the implementation of the Grand Connection, if possible.

Responding to Deputy Mayor Chelminiak, Mr. King said parking needs depend on the land use and related parking ratio. However, early scenarios indicate a few layers of above-grade parking, which would reach the freeway level in some locations.

Mr. Chelminiak said he was surprised by the photo simulations, which reflect development far beyond what he has envisioned. He would prefer to defer decisions on this particular item. However, he acknowledged that is unlikely. He said the only recommendation he supports is the 125-foot maximum north-south façade length.

Councilmember Simas expressed support for staff recommendations 1, 3, and 4. He is not in favor of the second recommendation regarding façade length. He said he understands Mr. Chelminiak's surprise with the simulations. However, Mr. Simas said they depict square boxes rather than the final designs and aesthetics of future buildings. He recalled past discussions about wanting to provide opportunities for developers to be creative, and he hopes they will design buildings attractive to tenants and the community. Mr. Simas said he is willing to follow the recommendations of the CAC, Planning Commission, and staff based on their extensive work over the past few years. He said he does not favor item 2 because he does not want to add another regulation.

Councilmember Robinson thanked staff for their work, noting that they address issues and options that the CAC, Planning Commission, and/or Council might have missed. She does not want a wall of buildings along the freeway and wants to preserve the view of City Hall and the Downtown core. However, she also does not want to be too restrictive on development. Ms.

Robinson questioned whether it is possible to engage in further discussions with developers to determine how they might avoid creating a visual wall.

Mr. King said staff has received feedback that the 125-foot maximum façade length has been introduced a bit too late in this process. He said most stakeholders indicated that tower spacing, floor plate reduction, and the new design guidelines are enough regulations. Mr. King noted that the photo simulations are essentially the worst case scenarios in terms of development density. However, the expectation is that projects will be built in a more thoughtful manner.

Councilmember Robinson expressed support for approving staff's recommendations 1 and 3, removing item 2, and approving item 4 to defer the consideration of further bonuses until the Grand Connection plan is implemented.

Councilmember Lee concurred.

Responding to Mayor Stokes, Mr. King said the maximum building heights are 230 feet between Main Street and NE 4<sup>th</sup> Street and 400 feet between NE 4<sup>th</sup> Street and NE 8<sup>th</sup> Street. Based on the available FAR, many buildings would not reach those maximum heights. Mr. King confirmed that those heights are included in the Planning Commission's recommendations. In further response, Mr. King said the vacant site immediately north of City Hall could have building heights up to 400 feet.

Mayor Stokes expressed concern about the potential for buildings up to 400 feet next to City Hall (DT-MU Civic Center district) as well as across 112<sup>th</sup> Avenue NE. Despite that reservation, he expressed support for items 1, 3, and 4. He would like to see a park on the property adjacent to City Hall. However, he acknowledged that would be an expensive park.

Deputy Mayor Chelminiak said he would like to talk about how the OLB recommendations relate to Wilburton area planning. He noted the possibility that property owners on the east side of I-405 will want similar regulations and development potential.

Councilmember Robertson said the Council will ultimately be able to control land use zoning in the Wilburton area. She suggested that the Council could provide additional direction to the Wilburton CAC upon adoption of the Downtown Livability Land Use Code amendments. Ms. Robertson noted a Council consensus supporting staff recommendations 1, 3, and 4.

Mr. Chelminiak opined that the Council should have a holistic view of both the Downtown and Wilburton plans. He reiterated his concern regarding building heights along I-405.

Mayor Stokes said this is a discussion every city has as they grow. He said the City cannot go back and revisit every decision and existing development.

Mr. Chelminiak noted his interest in revisiting the BelRed Plan as well as neighborhood plans.

Councilmember Robertson said she would like a discussion regarding development on small sites when the Downtown Livability code amendments come back for continued discussion.

Mr. Cummins said additional discussion is planned for the September 18 Council meeting, with adoption of the Land Use Code amendments anticipated in early October. He summarized his understanding that the Council would like further discussion regarding the floor plate size issue. He said the remaining items of the Downtown Livability LUCAs relate to affordable housing.

Ms. Robertson reiterated her interest in discussing small sites.

At 7:58 p.m., Mayor Stokes declared recess to the Regular Session.

Kyle Stannert, CMC  
City Clerk

/kaw