

CITY COUNCIL STUDY SESSION ITEM

SUBJECT

Continued consideration of the Downtown Livability Land Use Code Amendments, Land Use Code Part 20.25A – Meeting 5

STAFF CONTACTS

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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 fifth 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 content of an Ordinance that will be presented to Council for final approval at a future meeting – tentatively scheduled for October 2.

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 topics is summarized in the Memory Book included with this memorandum as Attachment A.

On July 10, July 17 and September 5, the City Council reviewed code topics and provided some initial direction as summarized in the Memory Book.

Council direction on code topics provided on September 5

Council provided the following direction to Staff on September 5 during their study session:

- **Tower setbacks between projects/internal property lines**
 - Nonresidential: 20-foot tower setback above 80 feet for buildings exceeding 100 feet in height.
 - Residential: 30-foot tower setback above 80 feet for buildings exceeding 100 feet in height.
- **Floor plate reduction when nonresidential buildings exceed trigger building height**
 - 15 percent reduction in floor plates above 80 feet for nonresidential buildings that exceed trigger height in DT-O-1 and DT-O-2.
 - 10 percent reduction in floor plates above 80 feet for nonresidential buildings that exceed the trigger height in DT-MU, DT-MU Civic Center, DT-OLB Central and DT-OLB South.
 - Council request for discussion on September 18 of a potential provision to limit floor plate reduction to no lower than 20,000 square feet for nonresidential development.
- **Downtown Office Limited Business District (DT-OLB) density and design**
 - Allow 25 percent increase in floor plates 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.
 - Use a 10 percent floor plate reduction above the trigger height. (See floor plate reduction topic above.) This would apply to the nonresidential trigger height of 115 feet and residential trigger height of 230 feet in the DT-OLB Central and DT-OLB South Districts.
 - Discussion of potential additional density bonuses in the DT-OLB Central District shall await the planned 2018 code updates to implement the Grand Connection Framework Plan currently being developed.

On September 18, 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 18 are summarized in the table below and detailed in Attachment B. A number of the September 18 topics are carryovers from September 5, as Council did not have time to provide specific direction on those items. The Planning Commission's recommended Downtown Livability LUCA with Council direction as of September 5 is included as Attachment C. Requested information on the Wilburton-Grand Connection Planning Initiative is included as Attachment D.

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
<input checked="" type="checkbox"/>	<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
	<u>Meeting 5: September 18 – Study Session</u> <i>Carry Over Topics from September 5 Study Session</i> <ul style="list-style-type: none"> • 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 <i>New Topics Added for September 18 Study Session</i> <ul style="list-style-type: none"> • Small site exceptions and deviations • Floor plate reduction when nonresidential buildings exceed trigger height; discussion of no reduction below 20,000 square feet • Update on Wilburton-Grand Connection Planning Initiative (see Attachment D)
	<u>Meeting 6: October 2 – Regular Session (date proposed)</u> <ul style="list-style-type: none"> • Final Council Adoption

SUMMARY OF RECOMMENDATIONS 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 for Council consideration as applicable.

September 18 Council Meeting: Code Topics and Status	Staff Recommendations for Council Consideration
1. Affordable housing code flexibility <u>(Re-print from September 5)</u>	
<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.
2. Accessibility and use of alleys <u>(Re-print from September 5)</u>	
<p>STATUS: On June 26, Council directed Staff to bring back 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.
3. Downtown boundary linear buffer <u>(Re-print from September 5)</u>	
<p>STATUS: On June 26, Council directed Staff to bring back 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 has 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.

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4. Use of in-lieu fees for parks <u>(Re-print from September 5 with additional language added in Staff recommendation)</u>	
<p>STATUS: On June 26, Council directed Staff to bring back 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-owned park facilities as bonusable amenities.</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 Commission's recommended language could be changed to focus solely on acquisition or improvement of City park facilities and not the broader definition of publicly accessible open space. <i>(New)</i> If Council wished to be able to have land acquisition or physical improvements occur both within or adjacent to Downtown, the Commission's recommended code language could be modified to include adjacent properties.
5. Small site exceptions and deviations	
<p>STATUS: On September 5, a Councilmember asked for small sites (defined in LUC 20.25A.020 as less than or equal to 40,000 square feet in size) to be further discussed, with a focus on the maximum in-lieu fee threshold in the amenity incentive system potentially being increased to 75 percent from 50 percent of a project's amenity points. On July 10, Staff presented Council with the full range of small site exceptions and deviations included in the Planning Commission's recommended code. A small site applicant would not be required to provide 75 percent of its amenity points in open space amenities or provide tower separation. Additionally, small site applicants would have the ability to reduce upper level setbacks, and be required to meet a reduced Green and Sustainability Factor. General administrative departures available to small sites were also highlighted. No changes were made by Council on July 10.</p>	<p>STAFF RECOMMENDATION:</p> <ol style="list-style-type: none"> 1. Retain the Planning Commission's recommendation for in-lieu fees being limited to no more than 50 percent of a project's required amenity points, including for small sites, if participating in the amenity incentive system. Including on-site amenities was an important part of the Commission discussion, and there are amenity options in the Commission's recommended code that may be used by small sites. <p>A modification that Council may want to consider is reducing the minimum size of a bonusable Outdoor Plaza amenity to 1,500 square feet for small sites, from the 3,000 square feet in the recommended code applicable to all sites.</p>

September 18 Council Meeting: Code Topics and Status	Staff Recommendations for Council Consideration
6. Floor plate reduction when nonresidential buildings exceed trigger height; discussion of no reduction below 20,000 square feet	
<p>STATUS: On July 17 and September 5, Council discussed floor plate reductions when buildings exceed the trigger height. The remaining issue identified by Council is for <u>nonresidential</u> development where a 10 percent reduction could lead to some office floor plates as low as 18,000 square feet, and if there should be a code provision that requires floor plate reductions to a minimum of 20,000 square feet.</p>	<p>STAFF RECOMMENDATION:</p> <ol style="list-style-type: none"> 1. Maintain the Planning Commission's recommended 10 percent floor plate reduction for <u>nonresidential</u> development in the DT-MU, DT-MU Civic Center, DT-OLB Central and DT-OLB South districts. <p>There was Council interest expressed in further discussion of a provision to reduce floor plates to a minimum of 20,000 square feet for <u>nonresidential</u> development.</p>
7. Wrap-up of minor topics	
a. Vesting (Re-print from September 5)	
<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 (Re-print from September 5)	
<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 (Re-print from September 5)	
<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</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

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and Major Public Open Spaces provisions. Open space is further refined by the new design guidelines found in recommended LUC 20.25A.150 to .180. These design guidelines will help to create better open spaces Downtown.	addressing characteristics like solar access, uses allowed in open space, and locating towers away from open space. These provisions help to make Downtown more livable.

ATTACHMENTS

- A. Memory Book
- B. Council Topics for Follow-Up: Staff Recommendations for Council Consideration
 - 1. Affordable housing code flexibility
 - 2. Accessibility and use of alleys
 - 3. Downtown boundary linear buffer
 - 4. Use of in-lieu fees for parks
 - 5. Small site exceptions and deviations
 - 6. Floor plate reduction when nonresidential buildings exceed trigger height; discussion of no reduction below 20,000 square feet
 - 7. Wrap-up of minor topics
- C. Downtown Livability LUCA with Council Direction as of September 5
- D. Update on Wilburton-Grand Connection Planning Initiative

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N/A