

# Topics for Council Follow-Up

October 2, 2017 City Council Study Session

## TABLE OF CONTENTS

1. Floor Plate Reduction when Nonresidential Buildings Exceed the Trigger Height in the DT-MU, DT-MU Civic Center, DT-OLB Central, and DT-OLB South Districts.
2. Trigger Heights in DT-OLB Central and DT-OLB South Districts.
3. Downtown Boundary Linear Buffer
4. Residential Tower Setbacks from Interior Property Lines

### **1. Floor Plate Reduction When Nonresidential Buildings Exceed Trigger Height in the DT-MU, DT-MU Civic Center, DT-OLB Central, and DT-OLB South Districts.**

#### **A. STATUS:**

On July 17, the Council discussed floor plate reductions above the trigger height, and requested additional information. When the topic came back to Council on September 5, staff was directed to include the following language in the draft code for Council consideration:

- 10 percent reduction for residential building floor plates above 80 feet that exceed the trigger height, and
- 15 percent reduction for nonresidential buildings in DT O-1 and DT O-2.

The discussion regarding floor plate reductions for nonresidential buildings located in the DT-MU, DT-MU Civic Center, DT-OLB Central, and DT-OLB South districts was not concluded on September 5. On September 18, the Council discussed possible floor plate reduction options for nonresidential buildings that exceed the trigger height in DT-MU, DT-MU Civic Center, DT-OLB Central and DT-OLB South. The current code version before Council requires a 10 percent reduction in all floor plates above the trigger height in these districts, which is consistent with the lowest end of the reduction range recommended by the Planning Commission. The Council also discussed options that would:

- Provide a Safe Harbor to prevent any nonresidential floor plate from being required to reduce below 20,000 square feet.
- Offer a departure from a reduction below 20,000 square feet in return for exemplary building design.

#### **B. PLANNING COMMISSION RECOMMENDATION:**

In LUC 20.25A.075, the Planning Commission recommended a 10 percent floor plate reduction for residential floor plates in buildings that exceed the trigger height. The Planning Commission was not able to reach a decision on the floor plate reduction applicable to nonresidential

structures within the scheduled timeframe provided for consideration of this topic. As a result, the Planning Commission recommended that the City Council identify an appropriate reduction between 10 to 25 percent for nonresidential floor plates that exceed the trigger height.

### C. **DISCUSSION:**

The current version of LUC 20.25A.075 requires a 10 percent reduction in floor plates above the trigger height in DT-MU, DT-MU Civic Center, DT-OLB Central and DT-OLB South. Planning Commission recommended a floor plate reduction in the range of 10-25 percent. Council requested staff to present three options for its final consideration on October 2. These options are provided below:

#### 1. **Current Version of the Downtown Livability Code (Consistent with Planning Commission Recommendation)**

2. ~~Diminishing~~ Floor Plate Reduction Requirement. The maximum floor plates above the trigger for additional height shall be reduced by: ~~10 to 25 percent nonresidential buildings and ten percent for residential buildings.~~

- a. 15 percent in nonresidential towers located in the DT-O-1 and DT-O-2 Districts,
- b. 10 percent in nonresidential towers located in the DT-MU, DT-MU Civic Center, DT-OLB Central, and DT-OLB South Districts; and
- c. 10 percent in residential towers.
- d. The reduction shall be applied on all floor plates above the trigger for additional height. The applicable percent reduction may be averaged among all floor plates above 80 feet, but no single floor plate shall exceed the maximum floor plate size above 80 feet.

#### 2. **Safe Harbor Option**

2. ~~Diminishing~~ Floor Plate Reduction Requirement. The maximum floor plates above the trigger for additional height shall be reduced by: ~~10 to 25 percent nonresidential buildings and ten percent for residential buildings.~~

- a. 15 percent in nonresidential towers located in the DT-O-1 and DT-O-2 Districts;
- b. 10 percent in nonresidential towers located in the DT-MU, DT-MU Civic Center, DT-OLB Central, and DT-OLB South Districts; ~~and provided that, the~~ required reduction shall not require an applicant to reduce any floor plate to less than 20,000 gsf in size.
- c. 10 percent in residential towers.

d. The reduction shall be applied on all floor plates above the trigger for additional height. The applicable percent reduction may be averaged among all floor plates above 80 feet, but no single floor plate shall exceed the maximum floor plate size above 80 feet.

### 3. Departure from Reduction Requirement Option

2. ~~Diminishing~~-Floor Plate Reduction Requirement. The maximum floor plates above the trigger for additional height shall be reduced by: ~~10 to 25 percent nonresidential buildings and ten percent for residential buildings.~~

a. 15 percent in nonresidential towers located in the DT-O-1 and DT-O-2 Districts.

b. 10 percent in nonresidential towers located in the DT-MU, DT-MU Civic Center, DT-OLB Central, and DT-OLB South Districts; provided that, a departure from a reduction requirement may be granted pursuant to LUC 20.25A.030.D.1 if:

i. Imposition of the required reduction would result in a floor plate of less than 20,000 gsf in size;

ii. The requested departure from the required reduction is necessary to accommodate unique architectural features or urban forms that would better advance the goals identified in LUC 20.25A.140 than would a strict adherence to the floor plate reduction requirements and applicable design guidelines; and,

ii. The granted departure does not result in a nonresidential tower floor plate that is greater than the floor plate that would have been required before the reduction was imposed.

c. 10 percent in residential towers.

d. The reduction shall be applied on all floor plates above the trigger for additional height. The applicable percent reduction may be averaged among all floor plates above 80 feet, but no single floor plate shall exceed the maximum floor plate size above 80 feet.

The floor plate reduction above the trigger height was included in the Downtown Livability Update to achieve a public benefit in return for additional height granted. The Planning Commission was focused on the public benefit of obtaining taller, more slender towers based on the principles developed by the City Council to guide the Downtown Livability Update. The trigger height in all land use districts, except DT-OLB Central and DT-OLB South, is equal to the maximum height under existing code inclusive of a 15 percent increase for interesting roof

forms and façade articulation. Additional discussion of the trigger height is provided under Topic 2 below.

**D. STAFF RECOMMENDATION FOR COUNCIL CONSIDERATION:**

Staff recommends Option 1, which is included the current version of the Downtown Livability Update (Attachment C). A 10 percent floor plate reduction was the minimum recommended by the Planning Commission as necessary to achieve the public benefit objectives intended when additional height above the current maximum was granted. The floor plate reduction recommended by the Planning Commission was the tool employed to achieve tower sculpting and the unique skyline objectives that support overall livability.

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## **2. Trigger Heights in DT-OLB Central and DT-OLB South**

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**A. STATUS:**

On September 18, one Councilmember expressed an interest in increasing the trigger height in the DT-OLB Central and DT-OLB South Districts. The trigger height represents the point above which floor plates are reduced and ground-level open space is required in each Downtown district. The Council requested that staff return with information regarding an increase in the trigger height for DT-OLB Central and DT-OLB South Districts to support a discussion of this requested change.

**B. PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission recommended version of the Downtown Livability Update provides a trigger height of 230 feet for residential and 115 feet for nonresidential in DT-OLB Central and DT-OLB South. The Planning Commission had significant discussion about the Downtown height limits (base, trigger and maximum) during its review, and there was significant input from the public on this topic. In all Downtown Land Use Districts except DT-OLB Central and DT-OLB South, the trigger height was calculated based on the following formula:

$$\begin{aligned} &\text{Existing Maximum Height Limit in Dimensional Chart} + \\ &\quad \underline{\text{15 percent increase for interesting roof form and façade articulation}} \\ &= \text{Trigger Height} \end{aligned}$$

As an example, the trigger height for DT-O-2 was set by the Planning Commission at 288 feet. This represents the existing maximum height limit of 250 feet plus 15 percent. When this formula was applied to DT-OLB Central and DT-OLB South for nonresidential buildings, it resulted in a trigger height of 87 feet (the maximum 75-foot height limit for DT-OLB in the existing code plus 15 percent, or 12 feet).

**C. DISCUSSION:**

The Planning Commission heard comment from several owners of property located in the DT-OLB about the economic disadvantage that an 87-foot nonresidential trigger height would impose on the DT-OLB districts when compared to the DT-MU nonresidential trigger height of 115 feet. In response to these comments, the Planning Commission increased both the base

height (used in the incentive system) and the trigger height for DT-OLB from 87 feet to 115 feet. The intent of this change was to create economic parity between projects developing in the DT-OLB and those that are proposed in the DT-MU in regard to the provision of required amenities, the provision of at-grade open space, and the sculpting of buildings at levels above the existing height maximums.

**D. STAFF RECOMMENDATION FOR COUNCIL CONSIDERATION:**

Staff recommends retention of the Planning Commission recommended trigger height for DT-OLB Central and DT-OLB South to maintain economic parity objectives for development on property located in DT-OLB and DT-MU. The Planning Commission’s recommendation on trigger height for DTOLB Central and DT-OLB South represents an approximately 54 percent increase above existing maximum height (75 feet plus 54 percent = 115 feet). A 150-foot trigger height would result in a 100 percent increase above the existing height maximums (75 feet plus 100 percent = 150 feet), and could create potentially negative unintended outcomes. Increasing the trigger height in DT-OLB could incent development of towers that are shorter with larger floor plates (allowed to expand up to 25,000 square feet in DT-OLB Central and CT-OLB South). Contributions to livability benefits would be reduced under such a scenario, because development that does not exceed the trigger height would not be required to have a sculpted form with reduced floor plates, and would not be required to provide ground-level open space.

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### **3. Downtown Boundary Linear Buffer**

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**A. STATUS:**

On June 26, Council requested more information on the Downtown linear buffer, and the Planning Commission recommendation to modify how the Downtown Boundary setback is measured in Perimeter Overlay A-2 on parcels located adjacent to right-of-way. There was continued discussion regarding measurement of linear buffers at the September 18 Study Session that prompted staff to revisit the language drafted to support the Planning Commission recommendation. Based on the results of that code review, and after considering how the code would apply to specific properties located within Perimeter Overlay A-2, staff recommends modest modifications to the Planning Commission recommended code language. These changes are intended to preserve the measurement objective from the Planning Commission recommendation while avoiding unintended negative consequences on properties subject to the linear buffer requirements.

**B. PLANNING COMMISSION RECOMMENDATION:**

Below is the Planning Commission’s recommendation regarding setback measurement from the Downtown Boundary, and the requirements for development of the linear buffer that must be located within that setback area. In the Perimeter Overlay A-1, the Planning Commission recommended measuring the Downtown Boundary setback from the back of sidewalk so that the linear buffer would not include required sidewalk area. Perimeter Overlay A-1 is located across the street from single family residential neighborhoods that abut the northwest corner of the Downtown. In the Perimeter Overlay A-2, the Planning Commission recommended measuring

the Downtown Boundary setback from the back of curb (when located adjacent to a right-of-way), which would include required sidewalk area within the linear buffer.

The Planning Commission recommendation is provided below. Modifications needed to achieve the Planning Commission objectives and avoid unintended negative consequences are identified in strike-underline format.

## 20.25A.110 Landscape Development Requirements

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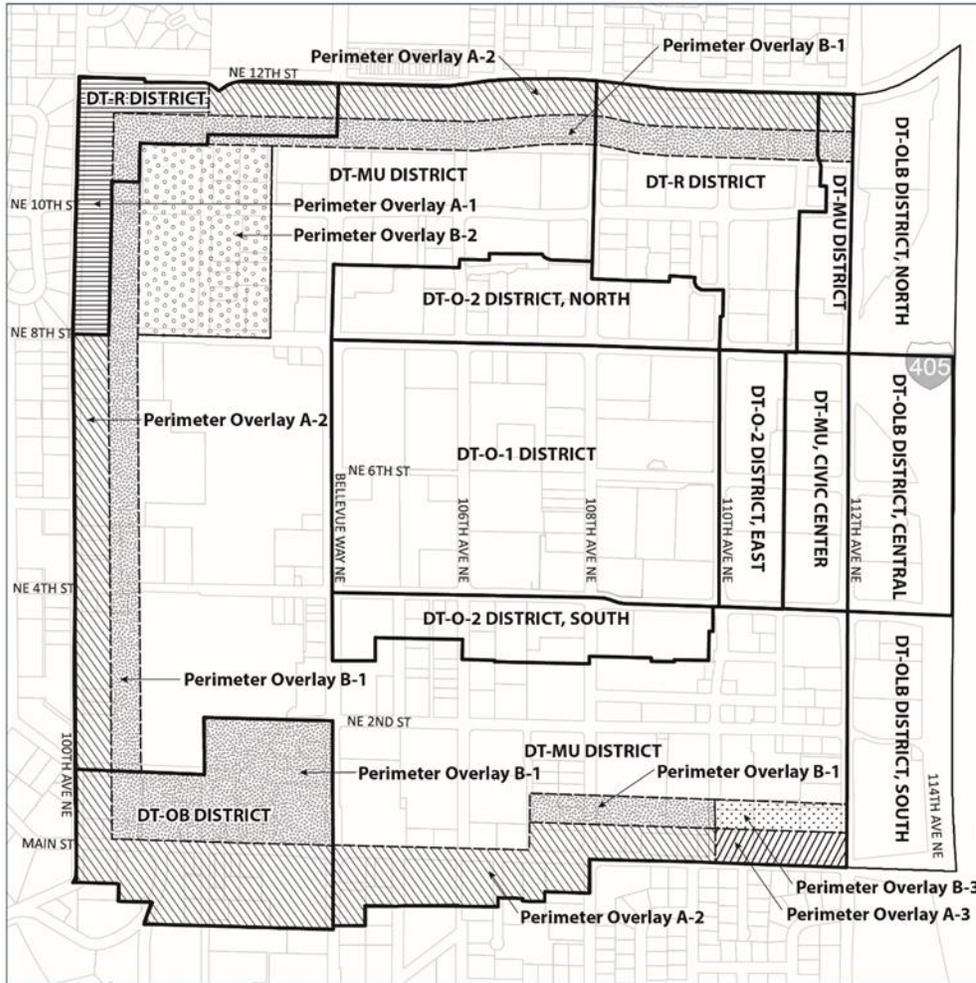
### C. Linear Buffer

1. ~~General~~Applicability. The standards of this paragraph supplement other landscape requirements of this Part 20.25A and LUC 20.20.520 for development in the Perimeter Overlay.
2. Linear Buffers Required within Minimum Setback from the Downtown Boundary.
  - a. General. Any development situated within Perimeter Overlay A-1 and A-2 shall provide a linear buffer within the minimum setback from the Downtown boundary required by LUC Chart 20.25A.060.A.4. The purpose of this feature is to produce a green buffer that will soften the visual impact of larger buildings as viewed from the lower intensity Land Use Districts adjacent to Downtown. These design standards are minimum requirements for the size and quantity of trees and other linear buffer elements. The specific design of the linear buffer for each project shall be determined through the Design Review Process. Design considerations include, but are not limited to, the placement of elements and their relationship to adjacent property as well as to the proposed development. Different sets of design standards apply to each of the locational conditions. ~~Linear buffers for Perimeter Overlay A-2 shall be measured from back of curb instead of from the back of sidewalk.~~
  - b. Measurement of the Minimum Setback from Downtown Boundary.
    - i. Perimeter Overlay A-1. The minimum setback from the Downtown Boundary is measured from the back of the required sidewalk.
    - ii. Perimeter Overlay A-2. The minimum setback is measured from the Downtown Boundary when it abuts property outside of the Downtown other than right-of-way, unless relocated pursuant to LUC Chart 20.25A.060.A.4 Note 6. The minimum setback from the Downtown Boundary is measured from the back of curb when adjacent to a right-of-way.
3. Requirements for All Linear Buffers. All linear buffers:
  - a. Shall have a minimum width of 20 feet;
  - b. Shall not be used for parking, and vehicular access drives shall be no more than 25 percent of the total area of the linear buffer;

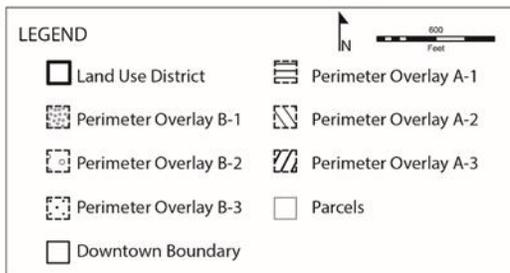
- c. Shall include seasonal color in an amount of at least ten percent of the ~~perimeter setback~~linear buffer area; and
  - d. Shall utilize native species for at least 50 percent of the plantings located within the ~~perimeter setback~~linear buffer area.
4. Linear Buffers that are Adjacent to Rights-of-Way or Public Property shall have:
  - a. Three deciduous trees, with a minimum caliper of 2.5 inches, per each 1,000 square feet of the ~~perimeter setback~~linear buffer area.
  - b. Two flowering trees, with a minimum caliper of two inches, per each 1,000 square feet of ~~perimeter setback~~linear buffer area.
  - c. Ten evergreen shrubs, minimum five-gallon size, per 1,000 square feet of the ~~perimeter setback~~linear buffer area.
  - d. Living ground cover that provides cover of unpaved portions of the linear buffer within three years.
  - e. Walls and fences that do not exceed 30 inches.
  - f. Accessibility both visually and physically. The linear buffer shall abut and be within three feet in elevation of the required sidewalk, or alternative access shall be provided and being within three feet of the sidewalk or providing alternative access.
  - g. Allowed Hardscape in Perimeter Overlay A-1. Seventy-five percent of the linear buffer shall be planted in Perimeter Overlay A-1. The other 25 percent may be paved with pervious pavement, brick, stone or tile in a pattern and texture that is level and slip-resistant. The paved portion of the linear buffer may be used for private recreational space and residential entries.
5. Where the Downtown Boundary abuts property outside Downtown other than right-of-way or public property, the minimum setback from the Downtown Boundary (or perimeter property lines when the setback has been relocated pursuant to Note 6 of subsection LUC Chart 20.25A.060.A.4 shall be landscaped as follows:
  - a. The entire ~~setback~~linear buffer shall be planted except for allowed paved portions. No portion may be paved except for required vehicular entrance drives, required through-block connections, patios that do not exceed 25 percent of the area of the required ~~setback~~linear buffer, and residential entries that do not exceed 25 percent of the area of the required ~~setback~~linear buffer.
  - b. The ~~setback~~linear buffer shall be planted with:
    - i. Evergreen and deciduous trees, with no more than 30 percent deciduous, a minimum of ten feet in height, at intervals no greater than 20 feet on center;
    - ii. Evergreen shrubs, a minimum of two-gallon in size, at a spacing of three feet on center; and

- iii. Living ground cover so that the entire remaining area will be covered in three years.

**For Reference: Downtown Land Use District Classifications and Perimeter Overlays**



**LAND USE DISTRICT CLASSIFICATIONS AND PERIMETER OVERLAYS**



### **C. DISCUSSION:**

The Downtown Subarea Plan states in POLICY S-DT-125: “Utilize lineal green open space buffers directly outside Downtown (north of NE 12th Street between 106th Place NE and 112th Avenue NE, and in the vicinity of the southeast corner of Downtown) to provide a graceful transition from Downtown to surrounding residential neighborhoods.” McCormick Park provides this linear buffer on the north edge of Downtown, and the tunnel portal park being added as part of light rail construction provides this linear buffer on the southern edge of Downtown adjacent to Perimeter Overlay A-3. On the western and southern edges of the Downtown, the Downtown linear buffer requirements applicable in Perimeter Overlays A-1 and A-2, have historically provided the graceful transition to surrounding neighborhoods that are not buffered by parks or open spaces. The protections provided by the Downtown linear buffer to lower intensity property located outside the Downtown are retained in the Planning Commission recommendation. The modest modifications to the Planning Commission recommendation suggested by staff are intended to achieve the Planning Commission objectives while avoiding unintended negative consequences.

### **D. STAFF RECOMMENDATION FOR COUNCIL CONSIDERATION:**

Staff recommends retention of the Planning Commission’s recommendation with respect to measurement of the minimum setback from the Downtown Boundary with the addition of modest modifications to avoid unintended consequences in code application that would be inconsistent with the Planning Commission objectives.

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## **4. Residential Tower Setbacks from Interior Property Lines**

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### **A. STATUS:**

On July 17, Council affirmed support for the Planning Commission’s recommendation of 20-foot tower setbacks from internal property lines. This topic was revisited on September 5 after a Councilmember noted that they wished to further discuss tower setbacks between projects within a Downtown block. Following the renewed conversation on September 5, Council directed staff to draft code language to reflect the following dimensional requirements.

Council Direction from September 5:

1. Nonresidential buildings – 20-foot setback above 80 feet for buildings exceeding 100 feet in height.
2. Residential Buildings – 30-foot setback above 80 feet for buildings exceeding 100 feet in height.

On September 18, the Council renewed its conversation regarding tower setbacks between projects located on the same Downtown block. Several Councilmembers requested that staff restore the Planning Commission recommendation to reflect a 20-foot setback above 80 feet for residential towers. One Councilmember also requested staff to draft amendment language to include a 30-foot setback for residential towers with flexibility to allow setbacks to be reduced to

a minimum of 20-feet from interior property lines. The following information responds to the Councilmember requests.

**B. PLANNING COMMISSION RECOMMENDATION:**

**Tower Setbacks** – In LUC Chart 20.25A.060.A.4, the Planning Commission recommendation provides for a 20-foot setback from the internal property lines that starts at 80 feet where the building height exceeds 100 feet. The current version of the code (included in Attachment C) restores the Planning Commission recommendation for both residential and nonresidential towers to provide a 20-foot setback from internal property lines that starts at 80 feet where a building height exceeds 100 feet.

**C. DISCUSSION:**

The Planning Commission had significant discussion regarding tower setbacks from interior property lines as well as minimum separation requirements between towers located within a single project. The Planning Commission recommendation to Council included a 20-foot tower setback from internal property lines, which results in a 40-foot minimum separation between towers located on abutting properties. The Planning Commission recommendation also included a 60-foot separation between towers within a single project, which was previously endorsed by the City Council. At the September 18 meeting there was a Councilmember request for staff to draft amendment language that would require a 30-foot setback from interior property lines for residential towers with flexibility to reduce the tower setback to a minimum of 20 feet. This draft code language is provided for Council discussion.

**Council Requested Draft Code: 30-Foot Setback for Residential Towers with Flexibility**

This draft code approach would entail changes to two code sections. First, LUC Chart 20.25A.060.A.4 would need to be amended to require 30-foot setbacks from internal property lines for residential towers. Refer to section LUC Chart 20.25A.060.A.4 of the draft code provided with the September 18 Study Session materials for a strike-underline version of this code language.

Second, flexibility provisions would need to be added to allow for reduction of the required setback from interior property lines to a minimum of 20 feet. This approach would be similar to the flexibility departure recommended by the Planning Commission to allow building separation distances to be reduced below 60 feet. Suggested flexibility requirements specific to the setback from interior property lines for residential towers is provided below for Council consideration.

**B. Required Residential Tower Setbacks – Residential tower setbacks from interior property lines are intended to provide privacy and natural light and air for residents residing in the vertical neighborhoods unique to Downtown.**

1. Applicability. This paragraph shall apply to residential towers only.
2. Setback. Residential towers shall maintain a setback from interior property lines of 30 feet.

3. Modification with Criteria. The residential tower setback may be reduced to a minimum of 20 feet from an interior property line through an administrative departure pursuant to LUC 20.25A.030.D.1 if the following criteria are met:
  - i. No tower facade above 80 feet is located within 20 feet of an interior property line;
  - ii. A tower may be located within 30 feet of an interior property line if there is no development on the abutting property, or if residential development on the abutting property is greater than 30 feet away from the interior property line measured at a height 80 feet above average finished grade;
  - iii. A tower may be located within 30 feet of an interior property line if it is offset from residential towers located on abutting properties;
  - iv. A curved or angular tower may provide an average 30- foot setback from interior property lines;
  - v. No more than 25 percent of a tower façade is located within 30 feet of an interior property line; and,
  - vi. The applicant demonstrates that the intrusion does not affect the light, air or privacy for the users of the proposed tower or users of residential towers located on abutting properties.
4. Small Site Exception. If a parcel is less than or equal to 40,000 square feet, the setback for residential towers is 20 feet.