

## **CITY COUNCIL STUDY SESSION ITEM**

### **SUBJECT**

Continued consideration of the Downtown Livability Land Use Code Amendments, Land Use Code Part 20.25A – Meeting 6

### **STAFF CONTACTS**

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### **POLICY ISSUES**

How to allow Downtown Bellevue to grow in a way that addresses potentially negative impacts of development while better aligning the Downtown Land Use Code (LUC) 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 LUC implements the policy direction of the Downtown Subarea Plan. This is the first comprehensive update of the Downtown LUC 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 sixth in a series of study sessions for the City Council to consider the Planning Commission's recommendations for updating the Downtown LUC. Staff will seek Council direction on content of an Ordinance that will be presented for final approval at a future meeting – tentatively scheduled for October 16.

### **BACKGROUND/ANALYSIS**

On June 26, the Planning Commission's recommended update to the Downtown LUC was presented to the City 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, September 5, and September 18, Council reviewed code topics and provided initial direction as highlighted below and detailed in the Memory Book.

## **Council Direction Provided on September 18**

- **Affordable Housing Flexibility** – Council directed staff to incorporate the three affordable housing flexibility provisions that were recommended for inclusion in the draft code update. These flexibility provisions include:
  - A reduced minimum parking ratio of 0.5 stalls per unit for affordable studio and one-bedroom units located in participating projects;
  - An increase in maximum lot coverage by five percent in Perimeter Overlays A-1, A-2, A-3, B-1, and B-2, where it is currently 75 percent; and
  - A five foot decrease in required 15 and 20-foot upper level building setbacks.

This change to the Planning Commission recommendation is reflected in the draft code included in Attachment C at LUC Section 20.25A.070.C.2.

- **Accessibility and Use of Alleys** – Council concluded that the current version of the draft code supported its goal of ensuring that a building’s “back of house” functions would not be located on the sidewalk, and would be properly located in an alley, in the building, or behind the building.
- **In-lieu Fees for Parks** – Council broadened the area where collected fees in lieu could be expended to include publicly accessible open space that is located adjacent or connected to Downtown. This change to the Planning Commission recommendation is reflected in the draft code included in Attachment C at LUC Section 20.25A.070.D.2.c.
- **Small Site Exceptions and Deviations** – Council concluded that the amenity allocation in the draft code provided appropriate flexibility for small site owners, but also requested that the minimum open space size for small sites be reduced from 3,000 square feet to 1,500 square feet. This change to the Planning Commission recommendation is reflected in the draft code included in Attachment C at LUC Chart 20.25A.070.D.4, Amenity 2, Outdoor Plaza.
- **Floor Plate Reduction when Nonresidential Buildings Exceed Trigger Height** – Council did not conclude its discussion regarding floor plate size reductions on September 18. Additional floor plate reduction options were requested for DT-MU, DT-MU Civic Center, DT-OLB Central and DT-OLB South Districts when a nonresidential tower exceeds the trigger height. Requested options for further discussion include:
  - Current Code Version
  - Safe Harbor
  - Departure from Reduction with Exemplary Design

Council is being asked on October 2 to provide direction on whether to amend the current code version to reflect either of the alternative options provided. The current code version is consistent with the Planning Commission recommendation and included in Attachment C at LUC Section 20.25A.075.A.2. The options for Council consideration are summarized below and detailed in Attachment B.

- **Residential Tower Setbacks from Internal Property Lines** – Council discussed retention of the Planning Commission 20-foot tower setback above 80 feet for residential buildings exceeding 100 feet in height. The Planning Commission’s recommendation for a 20-foot tower

setback for both residential and nonresidential towers is reflected in the draft code included in Attachment C at LUC Chart 20.25A.060.A.4. A new residential tower setback option was requested for Council discussion. Council is being asked on October 2 to provide staff with direction as to the appropriate building to building relationship for overall livability. The Planning Commission recommended a 20-foot setback. In the last Council meeting, a suggestion was made that a 30-foot setback from interior property lines be considered with departure flexibility allowing a reduction to 20 feet under certain circumstances. A code language option to achieve the suggested outcome is described in Attachment B.

- **Wrap Up Topics**

- **Vesting** – Council directed staff to include recommended vesting language in the final Downtown Livability Update Ordinance.
- **Sustainability Certifications** – Council directed staff to leave the Built Green 4 Star and 5 Star Certificates in the Amenity Incentive System as the Planning Commission recommended because categorizing the certifications as a Flexible Amenity would require a development agreement and approval by Council.

On October 2, Council will continue its review of identified topics to provide direction for finalizing the Downtown Livability Update Ordinance. Council adoption of the full Downtown Code Update package is tentatively scheduled for October 16, pending input on issues tonight.

### **Proposed Council Meeting Schedule**

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

	<ul style="list-style-type: none"> <li>• Wrap-up of minor topics</li> <li>• Small site exceptions and deviations</li> <li>• Floor plate reduction when nonresidential buildings exceed trigger height; discussion of no reduction below 20,000 square feet</li> <li>• Update on Wilburton-Grand Connection Planning Initiative</li> </ul>
	<p><b><u>Meeting 6: October 2 – Study Session</u></b></p> <ul style="list-style-type: none"> <li>• Floor Plate Reduction when Nonresidential Buildings Exceed Trigger Height</li> <li>• Trigger Height in the DT-OLB Central and DT-OLB South Districts.</li> <li>• Downtown Linear Buffer</li> <li>• Residential Tower Setback from Interior Property Lines</li> </ul>
	<p><b><u>Meeting 7: October 16 – Final Adoption</u></b></p>

### **SUMMARY OF RECOMMENDATIONS FOR COUNCIL CONSIDERATION**

No final action on the draft code update is requested tonight. Staff requests direction on whether to finalize an ordinance for Council adoption at a future meeting. As discussed in greater detail in Attachment B, the following is a summary of the staff recommendations for Council consideration.

<b>October 2 Council Meeting: Code Topics and Status</b>	<b>Staff Recommendations - Shown in bold font.</b>
<b>1. Floor Plate Reductions when Nonresidential Buildings Exceed Trigger Height in the DT-MU, DT-MU Civic Center, DT-OLB Central and DT-OLB South Districts.</b>	
<p>For the most part, trigger heights are set at the existing maximum height for each land use district plus 15 percent. The Planning Commission recommended 10 to 25 percent reduction in the floor plate size above the trigger height for nonresidential buildings. Council requested alternatives for its continuing discussion of this topic as it applies to the DT-MU, DT-MU Civic Center, DT-OLB Central and DT-OLB South Districts.</p>	<p>Options for Council Discussion:</p> <ul style="list-style-type: none"> <li>• <b><u>Current Version.</u> Ten percent reduction in floor plate size above the trigger height (Consistent with the Planning Commission Recommendation);</b></li> <li>• <u>Safe Harbor.</u> No reduction in floor plate size above the trigger height in DT-MU, DT-MU Civic Center, DT-OLB Center and DT-OLB South Districts, because any reduction in these districts would result in maximum floor plate sizes below 20,000 square feet; or</li> <li>• <u>Departure from Reduction.</u> A departure from the maximum floor plate sizes would be allowed if an applicant demonstrates that the building exhibits exemplary design.</li> </ul>

October 2 Council Meeting: Code Topics and Status	Staff Recommendations - Shown in bold font.
<b>2. Increase in Trigger Heights in the DT-OLB Central and DT-OLB South Districts</b>	
<p>In every Downtown District except for DT-OLB South and DT-OLB Central, trigger heights are set at the existing maximum height for the district plus 15 percent. The nonresidential trigger height for DT-OLB Central and DT-OLB South is currently set at 115 feet, which is the existing maximum height of 75 feet plus 54 percent. Council requested that the topic of trigger height in DT-OLB districts return for additional discussion.</p>	<p>The Planning Commission set the trigger at 115 feet in DT-OLB Central and DT-OLB South to ensure there was economic parity between development that occurs in the DT-OLB and DT-MU districts.</p> <p><b>Retain the Planning Commission Recommendation.</b></p>
<b>3. Downtown Boundary Linear Buffer – Staff Proposed Modifications</b>	
<p>The Downtown Boundary setback provides a 20-foot landscaped linear buffer at the edge of Downtown. The Planning Commission recommendation included a change in how the buffer is measured in Perimeter Overlay A-2. Where the Downtown Boundary is public right-of-way, the measurement would occur at the back of curb rather than the back of sidewalk under existing code. This means that the sidewalk would be included in the measurement thereby reducing the width of the landscaped part of the buffer. Measurement of the Downtown Boundary setback would remain from the back of sidewalk in the Perimeter Overlay A-1.</p>	<p><b>Staff recommends modest changes to achieve the Planning Commission recommended intent and to avoid unintended negative consequences on properties located within Perimeter Overlay A-2.</b></p> <p>The code modification necessary to accomplish the recommended objective is provided in Attachment B.</p>
<b>4. Council Request for Draft Residential Tower Setback Code Language</b>	
<p>On September 18, Council renewed its conversation regarding tower setbacks between projects. 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 amended code language to include a 30-foot setback for residential towers with flexibility to reduce setbacks to a minimum of 20-feet from interior property lines. The Planning Commission’s recommendation of a 20-foot tower setback for both residential and nonresidential towers is reflected in the draft code included in Attachment C at LUC Chart 20.25A.060.A.4. Draft code language to include a 30-foot setback for residential towers with flexibility to reduce setbacks to a minimum of 20 feet from interior property lines is provided for Council discussion in Attachment B at section 4.</p>	

**ATTACHMENTS**

- A. Memory Book
- B. Council Topics for Follow-Up: Staff Recommendations for Council Consideration
- C. Downtown Livability LUCA with Council Direction as of September 18
- D. East Main Informational Materials

**AVAILABLE IN COUNCIL DOCUMENT LIBRARY**

N/A