

2017 PLANNING COMMISSION



BELLEVUE

Meeting
6:30 pm May 24

Location

Commission meetings are held in the Council Conference Room unless otherwise posted.

Public Access

All meetings are open to the public and include opportunities for public comment.

425-452-6800
planningcommission@bellevuewa.gov

www.bellevuewa.gov

MAY 24



Bellevue Planning Commission

AGENDA

Regular Meeting

May 24, 2017

6:30 PM - Regular Meeting

******Meeting Location Change**** This meeting will be held in the Meydenbauer Center, 11100 NE 6th Street, Bellevue WA 98004 in Rooms 401-403. Please see the end of this meeting agenda for more specific instructions about the location and parking.**

6:30 PM – 6:35 PM	Call to Order
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6:35 PM – 6:40 PM	Roll Call
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6:40 PM – 6:45 PM	Approval of Agenda
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6:45 PM – 7:00 PM	Communications from City Council, Community Council, Boards and Commissions and Staff
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7:00 PM – 7:30 PM	Public Comment <i>The public is kindly requested to supply a copy of any presentation materials and hand-outs to the Planning Commission so it may be included in the official record. Please note, public comment for items related to a public hearing already held are limited to 3 minutes.</i>
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7:30 PM – 9:30 PM	Study Session <i>Downtown Livability – Review of Draft Downtown Land Use Code Amendment (LUCA)</i> Staff: Carol Helland, Code and Policy Development Director, Development Services Dept. Patricia Byers, Code Development Manager, Development Services Dept.; Emil King, AICP, Strategic Planning Manager, Planning & Community Development Dept.
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General Order of Business – This is the 5th study session (past - Mar 22, Apr 19, Apr 26, May 10) post Planning Commission public hearing (Mar 08 2017).

1. Brief re-cap of Downtown Livability process to date and goals for the 5/24 meeting.
2. Commission’s final review of 5/24/2017 Consolidated Draft Land Use Code to form recommendation to forward to Council (Att. F).
3. Commission discussion of transmittal document and items to highlight for Council (see Att. G for draft transmittal outline).

Anticipated Outcome – The Planning Commission will conclude their review and make a recommendation to City Council.

9:30 PM – 9:45 PM

Minutes to be Signed (Chair):

-

Draft Minutes Previously Reviewed & Now Edited:

-

New Draft Minutes to be Reviewed:

Apr 19, 2017

Apr 26, 2017

May 10, 2017

9:45 PM – 10:00 PM

Public Comment

Please note, public comment for items related to a public hearing already held are limited to 3 minutes.

10:00 PM

Adjourn

Please note:

- Agenda times are approximate only.
- Generally, public comment is limited to 5 minutes per person or 3 minutes if a public hearing has been held on your topic. The last public comment session of the meeting is limited to 3 minutes per person. The Chair has the discretion at the beginning of the comment period to change this.

Planning Commission Members:

John deVadoss, Chair
Stephanie Walter, Vice Chair
Jeremy Barksdale
John Carlson
Michelle Hilhorst
Aaron Laing
Anne Morisseau

Staff Contacts:

Terry Cullen, Comprehensive Planning Manager 425-452-4070
Emil King, Strategic Planning Manager 425-452-7223
Janna Steedman, Administrative Services Supervisor 425-452-6868
Kristin Gullede, Administrative Assistant 425-452-4174

John Stokes, Council Liaison



Bellevue Planning Commission

Important Notes about the Meeting Location

This meeting will be held at the Meydenbauer Center in downtown Bellevue.

11100 NE 6th Street, Bellevue, WA 98004 in Rooms 401-403.

Rooms 401-403 can be accessed by taking the elevator to the fourth floor. They can also be accessed via the second floor (Theatre floor) by taking the escalators up to the fourth floor.

Please refer to the diagram below:



Parking

Parking is available for a fee at the Meydenbauer Center.

Limited parking is available on a first come, first serve basis at City Hall. There are several events at City Hall this evening. Please plan to arrive early to get this parking. The parking enforcement officer at city hall has been notified that people will be parking at City Hall and walking off site to the Meydenbauer Center and we have received approval for this for May 24, 2017.



May 18, 2017

SUBJECT

Downtown Livability Land Use Code Update

STAFF CONTACTS

Carol Helland, Code and Policy Development Director, 452-2724
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DIRECTION NEEDED FROM PLANNING COMMISSION

- Action
- Discussion
- Information

BACKGROUND

Over the past 18 months, the Planning Commission has been reviewing and further refining recommendations from the Downtown Livability Citizen Advisory Committee (CAC). Please see [http://www.bellevuewa.gov/pdf/PCD/CAC_Final_Report\(1\).pdf](http://www.bellevuewa.gov/pdf/PCD/CAC_Final_Report(1).pdf) for reference to the CAC's Final Report.

The working draft of the Downtown Land Use Code (see Attachment F) represents the Commission's work to date to advance Downtown Livability Initiative, building upon the "Early Wins" code amendments that were adopted by Council in March 2016.

The Council principles that were developed at the beginning of the Downtown Livability Initiative are included for reference in this packet as Attachment A. Council guidance from January 2016 regarding updating the Amenity Incentive System are included as Attachment B.

Public Engagement

On March 8, 2017, the Planning Commission conducted a public hearing on the draft Downtown Land Use Code Update. All written comment and verbal testimony from the hearing process has been provided to the Planning Commission along with supplemental correspondence from the community since March 8. Staff also continues to engage with Downtown stakeholders regarding elements in the Draft Land Use Code Update. This has helped create a better

understanding of the issues and assist in the development of specific code refinements for Commission consideration.

SUMMARY OF INITIAL DIRECTION FROM PLANNING COMMISSION

The following matrix summarizes initial direction from the Planning Commission regarding changes to the March 8, 2017 Public Hearing Draft of the Downtown Land Use Code. The Commission has met four times following the public hearing:

- Meeting 1 March 22 – *Completed.*
- Meeting 2 April 19 – *Completed.*
- Meeting 3 April 26 – *Completed.*
- ~~Meeting 4~~ May 3 – *Cancelled due to a lack of quorum.*
- Meeting 4 May 10 – *Completed.*
- Meeting 5 May 24 – *Commission’s final review of 5-24-2017 Consolidated Draft Land Use Code to form recommendation for Council.*

The Commission’s initial direction has been incorporated into the 5-24-2017 Consolidated Draft Land Use Code included in this packet as Attachment F. An annotated Table of Contents for the Draft Land Use Code is shown in Attachment E. Final Commission direction on the Consolidated Draft Land Use Code will provide the basis for the Commission’s recommendation to City Council.

Date	Initial Commission Direction	Status
General		
3/22	Amend the draft Code to reflect the “Early Wins” Code amendments enacted by Ordinance 6277.	<i>Matrix included in 4/19 packet materials comparing Early Wins vs. Public Hearing Draft Code language. No changes necessary to draft Code to reflect Commission direction.</i>
Affordable Housing		
3/22	Include a 1.0 FAR exemption for affordable housing, and that the exemption be used in conjunction with the multifamily tax exemption program.	<i>Commission’s recommendation to be forwarded to Council for consideration as part of citywide Affordable Housing Strategy. Noted at LUC 20.25A.070.B.2 of the 5/24 Draft Code (page 46).</i>
Amenity Incentive System		
3/22	Revise the dimensional requirement table in section 20.25A.060 to show the base FAR to be 90% of the proposed maximum FAR in all instances.	<i>Integrated into 5/24 Draft Code at LUC 20.25A.060.A.4 (pages 36-38).</i>

Date	Initial Commission Direction	Status
3/22	Create a dedicated account for in-lieu fees collected through the amenity incentive system, and expend only for acquisition or improvement of publicly accessible open space within Downtown.	<i>Integrated into 5/24 Draft Code at LUC 20.25A.070.D.2 (page 49).</i>
4/19	Provide more granularity and transparency regarding the collection, fund allocation, expenditure and accounting of in-lieu fees.	<i>Accounting practice to be coordinated with the Bellevue Finance Department.</i>
4/19	Incorporate suggested edits to incentive system regarding Pedestrian Corridor bonus and transferability, Lake to Lake Trail, plaza criteria, arts amenity, and green building certification.	<i>Integrated into 5/24 Draft Code at LUC 20.25A.070.D.4 (pages 50-56).</i>
4/19	Do not further explore (1) concept of “Super Bonus” or (2) elimination of incentive system with replacement by additional development requirements.	<i>No changes necessary to draft Code to reflect Commission direction.</i>
4/26	Desire to review list of bonusable amenities along with additional ideas to potentially bonus as suggested during the public comment on the draft Code.	<i>Material included in 4/19 and 5/10 packets regarding new ideas for bonusable amenities.</i>
4/26, 5/10	Desire to have a shorter periodic review cycle than every 7-10 years for Amenity Incentive System and to incorporate provisions for performance reporting.	<i>Material included in 5/10 packet. Changes integrated into 5/24 Draft Code at 20.25A.070.G (page 57).</i>
5/10	Incorporate proposed changes from the Wallace Properties 5/10/2017 letter (Att. C) – Add Alleys with Addresses bonus to City Center North neighborhood.	<i>Integrated into 5/24 Draft Code at LUC 20.25A.070.D.4 (page 54).</i>
5/10	Incorporate proposed changes from the Wallace Properties 5/10/2017 letter (Att. C) – Provide more flexibility for small sites (less than 40,000 square feet) utilize incentive system.	<i>Changes integrated into 5/24 Draft Code for Allocation of Amenities, LUC 20.25A.070.D.2.b (page 49), and Flexible Amenity, LUC 20.25A.070.D.4 (page 57).</i>
Tower Separation and Other Requirements		
3/22	Bring back additional information regarding the 80-foot tower spacing and 40-foot tower setback.	<i>Information regarding comparable cities and revised approach to tower spacing and departures developed for 4/19 Commission meeting.</i>
4/19	Reduce 40-foot tower setback in draft Code from internal property lines to 20 feet.	<i>Integrated into 5/24 Draft Code at LUC 20.25A.060.A.4 (pages 36-38) and LUC 20.25A.075 (page 58).</i>

Date	Initial Commission Direction	Status
4/19	Modify definition of tower (75 feet to 100 feet) and raise point at which tower spacing applies (above 80 feet of building height).	<i>Revision included in 4/19 packet material. Integrated into 5/24 Draft Code at LUC 20.25A.020.A (page 8), LUC 20.25A.060.A.4 (pages 36-38) and 20.25A.075.B.3 (pages 58-59).</i>
4/19	Bring back examples to support additional Commission discussion of 60-foot vs. 80-foot tower separation within project limit.	<i>Material provided in 5/10 packet.</i>
5/10	Change 80-foot tower separation requirement within project limit to 60 feet.	<i>Integrated into 5/24 Draft Code at LUC 20.25A.060.A.4 (page 37, 39).</i>
4/19	Remove 10% outdoor plaza requirement for buildings that exceed trigger height (i.e. current maximum height).	<i>Integrated into 5/24 Draft Code at LUC 20.25A.075.A.3 (page 57).</i>
4/26	Further discussion of reduced floorplate sizes and other associated urban form provisions for allowing taller buildings.	<i>Discussed on 5/10.</i>
5/10	Retain draft code provision for 10% floorplate reduction above trigger height, with desire for additional stakeholder input and discussion on 5/24.	<i>Based on Commission interest, may be discussed on 5/24.</i>
District and Site-Specific Issues		
3/22	Amend Perimeter Overlay A-1 south of NE 12th Street from 102nd Avenue NE eastward to 112th Avenue NE to become Perimeter Overlay A-2.	<i>Revision included in 4/19 packet material. Integrated into 5/24 Draft Code at LUC 20.25A.060.A.3 (page 34).</i>
3/22	Incorporate changes reflected by the BDR and John L. Scott property representatives for Perimeter Overlay A-3 and B-3.	<i>Revisions included in 4/19 packet materials. Integrated into 5/24 Draft Code at LUC 20.25A.010.B.3 (page 3) and 20.25A.060.A.4 (pages 37-38).</i>
4/19	Retain the Draft Code maximum height of 345 feet for the DT-O-2 District.	<i>No changes necessary to Draft Code to reflect Commission direction.</i>
4/19, 5/10	Bring back additional information on the implications of allowing multi-tower projects that straddle the DT-MU District and B-2 Overlay to have a residential tower height of 264 feet in the B-2 portion.	<i>Material provided in 5/3 and 5/10 packets. Integrated into Draft Code at LUC 20.25A.060.A.4 (page 39).</i>
4/19	Amend Downtown Sidewalk map in portions of DT-OLB to reflect proximity to I-405 abutments.	<i>Material included in 4/19 packet material. Integrated into 5/24 Draft Code at LUC 20.25A.090.A.1 (page 70).</i>

Date	Initial Commission Direction	Status
4/19	Raise maximum parking garage height in DT-OLB-S, remove Active Uses requirement for garages that front 114th Ave NE and ensure garages have glazed openings and are compatible with urban environment.	<i>Material included in 4/19 packet material. Integrated into 5/24 Draft Code at LUC 20.25A.060.A.4 (page 37) and 20.25A.180 (pages 142).</i>
5/10	Incorporate proposed changes from the Wallace Properties 5/10/2017 letter (Att. C) and PMF Investments 5/10/2017 letter (Att. D) – Staff to work with PMF to develop alternative design treatments for parking garages in DT-OLB South.	<i>Language to be discussed with Commission on 5/24 based on staff/PMF review.</i>
4/19	Additional discussion of increasing maximum nonresidential floorplates between 40 feet and 80 feet in DT-OLB Districts.	<i>Material included in 5/10 packet.</i>
5/10	Incorporate proposed changes from the PMF Investments 5/10/2017 letter (Att. D) – Increase maximum floorplates by 25% in DT-OLB South for office between 80 and 150 feet of building height, subject to the same standards for tower separation and light and air impacts to pedestrians and adjacent properties.	<i>Integrated into 5/24 Draft Code at LUC 20.25A.060.A.4 (page 37, 39).</i>
5/10	Incorporate proposed changes from the Wallace Properties 5/10/2017 letter (Att. C) – Measure linear buffer in A-2 Perimeter Overlay District from curb instead of back of sidewalk.	<i>Integrated into 5/24 Draft Code at LUC 20.25A.110.C (page 92).</i>
5/10	Incorporate proposed changes from the Wallace Properties 5/10/2017 letter (Att. C) – Ability for buildings to extend over sidewalks in limited circumstances.	<i>Integrated into 5/24 Draft Code at LUC 20.25A.060.2.a.iii (page 41).</i>
Parking Flexibility		
3/22	Bring back approaches relating to Downtown parking flexibility for further discussion.	<i>Approaches for parking flexibility included in 4/19 and 4/26 packets.</i>
4/19	Remove 20% shared parking reduction allowed in existing (adopted) Code, and remove flexibility amendments in draft Code.	<i>Deleted following 4/26 discussion. Did not accurately reflect Planning Commission initial direction.</i>
4/26, 5/10	Remove parking flexibility in draft Code until a Comprehensive Downtown Parking Study is done.	<i>Material included in 5/10 packet; confirmed to not include in Draft Code.</i>
4/26	Desire to have additional discussion of 20% shared parking provisions.	<i>Material included in 5/10 packet.</i>

Date	Initial Commission Direction	Status
5/10	Allow up to a 20% shared parking reduction for uses with overlapping hours through a parking demand study. May not include residential parking or visitor parking.	<i>Integrated into 5/24 Draft Code at LUC 20.25A.080.C.3 (page 64).</i>
Miscellaneous		
3/22	Revise definition of Active Uses to include specific examples.	<i>Revised definition included in 4/19 packet, with additional refinements in 4/26 packet.</i>
4/26	Use revised definition of Active Uses as presented by staff.	<i>Direction from Commission on 4/26. Integrated into 5/24 Draft Code at LUC 20.25A.020.A (page 5).</i>
5/10	Incorporate proposed changes from the Wallace Properties 5/10/2017 letter (Att. C) – Reduce Green and Sustainability Factor from small sites.	<i>Integrated into 5/24 Draft Code at LUC 20.25A.120.A.4 (page 96).</i>
5/10	Incorporate proposed changes from the Wallace Properties 5/10/2017 letter (Att. C) – Add small site provisions for site circulation, open space, and streetscapes.	<i>Integrated into 5/24 Draft Code at LUC 20.25A.030.D.</i>

MAY 24 MEETING

The May 24 meeting is intended to include the following items:

- Brief re-cap of Downtown Livability process to date and goals for the 5/24 meeting.
- Commission’s final review of 5/24/2017 Consolidated Draft Land Use Code to form recommendation to forward to Council (Attachment F).
 - *The Commission wished to include their initial direction in a Consolidated Draft Land Use Code for them to review as a complete document and reflect back on the elements of livability they are seeking to address.*
- Commission discussion of transmittal document and items to highlight for Council (see Attachment G for draft transmittal outline).

ATTACHMENTS

- A. Council Principles for Downtown Livability Initiative
- B. Council Guidance for Updating Downtown Incentive Zoning
- C. Comment letter from Wallace Properties (dated 5/10/2017)
- D. Comment letter from PMF Investments (dated 5/10/2017)
- E. Annotated Table of Contents for Downtown Land Use Code
- F. 5/24/2017 Consolidated Draft Land Use Code that incorporates initial Commission direction to date
- G. Draft outline of Land Use Code Transmittal document
- H. Excerpt from Public Hearing Staff Report: How is Livability advanced by the Downtown Code update?

Council Principles for Downtown Livability Initiative

Change	Principle
After several development cycles since the original Code adoption, it has become increasingly clear what is working and not working with development incentives.	1. Refine the incentive system to develop the appropriate balance between private return on investment and public benefit.
Downtown Bellevue has experienced a massive influx of new residents. This has helped create long hoped-for urban qualities, but also led to increased frictions that occur in a dense, mixed use environment.	2. Promote elements that make Downtown a great urban environment while also softening undesirable side effects on Downtown residents.
Downtown has seen a significant increase in pedestrians and street-level activity.	3. Increase Downtown's liveliness, street presence, and the overall quality of the pedestrian environment.
Through new development, Downtown has an opportunity to create more memorable places, as well as a distinctive skyline.	4. Promote a distinctive and memorable skyline that sets Downtown apart from other cities, and likewise create more memorable streets, public spaces, and opportunities for activities and events.
Environmental rules and strategies have evolved over the past decades since the Downtown Code was adopted.	5. Encourage sustainability and green building innovation in Downtown development. Enable design that promotes water, resource, and energy conservation, and that advances ecological function and integrity.
Downtown is attracting a younger and more diverse demographic mix, of workers, visitors, and residents.	6. Respond to Downtown's changing demographics by meeting the needs of a wide range of ages and backgrounds for an enlivening, safe and supportive environment.
As Downtown has become a more mature urban center, it is experiencing an increase in visitors and more interest in tourism.	7. Promote elements that will create a great visitor experience and a more vital tourism sector for Downtown.
We live in an increasingly global economy, with flows of goods and services, capital and people transcending state and national boundaries.	8. Strengthen Downtown's competitive position in the global and regional economy, while reinforcing local roots and local approaches.
Downtown's relationship with adjacent residential neighborhoods has evolved. It remains important to achieve a transition in building form and intensity between Downtown and adjacent residents, but nearby neighborhoods are also seeking the attractions that the city center brings.	9. Maintain graceful transitions with adjoining residential neighborhoods, while integrating these neighborhoods through linkages to Downtown attractions.
The development arena is becoming increasingly competitive, as Downtown continues to seek quality investments that implement the Subarea Plan vision.	10. Refine the Code to provide a good balance between predictability and flexibility, in the continuing effort to attract high quality development that is economically feasible and enhances value for all users.
As Downtown has matured and filled in, opportunities for quality development are becoming limited, and expectations have grown as to how each development contributes to the greater whole.	11. Promote through each development an environment that is aesthetically beautiful and of high quality in design, form and materials; and that reinforces the identity and sense of place for Downtown and for distinct districts.
Bellevue's park and open space system has dramatically evolved, for example with acquisition and planning for Meydenbauer Bay Park, development of the Downtown Park, and the nearby Botanical Garden on Wilburton Hill.	12. Advance the theme of "City in a Park" for Downtown, creating more green features, public open space, trees and landscaping; and promoting connections to the rest of the park and open space system.

→
Project principles approved by the City Council.

**Council Guidance for Updating Downtown Incentive Zoning
Adopted by Council 1-19-16**

For many years incentive zoning has been part of Bellevue's strategy for implementing the Downtown Plan. Through the Amenity Incentive System, development is offered additional density (FAR) in exchange for providing certain public amenities. The Downtown Livability CAC report calls for a number of revisions to the system. The Council is providing the following direction to staff and the Planning Commission as they consider the CAC recommendations and move forward to develop the specific Land Use Code amendments to update the incentive zoning system.

1. Focus the system on making Downtown more livable for people. This should include incentivizing public open space, walkability/connectivity, affordable housing in recognition of the City's broader work on affordable housing, and other amenities that are most important to achieving Downtown livability.
2. Be forward-looking and aspirational, reflecting the evolving needs of a 21st century city.
3. Design the incentive system to help reinforce Downtown neighborhood identity.
4. Recognize that incentive zoning is one part of the broader Downtown land use code, and will work together with development standards, design guidelines and other code elements to collectively address impacts of development and ensure Downtown is a great place for people.
5. Simplify and streamline the incentive system with a clear structure and desired outcomes. This includes narrowing the list of incentives by mandating appropriate elements, incentivizing what would not otherwise happen, and increasing the base FAR to account for any current incentive that is converted to a mandate.
6. Ensure that the amenity incentive system is consistent with state and federal law. In particular, the process should be sensitive to the requirements of RCW 82.02.020, and to nexus and rough proportionality.
7. Design the amenity incentive system to act as a real incentive for developers, and ensure that modifications to the incentive system don't effectively result in a downzoning of land, in particular for current incentives converted to mandates.
8. Ensure that participation in the updated incentive system is required for any increases to currently permitted maximum density (FAR) and/or height.
9. Consider potential unintended consequences of the update, specifically: a) the effect of incentive zoning changes on the ability to continue to provide transit-oriented, workforce housing in Downtown, including the anticipated effect of the MFTE on producing such housing; b) the effect of incentive zoning changes on small lots, to ensure that their redevelopment remains viable and not contingent upon becoming part of an assemblage with other properties; and c) special sensitivity to Perimeter neighborhoods.

10. Provide for a reasonable “fee-in-lieu” alternative to ensure that the amenity incentive system does not unduly hinder development or result in building designs that lack market viability.
11. Consider an “off-ramp” option, with an approval process, providing flexibility for incentivizing elements that were not identified in this update but add equal or greater value.
12. Include a mechanism for future periodic updates of the incentive system to address Downtown needs as they change.

① Handed out by Kevin Wallace prior to mtg start
Wed. May 10, 2017

May 10, 2017



City of Bellevue
Planning Commission
E-mail: planningcommission@bellevuewa.gov

Re: Downtown Livability Code Amendments
Comments from Wallace Bellevue Partners LLC and Wallace/Scott LP

To the members of the Planning Commission:

This letter is a supplement to my letter of April 26 after reviewing the updated code in the May 10 packet.

Alleys with Addresses. We would appreciate this bonus being available in City Center North.

Tower Separation. We are comfortable with the proposed language in .075.B. Thank you for your excellent work on this important issue. Consider whether "maximum" in B.3.A. should be "minimum", and also consider whether the staff discretion could be more oriented toward achieving open space on the remainder of the lot. Consider the Elements building as an example of this – the buildings are closer than 80' but the result is a big open courtyard on the remainder of the site.

Upper Level Setback. We endorse the proposed language in .075.C.1.c. Thank you.

Linear Buffer (.110.C). Given your willingness to eliminate the linear buffer for A-3, please consider reducing the 20' linear buffer for A-2 to 20' from the curb edge instead of 20' from the back of the sidewalk. Currently the code is interpreted as a 12' sidewalk plus the 20' buffer for a total of 32'.

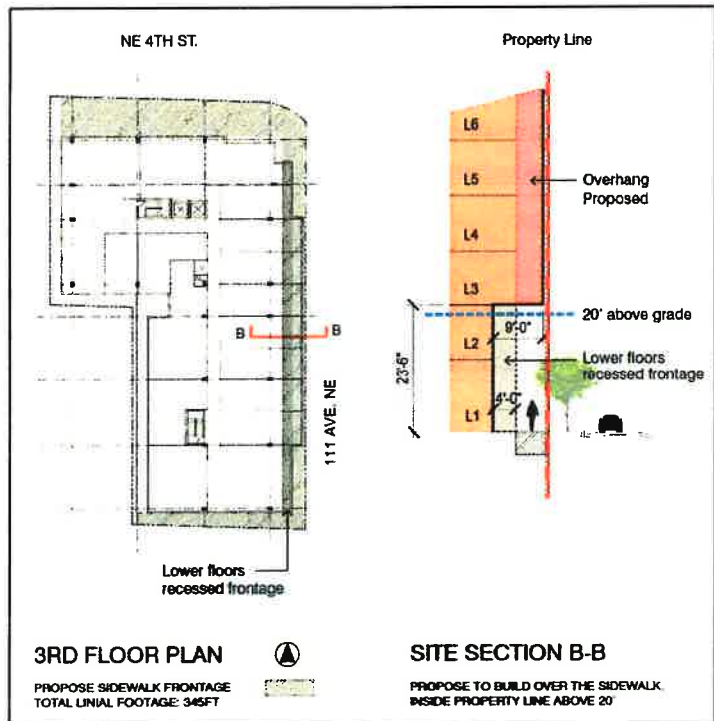
Director's Authority to Modify Required Parking. Please support the modifications to .080.H that were provided in the April 26 Packet Materials and also appear on page 153 of the May 10 materials. These changes allow for a site-specific study of the parking needs, which eliminates the need for the City to do a broader study in advance.

Amenity Incentive System is Difficult for Small Lots. Please see the attached worksheet that explains why there are only three amenity incentive bonuses available to a residential development. Under the current code, the residential bonus would provide far more amenity points than necessary to achieve the maximum FAR. Under the new code, the only available bonuses are:

- Fee in-lieu, which must be used for 50% of the points.
- Art or water feature, which must be used for 25% of the points.
- Enhanced streetscape, which is used for the remaining 25%.

Enhanced streetscape is an extreme hardship on a small site. So the game will be to provide as little enhanced streetscape square footage as possible in the area that impacts the building as little as possible. This is not driving quality design.

Right to Build to Sidewalk. The adjacent diagram shows the floorplan and elevation of our proposed residential project on the 4th & 111th site. The small site makes it very difficult to set back the building and have enough room to efficiently design residential units. The figure on the left shows that even if the building can be built to the property line, a typical 35' deep row of residential units is only achievable on the east side of the building. As shown on the right diagram, the sidewalk and enhanced streetscape requirements push the ground floor back nine feet from the property line. If we are not allowed to build back to our property line it would eliminate the grey area on the east side of the building on every floor. Maintaining this up to 20' in elevation is not ideal, but it's workable.



Proposed solution: Add a new Subsection .060.2.a.iii. "On Mixed Streets and Neighborhood Streets, Building structure, external decks and balconies are permitted to extend over the sidewalk and enhanced streetscape area to the property line above a minimum clearance of 20 feet above the right-of-way, except when a setback or stepback precludes such extension."

Site Circulation, Open Space and Streetscapes. Small sites like the 4th & 111th site will have a very difficult time complying with the requirements of .160.B.2. and 160.E and 170. Please take small lots into consideration when evaluating these requirements.

Green Factor. The green factor is a hardship for small sites. Large sites are able to comply because they have sufficient space to put in ground level plantings, which is what the community wants. Small sites are forced to do green walls and green roofs, which are very expensive and do not provide much public benefit. The current code mandates require sufficient perimeter landscaping on small sites. We ask that you exempt sites of less than 40,000 square feet from the Green Factor requirements, or else reduce the multiple from 0.3 to 0.25.

Parking Garages Adjacent to 114th. Please clarify the requirements in Section .180.D.6.b for parking garages adjacent to 114th. Given that the garages are buried by the freeway and not along a streetscape it is an overreach to require glazing, for example.

Sincerely yours,

Robert C. Wallace

Property:	4th & 111th
Development Type:	Residential
Land Area:	19,321
Zone:	MU
Neighborhood/District	East Main

Current Zoning	
Base FAR:	2.00
Max FAR:	5.00
Base Floor Area:	38,642
Max Floor Area:	96,605
Points Needed to Reach Max Floor Area:	57,963

Currently Available Bonus	Ratio	Square Feet or Money	Points
Residential Uses	2	96,605	193,210

Proposed Zoning (Base is 90% of Max)	
Base FAR:	4.50
Max FAR:	5.00
Base Floor Area:	86,945
Max Floor Area:	96,605
Points Needed to Max Floor Area:	9,661

Usable Bonuses	Ratio	Square Feet or Money	Points
In-Lieu Fee (Capped at 50% of the Amenity Need)	28	\$ 135,247	4,830
Public Art or Water Feature. (Capped at 25% of the Amenity Need)	25	\$ 60,378	2,415
Enhanced Streetscape. 4-8 feet in addition to minimum sidewalk. Plus decorative paving and other costly improvements. The bonus is not factoring in the value of the land. MUST have right to build back out to property line above 20' vertical elevation.	7	345	2,415
Total			9,661

Under existing code, the only requirement necessary to reach the maximum FAR is the residential bonus. In fact, the residential bonus provides almost 4x the required amount.

Under the proposed code, only 9,661 points are required, but there are only three viable options to earn the points: In-lieu fee (50% max), art or water feature (25% max) and enhanced streetscape (remaining 25%).

Broadly Available Bonuses	Ratio	Reason Unusable
Outdoor Plaza. Minimum size 3,000sf. Max area 20% of lot. New code requirements much more stringent.	6	Can't use due to 3,000 sf minimum (16% of lot).
Upper Level Plaza	3	Can't use due to 3,000 sf minimum (16% of lot).
Active Recreation Area	1	Can't use due to security issues and size limitations.
Enclosed Plaza	4	Can't use due to security issues.
Upper Level Enclosed Plaza	2	Can't use due to security issues.

All of the other bonuses are infeasible, either because the site is too small, the residential building needs to be secured, or the bonus is not available at the location.

As a result the projects have no choice but to pay a \$28/FAR in-lieu fee and do the enhanced streetscape.

New/Remaining Bonuses - Limited Use	Ratio	Reason Unusable
Major Pedestrian Corridor & MPOS.	13.3	Not Available
Donation of Park Property. Only available in East Main and Northwest Village. Minimum size 4,000 sf.	22.2	Can't use on-site due to size limitations and off site unrealistic.
Improvement of Public Park Property in NW Village or East Main.	22.2	Not realistic because the scale of the development is too small to support building a public park.
Improvement of Public Park Property outside of NW Village or East Main.	25	Not realistic because the scale of the development is too small to support building a public park.
Alleys with Addresses. Not available in City Center North, Ashwood, Eastside Center or Old Bellevue.	6.7	Can't use due to size limitations.
Free-standing canopies for transit stops and street corners.	25	Can't use due to size limitations.
Pedestrian Bridges.		Not available in East Main
Historic Preservation. Protection of historic facades.	25	No historical elements.
Historic and Cultural Resources Documentation. Space dedicated to document history of Downtown Bellevue.	25	No historical elements.
Performing Arts Space. Must be less than 10,000 square feet.	16	Can't use due to size limitations.
Neighborhood Serving Uses. Non commercial neighborhood space. 5,000 sf max. Space must be dedicated for life of project.	8	Owner unwilling to permanently dedicate space to narrow use. Wouldn't benefit neighborhood. Cost prohibitive.

Enhanced streetscape unnecessarily burdens the property by reducing the building footprint beyond the code required sidewalk width.

The solution is to provide more on-site amenity bonus options or exempt small sites from the amenity incentive system requirements.



PMF INVESTMENTS

City of Bellevue
Planning Commission
Attn: Chair John deVadoss
PO Box 900012
Bellevue, WA 98009
Email: planningcommision@bellevuewa.gov

May 10, 2017

Dear Planning Commissioners:

As Downtown Bellevue property owners, we are tremendously appreciative of the time, effort and thoughtfulness in which the Planning Commission and staff have worked to craft the Downtown Livability Initiative Code amendment. We recognize the complex challenges in balancing the competing policy perspectives that towards shaping the future of a vibrant Downtown environment for many generations.

As the Planning Commission is aware, PMF Investments owns the Sheraton and Azteca properties on the northeast corner of 112th Avenue NE and Main Street (Property). The Property is a gateway into Downtown and is located in the DT-OLB-South zone. We appreciate the Planning Commissions' recommendations for additional height and density in the DT-OLB-South. We believe this will support transit-oriented development around the future East Main light rail station, encourage pedestrian activity along 112th Avenue NE and also promote architecturally-compelling buildings when viewed from the east.

To further advance these Downtown Livability goals, we have two recommended minor amendments.

1. **Support Technology Job Growth in OLB-South.** Google, Amazon, Facebook and other leading technology companies generally seek a minimum floorplate of 30,000 sf. for their new campuses. Generally, these major technology companies are unwilling to consider office floorplates below 24,000 sf. For example, Amazon recently announced it was leasing the entire Centre425 office space. The new Centre425 building has office floorplates that average approximately 24,800 sf.

The OLB-South zone is directly adjacent to both I-405 and the future light rail station. PMF Investments believes the OLB-South zone's multi-modal transportation options will be attractive to technology companies that want to develop a vibrant campus at a gateway Downtown location.

However, the current draft Code would preclude "right-sized" floorplates for technology tenants above 80 feet (or roughly 7-stories). The Centre425 building leased by Amazon is 16-stories. In discussing with staff, we understand that a key City goal is to ensure that OLB-South floorplate sizes promote livability by protecting light, air and the skyline views looking west from Wilburton.

PMF Investments shares these concerns; we too want to ensure light, air and quality architecture.

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The current proposed OLB-South maximum height is 230 feet. However, the proposed floorplates must become smaller than 20,000 sf. at above 80 feet. That prevents real opportunities to recruit technology tenants to the OLB-South in buildings like Centre425, which permit larger floorplates.

PMF Investments proposes a compromise that we believe will support recruitment of technology tenants into the OLB-South zone while also enhancing the architectural character of the skyline and views from Wilburton into Downtown. We ask that the Code be amended to allow for floorplates **only in the OLB-South zone between 80 – 150 feet to be increased by 25% (up to 25,000 sf.) subject to the exact same standards of tower separation, light, air and impacts to pedestrians and adjacent properties as proposed in the current staff recommended language.**

That could be done by applying the LUC 20.25.060.A.4 footnote (17) to apply between 80-150 feet within the OLB-South zone and increasing the maximum amount of floorplate increase to 25%.

As proposed, this amendment will ensure that future towers continue to “skinny” as they become taller and would allow for permeability from Wilburton looking into Downtown while still allowing for OLB-South properties to be competitive in recruiting new technology companies to the City.

- 2. Support OLB-South Structured Parking Creative Art Treatments/Urban Design.** We continue to work productively with the City staff on a proposed amendment that would allow for alternative design treatments for the façade of parking garages in the OLB-South zone that are adjacent to I-405. This is a unique condition for the OLB-South zone given its proximity to I-405 and the potential visibility of these above-grade parking garages from I-405 and the Wilburton area.

We hope to have some more detailed language that is supported by both PMF and the City staff by the next Commission meeting. We would ask the Commission to allow these productive discussions to continue before taking any final action on a recommendation on this policy issue.

We also would like to reiterate our support for the Bellevue Downtown Association’s detailed list of proposed amendments. As always, we appreciate the Commission’s thoughtful consideration. Please feel free to contact me directly with any questions.

Sincerely yours,

s/Nat Franklin

Downtown Part 20.25A - Table of Contents

5.24.17

20.25A.010 General A. Applicability B. Organization	New Introductory section for ease of use. Organized like Light Rail Overlay Part 20.25M and BelRed Part 20.25D.
20.25A.020 Definitions A. Definitions specific to Downtown B. General Definitions not applicable to Downtown	New Definition section for ease of use. Organized like BelRed Part 20.25D.
20.25A.030 Review Required A. Applicable Review B. Master Development Plan C. Design Review D. Departures E. Procedural Merger	New Process section for ease of use. Organized like BelRed Part 20.25D. Substantive language moved from Downtown LUC 20.25A.010 and expanded. Added administrative and legislative departures for increased flexibility. Departures include Administrative Departures by the Director and City Council Departures. The latter was originally called Legislative Departures, but has been changed for clarity.
20.25A.040 Nonconforming uses, structures and sites A. Nonconforming Uses B. Nonconforming Structures C. Nonconforming Sites	Moved from Downtown LUC 20.25A.025 and conformed to other sections of the draft code amendment for consistency. Amended so that nonconforming use expansions will always require an Administrative Conditional Use Permit (ACU) rather than a Conditional Use Permit (CUP). The ACU process is shorter than the CUP process. Allows destroyed nonconforming structures to be rebuilt consistent with its nonconformity. Previous code required structures destroyed more than 75% of replacement value to be rebuilt in compliance with new code.
20.25A.050 Downtown Land Use Charts A. Permitted Uses B. Prohibited Uses C. Use Chart Described D. Use Charts	Moved from Downtown LUC 20.25A.015. Updated as part of Early Wins. Proposed code amendment adds a new Residential Use Note (2) which allows Congregate Care Senior Housing to have 40 percent nursing home use, assisted living use or a combination of both uses. Transient Lodging use has been added to the Residential Use Chart and will require a Conditional Use Permit in all Downtown Districts.
20.25A.060 Dimensional Charts A. Dimensional Charts in DTN Districts B. Exceptions to Dimensional Requirements	Moved from Downtown LUC 20.25A.020.A.2 and amended in response to CAC and Planning Commission direction.

	<p>Maps The Perimeter Overlay District map in LUC 20.25A.060.A.3. was amended to replace the Perimeter Overlay District A-1 with Perimeter Overlay District A-2 on NE 12th St. from 102nd Ave. NE to 112th Ave. NE. Removed Perimeter C Design District from map. Divided DT-O-2 and DT-OLB into 3 smaller districts each. The DT-MU was divided into 2 smaller districts. Renamed Design Districts A and B to Perimeter Overlay Districts A and B. Divided each Perimeter Overlay District into 3 smaller districts.</p> <p>Dimensional Chart. The front, rear, and side setbacks were removed. Minimum tower setback above 80 feet where building exceeds 100 feet was added. The tower setback is 20 feet and is measured from the interior property lines. Tower setback is measured from 80 feet rather than 45 feet as was originally proposed. Tower height was changed from 75 feet to 100 feet. Base FAR was added to original proposed code. Added tower separation of 60 feet where building exceeds 100 feet. Added base building height. Increased maximum heights in some districts. Added in 15' or 15% to maximum height for transparency. Tower setback was changed to 20 feet and tower separation was changed from 80 feet to 60 feet. Provided administrative departure to increase floor plates by 20% in OLB South between 80 and 150 feet. Maximum FAR had been increased from current code in some districts.</p> <p>Exceptions Exceptions provided for intrusions into stepbacks and setbacks, connecting floor plates, and for height to accommodate mechanical equipment. Exception added for overhangs no lower than 20 feet above the right-of-way on Mixed Streets and Neighborhood Streets.</p>
<p>20.25A.070 FAR and Amenity Incentive System</p> <ul style="list-style-type: none"> A. General B. Required Review C. FAR Exemptions, Special Dedications, and Conversions of Previously Approved Exempt Retail Activity Space D. Specific Requirements 	<p>Moved from Downtown LUC 20.25A.030 and amended in response to CAC and Planning Commission direction.</p> <p>FAR exemptions</p> <ul style="list-style-type: none"> • FAR exemption for ground level "Active Use" and compliance with "A" Right-of-Way criteria • .05 FAR exemption for upper level "Active Use" and compliance "upper level active uses" design guidelines. • Administrative departure provided for determination of "Active Use" not otherwise listed in definition.

	<ul style="list-style-type: none"> • Special dedication of land • Conversion of Previously Approved Exempt Retail Space <p>Amenities are weighted by neighborhood.</p> <ul style="list-style-type: none"> • Neighborhoods are Northwest Village, City Center North, Ashwood, Eastside Center, Old Bellevue, City Center South and East Main. <p>Calculation. Development may only exceed base FAR or base building height by providing amenities.</p> <ul style="list-style-type: none"> • 75% of amenities must be amenities associated with open space such as Outdoor Plaza or Major Pedestrian Corridor. • Small sites (40,000 square feet or less) may use any proportion of amenities. <p>In-lieu fees. Up to 50% of required amenity points may be in-lieu fees at \$28.00 per amenity point. The fees will be placed in a dedicated account for public open space within downtown.</p> <p>List of Amenities</p> <ul style="list-style-type: none"> • Major Pedestrian Corridor and Major Public Open Space • Outdoor Plaza • Donation of Park Plaza • Improvement of Public Park Property • Enhanced Streetscape • Active Recreation Area • Enclosed Plaza • Alleys with Addresses • Freestanding Canopies at Street Corners and Transit Stops • Pedestrian Bridges • Performing Arts Space • Public Art • Water Feature • Historic Preservation of Physical Sites/Buildings • Historic and Cultural Resources Documentation • Neighborhood Serving Uses • Sustainability Certification • Flexible Amenity <p>Pedestrian Corridor or Major Public Open Space amenity points earned may be transferred within Downtown, but must be recorded.</p> <p>Periodic Review of Amenity System 5-7 years</p> <p>Annual Performance Report</p>
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	<ul style="list-style-type: none"> • Number of DT projects that participated in amenity incentive system • Total amount of square footage earned through participation, and • Total number of amenity points for each amenity listed.
<p>20.25A.075 Downtown Tower Requirements</p> <p>A. Requirements for Additional Height</p> <p>B. Required Tower Separation</p> <p>C. Upper Level Stepbacks</p>	<p>Requirements for Additional Height Development that exceeds the trigger height must provide reduced floor plates above the trigger height, however the requirement for 10 % open space was removed.</p> <p>Required Tower Separation Required tower separation is 60 feet between towers within the same project limit. Administrative departure is allowed down to 20 feet, if a maximum of 10% of the façade of one tower is within the tower separation distance of another and the intrusion does not affect the light, air or privacy of the users of either building. Tower separation requirement does not apply to small sites which are 40,000 square feet or less at date of adoption.</p> <p>Upper Level Stepbacks Upper level stepbacks are required on the perimeter (15 feet) and in the DT Core (20 feet). Modification or elimination may be obtained if the stepback is not feasible due to site constraints, the modification is necessary to achieve design elements or features in the design guidelines and the modification does not interfere with view corridors or the modification is necessary where adjacent owners did not incorporate a stepback.</p>
<p>20.25A.080 Parking Standards</p> <p>A. General</p> <p>B. Min/Max Parking Requirements by Use</p> <p>C. Shared Parking</p> <p>D. Off-Site Parking</p> <p>E. Commercial Use Parking</p> <p>F. Parking Area and Circulation</p> <p>G. Bicycle Parking</p> <p>H. Director's Authority to Modify Parking</p>	<p>Moved from Downtown LUC 20.25A.050 and reorganized like BelRed 20.25D. Adds visitor parking for residential buildings at a rate of 1 stall per 20 units. Added required bicycle parking. Requires 8 feet for parking structure entries instead of 7.5 feet to accommodate accessible van parking.</p> <p>Shared Parking Any reduction for shared parking up to 20% requires a parking study conducted by a professional traffic engineer. Neither required visitor parking for residential uses nor secured or gated parking that is dedicated to residential uses shall be included in the number available for shared parking.</p>

<p>20.25A.090 Street and Pedestrian Circulation Standards</p> <p>A. Sidewalk Widths B. Planter Strips and Tree Pits C. Downtown Core</p> <p>1. Major Pedestrian Corridor 2. Major Public Open Spaces 3. Minor Publicly Accessible</p> <p>Spaces</p>	<p>Moved from Downtown LUC 20.25A.060 and amended.</p> <p>Sidewalk widths added. Abutments to I-405 on NE 4th and 6th no longer have sidewalk requirements.</p> <p>Planter Strips and Tree Pits were included in Early Wins.</p> <p>Major Pedestrian Corridor Moved from Downtown LUC 20.25A.090.E and citations updated. Will be updated following completion of Wilburton-Grand Connection Initiative Discussed with the Planning Commission on October 26, 2016.</p> <p>Minor Publicly Accessible Spaces are required for developments in the DT Core if the development is built to base FAR.</p>
<p>20.25A.100 Downtown Pedestrian Bridges</p> <p>A. Where Permitted B. Location and Design Plan C. Public Benefit Required D. Development Standards E. Public Access – Legal Agreement</p>	<p>Moved from Downtown LUC 20.25A.130 and amended to use the new Development Agreement Process.</p>
<p>20.25A.110 Landscape Development</p>	<p>Previously LUC 20.25A.040 Early Wins</p>
<p>A. Street Trees and Landscaping</p>	<p>Moved from LUC 20.25A.060 Early Wins. Added additional flexibility for tree species substitution.</p>
<p>B. On-site Landscaping</p>	<p>Moved from LUC 20.25A.060. Removed reference to vehicular access in table under Street Frontage because it does not occur on the street frontage in any Downtown zone.</p>
<p>C. Linear Buffer</p>	<p>Moved from LUC 20.25A.0090.D.4 and amended to allow adjacent property owners more use of the buffers. Linear buffer requirement removed for Perimeter Overlay District A-3 because Tunnel Portal Park is across Main St. Linear buffer requirement measured from curb edge instead of from back of sidewalk in Perimeter Overlay District A-2 pursuant to Wallace letter dated 5.10.17.</p>
<p>20.25A.120 Green and Sustainability Factor</p> <p>A. General B. Heritage Trees and Landmark Trees</p>	<p>New. Reviewed by the Planning Commission on October 26, 2016. Improves walkability, reinforces “City in a Park” character, increases tree canopy, helps with stormwater runoff infiltration, and softens and mitigates the effects of dense urban environment. Uses Seattle model. Small site exception allows for .25 factor rather than .3 factor.</p>
<p>20.25A.130 Mechanical Equipment Screening and Location Standards</p>	<p>Moved from Downtown LUC 20.25A.045. This was a part of the Early Wins package.</p>
<p>A. Applicability</p>	
<p>B. Location Requirements</p>	

C. Screening Requirements	
D. Exhaust Control Standards	
E. Modifications	
F. Noise Requirements	
Design Guidelines	Replaces Building Sidewalk Design Guidelines. Design guideline departures are available through LUC 20.25A.030.D.1. Design guidelines include illustrations and map for Through-Block Connections in 20.25A.160.D.1. Parking garage guidelines have been clarified in 20.25A.180.D.6.
20.25A.140 Downtown Design Guidelines Introduction	
20.25A.150 Context	
20.25A.160 Site Organization	
20.25A.170 Streetscape and Public Realm	
20.25A.180 Building Design (Base, Middle and Top)	

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ 5.24.17 Consolidated Draft

Part 20.25A Downtown

Commented [BT(1): Undated notes are from the original public hearing draft on 2.16.17. Dated notes are to memorialize the Planning Commission’s direction.

20.25A.010 General

A. Applicability of Part 20.25A

Commented [HC2]: UPDATED to align with code organization developed as part of BelRed (LUC 20.25D.010) and the Light Rail Overlay (20.25M.010) Improves Land Use Code Consistency and Ease of Use

1. General. This Part 20.25A, Downtown (DNTN), contains requirements, standards, criteria and guidelines that apply to development and activity within the Downtown land use districts. Except to the extent expressly provided in this Part 20.25A and as referenced in subsection A of this section, the provisions of the Land Use Code, other development codes, the City development standards, and all other applicable codes and ordinances shall apply to development and activities in the Downtown land use districts.

Commented [HC3]: UPDATES LUC 20.25A.010.A

2. Relationship to Other Regulations. Where there is a conflict between the Downtown land use district regulations and the Land Use Code and other City ordinances, the Downtown land use district regulations shall govern.

Commented [HC4]: Incorporates language of general applicability that is currently located at the beginning of Chapter 20.25. Limits references outside Downtown Code Part

3. Land Use Code sections not applicable in Downtown. The following sections of the Land Use Code, Title 20 Bellevue City Code (BCC) now or as hereafter amended, do not apply in Downtown. Unless specifically listed below, all other sections apply.

- a. 20.10.400
- b. 20.10.440
- c. 20.20.005 through 20.20.025
- d. 20.20.030
- e. 20.20.060 and 20.20.070
- f. 20.20.120 and 20.20.125
- g. 20.20.135 and 20.20.140
- h. 20.20.190 and 20.20.192
- i. 20.20.250
- j. 20.20.400
- k. 20.20.520
- l. 20.20.525
- m. 20.20.560

PART 20.25A Downtown

- n. 20.20.700 and 20.20.720
- o. 20.20.750 through 20.20.800
- p. 20.20.890 and 20.20.900

B. Organization of Part 20.25A. Organization of Part 20.25A is composed of several regulatory layers that inform development in Downtown.

Commented [HC5]: NEW – Improves Ease of Code Use

1. Purpose. Downtown Bellevue is the symbolic as well as functional heart of the Eastside Region. It is to be developed as an aesthetically attractive area of intense use. Toward this end, the City shall encourage the development of cultural, entertainment, residential, and regional uses located in distinct, mixed-use neighborhoods connected by a variety of unique public places and great public infrastructure. Development must enhance people orientation and facilitate pedestrian circulation, and provide for the needs, activities, and interests of people. The City will encourage land uses which emphasize variety, mixed uses, and unity of form within buildings or complexes. Specific land use districts have been established within the Downtown District to permit variation in use and development standards in order to implement the objectives of the Downtown Subarea Plan.

2. Land Use District Classifications. These are applied to each parcel of land in Downtown and determine uses, dimensional requirements (including Floor Area Ratio), and requirements for participation in the Amenity Incentive System. Specific sections of the Downtown code apply to the following land use classifications. See Figure 20.25A.060.A.2 for a map of the Downtown Land Use Classifications.

Commented [BT(6)]: Legal descriptions Land Use District and Perimeter Overlay Districts will be included in the Draft Code when they are complete.

Commented [HC7]: MOVED and UPDATED – Limits references outside Downtown Code Part. Currently located in LUC 20.10.370.

a. Downtown-Office District 1 (DNTN-O-1). The purpose of the Downtown-O-1 Land Use District is to provide an area for the most intensive business, financial, specialized retail, hotel, entertainment, and urban residential uses. This district is limited in extent in order to provide the level of intensity needed to encourage and facilitate a significant level of transit service. Day and nighttime uses that attract pedestrians are encouraged. All transportation travel modes are encouraged to create links between activities and uses. Transit and pedestrian facilities linking activities are encouraged; long term parking and other automobile oriented uses are discouraged.

Commented [HC8]: Planning Commission direction from February 8, 2017

b. Downtown-Office District 2 (DNTN-O-2). The purpose of the Downtown-O-2 Land Use District is to provide an area for intensive business, financial, retail, hotel, entertainment, institutional, and urban residential uses and to serve as a transition between the more intensive Downtown-O-1 Land Use District and the less intensive Downtown-Mixed Use Land Use District. The Downtown-O-2 District includes different maximum building heights for areas north of NE 8th Street, east of 110th Avenue NE, and south of NE 4th Street based on proximity to the Downtown Core and access to the regional freeway system and transit, creating the Downtown O-2 Districts North, East, and South (DNTN-O-2 North, DNTN-O-2 East, and DNTN-O-2 South).

c. Downtown-Mixed Use District (DNTN-MU). The purpose of the Downtown-MU Land Use District is to provide an area for a wide range of retail, office, residential, and support uses. Multiple uses are encouraged on individual sites, and in individual buildings, as well as broadly in the district as a whole. The Downtown-MU District allows for taller buildings and additional density in the Civic Center portion of the District east of 111th Avenue NE between NE 4th and

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.17-5.24.17 Consolidated Draft

NE 8th Street based on its proximity to the Downtown core and convenient access to the regional freeway system and transit. This area is called the Downtown Mixed Use District–Civic Center (DNTN-MU Civic Center) while the rest of the District is called Downtown-Mixed Use District (DNTN-MU).

d. Downtown-Residential District (DNTN-R). The purpose of the Downtown-R Land Use District is to provide an area for predominantly urban residential uses. Limited office and retail uses are permitted as secondary to residential use, in order to provide the amenity of shopping and services within easy walking distance of residential structures.

e. Downtown-Old Bellevue District (DNTN-OB). The purpose of the Downtown-OB Land Use District is to reinforce the character of the Old Bellevue area and assure compatibility of new development with the scale and intensity of the area. The social and historic qualities of this area are to be preserved.

f. Downtown-Office and Limited Business District (DNTN-OLB). The purpose of the Downtown-OLB Land Use District is to provide an area for integrated complexes made up of office, residential, and hotel uses, with eating establishments and retail sales secondary to these primary uses. The district abuts and has access to both I-405 and light rail transit service. The Downtown-OLB District differentiates maximum building heights and allowed density for areas north of NE 8th Street, between NE 4th and NE 8th Street, and south of NE 4th Street based on proximity to the Downtown Core and convenient access to the regional freeway system and transit. This creates three districts Downtown-OLB North, Downtown-OLB Central and Downtown-OLB South (DNTN-OLB North, DNTN-OLB Central, and DNTN-OLB South).

3. Perimeter Overlay Districts may impose ~~more stringent~~ dimensional requirements ~~that differ from~~ ~~than are allowed by~~ the underlying land use district to provide an area for lower intensity development that provides a buffer between less intense uses and more intensively developed properties in Downtown. Specific sections of the Downtown code apply to the following overlay districts. See Figure 20.25A.060.A.3 for a map of the Downtown Perimeter Overlay Districts.

a. Perimeter Overlay District A

A-1

A-2

A-3

b. Perimeter Overlay District B

B-1

B-2

B-3

Commented [BT(9)]: Initial PC direction on 4.19.17 as a part of the Bellevue Gateway (A-3/B-3) discussion.

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.17- 5.24.17 Consolidated Draft

4. Neighborhood Design Districts are a key organizing principle to implement the Great Place Strategy of the Downtown Subarea Plan. These neighborhood design districts create a series of distinct, mixed-use neighborhoods (or districts) within Downtown that reinforce their locational assets and unique identities. More information can be found in the Downtown Subarea Plan of the Comprehensive Plan.

- a. Northwest Village
- b. City Center North
- c. Ashwood
- d. Eastside Center (including Bellevue Square, City Center, and Convention Civic)
- e. Old Bellevue
- f. City Center South
- g. East Main

5. Right-of-Way Designations. The right-of-way designations provide design guidelines for Downtown streets that are organized by streetscape type. These designations are a representation of the Downtown vision for the future, rather than what currently exists. The designations create a hierarchy of rights-of-way reflecting the intensity of pedestrian activity. The “A” Rights-of-Way are those streets that have the highest amount of pedestrian activity, while the “D” Rights-of Way would have a smaller amount of pedestrian activity. These guidelines are intended to provide activity, enclosure, and protection on the sidewalk for the pedestrian. See Figure 20.25A.170.B for a map of the Right-of-Way Designations.

- a. Rights-of-Way- Pedestrian Corridor / High Streets
- b. Rights-of Way- Commercial Streets
- c. Rights-of-Way- Mixed Streets
- d. Rights-of-Way- Neighborhood Streets
- e. Rights-of-Way- Perimeter Streets

6. Major Pedestrian Corridor. An alignment which is generally for exclusive pedestrian use providing a reasonably direct, but interesting pedestrian route in the immediate vicinity of NE 6th Street between 102nd Avenue NE and the east side of 112th Avenue NE.

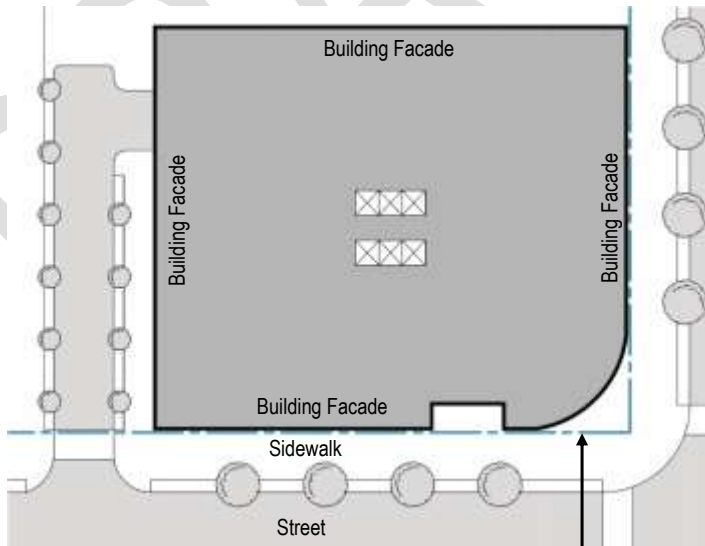
Commented [HC10]: MOVED from Design Guidelines Building/Sidewalk Relationships IV.E. Limits references outside Downtown Code Part.

20.25A.020 Definitions

A. Definitions Specific to Downtown

DT - Active Uses: ~~Those uses listed in LUC 20.25A.050 under “Cultural, Entertainment and Recreation”, “Wholesale and Retail” (with the exception of recycling centers and gas stations), and “Service Uses” (limited to finance, insurance, real estate services; barber and beauty shops; photography studios; shoe repair; and travel agencies). Those uses listed in LUC 20.25A.050 under “Residential” (including entrance lobbies and private indoor amenity space), “Service Uses” (except those uses listed above), “Transportation and Utilities”, and “Resources” are not considered Active Uses, but may be determined to meet the definition for an Active Use through an administrative departure pursuant LUC 20.25A.030.D.1 and 20.25A.070.C.2. An Active Use must meet the design criteria in the FAR Exemption for Ground Level and Upper Level Active Uses in LUC 20.25A.070.C.1 and the design guidelines for the applicable right-of-way designation in LUC 20.25A.170.B. Uses within a building that support pedestrian activity and promote a high degree of visual and physical interaction between the building interior and adjacent public realm. Entrance lobbies, private indoor amenity space, service uses, and enclosed privatized spaces are typically not considered active uses.~~ (NEW)

DT - Build-To Line: A location along a designated block or right-of-way where a building must be constructed. The build-to line is the back of the required sidewalk unless, upon the request of the applicant, it is designated otherwise by the Director.



Build-to-line located at back of sidewalk unless designated otherwise

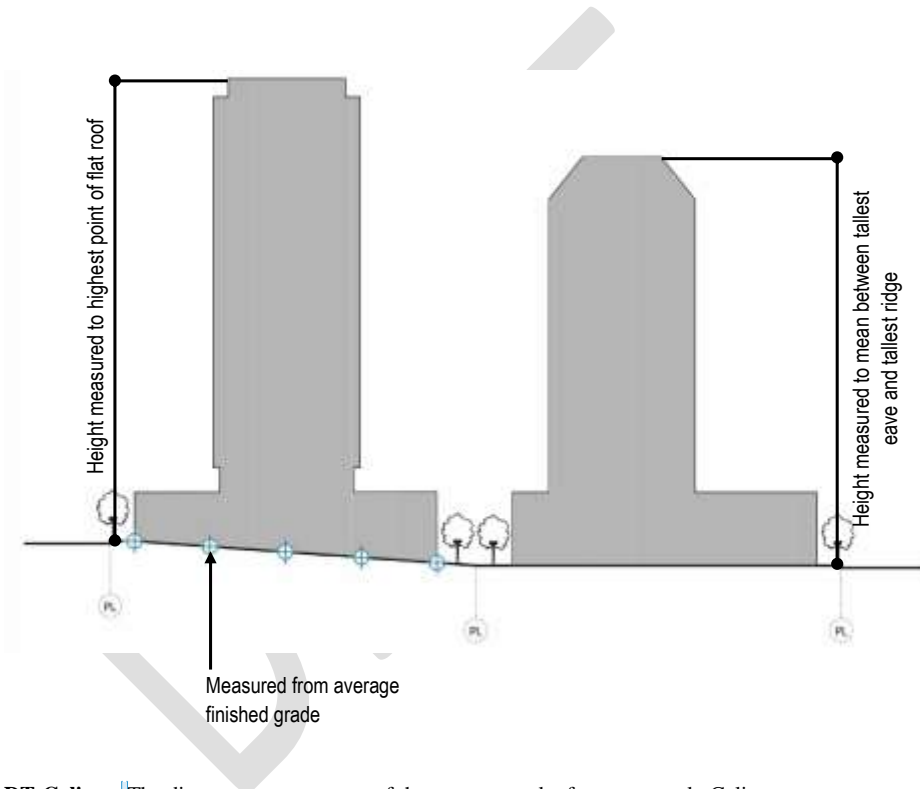
20.25A.020 5

Commented [HC11]: NEW – to align with organization developed as part of BelRed (LUC 20.25D.020) and the Light Rail Overlay (20.25M.020). Improves Land Use Code Consistency and Ease of Use.

Commented [BT(12)]: Initial PC Direction on 4.26.17

Commented [BT(13)]: Code clarification prepared for 5.3.17 packet, reprinted in 5.10.17 packet. No initial direction provided by Planning Commission.

DT - Building Height: The vertical distance measured from average of finished ground level adjoining the building at exterior walls to the highest point of a flat roof, or to the mean height between the tallest eave and tallest ridge of a pitched roof. Where finished ground level slopes away from the exterior walls, reference planes shall be established by the lowest points within the area between the building and the lot line, or back of sidewalk where back of sidewalk is the setback line. If lot line or back of sidewalk is more than 6 feet from the building, between the building and a point 6 feet from the building.



DT-Caliper: The diameter measurement of the stem or trunk of nursery stock. Caliper measurement is taken six inches above the ground level for field grown stock and from the soil line for container grown stock, which should be at or near the top of the root flare, and six inches above the root flare for bare root plants, up to and including the four-inch caliper size interval (i.e., from four inches up to, but not including, 4 inches). If the caliper measured at six inches is four and one-half inches or more, the caliper shall be measured at 12 inches above the ground level, soil line, or root flare, as appropriate.

Commented [HC14]: NEW - to define industry-based terminology used in the Green Factor section.

PART 20.25A Downtown

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DT-Downtown Core: The Downtown Core District encompasses the area bounded by the extension of the centerlines of 102nd Avenue NE on the west, NE 9th Street on the north, 112th Avenue NE on the east and NE 3rd Street on the south plus any area within the Downtown-O-2 Land Use District not described above.

Commented [BT(15): Errata - Definition taken from existing LUC 20.25A.100. Needed when code requirements are applicable only in the Downtown Code (e.g., Minor Publicly Accessible Space in LUC 20.25A.090.C.3).

DT-Diameter at Breast Height: Diameter at Breast Height (D.B.H.): The diameter of the tree trunk at four and one-half feet (or 54 inches) above natural grade level. The diameter may be calculated by using the following formula: D.B.H.= circumference at 4.5-feet divided by 3.14. To determine the D.B.H. of multi-trunk trees or measuring trees on slopes, consult the current *Guide for Plant Appraisal*, published by the Council of Tree and Landscape Appraisers.

Commented [HC16]: NEW - to define industry-based terminology in the Green Factor section.

DT - Floor Area Ratio (FAR): A measure of development intensity equal to the gross floor area, excluding parking and mechanical floors or areas, divided by the net on-site land area in square feet. Net on-site area land includes the area of an easement and public right-of-way as provided in LUC 20.25A.070C.

DT - Floor Plate: Floor area in square feet within the surrounding exterior walls, measured from the interior wall surface and including all openings in the floor plate.

DT – Interior Property Line: A property line other than the build-to line.

DT-Open Space: Landscaped areas, walkways, gardens, courtyards and lawns; excluding areas devoted to buildings, traffic circulation roads, or parking areas. Outdoor plazas, Major Pedestrian Open Space and Minor Publicly Accessible Spaces are a kind of open space.

Commented [BT(17): Definition in Amenity Incentive System. More closely aligns with CAC vision.

DT - Pedestrian Scale: The quality of the physical environment that reflects a proportional relationship to human dimensions and that contributes to a person's comprehension of buildings or other features in the built environment.

DT- Point of Interest: Elements of a building's façade at the street level or in the streetscape that contribute to the active enrichment of the pedestrian realm and design character of a building. Some examples include permanent public artwork, architectural elements, landscape features, special walkway treatments (e.g. pavement mosaic, inlaid art) and seating areas.

DT - Project Limit: A lot, portion of a lot, combination of lots, or portions of combined lots treated as a single development parcel for purposes of the Land Use Code.

DT -Public Realm: Streets, parks and other open spaces and the accessible parts of private buildings.

DT-Setback: A space unoccupied by structures except where intrusions are specifically permitted by this Code. Front setbacks are measured from the back of the required sidewalk to face of the building. All other setbacks are measured from the property line.

Commented [BT(18): 5.24.17 Added small site definition for administrative departures in Downtown.

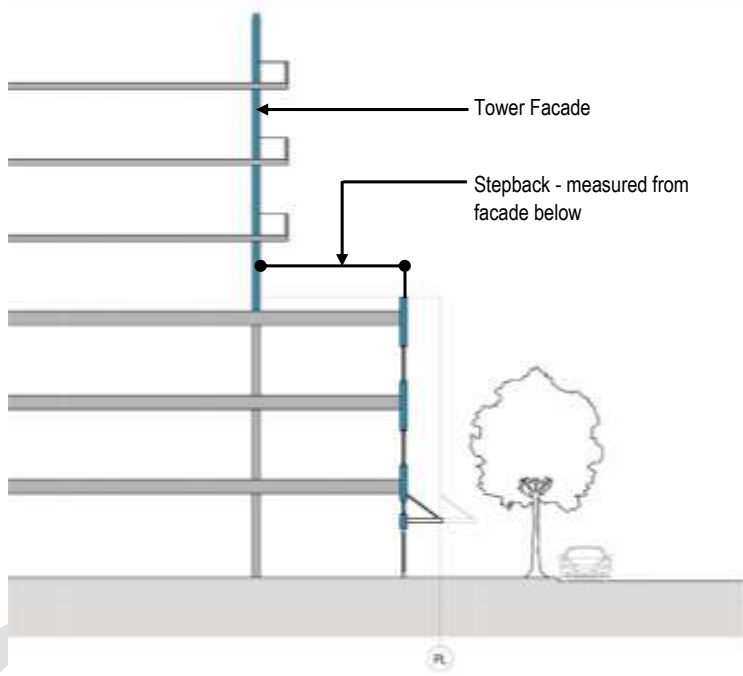
DT-Small Site: A lot equal or less than 40,000 square feet on _____ (the date of adoption of this ordinance).

PC direction was incorporate requests in Wallace Letter dated 5.10.17. One comment in the letter stated that the amenity incentive system is difficult for small sites. An exception has been drafted to address this. There are also other exceptions for small sites in this code including: tower separation, and new in this draft, the Green and Sustainability Factor.

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ ~~5.24.17 Consolidated Draft~~

DT – Stepback: A building stepback of a specified distance, measured from the façade below that occurs at a defined height above the average finished grade. No portion of the building envelope can intrude into the required stepback above the defined height, except where intrusions are specifically permitted by this code.



DT-Street Wall: A street wall is a building wall that generally abuts the sidewalk although there may be occasional setbacks and recesses for the purpose of plazas and open space. The street wall helps define and enclose the street corridor, creating a sense of activity, intensity, and spatial containment. Street walls can incorporate arcades at the sidewalk level with habitable space above.

Commented [HC19]: NEW definitions added below to clarify terminology used in the dimensional chart and design guidelines.

DT-Transparency: Ability to see through a window or door at the pedestrian eye level. The pedestrian eye level is 30 inches to 8 feet up from the sidewalk, following the adjacent sidewalk slope.

Commented [HC20]: Eight feet is used as the maximum height because overhead awnings must maintain an eight-foot clearance above the sidewalk.

DT-Tower: Any building located in the Downtown subarea with a minimum height of ~~75~~ **100** feet or greater.

Commented [BT(21)]: Initial PC Direction on 4.19.17.

DT-Tower Separation: The horizontal space between the closest exterior points of two or more towers located within a single project limit.

DT-Tower Setback: A building setback of a specified distance, measured from the interior property line that occurs at a defined height above average finished grade, when the building exceeds a

PART 20.25A Downtown

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specified height. No portion of the building envelope can intrude into the required setback above the defined height, except where specifically permitted by code or administrative departure.

DT-Weather Protection – A continuously covered area projecting from a building which functions as weather protection or a canopy projecting from the elevation of the building that is designed to provide pedestrians protection from the elements. Weather protection includes but is not limited to marquees and awnings that are made with durable materials.

B. General Definitions not applicable to Downtown. [The general definitions contained in Chapter 20.50 LUC apply unless specifically listed below as inapplicable to Downtown.](#)

Alley. LUC 20.50.010

Active Recreation Area. LUC 20.50.010

Building Height. LUC 20.50.012

Caliper. LUC 20.50.014

Floor Area Ratio. (FAR). LUC 20.50.020

Open Space. LUC 20.50.038

Setback. LUC 20.50.046

Setback, Front. LUC 20.50.046

Setback, Rear. LUC 20.50.046

Setback, Side. LUC 20.50.046

Stepback. LUC 20.50.046

Tree-Large Diameter. LUC 20.50.048

Tree-Small Diameter. LUC 20.50.048

Commented [HC22]: Planning Commission direction from February 8, 2017

Commented [BT(23)]: 5.24.17 Building height is defined in the Downtown definitions, so the general definition of Building Height does not apply.

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ 5.24.17 Consolidated Draft

20.25A.030 Review Required

A. Applicable Review

1. Review is Required. All development in Downtown shall be reviewed by the Director consistent with the terms of this Part 20.25A through the administration of Part 20.30V LUC (Master Development Plan), Part 20.30F LUC (Design Review) and Part 20.30L (Development Agreement) using the applicable procedures of Chapter 20.35 LUC. A Master Development Plan is required where there is more than one building or where development of a project is proposed to be phased. Design review is required on all Downtown projects. A Development Agreement is required for departures from the code which are not permitted to be granted through an administrative process.

2. Effect of Approval. Approval of the Design Review, and the Master Development Plan and any Development Agreement where required, shall constitute the regulations governing development and operation of an approved development for the life of the project. Such approval shall be contingent upon compliance with the conditions specified in the approval, conformance with all applicable development standards, the payment of all fees, and the submittal of assurance devices as may be required. The approval shall expire as provided pursuant to LUC 20.40.500, unless otherwise provided for in this Chapter 20.25A LUC.

B. Master Development Plan

1. Scope of Approval. Master Development Plan review (Part 20.30V LUC) is a mechanism by which the City shall ensure that the site development components of a multiple building or phased single building proposal are consistent with the Comprehensive Plan and meet all applicable site development standards and guidelines. Design, character, architecture and amenity standards and guidelines shall be met as a component of the Design Review (Part 20.30F LUC). Master Development Plan approvals required pursuant to subsection B.2 of this section shall identify proposed building placement within the project limit and demonstrate compliance with the following site development requirements, standards, and guidelines:

- a. Dimensional requirements pursuant to LUC 20.25A.060 as listed below:
 - i. Setbacks;
 - ii. Lot coverage;
 - iii. Building height for each building identified in subsection B.1 of this section;
 - iv. Floor area ratio for each building; and
 - v. Outdoor plaza space required to achieve maximum building heights above the trigger for additional height identified in LUC 20.25A.075.A, or the variable heights allowed by LUC 20.25A.060.A Note 13.
- b. Areas identified to accommodate required parking with entrance and exit points and required loading shown in relationship to the right-of-way as required pursuant to LUC 20.25A.090.

Commented [HC24]: EXPANDED SECTION – to align with organization developed as part of BelRed (LUC 20.25D.030) and the Light Rail Overlay (20.25M.030) Improves Land Use Code Consistency and Ease of Use Expands on current provisions contained in LUC 20.25A.010.B and C

Commented [HC25]: ALIGNS with Administrative Enforcement provisions in LUC 20.40.450 and Civil Violation provisions of BCC 1.18.020.K.6 to ensure compliance with issued permit requirements and conditions. Improves transparency and certainty.

Commented [HC26]: MOVED from Design Guidelines Building/Sidewalk Relationships IV.A through C to limit references outside Downtown Code Part.

Commented [HC27]: UPDATED – to ensure consistency with Amenity Design Criteria

PART 20.25A Downtown~~2.16.17 Draft~~ 5.17-5.24.17 Consolidated Draft

- c. Areas identified to accommodate street and pedestrian circulation pursuant to LUC 20.25A.090, including the anticipated location of any pedestrian corridor construction, and pedestrian bridges pursuant to 20.25A.100.
 - d. Areas identified to accommodate Major Public Open Spaces and Minor Publicly Accessible Spaces pursuant to LUC 20.25A.090.
 - e. Areas identified to accommodate landscape development pursuant to LUC 20.25A.110.
2. When Required. An applicant for a project with multiple buildings located within a single project limit shall submit a Master Development Plan for approval by the Director pursuant to Part 20.30V LUC. An applicant for a single building project shall submit a Master Development Plan for approval by the Director pursuant to Part 20.30V LUC when building construction is proposed to be phased.
3. For the purposes of this section, the project limit may be drawn to encompass a right-of-way that bisects a site, provided the Director finds that the following connectivity criteria can be met:
- a. A system of corner and mid-block crossings shall be provided to functionally connect on-site pedestrian paths across the bisecting right-of-way within the proposed project limit;
 - b. Pedestrian paths shall be provided to connect all buildings and right-of-way crossings located within the proposed project limit;
 - c. Visual connections shall be provided between all buildings located within the project limit by minimizing topographic variation and through use of vegetation and outdoor spaces; and
 - d. Only a right-of-way meeting the requirements of LUC 20.25A.070.C.2 may be included in the land area located within the proposed project limit for the purpose of computing maximum FAR.

C. Design Review

1. Scope of Approval. Design review is a mechanism by which the City shall ensure that the design, character, architecture and amenity components of a proposal are consistent with the Comprehensive Plan and any previously approved Master Development Plan, and meet all applicable standards and guidelines contained in City Codes including the terms of any departure granted pursuant to paragraph D of this section. Design review is a mechanism by which the City shall ensure that the site development components of a proposal are consistent with the Comprehensive Plan and meet all applicable standards and guidelines contained in City Codes when site development components were not approved as part of a Master Development Plan.
2. When Required. Design Review is required on all Downtown projects. An applicant shall submit a Design Review application for approval by the Director pursuant to Part 20.30F LUC.
3. Compliance with an applicable Master Development Plan or Departure. In addition to the decision criteria in LUC 20.30F.145, each structure and all proposed site development shall comply with any approved Master Development Plan applicable to the project limit described in a Design Review application. If the application for Design Review contains elements inconsistent with an applicable Master Development Plan, the Director shall not approve the design review unless the Master Development Plan is amended to include those elements.

Commented [HC28]: MOVED from LUC 20.25A.010.C and UPDATED to improve Ease of Code Use

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.17-5.24.17 Consolidated Draft

D. Departures

1. Administrative Departures by the Director. Due to the varied nature of architectural design and the unlimited opportunities available to enhance the relationship that occurs between the built environment and the pedestrians, residents and commercial tenants that use built spaces, strict application of the Land Use Code will not always result in the Downtown livability outcomes envisioned by the Comprehensive Plan. The purpose of this subsection is to provide an administrative departure process to modify provisions of the Land Use Code when strict application would result in a Downtown development that does not fully achieve the policy vision as it is articulated in the general sections of the Comprehensive Plan and the Downtown Subarea Plan.

a. Applicability. The Director may, through the Master Development Plan or Design Review processes, approve a proposal that departs from specific numeric standards contained in LUC 20.25A.090, LUC 20.25A.110 and LUC 20.25A.140 through LUC 20.25A.180, or that departs from Land Use Code requirements that specifically provide an opportunity for the Director to approve a departure subject to the provisions of this paragraph. For example, specific administrative departures are allowed from the dimensional requirements pursuant to the terms of LUC 20.25A.060.B which describes a range of exceptions and intrusions that can be approved as part of a permit review process.

b. Decision Criteria. The Director may approve or approve with conditions a departure from applicable provisions of the Land Use Code if the applicant demonstrates that the following criteria have been met:

- i. The resulting design will advance a Comprehensive Plan goal or policy objective that is not adequately accommodated by a strict application of the Land Use Code;
- ii. The resulting design will be more consistent with the purpose and intent of the code;
- iii. The modification is the minimum reasonably necessary to achieve the Comprehensive Plan objective or code intent;
- iv. Any administrative departure criteria required by the specific terms of the Land Use Code have been met; or
- v. The modification is reasonably necessary to implement or ensure consistency with a departure allowed through a Development Agreement with the City pursuant to LUC 20.25A.030.D.2.

c. Limitation on Authority. Administrative departures may only be granted approved consistent with the limitations contained in the Land Use Code section that authorizes the departure, or through a variance granted under the terms of Part 20.30G LUC. This paragraph does not limit the ability of an applicant to pursue legislative departures that are authorized through a Development Agreement (Part 20.30L) pursuant to the terms of LUC 20.25A.030.D.2.

2. Legislative City Council Departures. There are unlimited opportunities for creativity and innovation in the design of Downtown projects that advance the vision and policy goals articulated in the Comprehensive Plan. The accommodation of iconic opportunities can be constrained by the code Land Use Code Amenity list and associated Amenity Design Criteria that were drafted to foster development of a livable Downtown while ensuring timely, predictable and consistent administration of regulations that are drafted to be applicable to a widely variable range of projects. The purpose of

Commented [HC29]: NEW – Provides code flexibility supported by the CAC

Commented [HC30]: Planning Commission direction from February 8, 2017

Commented [BT(31): 5.24.17 PC direction was to incorporate requests in Wallace letter of 5.10.17. One request was to consider small sites with respect to site circulation, open space and streetscapes of LUC 20.25A.160.B.2 and E, and LUC 20.25A.170. This provision allows for administrative departures for all of the code citations listed in the letter.

Commented [HC32]: UPDATED to improve clarity based on commenter feedback.

Commented [HC33]: Planning Commission direction from February 8, 2017

Commented [HC34]: UPDATED to improve clarity based on commenter feedback

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ 5.24.17 Consolidated Draft

this subsection is to provide a legislative departure process to foster adaptive reuse of buildings that existed as of adoption date of this code, to create a Flexible Amenity as envisioned in LUC 20.25A.070.D.18, and to approve final construction design for privately developed spaces that function as part of the public realm.

a. Applicability. The City Council may, through a Development Agreement processed in accordance with Part 20.30L LUC:

i. Modify the following provisions of the Land Use Code:

(1) Uses prohibited under the terms of LUC 20.25A.040 and LUC 20.25A.050 when necessary to facilitate the adaptive reuse of a building that was in existence on [INSERT DATE of ordinance adoption], provided that this departure may not be used to locate a new Manufacturing Use in the Downtown; and

Commented [BT(35): Errata

(2) Amenities specifically identified for participation in the FAR Amenity Incentive System (LUC 20.25A.070) may be expanded to include a new Flexible Amenity subject to the terms of LUC 20.25A.070.D.18.

Commented [HC36]: Planning Commission direction from February 8, 2017

ii. Approve the final construction design for the following features that function as part of the public realm:

(1) Pedestrian Bridges identified in LUC 20.25A.100;

(2) Pedestrian Corridor Design Development Plans that depart from the conceptual designs contained in the Pedestrian Corridor Design Guidelines; and

(3) Major Public Open Space Design Development Plans that depart from the conceptual designs contained in the Major Public Open Space Design Guidelines.

b. Decision Criteria. The City Council may approve or approve with conditions a Legislative Departure from strict application of the Land Use Code consistent with the requirements of Part 20.30L LUC (Development Agreements).

PART 20.25A Downtown~~2.16.17 Draft~~ ~~5.17~~ 5.24.17 Consolidated Draft

- c. Limitations on Modification.
- i. Development Agreements are an exception, and not the rule and shall not be used to vary provisions of the Land Use Code which, by the terms of that Code, are not identified as appropriate for modification through Part 20.30L LUC (Development Agreements).
 - ii. Development Agreements may not be used to depart from the FAR bonus values adopted for the amenities specifically identified in LUC 20.25A.070.D.
 - iii. Development Agreements are not appropriate for proposals that are capable of being approved through administration of the Master Development Plan or Design Review processes using the flexibility tools such as administrative departures and variances that currently exist in the code.
 - iv. Development Agreements may not be used to vary the procedural provisions contained in Chapters 20.30 or 20.35 of the Land Use Code.

E. Procedural Merger

Within a Downtown land use district, any administrative decision required by this Part 20.25A or by the Land Use Code, including but not limited to the following, may be applied for and reviewed as a single Process II Administrative Decision, pursuant to LUC 20.35.200 through 20.35.250:

1. Master Development Plan, Part 20.30V LUC;
2. Administrative Conditional Use Permit, Part 20.30E LUC;
3. Design Review, Part 20.30F LUC; and
4. Variance, Part 20.30G LUC; and
5. ~~Critical Areas Land Use Permit, Part 20.30P LUC~~

Commented [HC37]: The Critical Areas Ordinance does not apply in Downtown.

20.25A.040 Nonconforming uses, structures and sites.**A. Nonconforming Uses.**

1. A nonconforming use may be continued by successive owners or tenants, except where the use has been abandoned. No change to a different use classification shall be made unless that change conforms to the regulations of this Code.
2. If a nonconforming use of a structure or land is discontinued for a period of 12 months with the intention of abandoning that use, any subsequent use shall thereafter conform to the regulations of the district in which it is located. Discontinuance of a nonconforming use for a period of 12 months or greater constitutes prima facie evidence of an intention to abandon.
3. A nonconforming use may be expanded pursuant to an Administrative Conditional Use Permit.

B. Nonconforming Structures.

1. A nonconforming structure may be repaired or remodeled, provided there is no expansion of the building, and provided further, that the remodel or repair will not increase the existing nonconforming condition of the structure.
2. A nonconforming structure may be expanded; provided, that the expansion conforms to the provisions of the Land Use Code, except that the requirements of LUC 20.25A.140 through 20.25A.180 shall be applied as described in paragraphs B.3 and B.4 of this section.
3. For expansions made within any three-year period which together do not exceed 50 percent of the floor area of the previously existing structure, the following shall apply:
 - a. Where the property abuts a street classified as a 'D' or 'E' right-of-way, the expansion is not required to comply with LUC 20.25A.140 through 20.25A.180.
 - b. Where the property abuts a street classified as an 'A', 'B' or 'C' right-of-way the expansion shall be in the direction of the classified street so as to reduce the nonconformity of the structure, except that an expansion which is no greater than 300 square feet in floor area and which is for the purpose of loading or storage is exempted from this requirement.
4. For expansions made within any three-year period which together exceed 50 percent of the floor area of the previously existing structure, the structure shall be brought into conformance with LUC 20.25A.140 through 20.25A.180.
5. If a nonconforming structure is destroyed by fire, explosion, or other unforeseen circumstances to the extent of 100 percent or less of its replacement value, it may be reconstructed consistent with its previous nonconformity. Provided that, the reconstruction may not result in an expansion of the building, nor an increase in the preexisting nonconforming condition of the structure.

Commented [HC38]: MOVED from Downtown LUC 20.25A.025 and conformed to other sections of the draft code amendment for consistency. UPDATED to ensure that nonconforming use expansions will always require an Administrative Conditional Use Permit (ACU) rather than a Conditional Use Permit (CUP). The ACU process is shorter than the CUP process. Allows destroyed nonconforming structures to be rebuilt consistent with prior nonconformities. Previous code required structures destroyed more than 75% of replacement value to rebuild in compliance with new code.

PART 20.25A Downtown

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C. Nonconforming Sites.

1. A nonconforming site may not be changed unless the change conforms to the requirements of this Code, except that parking lots may be reconfigured within the existing paved surface. This paragraph shall not be construed to allow any parking lot reconfiguration that would result in a parking supply that does not conform to the minimum/maximum parking requirements for the Downtown, LUC 20.25A.080.
2. A structure located on a nonconforming site may be repaired or remodeled, provided there is no expansion of the building, and provided further, that the remodel or repair will not increase the existing nonconforming condition of the site.
3. For expansions of a structure on a nonconforming site made within any three-year period which together exceed 20 percent of the replacement value of the previously existing structure:
 - a. Easements for public sidewalks shall be provided, unless the Director of the Department of Transportation determines such easements are not needed; and
 - b. A six-foot-wide walkway shall be provided from the public sidewalk or street right-of-way to the main building entrance, unless the Director determines the walkway is not needed to provide safe pedestrian access to the building. The Director may allow modification to the width of walkways so long as safe pedestrian access to the building is still achieved.
4. Expansions of a structure located on a nonconforming site, made within any three-year period which together do not exceed 50 percent of the previously existing floor area, do not require any increase in conformance with the site development provisions of this Code, except as otherwise provided in B.3 of this section.
5. Expansion of a structure located on a nonconforming site made within any three-year period which together exceed 50 percent of the floor area of the previously existing structure shall require compliance with the site development provisions of this Code.

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ 5.24.17 Consolidated Draft

20.25A.050 Downtown Land Use Charts

A. Permitted Uses.

Specific categories of uses are listed in Chart 20.25A.050.D. Paragraph C of this section explains Chart 20.25A.050.D, and describes the applicable review procedures. The use chart description and interpretation provisions of LUC 20.10.400 do not apply to the Downtown land use districts.

B. Prohibited Uses.

The manufacturing use table has been removed from the Downtown because there are no manufacturing uses that are generally permitted in any Downtown district unless they have been specifically added to another chart such as wholesale and retail.

C. Use Chart Description and Interpretation.

1. Description. In Chart 20.25A.050.D, land use classifications and standard Land Use Code reference numbers are listed on the vertical axis. City of Bellevue land use districts are shown on the horizontal axis.

- a. If no symbol appears in the box at the intersection of the column and the row, the use is not allowed in that district, except for short-term uses, which are regulated under Part 20.30M LUC (Temporary Use Permits) and subordinate uses which are regulated under LUC 20.20.840.
- b. If the symbol "P" appears in the box at the intersection of the column and row, the use is permitted subject to applicable general requirements of Chapter 20.20 LUC for the use and the district-specific requirements of this Part 20.25A LUC.
- c. If the symbol "C" appears in the box at the intersection of the column and the row, the use is permitted subject to the Conditional Use provisions specified in Part 20.30B in addition to any applicable general requirements for the use and the land use district.
- d. If the symbol "A" appears in the box at the intersection of the column and the row, the use is permitted subject to the Administrative Conditional Use provisions as specified in Part 20.30E LUC in addition to any applicable general requirements for the use and the land use district.
- e. If a number appears in the box at the intersection of the column and the row, the use is permitted through the applicable review process and subject to the special limitations indicated in the corresponding Notes.

2. Interpretation of the Land Use Code Charts by the Director. In the case of a question as to the inclusion or exclusion of a particular proposed use in a particular use category, the Director shall have the authority to make the final determination per LUC 20.10.420.

Commented [HC39]: MOVED from Downtown LUC 20.25A.015. Updated as part of Early Wins. Updated with one amended footnote in Residential Use Chart – Note 2.

Commented [HC40]: UPDATED to include provision in existing code from LUC 20.25A.010.D

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ 5.24.17 Consolidated Draft

D. Use Charts.

The following charts apply to Downtown. The use charts contained in LUC 20.10.440 do not apply within the Downtown land use districts.

Chart 20.25A.050.D – Uses in Downtown Land Use Districts

Culture, Entertainment, and Recreation – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
711	Library, Museum	P	P	P	A	A	P
7113	Art Gallery	P	P	P	P (3)	P	P
712	Nature Exhibitions: Aquariums and Botanical Gardens	P	P	P			
7212 7214 7222 7231 7232	Public Assembly (Indoor): Sports, Arenas, Auditoriums and Exhibition Halls but Excluding School Facilities	P	P	P	A (3)	A	P
7212 7214 7218	Motion Picture, Theaters, Night Clubs, Dance Halls and Teen Clubs	P	P	P	A (3)	A	P
7213	Drive-In Theaters						
	Adult Theaters (4)	P	P	P			P
7223 73	Public Assembly (Outdoor): Fairgrounds and Amusement Parks, Miniature Golf, Golf Driving Ranges, Go- Cart Tracks, BMX Tracks and Skateboard Tracks (1)						
73	Commercial Amusements: Video Arcades, Electronic Games	P	P	P		P	P
7411 7413 7422 7423 7424 7441 7449	Recreation Activities: Miniature Golf, Tennis Courts, Community Clubs, Athletic Fields, Play Fields, Recreation Centers, Swimming Pools (2)	P	P	P	P (5)	P	P

Culture, Entertainment, and Recreation – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
744	Marinas, Yacht Clubs						
7413 7414 7415 7417 7425	Recreation Activities: Skating, Bowling, Gymnasiums, Athletic Clubs, Health Clubs, Recreational Instruction	P	P	P	A/P (3) (5)	P	P
7491 7515	Camping Sites and Hunting Clubs						
76	Private Leisure and Open Space Areas Excluding Recreation Activities Above	P	P	P	P (5)	P	P
	Public/Private Park	P	P	P	P (5)	P	P
	Stables and Riding Academies						
	Boarding or Commercial Kennels (6)						
	City Park (5)	P	P	P	P	P	P

Notes: Uses in Downtown land use districts – Culture, Entertainment, and Recreation

- (1) For carnivals, see LUC 20.20.160.
- (2) Limited to a maximum of 2,000 gross square feet per establishment.
- (3) Nonresidential uses are permitted in Downtown-R Districts only when developed in a building which contains residential uses.
- (4) Adult theaters are subject to the regulations for adult entertainment uses in LUC 20.20.127.
- (5) Outdoor recreation facilities that include lighted sports and play fields or sports and play fields with amplified sound require administrative conditional use approval when located in the Downtown-R Zone.
- (6) Boarding and commercial kennels are allowed as subordinate uses to a veterinary clinic or hospital meeting the criteria of LUC 20.20.130.

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ 5.24.17 Consolidated Draft

Residential – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
	Two or More Dwelling Units Per Structure	P	P	P	P	P	P
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities	P	P	P	P	P	P
13 15	Hotels and Motels	P	P	P	P	P	P
15	Transient Lodging	C	C	C	C	C	C
	Congregate Care Senior Housing (1)	P	P2	P	P	P	P
6516	Nursing Home, Assisted Living			P	P	P	P

Commented [HC41]: Planning Commission direction from February 8, 2017

Notes: Uses in Downtown land use districts – Residential

- (1) An agreement must be recorded with the King County Recorder’s Office (or its successor agency) and provided to the Director, restricting senior citizen dwellings or congregate care senior housing to remain for the life of the project.
- (2) Where it is ancillary to Congregate Care Senior Housing, a maximum of forty percent of the area of a Congregate Care Senior Housing facility may be dedicated to a nursing home use, assisted living use, or a combination of both uses.

Commented [HC42]: NOTE ADDED since Downtown Livability Early Wins to offer code flexibility. Proposed code amendment adds a new Residential Use Note (2) which allows Congregate Care Senior Housing to have 40 percent nursing home use, assisted living use or a combination of both uses.

Services – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
61	Finance, Insurance, Real Estate Services	P (10)	P (10)	P (10)	P (4) (5) (11)	P (11)	P (10)
62	Personal Services: Laundry, Dry Cleaning, Barber and Beauty, Photography Studio and Shoe Repair	P	P	P	P (4) (5)	P	P (4)
6241	Funeral and Crematory Services						

Services – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
6262	Cemeteries						
	Family Child Care Home in Residence (1)	P	P	P	P	P	P
629	Child Day Care Center (1) (2)	P	P	P	P	P	P
629	Adult Day Care	P	P	P	P	P	P
63	Business Services, Duplicating and Blue Printing, Steno, Advertising (Except Outdoor), Travel Agencies, Employment, and Printing and Publishing	P	P	P	P (4) (5)	P	P
634	Building Maintenance and Pest Control Services						
637	Warehousing and Storage Services, Excluding Stockyards						
639	Rental and Leasing Services: Cars, Trucks, Trailers, Furniture and Tools	P	P	P			P
641	Auto Repair and Washing Services			P (3) (8)			
649	Repair Services: Watch, TV, Electrical, Upholstery	P	P	P		P	
	Professional Services: Medical Clinics and Other Health Care Related Services (12)	P	P	P	P (4) (5)	P (4)	P
	Professional Services: Other	P	P	P	P (4) (5)	P (4)	P
	Pet Grooming and Pet Day Care (9)	P	P	P	P/A (11)	P	P
6513	Hospitals (12)			C	C		
66	Contract Construction Services: Building Construction, Plumbing, Paving and Landscape						

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ 5.24.17 Consolidated Draft

Services – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
671	Governmental Services: Executive, Legislative, Administrative and Judicial Functions	P	P	P	P (5)	P (5)	P
672 673	Governmental Services: Protective Functions and Related Activities Excluding Maintenance Shops			P	C	C	P
	Limited Governmental Services: Executive and Administrative, Legislative and Protective Functions (6)	P	P	P	P (5)	P (5)	P
674 675	Military and Correctional Institutions						
	Secure Community Transition Facility						
681	Education: Primary and Secondary (7)	A	A	A	A/C (7)	A	A
682	Universities and Colleges	P	P	P			P
683	Special Schools: Vocational, Trade, Art, Music, Driving, Barber and Beauty Schools	P	P	P	P/A (5) (11)	P (5)	P
691	Religious Activities	P	P	P	C	C	P
692 (A)	Professional and Labor Organizations Fraternal Lodge	P	P	P	C	C	P
692 (B)	Social Service Providers	P	P	P	C	C	P
	Administrative Office – General	P	P	P	P (4) (5)	P	P
	Computer Program, Data Processing and Other Computer-Related Services	P	P	P	P (4) (5)	P	P
	Research, Business Incubation, Development and Testing Services	P	P	P	P (4) (5)	P	P

PART 20.25A Downtown~~2.16.17 Draft~~ 5.17-5.24.17 Consolidated Draft**Notes: Uses in Downtown land use districts – Services**

- (1) Refer to Chapter 20.50 LUC for definitions of child care service, family child care home, and child day care center.
- (2) A child care service may be located in a community facility in any land use district pursuant to LUC 20.20.170.E.
- (3) Auto repair and washing services are permitted only if washing services are a subordinate use pursuant to LUC 20.20.840. All auto repair must be performed in a structure.
- (4) Limited to a maximum of 2,000 gross square feet per establishment.
- (5) Nonresidential uses are permitted in Downtown-R Districts only if developed in a building which contains residential uses.
- (6) Uses are limited to 1,000 square feet, except for protective functions which are limited to community police stations of 1,500 square feet or less.
- (7) Primary and secondary educational facilities are an administrative conditional use in all land use districts; provided, that in the DNTN-R District a Conditional Use Permit is required for:
 - (a) The siting of such educational facility on a site not previously developed with an educational facility; or
 - (b) The addition to or modification of a site previously developed with an educational facility where that addition or modification involves:
 - (i) An increase of 20 percent or more in the number of students occupying the school. The increase shall be measured against the number of students for which the school was designed prior to the addition or modification, without regard to temporary structures that may have been added to the site over time. If there is no information establishing the number of students for which the school was originally designed, then the increase shall be measured against the average number of students occupying the school in the three academic years immediately preceding the proposed addition or modification; or
 - (ii) A change in the age group of students occupying the school, or the addition of an age group where such age group was not previously served at the school, except that the addition of students younger than kindergarten age consistent with the definition of school in LUC 20.50.046 shall not be considered a change in the age group of students or an addition of an age group for purposes of this subsection. For purposes of this subsection, age group refers to elementary, middle, junior or high school, as defined and used by the school district operating the school; or
 - (iii) The addition of facilities or programs that may result in impacts not anticipated at the time the original school was developed, including, for example: development of lighted ballfields or the addition of lighting to existing ballfields; development of an exterior sound amplification system; development of fixed outdoor seating; or a proposal to increase the height of the facility pursuant to LUC 20.20.740.A.3.b.
- (8) Battery exchange stations are ancillary to auto repair and washing services, and are permitted through the applicable review process as a component of that use. Operators of battery exchange stations must comply with federal and state law regulating the handling, storage, and disposal of batteries.

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ 5.24.17 Consolidated Draft

(9) Boarding and commercial kennels are permitted as a subordinate use to a pet grooming or pet day care meeting the criteria of LUC 20.20.130.

(10) Drive-in and drive-through facilities are permitted as a subordinate use pursuant to LUC 20.20.840 only if located within a structured parking area and not adjacent to any publicly accessible space. Parking must comply with LUC 20.25A.080.A.

(11) When the use occupies less than or equal to 2,000 square feet, the use is permitted outright. When the use occupies more than 2,000 square feet, an Administrative Conditional Use Permit is required.

(12) Stand-alone emergency rooms shall only be allowed when affiliated with a hospital.

Transportation and Utilities – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops						
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters	A	A	A			A
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services						
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	A (3)	A (3)	A (4)			A (3)
	Accessory Parking (1) (2) (12)	P	P	P	P (14)	P	P
46	Auto Parking: Commercial Lots and Garages (12)	P (5)	P (5)	P (5)	A	P (5)	P (5)
	Park and Ride						
475	Radio and Television Broadcasting Studios	P	P	P		P	P
485	Solid Waste Disposal						
	Highway and Street Right-of-Way (12)	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C
	Local Utility System	P	P	P	P	P	P
	Regional Utility System	C	C	C	C	C	C

20.25A.050 24

Transportation and Utilities – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
	On-Site Hazardous Waste Treatment and Storage Facility						
	Off-Site Hazardous Waste Treatment and Storage Facility						
	Essential Public Facility (9)	C	C	C	C	C	C
	Regional Light Rail Transit Systems and Facilities (13)	C/P	C/P	C/P	C/P	C/P	C/P
	Wireless Communication Facility (WCF): (without WCF Support Structures)	(6) (7) (10)	(6) (7) (10)	(6) (7) (10)	(6) (7) (10)	(6) (7) (10)	(6) (7) (10)
	Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	(6) (7)	(6) (7)	(6) (7)	(6) (7)	(6) (7)	(6) (7)
	Satellite Dishes (8)	P	P	P	P	P	P
	Electrical Utility Facility (11)	A/C	A/C	A/C	A/C	A/C	A/C

Notes: Uses in Downtown land use districts – Transportation and Utilities

- (1) The location of an off-site parking facility must be approved by the Director. See LUC 20.25A.080.D.
- (2) Accessory parking requires approval through the review process required for the primary land use which it serves pursuant to this section.
- (3) Aircraft transportation is limited in these districts to government heliports used exclusively for emergency purposes and regulated pursuant to the terms of LUC 20.20.450.
- (4) Aircraft transportation is limited in these districts to government and hospital heliports used exclusively for emergency purposes and regulated pursuant to the terms of LUC 20.20.450.
- (5) Design Review approval, Part 20.30F LUC, is required to establish a commercial parking facility. Refer to LUC 20.25A.080.E for additional development requirements.
- (6) Wireless communication facilities (WCFs) are not permitted on any residential structure, undeveloped site located in a residential land use district, or site that is developed with a residential use; except WCFs are allowed on mixed-use buildings that include residential uses. This note does not prohibit locating WCF: on any nonresidential structure (i.e., churches, schools, public facility structures, utility poles, etc.) or in public rights-of-way in any residential land use district.

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ 5.24.17 Consolidated Draft

- (7) Refer to LUC 20.20.195 for general requirements applicable to wireless communication facilities and other communication, broadcast and relay facilities.
- (8) Refer to LUC 20.20.730 for general requirements applicable to large satellite dishes.
- (9) Refer to LUC 20.20.350 for general requirements applicable to essential public facilities (EPF).
- (10) Antenna and associated equipment used to transmit or receive fixed wireless signals when located at a fixed customer location are permitted in all land use districts and are exempt from the requirements of LUC 20.20.010, 20.20.195 and 20.20.525 so long as the antenna and equipment comply with 47 C.F.R. 1.400, now or as hereafter amended. A building permit may be required to ensure safe installation of the antenna and equipment.
- (11) For the definition of electrical utility facility, see LUC 20.50.018, and for reference to applicable development regulations relating to electrical utility facilities, see LUC 20.20.255. For new or expanding electrical utility facilities proposed on sensitive sites as described by Map UT-7 of the Utilities Element of the Comprehensive Plan, the applicant shall obtain Conditional Use Permit approval under Part 20.30B LUC, complete an alternative siting analysis as described in LUC 20.20.255.D and comply with decision criteria and design standards set forth in LUC 20.20.255. For expansions of electrical utility facilities not proposed on sensitive sites as described by Map UT-7, the applicant shall obtain Administrative Conditional Use Permit approval under Part 20.30E LUC and comply with decision criteria and design standards set forth in LUC 20.20.255.
- (12) Electric vehicle infrastructure, excluding battery exchange stations, is ancillary to motor vehicle parking and highways and rights-of-way, and is permitted through the applicable review process as a component of that use.
- (13) Refer to Part 20.25M LUC, Light Rail Overlay District, for specific requirements applicable to EPF defined as a regional light rail transit facility or regional light rail transit system pursuant to LUC 20.25M.020. A Conditional Use Permit is not required when the City Council has approved a regional light rail transit facility or regional light rail transit system by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.25M.030.B.1.
- (14) Accessory parking is not permitted in residential land use districts as accessory to uses which are not permitted in these districts.

Wholesale and Retail – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
51	Wholesale Trade: General Merchandise, Products, Supplies, Materials and Equipment except the following:						
5111 5156	Wholesale Trade: Motor Vehicles, Primary and						

Wholesale and Retail – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
5157 5191 5192	Structural Metals, Bulk Petroleum						
5193	Scrap Waste Materials, Livestock						
	Recycling Centers (15)	P	P	P	A	A	P
521 522 523 524	Lumber and Other Bulky Building Materials Including Preassembled Products						
5251	Hardware, Paint, Tile and Wallpaper (Retail)	P	P	P	P (1)	P (5)	P
5252	Farm Equipment						
53	General Merchandise: Dry Goods, Variety and Dept. Stores (Retail)	P	P	P	P (1)	P (5)	P
54	Food and Convenience Store (Retail) (3)	P	P	P	P (1)	P (5)	P
5511	Autos (Retail), Motorcycles (Retail)	P (2)	P (2)	P (2)			P (2)
	Commercial Trucks, Recreational Vehicles (Retail)						
	Boats (Retail)	P (2)	P (2)	P (2)			P (2)
552	Automotive and Marine Accessories (Retail)			P			P
553	Gasoline Service Stations (8)	P	P	P			P
56	Apparel and Accessories (Retail)	P	P	P	P (1)	P (2)	P
57	Furniture, Home Furnishing (Retail)	P	P	P	P (1)	P (2)	P
58	Eating and Drinking Establishments (4) (7)	P	P	P	P	P	P
59	Misc. Retail Trade: Drugs, Liquor, Antiques, Books, Sporting Goods, Jewelry, Florist, Photo Supplies, Video Rentals and	P	P	P	P (1)	P (2)	P

Wholesale and Retail – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
	Computer Supplies (12)						
	Handcrafted Products (Retail) (11) (14)	P	P	P	P (1)	P	P
	Adult Retail Establishments (6)	P	P	P		P	P
59	Marijuana Retail Outlet	A (4) (10)	A (4) (10)	A (4) (10)		A (4) (10)	A (4) (10)
5961	Farm Supplies, Hay, Grain, Feed and Fencing, etc. (Retail)						
596	Retail Fuel Yards						
5996	Garden Supplies, Small Trees, Shrubs, Flowers, Ground Cover, Horticultural Nurseries and Light Supplies and Tools			P (13)	P (13)	P (13)	P (13)
5999	Pet Shop (Retail)	P	P	P	P (1)	P (5)	P
	Computers and Electronics (Retail)	P	P	P	P (1)	P (5)	P

Notes: Uses in Downtown land use districts – Wholesale and Retail

- (1) Nonresidential uses are permitted in Downtown-R Districts only when developed within the same project limit and simultaneously with an equal or greater amount of floor area devoted to residential uses.
- (2) No on-site outdoor display or inventory storage. Loading and unloading shall not be permitted in the right-of-way.
- (3) Food and convenience stores (retail) must contain at least 75 percent square footage of retail food sales not for consumption on premises.
- (4) Drive-in windows and drive-throughs are not permitted.
- (5) Limited to a maximum of 15,000 gross square feet per establishment or up to 25,000 gross square feet through a conditional use.
- (6) Adult retail establishments are subject to the regulations for adult entertainment uses in LUC 20.20.127.
- (7) Microbrewery manufacturing is permitted when combined with an eating and drinking establishment.

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ **5.24.17 Consolidated Draft**

(8) All wholesale and retail uses, which offer shopping carts to customers, shall (a) designate a shopping cart containment area as defined in BCC 9.10.010; (b) display signage around shopping cart corrals and at the perimeter of the shopping cart containment area that provides notice that unauthorized removal of a shopping cart from the premises constitutes theft under RCW 9A.56.270 and unauthorized abandonment of a shopping cart more than 100 feet away from the parking area of a retail establishment or shopping cart containment area is a Class 3 civil infraction as defined in RCW 7.80.120; and (c) display information on each shopping cart that is consistent with the labeling requirements of RCW 9A.56.270 and includes a 24-hour toll-free phone number to report abandoned shopping carts. Abandoned shopping carts or shopping carts located outside of a shopping cart containment area constitute a public nuisance under BCC 9.10.030(H) and may be abated through the provisions of Chapter 1.18 BCC.

(9) Battery exchange stations are ancillary to gasoline service stations, and are permitted through the applicable review process as a component of that use. Operators of battery exchange stations must comply with federal and state law regulating the handling, storage, and disposal of batteries.

(10) See LUC 20.20.535 for general development requirements for marijuana uses.

(11) Handcrafted product manufacturing is permitted subordinate to a retail establishment selling that product; provided, that the manufacturing use occupies not more than 50 percent of the total square footage of the combined establishment.

(12) Drive-in and drive-through pharmacies are permitted as a subordinate use pursuant to LUC 20.20.840 only if located within a structured parking area and not adjacent to any publicly accessible space.

(13) Garden supplies excludes items such as large trees, rock and bulk supplies which require special handling equipment.

(14) No unreasonable threat to human health and the environment shall be caused by flammable, dangerous or explosive materials associated with this use.

(15) A recycling center is allowed as a subordinate use if it is consistent with LUC 20.20.725.

Resources – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
8	Resource Production (Minerals, Plants, Animals Including Pets and Related Services)						
81	Agriculture, Production of Food and Fiber Crops, Dairies, Livestock and Fowl, Excluding Hogs						
	Marijuana Production						
8192	Other Horticultural Specialties: Medical						

Resources – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
	Cannabis Collective Gardens (4)						
821	Agricultural Processing						
	Marijuana Processing						
8221	Veterinary Clinic and Hospital (1) (3)	P	P	P	P	P/A (2)	P
8222	Poultry Hatcheries						
83	Forestry, Tree Farms and Timber Production						
8421	Fish Hatcheries						
85	Mining, Quarrying (Including Sand and Gravel), Oil and Gas Extraction						

Notes: Uses in Downtown land use districts – Resources

- (1) See LUC 20.20.130 for general requirements applicable to this use.
- (2) When the veterinary clinic and hospital occupies less than or equal to 2,000 square feet, the use is permitted outright. When the veterinary clinic and hospital occupies more than 2,000 square feet, an Administrative Conditional Use Permit is required.
- (3) Boarding and commercial kennels are permitted as a subordinate use to a veterinary clinic or hospital meeting the criteria of LUC 20.20.130.
- (4) Medical cannabis collective gardens are prohibited in Bellevue.

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ 5.24.17 Consolidated Draft

20.25A.060 Dimensional Charts

A. Dimensional Requirements in Downtown Districts.

1. General. The provisions of this section set forth the dimensional requirements for each land use district and Perimeter Overlay District in the Downtown as depicted in Figures 20.25A.060.A.2 and 3. Each structure, development, or activity in a Downtown Land Use District shall comply with these requirements except as otherwise provided in this Part. In Downtown, front setbacks rarely apply. Buildings are built to the “build-to” line which is either the property line or the right-of-way line unless otherwise determined by the Director.
2. Land Use District Map. Figure 20.25A.060.A.2 illustrates the locations of the Downtown Land Use Districts within the boundaries of the Downtown Subarea. The Land Use District Map should be viewed together with the Perimeter District Overlay Map below for a complete overview of the zoning applicable on any specific site.

Commented [HC43]: MOVED from 20.25A.020.A.2 and UPDATED to respond to CAC and Planning Commission direction.

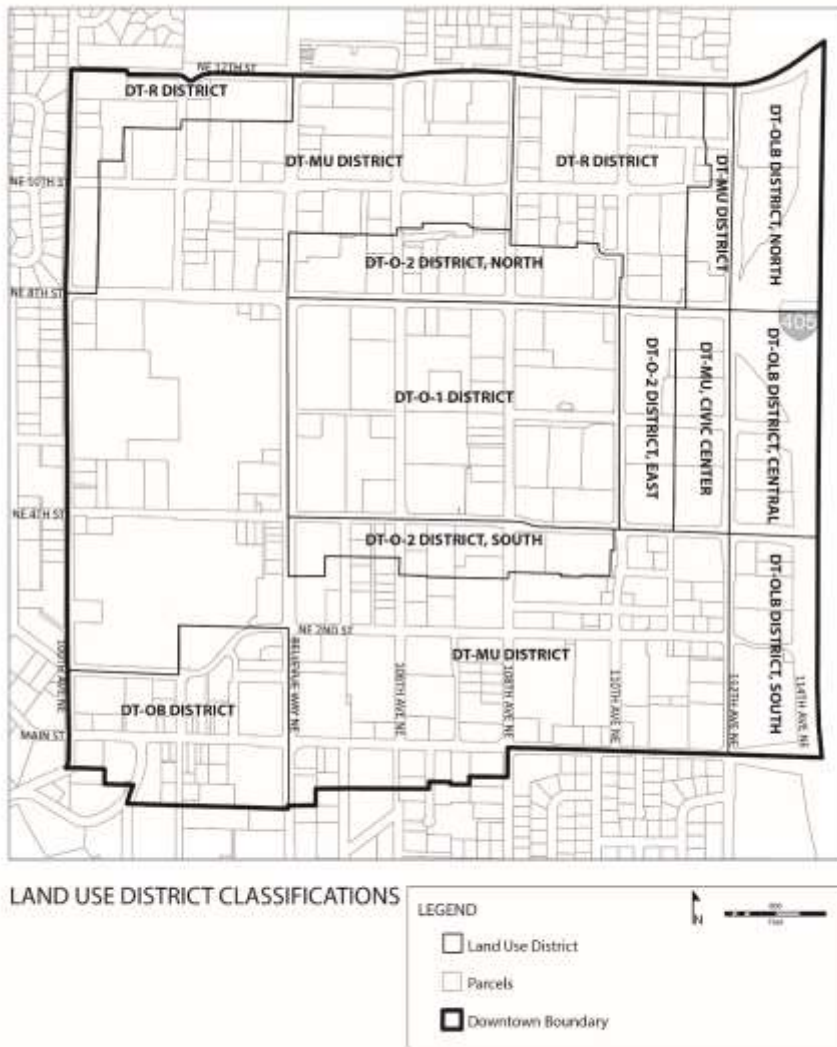
REMOVED Perimeter C Design District.

UPDATED to divide DT-O-2 and DT-OLB into 3 smaller districts each. The DT-MU was divided into 2 smaller districts. Renamed Design Districts A and B to Perimeter Overlay Districts A and B. Divided each Perimeter Overlay District into 3 smaller districts. Increased maximum heights in some districts.

ADDED in 15' or 15% to maximum height for transparency. Increased max. FAR in some districts.

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Figure 20.25A.060.A.2



PART 20.25A Downtown

~~2.16.17 Draft~~ **5.17- 5.24.17 Consolidated Draft**

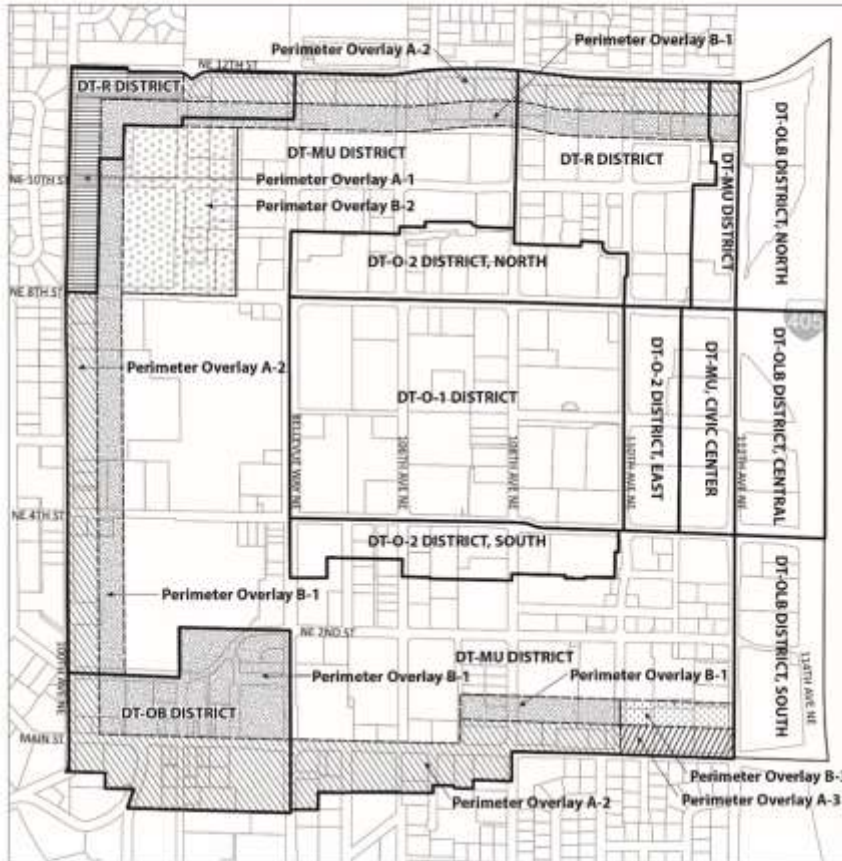
3. Perimeter Overlay District Map. Figure 20.25A.060.A.3 illustrates the locations of the Downtown Perimeter Overlay Districts within the boundaries of the Downtown Subarea in relationship to the Downtown Land Use Districts. The Perimeter District Overlay Map should be viewed together with the Land Use District Map above for a complete overview of the zoning applicable on a site. In addition to the applicable Land Use District, a site may be located partially or entirely with a Perimeter District.

Figure 20.25A.060.A.3

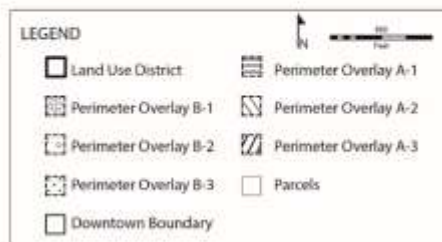
DRAFT

INSERT MAP Initial PC Direction 4.19.17

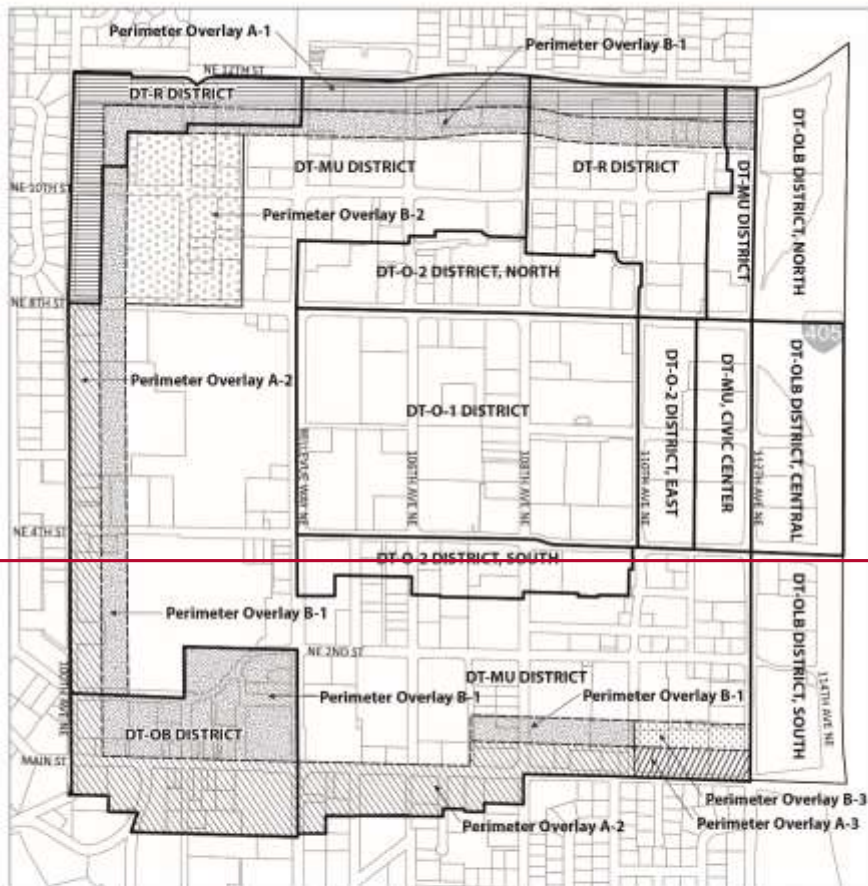
Commented [BT(44)]: Initial PC direction on 4.19.17 was to substitute Perimeter Overlay A-2 in for Perimeter Overlay A-1 on 112th Ave. NE from 102nd Ave. NE to 112th Ave. NE



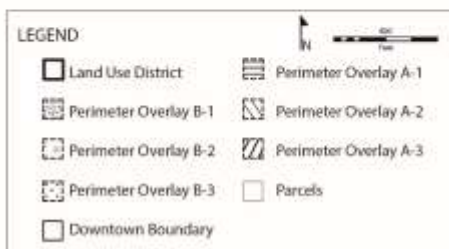
DIMENSIONAL REQUIREMENTS BY LAND USE DISTRICT AND PERIMETER OVERLAY



~~DELETE MAP BELOW Initial PC Direction 4.19.17~~



DIMENSIONAL REQUIREMENTS BY LAND USE DISTRICT AND PERIMETER OVERLAY



PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ ~~5.24.17 Consolidated Draft~~

4. Dimensional Chart. Chart 20.25A.060.A.4 sets forth the dimensional requirements applicable to each Land Use District and Perimeter Overlay District that are mapped in Figures 20.25A.060.A.2 and 3 above.

Note: For the purposes of this dimensional chart, the DT-O-2, DT-MU, and DT-OLB are divided into smaller areas. The rest of this Part 20.25A does not divide these Districts into smaller areas.

Dimensional Requirements in Downtown Districts

Downtown Land Use District	Building Type (2)(5)	Minimum Tower Setback above 45'80' Where Building Exceeds 75'-100'	Maximum Floor Plate Above 40' (4)	Maximum Floor Plate Above 80' (4)	Maximum Lot Coverage (13)	Maximum Building Height	Floor Area Ratio: Base / Maximum (3)	Tower Separation Above 4580' Where Building exceeds 75100'	Base Building Height	Trigger for additional height
DT-O-1	Nonresidential	20' 40' (15)(14)	24,000 gsf/f	24,000 gsf/f	100%	600' (8)	6.757.2/ 8.0	60' 80'(14)	345'	345' (7)
	Residential	20' 40' (15)(14)	22,000 gsf/f	13,500 gsf/f	100%	600' (8)	8.5-9.0 / 10.0	60' 80'(14)	450'	450' (7)
	Above-Grade Parking	20' 40' (15)(14)	20,000 gsf/f	20,000 gsf/f	100%	100' (9)	N/A	60' 80'(14)	N/A	N/A (10)
DT-O-2 North of NE 8 th St.	Nonresidential	20' 40' (15)(14)	24,000 gsf/f	24,000 gsf/f	100%	460'	5.05.4 / 6.0	60' 80'(14)	288'	288' (7)
	Residential	20' 40' (15)(14)	22,000 gsf/f	13,500 gsf/f	100%	460'	5.0-5.4 / 6.0	60' 80'(14)	288'	288' (7)
	Above-Grade Parking	20' 40' (15)(14)	20,000 gsf/f	20,000 gsf/f	100%	100' (9)	NA	60' 80'(14)	N/A	N/A (10)
DT-O-2 East of 110 th Ave. NE	Nonresidential	20' 40' (15)(14)	24,000 gsf/f	24,000 gsf/f	100%	403'	5.05.4 / 6.0	60' 80'(14)	288'	288' (7)
	Residential	20' 40' (15)(14)	22,000 gsf/f	13,500 gsf/f	100%	403'	5.05.4 / 6.0	60' 80'(14)	288'	288' (7)
	Above-Grade Parking	20' 40' (15)(14)	20,000 gsf/f	20,000 gsf/f	100%	100' (9)	NA	60' 80'(14)	N/A	N/A (12)
DT-O-2 South of NE 4 th	Nonresidential	20' 40' (15)(14)	24,000 gsf/f	24,000 gsf/f	100%	345'	5.05.4 / 6.0	60' 80'(14)	288'	288' (7)
	Residential	20' 40' (15)(14)	22,000 gsf/f	13,500 gsf/f	100%	345'	5.05.4 / 6.0	60' 80'(14)	288'	288'
	Above-Grade Parking	20' 40' (15)(14)	20,000 gsf/f	20,000 gsf/f	100%	100' (9)	NA	60' 80'(14)	N/A	N/A (10)
DT-MU	Nonresidential	20' 40' (15)(14)	22,000 gsf/f	20,000 gsf/f	100%	230'	3.254.5 / 5.0	60' 80'(14)	115'	115' (7)
	Residential	20' 40' (15)(14)	20,000 gsf/f	13,500 gsf/f	100%	288'	4.254.5 / 5.0	60' 80'(14)	230'	230' (7)
	Above-Grade Parking	N/A	20,000 gsf/f	N/A	75%	60' (9)	N/A	N/A	N/A	N/A (10)
DT-MU Civic Center	Nonresidential	20' 40' (15)(14)	22,000 gsf/f	20,000 gsf/f	100%	403'	3.255.4 / 6.0	60' 80'(14)	115'	115' (7)
	Residential	20' 40' (15)(14)	20,000 gsf/f	13,500 gsf/f	100%	403'	4.255.4 / 6.0	60' 80'(14)	230'	230' (7)
	Above-Grade Parking	N/A	20,000 gsf/f	N/A	75%	60' (9)	N/A	N/A	N/A	N/A (10)
DT-OB	Nonresidential	20' 40' (15)(14)	20,000 gsf/f	13,500 gsf/f	100%	(11)	(11)	60' 80'(14)	(11)	N/A (10)
	Residential	20' 40' (15)(14)	20,000 gsf/f	13,500 gsf/f	100%	(11)	(11)	60' 80'(14)	(11)	N/A (10)

Commented [KEA47]: April 19 Draft – Errata to reflect Amenity Incentive System terminology for Base Heights – reflects existing maximum heights in each zone.

Commented [BT(46): Initial PC direction on 4.19.17 to change tower definition to a minimum of 100 feet high and separation to be measured at 80 feet.

Commented [BT(45): Initial PC direction on 4.19.17 to change interior tower setback from 40 feet to 20 feet.

Commented [BT(48): Initial PC direction on 4.19.17 resulted in a change to LUC 20.25A.075.

Commented [BT(49): 5.24.2017 PC Direction on 5.10.17. Change all tower separation from 80' to 60'. However, Wallace letter dated 5.10.17 expressed support for 80 foot tower separation.

Commented [BT(50): Initial PC direction on 4.19 set building height in the DT-O-2 at 345 feet. CAC direction was 300 feet. Another 45 feet was added for the 15%/15 rule that has been incorporated into the building heights.

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ ~~5.24.17 Consolidated Draft~~

Downtown Land Use District	Building Type (2)(5)	Minimum Tower Setback above 45'-80' Where Building Exceeds 75'-100'	Maximum Floor Plate Above 40' (4)	Maximum Floor Plate Above 80' (4)	Maximum Lot Coverage (13)	Maximum Building Height	Floor Area Ratio: Base / Maximum (3)	Tower Separation Above 4580' Where Building Exceeds 75'100'	Base Building Height	Trigger for additional height
	Above-Grade Parking	N/A	N/A	N/A	75%	(11)	(11)	N/A	(11)	N/A (10)
DT-R	Nonresidential	N/A	20,000 gsff	NA	75%	75'	0.5 / 0.5	N/A	N/A	N/A (10)
	Residential	20'40' (45)(14)	20,000 gsff	13,500 gsff	100%	230'	4.25 4.5 / 5.0	60'80' (14)	N/A	N/A (10)
	Above-Grade Parking	N/A	N/A	N/A	75%	40' (9)	N/A	N/A	N/A	N/A (10)
DT-OLB North (between NE 8th Street and NE 12th Street)	Nonresidential	20'40' (45)(14)	30,000 gsff	20,000 gsff	100%	86'	2.52 2.7 / 3.0	60'80' N/A	N/A	N/A (10)
	Residential	20'40' (45)(14)	20,000 gsff	13,500 gsff	100%	104'	2.52 2.7 / 3.0	60'80' (14)	N/A	N/A (10)
	Above-Grade Parking	N/A	20,000 gsff	N/A	75%	45'(9)	N/A	N/A	N/A	N/A (10)
DT-OLB Central (between NE 4th Street and NE 8th Street)	Nonresidential	20'40' (45)(14)	30,000 gsff	20,000 gsff	100%	403'	2.55 4 / 6.0	60'80' (14)	90'	90' (7)
	Residential	20'40' (45)(14)	20,000 gsff	13,500 gsff	100%	403'	2.55 4 / 6.0	60'80' (14)	105'	105' (7)
	Above-Grade Parking	N/A	20,000 gsff	N/A	75%	45' (9)	N/A	N/A	N/A	N/A (10)
DT-OLB South (between Main Street and NE 4th Street)	Nonresidential	20'40' (45)(14)	30,000 gsff	20,000 (16) gsff	100%	230'	2.54 5 / 5.0	60'80' (14)	90'	90' (7)
	Residential	20'40' (45)(14)	20,000 gsff	13,500 gsff	100%	230'	2.54 5 / 5.0	60'80' (14)	105'	105' (7)
	Above-Grade Parking	N/A	20,000 gsff	N/A	75%	45'55' (9)	N/A	N/A	N/A	N/A (10)

Commented [KEA47]: April 19 Draft – Errata to reflect Amenity Incentive System terminology for Base Heights – reflects existing maximum heights in each zone.

Commented [BT(46): Initial PC direction on 4.19.17 to change tower definition to a minimum of 100 feet high and separation to be measured at 80 feet.

Commented [BT(45): Initial PC direction on 4.19.17 to change interior tower setback from 40 feet to 20 feet.

Commented [BT(51): Unless noted otherwise, changes to base FAR in this column in this table and the Perimeter Overlay table below reflects the PC's initial direction on 4.19.17 that the base FAR should be 90% of the new maximum FAR.

Commented [BT(52): Initial PC Direction on 4.19.2017.

Additional Dimensional Requirements in Downtown Perimeter Overlay Districts

Downtown Perimeter Overlay District	Building Type (2)(5)	Minimum Tower Setback above 45'-80' Where Building Exceeds 75'-100'	Minimum Setback from Downtown Boundary (1)	Maximum Lot Coverage (13)	Maximum Building Height	Floor Area Ratio: Base / Maximum (3)	Triggers for Additional Height
Perimeter Overlay A-1	Nonresidential	N/A	20' (6)	75%	40' (8)	1.0 in MU; 0.5 in R/ 1.0 in DT-MU and DT-OB; 0.5 in DT-R	N/A (10)
	Residential	N/A	20' (6)	75%	55' (8)	3.03 3.15 / 3.5	N/A (10)
	Above-Grade Parking	N/A	20' (6)	75%	40' (9)	N/A	N/A (10)
Perimeter Overlay A-2	Nonresidential	N/A	20' (6)	75% in DT-MU 100% in DT-OB	40' (8)	1.0 / 1.0	N/A (10)
	Residential	N/A	20' (6)	75% in DT-MU 100% in DT-OB 75% in DT-R	70' (7) (8)	3.25 in DT-MU, 3.25 in DT-OB, 3.0 in DT-R, / 3.5	55' (9) (7)
	Above-Grade Parking	N/A	20' (6)	75%	40' (9)	N/A	N/A (10)

Commented [BT(53): Footnote 8 should be deleted here. It only applies to DT-O-1 and Perimeter A-3. Errata

Commented [BT(54): Footnote 8 should be deleted here. It only applies to DT-O-1 and Perimeter A-3. Errata

Commented [BT(55): Footnote 8 should be deleted here. It only applies to DT-O-1 and Perimeter A-3. Errata

Commented [BT(56): No change to Base FAR because base was already 93% of max. FAR.

Commented [BT(57): Initial PC Direction on 4.19.17. With the Planning Commission directed modification, the Perimeter Overlay District A-2 now covers a portion of the DT-R. The table has been modified so that the Lot Coverage and FAR from A-1 for DT-R has been moved to A-2.

PART 20.25A Downtown

~~2.16.17 Draft 5.17~~ 5.24.17 Consolidated Draft

Downtown Perimeter Overlay District	Building Type (2)(5)	Minimum Tower Setback above 45'-80' Where Building Exceeds 75'-100'	Minimum Setback from Downtown Boundary (1)	Maximum Lot Coverage (13)	Maximum Building Height	Floor Area Ratio: Base / Maximum (3)	Triggers for Additional Height
Perimeter Overlay A-3	Nonresidential	N/A	20'-(6) 0'	75%	70' (8)	1.0-1.5/ 4.0-1.5	40' (7)
	Residential	N/A	20'-(6) 0'	75%	70' (8)	3.25-4.5/ 5.0 (14)(15)	55'
	Above-Grade Parking	N/A	20'-(6) 0'	75%	40' (9)	N/A	N/A (10)
Perimeter Overlay B-1	Nonresidential	N/A	N/A	75% in DT-MU and DT-R 100% in DT-OB	72'	1.5 in DT-MU; 1.0 in OB; 0.5 in DT-R / 1.5 in DT-MU; 1.0 in DT-OB; 0.5 in DT-R	N/A (10)
	Residential	40'-(15) N/A	N/A	75% in DT-MU and DT-R 100% in DT-OB	99'	4.54-25+ 5.0	99' (7)
	Above-Grade Parking	N/A	N/A	75%	40' (9)	N/A	N/A (10)
Perimeter Overlay B-2	Nonresidential	N/A	N/A	75%	72'	1.5 / 1.5	N/A (10)
	Residential (15)	40'-(15) 20'(14)	N/A	75%	176'-264' (7) (12)(14)(15)	4.25 / 5.0	105' (7)
	Above-Grade Parking	N/A	N/A	75%	40' (9)	N/A	N/A (10)
Perimeter Overlay B-3	Nonresidential	N/A	N/A	100%-75%	72'	1.5 / 1.5	N/A (10)
	Residential	40'-(15) 20'(14)	N/A	100%-75%	220'-230' (7)	4.25+5.0 (14) 6.3 / 7.0	105' (7)
	Above-Grade Parking	N/A	N/A	75%	40' (9)	N/A	N/A (10)

Commented [BT(58)]: Footnote 8 only applies to DT-O-1 and Perimeter Overlay District A-3.

Commented [BT(59)]: Initial PC direction on 4.19.17 for the Bellevue Gateway.

Commented [BT(60)]: Footnote 8 only applies to DT-O-1 and Perimeter A-3

Commented [BT(61)]: Initial PC direction 4.19.17. Footnote 14 was originally inserted for The Bellevue Gateway, but was not sufficient to meet their goals.

Commented [BT(62)]: Initial PC direction 4.19.17 for the Bellevue Gateway project. Setback from DT Boundary and Linear Buffer not needed across Main Street from the Tunnel Portal Park.

Commented [BT(63)]: Deleted minimum setback from DT Boundary column in Perimeter Overlay District B-1, B-2, B-3 as unnecessary.

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Commented [BT(64)]: Footnote 14 was included in error.

Commented [BT(65)]: Initial PC direction on 4.19.17 for the Bellevue Gateway Project.

Commented [BT(66)]: Initial PC direction on 4.19.17 for The Bellevue Gateway and 90% of max. FAR for base FAR. 4.19.17.

Commented [BT(67)]: Initial PC Direction on 4.19.17. An FAR of 7 would allow development of the proposed residential towers on the Perimeter Overlay B-3 portion of the site with use of retail exemption and/or affordable housing exemption (directed by the Planning Commission to be included in the code amendment). Minimum FAR set at 90% of the new FAR maximum as directed by the Planning Commission

20.25A.060

Notes: Dimensional requirements in Downtown Districts and Perimeter Overlay Districts

- (1) Minimum setbacks from Downtown boundary are subject to required landscape development. See LUC 20.25A.110.
- (2) A single building is considered residential if more than 50 percent of the gross floor area is devoted to residential uses. See LUC 20.50.020 for the definition of "floor area, gross."
- (3) The maximum permitted FAR may only be achieved by participation in the FAR Amenity Incentive System, LUC 20.25A.070. Where residential and nonresidential uses occur in the same building, the FAR is limited to the maximum FAR for the building type as determined in accordance with Note (2).
- (4) See paragraph B of this section for exceptions to the minimum stepback and maximum building floor plate requirements.
- (5) Hotels and motels shall be considered as residential structures for all dimensional standards except for maximum floor plate where they shall be considered nonresidential.
- (6) On lots that are bisected by the Downtown boundary, the Director may allow the minimum setback from the Downtown boundary to be measured from the perimeter property lines abutting other lots located outside the Downtown boundary. The modification must be consistent with the Perimeter District purpose statement contained in 20.25A.010.B. This provision may be used to modify only the setback location and not the minimum setback size.

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.17- 5.24.17 Consolidated Draft

(7) Refer to LUC 20.25A.075.A for additional requirements when exceeding the trigger for additional height.

(8) No additional building height allowed. All standards must be met.

(9) No additional height allowed for parking garages. Any mechanical equipment shall be placed inside the structure.

(10) No additional building height above the maximum shall be permitted through the administrative departure process.

(11) The DT-OB has no maximum heights or floor area ratios that are independent of the perimeter overlay districts because the entire district is covered by overlays. The applicable maximum heights and floor area ratios in the DT-OB shall be controlled by the applicable perimeter overlay district provisions.

(12) Within Perimeter Overlay B-2, multiple tower projects are allowed variable tower heights of 176 feet to 264 feet with an average of no more than 220 feet. Master Development Plan approval is required. Multiple tower projects that straddle the Perimeter Overlay B-2 and DT-MU Districts in the Northwest Village Neighborhood of Downtown are allowed to locate a single tower within the Perimeter Overlay B-2 that does not exceed a maximum height of 264 feet. Single tower projects within the Perimeter Overlay B-2 shall be limited to ~~160~~ 220 feet unless the Director approves an Administrative Departure pursuant to LUC 20.25A.030.D.

Commented [HC68]: Initial Planning Commission direction on 4.19.17. Planning Commission requested additional information regarding potential unintended consequences of the change. Information provided in 5.3.17 packet and reprinted in 5.10.17 packet.

5.24.17 Elan/Fortress proponent and staff agree on this footnote.

(13) Underground buildings as defined in LUC 20.50.050 are not structures for the purpose of calculating lot coverage.

~~(14) If a residential development falls within both Perimeter Overlay Districts A-3 and B-3, then a maximum of 1.0 FAR may be transferred within the project limit from Perimeter Overlay District A-3 to B-3 so long as the average FAR throughout the project does not exceed 5.0 FAR.~~

~~(14) The tower setback shall be applied from interior property lines only. Please see LUC 20.25A.060.B.4 for additional tower setback provisions. Refer to LUC 20.25A.075 for Downtown Tower Requirements, which also include an exception for small sites and opportunities to depart from dimensional requirements applicable to towers located in Downtown.~~

(15) Towers in the Perimeter Overlay District B-2 shall be subject to the ~~80~~ 60' foot tower separation above 80 feet if the building exceeds 100 feet

Commented [BT(69)]: 5.24.17 PC direction to change tower separation from 80' to 60' on 5.10.17.

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~~(16) Modification with Criteria for Buildings between 80 and 150 feet in the DT-OLB South District. The maximum floor plate between 80 and 150 feet may be increased through an administrative departure pursuant to 20.25A.030.D.1 if the following criteria are met:~~

Commented [BT(70)]: 5.24.17 PC direction on 5.10.2017 to incorporate the modification to increase floor plates by 25% between 80 feet and 150 feet in the DT-OLB South from PMF letter dated 5.10.2017.

- a. ~~The maximum allowed floorplates above 80 feet are increased by no more than 25 percent;~~
- b. ~~All buildings or portions of buildings located above 40 feet shall include a minimum building separation of 40 feet. The required separation shall provide for a continuous building separation corridor that extends between I-405 and 112th Ave NE;~~
- c. ~~The applicant demonstrates that the increased floorplate size does not affect the light, air or privacy for pedestrians or adjacent properties, and any publicly accessible space that is located in the vicinity; and~~
- d. ~~Complies with all other dimensional standards of 20.25A.060.~~

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ 5.24.17 Consolidated Draft

B. Exceptions to Dimensional Requirements.

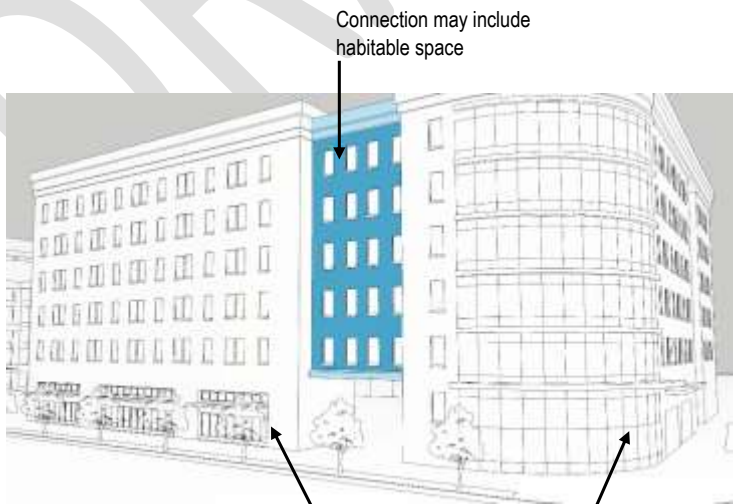
Exceptions authorized pursuant to this paragraph shall be reviewed as administrative departures subject to the terms of LUC 20.25A.030.D.1.

1. Floor Plate Exceptions:

a. Connecting Floor Plates. For structures that do not exceed 70 feet in height (as defined by the International Building Code, as adopted and amended by the City of Bellevue), the Director may approve the connection of floor plates above 40 feet such that those floor plates exceed the "Maximum Building Floor Area per Floor Above 40 Feet;" provided, that:

- i. The connection is to allow for safe and efficient building exiting patterns;
- ii. The connecting floor area shall include required corridor areas, but may include habitable space;
- iii. The alternative design results in a building mass that features separate and distinct building elements;
- iv. The connection shall act as a dividing point between two floor plates, neither of which exceeds the maximum floor plate size; and
- v. The connecting floor area shall comply with the design guidelines for Connecting Floor Plates in LUC 20.25A.180.C.

Commented [HC71]: MOVED from LUC 20.25A.020.B.1 and UPDATED



Connection should result in a building massing that features separate and distinct building elements

20.25A.060 40

b. Performing Arts Centers may have unlimited floorplates up to 100 feet in height, measured from average finished grade, provided that:

- i. The floor plate exception applies only to that portion of the building which contains the performing arts use;
- ii. The area is the minimum area necessary to accommodate the performing arts use;
- iii. Subordinate uses do not exceed 25 percent of the total area; and
- iv. The ground floor design is consistent with the design guidelines for “A” rights-of-way, excluding the arcade provision.

2. Intrusions into Required Dimensional Standards.

a. Intrusions over the Sidewalk

- i. Marquees, awnings, or other kinds of weather protection which comply with the requirements of 20.25A.170.A.2.b are permitted to extend over the public right-of-way upon approval of the Director of the Transportation Department and the Director notwithstanding the provisions of the Sign Code, Chapter 22B.10 BCC, or any other City Code.
- ii. External decks and balconies are permitted to extend over the right-of-way upon approval of the Director or the Transportation Department and the Director and shall be a minimum clearance of 20 feet above the right-of-way, and no greater in depth than 50% of the width of the required sidewalk.

iii. On Mixed Streets and Neighborhood Streets, as defined by LUC 20.25A.010.B.2.5.c and d, building structure, external decks, and balconies are permitted to extend over the sidewalk and enhanced streetscape area to the property line above a minimum clearance of 20 feet above the right-of-way, except when a setback or stepback precludes such extension.

Commented [BT(72)]: 5.24.17 PC direction to include this provision from Wallace letter dated 5.10.17

b. Intrusions into Setbacks

- i. Architectural elements such as louvers and fins may intrude into the setback upon approval of the Director.
- ii. External decks and balconies that intrude into the tower setback are permitted upon approval of the Director.

c. Intrusions into Stepbacks

- i. The Director may approve modifications to the minimum required stepback if:
 - (1) The applicant can demonstrate that the resulting design will be more consistent with the Design Guidelines of 20.25A.140 through 20.25A.180; and

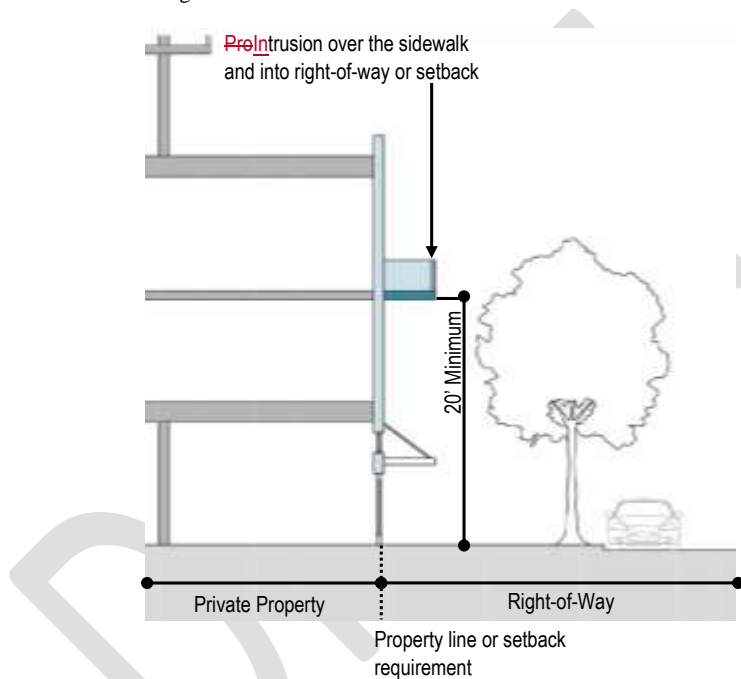
PART 20.25A Downtown

~~2.16.17 Draft~~ 5.5.17 5.24.17 Consolidated Draft

(2) The intrusions for building modulation or weather protection features shall be a maximum of 20 percent of the length of the whole façade, 25 percent of the depth of the required stepback, and a maximum of 10 feet in length per intrusion.

ii. The Director may approve modifications to the stepback requirements for performing arts centers if:

(1) Interesting roof forms, significant floor plate modulation, significant façade modulation, or other such unique architectural features are provided to minimize impacts to abutting structures.



3. Height Exceptions for Mechanical Equipment. The Director may approve intrusions that are necessary for mechanical equipment, such as elevator overruns, up to a maximum of 20 feet or as necessary to accommodate new technology above the maximum height limit if the following conditions are met:
- The applicant can demonstrate that the intrusion is the minimum necessary to serve the needs of the building;
 - No more than a maximum of twenty percent of the rooftop may be covered with mechanical structures or housings; and
 - All mechanical equipment shall be consolidated in a central location or integrated with the building architecture.

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.5.17 - 5.24.17 Consolidated Draft

~~4. Tower Setback Exception:~~

~~a. If a parcel is less than or equal to 30,000 square feet, the tower setback may be reduced to 20 feet as measured 45 feet above average finished grade.~~

Commented [BT(73)]: Initial PC direction on 4.19.17 moved all of the tower exceptions into LUC 20.25A.075.

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PART 20.25A Downtown

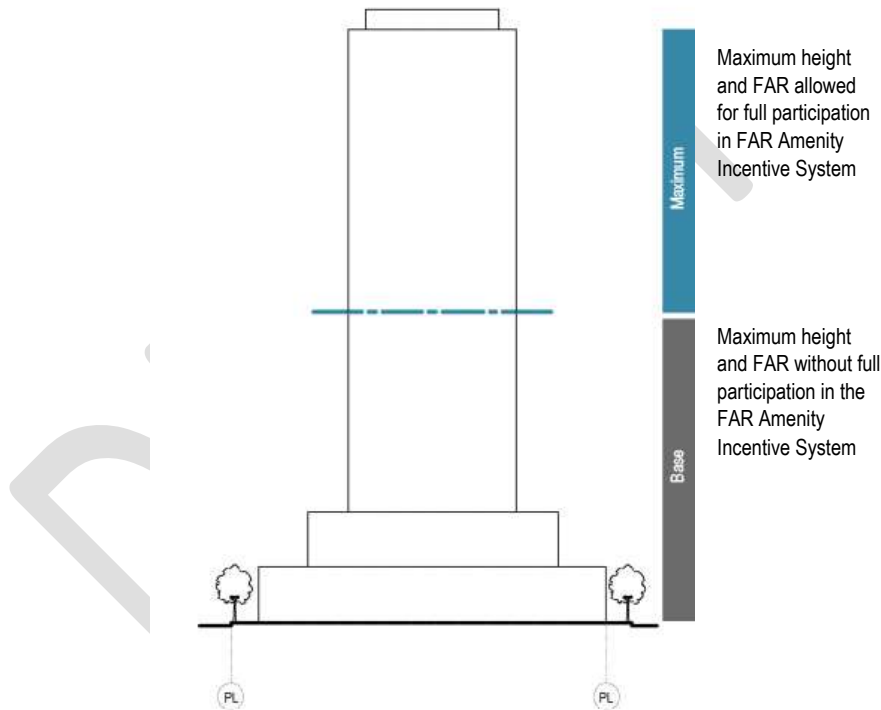
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20.25A.070 Amenity Incentive System and Floor Area Ratio

Commented [HC74]: MOVED from LUC 20.25A.030 and amended based on BERK analysis

A. General.

A building may exceed the base floor area ratio or base building height permitted for development within a Downtown Land Use District or Perimeter Overlay pursuant to LUC 20.25A.060.A.4 only if it complies with the requirements of this section. In no case may the building exceed the maximum floor area ratio permitted for the district or overlay unless expressly permitted by the terms of this code. The bonus ratios have been calibrated by neighborhood to provide higher incentives for amenities that contribute to neighborhood character objectives.



B. Required Review.

The Director may approve an amenity which complies with subsection D of this section if all the specific amenity system requirements are satisfied and established design criteria for the amenity have been met.

PART 20.25A Downtown

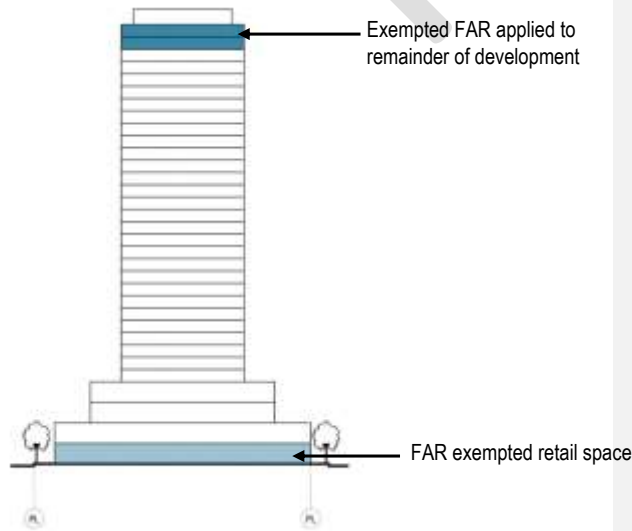
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C. FAR Exemptions, Special Dedications, and Conversion of Previously Approved Exempt Retail Activity Space.

1. FAR Exemption for Ground Level and Upper Level Active Uses. For purposes of applying the Amenity Incentive System, a level shall be considered the ground level so long as less than half of that ground level story height is located below the average finished grade of the adjacent public right-of-way or pedestrian connection. The single building story immediately above the ground level story and intended to activate the ground level pedestrian environment through demonstrated compliance with the Upper Level Active Uses design guidelines contained in LUC 20.25A.170.D, shall be considered an upper level.

a. Ground Level Floor Areas Meeting the Definition of Active Uses. Each square foot of ground level floor area of active uses that satisfies the requirements of 20.25A.020.A and complies with the design guidelines contained in LUC 20.25A.170.B.1 (Pedestrian Corridor / High Streets – A Rights of Way) shall be eligible for an exemption from calculation of maximum floor area of up to 1.0 FAR, except where specifically provided by the terms of this code.

Commented [BT(75)]: Moved diagram from this location from the area after paragraph 1.b. Errata.



b. Upper Level Floor Areas Meeting the Definition of Active Uses. Each square foot of upper level floor area of active uses that satisfies the requirements of LUC 20.25A.020.A and complies with the design guidelines contained in LUC 20.25A.170.D (Upper Level Active Uses) shall be eligible for an exemption from calculation of maximum floor area of up to 0.5 FAR, except where specifically provided by the terms of this code.

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.17-5.24.17 Consolidated Draft

c. Designation of an Active Use. The Director may approve an Active Use not otherwise listed in the definition contained in LUC 20.25A.020, through an administrative departure pursuant to LUC 20.25A.030.D.1 if the following criteria are met:

Commented [BT(76): Initial PC Direction on 4.26.17.

- i. The use is within a building and supports pedestrian activity;
- ii. The use promotes a high degree of visual and physical interaction between the building interior and the adjacent public realm; and
- iii. The use meets the design criteria in FAR Exemption for Ground Level and Upper Level Active Uses in LUC 20.25A.070.C.1.a and b, and the design guidelines for the applicable right-of-way designation in LUC 20.25A.170.B.

2. FAR Exemption for Affordable Housing (RESERVED)

Commented [BT(77): PC recommends a 1 FAR exemption for affordable housing that can be used with the MFTE tax exemption; will be integrated into the Planning Commission Transmittal.

3. Floor Area Earned from Special Dedications

a. General. Land which is dedicated to the City of Bellevue for right-of-way or to accommodate the linear alignment of an RLRT system without compensation to the owner in conformance with subsection 3.b of this section is included in land area for the purpose of computing maximum FAR notwithstanding the definition of floor area ratio (FAR) contained in LUC 20.25A.020.A.

b. Special Dedications.

i. A property owner may make a special dedication by conveying land identified for right-of-way or linear alignment of an RLRT system acquisition in a Transportation Facilities Plan of the Comprehensive Plan, the Transportation Facilities Plan adopted by the City Council or the Capital Investment Program Plan to the City of Bellevue by an instrument approved by the City Attorney.

ii. A property owner may also make a special dedication by conveying land identified by the Director of Transportation as necessary for safety or operational improvement projects.

c. Recording Requirements. The applicant shall record the amount (square footage) of floor area earned by area dedicated in conformance this paragraph with the King County Recorder's Office, or its successor agency, and provide a copy of the recorded document to the Director.

4. Conversion of Previously Approved Exempt Retail Activity Space

a. General. Exempt Retail Activity space approved pursuant to the Downtown Overlay Part 20.25A. LUC in effect prior to [INSERT EFFECTIVE DATE OF THE ORDINANCE] may be converted to Active Use space pursuant to the provisions of this paragraph.

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ ~~5.24.17 Consolidated Draft~~

b. Requirements. The Director may approve a conversion of Exempt Retail Activity Space approved pursuant to the Downtown Overlay Part 20.25A. LUC in effect prior to [INSERT EFFECTIVE DATE OF THE ORDINANCE] provided the following requirements are met:

i. Prior to Conversion. The applicant shall show a good faith effort to locate retail tenants meeting the Pedestrian Oriented Frontage use requirements of the previous approval before a conversion may be considered by the Director.

ii. Requirements for Conversion to be Approved.

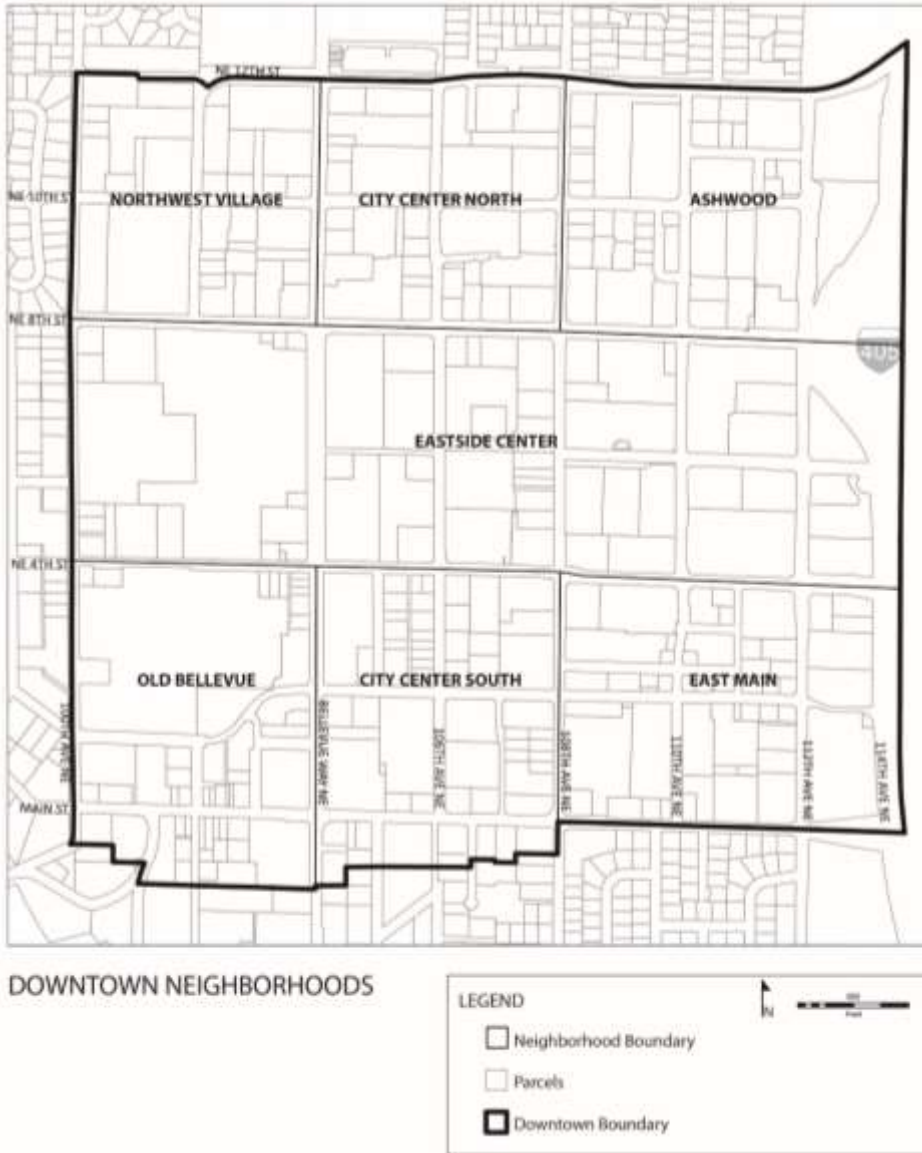
- (1) Uses allowed to occupy the previously approved exempt retail activity space shall meet the definition of DT – Active Uses contained in LUC 20.25A.020;
- (2) Conversion of the previously approved exempt retail activity space shall not allow the building to exceed the maximum FAR contained in LUC 20.25A.060; and
- (3) The converted space shall be retrofitted, to the maximum extent feasible, to comply with the requirements of LUC 20.25A.170.B.1 (Pedestrian Corridor / High Streets – A Rights of Way).

Commented [BT(78): Errata

D. Specific Amenity Incentive System Requirements.

1. Participation in the Amenity Incentive System shall comply with Chart 20.25A.070.D.4, provided below. Amenity bonus rates and applicability will follow Downtown Neighborhood boundaries as shown in Figure 20.25A.070.D.1.

Figure 20.25A.070.D.1



PART 20.25A Downtown

~~2.16.17 Draft~~ 5.17- 5.24.17 Consolidated Draft

2. Development within a project limit may only exceed its base FAR or base building height by providing amenities as described in Chart 20.25A.070.D.4 and this subsection.

a. Calculation of Required Amenity Incentive Points Need. The process below shall be used to determine the required amenity incentive points need by individual building. There are two conditions that will guide a building's required amenity incentive points need based on it being above or below the base building heights shown in LUC 20.25A.060.A.4.

Condition 1: All building floor area is developed below the base building height. In this case, the amount of square footage above the base FAR is equal to the required amenity need expressed in amenity points.

Condition 2: A portion of the building floor area is developed above the base building height. In this case, the greater of the floor area being constructed above base FAR, OR the floor area being constructed above base height divided by two shall count as the required amenity incentive need in points for each building. For example: A building has 60,000 square feet above base FAR and 30,000 square feet above base building height divided by two = 15,000; the requirement e-amenity need would be 60,000 amenity points. A building with zero square feet above base FAR and 20,000 square feet above base building height divided by two would require have an amenity need of 10,000 amenity points.

For multi-building development, the individual building amenity calculations will be combined for an overall development's required amenity incentive points need.

b. Allocation of Amenities. The Amenity Incentive System has a focus on public open space features. It is required that 75 percent or more of a project's amenity points need must utilize one or more of the following amenities: Major Pedestrian Corridor, Outdoor Plaza, Donation of Park Property, Improvement of Public Park Property, Enhanced Streetscape, Active Recreation Area, Enclosed Plaza or Alleys with Addresses. Up to The remaining 25 percent of a project's required amenity points need may be comprised of utilize any other amenity on the amenity list or continue to use public open space feature amenities, DT-Small Sites may utilize any combination of amenity incentive points from the standard list to earn bonus FAR.

c. In-lieu Fees. In-lieu fees may be used for up to 50 percent of a project's required amenity incentive points need. The in-lieu fee as of [EFFECTIVE DATE] 2017 is \$28.00 per amenity point. In-lieu fees shall be assessed and collected at building permit issuance. In-lieu fees collected by the City will be placed in a dedicated account and used exclusively for the acquisition or improvement of publicly accessible open space within Downtown. The collected in-lieu fees will be used for public open space improvements by the City. The amenity incentive system in-lieu fee rate, published in the City's fee rate schedule, will be reviewed annually, and, effective January 1st of each year, may be administratively increased or decreased by an adjustment to reflect the current published annual change in the Seattle Consumer Price Index for Wage Earners and Clerical Workers as needed in order to maintain accurate costs for the region.

Commented [HC79]: Initial PC direction 4.19.17 changed language from amenity need to required amenity incentive points. The latter phrase is used in the existing code.

Commented [HC80]: PC Direction from 5.10.17.

Commented [BT(81)]: PC Direction from 5.10.17. Keep In-lieu fee rates as is.

Commented [BT(82)]: Initial PC direction on 4.19.17 for an in-lieu fee account used exclusively for public open space within Downtown.

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ 5.24.17 Consolidated Draft

3. In a multi-building development within a single project limit, amenities may be allocated among all buildings within the project limit; provided, that such allocation shall be approved by the Director through a Master Development Plan (MDP). If construction of the multi-building development is to be phased, each phase shall provide for a proportionate installation of amenities as established in an approved MDP phasing plan. ~~no~~ No phase may depend on the future construction of amenities.

Commented [BT(83)]: Code clarification prepared for 5.3.17. Reprinted for 5.10.17 packet.

4. Amenity Incentive System

Chart 20.25A.070.D.4 Amenity Incentive System

LIST OF BONUSABLE AMENITIES	APPLICABLE NEIGHBORHOODS/DISTRICTS AND BONUS RATIOS						
	Northwest Village	City Center North	Ashwood	Eastside Center	Old Bellevue	City Center South	East Main
PUBLIC OPEN SPACE FEATURE AMENITIES							
1. Major Pedestrian Corridor and Major Public Open Spaces: The Major Pedestrian Corridor and Major Public Open Spaces located on or in the immediate vicinity of NE 6th Street between Bellevue Way and 112th Avenue NE.				250 13.3 16 1			
	13.3 250 bonus points per linear square foot of Pedestrian Corridor <u>or Major Public Open Space</u> constructed. Major Public Open Space calculated separately through Outdoor Plaza bonus provisions, below.						
DESIGN CRITERIA: 1. Pedestrian Corridor <u>and Major Public Open Space</u> improvements must comply with the requirements of LUC 20.25A.090. C-1 .							
2. Outdoor Plaza: A publically publicly accessible, continuous open space, predominantly open from above, and designed to relate to the surrounding urban context. Outdoor plazas prioritize pedestrian use and serve as opportunities to activate the Downtown for residents and users.	9.3:1	9.3:1	8.4:1	9.3:1	8.4:1	8.4:1	8.4:1
	8.4 bonus points per square foot of outdoor plaza in Priority Neighborhoods; 9.3 bonus points per square foot in High Priority Neighborhoods.						
DESIGN CRITERIA: 1. Minimum plaza size is 3,000 square feet with a maximum bonusable area of 20 percent of the gross lot area. Plazas larger than 10,000 square feet may earn <u>10</u> percent additional bonus points if they are designed in a manner to provide for activities to promote general public assembly. 2. Minimum plaza size may be met through the linking of smaller plaza spaces in a cohesive, logical manner with a strong design narrative. 3. Minimum seating provided shall be 1 linear foot of seating space per 30 square feet of plaza space. 4. A minimum of 20 percent of the area eligible for bonus amenity points in the plaza must be landscaped. 5. Plaza amenities to enhance the users experience must be provided, e.g. art and water elements. 6. <u>Plaza should be located within 30 inches of the adjacent sidewalk grade, and shall provide Provide physical and visual access from the adjacent right-of-way to the plaza from the sidewalk and be located within thirty inches of adjacent sidewalk grade.</u> 7. Provide for sense of security to users through well-lit and visible spaces.							

Commented [BT(84)]: Initial PC direction on 4.19.17 changed bonus ratio to 16:1 based on comments from SRO and BDA.

Commented [F85]: Pedestrian Corridor and Major Public Open Space bonus rate based on \$300 per square foot construction cost estimate and \$22.50 FAR exchange rate.

Commented [BT(86)]: Errata

Commented [F87]: Outdoor plaza bonus based on \$210 per square foot construction cost estimate and \$25 FAR exchange rate. Adjustment for High Priority locations articulated in the CAC Final Report using \$22.50 FAR exchange rate. Added Old Bellevue as applicable Neighborhood; not included as bonusable location in CAC Final Report.

Commented [BT(88)]: Errata

Commented [BT(89)]: Initial PC Direction on 4.19.17 for The Bellevue Gateway project.

LIST OF BONUSABLE AMENITIES	APPLICABLE NEIGHBORHOODS/DISTRICTS AND BONUS RATIOS						
	Northwest Village	City Center North	Ashwood	Eastside Center	Old Bellevue	City Center South	East Main
	8. Must provide directional signage that identifies circulation routes for all users and informs the public that the space is accessible to the public at all times. The signage must be visible from all points of access. The Director shall require signage as provided in the City of Bellevue Transportation Department Design Manual. If the signage requirements are not feasible, the applicant may propose an alternative that is consistent with this provision and achieves the design objectives for the building and the site may propose an alternative that is consistent with this provision and achieves the design objectives for the building and the site. 9. Plazas must be open to the public at all times require an easement for public right of pedestrian use in a form approved by the City. 10. Plazas must meet all design criteria for design guidelines for public open spaces. 11. Square footage for purposes of calculating amenity points shall not include vehicle or loading drive surfaces.						
3. Donation of Park Property: Property which is donated to the City, with no restriction, for park purposes.	45 bonus points for every \$1,000 of appraised value of property donated for park purposes if property is located in Northwest Village or East Main Neighborhood. 40 bonus points for every \$1,000 of appraised value if property is located in any other Downtown Neighborhood. Park property donation may occur in Downtown neighborhoods that are different from where the development project occurs. DESIGN CRITERIA: 1. The need for such property in the location proposed must be consistent with City-adopted policies and plans. 2. The minimum size of a donated park parcel is 4,000 square feet. 3. Donated park parcels must be located within the Downtown, but need not be contiguous with the site for which development is proposed						
4. Improvement of Public Park Property: Improvements made to City-owned community, neighborhood, and miniparks within the Downtown Subarea.	45 bonus points for every \$1,000 of public park property improvement if park is located in Northwest Village or East Main Neighborhood. 40 bonus points for every \$1,000 of public park property improvement if located in any other Downtown Neighborhood. Park property improvement may occur in Downtown neighborhoods that are different from where the development project occurs. DESIGN CRITERIA: 1. Improvements made to a City-owned community, neighborhood, and mini-park must be consistent with the Downtown Subarea Plan. 2. Improvements made to City-owned parks must be constructed by the developer consistent with applicable City plans, and approval by the Director of the Parks & Community Services Department.						
5. Enhanced Streetscape: A continuous space between the back of the curb and the building face which allows internal activities to be externalized or brought out to the sidewalk. This space is provided along the building front and activated by residential patios or stoops,	7:1	7:1	7:1	7:1	7.8:1	7.8:1	7.8:1
	7 bonus points per square foot of enhanced streetscape constructed; 7.8 bonus points per square foot if part of Lake-to-Lake Trail <u>in Old Bellevue, City Center South and East Main neighborhoods.</u> DESIGN CRITERIA: 1. Space between back of curb and building face shall meet the minimum sidewalk and landscape dimensions. This amenity bonus is intended for an additional four to eight-foot frontage zone that is above and beyond the minimum requirements.						

Commented [F90]: Donation of park property bonus based on \$25 FAR exchange rate; adjustment for High Priority neighborhoods Northwest Village and East Main using \$22.50 FAR exchange rate. Example: \$1,000,000 appraised value = 40,000 bonus points at 40:1 or 45,000 bonus points at 45:1.

Commented [F91]: Improvement of park property bonus based on \$25 FAR exchange rate; adjustment for High Priority neighborhoods Northwest Village and East Main using \$22.50 FAR exchange rate. Example: \$1,000,000 appraised value = 40,000 bonus points at 40:1 or 45,000 bonus points at 45:1.

Commented [KEA92]: Initial PC direction on 4.19.17 for clarity.

LIST OF BONUSABLE AMENITIES	APPLICABLE NEIGHBORHOODS/DISTRICTS AND BONUS RATIOS						
	Northwest Village	City Center North	Ashwood	Eastside Center	Old Bellevue	City Center South	East Main
small retail, restaurant, and other commercial entries.	2. Frontage zone shall contain street furniture, including movable tables and chairs, and may be used for retail and food vendor space. 3. Applicant must provide three of the five design standards below: a. Additional landscaping such as seasonal pots and plantings. b. Decorative paving. c. Small artistic elements. d. Additional weather protection. e. Other features suggested that assist in activating the space. 4. Visual access shall be provided into abutting commercial spaces. For residential use this may be provided through a private patio or stoop.						
6. Active Recreation Area: An area which provides active recreational facilities and is open to the general public. Does not include health or athletic clubs.	2:1	2:1	2:1	2:1	2:1	2:1	2:1
	2 bonus points per square foot of active recreation area provided.						
	DESIGN CRITERIA: 1. May be located indoors or outdoors. 2. Recreational facilities include, but are not limited to, sport courts, child play areas, climbing wall, open space for play, and dog relief areas. 3. May be fee-for-use but not used exclusively by membership. 4. The maximum bonusable area is 1,500 square feet.						
7. Enclosed Plaza: A publicly accessible, continuous open space located within a building and covered to provide overhead weather protection while admitting substantial amounts of natural daylight (atrium or gallery). Enclosed Plazas function as a “Third Place,” and are “anchors” of community life and facilitate and foster broader, more creative interaction.	4:1	4:1	4:1	4:1	4:1	4:1	4:1
	4 bonus points per square foot of enclosed plaza provided.						
	DESIGN CRITERIA: 1. Must be open and accessible to the public during the same hours that the building in which it is located is open. 2. Must provide signage to identify the space as open to the public as provided per the Bellevue Transportation Department Design Manual. Must provide directional signage that identifies circulation routes for all users and informs the public that the space is accessible to the public at all times. The signage must be visible from all points of access. If the signage requirements are not feasible, the applicant may propose an alternative that is consistent with this provision and achieves the design objectives for the building and the site may propose an alternative that is consistent with this provision and achieves the design objectives for the building and the site. 3. Must be visually and physically accessible from a publically accessible space. 4. At least 5 percent of the area must be landscaped. Landscape requirements may be modified if an equal or better result is provided through the use of interesting building materials, art, and architectural features which soften and enhance the enclosed plaza area. 5. The minimum sitting space shall be 1 linear foot of seating per 30 square feet of enclosed plaza space. More than 50 percent of the seating shall be provided in the form of movable chairs and furniture. 6. Minimum horizontal dimension is 20 feet. 7. Minimum area is 750 square feet.						

Commented [F93]: Active recreation area bonus based on \$50 per square foot construction cost estimate and \$25 FAR exchange rate.

Commented [F94]: Enclosed plaza based on \$100 per square foot construction cost for plaza amenities and \$25 FAR exchange rate.

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PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ ~~5.24.17 Consolidated Draft~~

8. Alleys with Addresses: Pedestrian oriented ways off the main vehicular street grid that provide an intimate pedestrian experience through a combination of residential, small retail, restaurant, and other commercial entries with meaningful transparency along the frontage building walls. This area does not have a "back of house" feel.	6.7:1		6.7:1				6.7:1	6.7:1
	6.7 bonus points per square foot of alley with address improvement based on Neighborhood location. DESIGN CRITERIA: 1. Must be open to the public 24 hours a day and 7 days a week and require an easement for public right of pedestrian use in a form approved by the City. 2. May not be enclosed. 3. Must provide a finer scaled building design at the pedestrian level to emphasize the pedestrian realm and to provide scale relief from the primary massing. 4. Alley frontage must meet guidelines for C Rights-of-Way, Mixed Streets in LUC 20.25A.170.B. 5. Residential use must provide a strong connection to the alleyway through the use of patios or stoops. 6. Must provide pedestrian scaled lighting. 7. Must provide signage to show open to the public and the hours. 8. Automobile access and use shall be secondary to pedestrian use and movement. 9. Must meet design guidelines at LUC 20.25A.170.C. 10. Square footage for purposes of calculating amenity points shall not include vehicle or loading drive surfaces.							
OTHER AMENITIES								
9. Freestanding canopies at street corners and transit stops (non-building weather protection)	40:1		40:1		40:1		40:1	40:1
	40 bonus points per every \$1,000 of investment in freestanding canopies. Maximum 1,000 bonus points per freestanding canopy. DESIGN CRITERIA: Location of freestanding canopies shall be approved by Transportation Department. Design must be consistent with design adopted through a Transportation Director's Rule.							
10. Pedestrian bridges: Pedestrian bridges over the public right-of-way at previously designated mid-block locations meeting specific design criteria.			250:1		250:1		250:1	
	250 bonus points per linear foot of pedestrian bridge constructed. DESIGN CRITERIA: 1. This bonus shall apply only to pedestrian bridges meeting the location and design criteria of LUC 20.25A.100. 2. Bridge must connect to upper level Active Uses on both sides to qualify for bonus.							
11. Performing Arts Space: Space containing fixed seating for public assembly for the purpose of entertainment or cultural events (live performances only).	16:1		16:1		16:1		16:1	16:1
	16 bonus points per square foot of performing arts space provided. DESIGN CRITERIA: This bonus shall apply only to performing arts spaces that are less than 10,000 square feet.							
12. Public Art: Any form of permanent artwork that is	40:1		40:1		40:1		40:1	40:1

Commented [BT(95)]: 5.24.17 PC direction on 5.10.17 to incorporate all of the requests in the Wallace Letter dated 5.10.17. Letter requested that Alleys with Addresses be allowed in City Center North.

Commented [F96]: Alley with addresses bonus based on \$150 per square foot construction cost estimate and \$22.50 FAR exchange rate for High Priority locations as articulated in CAC Final Report.

Commented [F97]: Freestanding canopy bonus based on \$25 FAR exchange rate. Example: \$25,000 investment = 1,000 bonus points.

Commented [F98]: Pedestrian bridge bonus based on bonus for Pedestrian Corridor construction.

Commented [F99]: Performing arts space bonus based on \$400 per square foot construction cost estimate and \$25 FAR exchange rate.

<p>outdoors and publicly accessible or visible from a public place. <u>The purpose is to create a memorable civic experience and affinity between artist and community.</u></p>	<p>40 bonus points per every \$1,000 of appraised art value.</p> <p>DESIGN CRITERIA:</p> <ol style="list-style-type: none"> 1. Must be located outside in areas open to the general public or visible from adjacent public right-of-way, perimeter sidewalk or pedestrian way. 2. May be an <u>artist-made</u> object or <u>artist-made</u> integrated feature of the building's exterior or other visible infrastructure such as paving, hand railings, walls, seating or other elements visible to the public or in publicly accessible areas. 3. Public art can include murals, sculptures, art elements integrated with infrastructure, and special artist designed lighting. 4. Stand alone or landmark artworks should be at a scale that allows them to be visible at a distance. 5. Value of art to be determined through appraisal accepted by Bellevue Arts Program. 6. Maintenance of the art is the obligation of the owner of that portion of the site where the public art is located for the life of the project. 							
<p>13. Water Feature: A fountain, cascade, stream water, sculpture, or reflection pond. The purpose is to serve as a focal point for pedestrian activity.</p>	40:1	40:1	40:1	40:1	40:1	40:1	40:1	<p>40 bonus points per every \$1,000 of appraised value of water feature, or actual construction cost, whichever is greater.</p> <p>DESIGN CRITERIA:</p> <ol style="list-style-type: none"> 1. Must be located outside of the building, and be publicly visible and accessible at the main pedestrian entrance to a building, or along a perimeter sidewalk or pedestrian connection. 2. Water must be maintained in a clean and non-contaminated condition. 3. Water must be in motion during daylight hours.
<p>14. Historic Preservation of Physical Sites/Buildings: Historic and cultural resources are those identified in the City's resource inventory, or identified by supplemental study submitted to the City.</p>	40:1	40:1	40:1	40:1	40:1	40:1	40:1	<p>40 bonus points per every \$1,000 of documented construction cost to protect historic façades or other significant design features.</p> <p>DESIGN CRITERIA:</p> <ol style="list-style-type: none"> 1. Voluntary protection of historic façades or other significant design features when redevelopment occurs.
<p>15. Historic and Cultural Resources Documentation: Historic and cultural resources are those identified in the City's resource inventory, or identified by supplemental study submitted to the City.</p>	40:1	40:1	40:1	40:1	40:1	40:1	40:1	<p>40 bonus points per every \$1,000 of documented cost of plaques/interpretive markers or construction cost of space dedicated to collect, preserve, interpret, and exhibit items.</p> <p>DESIGN CRITERIA:</p> <ol style="list-style-type: none"> 1. Use plaques and interpretive markers to identify existing and past sites of historic and cultural importance. 2. Space dedicated to collect, preserve, interpret, and exhibit items that document the history of Downtown Bellevue.

Commented [F100]: Public art bonus based on \$25 FAR exchange rate.

Commented [BT(101)]: Initial PC direction on 4.19.17 based on Bellevue Arts Commission input.

Commented [F102]: Water feature bonus based on \$25 FAR exchange rate.

Commented [F103]: Bonus based on \$25 exchange rate.

Commented [F104]: Bonus based on \$25 exchange rate.

	8:1	8:1	8:1	8:1	8:1	8:1	8:1
<p>16. Neighborhood Serving Uses: Allocation of space for noncommercial neighborhood serving uses that bolster livability for residents (e.g., community meetings rooms and non-profit child care).</p>	<p>8 bonus points per square foot of space dedicated to Neighborhood Serving Uses.</p> <p>DESIGN CRITERIA:</p> <ol style="list-style-type: none"> 1. Bonusable neighborhood serving uses include child care, community meeting rooms, or non-profit space, 2. Up to 5,000 square feet per project are eligible for this bonus, any floor area beyond that limit will not be eligible for amenity bonus points. 3. The floor area delineated for these uses will be required to remain dedicated to Neighborhood Serving Uses for the life of the project. 4. Applicant shall record with King County Recorder’s Office (or its successor agency) and provide a copy to the Director of a binding document allocating those spaces only for neighborhood serving uses for the life of the building. 5. No other uses shall be approved for future tenancy in those spaces if they are not consistent with the uses outlined in the definition of Neighborhood Serving Uses in LUC 20.25A.020.A. 6. Tenant spaces must remain open to the public and may not require fees or admissions to enter. 7. Spaces must provide visual access from the street. 						
<p>17. Sustainability Certification: The City has a vested interest in supporting sustainable building practices and provides amenity bonus points commensurate with the level of sustainability provided in each building. Bonus FAR will be earned according to the level of rating applicant completes. Building practices are rapidly evolving and sustainability features are becoming mainstream. The purpose of this amenity is to incentivize performance significantly above the industry norm.</p>	<p>Tier 1: Living Building Challenge Full Certification; 0.3 FAR Bonus. Tier 2: Living Building Petal Certification; or Built Green Energy Star; 0.25 FAR Bonus. Tier 1: Living Building Net Zero Energy; Built Green 5-Star; or LEED Platinum; 0.25 FAR Bonus. Tier 2: Passivhaus PHIUS+2015 Verification; Built Green 4-Star; or LEED Gold; 0.2 FAR Bonus. Note: Other Sustainability Certifications with an expected public benefit equal to or in excess of Tier 1 or Tier 2 may be pursued under the Flexible Amenity provisions.</p> <p>DESIGN CRITERIA:</p> <ol style="list-style-type: none"> 1. Buildings shall meet minimum criteria for LEED, Built Green or Living Building Challenge certification in chosen category. 2. A performance bond equivalent to the value of the bonus shall be provided to the City by the developer. In the event the project does not achieve the planned rating within 18 months of project completion, the bonded funds shall be used for environmental improvements within Downtown identified by the City. 						
FLEXIBLE AMENITY							
<p>18. Flexible Amenity: For proposed amenities not identified in items 1 – 17 of this list, the Flexible Amenity allows an applicant the opportunity to propose an additional amenity that would substantially increase livability in the Downtown. Credit will be determined on a case-by-case basis; it is expected that the public benefit will equal or exceed what would be provided by amenities on the standard list provided above. The Flexible</p>	<p>Values for this amenity will be set through the Legislative City Council Departure process in 20.25A.030 and require a Development Agreement. May be pursued in all Downtown Neighborhoods. This amenity may be used to small sites to accommodate a</p> <p>DESIGN CRITERIA:</p> <ol style="list-style-type: none"> 1. Bonus proposal must be approved by City Council through a Legislative Departure and Development Agreement. 2. Proposed bonus must have merit and value to the community. 3. Proposed bonus must be outside of the anticipated amenity bonus structure. 4. Proposed bonus shall not be in conflict with existing Land Use Code regulations. 						

Commented [F105]: Neighborhood serving uses bonus based on \$200 per square foot construction cost credit and \$25 FAR exchange rate, and comparison with other incentive systems.

Commented [BT106]: Initial PC direction on 4.19.17 based on Master Builders’ Association comments.

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PART 20.25A Downtown

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Amenity may also be used to determine a mix of amenities that is appropriate for a DT-Small Site when application of standard list would not provide it with the development rights permitted to other similarly situated properties.

Commented [HC107]: PC direction from 5.10.17

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E. Recording.

The total amount of bonus floor area earned through the Amenity Incentive System for a project, and the amount of bonus floor area to be utilized on-site for that project must be recorded with the King County Recorder’s Office, or its successor agency. A copy of the recorded document shall be provided to the Director.

F. Bonus Floor Area Earned from Pedestrian Corridor or MPOS Construction.

1. Use of Floor Area Earned. Bonus floor area earned for actual construction of the major Pedestrian Corridor or Major Public Open Space may be used within the project limit or transferred to any other property within the area of the Downtown bounded on the west by Bellevue Way, on the east by 112th Avenue NE, on the south by NE 4th Street and on the north by NE 8th Street. Properties may utilize this earned floor area to exceed the Floor Area Ratio Maximum of LUC 20.25A.060.A.4, but must remain within maximum building height limits.

~~2. Amount of Floor Area Transfer. No more than 25 percent of the gross floor area of a proposed project may be transferred floor area. This limitation does not include floor area generated by construction of the major pedestrian corridor or major public open spaces.~~

Commented [BT(108)]: Initial PC direction on 4.19.17. Reflects existing code provisions that do not limit the amount of excess Pedestrian Corridor or Major Public Open Space bonus floor area that may be transferred.

~~3.2~~ Recording Required. The property owner shall record each transfer of floor area with the King County Recorder’s Office, or its successor agency, and shall provide a copy of the recorded document to the Director.

~~4.3~~ Notwithstanding any provision of this Code, no transfer of floor area occurs when all property is included in one project limit.

G. Periodic Review.

The Amenity Incentive System will be periodically reviewed every ~~7-10~~ ~~5-7~~ years with initiation by City Council. The Director shall prepare an annual performance report that includes, at a minimum, the following information for the amenity incentive points earned from participation in amenity incentive system.

Commented [BT(109)]: PC direction on 5.10.2017

- (1) Total number of downtown projects that participated in the amenity incentive system;
- (2) The total amount of square footage earned through participation in the amenity incentive system; and
- (3) The total number of amenity points earned for each bonasable amenity listed in LUC 20.25A.070.D.4.

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.17- 5.24.17 Consolidated Draft

20.25A.075 Downtown Tower Requirements

A. Requirements for Additional Height

1. Applicability. Buildings with heights that exceed the trigger for additional height shall be subject to the diminishing floor plate requirement ~~in paragraph A.2, and an outdoor plaza space requirement.~~
2. Diminishing Floor Plate Requirement. The floor plates above the trigger for additional height shall be reduced by 10 percent. The reduction shall be applied on all floor plates above the trigger for additional height. The 10 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. ~~Outdoor Plaza Requirement. Buildings with heights that exceed the trigger for additional height shall provide outdoor plaza space in the amount of 10 percent of the project limit, provided that the outdoor plaza space shall be no less than 3,000 square feet in size. The open space shall be provided within 30 inches of the adjacent sidewalk and shall comply with the requirements for Outdoor Plazas in the Amenity Incentive System of LUC20.25A.070.D.2. Vehicle and loading drive surfaces shall not be counted as outdoor plaza space.~~
 - ~~a. Modification of the Plaza Size with Criteria. The Director may approve a modification to the 10 percent requirement for outdoor plaza space through an administrative departure pursuant to 20.25A.030.D.1 provided that the following minimum criteria are met:

 - ~~i. The outdoor plaza is not less than 3,000 square feet in size;~~
 - ~~ii. The outdoor plaza is functional and is not made up of isolated unusable fragments;~~
 - ~~iii. The outdoor plaza meets the design criteria for Outdoor Plazas in the Floor Area Ratio and Amenity Incentive System, LUC 20.25A.070.D.2; and~~
 - ~~iv. The size of the plaza is roughly proportional to the additional height requested.~~~~

Commented [HC110]: MOVED from footnotes in dimensional chart. Provides design standards for Downtown Towers that increase transparency and ease of code use.

Commented [BT(111)]: Errata and deletion of reference to open space pursuant to initial PC Direction on 4.19.2017.

Commented [BT(112)]: Deletion was initial PC direction on 4.19.2017.

B. Required Tower Separation - Tower separation is intended to provide privacy, natural light and air, and contribute to a distinctive skyline.

1. Applicability. This paragraph shall apply to multiple towers within the Downtown subarea built within a single project limit.
2. Separation. Two or more towers built within a single project limit must maintain a tower separation of ~~80~~60 feet.
3. Modification with Criteria. Tower separation may be reduced to a minimum of 20 feet between the closest points of multiple towers measured ~~80~~45 feet above average finished grade through an administrative departure pursuant to 20.25A.030.D.1 if the following criteria are met:
 - a. A maximum of 10% of the façade is within the tower separation distance of another building's façade; and,

Commented [HC113]: Planning Commission requested additional discussion regarding 60' versus 80' tower separation within a single project limit. Included in 5.3.17 packet for PC discussion. Reprinted in 5.10.17 packet.

Commented [BT(114)]: 5.24.17 PC direction on 5.10.17 was to change tower separation from 80 feet to 60 feet.

Commented [HC115]: Initial direction from Planning Commission on 4.19.17 to raise point at which tower spacing applies to align with revised definition of DT-Tower.

PART 20.25A Downtown

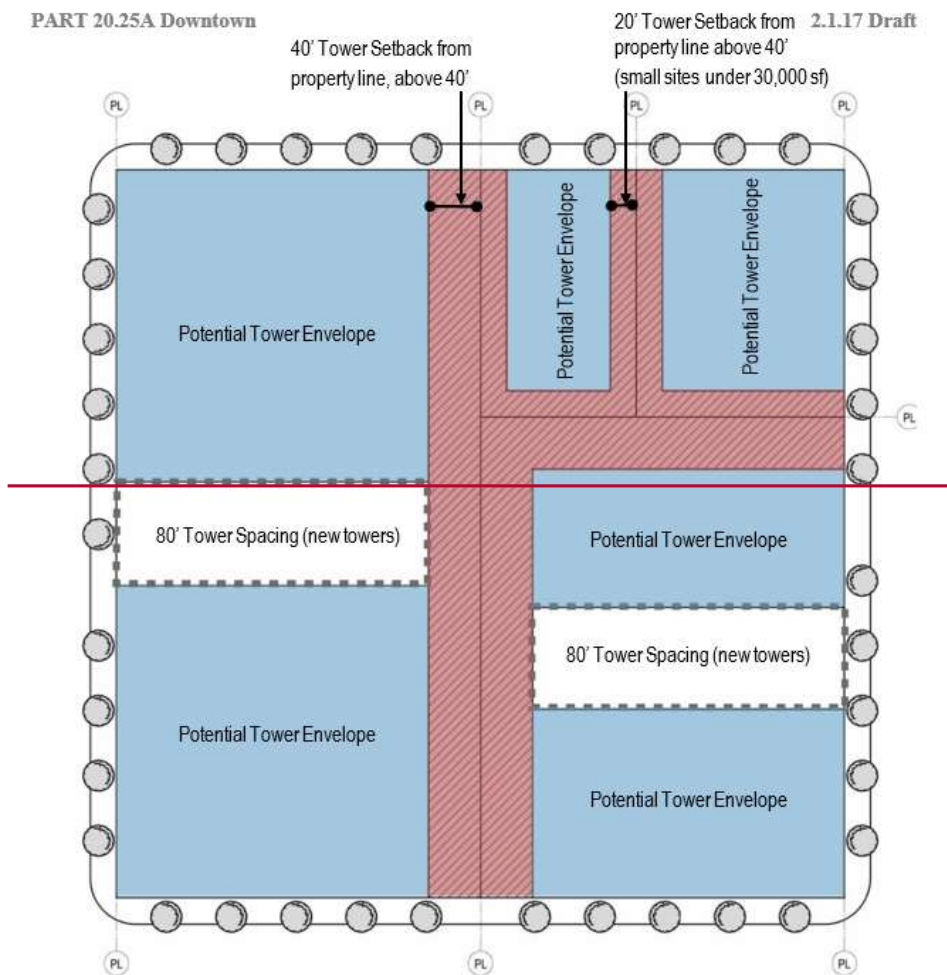
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- c. The applicant demonstrates that the intrusion does not affect the light, air or privacy of the users of either building.

4. Small Site Exception. If a parcel is less than or equal to 40,000 square feet, the tower separation requirement does not apply.

Commented [HC116]: Moved from LUC 20.25A.060.B.4 in response to initial Planning Commission direction on 4.19.17

Commented [HC117]: Deleted in response to initial Planning Commission direction on 4.19.17 to reduce tower setback from internal property lines from 40' to 20'.



C. Upper Level Stepbacks

1. Upper Level Stepback. Each building facade depicted in Figure 20.25A.075.C.2 shall incorporate a minimum 15 or 20-foot-deep stepback at a height between 25 feet and the level of the first floorplate above 40 feet. The required depth of the stepback is shown on Figure 20.25A.075.C.2. This required stepback may be modified or eliminated if the applicant demonstrates through Design Review (Part 20.30F LUC) that:

a. Such stepback is not feasible due to site constraints, such as a small or irregularly shaped lot;
~~or~~

b. The modification is necessary to achieve design elements or features encouraged in the design guidelines of 20.25A.140-.180, and the modification does not interfere with preserving view corridors. Where a modification has been granted under LUC 20.25A.060.B.2.c, the upper level stepback may be incorporated between 25 feet and the level of the first floorplate above 45 feet; ~~or -~~

c. The modification is necessary to provide a property owner with the same development opportunity as an adjacent existing development that did not incorporate an upper level stepback. Where the upper level stepback on properties immediately adjacent to a site is less than the upper level stepback required by LUC 20.25A.075.C.1, the required upper level stepback may be modified as set forth in this subsection. The modification shall be determined by connecting the portion of each adjacent structure that encroaches into the required upper level stepback. The line established represents the upper level stepback for the site.

Commented [HC118]: MOVED from 20.25A.100E.7 and applied to Downtown Core and Perimeter

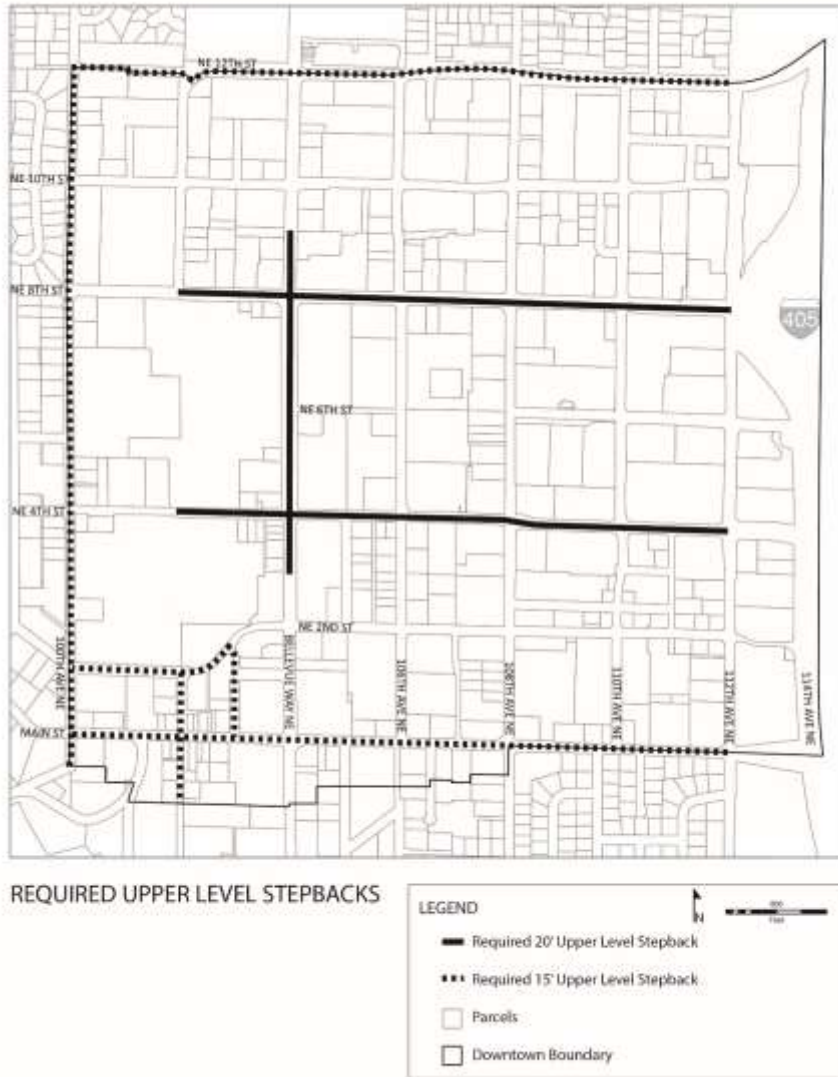
Commented [BT(119)]: 4.19.17 draft for PC consideration. Adds new "string test" departure applicable to upper level stepbacks. Reprinted in 5.3.17 and 5.10.17 packets. No initial direction provided by the Planning Commission.

Commented [BT(120)]: 5.24.17 PC direction on 5.10.17 to include this provision because it was supported by the WALLACE Properties letter of 5.10.17.

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.5.17~~ ~~5.24.17 Consolidated Draft~~

Figure 20.25A.075.C.2



20.25A.080 Parking Standards

A. General.

The provisions of LUC 20.20.590, except as they conflict with this section, apply to development in the Downtown Land Use Districts.

B. Minimum/Maximum Parking Requirement by Use – Specified Uses.

This subsection supersedes LUC 20.20.590.F.1. Subject to LUC 20.20.590.G and 20.20.590.H, the property owner shall provide at least the minimum and may provide no more than the maximum number of parking stalls as indicated below unless modified pursuant to applicable departure allowances contained in this section:

Commented [HC121]: MOVED from Downtown LUC 20.25A.050 and aligned with code organization use in BelRed (LUC 20.25D.120). Provides increased flexibility by including process to modify required parking ratios for either fewer or more parking stalls based on a comprehensive parking study.

ADDS visitor parking for residential buildings at a rate of 1 stall per 20 units. Adds required bicycle parking. Requires 8 feet for parking structure entries instead of 7.5 feet to accommodate accessible van parking.

Downtown Parking Requirements

Land Use	Unit of Measure	Downtown Zones			
		-O-1,-O-2		-R,-MU,-OB,-OLB	
		Min.	Max.	Min.	Max.
a. Auditorium/Assembly Room/Exhibition Hall/Theater/Commercial Recreation (1)	per 8 fixed seats or per 1,000 nsf (if there are no fixed seats)	1.0 (10.0)	2.0 (10.0)	1.5 (10.0)	2.0 (10.0)
b. Financial Institution	per 1,000 nsf	3.0	4.0	4.0	5.0
c. Funeral Home/Mortuary (1)	per 5 seats	1.0	1.0	1.0	no max.
d. High Technology/Light Industry	per 1,000 nsf	2.0	3.5	2.0	3.5
e. Home Furnishing/Retail/Major Appliances – Retail	per 1,000 nsf	1.5	3.0	1.5	3.0
f. Hospital/In-Patient Treatment Facility/Outpatient Surgical Facility	per 1.5 patient beds	1.0	2.0	1.0	2.0
g. Manufacturing/Assembly (Other than High Technology/Light Industrial)	per 1,000 nsf	0.7	1.0	1.0	1.5
h. Office (Business Services/Professional Services/General Office) (3)	per 1,000 nsf	2.0	2.7	2.5	3.0
i. Office (Medical Dental/Health Related Services)	per 1,000 nsf	3.0	4.0	4.0	5.0
j. Personal Services:					
Without Fixed Stations	per 1,000 nsf	2.0	2.0	2.0	3.0
With Fixed Stations	per station	0.7	2.0	1.0	1.5
k. Residential (6)	per unit	0	2.0	1.0(5)	2.0

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ 5.24.17 Consolidated Draft

			Downtown Zones			
Land Use	Unit of Measure	-O-1,-O-2		-R,-MU,-OB, -OLB		
		Min.	Max.	Min.	Max.	
		i. Restaurant	per 1,000 nsf	0	15.0	10.0(4)
m. Retail	per 1,000 nsf	3.3	5.0	4.0(4)	5.0	
n. Retail in a Mixed Development (except Hotel) (2)	per 1,000 nsf	0	3.3	2.0(4)	4.0	
o. Senior Housing:						
Nursing Home	per patient bed	0.4	0.8	0.4	0.8	
Senior Citizen Dwelling or Congregate Care	per living unit	0	1.0	0.33	1.0	

nsf = net square feet (see LUC 20.50.036)

Notes to Parking Requirements:

- (1) Room or seating capacity as specified in the International Building Code, as adopted and amended by the City of Bellevue, at the time of the application is used to establish the parking requirement.
- (2) If retail space in a mixed development exceeds 20 percent of the gross floor area of the development, the retail use parking requirements of subsection B of this section apply to the entire retail space.
- (3) Special Requirement in Perimeter Overlay District. The Director may require the provision of up to 3.5 parking stalls per 1,000 net square feet for office uses within the Perimeter Overlay District to avoid potential parking overflow into adjacent land use districts outside Downtown.
- (4) Parking for existing buildings in Downtown-OB shall be provided according to the criteria set forth in this Note (4).
 - (a) Existing Building Defined. For this Note (4), “existing building” shall refer to any building in existence as of December 31, 2006, or any building vested as of December 31, 2006, per LUC 20.40.500, and subsequently constructed consistent with the 2006 vesting.
 - (b) First 1,500 Net Square Feet of a Restaurant or Retail Use – No Parking Required. The first 1,500 net square feet of a restaurant or retail use located in an existing building shall have a minimum parking ratio of zero (0).
 - (c) Restaurant or Retail Uses in Excess of 1,500 Net Square Feet. A restaurant or retail use that exceeds 1,500 net square feet and is located within an existing building shall provide parking according to the above table for any floor area in excess of 1,500 net square feet.
 - (d) Limitation on Applicability of Note (4).
 - (i) Buildings that do not meet the definition of an existing building shall provide parking for all uses according to the above table.
 - (ii) Parking in existing buildings for uses other than restaurant and retail uses shall be provided according to the above table.

PART 20.25A Downtown**2.16.17 Draft 5.17 - 5.24.17 Consolidated Draft**

(5) The minimum requirement for studio apartment units available to persons earning 60 percent or less than the median income as determined by the United States Department of Housing and Urban Development for the Seattle Metropolitan Statistical Area is 0.25 stalls per unit. An agreement to restrict the rental or sale of any such units to an individual earning 60 percent or less of the median income shall be recorded with the King County Recorder's Office (or its successor agency), and a copy shall be provided to the Director.

(6) Visitor parking shall be provided in residential buildings at a rate of 1 stall per 20 units, but in no case will the visitor parking be less than 1 stall.

C. Shared Parking:

1. General. In the Downtown, this subsection supersedes LUC 20.20.590.I.1.
2. Subject to compliance with other applicable requirements of this Code, the Director may approve shared development or use of parking facilities located on adjoining separate properties or for mixed use or mixed retail use development on a single site through approval of an administrative departure pursuant to LUC 20.25A.030.D.1 and if:
 - a. A convenient pedestrian connection between the properties or uses exists; and
 - b. The availability of parking for all affected properties or uses is indicated by directional signs, as permitted by Chapter 22B.10 BCC (Sign Code).
3. Number of Spaces Required.
 - a. Where the uses to be served by shared parking do not overlap their hours of operation, the property owner or owners shall provide parking stalls equal to the greater of the applicable individual parking requirements: and
 - b. Where the uses to be served by shared parking have overlapping hours of operation, the Director may approve a reduction of up to 20 percent of the total required parking stalls if the following criteria are met pursuant to the provisions of LUC 20.25A.080.H; and:
 - ~~b. Where the uses to be served by shared parking do not overlap their hours of operation, the property owner or owners shall provide parking stalls equal to the greater of the applicable individual parking requirements.~~
 - i. The reduction is supported by a parking demand analysis performed by a professional traffic engineer;
 - ii. The parking demand analysis adheres to professional methods and is supported by:
 - (1) Documentation of the estimated shared parking demand for the proposed use; and
 - (2) Evidence in available technical studies or manuals relating to the proposed mix of shared uses;
 - iii. The parking demand analysis for the proposed mix of shared uses may take into consideration how parking supply for a similar use has been calculated and performed at other locations in Bellevue, where available, or comparable circumstances in other jurisdictions;

Commented [BT(122): Planning Commission requested additional discussion of 20% shared parking provisions. Shared parking materials provided in 5.3.17 packet and reprinted in 5.10.17 packet.

Commented [BT(123): 5.24.17 PC direction on 5.10.17 to keep 20% with parking study in the Consolidated Code.

Commented [HC124]: Requires a parking study to allow for any reduction, instead of only the reductions that exceed 20%.

Commented [HC125]: PC direction on 5.10.17 to add parking demand analysis criteria for shared parking reductions.

PART 20.25A Downtown~~2.16.17 Draft~~ **5.17- 5.24.17 Consolidated Draft**

iv. Required visitor parking for residential uses, and secured/gated parking that is dedicated to residential uses only, shall not be included in the number of parking stalls available for shared use.

4. Documentation Required. Prior to establishing shared parking or any use to be served thereby, the property owner or owners shall file with the King County Recorder's Office or its successor agency, a written agreement approved by the Director providing for the shared parking use. A copy of the written agreement shall be retained by the Director in the project file. The agreement shall be recorded on the title records of each affected property.

D. Off-Site Parking Location.

1. General. In the Downtown, this subsection supersedes LUC 20.20.590.J. Except as provided in paragraph D.2 of this section, the Director may approve a portion of the approved parking through approval of an administrative departure pursuant to LUC 20.25A.030.D.1 for a use to be located on a site other than the subject property if:

- a. Adequate visitor parking exists on the subject property; and
- b. Adequate pedestrian, van or shuttle connection between the sites exists; and
- c. Adequate directional signs in conformance with Chapter 22B.10 BCC (Sign Code) are provided.

2. District Limitations. Downtown-R Limitations. Parking located in the Downtown-R District may only serve uses located in that district unless otherwise permitted through Design Review, Part 20.30F LUC, and then, only if such parking is physically contiguous and functionally connected to the use which it serves in an adjacent land use district.

3. Short-Term Retail Parking Facilities. The Director may approve the development of short-term retail parking facilities (see definition at LUC 20.50.040) not associated with a specific use. Upon the separate approval of an administrative departure pursuant to LUC 20.25A.030.D.1 by the Director, a property owner or owners may satisfy all or a portion of the parking requirement for a specified retail use through an agreement providing parking for the use at a designated short-term retail parking facility; provided, that:

- a. Adequate pedestrian, van or shuttle connection exists between the sites; and
- b. Adequate directional signs in conformance with Chapter 22B.10 BCC (Sign Code) are provided.

4. Documentation Required. Prior to establishing off-site parking or any use to be served thereby, the property owner or owners shall file with the King County Recorder's Office (or its successor agency) a written agreement approved by the Director providing for the shared parking use. The agreement shall be recorded on the title records of each affected property and a copy of the recorded document shall be provided to the Director.

E. Commercial Use Parking.

PART 20.25A Downtown~~2.16.17 Draft~~ 5.17-5.24.17 Consolidated Draft

1. Any parking facilities or parking stalls located in the Downtown and developed to meet the requirements of the Land Use Code for a particular use may be converted to commercial use parking (see definition at LUC 20.50.040); provided, that the property owner shall:
 - a. Comply with all parking and dimensional requirements and with the performance standards for parking structures of this Code.
 - b. If the parking facility or parking stalls proposed for commercial use were approved for construction subsequent to the effective date of Ordinance 2964 (enacted on March 23, 1981), the commercial use parking facility or parking stalls shall comply with all landscaping requirements set forth at LUC 20.25A.110.
 - c. If the parking facility or parking stalls proposed for commercial use were approved for construction prior to the effective date of Ordinance 2964 (enacted on March 23, 1981), and the commercial use parking facility occupies more than 30 spaces, the minimum landscaping requirements of this Code shall be deemed met where the property owner installs landscaping in compliance with an approved landscaping plan which achieves the following objectives:
 - i. Surface parking areas shall be screened from street level views to a minimum height of four feet by a wall, hedge, berm or combination thereof.
 - ii. The minimum width of any hedge planting area shall be three feet.
 - iii. Visual relief and shade shall be provided in the parking area by at least one deciduous shade tree (12 feet high at planting) for every 20 parking stalls, provided such trees shall not be required in covered or underground parking. Each tree planting area shall be at least 100 square feet in area and four feet in width, and shall be protected from vehicles by curbing or other physical separation. If irrigation is provided, the planting area may be reduced to 40 square feet.
 - iv. The proposed landscaping plan shall be reviewed by the Director for compliance with these objectives and shall be approved by the Director prior to initiation of the commercial use parking.
2. Assurance Device. The Director may require an assurance device pursuant to LUC 20.40.490 to ensure conformance with the requirements and intent of this subsection.

F. Parking Area and Circulation Improvements and Design.

1. Landscaping. Paragraph F.1 of this section supersedes LUC 20.20.590.K.7. The property owner shall provide landscaping as required by LUC 20.25A.110.
2. Compact Parking. Paragraph F.2 of this section supersedes LUC 20.20.590.K.9. The Director may approve through an administrative departure pursuant to LUC 20.25A.030.D.1, the design and designation of up to 65 percent of the spaces for use by compact cars.
3. Vanpool/Carpool Facilities. The property owner must provide a vanpool/carpool loading facility that is outside of required driveway or parking aisle widths. The facility must be adjacent to an entrance door to the structure and must be consistent with all applicable design guidelines.

20.25A.080 66

PART 20.25A Downtown~~2.16.17 Draft~~ 5.17- 5.24.17 Consolidated Draft

4. Performance Standards for Parking Structures. The Director may approve a proposal for a parking structure through Design Review, Part 20.30F LUC and an administrative departure through LUC 20.25A.030.D.1. The Director may approve the parking structure only if:
- a. Driveway openings are limited and the number of access lanes in each opening is minimized;
 - b. The structure exhibits a horizontal, rather than sloping, building line;
 - c. The dimension of the parking structure abutting pedestrian areas is minimized, except where retail, service or commercial activities are provided;
 - d. The parking structure complies with the requirements of LUC 20.25A.140 through 20.25A.180;
 - e. A wall or other screening of sufficient height to screen parked vehicles and which exhibits a visually pleasing character is provided at all above-ground levels of the structure. Screening from above is provided to minimize the appearance of the structure from adjacent buildings;
 - f. Safe pedestrian connection between the parking structure and the principal use exists;
 - g. Loading areas are provided for vanpools/carpools as required by paragraph F.3 of this section; and
 - h. Vehicle height clearances for structured parking must be at least eight feet for the entry level to accommodate accessible van parking.

G. Bicycle Parking.

Office, residential, institutional, retail, and education uses are required to provide bicycle parking pursuant to the following standards:

1. Ratio.
 - a. One space per 10,000 nsf for nonresidential uses greater than 20,000 nsf.
 - b. One space per every 10 dwelling units for residential uses.
2. Location. Minimum bicycle parking requirement shall be provided on-site in a secure location.
3. Covered Spaces. At least 50 percent of required parking shall be protected from rainfall by cover.
4. Racks. The rack(s) shall be securely anchored and a bicycle six feet long can be securely held with its frame supported so the bicycle cannot be pushed or fall in a manner that will damage the wheels or components.
5. Size Requirement. Each required bicycle parking space shall be accessible without moving another bicycle.

~~H. Director's Authority to Modify Required Parking.~~

Commented [BT(126): Public Hearing Draft version. Fashioned after BelRed Code. Initial Planning Commission direction on 4.26.17 to remove additional parking flexibility until Comprehensive Parking Study could be completed. PC Direction reiterated on 5.10.17.

Commented [HC127R126]: Specific direction received from PC on 5.10.17 does not achieve the site-specific flexibility requested in the WALLACE Properties letter of 5.10.17 subject to completion of a parking demand study.

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.17-5.24.17 Consolidated Draft

~~Through approval of an administrative departure pursuant to LUC 20.25A.030.D.1, the Director may modify the minimum or maximum parking ratio for any use in LUC 20.25A.080.B as follows:~~

- ~~1. The modified parking ratio is supported by a parking demand analysis provided by the applicant, including but not limited to:

 - ~~a. Documentation supplied by the applicant regarding actual parking demand for the proposed use; or~~
 - ~~b. Evidence in available planning and technical studies relating to the proposed use; or~~
 - ~~c. Required parking for the proposed use as determined by other compatible jurisdictions.~~~~
- ~~2. Periodic Review. The Director may require periodic review of the proposed review of the reduced parking supply to ensure the terms of the approval are being met.~~
- ~~3. Assurance Device. The Director may require an assurance device pursuant to LUC 20.40.490 to ensure compliance with the requirements and intent of subsection F.1 of this section.~~
- ~~4. Shared or off site parking is not available or adequate to meet demand.~~
- ~~5. Any required Transportation Management Program will remain effective.~~

H. Director's Authority to Require Parking Exceeding Maximum.

In Downtown Districts, the Director of the Development Services Department may require the installation of more than the maximum number of parking stalls, for other than office uses, if the Director determines that:

1. Such additional parking is necessary to meet the parking demand for a specified use; and
2. Shared or off-site parking is not available or adequate to meet demand; and
3. Any required Transportation Management Program will remain effective.

Commented [BT(128): Existing code language to remain until Downtown Parking study is done. Initial Planning Commission direction on 4.26.17 to remove additional parking flexibility presented in Public Hearing draft until Comprehensive Parking Study could is completed.

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ ~~5.24.17 Consolidated Draft~~

20.25A.090 Street and Pedestrian Circulation Standards

A. Walkways and Sidewalks – Standards and Map

1. Sidewalk Widths. The minimum width of a perimeter walkway or sidewalk shall be as prescribed in Figure 20.25A.090A.1 of this section, plus a 6-inch curb. A planter strip or tree pit shall be included in within the prescribed minimum width of the walkway or sidewalk as provided in Plate 20.25A.090A.1 of this section.

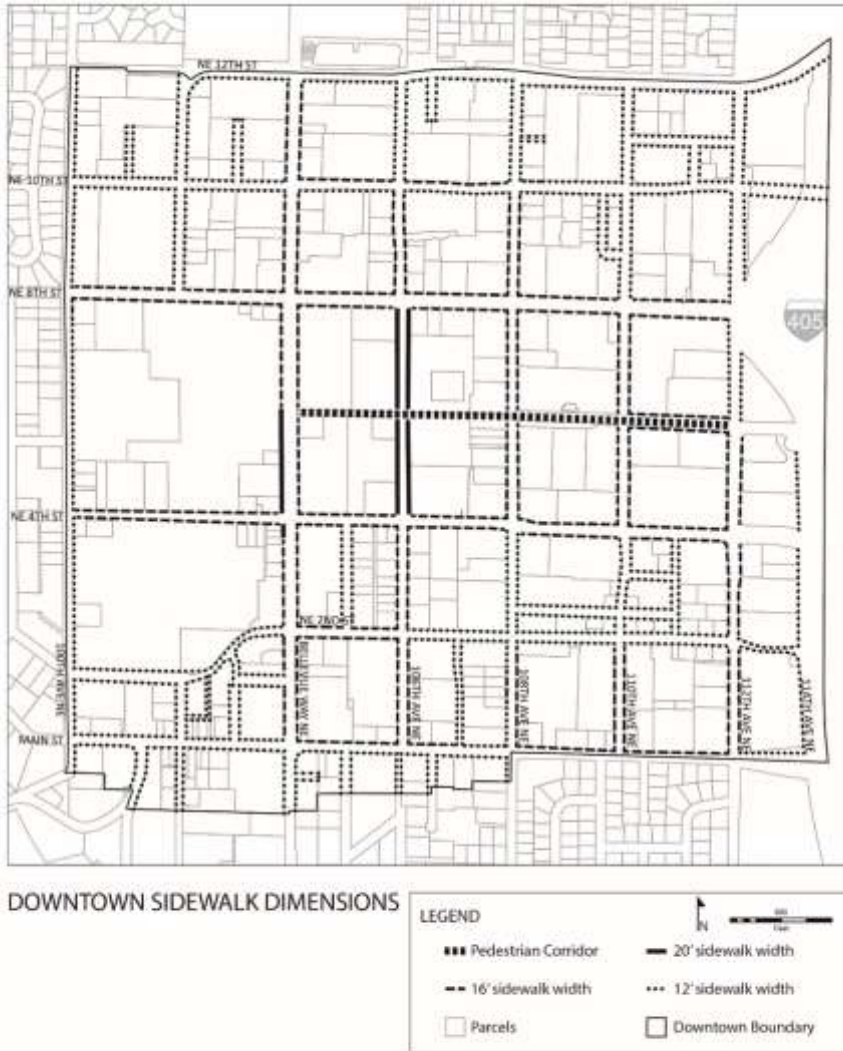
Commented [HC129]: MOVED from Downtown LUC 20.25A.060. Planter Strips and Tree Pits were included in Early Wins.

UPDATED to include Sidewalk widths.

DRAFT

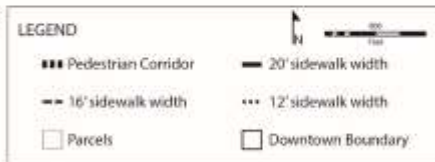
Figure 20.25A.090.A.1

Commented [BT(130): PC initial direction on 4.19.17 removed the requirement for sidewalks below the freeway access on NE 4th and NE 6th between 112th Ave. NE and 114th Ave. NE.





DOWNTOWN SIDEWALK DIMENSIONS



PART 20.25A Downtown

~~2.16.17 Draft~~ 5.5.17 - 5.24.17 Consolidated Draft

20.25A.090A.1 Plate A

PLATE A - Downtown Bellevue Planter Strip/Tree Pits Required

East-West	Planter Strip/Tree Pits
NE 12th (102nd to I-405)	Planter Strip
NE 11th (110th to 112th)	Planter Strip
NE 10th (100th to 106th)	Planter Strip
NE 10th (106 to I-405)	Planter Strip
NE 9th (110th to 111th)	Tree Pits
NE 8th (100th to 106th)	Planter Strip
NE 8th (106th to 112th)	Planter Strip
NE 6th (Bellevue Way to 106th)	See Pedestrian Corridor Design Guidelines
NE 6th (106th to 108th)	See Pedestrian Corridor Design Guidelines
NE 6th (108th to 110th)	Tree Pits
NE 6th (110th to 112th)	Planter Strip on the south side, Tree Pits on the north side
NE 4th (100th to I-405)	Planter Strip
NE 3rd Pl (110th to 111th)	Tree Pits
NE 2nd Pl (108th to 111th)	Planter Strip
NE 2nd (Bellevue Way to I-405)	Planter Strip
NE 1st/2nd (100th to Bellevue Way)	Planter Strip
NE 1st (103rd to Bellevue Way)	Tree Pits
Main St (100th to Bellevue Way)	Tree Pits
Main St (Bellevue Way to I-405)	Planter Strip
North-South	
100th (NE 12th to Main)	Planter Strip
100th (NE 10th to NE 1st)	Planter Strip
100th (NE 1st to Main)	Planter Strip

PLATE A - Downtown Bellevue Planter Strip/Tree Pits Required

101st (near NE 10th)	Tree Pits
101st Ave SE (south of Main St)	Tree Pits
102nd (NE 12th to NE 8th)	Planter Strip
102nd (NE 1st to south of Main St)	Tree Pits
103rd (near NE 10th)	Tree Pits
103rd (NE 2nd to Main St)	Tree Pits
Bellevue Way (NE 12th to NE 10th)	Planter Strip
Bellevue Way (NE 10th to NE 4th)	Planter Strip
Bellevue Way (NE 4th to Main)	Planter Strip
Bellevue Way (Main to Downtown Boundary)	Planter Strip
105th (NE 4th to NE 2nd)	Planter Strip
105th SE (near Main St)	Planter Strip
106th (NE 12th to NE 8th)	Planter Strip
106th (NE 8th to NE 4th)	Tree Pits
106th (NE 4th to Main)	Planter Strip
106th Pl NE (near NE 12th)	Tree Pits
107th (NE 2nd to south of Main)	Tree Pits
108th (NE 12th to NE 8th)	Tree Pits
108th (NE 8th to NE 4th)	Tree Pits
108th (NE 4th to south of Main)	Tree Pits
109th (near NE 10th)	Planter Strip
110th (NE 12th to NE 8th)	Planter Strip
110th (NE 8th to NE 4th)	Planter Strip
110th (NE 4th to Main)	Planter Strip

PLATE A - Downtown Bellevue Planter Strip/Tree Pits Required

111th (NE 11th to NE 9th)	Planter Strip
111th (NE 4th to NE 2nd)	Planter Strip

2. Minimum Width. Along any other street not listed in of this section, the minimum width of a perimeter walkway or sidewalk is 12 feet plus a 6-inch curb. Included in that 12 feet and adjacent to the curb, there shall be a planter strip or tree pit as prescribed in Plate A of this section.

3. Unobstructed Travel Path. Within the width of the walkway or sidewalk, at least six feet of unobstructed travel path shall be maintained for safe pedestrian access.

B. Planter Strips and Tree Pits.

Planter strips shall be at least five feet wide and as long as the street frontage, excluding curb cuts, driveways and spacing for utilities. Planter strips and tree pits shall be located adjacent to the curb unless precluded by existing utilities which cannot be reasonably relocated. Tree pits shall be covered with protective grates or pavers. Where stormwater facilities are used in conjunction with tree pits, removable grates shall be utilized. Pursuant to LUC 20.25A.030.D.1, the Director may approve an administrative departure for the location or size of tree pits and planter strips if the applicant is unable to meet the requirements of this-paragraph to utility placement or other obstruction that is out of the applicant’s control.

C. Downtown Core.

1. Major Pedestrian Corridor.

- a. Purpose. The major pedestrian corridor is to serve as a focus for pedestrian use.
- b. Location. The alignment of the major pedestrian corridor is defined as the area within 30 feet of the extension of the north line of Lots 3 and 4, Block 2 of Cheriton Fruit Gardens Plat No. 1 recorded in the King County Recorder’s Office (or its successor agency) in Volume 7 of Plats at page 47, extending from the eastern edge of the enclosed portion of Bellevue Square to 108th Avenue NE and the area within 30 feet north of the north curb and 30 feet south of the south curb of the Bellevue Transit Center traffic lanes as hereafter approved by the City, extending across the 108th Avenue NE right-of-way and to 110th Avenue NE. This alignment may be modified by the Bellevue Pedestrian Corridor Guidelines or by a Corridor Development Design Plan for a specific property.
- c. Bellevue Pedestrian Corridor Guidelines. Each development abutting the Pedestrian Corridor as described in paragraph C.1.c.v of this section must comply with the provisions of this paragraph and the Bellevue Pedestrian Corridor Guidelines and Major Open Space Design Guidelines as adopted by the City Council, or as the same may hereafter be amended. The Bellevue Pedestrian Corridor and Major Public Open Space Design Guidelines consist of general design guidelines consistent with provisions of this paragraph.

Commented [HC131]: MOVED from Downtown LUC 20.25A.090.E. UPDATED citations to ensure conformance with the draft Downtown Code.

Pedestrian Corridor provisions will be updated following completion of Wilburton-Grand Connection Initiative Discussed with the Planning Commission on October 26, 2016.

- i. The corridor must present a coordinated design. The City will consider coordinated design features such as uniform treatment of signing, landscaping and lighting over the entire length of the corridor. Variety in design will be allowed and in some cases encouraged in order to provide visual interest and harmony with adjacent development. The corridor must incorporate numerous pedestrian amenities such as seating areas, landscaping, art features, weather protection and pedestrian scale lighting.
- ii. The major pedestrian corridor must provide predominantly continuous pedestrian-oriented frontage, plazas, pedestrian ways, street arcades, landscape features, or enclosed plazas along its entire length.
- iii. The entire corridor must be open to the public 24 hours per day. Segments of the corridor may be bridged or covered for weather protection, but not enclosed. Temporary closures will be allowed as necessary for maintenance purposes.
- iv. Pedestrian movement across 104th Avenue NE, 106th Avenue NE or 108th Avenue NE shall be at grade.
- v. The major pedestrian corridor width is established as part of the Bellevue Pedestrian Corridor Guidelines. The corridor width shall average 60 feet and in no case be less than 40 feet over each superblock west of 108th Avenue NE, and shall average 30 feet and in no case be less than 20 feet on each side over the superblock extending from the western edge of the 108th Avenue NE right-of-way to 110th Avenue NE.

All subdivisions or short subdivisions hereafter approved or permits for any structure or permanent parking or circulation area shall be reviewed for compatibility with the alignment of the major pedestrian corridor and major public open space as specified in paragraph C.1.b of this section or in the Bellevue Pedestrian Corridor and Major Public Open Space Design Guidelines if any lot line, structure or permanent parking or circulation area is within:

- (1) 330 feet of the centerline of the major pedestrian corridor if west of 108th Avenue NE; or
 - (2) The area between the exterior edge of the curblines of the Transit Center and the eastward extension of the trigger lines as defined in paragraph C.1.c.v(1) of this section to 110th Avenue NE.
- d. Preservation of the Major Pedestrian Corridor.
- i. Prior to the issuance of a Building Permit for any structure other than surface parking; and other than any interior remodel or exterior remodel which enlarges exterior dimensions such that new floor area not exceeding a total of 20 percent of the gross floor area of the existing building is added; and provided, that all new floor area is devoted to pedestrian-oriented uses; located within the major pedestrian corridor as defined in paragraph C.1.b of this section, the following conditions must be met:
 - (1) The alignment of the major pedestrian corridor related to the proposed structure or permanent parking or circulation area must be established by the execution and recording of a legal agreement in accordance with paragraph C.1.e.i or ii of this section.

- (2) A Design Development Plan for the section of the corridor required to be constructed under paragraph C.1.c.iii of this section. Corridor must be approved by the Director as required by paragraph C.1.e.ii of this section. Construction must begin prior to the issuance of certificate of occupancy or a temporary certificate of occupancy for the structure other than surface parking as required by paragraph C.1.e.iii(2) of this section.
- ii. Building Permits for surface parking areas to be located in this corridor as defined in paragraph C.1.b of this section may be granted for up to a five-year period, subject to the landscape requirement for surface parking areas in the Downtown-MU Land Use District, as specified in LUC 20.25A.110.B. Building Permits for parking areas may be renewed only if the Director finds that an extension is necessary to meet the maximum Code requirements for parking and the extension is necessary for the construction of a building requiring utilization of the surface parking area.
- e. Provision of the Corridor.
- i. If the property owner wishes to at any time obtain bonus FAR for construction of the major pedestrian corridor, the City may approve the subdivision or short subdivision of property resulting in any interior lot line which is within the distances specified in paragraph C.1.c.v of this section only if:
- (1) The owner of the property to be subdivided or short subdivided executes a legal agreement providing that all property that he/she owns within the superblock in which any of the property to be subdivided or short subdivided is located and which is within the alignment of the major pedestrian corridor established under paragraph C.1.b, C.1.c or C.1.e.iii of this section (hereafter the "Corridor Property") shall be subject to a nonexclusive right of pedestrian use and access by the public. The agreement shall legally describe and shall apply to only that property of the owner located within the distances specified in paragraph C.1.c.v of this section. Such an agreement shall further provide that:
 - (a) The public right of pedestrian use established thereunder shall be enforceable by the City of Bellevue, and the City shall have full rights of pedestrian access to and use of the corridor property for purposes of enforcing the rights of the public under this agreement.
 - (b) The obligations under the agreement shall run with the corridor property. The agreement shall be reviewed at the end of 50 years from the date the agreement is signed and shall continue or change in accordance with the then existing public need for pedestrian use and access of the corridor for subsequent 50-year terms.
 - (c) The owner will design and construct the corridor within such corridor property in accordance with the requirements of paragraph C.1 of this section.
 - (d) The agreement shall be recorded with the King County Recorder's Office (or its successor agency) and provided to the Director.
 - (e) The owner will maintain the portion of the corridor located on the corridor property and keep the same in good repair.
 - (f) The City will provide adequate police protection.

(g) No modifications may be made to the corridor without approval of the City in accordance with paragraph C.1.e.ii of this section.

(h) The alignment of any such portion of the pedestrian corridor established by a legal agreement may be modified or terminated by the property owner and the City if the alignment of any section of the major pedestrian corridor changes pursuant to paragraph C.1.e.ii of this section.

(i) The owner may adopt reasonable rules and regulations for use of his/her portion of the corridor; provided, that the same may not be inconsistent with the requirements or intentions of this section.

(j) Any other terms and conditions that the owner(s) and the City agree to.

ii. Corridor Design Development Plan. Prior to the issuance of a Building Permit for the construction of any structure other than surface parking; and other than any interior remodel or exterior remodel which enlarges exterior dimensions such that new floor area not exceeding a total of 20 percent of the gross floor area of the existing building is added; and provided that all new floor area is devoted to pedestrian-oriented uses; on the property, any portion of which abuts the major pedestrian corridor and is within the distances specified in paragraph C.1.c.v of this section, a Design Development Plan for the section of the corridor required to be constructed under paragraph C.1.e.iii of this section must be submitted to and approved by the Director, through Design Review, Part 20.30F LUC. If the owner constructs a temporary pedestrian linkage under paragraph E.1.e.iii of this section, preparation of the Corridor Design Development Plan will not be required until the property to be developed is located within:

(1) 130 feet of the centerline of the major pedestrian corridor, west of 108th Avenue NE; or

(2) The area between the exterior edge of the curblines of the Transit Center and the eastward extension of the trigger lines as defined in paragraph C.1.e.ii(1) of this section to 110th Avenue NE. The proposed plan must specify the following elements:

(a) Landscaping,

(b) Lighting,

(c) Street furniture,

(d) Color and materials,

(e) Relationship to building frontage,

(f) Specific alignment for property on which the corridor will have to be constructed by the applicant proposing development,

(g) Any other physical element which the Director and the City Council, in their review, determine is necessary for and consistent with the Design Development Plan for a specific section of the major pedestrian corridor, not including specific requirements to construct structures containing retail uses abutting the corridor.

iii. The City may issue a permit for the construction of a structure other than surface parking and other than any interior remodel or exterior remodel which enlarges exterior dimensions such that new floor area not exceeding a total of 20 percent of the gross floor area of the existing building is added; and provided, that all new floor area is devoted to pedestrian-oriented uses; on property any part of which abuts the major pedestrian corridor and is within the distances specified in paragraph C.1.c.v of this section at the time of the adoption of Ordinance No. 2945 only if:

(1) The owner complies with paragraph C.1.e.i(1)(a) through (j) of this section if that owner wishes to earn bonus FAR for construction of the major pedestrian corridor; and

(2) The owner files a Building Permit application to construct his/her section of the corridor on (a) land he/she owns within the corridor and within the superblock of the subject construction permit for a structure, and (b) on one-half the width of any abutting City-owned land in the corridor (except for intersections listed below). The City shall initiate or abutting property owners may initiate a street vacation for right-of-way the City owns between 104th Avenue NE and 106th Avenue NE at NE 6th Street in conjunction with or prior to an owner application to construct the major pedestrian corridor. Actual construction of the corridor must begin prior to the issuance of a certificate of occupancy or temporary certificate of occupancy for the structure other than surface parking. The City shall construct the corridor at the street intersections of the corridor and 104th Avenue NE, 106th Avenue NE, and 108th Avenue NE. The width of the corridor that would have to be constructed under the requirements of paragraph C.1.e.iii of this section may be modified when the final alignment of the corridor is established as part of Corridor Design Development Plan (paragraph C.1.e.ii of this section). Notwithstanding this potential change in the width of the corridor that would have to be constructed under paragraph E.1.e.iii of this section, property owners shall at a minimum be required to construct the section of the corridor as specified in paragraph C.1.e.iii(2)(a) of this section. Building Permits for surface parking areas to be located on property any part of which abuts the major pedestrian corridor and is within the distances specified in paragraph C.1.c.v of this section at the time of the adoption of the ordinance codified in this chapter may be issued subject to the conditions specified in paragraph C.1.d.ii of this section. Notwithstanding any other requirement of this section, if a temporary pedestrian linkage is constructed as specified in paragraph C.1.f of this section, construction of the corridor will not be required unless the property to be developed is located within the distances specified in paragraph C.1.e.ii of this section.

f. Temporary Pedestrian Linkage.

i. Any temporary pedestrian linkage developed under paragraph C.1.c.iii of this section shall at a minimum include a combination of paving, landscaping and lighting to permit safe pedestrian movement at night.

ii. The City Council must approve a plan for any temporary pedestrian linkage to be prepared as part of a Corridor Design Planning process approved through a Development Agreement (Part 20.30L LUC).

- iii. Any owner constructing a temporary pedestrian linkage under paragraph C.1.e.iii of this section must construct the linkage across all lands that he/she owns within the superblock where development is proposed that abut or are within the alignment of the corridor.
- g. Maintenance. Each segment of the major pedestrian corridor shall be maintained by the property owners abutting it. The City shall maintain the intersections of all public streets with the corridor.
- h. Bonus Floor Area for Major Pedestrian Corridor Construction. Bonus floor area associated with the major pedestrian corridor shall be awarded pursuant to the terms of LUC 20.25A.070 to owners of property within the distances specified in paragraph C.1.c.v of this section through Design Review, Part 20.30F LUC, and according to the provisions of paragraph C.1.e.iii(2) of this section, in conjunction with an application for a permit to construct a structure, permanent parking, or circulation area within the major pedestrian corridor and the provision of a legal agreement establishing the public right of pedestrian use pursuant to paragraph C.1.e.i(1)(a) through (j) of this section.
- i. Exempt Activity/Use. Notwithstanding the provisions of paragraph C.1 of this section, the following activities and uses may occur on property within the distances specified in paragraph C.1.c.v of this section without concurrent construction of the major pedestrian corridor, the temporary pedestrian linkage or the intermediate pedestrian corridor:
- i. Surface parking approved pursuant to paragraph C.1.d.ii of this section;
 - ii. Landscape development;
 - iii. Street, access and sidewalk improvements, including the Transit Center as provided for in paragraph C.2 of this section;
 - iv. Any interior remodel;
 - v. Any exterior remodel; provided, that if exterior dimensions are enlarged new floor area may not exceed a total of 20 percent of the gross floor area of the structure as it existed on the effective date of this provision; and provided, that all new pedestrian level floor area is devoted to pedestrian-oriented uses;
 - vi. Development of the temporary pedestrian linkage or the intermediate pedestrian corridor.
- j. Intermediate Pedestrian Corridor.
- i. Notwithstanding any provision of this Code which requires construction of the major pedestrian corridor, a property owner may phase construction of that section of the major pedestrian corridor otherwise required to be built by delaying any portion not directly abutting or adjacent to the project limit which triggered the construction requirement if the owner provides an intermediate pedestrian corridor for that delayed portion of the corridor property which:

(1) Is at least 16 feet in width from the centerline of the major pedestrian corridor west of 108th Avenue NE, or extending outward from the exterior edge of the north or south curblines of the Bellevue Transit Center traffic lanes. This space shall be designed to

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PART 20.25A Downtown

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include a minimum four feet edge separating and defining the space, a minimum eight feet pedestrian movement area and a minimum four feet recreation/activity area.

- (2) Incorporates lighting, planting, seating, and scored or decorative paving.
 - (3) Provides a sense of enclosure along the exterior edge of the space by the use of a design element which both physically and visually separates the intermediate corridor from abutting property. Nonexclusive examples of such an element sculptural wall, dense planting, or berm.
 - (4) Is consistent with the applicable provisions of the Bellevue Pedestrian Corridor Guidelines, as determined by the Director.
- ii. Design for any intermediate pedestrian corridor must be approved through Design Review, Part 20.30F LUC, in conjunction with the Design Development Plan for the major pedestrian corridor required to be constructed.
 - iii. An intermediate pedestrian corridor satisfies any requirement of this Code to construct the temporary pedestrian linkage.
 - iv. Space developed as an intermediate pedestrian corridor must be replaced by the major pedestrian corridor at the time of development on any project limit abutting or adjacent to the major pedestrian corridor. Construction of the major pedestrian corridor must be in conformance with all requirements of paragraph C.1.e of this section.

2. Major Public Open Spaces.

- a. Purpose. Major public open spaces serve as focal points for pedestrian activity within the Downtown Core Design District, and are design elements fully integrated with the major pedestrian corridor.
- b. Location. The major public open spaces are to be located at or near the junction of the major pedestrian corridor and:
 - i. Bellevue Way;
 - ii. 106th Avenue NE;
 - iii. 110th Avenue NE.
- c. Design. Each development abutting a location of the major open public spaces as defined in paragraph C.2.b of this section must comply with the provisions of this paragraph and the Bellevue Pedestrian Corridor Guidelines and Major Public Open Space Guidelines as adopted by the City Council, or as the same may hereafter be amended. The Bellevue Pedestrian Corridor and Major Open Space Design Guidelines consist of general design guidelines consistent with provisions of this paragraph.
 - i. The major public open spaces must be designed with numerous pedestrian amenities such that these areas serve as focal points. Pedestrian amenities include elements such as seating, lighting, special paving, planting, food and flower vendors, artwork and special recreational features. Design must be coordinated with that of the major pedestrian corridors.

20.25A.090 80

- ii. The major public open spaces at or near 106th Avenue NE and 110th Avenue NE shall be a minimum of 30,000 square feet in size. A maximum of 37,000 square feet is allowed for the purpose of obtaining bonus floor area. The major public open space at or near Bellevue Way shall be a minimum of 10,000 square feet in size. A maximum of 15,000 square feet is allowed for the purpose of obtaining bonus floor area.
 - iii. Area devoted to a major public open space must be in addition to any area devoted to the major pedestrian corridor.
 - iv. Pedestrian-oriented frontage is required on at least two sides of a major public open space unless the major public space is linear in design, in which case pedestrian-oriented frontage is required on at least one side.
- d. Specific Development Mechanism.
- i. General. The provisions of paragraph C.4.d of this section establish alternative development mechanisms and specific requirements for each of the major public open spaces. Each affected property owner must comply with the major public open space design and construction requirements. Only those property owners who establish public access through a recorded legal agreement may utilize the FAR bonus for these open spaces.
 - ii. Ownership. The owners of property to be devoted to a major public open space will retain fee ownership of that property.
 - iii. Public Access – Legal Agreement.
 - (1) Each owner of property to be devoted to a major public open space who chooses to participate in the FAR bonus system for a major public open space shall execute a legal agreement providing that such property is subject to a nonexclusive right of pedestrian use and access by the public.
 - (2) The agreement shall further provide that the public right of pedestrian use established thereunder shall be enforceable by the City of Bellevue, and the City shall have full rights of pedestrian access to and use of the major public open space for purposes of enforcing the rights of the public under the agreement.
 - (3) The agreement shall be recorded with the King County Recorder’s Office and Bellevue City Clerk.
 - (4) The obligations under the agreement shall run with the land devoted to a major public open space. The agreement shall be reviewed at the end of 50 years from the date the agreement is signed and shall continue or change in accordance with the then-existing public need for pedestrian use and access of a major public open space for subsequent 50-year terms.
 - (5) The owner of property to be devoted to a major public open space will maintain that portion of the major public open space and keep the same in good repair.

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.17-5.24.17 Consolidated Draft

(6) The owners of property to be devoted to a major public open space may adopt reasonable rules and regulations for the use of that space; provided, that the rules and regulations are not in conflict with the right of pedestrian use and access and the intention of paragraph C.2.d.iii of this section.

iv. Arrangement of Space. The general apportionment, location, and major design features of at least the minimum area of a major public open space shall be established as part of the Bellevue Pedestrian Corridor and Major Public Open Space Design Guidelines. The specific apportionment and specific design of a major public open space on each affected parcel shall be established through the Design Development Plan described in paragraph C.4.d.x of this section.

v. Development Rights. Space above and beneath the area to be devoted to a major public open space may be developed by the property owner so long as that development is not in conflict with any established pedestrian use of and access to the major public open space, the intentions of paragraph C.2.d.iii of this section, if applicable, and the Bellevue Pedestrian Corridor and Major Public Open Space Design Guidelines.

vi. Floor Area Ratio Bonus

~~(1) Basic. Area to be devoted to a major public open space may at any time be used to calculate the basic floor area ratio of development for any project limit which incorporates that major public open space, or of development on property in the same ownership which abuts property which incorporates the major public open space. For purposes of this provision, abutting property includes all property in the same ownership separated from the major public open space by only a single public right-of-way. Any transfer of basic floor area to an abutting property must be recorded with the King County Recorder's Office (or its successor agency) and provided to the Director.~~

~~(2) Bonus.~~

~~(1a) Bonus floor area associated with major public open space shall be awarded pursuant to the terms of LUC 20.25A.070.F to owners of property to be devoted to the major public open space who provide a recorded legal agreement pursuant to paragraph C.2.d.iii of this section upon approval of an application to construct that major public open space.~~

~~(2b) Bonus floor area earned for construction of a major public open space may be:~~

~~(i) — used within the project limit incorporating the Major Public Open Space or transferred to any other property within the area of the Downtown bounded on the west by Bellevue Way, on the east by 112th Avenue NE, on the south by NE 4th Street and on the north by NE 8th Street. Properties may utilize transferred floor area only to the extent that the building height does not exceed maximum height limits established for the applicable Land Use District. Each transfer must be recorded with the King County Recorder's Office (or its successor agency) and provided to the Director, and~~

~~(ii) — Utilized to exceed the maximum building height of structures on the project limit incorporating the major public open space, or of structures to which~~

Commented [HC133]: UPDATED to align with Amenity Incentive System ratios provided in LUC 20.25A.070 and to retain the current "super bonus" associated with construction of the Pedestrian Corridor.

~~the bonus floor area is transferred, subject to the limitations in paragraph C.4.d.vi(2)(b)(i) of this section.~~

vii. Construction Required. Subject to paragraph C.4.d.viii of this section, construction by the property owner of all or part of a major public open space on property in that ownership at the location identified in the Bellevue Pedestrian Corridor and Major Public Open Space Design Guidelines is required in conjunction with any development on property in that ownership within:

- (1) 175 feet of the intersection of the eastern edge of the 106th Avenue NE right-of-way and the centerline of the major pedestrian corridor, but including only that area east of the 106th Avenue NE right-of-way; or
- (2) 175 feet of the intersection of the centerline of the 110th Avenue NE right-of-way and the centerline of the major pedestrian corridor, or the extension thereof; or
- (3) 175 feet of the intersection of the centerline of the Bellevue Way right-of-way and the centerline of the major pedestrian corridor.

viii. Exempt Activity/Use. Notwithstanding the provisions of paragraph C.4.d.vii of this section, the following activities and uses may occur on property described therein without concurrent construction of the major public open space:

- (1) Surface parking, subject to the landscape development provisions of this Code, for a period of not more than five years;
- (2) Temporary major pedestrian corridor improvements in conformance with the Interim Corridor Design Plan;
- (3) Landscape development;
- (4) Street improvements;
- (5) Any interior remodel; and
- (6) Any exterior remodel which enlarges exterior dimensions such that new floor area not exceeding a total of 20 percent of the gross floor area of the existing building is added, and all new floor area is devoted to pedestrian-oriented uses.

ix. Major Public Open Space Design.

- (1) Prior to issuance of a Building Permit for any structure which requires construction of all or part of a major public open space, or prior to actual construction of all or part of a major public open space, whichever comes first, the Bellevue Pedestrian Corridor and Major Public Open Space Design Guidelines shall contain an illustrative design generally apportioning the minimum required amount of major public open space for that entire open space. Each major public open space may have a separate illustrative design.
- (2) The property owners shall record the approved illustrative design with the King County Recorder's Office and provide a copy to the Director.

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.5.17 - 5.24.17 Consolidated Draft

x. Design Development Plan.

(1) Prior to issuance of a Building Permit for any structure which requires construction of all or part of a major public open space, or prior to actual construction of all or part of a major public open space, whichever comes first, a Design Development Plan for that portion to be constructed must be submitted to and approved by the Director.

(2) The Director shall review the plan, or amend any approved plan through Design Review, Part 20.30F LUC. Plans that depart from the conceptual design in the Pedestrian Corridor and Major Public Open Space design guidelines shall be approved by the City Council through a Development Agreement (Part 20.30L LUC). A plan approved by the Council through the City Council Design Review process may be amended by the Director through Part 20.30F LUC.

(3) The proposed plan must specify the following elements:

- (a) Landscaping;
- (b) Lighting;
- (c) Street furniture;
- (d) Color and materials;
- (e) Relationship to building frontage;
- (f) Specific location of the major public open space;
- (g) All design features required pursuant to paragraph C.4.c of this section;
- (h) Relationship to and coordination with other portions of the major public open space, and with the major pedestrian corridor;
- (i) Any other physical element which the Director determines is necessary for and consistent with the Major Public Open Space Design Plan.

3. Minor Publicly Accessible Spaces.

a. Purpose. Minor publicly accessible spaces provide relief from high intensity urban development, serve as visual gateways to the intensive Downtown Core, and provide opportunities for active or passive recreation.

b. Applicability. Minor publicly accessible spaces shall be required when a development in the Downtown Core does not participate in the Amenity Incentive System of LUC 20.25A.070.

c. Location. Minor publicly accessible spaces shall be located ~~throughout~~ in the Downtown. At least two spaces shall be located in each superblock based on coordination of design and proximity to other publicly accessible spaces, or pedestrian connections.

d. Design Guidelines.

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PART 20.25A Downtown

~~2.16.17 Draft~~ 5.17-5.24.17 Consolidated Draft

- i. Minor publicly accessible spaces may be outdoors or enclosed as long as adequate access is provided and their existence is easily identifiable.
 - ii. A minor publicly accessible space must be open at least during the hours of 8:00 a.m. to 10:00 p.m., or during the hours of operation of adjacent uses, whichever is lesser.
 - iii. A minor publicly accessible open space must be developed as a plaza, enclosed plaza, or art or landscape feature. The design criteria of LUC 20.25A.070.D.2 or 7. must be met, and the FAR amenity bonus may be utilized.
 - iv. Directional signage shall identify circulation routes for all users and state that the space is accessible to the public at the times specified by subsection C.3.c.ii. of this section. The signage must be visible from all points of access. The Director shall require signage as provided in the City of Bellevue Transportation Department Design Manual. If the signage requirements are not feasible, the applicant may propose an alternative that is consistent with this section and achieves the design objectives for the building and the site.
- e. Public Access – Legal Agreement.
- i. Owners of property that is used for a minor publicly accessible open space shall execute a legal agreement providing that such property is subject to a nonexclusive right of pedestrian use and access by the public during hours of operation.
 - ii. The agreement shall provide that the public right for pedestrian use shall be enforceable by the City of Bellevue, and the City shall have full rights of access to the minor publicly accessible space and associated circulation routes for purposes of enforcing the rights of the public under this agreement.
 - iii. Owners of property subject to this legal agreement will maintain the pedestrian access route and may adopt reasonable rules and regulations for the use of this space; provided, that the rules and regulations are not in conflict with the right of pedestrian use and access, and are consistent with this section.
 - iv. The agreement shall be recorded with the King County Recorder's Office (or its successor agency) and provided to the Director.

PART 20.25A Downtown~~2.16.17 Draft~~ **5.5.17 - 5.24.17 Consolidated Draft****20.25A.100 Downtown Pedestrian Bridges**

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A. Where Permitted.

Pedestrian bridges over the public right-of-way may be allowed at or near the mid-block in the following locations; provided, that no more than one bridge may be allowed on any side of a 600-foot superblock:

1. On NE 4th Street between Bellevue Way and 110th Avenue NE;
2. On NE 8th Street between Bellevue Way and 110th Avenue NE; and
3. On Bellevue Way between NE 4th Street and NE 8th Street.

Above-grade pedestrian crossings over the public right-of-way in existence at the time of adoption of the ordinance codified in this section shall not be considered nonconforming, and may be repaired or replaced in their current locations without compliance with this section.

B. Location and Design Plan.

The City Council shall review any Downtown Pedestrian Bridge Location and Design Plan, by entering into a Development Agreement pursuant to the terms of LUC 20.25A.030.D.2.

1. Prior to issuance of any permits for a proposed Downtown pedestrian bridge, a Downtown Pedestrian Bridge Location and Design Plan must be submitted to and approved by the City Council, through a development agreement process pursuant to Part 20.30L LUC.
2. A Downtown Pedestrian Bridge Location and Design Plan shall identify the location of the Downtown pedestrian bridge, include a finding by Council that the proposal satisfies the public benefit test set forth in paragraph C of this section, be consistent with the development standards of paragraph D of this section, and be consistent with the Comprehensive Plan.
3. The Director shall ensure that the approved Downtown pedestrian bridge is constructed consistent with the Design Plan. Modification to the location of the Downtown pedestrian bridge, or to the articulated public benefits requires approval by the City Council pursuant to this section. Modifications to the design of the crossing that do not modify the location or public benefits, and that are consistent with the intent of the Design Plan may be approved by the Director through the process set forth in Part 20.30F LUC.
4. The property owners shall record the approved Design Plan with the King County Recorder's Office or its successor agency and provide a copy to the Director.

C. Public Benefit Required.

The Council may approve, or approve with modifications, a proposed Downtown pedestrian bridge if it finds that the bridge provides a public benefit. For the purposes of this section, a Downtown pedestrian bridge shall be determined to provide a public benefit when it meets all of the following criteria:

1. The bridge improves pedestrian mobility;
2. The bridge does not detract from street level activity; and

PART 20.25A Downtown~~2.16.17 Draft~~ 5.17- 5.24.17 Consolidated Draft

3. The bridge functions as part of the public realm.

D. Development Standards.

Each proposed Downtown pedestrian bridge must be developed in compliance with the following standards:

1. The bridge must be open from at least 6:00 a.m. to midnight, or during the hours of operation of adjacent uses, whichever is greater. Signs shall be posted in clear view stating that the pedestrian bridge is open to the public during these hours;
2. The bridge connects upper-level publicly accessible space to upper-level publicly accessible space and provides a graceful and proximate connection between the sidewalk and bridge level that is visible and accessible from the sidewalk. The vertical connection should occur within 50 feet of the sidewalk;
3. Vertical circulation elements must be designed to indicate the bridge is a clear path for crossing the public right-of-way;
4. Directional signage shall identify circulation routes for all users;
5. Structures connected by the bridge shall draw pedestrians back to the sidewalk at the ground level immediately adjacent to both ends of the pedestrian bridge;
6. It is preferred that the bridge remain unenclosed on the sides, but allow enclosure or partial enclosure if the applicant demonstrates it is necessary for weather protection;
7. Visual access shall be provided from the sidewalk and street into the bridge;
8. Bridge may not diverge from a perpendicular angle to the right-of-way by more than 30 degrees;
9. The interior width of the bridge, measured from inside face to inside face shall be no less than 10 feet and no more than 14 feet;
10. Bridge shall be located at the second building level, with a minimum clearance of 16 feet above the grade of the public right-of-way;
11. Impacts on view corridors, as described in LUC 20.25A.150.D, shall be minimized;
12. Impacts on the function of City infrastructure, including but not limited to utilities, lighting, traffic signals, etc., shall be avoided or mitigated;
13. Lighting shall be consistent with public safety standards;
14. Signage on the exterior of the bridge, or on the interior of the bridge that is visible from a public sidewalk or street is not permitted;
15. Bridge must be architecturally distinct from the structures that it connects; and
16. Bridge must exhibit exemplary artistic or architectural qualities.

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.17-5.24.17 Consolidated Draft

E. Public Access – Legal Agreement.

1. Owners of property that is used for pedestrian bridge circulation and access between the bridge and public sidewalk shall execute a legal agreement providing that such property is subject to a nonexclusive right of pedestrian use and access by the public during hours of bridge operation.
2. The agreement shall provide that the public right for pedestrian use shall be enforceable by the City of Bellevue, and the City shall have full rights of access for the pedestrian bridge and associated circulation routes for purposes of enforcing the rights of the public under this agreement.
3. Owners of property subject to this legal agreement will maintain the pedestrian access route and may adopt reasonable rules and regulations for the use of this space; provided, that the rules and regulations are not in conflict with the right of pedestrian use and access and consistent with this section.
4. The agreement shall be recorded with the King County Recorder's Office or its successor agency and a copy provided to the Director.

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PART 20.25A Downtown

~~2.16.17 Draft~~ 5.17- 5.24.17 Consolidated Draft

20.25A.110 Landscape Development

A. Street trees and landscaping – Perimeter – Plate B

1. Tree Species. The property owner shall install street trees, in addition to any landscaping required by LUC 20.25A.110.B, according to the requirements of 20.25A.110.A.1 Plate B of this section as now or hereafter amended.

20.25A.110A.1 Plate B

Commented [HC137]: MOVED from LUC 20.25A.040 Early Wins

Commented [HC138]: MOVED from LUC 20.25A.060 Early Wins.

UPDATED to add additional flexibility for tree species substitution.

Plate B – Downtown Bellevue Street Tree Species Plan

East-West	Proposed Street Trees	Tree Size
NE 12th (102nd to I-405)	Pear: Pyrus calleryana ‘Glens form’	Small
NE 11th (110th to 112th)	‘Katsura: Cercidiphyllum japonicum’	Large
NE 10th (100th to 106th)	Tupelo: Nyssa sylvatica ‘Firestarter’	Medium
NE 10th (106 to I-405)	Zelkova serrata ‘Village Green’	Medium
NE 9th (110th to 111th)	Katsura: Cercidiphyllum japonicum	Large
NE 8th (100th to 106th)	Honeylocust: Gleditsia tricanthos ‘Shademaster’	Medium
NE 8th (106th to 112th)	Pac Sunset Maple: Acer truncatum x platanoides ‘Warrenred’	Medium
NE 6th (Bellevue Way to 106th)	Honeylocust: Gleditsia tricanthos ‘Shademaster’	Medium
NE 6th (106th to I-405)	Katsura: Cercidiphyllum japonicum	Large
NE 4th (100th to I-405)	Autumn Blaze Maple: Acer x Freemanii ‘Jeffersred’	Large
NE 3rd Pl (110th to 111th)	Tupelo: Nyssa sylvatica ‘Firestarter’	Large
NE 2nd Pl (108th to 111th)	Persian ironwood: Parrotia persica ‘Vanessa’	Medium
NE 2nd (Bellevue Way to I-405)	English oak: Quercus robur ‘Pyramich’	Large
NE 1st/2nd (100th to Bellevue Way)	Hungarian oak: Quercus frainetto ‘Schmidt’	Large
NE 1st (103rd to Bellevue Way)	Ginkgo: Ginkgo biloba ‘Magyar’	Medium
Main St (100th to Bellevue Way)	Ginkgo: Ginkgo biloba ‘Magyar’	Medium
Main St (Bellevue Way to I-405)	Tupelo: Nyssa sylvatica ‘Afterburner’	Medium

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.17- 5.24.17 Consolidated Draft

North-South	Proposed Street Trees	Tree Size
100th (NE 12th to NE 10th)	Pear: Pyrus calleryana 'Aristocrat'	Small
100th (NE 10th to NE 1st)	Scarlet oak: Quercus coccinia	Large
100th (NE 1st to Main)	Ginkgo: Ginkgo biloba 'Magyar'	Medium
101st (near NE 10th)	Ginkgo: Ginkgo biloba 'Autumn Gold'	Medium
101st Ave SE (south of Main St)	Katsura: Cercidiphyllum japonicum	Large
102nd (NE 12th to NE 8th)	Miyabe maple: Acer miyabei 'Rugged Ridge'	Large
102nd (NE 1st to south of Main St)	Katsura: Cercidiphyllum japonicum	Large
103rd (near NE 10th)	Ginkgo: Ginkgo biloba 'Autumn Gold'	Medium
103rd (NE 2nd to Main St)	Katsura: Cercidiphyllum japonicum	Large
Bellevue Way (NE 12th to NE 10th)	Tulip tree: Liriodendron tulipifera 'JFS-oz'	Large
Bellevue Way (NE 10th to NE 4th)	Honeylocust: Gleditsia tricanthos 'Shademaster'	Medium
Bellevue Way (NE 4th to Main)	Tulip tree: Liriodendron tulipifera 'JFS-oz'	Large
105th (NE 4th to NE 2nd)	Sweetgum: Liquidambar styraciflua 'Worplesdon'	Large
105th SE (near Main St)	London planetree: Platanus x acerifolia 'Bloodgood'	Large
106th (NE 12th to NE 8th)	Elm: Ulmus propinqua 'Emerald Sunshine'	Large
106th (NE 8th to NE 4th)	Elm: Ulmus Americana 'Jefferson'	Large
106th (NE 4th to Main)	Elm: Ulmus 'Morton Glossy'	Large
106th Pl NE (near NE 12th)	London planetree: Platanus x acerifolia 'Bloodgood'	Large
107th (NE 2nd to south of Main)	Hornbeam: Carpinus caroliniana 'Palisade'	Medium
108th (NE 12th to NE 8th)	Persian ironwood: Parrotia persica 'Ruby Vase'	Medium
108th (NE 8th to NE 4th)	Sweetgum: Liquidambar styraciflua 'Worplesdon'	Large
108th (NE 4th to south of Main)	Zelkova serrata 'Green Vase'	Medium
109th (near NE 10th)	Linden: Tilia cordata 'Chancole'	Large
110th (NE 12th to NE 8th)	Linden: Tilia americana 'Redmond'	Large
110th (NE 8th to NE 4th)	Zelkova serrata 'Village Green'	Medium

20.25A.110 90

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.17- 5.24.17 Consolidated Draft

110th (NE 4th to Main)	Red maple: Acer rubrum ‘Somerset’	Large
111th (NE 11th to NE 9th)	Ginkgo: Ginkgo biloba ‘Autumn Gold’	Medium
111th (NE 4th to NE 2nd)	Ginkgo: Ginkgo biloba ‘Autumn Gold’	Medium
112th (NE 12th to Main)	Scarlet oak: Quercus coccinia	Large

2. Street Landscaping. Street trees together with shrubbery, groundcover and other approved plantings are required in a planter strip along the length of the frontage. Vegetation included in the planter strip shall be able to withstand urban conditions, shall be compatible with other plantings along the same street, and shall reflect the character of the area within which they are planted, as approved by the Director.

3. Installation and Irrigation

a. Installation. Street trees, at least 2.5 inches in caliper or as approved by the Director, must be planted at least 3 feet from the face of the street curb, and spaced a maximum of 20 feet for small trees, 25 feet for medium trees, and 30 feet for large trees. The size of the tree shall be determined by Plate B of this section, as now or hereafter amended. A street tree planting area may also include decorative paving and other native plant materials, except grass that requires mowing. The use of planter strips for stormwater treatment is encouraged. Installation shall be in accordance with the Parks and Community Services Department Environmental Best Management Practices and Design Standards, as now or hereafter amended.

b. Irrigation. A permanent automatic irrigation system shall be provided at the time of installation of street trees and sidewalk planting strip landscaping located in a required planter strip or tree pit. The irrigation system shall be served by a separate water meter installed by the applicant and served by City-owned water supply with 24-hour access by the City. The use of rainwater to supplement irrigation is encouraged. Irrigation system shall be designed per the Parks and Community Services Department Environmental Best Management Practices and Design Standards, as now or hereafter amended.

4. Species substitution. If a designated tree species is not available due to circumstances such as spread disease or pest infestation, it may be substituted with a different species or cultivar as approved by the Director as an administrative departure pursuant to LUC 20.25A.030.D.1. The substitution shall be of the same size and canopy spread as the tree species that is being replaced.

B. On-site landscaping

1. The provisions of LUC 20.20.520, except as they conflict with this section, apply to development in the Downtown Land Use Districts.

2. Site perimeter and parking structure landscaping shall be provided in Downtown Land Use Districts according to the following chart, Landscape Development Requirements. In addition, street trees may be required by LUC 20.25A.110.A.1.

Commented [BT(139)]: MOVED from 20.25A.040. UPDATED because vehicular access between the front of a building and the street is no longer allowed, thus vehicular access is not needed in the column entitled "Street Frontage."

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ 5.24.17 Consolidated Draft

20.25A.110 Landscape Development Requirements

Land Use District	Location On-Site		
	Street Frontage	Rear Yard	Side Yard
Downtown-O-1 Downtown-O-2 Downtown OB	If buffering a parking area – 8' Type III (1)	None Required	None Required
Downtown-MU Downtown-R Downtown OLB Perimeter Overlay Districts	If buffering a parking area – 8' Type III (1)	If buffering a surface vehicular access or parking area – 5' Type III	If buffering a surface vehicular access or parking area – 5' Type III

(1) An alternative design may be approved through Alternative Landscape Option, LUC 20.20.520.J through the Administrative Departure process contained in LUC 20.25A.030.D.1.

C. Linear Buffer

1. General. 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 District.
2. Linear Buffers.
 - a. General. Any development situated within Perimeter Overlay Districts 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 will 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 District A-2 shall be measured from curb edge instead of from the back of sidewalk.
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. Must include seasonal color in an amount of at least 10 percent of the perimeter setback area; and
 - d. Must utilize native species for at least 50 percent of the plantings located within the perimeter setback area.

Commented [HC140]: MOVED from LUC 20.25A.090.D.4
UPDATED to allow increased flexibility for property owners to use the buffers.

Commented [BT(141): Initial PC Direction on 4.19.17. Linear buffer is unnecessary in Perimeter Overlay A-3 because it is across Main Street from the Tunnel Portal Park.

Commented [BT(142): 5.24.17 PC direction on 5.10.17 to incorporate from Wallace letter dated 5.10.17.

Commented [BT(143): Errata

PART 20.25A Downtown~~2.16.17 Draft~~ **5.5.17 - 5.24.17 Consolidated Draft**

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 area.
 - b. Two flowering trees, with a minimum caliper of two inches, per each 1,000 square feet of perimeter setback area.
 - c. Ten evergreen shrubs, minimum five-gallon size, per 1,000 square feet of the perimeter setback area.
 - d. Living ground cover that provides cover of unpaved portion of buffer within three years.
 - e. Walls and fences that do not exceed 30 inches.
 - f. Accessibility both visually and physically abutting the sidewalk and being within three feet of the sidewalk or providing alternative access.
 - g. Seventy-five percent of the buffer must be planted. 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 buffer may be used for private recreational space and residential entries.
5. Where the Downtown boundary abuts property outside the 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 20.25A.060.A.4 shall be landscaped as follows:
 - a. The entire setback shall be planted except for allowed paved portions. No portion may be paved except for vehicular entrance drives, required through-block connections, patios that do not exceed 25 percent of the area of the required setback, and residential entries that do not exceed 25 percent of the area of the required setback.
 - b. The setback shall be planted with:
 - i. Evergreen and deciduous trees, with no more than 30 percent deciduous, a minimum of 10 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.

D. Fences

1. No fence may violate the sight obstruction restrictions at street intersections. (See BCC 14.60.240.)
2. Any fence which exceeds eight feet in height requires a Building Permit and shall conform to the International Building Code, as adopted and amended by the City of Bellevue.

Commented [HC144]: MOVED from LUC 20.25A.040.C

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.5.17~~ ~~5.24.17 Consolidated Draft~~

3. Height shall be measured from finished grade at the exterior side of the fence. No person may construct a berm upon which to build a fence unless the total height of the berm plus the fence does not exceed the maximum height allowable for the fence if the berm was not present.
4. Prohibited Fences. Barbed wire may not be used in fencing in any Downtown land use district. Electric fences are not permitted in any Downtown land use district. Chain link fences are not permitted in any Downtown land use district, except:
 - a. To secure a construction site or area during the period of construction, site alteration or other modification; and
 - b. In connection with any approved temporary or special event use.

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20.25A.120 Green and Sustainability Factor

A. General All new development shall provide landscaping and other elements that meets a minimum Green and Sustainability Factor score. All required landscaping shall meet standards promulgated by the Director to provide for the long-term health, viability, and coverage of plantings. These standards may include, but are not limited to, the type and size of plants, spacing of plants, depth of soil, and the use of drought-tolerant plants. The Green and Sustainability Factor score shall be calculated as follows:

1. Identify all proposed elements, presented in Figure 20.25A.120.A.5.
2. Multiply the square feet, or equivalent ~~square footage~~ unit of measurement where applicable, of each landscape element by the multiplier provided for that element in Figure 20.25A.120.A.5 according to the following provisions:
 - a. If multiple elements listed in Figure 20.25A.120.A.5 occupy the same physical area, they may all be counted. For example, groundcover and trees occupying the same physical space may be counted under the ground cover element and the tree element.
 - b. Landscaping elements and other frontage improvements in the right-of-way between the lot line and the roadway may be counted.
 - c. Elements listed in Figure 20.25A.120.A.5 that are provided to satisfy any other requirements of Part 20.25A may be counted.
 - d. Unless otherwise noted, elements shall be measured in square feet.
 - e. For trees, large shrubs and large perennials, use the equivalent square footage of each tree or shrub provided in Figure 20.25A.120.A.5. Tree sizing shall be determined by the Green and Sustainability Factor Tree List maintained by the Director in the Development Services Department. If a tree species is not included on the list, the Director shall determine the size of the proposed tree species.
 - f. For green walls systems, use the square footage of the portion of the wall that will be covered by vegetation at three years. Green wall systems must include year-round irrigation and a submitted maintenance plan ~~to shall~~ be included as an element in the calculation for a project's Green and Sustainability Factor Score.
 - g. All vegetated structures, including fences counted as green-vegetated walls shall be constructed of durable materials, provide adequate planting area for plant health, and provide appropriate surfaces or structures that enable plant coverage. Vegetated walls must include year-round irrigation and a submitted maintenance plan shall be included as an element in the calculation for a project's Green and Sustainability Factor Score.
 - h. For all elements other than trees, large shrubs, large perennials, green walls, structural soil systems and soil cell system volume; square footage is determined by the area of the portion of the horizontal plane that lies over or under the element.
 - j. All permeable paving and structural soil credits may not count for more than one third of a project's Green and Sustainability Factor Score.

Commented [HC145]: NEW - Reviewed by the Planning Commission on October 26, 2016. Improves walkability, reinforces "City in a Park" character, increases tree canopy, helps with stormwater runoff infiltration, and softens and mitigates the effects of dense urban environment. Uses Seattle model.

Commented [HC146]: CODE CLARIFICATION – modified to better differentiate between Green Wall Systems and Vegetated Walls.

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ 5.24.17 Consolidated Draft

3. Add together all the products calculated in Figure 20.25A.120.A.5 below to determine the Green and Sustainability Factor numerator.
4. Divide the Green and Sustainability Factor numerator by the lot area to determine the Green and Sustainability Factor score. A development must achieve a minimum score of 0.3, unless the project limit is less than 40,000 square feet, in which case a development must achieve a minimum score of 0.25.
5. The Director has the final authority in determining the accuracy of the calculation of the Green and Sustainability Factor score.

Commented [BT(147)]: 5.24.17 PC directed staff to include this provision from the Wallace letter dated 5.10.17. The proponent wanted this alternative or an exemption from the Green and Sustainability Factor for sites less than 40,000 square feet. Staff analysis showed that .25 is possible for small sites.

Figure 20.25A.120.A.5

A. Landscape Elements		Multiplier
	1. Bioretention Facilities and Soil Cells. Bioretention facilities and soil cells must comply with Bellevue’s Storm and Surface Water Engineering Standards. Bioretention facilities shall be calculated in horizontal square feet. The soil cell systems shall be calculated in cubic feet. The volume of the facility shall be calculated using three feet of depth or the depth of the facility, whichever is less.	1.2
	2. Structural Soil Systems. The volume of structural soil systems can be calculated up to 3 feet in depth. The volume of structural soil systems shall be calculated in cubic feet. The volume of the facility shall be calculated using three feet of depth or the depth of the facility, whichever is less.	0.2
	3. Landscaped Areas with Soil Depth Less than 24 Inches	0.1
	4. Landscaped Areas with Soil Depth of 24 Inches or More	0.6
	5. Preservation of Existing Trees. Existing trees – proposed for preservation shall be calculated at 20 square feet per inch d.b.h. Trees shall have a minimum diameter of 6 inches at d.b.h. Existing street trees proposed for preservation must be approved by the Director.	1.0
	6. Preservation of Landmark Tree Bonus. Landmark trees proposed for this bonus shall be calculated at 20 square feet per inch d.b.h. and shall meet the City’s definition for Landmark Trees. This bonus is in addition to the preservation of existing trees.	0.1

Commented [BT(148)]: Errata

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ ~~5.24.17 Consolidated Draft~~

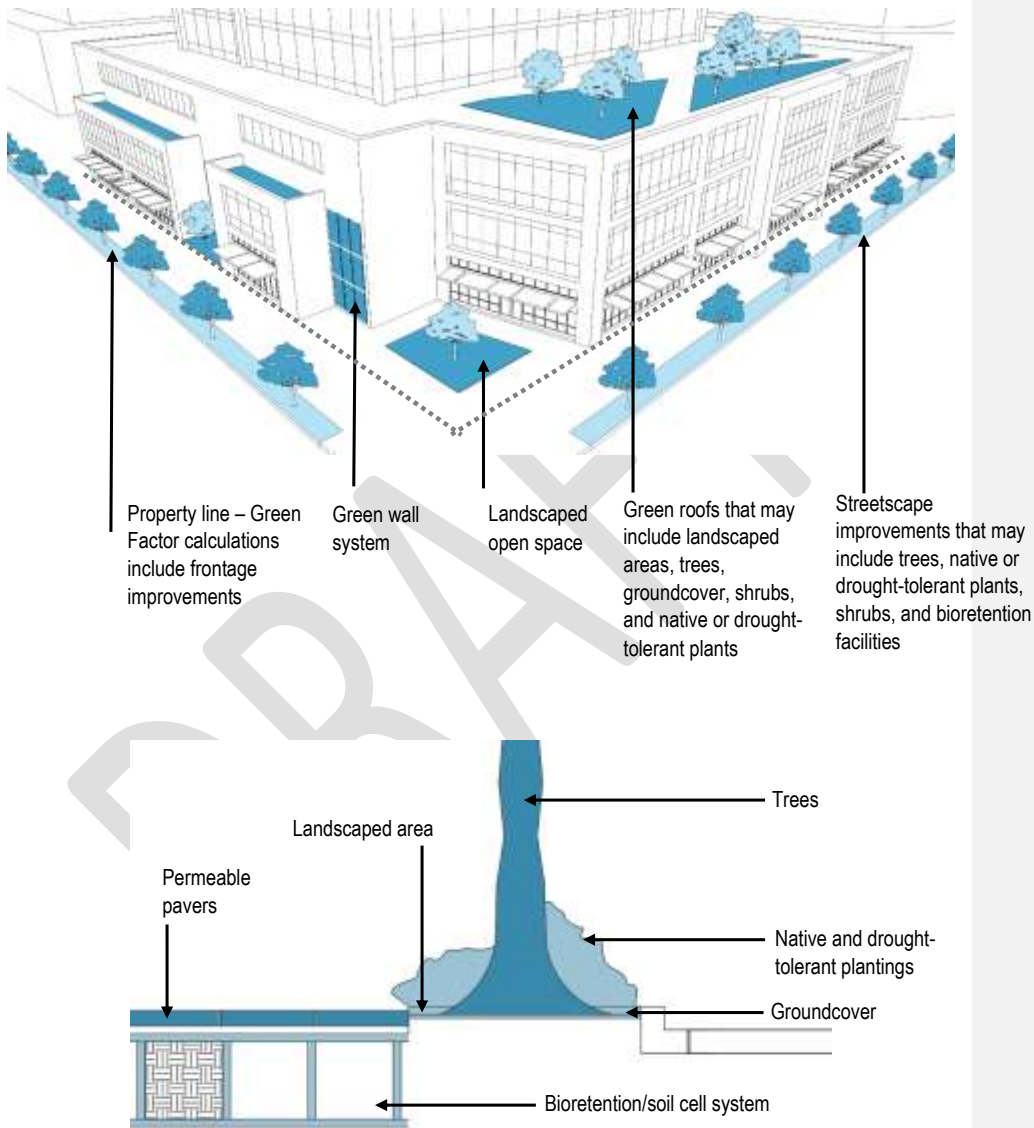
	7. Preservation of Existing Evergreen Trees Bonus. Existing evergreen trees proposed for this bonus shall be calculated at 20 square feet per inch d.b.h. and shall have a minimum diameter of 6 inches at d.b.h.	0.1
	8. Preservation of Existing Evergreen Trees Bonus. Existing evergreen trees proposed for this bonus shall be calculated at 20 square feet per inch d.b.h. and shall have a minimum diameter of 6 inches at d.b.h.	0.1
	8 9. Shrubs or Large Perennials. Shrubs or large perennials that are taller than 2 feet at maturity shall be calculated at 12 square feet per plant.	0.4
	9 10. Small Trees. Small trees shall be calculated at 90 square feet per tree. Consult the Green and Sustainability Factor Tree List for size classification of trees.	0.3
	10 11. Medium Trees. Medium trees shall be calculated at 230 square feet per tree. Consult the Green and Sustainability Factor Tree List for size classification of trees.	0.3
	11 12. Large Trees. Large trees shall be calculated at 360 square feet per tree. Consult with the Green and Sustainability Factor Tree List for size classification of trees.	0.4
B. Green Roofs		
	1. Green Roof, 2 to 4 Inches of Growth Medium. Roof area planted with at least 2 inches of growth medium, but less than 4 inches of growth medium.	0.4
	2. Green Roof, At Least 4 Inches of Growth Medium. Roof area planted with at least 4 inches of growth medium.	0.7
C. Green Walls		
	1. Vegetated Wall. Façade or structural surface obscured by vines. Vine coverage shall be calculated with an estimate of 3 years' growth. A year-round irrigation and maintenance plan shall be provided.	0.2
	2 1. Green Wall System. Façade or wall-structural surface planted with a green wall system. with A year-round irrigation and maintenance plan calculated with an estimate of 3 years' growth shall be provided.	0.7
D. Landscape Bonuses		
	1. Food Cultivation. Landscaped areas for food cultivation.	0.2

Commented [HC149]: Deleted as duplicate of Landscape Element A.7.

Commented [HC150]: CODE CLARIFICATION – modified to better differentiate between Green Wall Systems and Vegetated Walls.

	2. Native or Drought-Tolerant Landscaping. Landscaped areas planted with native or drought-tolerant plants.	0.1
	3. Landscape Areas at Sidewalk Grade.	0.1
	4. Rainwater Harvesting. Rainwater harvesting for landscape irrigation shall be calculated as a percentage of total water budget times total landscape area.	0.2
E. Permeable Paving		
	1. Permeable Paving, 6 to 24 Inches of Soil or Gravel. Permeable paving over a minimum of 6 inches and less than 24 inches of soil or gravel.	0.2
	2. Permeable Paving over at Least 24 Inches of Soil or Gravel.	0.5
F. Publicly Accessible Bicycle Parking		
	1. Bicycle Racks. Bicycle racks in publicly accessible locations shall be calculated at 9 square feet per bike locking space and must be visible from sidewalk or public area.	1.0
	2. Bicycle Lockers. Bicycle lockers in publicly accessible locations shall be calculated at 12 square feet per locker, and must be visible from public areas and open for public use.	1.0

Commented [HC151]: MOVED Green Building Initiatives to the FAR Amenity section LUC 20.25A.070 because certificates are not awarded until after the building is built and sometimes even later. Green building certificates and awards are counted in the FAR system because they can be valued. This allows the developer to pay a fee in lieu if certification is not awarded and FAR bonus was used to support development program.



Heritage Trees -TBD

Commented [BT(152)]: There is a landmark tree bonus in the Green and Sustainability Factor above. We will include Heritage Trees and Landmark Trees more comprehensively when the City wide conversation regarding tree retention has been initiated and completed.

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.5.17 - 5.24.17 Consolidated Draft**20.25A.130 Mechanical Equipment Screening and Location Standards.**

Commented [HC153]: MOVED from Downtown LUC
20.25A.045 Early Wins.

A. Applicability.

The requirements of this section shall be imposed for all new development, and construction or placement of new mechanical equipment on existing buildings. Mechanical equipment shall be installed so as not to detract from the appearance of the building or development.

B. Location Requirements.

1. To the maximum extent reasonable and consistent with building and site design objectives, mechanical equipment shall be located in the building, below grade, or on the roof.
2. Where the equipment must be located on the roof, it shall be consolidated to the maximum extent reasonable rather than scattered.
3. Mechanical equipment shall not be located adjacent to a sidewalk, through-block pedestrian connection, or area designated open to the public, such as a plaza.

C. Screening Requirements.

1. Exposed mechanical equipment shall be visually screened by a predominantly solid, non-reflective visual barrier that equals or exceeds the height of the mechanical equipment. The design and materials of the visual barrier or structure shall be consistent with the following requirements:
 - a. Architectural features, such as parapets, screen walls, trellis systems, or mechanical penthouses shall be consistent with the design intent and finish materials of the main building, and as high, or higher than the equipment it screens.
 - b. Vegetation or a combination of vegetation and view-obscuring fencing shall be of a type and size that provides a visual barrier at least as high as the equipment it screens and provides 50 percent screening at the time of planting and a dense visual barrier within three years from the time of planting.
 - c. Screening graphics may be used for at-grade utility boxes.
2. Mechanical equipment shall be screened from above by incorporating one of the following measures, in order of preference:
 - a. A solid non-reflective roof. The roof may incorporate non-reflective louvers, vents, or similar penetrations to provide necessary ventilation or exhaust of the equipment being screened;
 - b. Painting of the equipment to match or approximate the color of the background against which the equipment is viewed;
 - c. Mechanical Equipment Installed on Existing Roofs. The Director may approve alternative screening measures not meeting the specific requirements of this section if the applicant demonstrates that:

20.25A.130 100

PART 20.25A Downtown~~2.16.17 Draft~~ 5.17- 5.24.17 Consolidated Draft

- i. The existing roof structure cannot safely support the required screening, or
- ii. The integrity of the existing roof will be so compromised by the required screening as to adversely affect any existing warranty on the performance of the roof.

D. Exhaust Control Standards.

1. Purpose. Where technically feasible, exhaust equipment shall be located so as not to discharge onto a sidewalk, right-of-way, or area designated accessible to the public; including but not limited to a plaza, through-block connection, pedestrian bridge, and minor publicly accessible space.
2. Exhaust Location Order of Preference. Mechanical exhaust equipment shall be located and discharged based on the following order of preference:
 - a. On the building roof;
 - b. On the service drive, alley, or other façade that does not abut a public street, sidewalk or right-of-way;
 - c. Located above a driveway or service drive to the property such as a parking garage or service court; or
 - d. Location that abuts a public street or easement; provided, that the exhaust discharge is not directly above an element that has earned FAR Amenity Incentive System points, such as a public plaza.
3. If mechanical exhaust equipment is located as provided in subsection D.2.c or d of this paragraph, then it shall be deflected from such public space and located at least 16 feet above finished grade, street, easement or other area designated accessible to the public.
4. Exhaust outlets shall not be allowed to discharge to an area that has earned FAR Amenity Incentive System points, such as a public plaza.

E. Modifications.

The location and screening of mechanical equipment and exhaust systems is subject to review and approval at the time of land use review. The Director may approve an administrative departure pursuant to LUC 20.25A.030.D.1. if the applicant demonstrates that the alternate location or screening measures provide an equal or better result than the requirements of this section.

F. Noise Requirements.

1. Mechanical equipment shall meet the requirements of Chapter 9.18 BCC, Noise Control.
2. The applicant shall be required to demonstrate the mechanical system compliance with the requirements of Chapter 9.18 BCC prior to issuance of certificate of occupancy.

20.25A.130 101

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.17-5.24.17 Consolidated Draft

20.25A.135 Downtown Neighborhood Specific Standards

A. Eastside Center, Convention Civic Neighborhood

1. Definition of District. The Convention Civic Neighborhood encompasses the area bounded by the centerlines of 110th Avenue NE on the west, NE 8th Street on the north, I-405 on the east, and NE 4th Street on the south.
2. Purpose. The purpose of the Convention Civic Center Neighborhood is to implement the Downtown Subarea policies concerning the Special Opportunity Area, by providing specific standards. These standards will permit the development of cultural, conference and exhibition facilities and other uses as envisioned by the policies.
3. Development Standards. All provisions of this Part 20.25A LUC shall apply to this district, with the following exceptions:
 - a. Within the Convention Civic Neighborhood, maximum lot coverage may be up to 100 percent for buildings in which more than 50 percent of the gross floor area, excluding parking, is comprised of one or more of the following uses: city government facilities, cultural facilities, conference facilities and exhibition facilities.
 - b. Within the Convention Civic Neighborhood, the building floor area per floor above 40 feet high may be unlimited for buildings and floors in which more than 50 percent of the gross floor area, excluding parking, is comprised of one or more of the following uses: city government facilities, cultural facilities, conference facilities and exhibition facilities.
 - c. Building types listed in paragraphs 3.a and 3.b of this section should incorporate special design features as described below:
 - i. Building facades should be divided into increments through the use of offsets, facets, recesses or other architectural features which serve to break down the scale. Roof forms should incorporate terraces, planting areas, decorative features, or other elements to soften the rectilinear profile.
 - ii. Special attention should be given to the provision of elements at or near the ground level such as awnings, recessed entries, water features, address signs, seasonal flower beds, seating, pedestrian-oriented uses and display kiosks.
 - d. Nothing in these provisions shall affect the maximum floor area ratios permitted for the underlying land use districts.
 - e. Within the Convention Civic Neighborhood, the minimum side and rear setback required above 40 feet for all buildings with a building height in excess of 75 feet may be eliminated for buildings and floors in which more than 50 percent of the gross floor area, excluding parking, is comprised of one or more of the following uses: city government facilities, cultural facilities, conference facilities and exhibition facilities.

Commented [HC154]: MOVED from LUC 20.25A.065 and updated to conform to the balance of the code

20.25A.135 102

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ 5.24.17 Consolidated Draft

B. Downtown – Old Bellevue Neighborhood District

Commented [HC155]: MOVED from LUC 20.25A.070. UPDATED to conform to the balance of the code and to remove redundancies.

1. Design Review Required. All development within the Downtown-Old Bellevue Neighborhood must be reviewed by the Director using the Design Review process, Part 20.30F LUC, and applying the Downtown Design Review Criteria, LUC 20.25A.110, in reviewing an application for development in the Downtown-Old Bellevue Neighborhood.
2. Development Requirements. Development within the Old Bellevue Neighborhood must comply with the following if the property abuts the named streets:
 - a. Street Improvements. The applicant shall provide half-street and sidewalk improvements including paving, street trees, lighting and other street furniture comparable to the existing Main Street streetscape between 102nd Avenue and Bellevue Way on:
 - i. Both sides of Main Street between 100th Avenue and Bellevue Way; and
 - ii. 102nd and 103rd Avenues between SE 1st Street and NE 1st Street; and
 - iii. The west side of Bellevue Way between SE 1st Street and NE 2nd Street; and
 - iv. The east side of 100th Avenue between SE Bellevue Place and NE 1st Street; and
 - v. Both sides of NE 1st and NE 2nd between 100th Avenue and Bellevue Way.
 - b. Pedestrian-oriented frontage must include display windows having mullions that are spaced two to six feet apart.

20.25A.135 103

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.5.17~~ 5.24.17 Consolidated Draft

20.25A.140 Downtown Design Guidelines Introduction.

The Downtown Design Guidelines have the following predominant goals:

- A. To ensure that Downtown is viable, livable, memorable, and accessible.
- B. To promote design excellence, innovation, and reinforce a sense of place for Downtown.
- C. To improve the walkability, streetscapes, and public spaces for Downtown residents, employees and visitors.
- D. To foster a vibrant pedestrian environment by providing a welcoming streetscape with Active Uses, open spaces, street furniture, landscaping, and pedestrian-scaled amenities.
- E. To improve connectivity through Downtown and from Downtown to adjacent neighborhoods.
- F. To encourage sustainable and green design features, including those that promote water, resource, and energy conservation.
- G. To encourage the design of attractive rooftops that contribute to a memorable Downtown skyline.
- H. To advance the theme of “City in a Park” for Downtown, create more green features and public open space, and promote connections to the rest of the park and open space system.

Commented [HC156]: MOVED from Design Guidelines Building/Sidewalk Relationships II and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.

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20.25A.140 104

PART 20.25A Downtown

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20.25A.150 Context.

Commented [HC157]: NEW – Incorporated CAC Recommendations, Updated Comprehensive Plan Policy direction and Design Criteria from LUC 20.25A.110, and aligned with BelRed code organization (LUC 20.25D.150). Improves Land Use Code Consistency and Ease of Use.

A. Relationship to Height and Form of Other Development.

1. Intent. Each new development provides an opportunity to enhance the aesthetic quality of Downtown and its architectural context. The relationship that a development has to its environment is a part of creating a well-designed, accessible, vibrant community.
2. Guidelines.
 - a. Architectural elements should enhance, not detract from, the area's overall character;
 - b. Locate the bulk of height and density in multi-building projects away from lower intensity land use districts;
 - c. Minimize offsite impacts from new development, such as lights and noise, by directing them away from adjacent properties and less intense uses;
 - d. Incorporate architectural elements at a scale and location that ensures detailing is proportionate to the size of the building; and
 - e. Use forms, proportions, articulation, materials, colors and architectural motifs that are suggested by and complement adjacent buildings.

B. Relationship to Publicly Accessible Open Spaces

1. Intent. Publicly accessible open spaces including Outdoor Plazas, Major Pedestrian Open Spaces and Minor Publicly Accessible Spaces are provided for public enjoyment and are an area of respite for those who live and work in the area. Publicly accessible open spaces provide numerous benefits for people including: active and passive recreation, a place to sit and gather, a place for events, and relief from the built environment. Any negative impacts from new projects to adjacent publicly accessible spaces should be minimized.
2. Guidelines.
 - a. Organize buildings and site features to preserve and maximize solar access into existing and new public open spaces wherever possible;
 - b. When designing a project base or podium, strive to enhance the user's experience of adjacent public open spaces. For example, views of an adjacent existing public open space can be framed by new development; and
 - c. Promote use and accessibility of publicly accessible open spaces through site and building design.

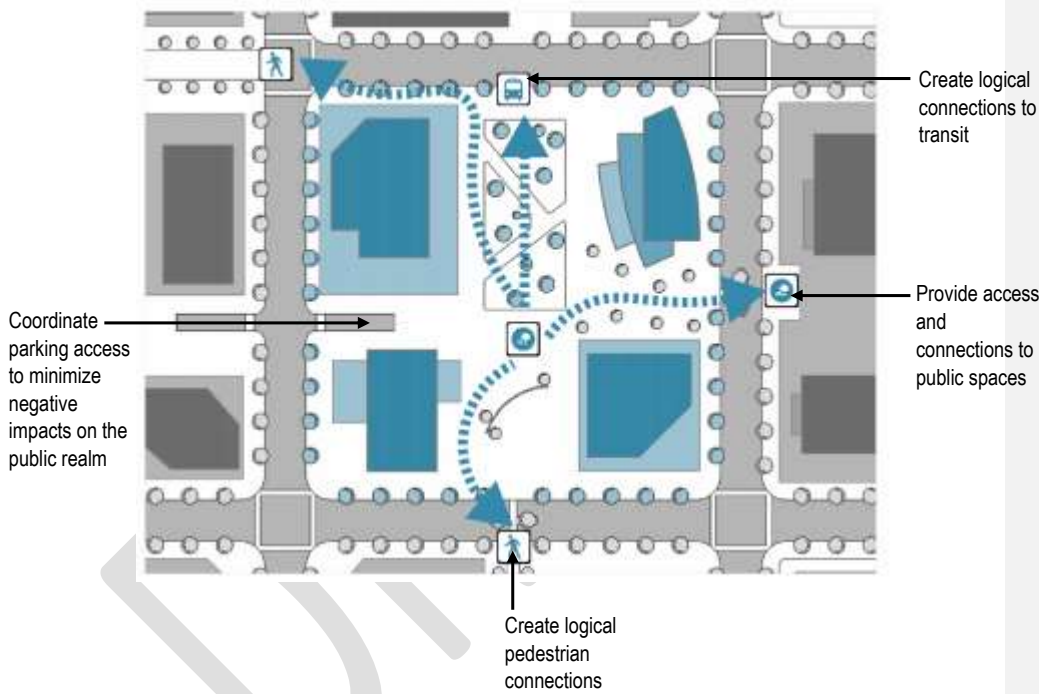
C. Relationship to Transportation Elements

1. Intent. Downtown residents, employees, and visitors depend on safe, inviting, efficient transportation options. New development is a key link in creating a reliable transportation system with connections to different modes of transportation that place an emphasis on safety for the pedestrian.

20.25A.150 105

PART 20.25A Downtown

- 2. Guidelines.
 - a. Create logical connections to transit options, walking and biking trails, pedestrian routes, and streets; and
 - b. Coordinate service and parking access to maximize efficiency and minimize negative impacts on adjacent land uses and the public realm.



D. Emphasize Gateways

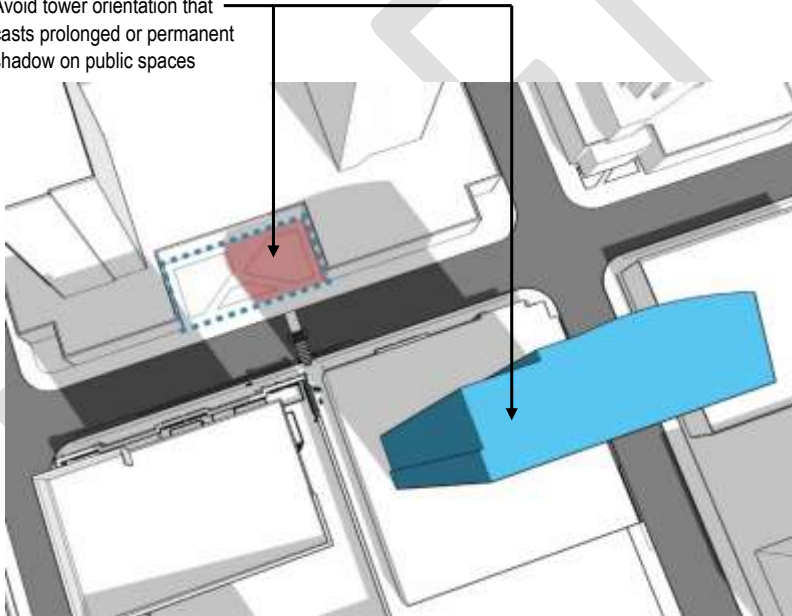
- 1. Intent. Entrances and transitions into and within Downtown should be celebrated.
- 2. Guideline. Use architectural and landscape elements to emphasize gateways. Pedestrians, cyclists, transit passengers, and motorists should experience a sense of “entering” or moving into Downtown, as well as entry into unique neighborhoods in Downtown. Refer to the Gateways and Wayfinding section of the Downtown Subarea Plan in the City of Bellevue Comprehensive Plan for a map of gateways.

20.25A.150 106

E. Maximize Sunlight on Surrounding Area

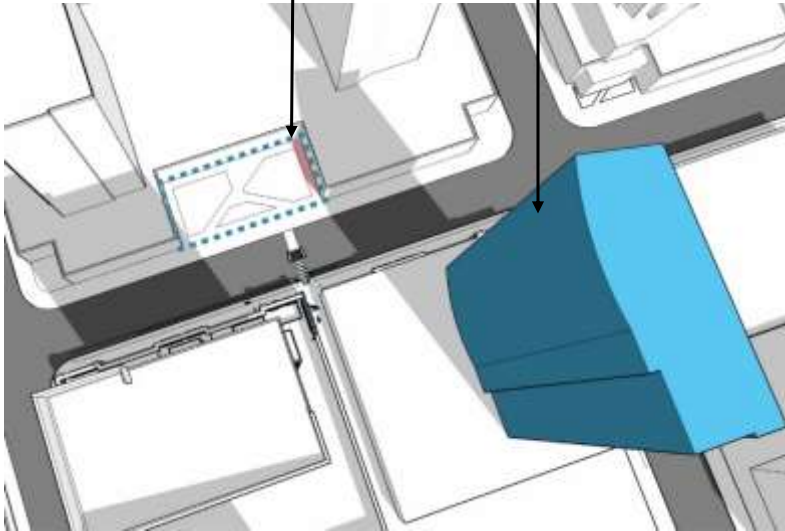
1. Intent. Outdoor spaces are more enjoyable and functional if they are filled with sunlight. Loss of sunlight and sky view reduces the comfort, quality, and use of publicly accessible open space. Trees and vegetation need sunlight to thrive.
2. Guidelines.
 - a. Evaluate alternative placement and massing concepts for individual building sites at the scale of the block to secure the greatest amount of sunlight and sky view in the surrounding area;
 - b. Maximize sunlight and sky view for people in adjacent developments and streetscape; and
 - c. Minimize the size of shadows and length of time that they are cast on pedestrians in the streetscape.

Avoid tower orientation that casts prolonged or permanent shadow on public spaces



20.25A.150 107

Orient towers to preserve solar access to existing public spaces



20.25A.150 108

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.17- 5.24.17 Consolidated Draft

20.25A.160 Site Organization.

A. Introduction

Downtown Bellevue is unique in its 600-foot superblock configuration. These large blocks, which constitute the majority of the blocks in Downtown, create greater flexibility in site design. However, they create a greater need to provide for street activation and coordinated internal circulation.

B. On-Site Circulation

1. Intent. The vitality and livability of Downtown is dependent on a safe, walkable environment that prioritizes the pedestrian and reduces conflicts between pedestrians and other modes of transportation. The design should encourage the free flow of pedestrians, cyclists and cars onto, off, and through the site. Walkability includes the creation of through-block pedestrian connections and other paths that offer attractive and convenient connections away from heavy arterial traffic. These connections also break down superblocks into a pedestrian-friendly grid.
2. Guidelines.
 - a. Site Circulation for Servicing and Parking.
 - i. Minimize conflicts between pedestrians, bicycles and vehicles;
 - ii. Provide access to site servicing and parking at the rear of the building from a lane or shared driveway, if possible;
 - iii. Provide access to site servicing, such as loading, servicing, utilities, vehicle parking, either underground or within the building mass and away from the public realm and public view;
 - iv. Minimize the area of the site used for servicing through the use of shared infrastructure and shared driveways;
 - v. Provide service access through the use of through-lanes rather than vehicle turnarounds, if possible; and
 - iv. Locate above-ground mechanical and site servicing equipment away from the public sidewalk, through-block connections, and open spaces.
 - b. On-site Passenger and Guest Loading Zones, Porte Cocheres, and Taxi Stands
 - i. Plan for increased activity found in passenger and guest loading areas during site plan development. Loading functions must take place on private property, except as provided below;
 - ii. Locate passenger and guest loading zones and taxi stands so that the public right-of-way will remain clear at all times;
 - iii. Locate passenger and guest loading zones and taxi stands to minimize conflicts with pedestrians and other modes of transportation. Limit the number and width of curb cuts and

Commented [HC158]: NEW – Incorporated CAC Recommendations, Updated Comprehensive Plan Policy direction and Design Criteria from LUC 20.25A.110, and aligned with BelRed code organization (LUC 20.25D.150). Improves Land Use Code Consistency and Ease of Use.

20.25A.160 109

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.17-5.24.17 Consolidated Draft

vehicular entries to promote street wall continuity and reduce conflicts with pedestrians, bicyclists, and other modes of transportation;

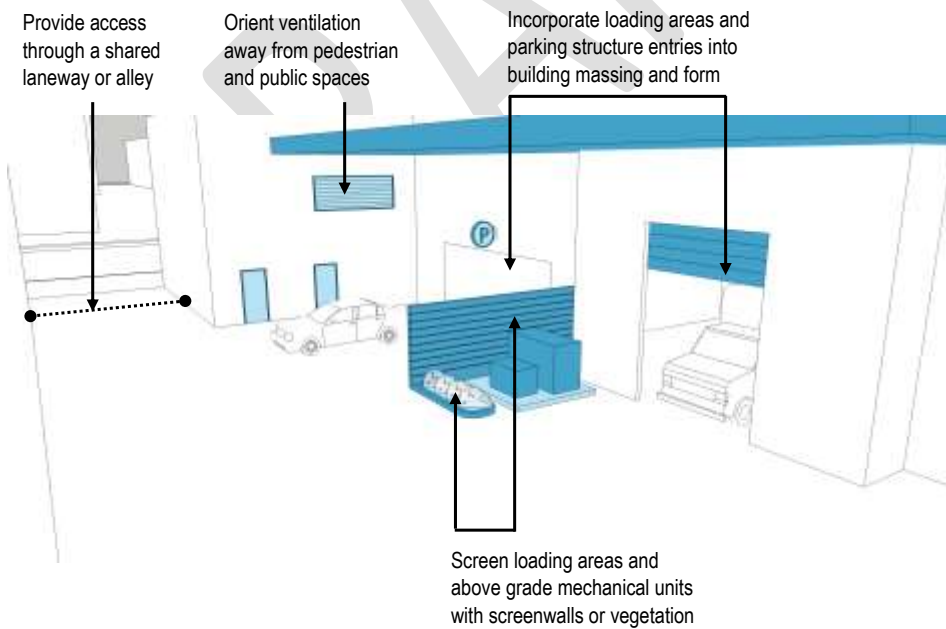
iv. Walkways should be placed to provide pedestrian access from the public sidewalk to the building entry without requiring pedestrians to walk in the driveway or come into conflict with vehicles;

v. Pull-through drives should have one lane that is one-way where they enter from and exit to the street;

vi. Long-term parking is not allowed in passenger and guest loading areas;

vii. If private bus activity is anticipated, provide an off-street passenger loading area for this size of a vehicle. Passenger loading functions may not take place in the public right-of-way; and

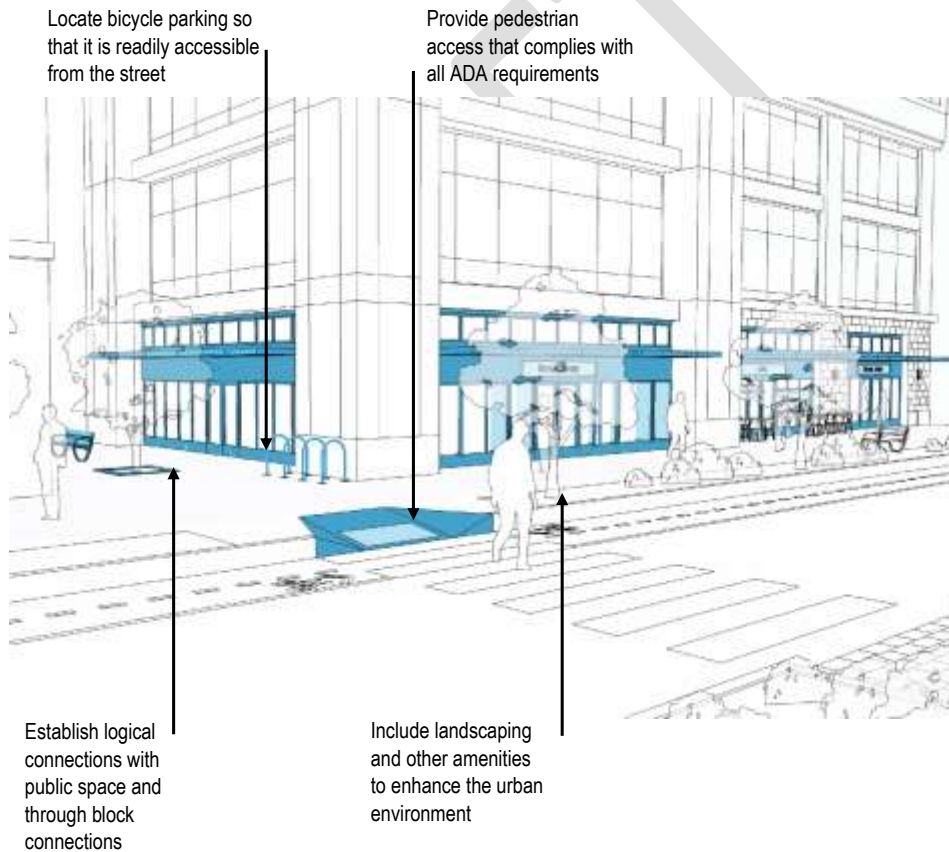
viii. Passenger loading functions for hotels, other than guest arrival and departure, are allowed on streets with moderate intensity, such as a C Right-of-Way, via a curb setback loading area. Right-of-Way Classifications can be found in LUC 20.25A.170.B. Provided: the loading area must have a direct relationship to the building entry, and the required streetscape (curb, sidewalk, and planting strip) widths must be maintained between the loading area and building entries, and the Director of Transportation has approved the configuration.



20.25A.160 110

c. Pedestrian and Cycling Connections

- i. Include direct, logical, safe, and continuous routes for pedestrians and cyclists;
- ii. Provide pedestrian access through the site that is available to all and consistent with the Americans with Disabilities Act;
- iii. Include landscaping, pedestrian-scale lighting, and other amenities that enhance use of such connections during every season; and
- iv. Locate bicycle parking so that it has direct and visible access to the public street, building entrances, transit, and other bicycle infrastructure.



20.25A.160 111

C. Building Entrances

1. Intent. Direct access from the public sidewalk to each building animates the street and encourages pedestrian activity to occur in the public realm rather than inside the building.
2. Guidelines. Ensure that the primary building entrances front onto major public streets, are well-defined, clearly visible, and accessible from the adjacent public sidewalk.

Multiple entrances.

D. Through-Block Pedestrian Connections.

1. Through-Block Pedestrian Connection Map.

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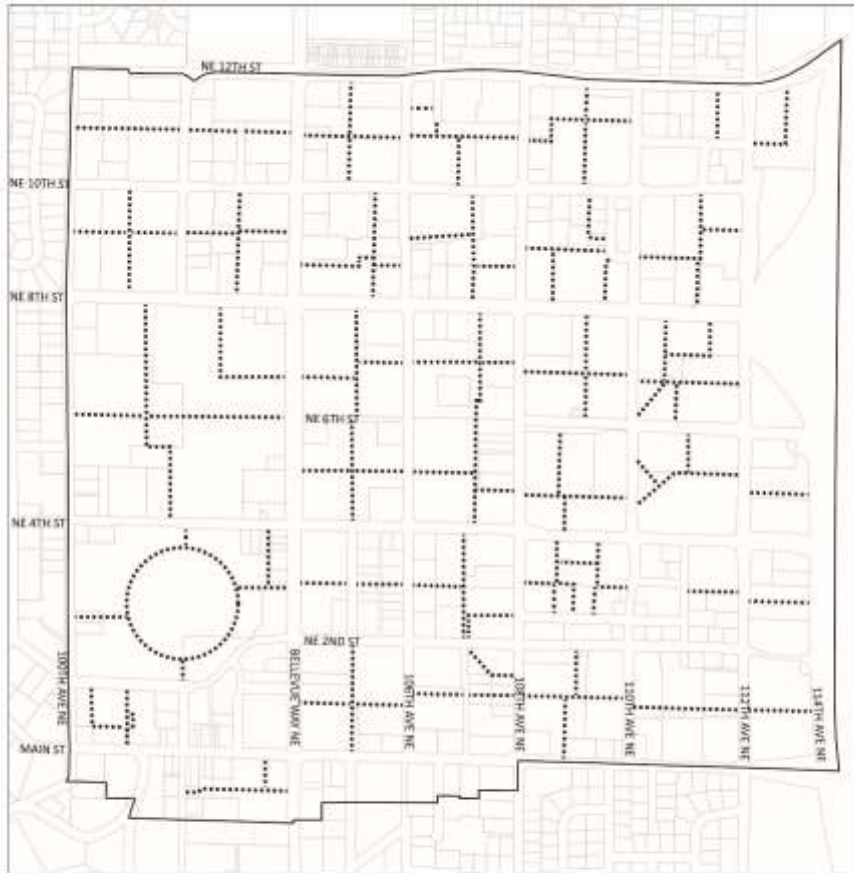
PART 20.25A Downtown

Figure 20.25A.160.D.1

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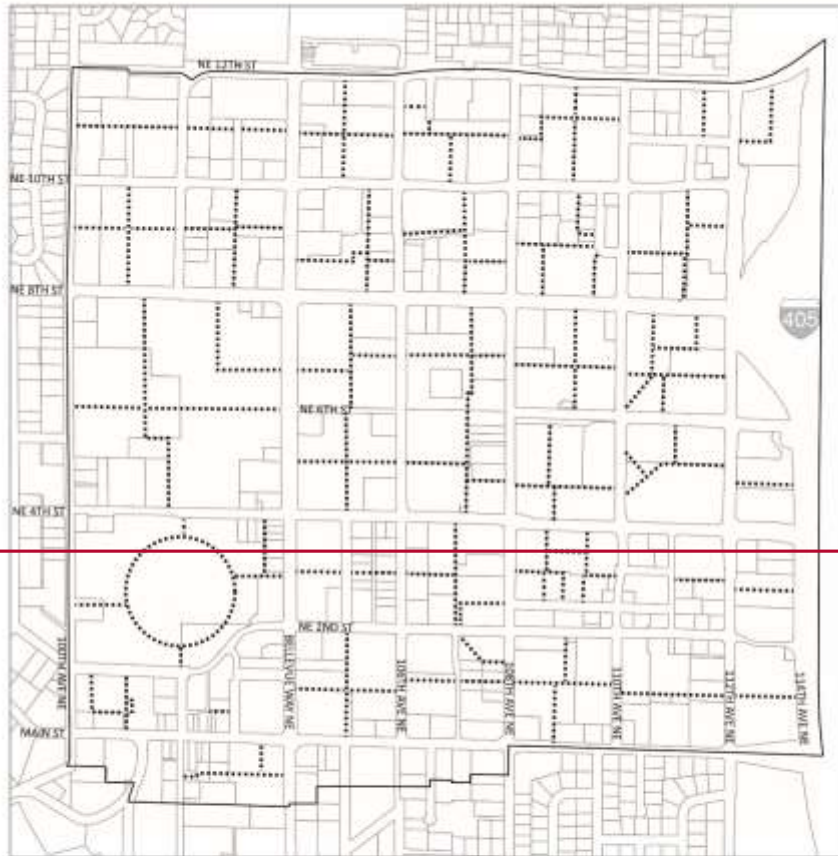
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20.25A.160 113



DOWNTOWN THROUGH-BLOCK CONNECTIONS





DOWNTOWN THROUGH-BLOCK CONNECTIONS



2. Intent. A through-block pedestrian connection provides an opportunity for increased pedestrian movement through superblocks in Downtown and helps to reduce the scale of the superblocks.

20.25A.160 115

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.17-5.24.17 Consolidated Draft

3. Standards.
 - a. Location. Through-block pedestrian connections are required in each superblock as provided in the map above. A through-block pedestrian connection shall be outdoors, except where it can only be accommodated indoors. The Director may approve a location shift on a through-block pedestrian connection provided that it provides similar pedestrian access as would have been required in the map above.
 - b. Proportionate Share. If a new development is built adjacent to a required through-block pedestrian connection as provided in the map in LUC 20.25A.160.D.1, the applicant shall construct a proportionate share of the through-block pedestrian connection.
 - c. Hours. A through-block pedestrian connection shall be open to the public 24 hours a day. Provided, if the through-block pedestrian connection is within a building, its hours shall coincide with the hours during which the building is open to the public.
 - d. ~~Easement. Through-block connections require an easement for public right of pedestrian use in a form approved by the City.~~ Legal Agreement. Owners of property that is required to provide a through-block connection as part of the Design Review process, shall execute a legal agreement providing that such property is subject to a nonexclusive right of pedestrian use and access by the public during hours of operation.
 - e. Signage. Directional signage shall identify circulation routes for all users and state that the space is accessible to the public at all times. The signage must be visible from all points of access. The Director shall require signage as provided in the City of Bellevue Transportation Department Design Manual. If the signage requirements are not feasible, the applicant may propose an alternative that is consistent with this section and achieves the design objectives for the building and the site.
4. Guidelines. A through-block pedestrian connection should:
 - a. Form logical routes from its origin to its destination;
 - b. Offer diversity in terms of activities and pedestrian amenities;
 - c. Incorporate design elements of the adjacent right-of-way, such as paving, lighting, landscaping, and signage to identify the through-block pedestrian connection as a public space;
 - d. Accentuate and enhance access to the through-block pedestrian connection from the right-of-way by use of multiple points of entry that identify it as a public space;
 - e. Identify the connection as a public space through clear and visible signage;
 - f. Provide lighting that is pedestrian-scaled, compatible with the landscape design, and that improves safety;
 - g. Provide high quality design and durable materials;
 - h. Provide landscaping to define and animate the space wherever possible;

Commented [BT(160)]: Code clarification prepared for 5.3.17 meeting, reprinted in 5.10.17 packet.

Commented [HC161]: Tracks language for Legal Agreements required for Minor Publicly Accessible Open Space in LUC 20.25A.090.C.3.e

PART 20.25A Downtown**2.16.17 Draft 5.17 5.24.17 Consolidated Draft**

- i. Incorporate trees and landscaping to provide enclosure and soften the experience of the built environment;
- j. The use of artistic elements and water features is encouraged to provide moments of interest for the user;
- k. Provide access that complies with the Americans with Disabilities Act, additional access may be provided through the building, if necessary to meet this requirement;
- l. Provide weather protection for pedestrians at key intersections, building entrances, or points of interest;
- m. Be developed as a walkway or a combination walkway and vehicular lane. If the combination walkway and vehicular lane does not have a separate raised walkway, the walkway surface must be paved with unit paver blocks or other unique paving surface to indicate that it is a pedestrian area;
- n. Incorporate decorative lighting and seating areas; and
- o. Be visible from surrounding spaces and uses. Provide windows, doorways and other devices on the through-block connection to ensure that the connection is used, feels safe, and is not isolated from view.

E. Open Space

1. Intent: Open space is an integral part of a livable urban environment because it provides people a place for recreation, gathering, and reflection in a built environment. A vibrant Downtown includes open space that encourage active and passive recreation, spontaneous and planned events, and the preservation of the natural environment.
2. Guidelines.
 - a. Site and building design should capitalize on significant elements of the natural environment, planned parks, outdoor plazas, and open space. Designs should incorporate open space amenities for residents, employees, and visitors. Depending on the location, this may be accomplished through integration of the natural environment with new development or providing a smooth transition between the natural and built environments;
 - b. Orient gathering places and walkways toward parks and open spaces. Provide clear and convenient public access to open space amenities;
 - c. Include elements that engage the natural environment where the sight, sound, and feel of nature can be directly experienced;
 - d. Locate buildings to take maximum advantage of adjacent open spaces.
 - e. Create attractive views and focal points;
 - f. Use publicly accessible open space to provide through-block pedestrian connections where possible;

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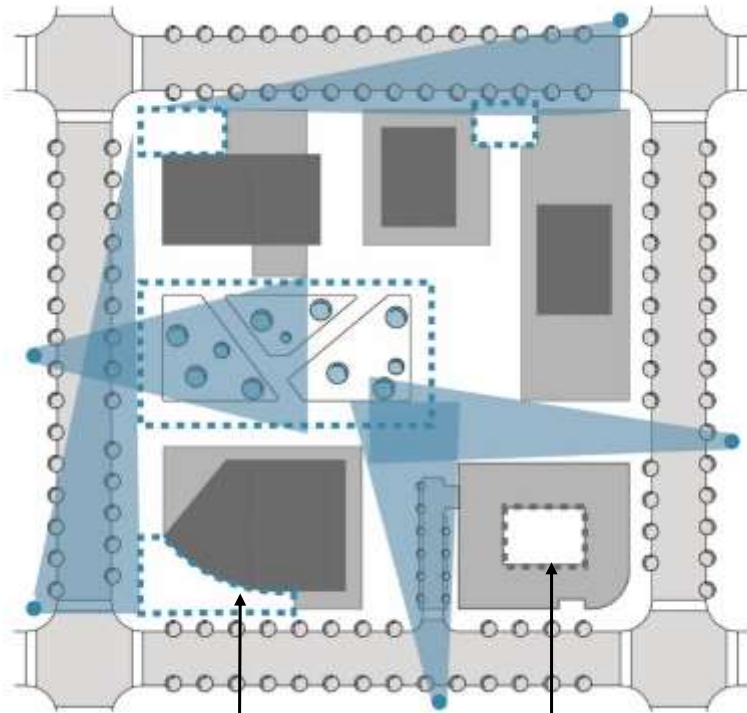
20.25A.160 117

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.17-5.24.17 Consolidated Draft

- g. Include features and programming opportunities to encourage year-round use;
- h. Define and animate the edges of publicly accessible open space with well-proportioned building bases, permeable facades, and Active Uses at-grade;
- i. Provide access that complies with the Americans with Disabilities Act, additional access may be provided through the building if necessary to meet this requirement;
- j. Provide weather protection for pedestrians at key intersections, building entrances, and points of interest;
- k. Use artistic elements and water features where possible.
- l. Use design elements, such as surface materials, furnishings, landscaping and pedestrian-scale lighting that are high-quality, functional, and environmentally sustainable; and
- m. Maximize safety and comfort by including access to sunlight, clear views to and from adjacent streets and buildings, compliance with the Americans with Disabilities Act, and protection from wind and inclement weather; and
- n. Design for events where feasible by providing electrical hookups and areas for staging.
- o. Open space design should not incorporate loading, refuse handling, parking, and other building and site service uses at the ground level facade, though such activities may be conducted in an open space when reasonable alternatives are not feasible. When the above-referenced activities must be incorporated into an Open Space Design, operational procedures should require the above-referenced activities to occur after normal business hours.
- p. Employ decorative lighting.

20.25A.160 118



Ensure public spaces are visible and oriented towards sidewalks and other pedestrian connections

Orient towers to preserve solar access to existing public spaces

20.25A.160 119

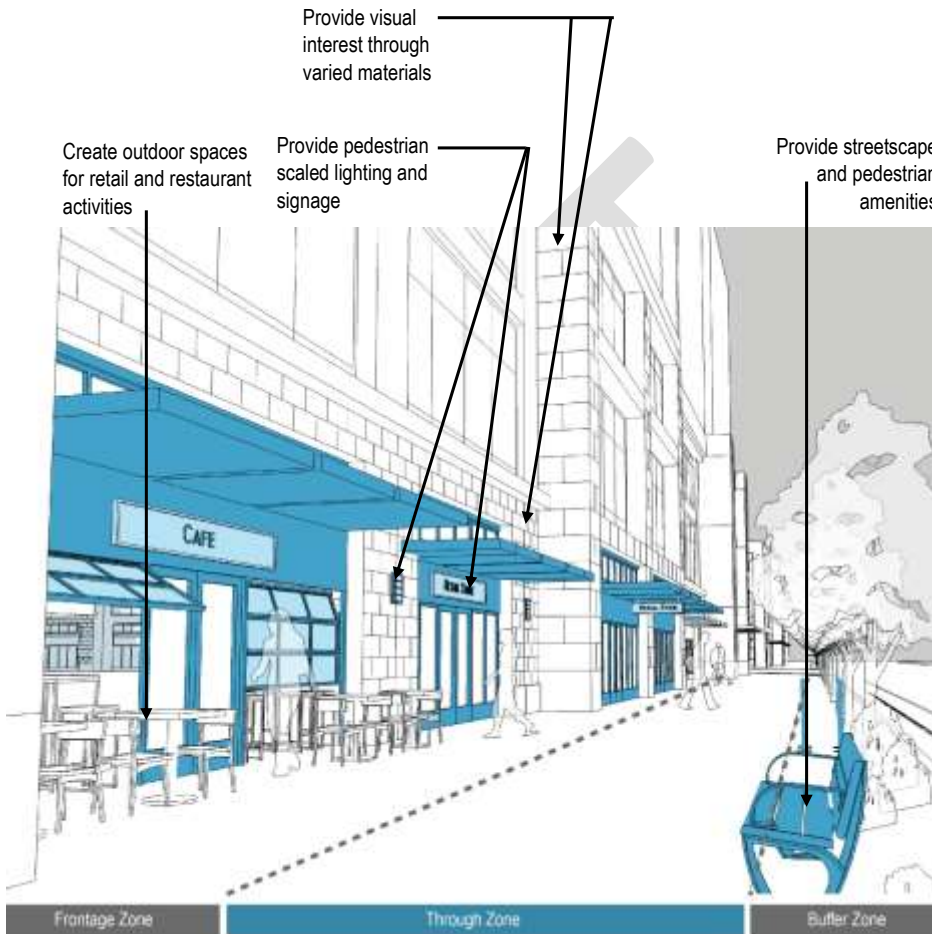
PART 20.25A Downtown

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20.25A.170 Streetscape and Public Realm

A. Streetscapes

- 1 Define the Pedestrian Environment.
 - a. Intent. A building should provide a continuous, visually rich pedestrian experience along its ground-floor or second floor street front where active uses are present
 - b. Guidelines.
 - i. The most important part of a building to a pedestrian is its ground floor which a person experiences walking past or entering the building. This “pedestrian experience zone” should provide a sense of enclosure, and a continuous and comfortable street edge for the pedestrian. Ground floor building transparency should foster interaction between the public and private realms;
 - ii. Provide windows that are transparent at the street level;
 - iii. Create visual interest on walls by using a variety of forms, colors, and compatible cladding materials;
 - iv. Facades should provide a provide a varied pedestrian experience by using bays, columns, pilasters, or other articulation at the street level;
 - v. Weather protection should help to define the upper edge of the pedestrian experience zone. A change in materials and scale will further defined this zone; and
 - vi. Signs and lighting at the ground level should complement the pedestrian scale; and
 - vii. Provide building edges that maintain strong visual and physical connections to the sidewalk.



2. Protect Pedestrians from the Elements.

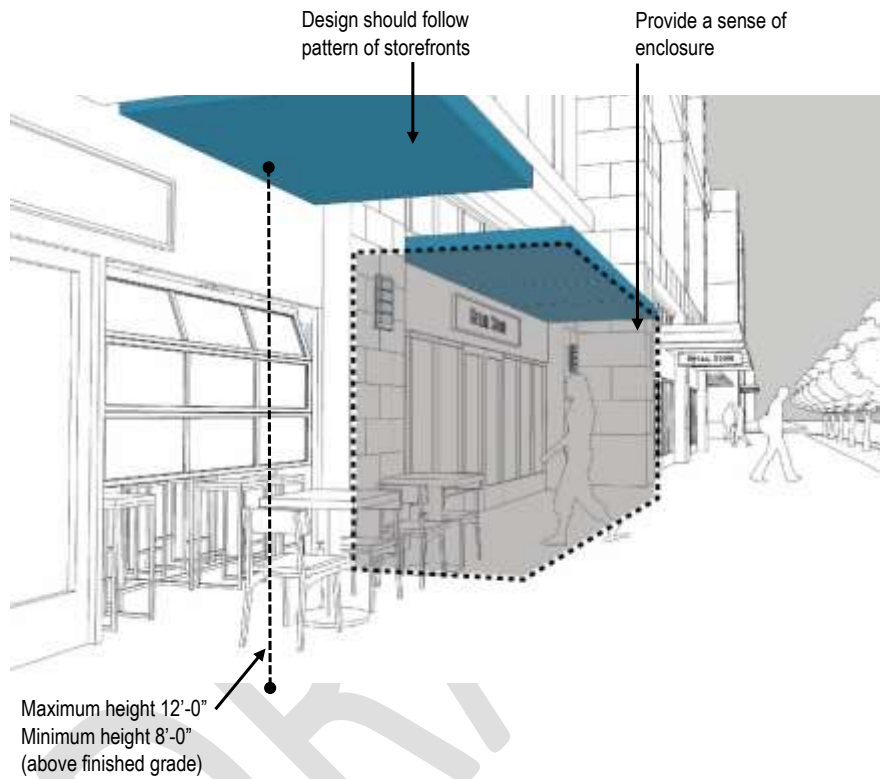
a. Intent. Provide pedestrians with protection from wind, sun, and rain while allowing light to filter through to the occupants below.

b. Guidelines.

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.17-5.24.17 Consolidated Draft

- i. Weather protection along the ground floor of buildings should protect pedestrians from rain and provide shade in summer, but allow some daylight penetration;
- ii. The design of weather protection should be an integral component of the building façade;
- iii. Weather protection should be in proportion to the building and sidewalk, and not so large as to impact street trees, light fixtures, or other street furniture;
- iv. Weather protection should assist in providing a sense of enclosure for the pedestrian;
- v. Use durable materials for weather protection;
- vi. Awning and marquee designs should be coordinated with building design.
- vii. The minimum height for awnings or marquees is 8 feet above finished grade, or 8 feet above the upper level walk except as otherwise required in the International Building Code, as adopted and amended by the City of Bellevue.
- viii. The maximum height for awnings or marquees is 12 feet above finished grade or 12 feet above the upper level walk;
- ix. Pavement below weather protection should be constructed to provide for drainage;
- x. Weather protection should have a horizontal rather than a sloping orientation along the building elevation; and
- ix. Weather protection should follow the pattern of storefronts.



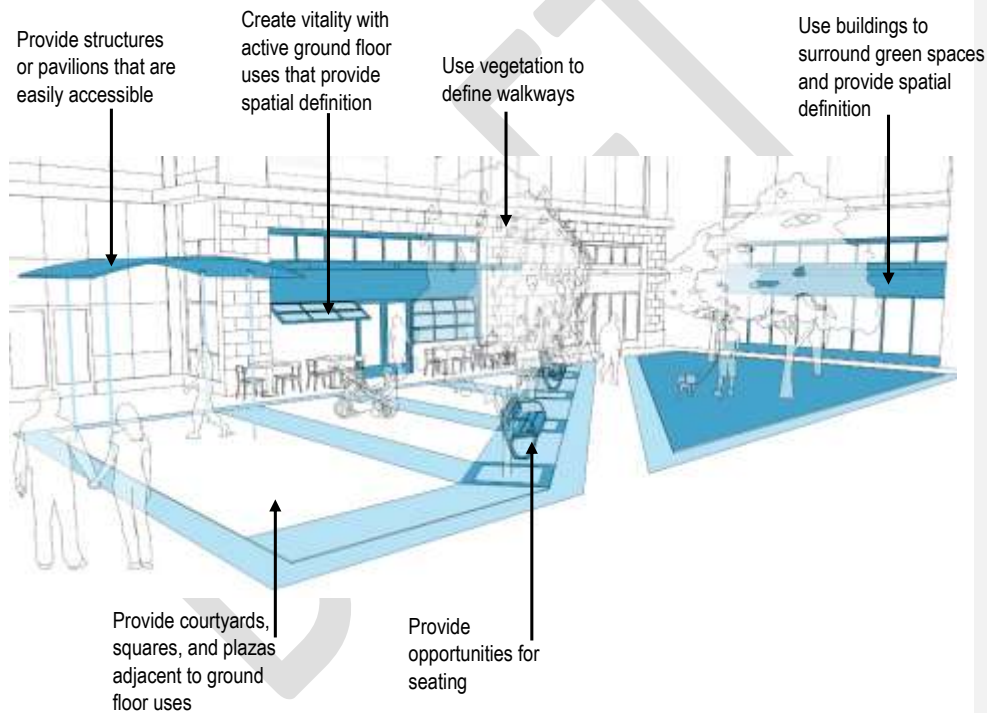
3. Create a Variety of Outdoor Spaces.

- a. Intent. Provide comfortable and inviting outdoor spaces for a variety of activities during all hours and seasons.
- b. Guidelines.
 - i. Outdoor gathering spaces should be inviting and maximize opportunities for use. They should be spatially well-defined, inviting, secure, easy to maintain. They may be intimate and quiet or active and boisterous;
 - ii. All outdoor areas should work well for pedestrians and provide space for special events, as well as passive activities;
 - iii. Provide courtyards, squares, and plazas to enhance adjacent ground floor uses.

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.17 5.24.17 Consolidated Draft

- iv. Use buildings to surround green spaces and give the space visual definition. Vitality can be generated by active ground floor uses and programming within the space;
- v. Use trees, shrubs, and plants to help define walkways, create transitions from open spaces to the street, and provide visual interest;
- vi. Provide for outdoor spaces that can support active uses such as farmers' markets, festivals, and community events.
- vii. Provide structures, pavilions, and seating areas that are easily accessible and feel safe and secure during day and evening hours; and
- viii. Provide pedestrian walkways and courtyards in residential or office development areas.

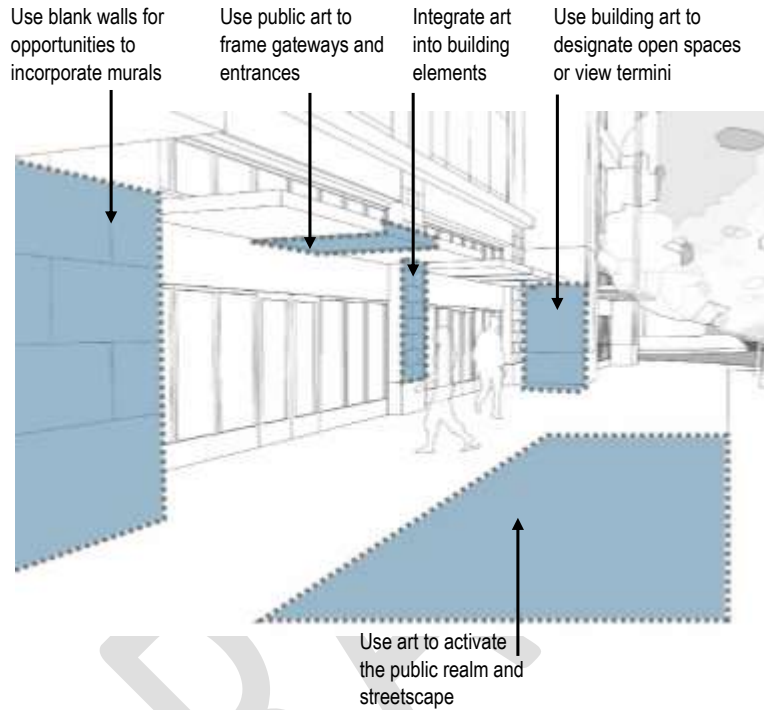


4. Provide Places for Stopping and Viewing.

- a. Intent. People-watching, socializing, and eating are restful and pleasurable activities for the pedestrian; providing special places where they can do these activities increases the pedestrian's sense of enjoyment. Seating and resting places can add vitality to the urban environment. People will use available seating in open, well-designed areas, not in secluded or highly exposed areas.

PART 20.25A Downtown

- b. Guidelines.
 - i. Use formal benches, moveable seating, and informal seating areas such as wide steps, edges of landscaped planters and low walls;
 - ii. Provide more seating areas near active retail establishments especially outside eating and drinking establishments and near food vendors;
 - iii. Provide seating adjacent to sidewalks and pedestrian walkways;
 - iv. Create places for stopping and viewing adjacent to and within parks, squares, plazas, and courtyards; and
 - v. Create a sense of separation from vehicular traffic.
 - vi. Provide comfortable and inviting places where people can stop to sit, rest and visit.
- 5. Integrate Artistic Elements.
 - a. Intent. Artistic elements should complement the character of a site, building or district as a whole. Art enriches the development by making buildings and open spaces more engaging and memorable. Art is integral to creating a memorable experience for those who live, work, and visit Downtown, especially when the art is integrated into the design of the building or outdoor space. To maximize the opportunities for art on a site, applicants are encouraged to include artists on design teams.
 - b. Guidelines.
 - i. Use art to provide a conceptual framework to organize open spaces including plazas, open spaces, setbacks, and streetscapes;
 - ii. Use art to mark entryways, corners, gateways and view termini;
 - iii. Integrate art into building elements, including but not limited to: facades, canopies, lighting, etc.;
 - iv. Designate a location for the artwork that activates the public realm and is in scale with its location; and
 - v. Use materials and methods that will withstand public use and weathering if sited outdoors.



6. Orient Lighting toward Sidewalks and Public Spaces.
 - a. Intent. Pedestrian-scaled lighting should be used to highlight sidewalks, bike racks and lockers, street trees, and other features, and harmonize with other visual elements in the subarea.
 - b. Guidelines.
 - i. Pedestrian-scaled lighting should be provided along pedestrian walkways and public open spaces;
 - ii. Lighting should be compatible among projects within neighborhood districts to accentuate the subareas.
 - iii. Fixtures should be visually quiet as to not overpower or dominate the streetscape.
 - iv. Lighting may also be used to highlight trees and similar features within public and private plazas, courtyards, walkways and other similar outdoor areas and to create an inviting and safe ambiance;
 - v. Use lighting to highlight landscape areas.

Commented [BT(163)]: Added in response to request from Planning Commission.

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.5.17 - 5.24.17 Consolidated Draft

- vi. Integrate and conceal fixtures into the design of buildings or landscape walls, handrails, and stairways;
 - vii. Install foot lighting that illuminates walkways and stairs;
 - viii. Use energy-efficient lighting, such as LED;
 - ix. Direct bollard lighting downward toward walking surfaces;
 - x. Provide festive lighting along signature streets on buildings and trees; and
 - xi. Decorative lighting may be used in open spaces to make the area more welcoming.
7. Orient Hanging and Blade Signs to Pedestrians.
- a. Intent. Hanging signs should be oriented to the pedestrian and highly visible from the sidewalk. Hanging signs can contribute significantly to a positive retail and pedestrian environment and reinforce a sense of place. Signs shall comply with the provisions of the Chapter 22.10B, BCC (Sign Code).
 - b. Guideline.
 - i. Signs should not overwhelm the streetscape. They should be compatible with and complement the building's architecture, including its awnings, canopies, lighting, and street furniture;
 - ii. Sign lighting should be integrated into the facade of the building;
 - iii. Signs should be constructed of high-quality materials and finishes;
 - iv. Signs should be attached to the building in a durable fashion; and
 - v. Signs should be constructed of individual, three-dimensional letters, as opposed to one single box with cutout flat letters.

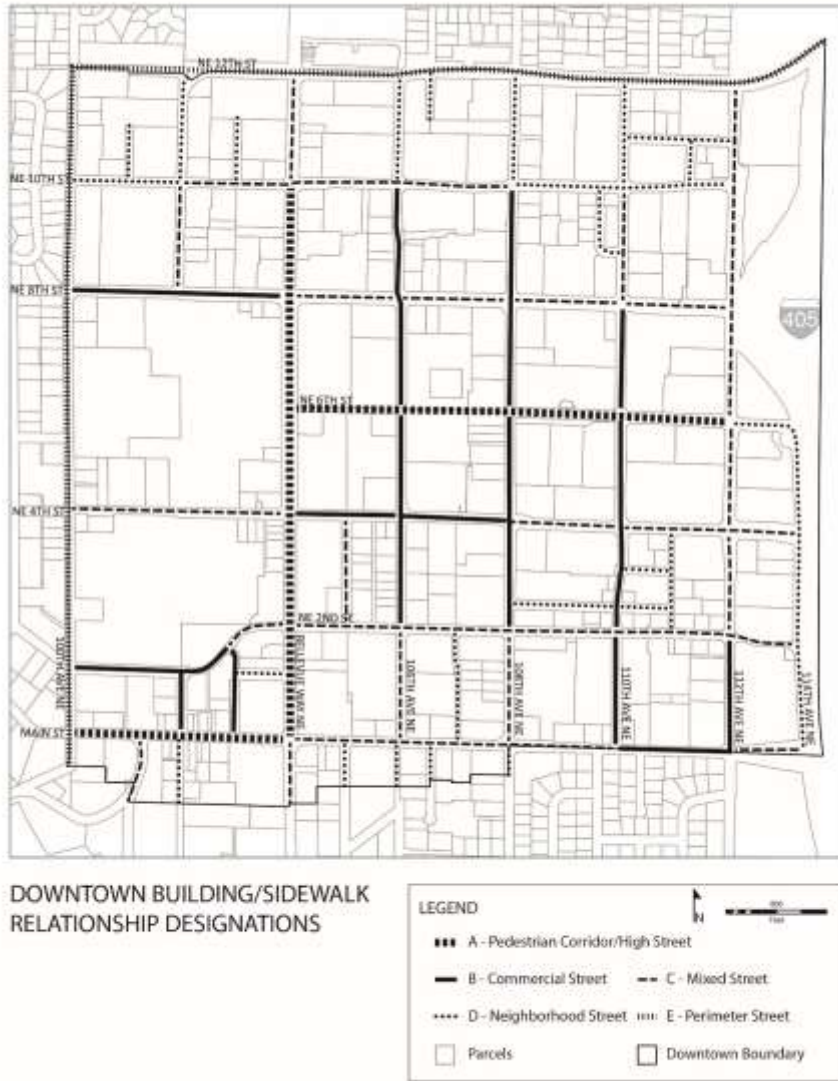
Commented [BT(164)]: From Bel-Red Code.

B. Right-of-Way Designations

Introduction: The Right-of-Way Designations provide design guidelines for the streetscape organized by Downtown streets. These designations are a representation of the Downtown vision for the future, rather than what currently exists. The designations create a hierarchy of rights-of-way reflecting the intensity of pedestrian activity. The "A" Rights-of-Way are those streets that have the highest amount of pedestrian activity, while the "D" Rights-of Way would have a smaller amount of pedestrian activity. These guidelines are intended to provide activity, enclosure, and protection on the sidewalk for the pedestrian.

Commented [HC165]: MOVED from Design Guideline Building/Sidewalk Relationships IV.E and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.

Figure 20.25A.170.B



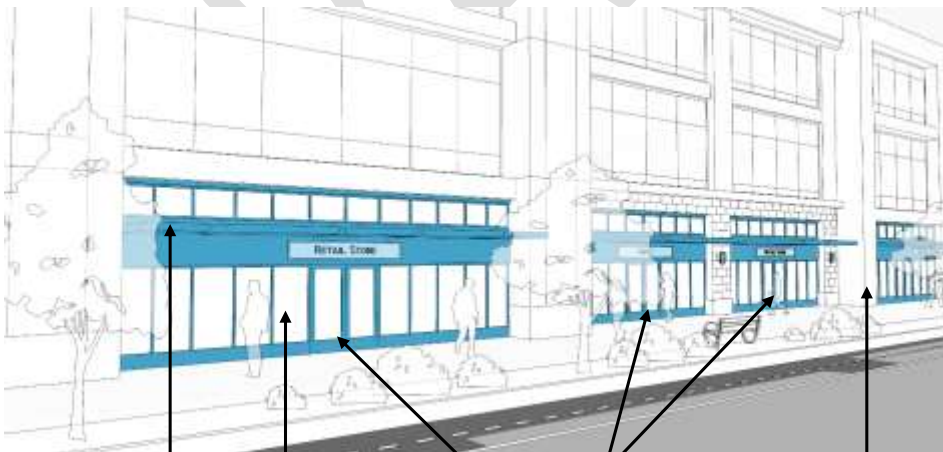
1. Pedestrian Corridor / High Streets - A Rights-of-Way

a. Intent. Rights-of-way designated 'A' should have the highest orientation to pedestrians. This shall be achieved by emphasizing the design relationship between the first level of the structure and the horizontal space between the structure and the curb line. This relationship should emphasize, to the greatest extent possible, both the physical and visual access into and from the structure, as well as the amenities and features of the outside pedestrian space. In order to achieve the intended level of vitality, design diversity, and people activity on an 'A' right-of-way, Active Uses should be provided for in the design.

b. Standards and Guidelines

- i. Transparency: 75% minimum.
- ii. Weather Protection: 75% minimum, 6 feet deep. When a building is adjacent to two or more rights-of-way, weather protection shall be provided for the two rights-of-way with the highest pedestrian orientation. Refer to LUC 20.25A.170.A.2 for more guidelines on weather protection;
- iii. Points of Interest: Every 30 linear feet of the façade, maximum;
- iv. Vehicular Parking: No surface parking or vehicle access should be allowed directly between sidewalk and main pedestrian entrance; and
- v. 100 % of the street wall within the project limit shall incorporate Active Uses.

Commented [HC166]: MOVED from Design Guideline Building/Sidewalk Relationships IV.E and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.



75% weather protection, 6' minimum depth

75% transparency (minimum)

30' separation between entrances and other points of interest (maximum)

Use setbacks and protrusions in façade to create visual interest

2. Commercial Streets - B Rights-of Way

a. Rights-of-way designated 'B' shall have moderate to heavy orientation to pedestrians. This should be achieved by developing the design so that there is a close relationship between exterior and internal activities with respect to both physical and visual access. Design attention should be given to sidewalk related activities and amenities. 'B' rights-of-way are to provide a diverse and active connection between the Active Use dominated "A" rights-of-way, and the other Downtown rights-of-way.

b. Standards and Guidelines.

i. Transparency: 75% minimum;

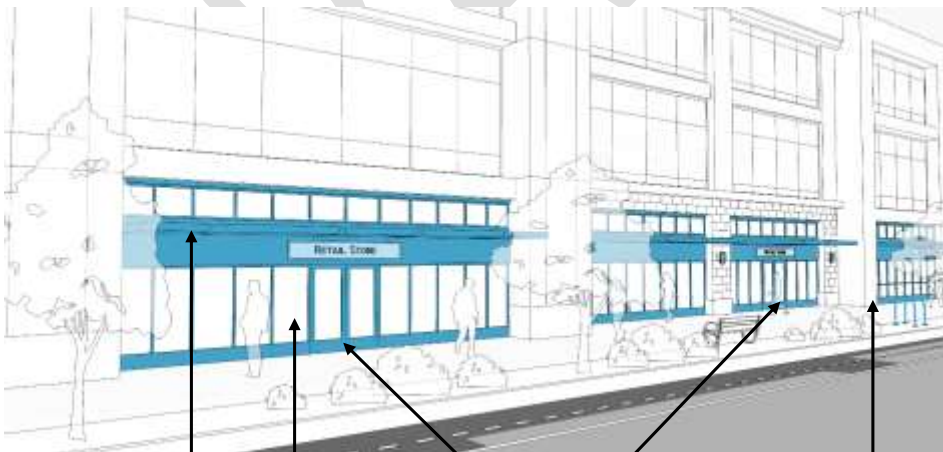
ii. Weather Protection: 75% minimum, 6 feet deep minimum. When a building is adjacent to two or more rights-of-way, weather protection shall be provided for the two rights-of-way with the highest pedestrian orientation. Refer to LUC 20.25A.170.A.2 for more guidelines on weather protection;

iii. Points of Interest: Every 60 linear feet of the façade, maximum;

iv. Vehicular Parking: No surface parking or vehicle access directly between perimeter sidewalk and main pedestrian entrance; and

v. 100% of the street wall shall incorporate Active Uses and service uses, at least 50% percent of which shall be Active Uses.

Commented [HC167]: MOVED from Design Guideline Building/Sidewalk Relationships IV.E and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.



75% weather protection, 6' minimum depth

75% transparency (minimum)

60' separation between entrances and other points of interest (maximum)

Use setbacks and protrusions in façade to create visual interest

20.25A.170 130

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ 5.24.17 Consolidated Draft

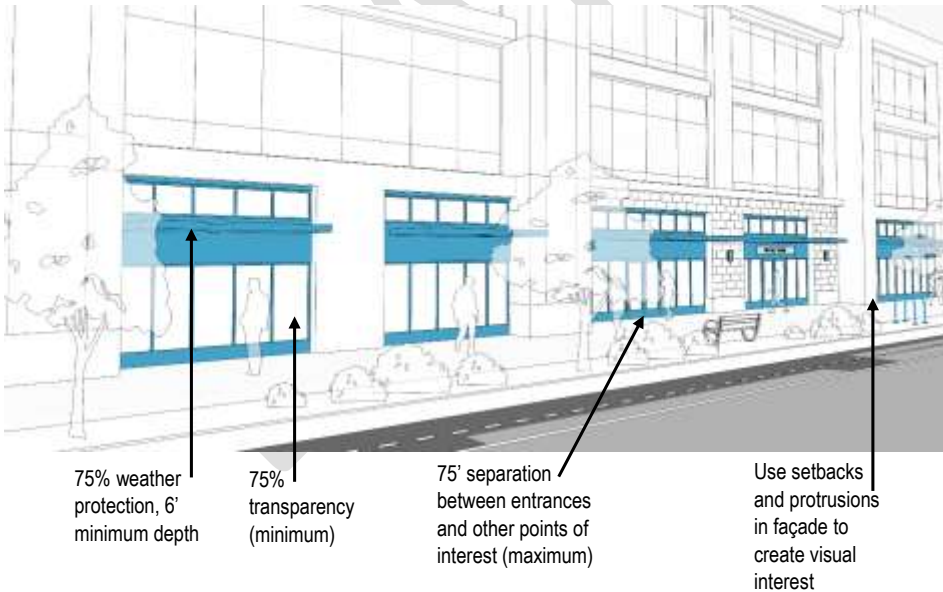
3. Mixed Streets - C Rights-of-Way

a. Intent. Rights-of-way designated 'C' shall have moderate orientation to pedestrians. This shall be achieved by designing some relationship between exterior and interior activities with respect to visual access. Design attention should be given to sidewalk related activities and amenities. 'C' rights-of-way are to provide a major pedestrian connection between the core area and residential areas surrounding Downtown.

b. Standards and Guidelines.

- i. Transparency: 75%;
- ii. Weather Protection: 75%. When a building is adjacent to two or more rights-of-way, weather protection shall be provided for the two rights-of-way with the highest pedestrian orientation. Refer to LUC 20.25A.170.A.2 for more guidelines on weather protection;
- iii. Points of Interest: 75 linear feet of façade, maximum; and
- iv. Vehicular Parking: No surface parking or vehicle access directly between perimeter sidewalk and main pedestrian entrance.
- v. 50% of street wall shall incorporate Active Uses or service uses.

Commented [HC168]: MOVED from Design Guideline Building/Sidewalk Relationships IV.E and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.



PART 20.25A Downtown~~2.16.17 Draft~~ **5.17- 5.24.17 Consolidated Draft****4. Neighborhood Streets - D Rights-of-Way.**

a. Intent. Rights-of-way designated 'D' shall have low to moderate orientation to pedestrians and should complement residential uses. This shall be achieved by designing some relationship between exterior and interior activities with respect to visual access and by incorporating landscape features that soften the urban edge. Design attention should be given to sidewalk related activities and amenities that complement these areas' residential character and moderate the urban environment, while providing attractive visual access for pedestrians and other passersby.

b. Standards and Guidelines.

- i. Transparency: Blank walls and inactive uses may occupy no more than 25% of the façade;
- ii. Weather Protection: 50%. When a building is adjacent to two or more rights-of-way, weather protection shall be provided for the two rights-of-way with the highest pedestrian orientation Refer to LUC 20.25A.170.A.2 for more guidelines on weather protection;
- iii. Points of Interest: 90 linear feet of façade, maximum; and
- iv. Vehicular Parking: No surface parking or vehicle access directly between perimeter sidewalk and main pedestrian entrance.

Commented [HC169]: MOVED from Design Guideline Building/Sidewalk Relationships IV.E and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.

5. Perimeter Streets – E Rights-of-Way.

a. Intent. Rights-of-way designated 'E' may have a lower volume of pedestrians. Such rights-of-way are intended to provide a visual buffer between the Downtown and surrounding residential neighborhoods. Emphasis shall be placed on how the street is viewed from outside the Downtown. These streets should provide a graceful transition to adjacent residential districts.

b. Standards and Guidelines.

- i. Transparency: Blank walls and inactive uses may occupy 25% of the façade;
- ii. Weather Protection: At entries;
- iii. Points of Interest: Every 90 linear feet of façade, maximum; and
- iv. Vehicular Parking: No surface parking or vehicle access directly between perimeter sidewalk and main pedestrian entrance.

Commented [HC170]: MOVED from Design Guideline Building/Sidewalk Relationships IV.E and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.

C. Alleys with Addresses

1. Intent. Alleys with Addresses act as active through-block connections and are faced with a mix of Active Uses and residential uses. Alleys with Addresses shall have a high orientation to pedestrians with any vehicular activity being secondary to the pedestrian. This is achieved by emphasizing the relationship between the vertical street wall and the ground plane devoted to through-block access and the public right-of-way. This relationship should emphasize to the greatest extent possible, both

Commented [HC171]: NEW - in response to CAC Recommendations and Updated Comprehensive Plan.

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.17- 5.24.17 Consolidated Draft

physical and visual access into and from the structure at frequent intervals, as well as the amenities and features of the outside pedestrian space. In order to achieve the intended level of vitality, design diversity, and pedestrian activity on an Alley with an Address, retail restaurant, and other commercial entries shall be provided for in the design. Ground floor live/work units and residential units with stoops can also help to bring life to the paths with multiple entrances and meaningful transparency along the building frontage.

2. Standards

- a. At least one entire side of the Alley with an Address shall comply with guidelines i. through v. for Pedestrian Corridor / High Streets - 'A' rights-of-way found in paragraph B of this section.
- b. Minimum dimension for an alley with an address shall be 20 feet wide exclusive of drive lane widths.
- c. Alleys with Addresses shall be open to the public 24 hours a day and 7 days a week. Signs shall be posted in clear view stating the Alley with an Address is open to the public during these hours.
- d. Each tenant space shall have an exterior entrance facing onto the alley and be addressed off the alley.

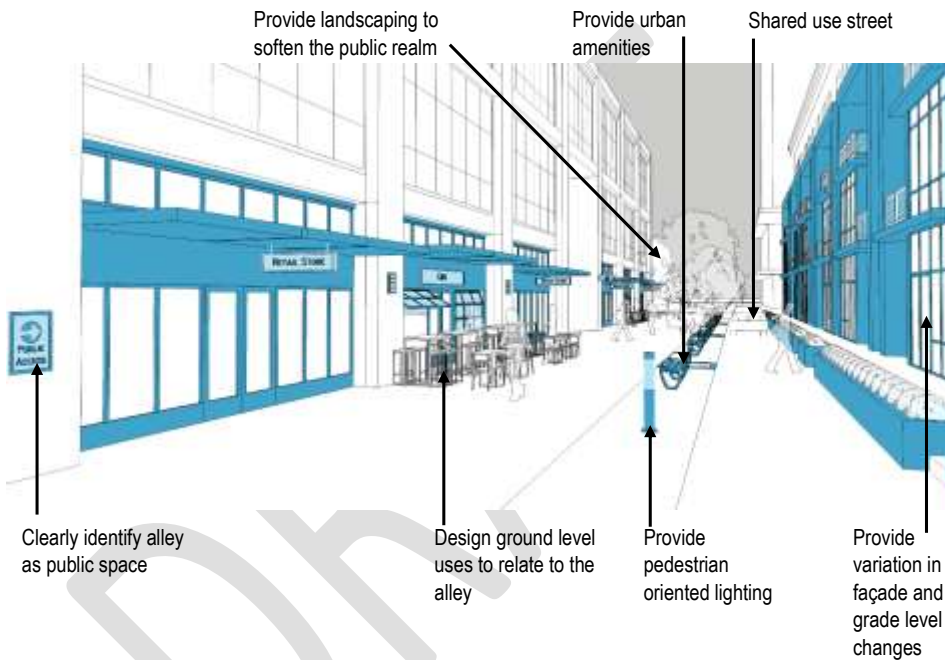
3. Guidelines

- a. Materials and design elements such as paving, lighting, landscaping, and signage should incorporate design elements of the adjacent right-of-way to identify it as part of the public realm.
- b. The Alley with an Address may be covered in some areas but should not be predominantly enclosed.
- c. Access from the public right-of-way should be encouraged and enhanced by multiple clear points of entry that identify the Alley as a public space. Access through the site should form a clear circulation logic with the street grid.
- d. Wayfinding, signage, symbols and lighting should identify the alley as a public space.
- e. Design of the ground level and upper level retail should relate to the alley and be distinct from the rest of the building. This can be achieved through the use of common architectural style, building materials, articulation, and color.
- f. Variation should be incorporated into the design by including dimensional and level changes at both the ground plain and building walls.
- g. Pedestrian-oriented lighting should be provided that is compatible with the landscape design, improves safety and minimizes glare. Design should be high quality, and materials should be durable and convey a sense of permanence.
- h. Landscaping should be used to animate and soften the space. The use of art and water is also encouraged.

PART 20.25A Downtown

~~2.16.17 Draft~~ ~~5.17~~ 5.24.17 Consolidated Draft

- i. Alley design should not incorporate loading, refuse handling, parking, and other building and site service uses at the ground level facade, though such activities may be conducted in an Alley when reasonable alternatives are not available. Operational procedures should encourage the above-referenced activities after normal business hours.
- j. Provide complete project design for all phases within a project limit to ensure coordinated design and construction across multiple phases.



D. Upper Level Active Uses

1. Intent. Upper level active uses are intended to activate the ground level pedestrian environment. This is accomplished through extensive visual access to the upper level from the exterior, convenient and frequent access from the street or Alley with an Address, clear line of sight from grade and visibility of ongoing activity within the upper level active use. An upper level active use should be designed and managed so as to draw the attention and interest of the pedestrian to the upper level and to increase opportunities for interaction and movement between the ground and upper levels. To achieve the intended level of vitality, design diversity, and human activity at the upper level active use, the following characteristics shall be provided in the design.
2. Standards.
 - a. Points of physical vertical access between the ground level and upper levels shall be located no more than 150 feet apart to facilitate frequent pedestrian access to upper level active uses.

Commented [HC172]: MOVED from Design Guideline Building/Sidewalk Relationships IV.E and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.

Commented [HC173]: MOVED to be consistent with guideline organization in other sections (standards first, followed by guidelines).

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.5.17 - 5.24.17 Consolidated Draft

- b. Each tenant space shall have an exterior entrance.
 - c. Floor area and building facades directly below upper level active uses shall comply with guidelines i. through v. for Pedestrian Corridor / High Streets - 'A' rights-of-way found in paragraph B of this section.
 - d. Visual access shall not be impaired by small, enclosed display windows, window coverings and tinted or reflective glazing.
3. Guidelines.
- a. Architectural treatment of the upper level active use space should read as part of the ground level and be distinct from the architectural treatment of the building above.
 - b. Extensive visual access into the upper level retail space should be available from the sidewalk or the alley with an address with frequent clear lines of sight from grade.
 - c. Lighting and signage should be used to enliven and draw attention to upper level arcade or balcony, or directly through ground level retail for a multilevel single tenant.

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PART 20.25A Downtown

~~2.16.17 Draft~~ 5.5.17 - 5.24.17 Consolidated Draft

20.25A.180 Building Design (Base, Middle, and Top)

A. Introduction

A tall building should consist of three carefully integrated parts: a building base, middle, and top.

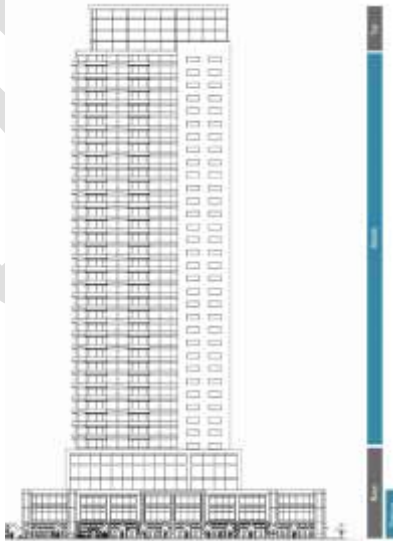
B. Overall Building Design

1. Encourage High Quality Materials.

a. Intent. Create a sense of permanence in Downtown through the use of high quality building materials. Quality facade materials can provide a sense of permanence and bring life and warmth to a neighborhood. Facade and building materials must enhance the street environment while complementing the aesthetic quality of adjacent buildings.

b. Guidelines.

- i. Articulation of façade materials should be bold, with materials that demonstrate depth, quality and durability;
- ii. It should be apparent that the materials have substance and mass, and are not artificial, thin “stage sets” applied only to the building’s surface;
- iii. Use natural high quality materials such as brick, finished concrete, stone, terra cotta, cement stucco, and wood in natural or subdued building colors; and
- iv. Use varied, yet compatible cladding materials. Window and storefront trim should be well-defined and contribute to the overall aesthetic quality.



Commented [HC174]: NEW – Incorporated CAC Recommendations, Updated Comprehensive Plan Policy direction and Design Criteria from LUC 20.25A.110, and aligned with BelRed code organization (LUC 20.25D.150). Improves Land Use Code Consistency and Ease of Use.

20.25A.180 136

PART 20.25A Downtown**2.16.17 Draft 5.17 - 5.24.17 Consolidated Draft**

2. Provide Interesting Building Massing.
 - a. Intent. Use scale-defining articulation and other techniques to break up the longitudinal dimensions of buildings, creating a comfortable sense of enclosure and human scale by establishing a dynamic, continuous street edge.
 - b. Guidelines.
 - i. The length and breadth of a building should be pedestrian-scaled. Portions of a large building mass should be broken into smaller, appropriately scaled modules, with changes in plane indicated by bold projections and recesses. This results in larger elevations being reduced to human scale;
 - ii. Vertical and horizontal elements should be used to create a human scale and form a coherent aesthetic providing visual interest to the pedestrian;
 - iii. Reduce the scale of elevations both horizontally and vertically;
 - iv. Buildings over three stories should exhibit a vertically articulated tripartite facade division – base, middle, and top through material and scale; and
 - v. Design should feature vertical articulation of windows, columns, and bays.

**C. Connected Floor Plates**

1. Intent. The intent of connecting floor plates is to allow a development to gain the benefits of a connected building while having the appearance of two or more separate buildings. The connection or corridor should recede from view as compared to the floor plates.
2. Guidelines.
 - a. From the right-of-way, the development should appear as separate and distinct buildings to the pedestrian: and

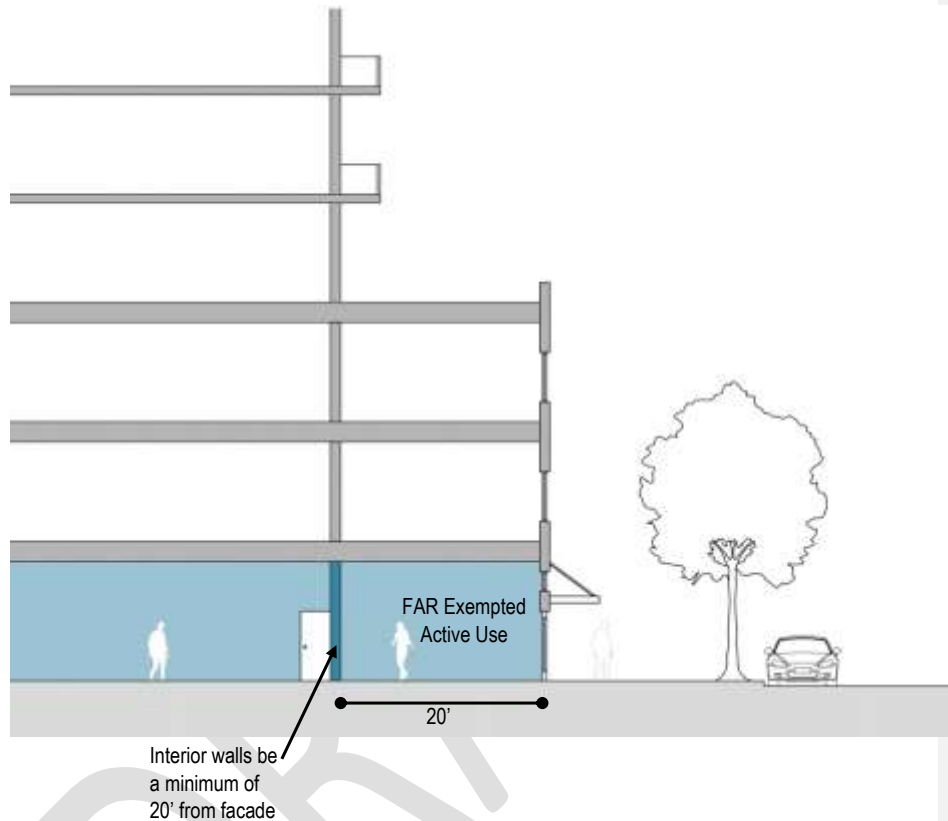
20.25A.180 137

PART 20.25A Downtown~~2.16.17 Draft~~ 5.17-5.24.17 Consolidated Draft

- b. The connection should appear to be distinct from the adjacent masses.

D. Building Base (Podium)

1. Introduction. The role of the building base is to relate tall buildings to the human scale and fit harmoniously within the existing or planned street wall context; define the edges of adjacent streets, parks, and open space in good proportion; and maintain access to sunlight for pedestrians, open and public spaces, and adjacent properties.
2. Articulate the building base with high-quality materials and design elements that fit with the aesthetic quality of neighboring buildings and contribute to the pedestrian scale and experience.
 - a. Intent. The building façade should provide architectural expression that relates to its surroundings and include materials and elements that can be viewed and appreciated at the speed, scale, and proximity of the pedestrians.
 - b. Guidelines.
 - i. Provide architectural expression and design elements such as cornice lines, window bays, entrances, canopies, building materials, and fenestration, in a pattern, scale, and proportion that relate to neighboring buildings and engages pedestrians;
 - ii. Use high-quality, durable materials, an appropriate variety in texture, and carefully crafted details to achieve visual interest and longevity for the façade. Environmentally sustainable materials and construction methods are encouraged; and
 - iii. A building's profile should be compatible with the intended character of the area and enhance the streetscape. In some cases, it may be appropriate to mark an entryway with a distinct form, such as a tower, to emphasize the significance of the building entry.
3. Provide clear, unobstructed views into and out from ground floor uses facing the public realm.
 - a. Intent. At street level a series of unobstructed views into and out of buildings enriches the urban experience for pedestrians and building occupants. Transparency enhances visual interest, vitality, and increases safety for all.
 - b. Guidelines.
 - i. Transparent windows should be provided on facades facing streets, parks, and open spaces;
 - ii. Views into and out from ground floor Active Uses may not be obstructed by window coverings, internal furnishings, or walls.
 - iii. Interior walls may be placed a minimum of 20 feet from the window on the façade where Active Uses are a part of an exemption in the FAR Amenity System.



4. Design Inviting Retail and Commercial Entries.

- a. Intent. Design retail and commercial entries to create an open atmosphere that draws customers inside, while creating opportunities to engage the public.
- b. Guidelines.
 - i. Primary entries to retail and commercial establishments should be transparent, allowing passersby to see the activity within the building and bring life and vitality to the street;
 - ii. Architectural detail should be used to help emphasize the building entry including canopies, materials, and depth;
 - iii. Building lighting should emphasize entrances;
 - iv. Provide transom, side lights, or other combinations of transparency to create visual interest;

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.5.17 5.24.17 Consolidated Draft

- v. Provide double or multiple door entries; and
- vi. Provide a diverse and engaging range of doors, openings and entrances to the street such as pivoting, sliding or roll up overhead entrances.



Provide unique openings that allow for improved visual connection and engagement with internal uses

Provide unique openings that engage street life activity with internal uses and provide opportunities for seasonal use

3. Encourage Retail Corner Entries.
 - a. Intent. Use corner entries to reinforce intersections as important places for pedestrian interaction and activity.
 - b. Guidelines.
 - i. Locate entry doors on the corners of retail buildings wherever possible. Entries at 45-degree angles and free of visual obstructions are encouraged;
 - ii. Locate primary building entrance at the corner;
 - iii. Use weather protection, special paving, and lighting, to emphasize corner entry;
 - iv. Use architectural detailing with materials, colors, and finishes that emphasize the corner entry; and
 - v. Use doors with areas of transparency and adjacent windows.
4. Encourage Inviting Ground Floor Retail and Commercial Windows.

20.25A.180 140

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.5.17 - 5.24.17 Consolidated Draft

- a. Intent. Use transparency to enhance visual interest and to draw people into retail and commercial uses.
 - b. Guideline.
 - i. Retail and commercial uses should use unobstructed windows that add activity and variety at the street level, inviting pedestrians into retail and commercial uses and providing views both in and out;
 - ii. Use clear window glazing;
 - iii. Provide operable windows that open by pivoting, sliding or shuttering for restaurants, cafes, retail and commercial activity;
 - iv. Install transom windows or other glazing combinations that promote visual interest.
5. Provide Multiple Entrances.
- a. Intent. Multiple entrances break up monotonous facades, enhance visual interest, and enrich the pedestrian experience.
 - b. Guideline. Provide pedestrian entrances at frequent intervals to contribute to variety and intensity.
6. Build Compatible Parking Structures.
- a. Intent. Use design elements to enhance the compatibility of parking garages and integrated structured parking with the urban streetscape.
 - b. Standards and Guidelines.
 - i. Where adjacent to ~~the a~~ right-of-way other than 114th Avenue N.E. or a through-block pedestrian connections, a minimum of twenty feet of the first and second floors measured from the façade inward shall be habitable for commercial activity;
 - ii. Parking garages and integrated structured parking should be designed so that their streetscape interface has a consistent aesthetic through massing and use of materials complementing the vision for the area;
 - iii. On a streetscape, openings should be glazed when adjacent to right-of-way or adjacent to through-block pedestrian connections above the second floor except when the openings are adjacent to the freeway, in which case the openings should be glazed on floor levels above the adjacent freeway.
 - iv. Openings should be provided adjacent to interior property lines to avoid blank walls and should be glazed to function as windows;
 - v. Parking garage floors should be horizontal to accommodate adaptive reuse;
 - vi. Stairways, elevators, and parking entries and exits should occur at mid-block;

Commented [BT(175)]: Initial PC direction on 4.19.17.

Commented [BT(176)]: 5.24.17 PC direction to incorporated requests in Wallace letter dated 5.10.17. Letter requested clarification on glazing for openings that are obscured by the freeway.

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.17- 5.24.17 Consolidated Draft

vii. Design a single auto exit/entry control point to minimize number and width of driveway openings (entry and exit points may be separated) and potential conflicts;

viii. Design should include vertical expression of building structure that provides continuity with the surrounding development; ~~and~~

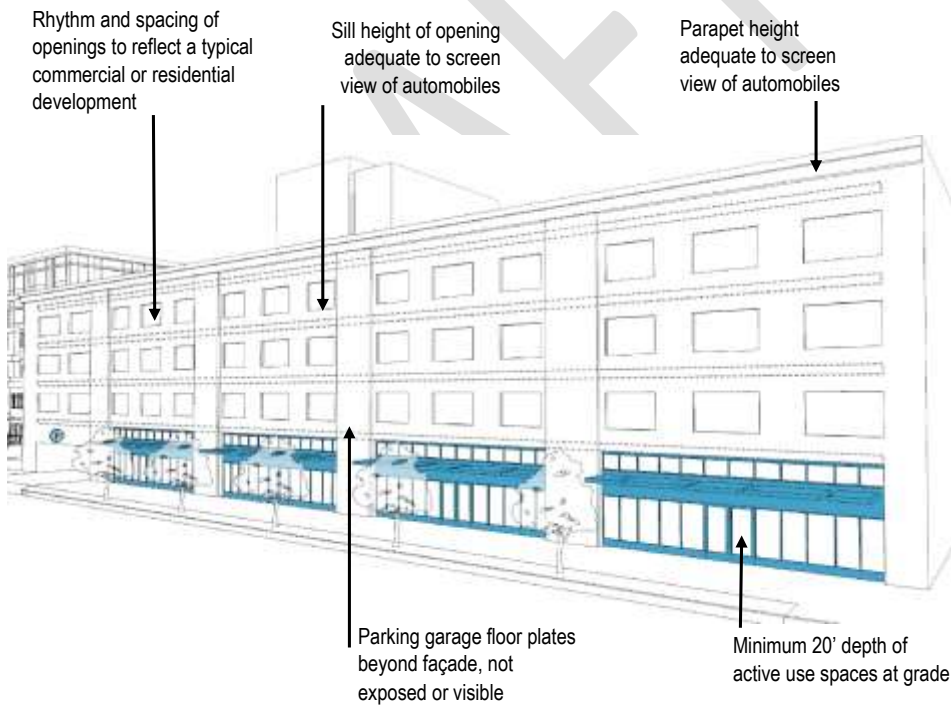
ix. Profiles of parking structure floors should be concealed and not visible to the public through façade treatments and materiality, while providing openings consistent with residential and non-residential buildings;

x. Parking garages and structured parking should be designed to be compatible with the urban streetscape;

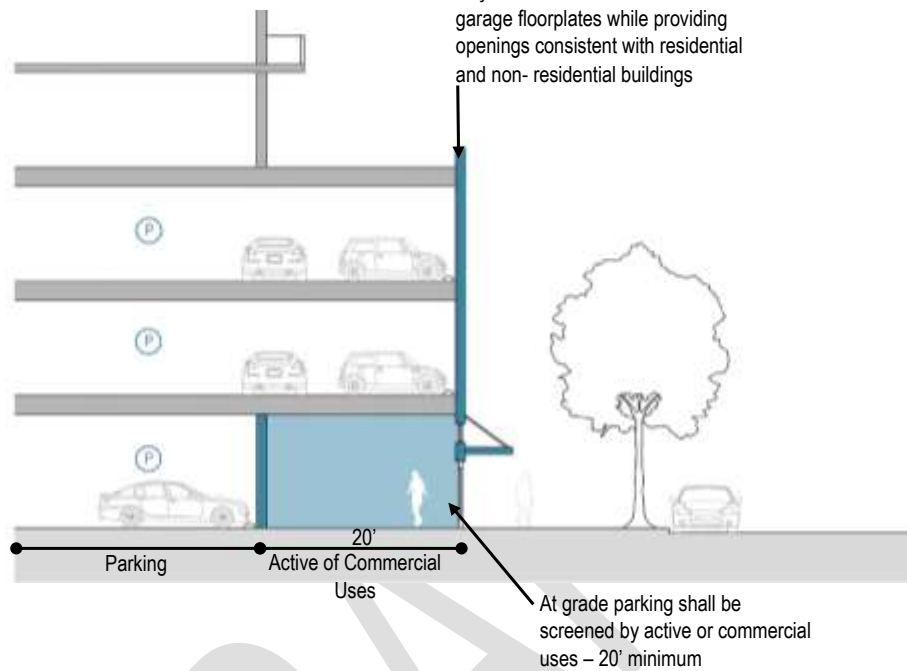
xi. Sill heights and parapets should be sufficient to screen view of automobiles; and

xii. Rhythm and spacing of openings should reflect a typical commercial or residential development.

Commented [BT(177)]: Included in 4.26.17 packet. Reprinted in 5.10.17 packet.



PART 20.25A Downtown

~~2.16.17 Draft 5.17~~ ~~5.24.17 Consolidated Draft~~

7. Integrate Building Lighting.

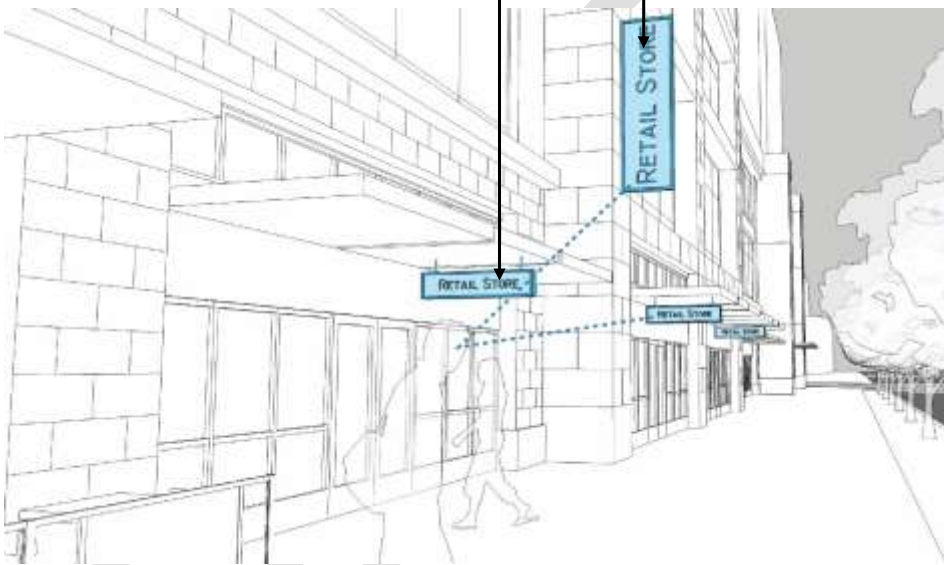
- a. Intent. Architectural lighting that enhances and helps articulate building design, including illumination of architectural features and entries, points of interest, uplighting and other effects.
- b. Guidelines.
 - i. Exterior lighting of buildings should be an integral component of the facade composition. Lighting should be used to create effects of shadow, relief and outline that add visual interest and highlight aspects of the building;
 - ii. Lighting should not cast glare into residential units or onto adjacent development or streets;
 - iii. Use accent lighting for architectural features;
 - iv. Provide pedestrian-oriented lighting features;
 - v. Integrate lighting within the landscape; and
 - vi. Provide dimmable exterior lighting.

PART 20.25A Downtown**2.16.17 Draft 5.17 5.24.17 Consolidated Draft**

8. Signs.

a. Intent. Signs may provide an address, identify a place of business, locate residential buildings or generally offer directions and information. Their function should be architecturally compatible with and contribute to the character of the surrounding area. Signs can contribute significantly to a positive retail and pedestrian environment, improve public safety perceptions, and reinforce a sense of place. All signs shall comply with the Chapter 22.10B, BCC (Sign Code).

Signs should be oriented to pedestrians and visible from the sidewalk

**E. Middle (Tower)**

1. Tower Placement

a. Intent. Tower placement can directly affect those on the ground plane by affecting wind conditions and the scale of the building as compared to the pedestrian. Thoughtful tower placement can minimize these effects.

b. Guidelines.

i. Place towers away from parks, open space, and neighboring properties to reduce visual and physical impacts of the tower and allow the base building to be the primary defining element for the site and adjacent public realm.

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.17-5.24.17 Consolidated Draft

- ii. Coordinate tower placement with other towers on the same block and adjacent blocks to maximize access to sunlight and sky view for surrounding streets, parks, open space, and properties.
2. Maximize energy efficiency in tower orientation and articulation.
 - a. Intent. Tower orientation, articulation and other features should be designed to respond to maximize solar orientation and to reduce mechanical heating and cooling.
 - b. Guidelines.
 - i. Orient towers to improve building energy performance, natural ventilation, and daylighting, provided that access to sky view is maintained and adverse wind and shadow impacts are minimized;
 - ii. Vary the design and articulation of each tower façade to respond to changes in solar orientation. Where appropriate, adjust internal layouts, glazing ratios, balcony placement, fenestration, and other aspects of the tower design to manage passive solar gain and improve building energy performance;
 - iii. Where possible, include operable windows to provide natural ventilation and help reduce mechanical heating and cooling requirements; and
 - iv. When multiple towers are proposed, stagger the tower heights to create visual interest within the skyline, mitigate wind, and improve access to sunlight and sky view. In general, variation of five stories or more provides a difference in height that can be perceived at street level.
 3. Design tower to provide visual interest and articulation.
 - a. Intent. Tower design should incorporate articulation, design excellence, and sustainable materials.
 - b. Guidelines.
 - i. Incorporate variation and articulation in the design of each tower façade to provide visual interest and to respond to design opportunities and different conditions within the adjacent context; and
 - ii. Articulate tall building towers with high-quality, sustainable materials and finishes to promote design excellence, innovation, and building longevity.
 4. Design towers to accommodate changing occupancy requirements.
 - a. Intent. Flexible floor plate and internal layout design features in towers will accommodate changing occupancy requirements.
 - b. Guideline. Where possible, provide internal flexibility within the tower to accommodate changing floor layouts and uses over time. In residential and mixed-use buildings, the inclusion of "break-out" panels or other relevant construction techniques are encouraged to allow residential units to be converted or combined to meet changing occupancy requirements.

PART 20.25A Downtown~~2.16.17 Draft~~ 5.5.17 - 5.24.17 Consolidated Draft

5. Promote Visually Interesting Upper Floor Residential Windows.
 - a. Intent. Upper floor residential windows should create an open and inviting atmosphere that adds visual interest and enhances the experience of the building both inside and out.
 - b. Guidelines.
 - i. The windows of a residential building should be pleasing and coherent. Their size and detailing should be of a human scale with regular spacing and a rhythm of similarly shaped windows;
 - ii. Windows should have multiple lights or divisions;
 - iii. Windows should be operable; and
 - iv. Windows should have trim round framed openings and be recessed from the building façade, not flush.

F. Top

1. Create Attractive Building Silhouettes and Rooflines.
 - a. Intent. Building rooflines should enliven the pedestrian experience and provide visual interest with details that create dynamic and distinct forms.
 - b. Guidelines.
 - i. Building rooflines should be dynamic, fluid, and well-articulated to exhibit design excellence while creating a dynamic and attractive skyline;
 - ii. Include towers or similar vertical architectural expressions of important building functions such as entries;
 - iii. Vary roof line heights; and
 - iv. Incorporate well-detailed cornices that have significant proportions (height and depth) and create visual interest and shadow lines.
2. Foster Attractive Rooftops.
 - a. Intent. Integrate rooftop elements into the building design.
 - b. Guidelines.
 - i. Roof shape, surface materials, colors, and penthouse functions should all be integrated into the overall building design. LUC 20.25A.130 provides guidance for rooftop mechanical equipment;
 - ii. Provide rooftop terraces, gardens, and open spaces;
 - iii. Incorporate green roofs that reduce stormwater runoff; and

PART 20.25A Downtown

~~2.16.17 Draft~~ 5.5.17 - 5.24.17 Consolidated Draft

- iv. Consolidate and screen mechanical units.
- v. Occupied rooftop amenity areas are encouraged provided that potential noise and light impacts on neighboring developments are minimized.

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20.25A.180 147



Planning Commission

Draft Outline

TRANSMITTAL

DATE: May __, 2017

TO: Mayor Stokes and Members of the City Council

FROM: Chair deVadoss and Members of the Planning Commission

SUBJECT: Land Use Code Amendment – Downtown Livability Land Use Code Amendment, File No. 12-127731-AD and 15-123469

I. INTRODUCTION AND SUMMARY OF PLANNING COMMISSION’S RECOMMENDATION

II. BACKGROUND

A. City Council’s 12 Guiding Principles & Overview of How the Updated Land Use Code will Enhance Downtown Livability

B. Planning Commission Process

1. Downtown Livability CAC’s Report referred to Planning Commission by City Council
2. Planning Commission held 7 meetings in 2015
3. Early Wins were transmitted to Council on January 26, 2016. Adopted by Council on March 7, 2016. Substance of the Early Wins included:
 - a. Updates to the Downtown Use Charts
 - b. Signage for Public Spaces
 - c. Mechanical Screening and Location
 - d. Landscaping Amendments.
 - e. Weather Protection
 - f. Extension of the Major Pedestrian Corridor to 112th Avenue NE
 - g. New definition of Downtown Boundary to align with the boundary changes in the Comprehensive Plan Update
4. The rest of the Downtown Code was considered by the Planning Commission throughout 2016 and 2017 in 20 study sessions and 1 public hearing. The Planning Commission discussed all of the topics on which the CAC provided recommendations, except the Pedestrian Corridor because the Pedestrian Corridor would be included in the ongoing Wilburton / Grand Connection work. Additional detail provided in Section V.

III. PROPOSAL

A. Subjects Reviewed by the Planning Commission

The proposed regulations are intended to follow the CAC's recommendations to make Downtown more livable. The following topics in this Land Use Code Amendment (LUCA) were addressed by the Planning Commission:

1. Reorganization of the Downtown Code for clarity;
2. Departures;
3. Minor Amendments to the Land Use Charts;
4. Dimensional Charts;
5. Amenity Incentive System;
6. Parking Standards;
7. Street Tree, Landscaping, and Sidewalk Requirements;
8. The Green Factor;
9. Neighborhood Specific Standards; and
10. Design Guidelines.

Each of these subjects were reviewed by the Planning Commission, along with the subtopics within each of the above topics.

B. Amendment Description

The draft Downtown Land Use Code Amendments are included in Attachment B. The amendments are organized by code citation.

1. Code Reorganization. The code is reorganized by:

- Land Use District Classification;
- Perimeter Overlay Districts;
- Neighborhoods;
- Right-of-Way Designations; and
- The Pedestrian Corridor.

2. 20.25A.010 General

3. 20.25A.020 Definitions

4. 20.25A.030 Review Required

This provision includes Master Development Plans, Design Reviews, Administrative and City Council Departures.

4. 20.25A.040 Nonconforming Uses, Structures and Sites

5. 20.25A.050 Use Charts

Very little changed here since the Early Wins. One footnote in the residential chart allows Congregate Care Senior Housing to have 40 percent nursing home use, assisted

living use, or a combination of both uses. Transient lodging has been added to the residential use chart and will require a conditional use permit in all Downtown districts.

6. 20.25A.060. A.2 and A.3 District and Perimeter Overlay Maps.

The zoning and Perimeter Overlay District Maps have changed from the current maps.

7. 20.25A.060.A.4 Dimensional Requirements in Downtown Districts

Includes new dimensions such as:

- Minimum Tower Setback above 80 Feet Where the Building Exceeds 100 Feet.
- Tower Separation Above 80 Feet Where Building Exceeds 100 Feet
- Base Building Height
- Trigger for Additional Height.

8. 20.25A.060.B Exceptions to the Dimensional Chart

- Floor Plate Exceptions
- Intrusions into Setbacks and Stepbacks
- Mechanical Equipment Height

9. 20.25A.070 Amenity Incentive System and Floor Area Ratio

- General Provisions
- FAR Exemption for Active Uses on Ground Floor Level (1.0 FAR) and Upper Level (0.5 FAR)
- Special Dedication for RLRT
- Conversions for previously approved retail space to “Active Use”
- Participation in system is by neighborhood.
- Amenities are:
 - Major Pedestrian Corridor and Major Public Open Space
 - Outdoor Plaza
 - Donation of Park Property
 - Enhanced Streetscape
 - Active Recreation Area
 - Enclosed Plaza
 - Alleys with Addresses
 - Freestanding Canopies at street corners and transit stops
 - Pedestrian Bridges
 - Performing Arts Space
 - Public Art
 - Water Feature
 - Historic Preservation of Physical Sites/Buildings
 - Historic and Cultural Resources Documentation
 - Neighborhood Serving Uses
 - Sustainability Certification
 - Flexible Amenity
- Amount of bonus floor area earned must be recorded.
- Use of floor area earned from Pedestrian Corridor or Major Public Open Space may be used Downtown between Bellevue Way, 112th Ave. NE, NE 4th St. and NE 8th St.
- Periodic Review 5-7 years
- Annual Report with Measurable Standards.

10. 20.25A.075 Downtown Tower Requirements

- Requirements for Additional Heights - Floorplates above trigger for additional height must be reduced by 10 percent.
- Required Tower Separation-60 feet with a modification available down to 20 feet.
- Upper Level Stepbacks - 15 or 20 feet in the Downtown Core and on the

Perimeter between 25 feet and the first floor plate above 40 feet. Provides modifications.

11. 20.25A.080 Parking Standards

Parking Standards remained the same except that it adds visitor parking for residential buildings at a rate of 1 stall per 20 units. Adds required bicycle parking. Requires 8 feet for parking structure entries instead of 7.5 feet to accommodate accessible van parking. With respect to Shared Parking, the Planning Commission recommends that any request for reduced parking be accompanied with a parking study by a traffic engineer.

12. 20.25A.090 Street and Pedestrian Circulation Standards

- Walkways and Sidewalks- New sidewalk widths were added to the code.
- Planter Strips and Tree Pits remained the same as in the Early Wins.
- The Major Pedestrian Corridor remained the same in anticipation of the Grand Connection work that will be completed in the near future.
- Development in the Downtown Core that is built to base FAR must provide a minor publicly accessible space with a legal agreement that provides for public access.

13. 20.25A.100 Downtown Pedestrian Bridges

No substantive changes

14. 20.25A.110 Landscape Development

- Street Trees remained the same except that a departure was written in for species that are unavailable.
- On-site landscaping-Vehicular access provisions were deleted because it was no longer necessary.
- Linear Buffer- Linear buffer no longer required in Perimeter Overlay District A-3 because it is across Main Street from the proposed Portal Park.

15. 20.25A.120 Green and Sustainability Factor

Encourages green and sustainable practices. The factor that each development must reach is 0.3 or 30% of the project limit must be covered with green or sustainable features, except small sites which must reach 0.25 or 25%.

16. 20.25A.130 Mechanical Screening

No substantive changes from the Early Wins.

17. 20.25A.135 Downtown Neighborhood Standards

- Substantially the same as current code.
- Eastside Center, Convention Civic Neighborhood
- Old Bellevue

18. 20.25A.140-180 Downtown Design Guidelines

C. Other Planning Commission Recommendations

1. Affordable Housing – 1.0 FAR exemption with use of the MFTE
2. Comprehensive Parking Study before any changes to the parking provisions in the Downtown Code.
3. Accounting System for in-lieu fees collected for amenities
4. Park Impact Fees should be considered

IV. STATE ENVIRONMENTAL POLICY ACT

The Environmental Coordinator for City of Bellevue has determined that this proposal will not result in any probable, significant the, adverse environmental impacts. A Determination of Non-Significance (DNS) was issued February 16, 2016.

V. PUBLIC NOTICE, PARTICIPATION, COMMENT, AND RESPONSE

A. Notice of Public Hearing. Notice of the Public Hearing was published on February 16, 2016, and the hearing was held before the Planning Commission on March 8, 2017.

B. Notice to the Department of Commerce. Pursuant to the Washington State Growth Management Act, state agencies must be given 60 days to review and comment on proposed amendments to the Land Use Code. A copy of the proposed amendments was provided to state agencies on May 8, 2017. Council may take final action 60 days after May 8, 2017 or July 6, 2017.

C. Participation, Comment, and Response

The Planning Commission considered public testimony and written comment which are summarized in the Staff Report and Planning Commission minutes. Many developers commented on heights, FAR, and tower separation. Developers advocated for base FAR to be 90% of the new maximum rather than the current maximum. Many Downtown residents opposed height increases, especially where their view would be impacted. They cited traffic concerns and gridlock as support for their position. Residents of areas on the outer boundaries of Downtown advocated for a gentle transition to the residential neighborhoods adjacent to Downtown.

VI. APPLICABLE DECISION CRITERIA – LAND USE CODE PART 20.30J

LUC 20.30J.135 provides the decision criteria for amendments to the text of the Land Use Code:

- A. The amendment is consistent with the Comprehensive Plan;
- B. The amendment enhances the public health, safety or welfare; and
- C. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.

The Planning Commission finds that the recommended Downtown Land Use Code Amendments comply with the requirements for code amendment as provide in the Land Use Code.

RECOMMENDATION

The Planning Commission recommends by a majority vote that the City Council APPROVE the proposed Downtown Livability Land Use Code Amendment as set forth in Attachments B.

Attachments (Corresponds with Agenda Memo attachments, subject to change):

- A. Planning Commission Transmittal
 - A.1. Map
 - A.2. Staff Report
- B. Proposed Downtown Livability Ordinance, LUC 20.25A

EXCERPT FROM PUBLIC HEARING STAFF REPORT - MARCH 8, 2017

How is Livability advanced by the Downtown Code update?

The Downtown LUC Update is part of a larger livability package. The LUC Update does not represent all the action items that came out of the Downtown Livability Initiative, but it is an essential part. The Comprehensive Plan, and the Downtown Subarea Plan contained within the Comprehensive Plan, provide the guiding policies for this LUC Update. The Downtown Subarea Plan states that the Downtown must be viable, livable, memorable, and accessible. The LUC Update is intended to make subtle changes to the current regulatory structure that can make a huge difference in the quality of place—a place that feels cold, unsafe and place-less versus a place that feels warm, safe and rich in character. The draft Downtown Livability LUC Update currently before the Planning Commission for review, together with the prior Early Wins Amendment that was adopted by Council in March 2016, contribute to the broader Downtown Livability Initiative objectives that are summarized below.

Walkability

- Increase the width of sidewalks required on multiple streets.
- Improve through-block connections for pedestrians to navigate the Downtown on foot.
- Improve street-edge pedestrian conditions that promote visual interest, pedestrian-scaled lighting and signage, pedestrian amenities, enhanced/active streetscapes, and integration of artistic elements.
- Expand weather protection to enhance year round pedestrian comfort.
- Accommodate additional capital improvements identified as part of companion Downtown Transportation Plan.

Neighborhood Character

- Reinforce key elements of unique Downtown neighborhood character.
- Tailor open space amenities to align with neighborhood needs.

Urban Form, Light and Air

- Enhance access to light and air between towers with separation between towers and ground level open spaces.
- Expand variability in the built environment.
- Enhance skyline form and memorability.
- Improve building form to avoid blocky and homogeneous character of buildings.

Transition Between Downtown and Adjoining Neighborhoods

- Retain graceful transitions between urban forms of the Downtown and adjacent lower intensity neighborhoods.
- Reinforce pedestrian connections between Downtown and adjacent areas.
- Focus on gateways into and out of the Downtown to reinforce transitions.

Downtown Amenities

- Improve relationship of amenities to Downtown neighborhood character.
- Update economics based on market realities to ensure incentives are used and achieve intended outcomes.

More Green and Sustainable Downtown

- Enhance focus on sustainability and ecological performance in the development of buildings and sites throughout Downtown (to ensure a softer and more sustainable environment).
- Increase green features in the pedestrian realm – planter strips and tree pits, green walls, open space.

Accessibility

- Improve accessibility for all residents and visitors to Downtown, including improved accessibility for vans/cars in parking areas and for mobility-impaired pedestrians.

Mixed Use Downtown

- Update code to accommodate the evolving character of uses found in vibrant pedestrian areas (e.g. doggie day cares).
- Level the playing field for nonresidential uses, to ensure that Downtown continues to also serve as a strong office/job center.

Affordable Housing

- Encourage affordable housing through a range of tools (to be further developed with city-wide Affordable Housing Strategy efforts).

Planning for Light Rail Stations

- Improve pedestrian connections around station areas.
- Ensure that the right use and density mix is enabled around stations.
- Enhance flexibility in the calculation of parking ratios to guard against overbuilding while maintaining parking levels essential to accommodate visitors.
- Enhance parking standards to accommodate multimodal commuters in need of supporting infrastructure (e.g., bike facilities).

Flexibility

- Add flexibility to ensure the Code allows for the best and most creative development ideas.

Building Height and Form

- Add height to incent the development of slender buildings that provide greater tower separation and ground-level open space
- Add height to foster the use of distinctive architecture that contributes to a variable and recognizable skyline.
- Add amenities to offset the livability impacts of added building height and density.

Upcoming Planning Commission Meeting Schedule

<u>Mtg</u>	<u>Date</u>	<u>Agenda Item Topic</u>	<u>Priority</u>	<u>Agenda Type</u>	<u>Location</u>
17-10	24-May-17	Downtown Livability Land Use Code	2	Downtown Livability Study Session #6 Post Public Hearing	City Hall
17-11	14-Jun-17	Comprehensive Plan Amendment Cycle Threshold Review	1	Public hearing	City Hall
		Comprehensive Plan Amendment Cycle Threshold Review	2	Study Session to make recommendation to City Council regarding threshold determination for plan amendments in cycle.	
17-12	28-Jun-17	Comprehensive Plan Amendment Cycle Threshold Review	2	Study Session to make recommendation to City Council regarding threshold determination for plan amendments in cycle.	City Hall
17-13	12-Jul-17	Digital Transition	3	Commission get an orientation on digital packets.	City Hall
		Planning Commission Post Retreat - Guiding Principles & Public Engagement	3	Commission reviews current guiding principles and public engagement practices and amends, as needed.	
17-14	26-Jul-17	TBD			
	Summer Break	No meetings will be held in August.			

The Planning Commission will set public hearings, as needed, when the Commission approaches the conclusion of their deliberations.

PLANNING COMMISSION DESK PACKET - CORRESPONDENCE



May 24, 2017

Planning Commission Meeting

Gulledge, Kristin

From: Stu Vander Hoek <stu@vanderhoek.us>
Sent: Wednesday, May 10, 2017 4:26 PM
To: cradford@comcast.net
Cc: Carl Vander Hoek; Helland, Carol; King, Emil A.; PlanningCommission
Subject: Your BDA meeting parking question

Hi Colin,

I'm not sure you got the whole answer to your comment about the Mckee Condo parking situation. Since you said you were living there when you found a fair amount of the parking available, my question is, have you tried to go into their parking garage since you moved out? I don't think you can because it is a controlled access garage for residents only. So, my understanding for about 25 yrs now has been that the developer provided no parking stalls for the commercial tenants in that garage. I believe that is still the case. So if I'm correct, and I believe I am, that commercial space is only being served by city street parking. This is basically the same situation as The Borgata and One Main Condos, in part because new buildings were mistakenly given the 1500 sf parking credit they never should have been given, and Carol Helland admitted was given mistakenly.

My theory is that the 20% parking shared use parking reduction was incorporated back in the 80's because the City was intentional about getting office development going and found that approach as a reasonable way to reduce the construction costs of those early office projects. There was a plan. And maybe it even made sense from a practical standpoint. What got lost years ago was the fact that mixed-use residential buildings all have uses that overlap common hours, and they get a parking reduction, when in fact they should probably be required to provide more parking because of the overlapping hours. That's why we're pushing for "Demand" based parking studies going forward and not just based on the ITE manual or other technical industry information. And it's why we're warning people about where they place their controlled access residential gate before they tenant their commercial space. The new Park 88 project had to move their gate to gain 4 parking stalls, and they will probably have to move it again when the final vacant commercial space gets a tenant. However, I'm pretty sure that space will go unleased for years because if the move the residential gate then that impacts their supply of resident parking. Let's just say they have an issue to deal with down the road.

If you have any questions or I've confused you please let me know. It's difficult being the lone soldiers AGAIN, when I believe we see things very clearly because the parking shortage for overlapping uses all over downtown Bellevue will only grow with more development and allowing those projects to provide at least 20% less parking than their demand. By the way, you didn't mention the Main Street Lofts project, but they only have 19 stalls for all of their commercial space. I'm assuming your parking lot gets poached on by customers going to that project.

Yours,
Stu

Gulledge, Kristin

From: David Tobin <dtobin9879@aol.com>
Sent: Wednesday, May 10, 2017 4:48 PM
To: <wherman@moosewiz.com>
Cc: PlanningCommission; Council
Subject: Re: How dark is our park?

I strongly oppose any increases in building heights in downtown Bellevue regardless of whether or not they are skinnier!

Sent from my iPhone

On May 8, 2017, at 4:06 PM, william.j.herman@gmail.com wrote:

How Dark is our Park?

Tall buildings north of 4th Street shadow the north quarter of the Downtown Park in the morning. Do we want to increase building heights south of 4th and shadow the entire park?

Attend the meeting at City Hall Room 1E-113 on May 10 at 6:30

Reply All to let the planning commission know that you agree.

<image002.jpg>

Up for discussion at this Livability meeting is whether to do added height at all. At the last Planning Commission session we learned that

1. The draft code doesn't specify skinnier buildings, just taller
2. Draft code has "all the costs and likely none of the benefits" of the recommendation
3. No open space will be provided

<image004.png>The draft code will

1. Add more cars to an already bad situation
2. Increase Shadowing and wind tunnel effects
3. Fail to maximize density around the light rail station,
4. Equalization is a disaster (Upzoning commercial development in the MU district brown in the picture)
 - a. Too much traffic - double the density and increasing height by 130% in the Multiuse district will crush traffic where there is no capacity
 - b. Wrong kind of traffic – Commercial buildings add to rush hour traffic, keep commercial buildings close to transportation, not half a mile away
 - c. Shadowing, commercial buildings have twice the floorplate of residential buildings leading to shadows and wind tunnels. The MU is where we should have residential buildings.

Attend the meeting at City Hall Room 1E-113 on May 10 at 6:30

Simply **Reply All** to this Email to let planners know that taller buildings will ruin your enjoyment of the one park we have nearby.

Write to the planningcommission@bellevuewa.gov and council@bellevuewa.gov

Bill

<image005.jpg>

www.L4Bell.org

William J Herman

10700 NE 4th St Unit 3616

Bellevue, WA 98004

bill@l4bell.org

425 467-1264

Gulledge, Kristin

From: Pam Johnston <pamjjo@msn.com>
Sent: Wednesday, May 10, 2017 9:45 PM
To: PlanningCommission
Subject: Fwd: Response: City of Bellevue Public Records Request (2016-167-PRR) / Public Spaces
Attachments: June 8, 2016 Amenity Summary - PRR.PDF; ATT00001.htm; Design Guidelines Audit.pdf; ATT00002.htm

Just checking that you have this

-/pamela Johnston

Begin forwarded message:

From: "KEbner@bellevuewa.gov" <KEbner@bellevuewa.gov>
To: "pamjjo@msn.com" <pamjjo@msn.com>
Cc: "PublicRecords@bellevuewa.gov" <PublicRecords@bellevuewa.gov>
Subject: Response: City of Bellevue Public Records Request (2016-167-PRR) / Public Spaces

Pam,
Attached is a list of Downtown projects that show which received a bonus for public plazas (column 20 on the list) and Pedestrian Corridor/Major Public Open Space (column 8 on the list).

The Spring District is in a different SubArea and not included on this list. Here is the summary for Spring District:

- Spring District/Security Properties Phase I residential under construction ~\$190,000 fee-in-lieu for parks/streams
- Spring District, initial office development to occur ~\$700,000 fee-in-lieu for parks/streams
- A requirement for an approximate 1-acre Spring District Park (which is now built) was included in development agreement with the developer.

Also attached is Land Use Code Audit/Design Guidelines that talks about "mid-block connections" on pages 18-19. These are open to the public and sometimes connect up to plazas. One note is that we now refer to those as "through-block connections".

After reviewing these, please let me know if there is something more specific you are looking for. Please let me know how we can further assist.

Thank you,
Kathy

Katherine A. Ebner
Public Records Officer
City of Bellevue
450 110th Ave NE
Bellevue, WA 98004
(425)452-4283

From: Pam Johnston [<mailto:pamjjo@msn.com>]
Sent: Wednesday, October 19, 2016 1:35 PM
To: Ebner, Katherine <KEbner@bellevuewa.gov>
Cc: PublicRecords <PublicRecords@bellevuewa.gov>
Subject: RE: City of Bellevue Public Records Request (2016-167-PRR) / Public Spaces

Sure. They can call or email.

From: KEbner@bellevuewa.gov [<mailto:KEbner@bellevuewa.gov>]
Sent: Thursday, October 13, 2016 1:03 PM
To: pamjjo@msn.com
Cc: PublicRecords@bellevuewa.gov
Subject: RE: City of Bellevue Public Records Request (2016-167-PRR) / Public Spaces

Pamela,

Thank you for responding. I will forward this to our development services staff. Would you mind if someone from development services contacted you directly via email or phone (425-881-3301)? I'm not sure if they will but sometimes its better for a subject matter expert to contact you directly.

I expect to have a response to you on or about November 3, 2016 (or sooner).

Thank you,

Kathy

Katherine A. Ebner
Public Records Officer
City of Bellevue
450 110th Ave NE
Bellevue, WA 98004
(425)452-4283

From: Pamela Johnston [<mailto:pamjjo@msn.com>]
Sent: Thursday, October 13, 2016 12:51 PM
To: Ebner, Katherine <KEbner@bellevuewa.gov>
Cc: PublicRecords <PublicRecords@bellevuewa.gov>
Subject: RE: City of Bellevue Public Records Request (2016-167-PRR) / Public Spaces

I don't have specific examples but have heard that there are these spaces that are required to be open to the public as part of the development/permit process. I think that they Spring District plaza is one of these. I think some of the downtown passages are like this. I am not looking for normal open areas such as sidewalks. I am looking for area that as part of the permit process were given exceptions or incentives as a trade-off for providing public space. Understanding these spaces and how they are used will be useful for future planning efforts. So, I'm looking for the list that have an public obligation as the result of an incentive or exception.

Thank you.

From: KEbner@bellevuewa.gov [mailto:KEbner@bellevuewa.gov]
Sent: Thursday, October 13, 2016 8:53 AM
To: pamjjo@msn.com; pamjjo@msn.com
Cc: PublicRecords@bellevuewa.gov
Subject: RE: City of Bellevue Public Records Request (2016-167-PRR) / Public Spaces

Good morning,

I know it's only been a couple of days, but I wanted to ensure you received my email and saw that we are requesting additional information.

Please provide some additional information/details so we can begin to identify anything responsive.

Thanks so much!

Kathy

Katherine A. Ebner
Public Records Officer
City of Bellevue
450 110th Ave NE
Bellevue, WA 98004
(425)452-4283

From: Ebner, Katherine
Sent: Monday, October 10, 2016 2:55 PM
To: 'pamjjo@msn.com' <pamjjo@msn.com>
Cc: PublicRecords <PublicRecords@bellevuewa.gov>
Subject: City of Bellevue Public Records Request (2016-167-PRR) / Public Spaces

Hi Pamela,

This e-mail is to confirm that The City of Bellevue has received a Public Records Request from you for information pursuant to the Washington Public Disclosure Act, Ch. 42.56 RCW. Your new Public Disclosure Request file number is 2016-167-PRR, which will help us locate your information if you contact us for an update.

We understand you are interested in reviewing:

-Request for the list of public access spaces on private property. I know that sometimes developers receive variances in return for making space accessible to the public.

-What are those spaces?

-Who maintains the list?

To better assist with your request, can you provide additional details as to what you are looking for? We don't hold a master list of publically accessible spaces but sometime downtown projects have plazas required to be publically accessible or perhaps spaces near parks or lakes that are required to be publically accessible.

If you a location/address or list of locations/addresses in mind, that will help too.

Once I hear back from you I will work with Development Services to identify any responsive records.

Thank you,

Kathy

Katherine A. Ebner
Public Records Officer
City of Bellevue
450 110th Ave NE
Bellevue, WA 98004
(425)452-4283

Current Downtown Incentive Zoning System - Updated Frequency Chart, June 2016

Frequency (out of 44)	Zoning District	Underground Parking (Bonus)	Pedestrian-Oriented Frontage (Basic)	Marquee (Basic)	Residential Use (Bonus)	Plaza (Bonus but Basic on D/R street, nonres building in DT-OLB)	Landscape Area (Bonus)	Landscape Feature (Basic)	Active Recreation Area (Basic in DT-R)	Arcade (Basic)	Above Ground Parking Residential Building (Bonus)	Pedestrian Corridor / Major Public Open Space	Awning (Basic)	Enclosed Plaza (Bonus)	Residential Entry Courtyard (Bonus but Basic on D/R streets residential buildings)	Water Feature (Basic)	Public Meeting Room (Bonus)	Sculpture (Basic)	Nonprofit Social Services (Bonus)	Child Care (Bonus but Basic in DT-R)	Food Retail (Basic in DT-R)	Public Restroom (Bonus)	Performing Arts Space (Bonus)	Donation of Park Land (Bonus)
1	BelleVue Center	X	X	X																				
2	BelleVue Center	X	X	X																				
3	BelleVue Center	X	X	X																				
BAM	BelleVue Towers	X	X	X																				
	BelleVue Towers	X	X	X																				
	City Center I	X	X	X																				
	City Center II	X	X	X																				
	Galena	X	X	X																				
	Lincoln Square 1	X	X	X																				
	Skyline Tower	X	X	X																				
	BelleVue Place	X	X	X																				
	Brazen	X	X	X																				
	The Summit, II	X	X	X																				
	Esplanade Tower 313	X	X	X																				
	Aviation Meydenbauer	X	X	X																				
	Ashwood Commons I	X	X	X																				
	Ashwood Commons II	X	X	X																				
	Aviation Tower	X	X	X																				
	Baker Main	X	X	X																				
	Balfac Center	X	X	X																				
	Chicago	X	X	X																				
	Hyatt Expansion	X	X	X																				
	LHM	X	X	X																				
	Marriott Courtyard	X	X	X																				
	Marriott HE	X	X	X																				
	Metro 112	X	X	X																				
	SOMA I	X	X	X																				
	Washington Square	X	X	X																				
	BelleVue	X	X	X																				
	Palazzo	X	X	X																				
	Alamo Manhattan	X	X	X																				
	Silver Cloud	X	X	X																				
	Ashford/Van Hancock	X	X	X																				
	BRE Ballcourt	X	X	X																				
	The Seasons/Small	X	X	X																				
	One Main	X	X	X																				
	BelleVue Al Main	X	X	X																				
	Main Plaza	X	X	X																				
	Boripath	X	X	X																				
	112th @ 12th	X	X	X																				
	Alley 111 (V&A)	X	X	X																				
	Aviation BelleVue	X	X	X																				
	Finco2 Tower	X	X	X																				
	Park Metro	X	X	X																				



Downtown Livability

DESIGN GUIDELINES

Key policy issue: How should Design Guidelines be refined to improve the livability and character of Downtown?

1. Summary of Code Provisions

The purpose of design guidelines is to influence development to create a functional and aesthetically pleasing Downtown. Land Use Code design guidelines stem from the Comprehensive Plan policy direction summarized in the next section.

In concert with development standards design guidelines are applied through the Land Use administrative Design Review Process. All new development and major remodels in the Downtown are subject to design guidelines. Based on where an individual development may be located, multiple sets of guidelines may apply. For example, a development in Old Bellevue would be regulated by 1) Old Bellevue District, 2) Perimeter Design District, and 3) Building/Sidewalk Relationship Guidelines.

Downtown-wide Guidelines

Design Criteria:

All development in the Downtown is subject to an overarching set of criteria that apply to site design (parking and circulation, wind and sun, open space, and light and glare) and pattern and context (natural setting and topography, landscaping, views, building bulk and height transitions, patterns of activity, and signage). These ensure all developments meet a consistent level of design quality and functionality. (LUC 20.25A.110)

Building/Sidewalk Relationship Guidelines:

Directions on how to relate buildings to sidewalks in order to provide a pedestrian oriented environment. Streets have a hierarchy from "A" (with the highest orientation to pedestrians) to "E" (the lowest orientation to pedestrians). These guidelines are qualitative rather than quantitative measures so that varied and imaginative designs are encouraged. (LUC 20.25A.115)

District-Specific Guidelines

Perimeter Design Districts (on the edges of Downtown adjacent to neighborhoods):

Development standards and design guidelines that provide adjacent residential neighborhoods with a high degree of compatible form and scale from development on Downtown's edges. Elements such

as stepped building heights, building modulation and materials, and landscaping buffers are called for to provide a sensitive transition. (LUC 20.25A.090)

Old Bellevue District:

Reinforce the unique character of Old Bellevue by reflecting the historic façade treatments, and emphasizing pedestrian activity and Downtown living. Heighten the connection to Downtown Park. (LUC 20.25A.070)

Downtown Core Design District:

Specific guidelines ensuring high levels of attractiveness, urbanity, design quality and coordination of development. (LUC 20.25A.100)

Pedestrian Corridor and Major Public Open Space Design Guidelines:

General criteria for pedestrian movement, adjacent uses and structures, activities, and amenities for spaces on the Corridor that are major focal points and public gathering places. (LUC 20.25A.100.E)

Civic Center District:

Specific standards that can accommodate the unique building types and spaces needed for cultural, conference, and exhibition facilities. (LUC 20.25A.065)

2. Current Policy Direction

The Downtown Subarea Plan, Urban Design Element, and Economic Development Element provide policy direction relating to development of functional and aesthetically pleasing Downtown environment. The following is an inventory of relevant policies:

POLICY S-DT-10. Require design review to ensure high quality, aesthetically pleasing Downtown development.

POLICY S-DT-36. Utilize development standards for building bulk, heights, setbacks, landscaping requirements, stepbacks, floor area ratios, open space requirements, and development incentives.

POLICY S-DT-37. Link building intensity to design guidelines relating to building appearance, amenities, pedestrian orientation and connections, impact on adjacent properties, and maintenance of view corridors. These guidelines will seek to enhance the appearance, image, and design character of the Downtown.

POLICY S-DT-38. Minimize the adverse impact of Downtown development on residential neighborhoods with consideration of through-traffic, views, scale, and land use relationships.

POLICY S-DT-39. Utilize a hierarchy of streets to guide right-of-way use in a manner that will promote a safe, attractive environment for both motorized and non-motorized users.

POLICY S-DT-40. Enhance the appearance of all types of streets and adjoining sidewalks with street trees, landscaping, water features, pedestrian scaled lighting, street furniture, paving treatments, medians, or other softening treatments as appropriate.

POLICY S-DT-43. Encourage new development on Main Street in Old Bellevue to embrace the character of the small-scale, pedestrian-friendly street frontage that has developed there over time.

POLICY S-DT-51. Develop a strategy on how to link Downtown together through the use of literal and/or symbolic major design features that vary by district.

POLICY S-DT-55. Utilize design guidelines to help differentiate development within each of the Downtown Districts as they evolve over time.

POLICY ED-18. Encourage high quality design and urban amenities for public and private development, maintaining development standards to recognize that a quality built environment helps attract the talented workers who will sustain economic growth.

POLICY UD-67. Enhance the appearance, image, and design character of the Downtown to be an inspiring place to live, shop, play, and work.

POLICY UD-68. Encourage rooflines which create interesting and distinctive forms against the sky within the Downtown.

POLICY UD-69. Develop a functional and attractive Downtown which is harmonious with adjacent neighborhoods by considering the impacts of through-traffic, views, building scale, and land use.

POLICY UD-70. Use landscaping or greenspace to mitigate the potential impacts on surrounding neighborhoods.

POLICY UD-71. Permit high intensity residential development subject to design criteria which assures a livable urban environment.

POLICY UD-72. Link the increased intensity of development with the increased pedestrian amenities, pedestrian-oriented building design, midblock connections, public spaces, activities, openness, sunlight, and view preservation.

3. Implementation to Date

Downtown-Wide Application of “Design Criteria” (20.25A.110).

The map below identifies developments that have implemented the site and building design components of LUC 20.25A.110. The components that have been addressed include Site Design Criteria (vehicular circulation and parking, pedestrian circulation and amenities, wind and sun, open space, light and glare) and Downtown Patterns and Context (natural setting and topography, landscape design, views, building height and bulk, transitions, patterns of activity, and signage).



FIGURE 1. Developments that have implemented the Downtown design review criteria in 20.25A.110.

Application of "Building/Sidewalk Design Guidelines"

The map below shows the building frontages that have been developed under the existing Building/Sidewalk Design Guidelines. Similar to the preceding map, this conveys the sites that have been developed from the 1981 rezone to the current date. All have gone through the administrative design review process. An evaluation of results is summarized in the following pages.

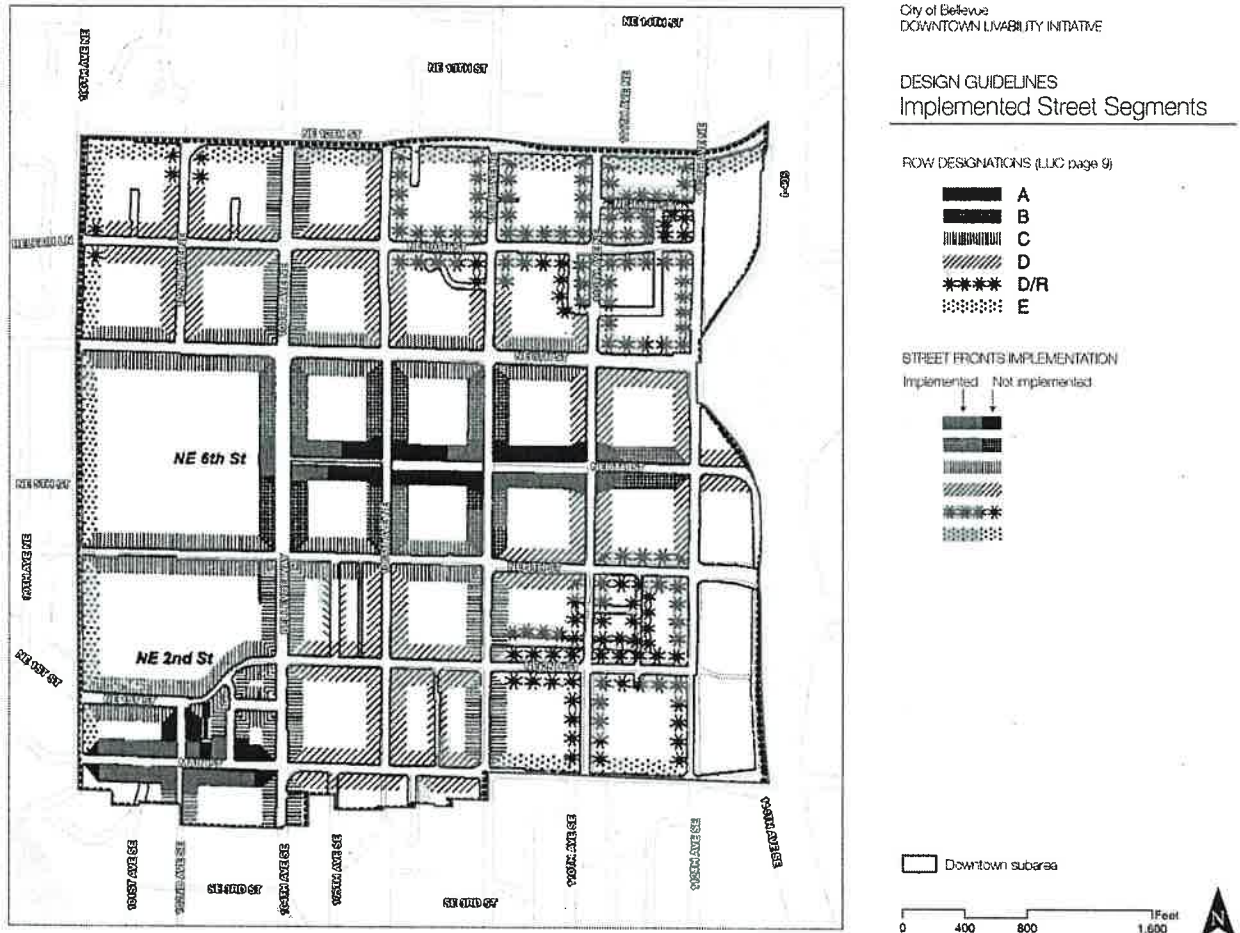


FIGURE 2. Segments shown in red indicate the development frontages that have been implemented since the adoption of the Building/Sidewalk Design Guidelines.

4. Observations

Building Frontages/Sidewalk Relationships

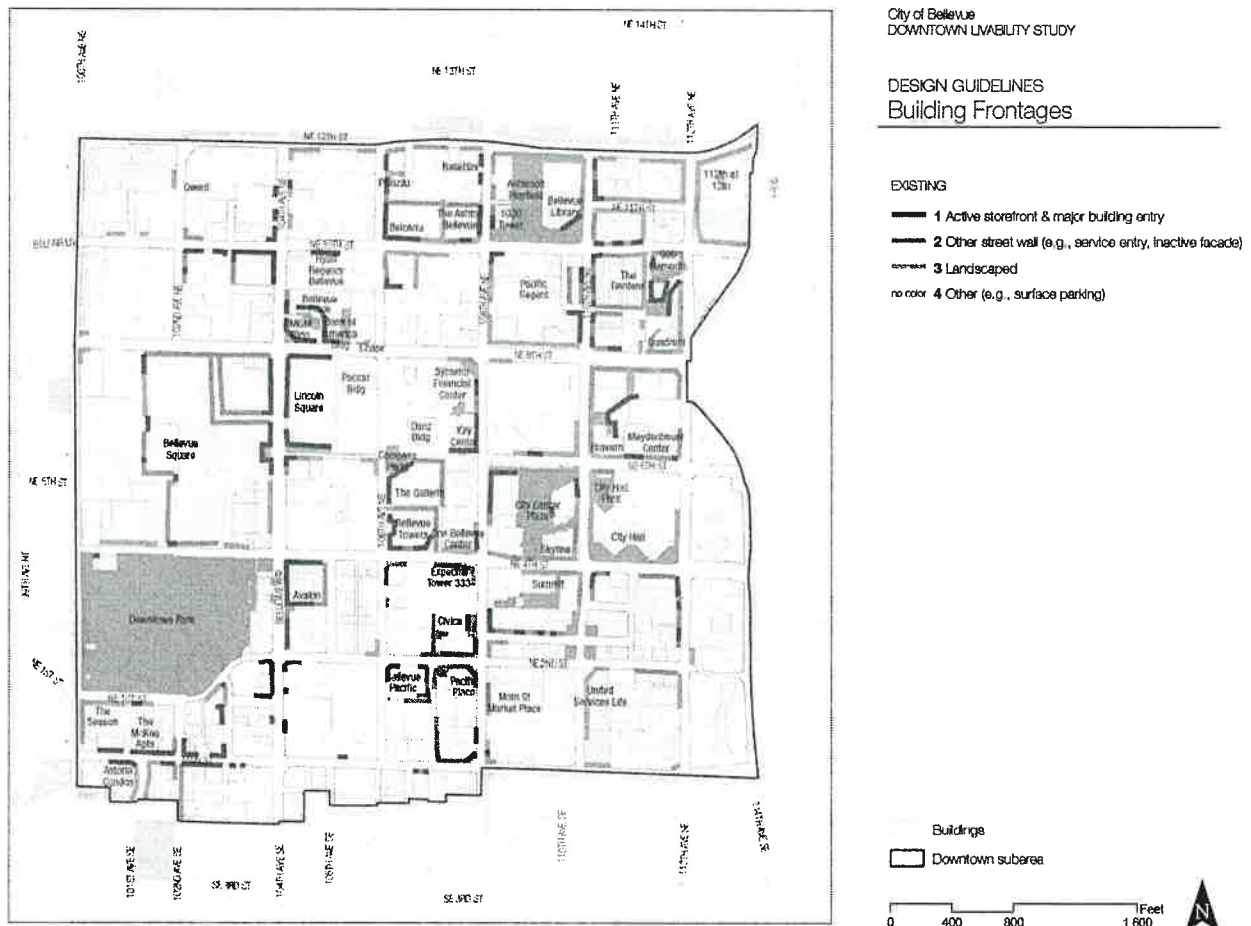


FIGURE 3. The map above illustrates the current pattern of building frontages Downtown, including 1) active storefront/building entries, 2) other (less active) street walls, 3) landscaped frontages, and 4) “other” frontages.

- o **Active storefronts/major building entries.** This includes storefronts with generous transparent window area and direct pedestrian access from the sidewalk. This category also includes frontages including major office building entrances. These frontages are generally consistent with Right-of-Way Types A, B, and C in the Building/Sidewalk Relationship Design Guidelines. These most intensive pedestrian-oriented frontages are clustered along Bellevue Way near Bellevue Square and on Main Street in Old Bellevue.
- o **Other (less active) street walls.** This includes street wall frontages that generally aren’t storefronts. Examples include frontages with vehicle entrances, service elements, blank walls, and display or store window frontages, but featuring no direct pedestrian access. In other words, they function as secondary/service frontages. They are most similar to the Right-of-Way Type D in the Building/Sidewalk Relationship Design Guidelines.

- **Landscaped frontages.** This includes residential frontages with various landscaping features and other frontages that include generous landscaped elements between the sidewalk and the building. These frontages are most similar to Right-of-Way Types D/R and E in the Building/Sidewalk Relationship Design Guidelines.
- **Other frontages.** This includes all other frontages that don't fit any of the categories above. This is mostly frontages with older development built over twenty years ago and containing surface parking lots along street frontages.

What's working well?

- The quality of downtown's streetscape environment is improving with nearly every new development.
- For the most part, frontages include generous sidewalk widths and attractive landscaping.
- Way-finding signs are attractive and useful.
- For most retail frontages, there is adequate window transparency.
- Frontages integrate a diversity of interesting architectural styles and detailing.
- Generous floor to ceiling heights are present for ground floor commercial uses (particularly the newer commercial spaces).
- While not all ground floor storefront space is leased or occupied by active uses, the existence of these spaces offers opportunities for additional active uses in the future.
- Most buildings are integrating design details that add interest and character at the pedestrian scale.
- Developments are integrating attractive landscaped frontages (with ground floor residential or other non-retail frontages). The quality of landscaping elements appears to be improving over time with newer projects.
- More projects are providing extra space for outdoor dining (the wide sidewalk spaces in front of Purple and Lot 3 are notable examples).
- Most projects have effectively minimized negative impacts of parking garage entrances.
- Most projects have been successful in mitigating negative impacts of blank walls, service elements, and adjacent structured parking elements on the streetscape environment.



FIGURE 4. Avalon Towers at Bellevue Way and NE 10th and Washington Square at 106th and NE 9th provide intermittent weather protection. Avalon Towers' above grade parking is well concealed. Washington Square uses extra wide sidewalk well for outdoor dining.



FIGURE 5. Lincoln Square and Old Bellevue provide very different yet rich pedestrian environments through materials, landscaping, weather protection, visual access into businesses and a variety of signage.



FIGURE 6. Washington Square townhouses provide landscaping and "eyes on the street".

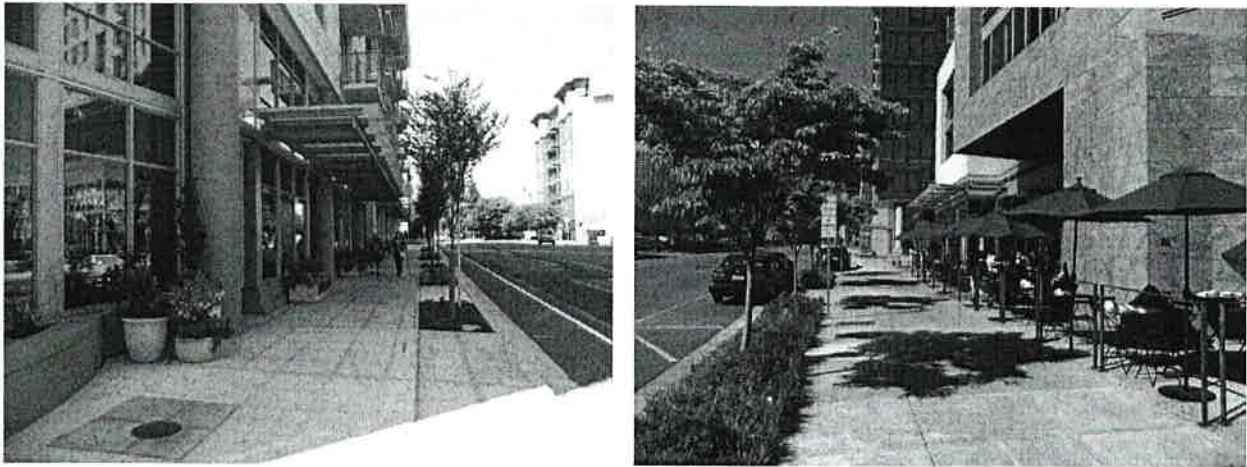


FIGURE 7. The Ashton on 108th provides good visibility into the building as well as weather protection and adds texture and urban scale to Ashwood. Bellevue Towers (right) uses additional sidewalk width well for outdoor dining. This streetscape is relatively successful with on-street parking, planting, and activity.



FIGURE 8. The Elements' 112th frontage to the left uses terraced landscape beds. The Bravern's NE 6th frontage to the right uses a combination of low and terraced planting walls and street level commercial space.

Room for improvement

- Sidewalk widths along some key streets are narrow (e.g. parts of Bellevue Way and other streets with high traffic volumes and no on-street parking). NOTE: The Downtown Transportation Plan update has recommended a number of sidewalk width increases.
- Weather protection is discontinuous. Completed developments are often not providing enough weather protection coverage to protect pedestrians – both in terms of width and extent (see images below).
- Blank walls are found on a number of frontages. Current provisions do not define a blank wall and do not address treatments to mitigate such walls. In terms of completed development, the biggest challenges have been in areas with grade changes – where there are transparent window areas well above eye level height, but the areas below are largely blank and detract from the overall pedestrian environment (see images below).

- Internal connections (through-block connections) are present but lacking important pedestrian qualities in many cases. These should consider appropriate levels of transparency/visibility, accessibility of pathway, privacy of adjacent uses, views, and adaptability of the connection and adjacent uses over time. (See section below on this issue.)
- Frontages could be improved in a number of cases with:
 - Better detailing/high quality materials
 - More permeability
 - Better treatment/integration of services/utilities
- Updated Building/Sidewalk Relationship Design Guidelines could enhance the character and cohesiveness of individual neighborhoods within Downtown, make building facades and frontages more attractive and friendly to pedestrians, and mitigate impacts of service elements, blank walls and vehicular access elements.
- The map of frontage/right-of-way designations should be updated to reflect evolving conditions and goals within the various districts of Downtown. For example, consider designation changes around the planned light rail station area. (See Light Rail Integration.)

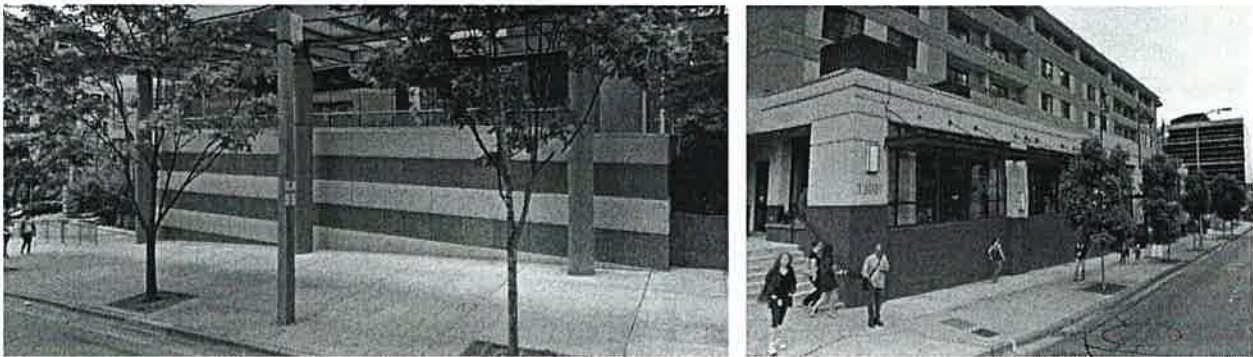


FIGURE 9. These large blank walls detract from the pedestrian environment along their respective NE 4th and 8th Street frontages. Both projects included sloping frontages, which presented obvious challenges.

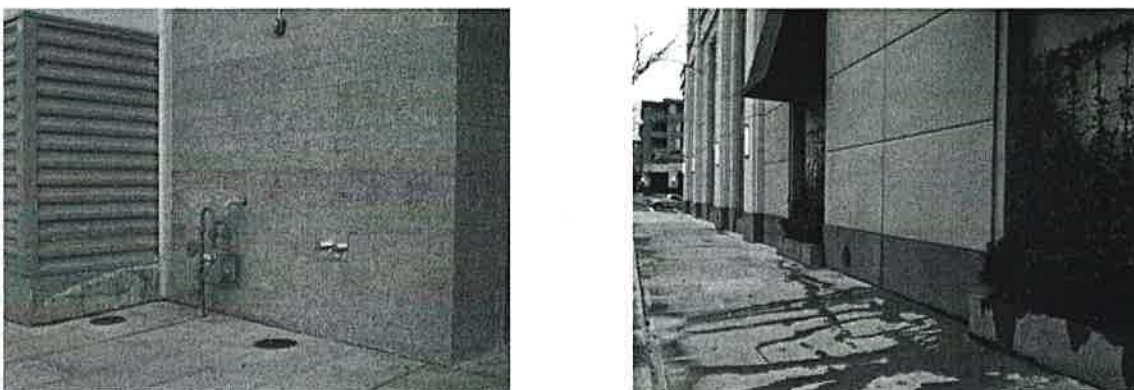


FIGURE 10. Other blank wall within Downtown. The image to the left is Gregg's Bicycle Shop along Bellevue Way (a narrow landscaped planter would have helped). The Bravern's 110th Avenue NE frontage included landscaped trellises and some small window displays, but some sizable blank walls remain.

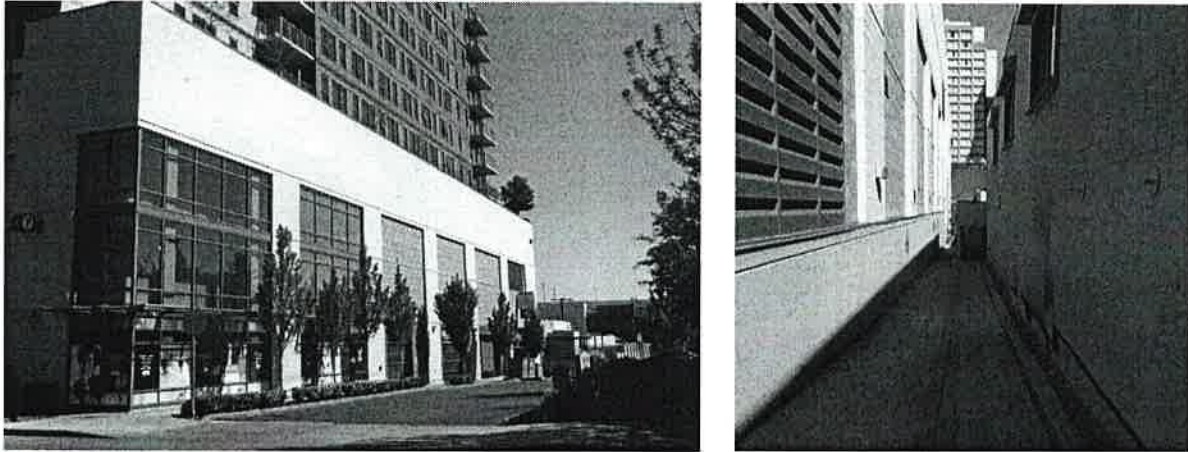


FIGURE 11. Consider frontage standards for some or all internal connections. Avalon Tower's 103rd Avenue NE frontage (not a public right-of-way) integrates some storefront space along with their parking garage entrances (design mostly good). At the southern edge of the site is a narrow space for a through block pedestrian connection – but it's cold and stark.

Building Materials

What's working well?

- While the Land Use Code and related Sidewalk/Building Relationship Design Guidelines offer minimal guidance on the use of materials, many Downtown buildings employ attractive and durable materials that add visual interest at the full range of visible scales,

Room for improvement

- Some buildings (notably mid-rise residential and mixed-use buildings) are utilizing lower durability materials, such as exterior insulation and finishing system (EIFS), which is a lightweight synthetic wall cladding, as the primary exterior cladding material. This material can be particularly brittle on the ground level along storefronts, and is often susceptible to water damage and staining over time. Below are some buildings using EIFS.
- The use of concrete blocks and metal paneling as a primary façade material also warrants some discussion as to whether it conveys an appropriate sense of quality, durability, and permanence (examples shown below).

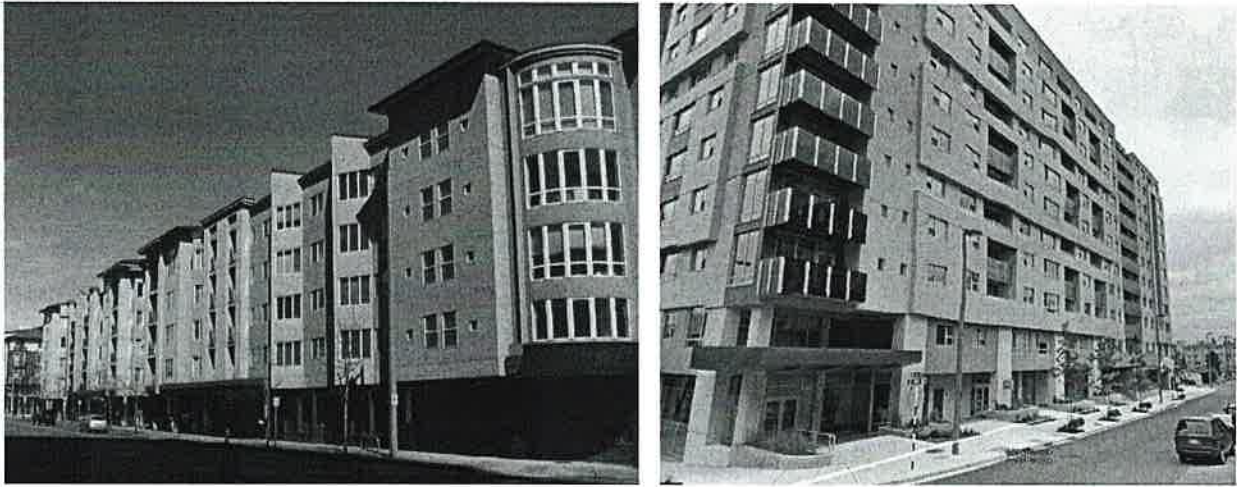


FIGURE 12. EIFS cladding examples. Integrating multiple colors and details (right example – M112 Apartments) plus façade articulation elements helps (but durability issues remain).

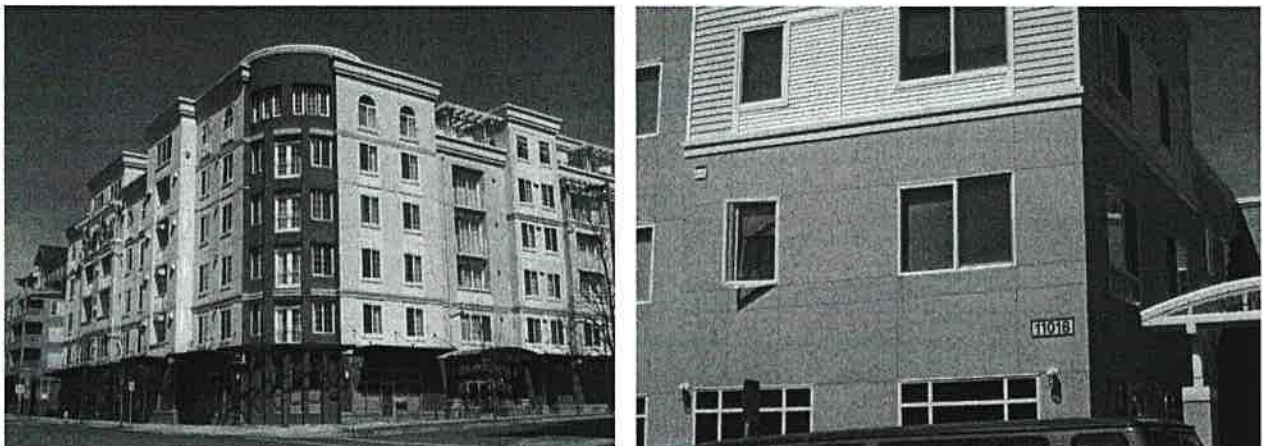


FIGURE 13. Other EIFS examples Downtown. Note the different ways that the material is employed in these buildings (different detailing, colors, mixed with other materials, etc.).



FIGURE 14. The use of concrete block (both images) and metal siding (left image, upper floors) also warrants discussion.

Rooftop Design

What's working well?

- Several rooftops in Downtown Bellevue towers have been successful in sculpting penthouses and mechanical equipment screening to add interest and/or create a visual terminus (e.g. Bellevue Towers).
- Some newer buildings have integrated green roof elements (e.g. Bellevue Towers, Avalon Towers).
- An occasional building features a dramatic statement (e.g. the shed roof and sculpted form of the Elements apartment tower).

Room for improvement

- Most tower rooftops are of basic utilitarian design, and are not contributing greatly toward a memorable Downtown skyline. There is room for improvement in the quality of rooftop design, through more emphasis on:
 - Creating interesting design elements that contribute to Downtown's skyline
 - Designing rooftops that are attractive when seen from other nearby taller buildings, including views from upper levels looking down onto rooftops
 - Providing design features and special definition that gracefully screen rooftop mechanical equipment
 - Integrating sustainable design features such as green roofs or solar panels
 - Incorporating useable space on rooftops



FIGURE 15. Downtown's skyline, when viewed from a distance, lacks much visual interest in terms of rooftop forms.

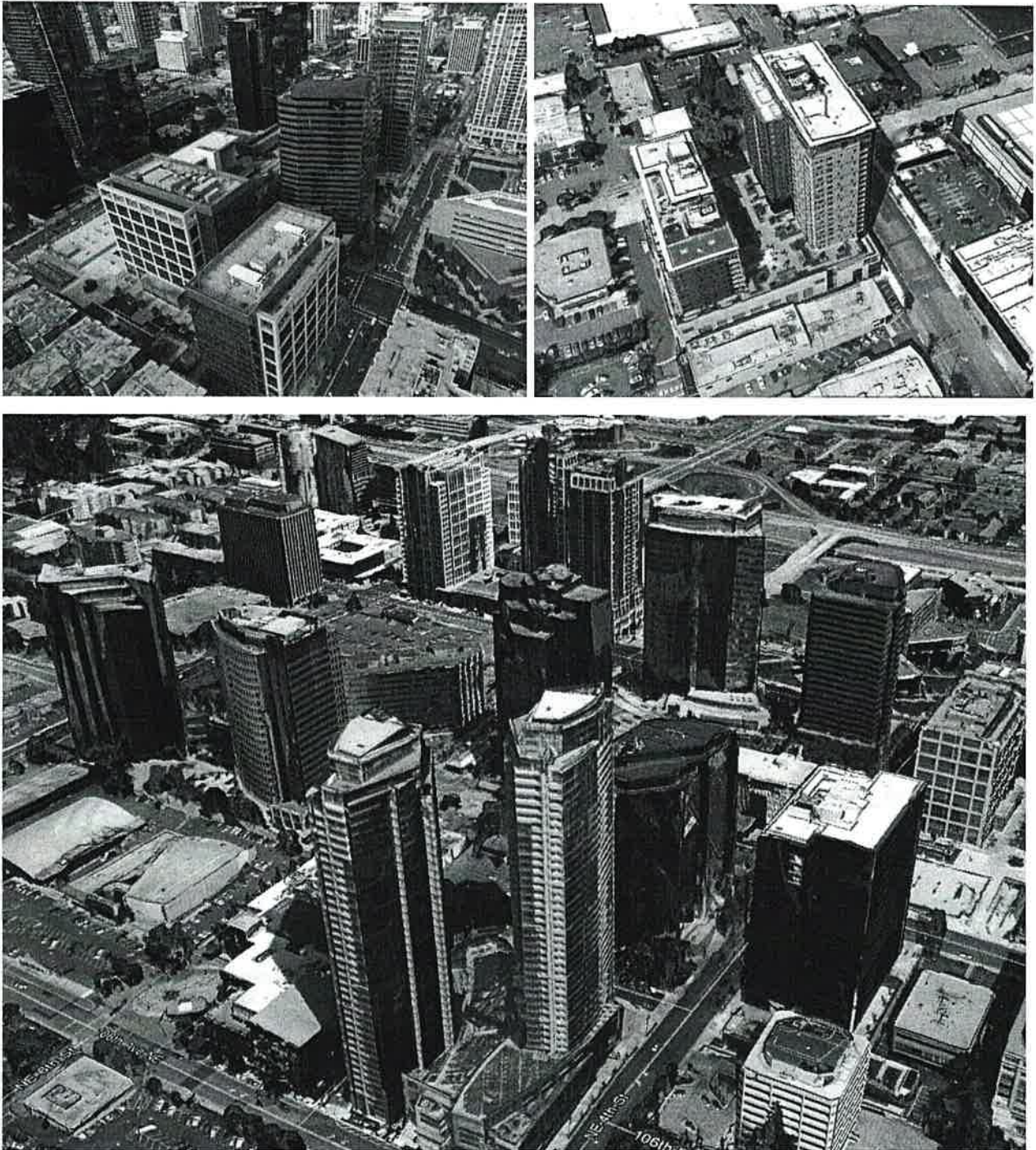


FIGURE 16. Most rooftops in Downtown's towers feature basic utilitarian designs that screen the rooftop. The Summit Buildings (upper left) are an example of this. Other buildings have been more successful in sculpting penthouses and mechanical equipment screening elements to add interest and/or create a visual terminus to the building (Bellevue Towers are a good example). Also, only two of the newer buildings have integrated green roof elements (Avalon Towers, upper right, and Bellevue Towers, center bottom image).

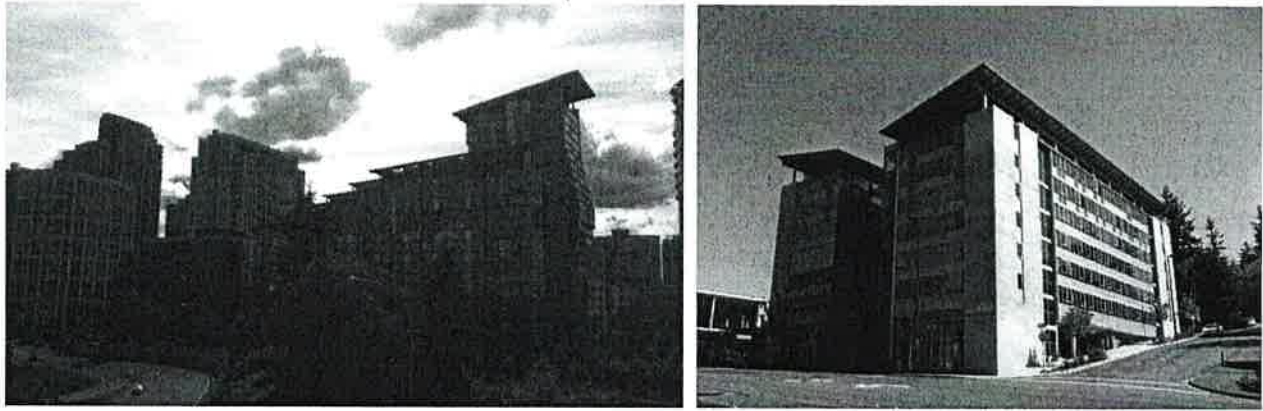


FIGURE 17. The Elements (right side of left image) and Soma (right) have added dramatic shed roof forms as functional elements (screening mechanical equipment and/or resident amenity area).

Façade Treatment

What's working well?

- There are many examples of Downtown buildings that have integrated design features to break down the scale of large walls and create a more visually interesting and human-scaled facade. Many buildings have integrated attractive human scaled design details.

Room for improvement

- **Façade details:** Some building facades are lacking in human-scaled details that add character to the building and the streetscape. In these cases, factors such as more variation in materials, colors, textures, use of fenestration (windows) and weather protection features could be used more effectively to add visual interest and character.
- **Façade articulation:** The existing standards include minimal attention and guidance on the articulation of facades to mitigate impacts of large buildings. While most recent developments have been successful in articulating facades to add character and visual interest, there are a number of buildings that warrant additional treatments. See images below for examples.



FIGURE 18. The Oakwood Apartment Building includes small scale articulation techniques, but when viewed down the street, these treatments are less effective at adding interest and breaking up the monotony of the façade. More substantial articulation features (such as height variation, greater façade stepbacks, major fenestration/material changes) near the middle of this façade would have helped. Also Marriott Courtyard's flat upper level facades could have used some design features to break up the massing and add interest.



FIGURE 19. The Ashton Tower complex (left) uses fenestration, material, and color changes to break up the massing and add interest to its façade along 108th Avenue NE. The building on Main Street (right) effectively uses a break in its lower floors at the residential building entry to add interest and reduce the perceived bulk of the building.



FIGURE 20. Both of these wide buildings could have used design elements to more effectively break up the massing and add interest. Avalon Towers (left) could have used features both to break up its Bellevue Way base (lower floors) and its tower. The M112 building incorporated color changes and other small scale articulation features, but the façade in this view still comes across as very flat.

Pedestrian Circulation/Mid-block Connections

What’s working well?

- Over the past twenty years, an attractive network of internal pedestrian connections has been developed within Downtown. The design quality of these connections appears to be improving with nearly each new development project – in terms of visual interest, materials, accessibility, and integration with surrounding development. The phasing of new development, diverse terrain, integration of parking and service elements, and visibility and accessibility of these spaces are the most notable challenges for these connections.
- However, there are a number of excellent examples to draw from in addressing these challenges. The Civica development preserved a connection on the western edge of the property at ground level. The walkway is well landscaped, but includes a sign noting, for now, that it is a future pedestrian connection, to be completed in conjunction with future surrounding development. Future connections in adjacent development will open up the walkway and can provide improved visibility and accessibility to the walkway.

Use of the term “mid-block connection”

Internal pedestrian connections within the interior of blocks are called “mid-block connections” by Bellevue Code. These are not to be confused with the term “mid-block crossings” which refers to pedestrian crossings of streets between superblock intersections.



FIGURE 21. Examples of internal pedestrian corridors – most (not all) qualifying for density bonuses.

- The Symetra and Key Center Towers are other good examples. The Symetra Tower (1986) incorporated walkways around the backside of the building (accessible from surrounding streets) connecting a relatively large plaza space. With a significant slope difference running east-west, the internal plaza is 2-3 floors above the property to the west. The Key Center Tower, built in 2000, was designed to integrate well with the Symetra Tower, expanding on the internal plaza area and extending the network of internal pathways.
- Of course, universal access (ADA) and security are critical mid-block connection design concerns. Generally speaking it appears that these criteria are being adequately addressed. However, it may be useful to ensure that they are barrier free and that Crime Prevention Through Environmental Design (CPTED) techniques are employed to the fullest extent in the design guidelines.

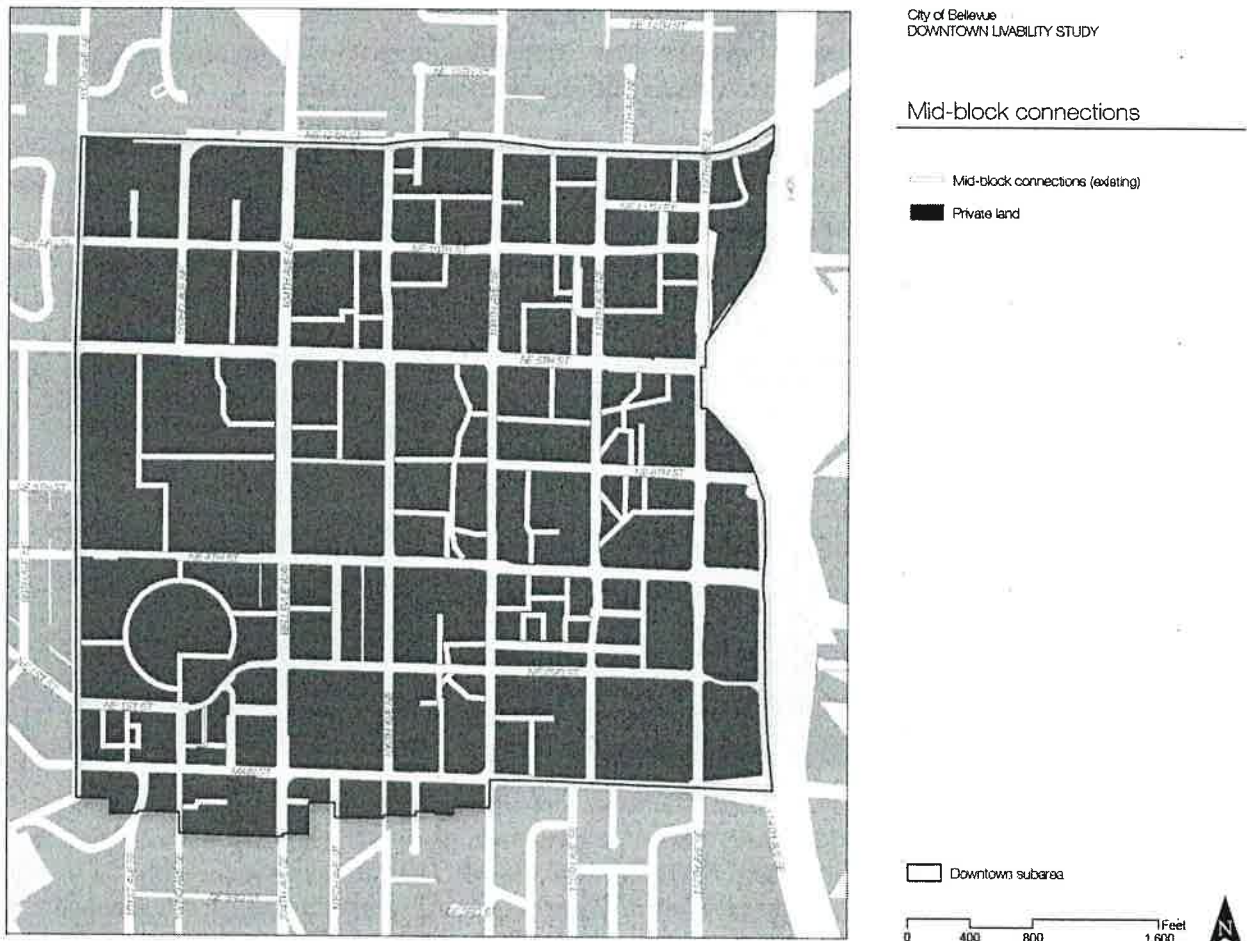


FIGURE 22. The existing network of mid-block connections.

Room for improvement

- While efforts to establish a network of mid-block connections have been largely successful in producing safe, attractive and functional walkways with ancillary open spaces, there are a few conditions and issues to consider. One issue that merits review is the design of mid-block connections that combine pedestrian and vehicular movement (see photos below).



FIGURE 23. Examples of less successful mid-block connections that combine vehicle movement.

- Mid-block connections within residential complexes are sometimes small and uninviting to the public. If they are intended to be the main pedestrian route through an area they need to be sited and designed carefully to address privacy and security needs.
- Additionally, designing and constructing mid-block connections when only one half of the block (and thus only one side of the final mid-block connection) is being developed presents special challenges. The initial mid-block connection is a temporarily narrow pathway, but it should still be safe, attractive, and respond to future opportunities when the other side develops.



FIGURE 24. Mid-block connections with ground floor residential units present a unique condition because of the need for residents' privacy and the smaller scale of development. How inviting and expansive the access should be for the general public is a question. The example on the right is an attractive connection accomplished before the connection on the adjacent property has been developed. Although this example illustrates that a successful connection can be accomplished, it is more difficult than when both sides of the corridor are designed together.

- Additionally, while the building fronts on many mid-block connections are relatively pedestrian friendly by providing transparency, weather protection, and other amenities, there are a few that do not meet the requirements for sidewalks and pedestrian areas (see photos below). While it may be easy for some developments to provide pedestrian-oriented facades on the street front or plaza areas, it can be difficult to make all sides of a building pedestrian friendly because of ground floor uses, need for vehicle access, grade changes, and other site-specific conditions. Landscaping and other measures may be needed in some cases to soften ground floor facades.

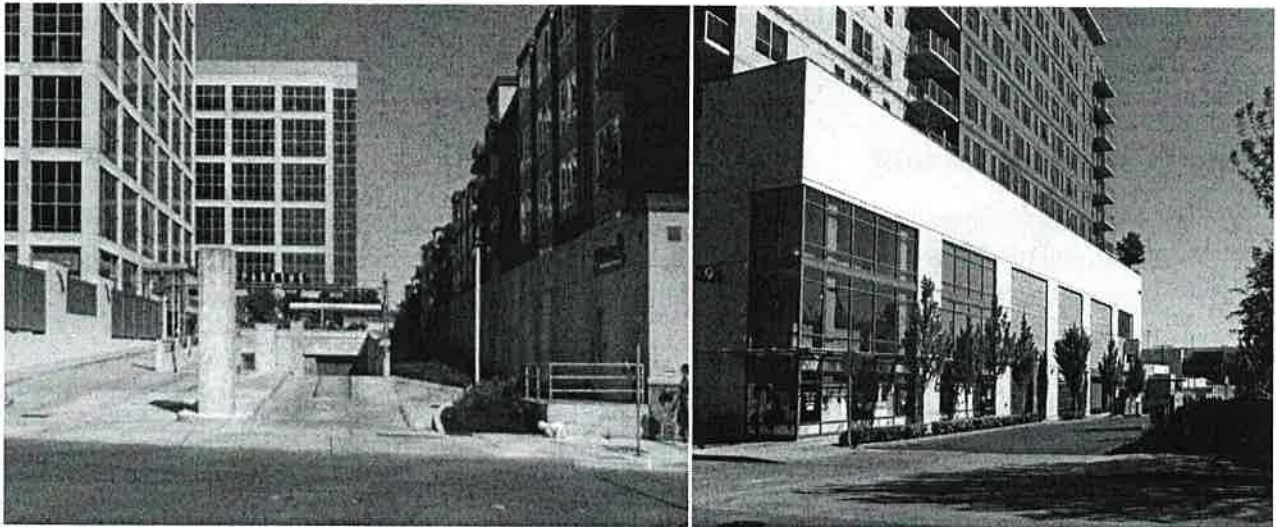


FIGURE 25. Two pedestrian corridors fronted by less than optimal building facades. The example on the right does have a pedestrian store front that “turns the corner” and faces a section of the façade, significantly improving its pedestrian orientation as compared with the portion of the façade furthest away.

- Another major challenge for establishing a system of mid-block connections is forging them into a larger system. The location of these internal connections has occurred in a rather piecemeal way, worked out on a case-by-case basis with each new development. There is no coherent plan identifying the optimal locations for these connections. Moreover, they can be hard to find by the typical visitor. And most of these through-block connections do not tie into convenient mid-block crossings once a pedestrian arrives at the end of a block and wants to cross the adjacent arterial. While these internal connections are creating safe, convenient and comfortable pedestrian movement through the superblocks, they would be more effective if part of a more coherent system that placed them in optimal locations, made them easier to find, and tied them into convenient pedestrian street crossings.

Public Views

What’s working well?

- With Downtown’s topography, grid of streets, superblocks, and the extent of tall evergreen trees surrounding most of downtown, there are limited distinctive view corridors on the ground level within downtown. Cascade mountain views exist on many of the east-west streets, particularly from the crest (mostly 108th Avenue NE) eastward. Main Street west of 108th Avenue NE offers some modest Olympic Mountain and Seattle skyline views. Major arterials (NE 8th and Bellevue Way) generally offer excellent tower views.
- Design guidelines reinforce the protection of views from public spaces, such as the Downtown Park, the Pedestrian Corridor, and City Hall Plaza. These have been successful in ensuring that these public spaces are not “hemmed in” by new development and retain distinctive views.

- From outside Downtown, there are prominent public views of the skyline, such as the views from Lake Washington, views from I-405, and views from nearby neighborhoods such as Vuccrest and Wilburton.

Room for improvement

- More guidance and specificity on retention of views from public spaces would be helpful. One example of where this issue may come up is at City Hall's plaza, since future development of the parcel to the east will likely block at least a portion of any Cascade views currently available from the plaza.

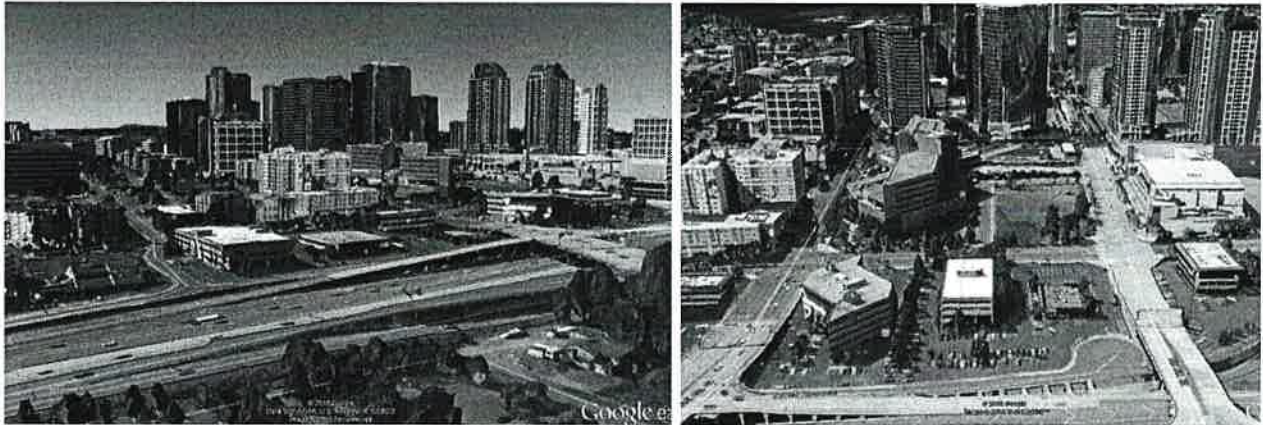


FIGURE 26. These images begin to illustrate how taller buildings on the eastern edge will begin to impact internal and external views. Moving forward, more design guidance will be needed to allow for desired development in this area, while minimizing impacts.



FIGURE 27. The image above is the view from Downtown Park (perhaps the best internal Downtown view).

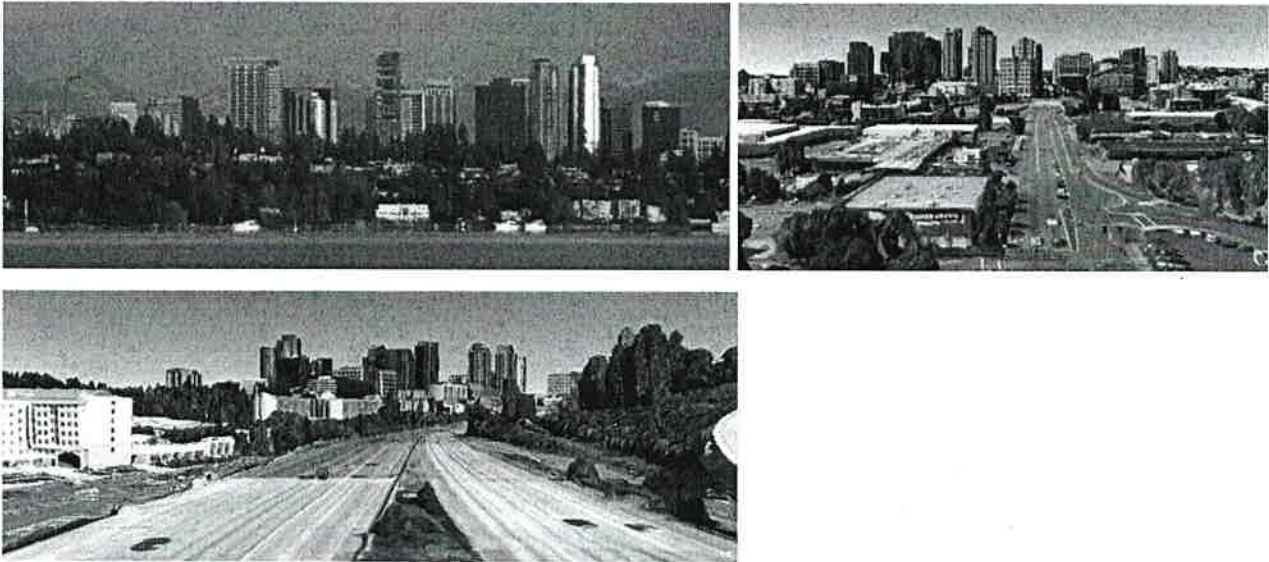


FIGURE 28. Prominent external views of Downtown.

Reinforcing Neighborhood Character

What is working well?

A number of elements are working well to develop a distinctive character and create a sense of place in various Downtown neighborhoods. Selected examples include:

- Old Bellevue: Special provisions for Main Street sidewalks, mid-block connections, storefront provisions, building material standards, and minor public open spaces appear to be working well based on the development that has occurred incrementally over the past 10-20 years. Key elements include the continuation of the brick sidewalk pattern, pedestrian lighting, inclusion of seating areas and other sidewalk furniture, articulated building facades employing human-scaled detailing, historic-sensitive design (including renovations to existing older buildings and new buildings), and upper level stepbacks (north side of Main Street) that have helped to protect the comfortable scale of the street.
- Bellevue Way “Shopping Street”: Attractive storefronts, articulated building facades with rich detailing, a mixture of façade colors, materials, and textures, wide sidewalks with attractive landscaping features that function as a buffer to vehicular access, and a great mixture of uses are attracting a tremendous amount of pedestrian activity on the sidewalks.
- Ashwood Park neighborhood: This area has become a cohesive residential-based community anchored by the Downtown Library and Ashwood Park. Key features include attractive streetscapes with a strong landscaping emphasis, residential character and population, integration of popular restaurants, coffee shops and other small scale storefronts, some attractive internal pedestrian connections and internal open spaces, and for the most part, the lack of disruptive arterial streets that impact and divide the area.

- Downtown Park: This is a local and regional destination that is constantly improving with increased programming and use. New development on surrounding properties has the potential to enhance the park's context and invite more use.

The above is by no means an exhaustive list but rather a few examples of the kinds of features that are helping to develop a richer and more distinctive character for various Downtown neighborhoods.

Room for improvement

- Many of the areas within Downtown lack any strong identifiable urban character. With notable exceptions such as Old Bellevue, the evolving Bellevue Way, and the Pedestrian Corridor, there are a lack of identifiable streetscape design patterns/features that are truly “memorable”.
- Design guidelines specific to each of the nine neighborhoods within Downtown could identify special opportunities on a block by block basis for internal connections and open space strategies, view opportunities, desired architectural scale and character provisions, special additional streetscape provisions/design, and/or special integration of vehicular access components.

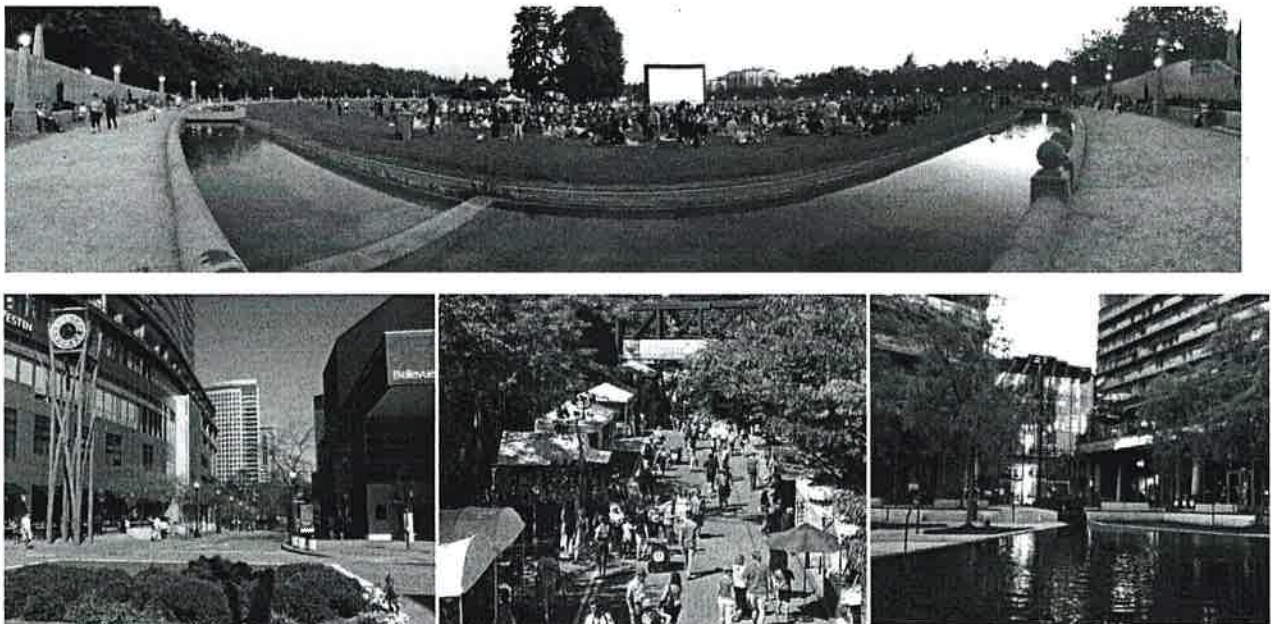


FIGURE 29. Images of what's working: Downtown Park and its increasing array of programmed activities, Bellevue “Collection”/Bellevue Art Museum and associated streetscapes and public spaces, Bellevue Arts Fair, and the Elements complex (design and uses).

Transition to Adjacent Neighborhoods

What's working well?

- Projects within the Perimeter Design Districts are implementing the required building setbacks, step-backs, and height limits along the northern, western and southern edges of Downtown. This has created a clear transition in building intensity and height toward the edges of Downtown, and reduced the scale of buildings as they approach the residential neighborhoods adjoining Downtown.
- As Downtown matures it has brought back some of the neighborhood services and amenities that serve nearby neighborhoods outside the Downtown, such as grocery stores, drug stores, coffee shops, restaurants and entertainment etc. This is creating increasing opportunities for nearby residents to access these Downtown attractions, on foot as well as by car.

Room for improvement

- Parts of the Perimeter have been largely bypassed by new development for decades, not allowing for reinvestment and improvement of these edge areas. This is particularly the case in the southern Perimeter along a major portion of Main Street, and in the “Northwest Village” neighborhood (north of NE 8th St. and west of Bellevue Way).
- With increasing Downtown attractions and neighborhood services and amenities, there are opportunities in some cases to increase pedestrian connections and permeability between the edge of Downtown and nearby neighborhoods.
- There is no clear direction on the appropriate edge condition along I-405, at the eastern edge of Downtown. It is not clear how the area relates to I-405 or to the Wilburton commercial area, which is likely to become a significant redevelopment area in the future.



FIGURE 30. The northern perimeter along NE 12th Street (left image) – the height step-backs are visible in the Palazzo I and II development. The right image shows the Northwest Village looking east-southeast. Properties in the foreground, including QFC (roof visible center right) are within one of the Perimeter Design Districts. Also, you can also make out the relatively similar building heights of towers on the south side of NE 12th Street running diagonally through the image.



FIGURE 31. Left image is the Old Bellevue area with the Downtown Park visible. Main Street corridor is visible through center of the image from left to right. Main Street separates the shorter buildings (Perimeter Design District A) from the taller Perimeter Design District B buildings. The right image shows the Main Street corridor looking eastward.



FIGURE 32. The image above shows the East Main area, looking west-northwest over Main Street and 112th Avenue NE. Some of the height/district stepbacks are visible here.



FIGURE 33. These images show developments integrating the required 20' landscaped setback along portions of Main Street (left image) and NE 12th Street (right image)



FIGURE 34. These two images illustrate required upper level building stepbacks required along NE 12th Street (left) and portions of the Main Street corridor (right).



FIGURE 35. Good examples of landscaped residential frontages.



FIGURE 36. The images on the left include techniques to add interest to blank walls along sidewalks. The right image shows a mid-block parking garage entrance. Most projects have successfully integrated parking/vehicular access elements while minimizing impacts to the pedestrian environment and the streetscape.

Future Opportunities

- Architects and engineers are making dramatic strides in new buildings' energy efficiency. And, there are emerging new methods for assessing and monitoring buildings' energy conservation performance. Design guidelines can support these advancements. Among other factors is to be aware of the special considerations that new technologies introduce. For example, large areas of solar panels atop towers may exceed floor plate limits and be contrary to guidelines roof top features.

5. Comments from Focus Groups

The following represents a distillation of the themes relating to Design Guidelines from the focus group sessions held in March 2013. Please see the final report for individual comments.

Character of Downtown districts

- The “personality” of different districts Downtown is important. Screening, parking, street trees, signage, etc. may be different in different areas. But the cohesiveness of the Downtown is also important; also need to think about how to tie the districts together.
- Several participants commented that the Perimeter Design Districts provide an important function in helping transition from Downtown to adjoining neighborhoods. But some other views were expressed that the perimeter requirements do not address real planning or design challenges, that they penalize some property owners, and that it is also important to better connect neighborhoods to Downtown.

Ensuring quality design and a more memorable Downtown

- Many comments in the Built Environment discussions focused on making Downtown Bellevue a more pedestrian-friendly place. These types of comments are likely repeated in the Pedestrian section of this report, but included elements such as wider sidewalks, pedestrian signage and way-finding, pathways to the new light rail station, mid-block crossings, vegetated buffer between sidewalk and cars, and other pedestrian linkages.
- Need to ensure the walk along the sidewalk is interesting, with lots of windows, seating, weather protection, and things to see. Integrate details of ground floor/storefronts with sidewalks and the streetscape; this can enrich the pedestrian experience.
- Need better lighting and weather protection for pedestrians. Need for more continuous weather protection was an often-repeated theme.
- Keep open distant views for drivers and pedestrians; for example Mount Rainier.
- Developments require encouragement for thinking about the human scale, character and identity.

Environmental, technical, or design innovations

- Coordination between City departments is important; the Transportation Department in particular needs to work side-by-side in creating distinctive places, because the sidewalk and private property should engage together. In some cases would like to use more interesting materials on public right-of-way but has been hard to coordinate with City.

Green development

- Downtown could be made “softer;” there is a lot of concrete.
- Retain existing green space Downtown, esp. Ashwood Park
- Green building should be encouraged, incentivized.

Specific design guidelines to reinforce or eliminate

- There is an acknowledgement that some of our built projects have not been entirely successful; there is room for improvement.
- Consider impact of design guidelines on the market cost of housing.
- Need Code to better address noise and screening of rooftop equipment.
- Be wary of spawning too many new prescriptive standards, and watch out for updated standards being a “take-away.”
- The City is in the best position to build some major urban amenities when the private sector cannot or will not provide them.

Gulledge, Kristin

From: Robert Wallace <rwallace@wallaceproperties.com>
Sent: Thursday, May 11, 2017 8:46 AM
To: PlanningCommission
Subject: Downtown Livability Code Amendment
Attachments: SFin17051108400.pdf

Please consider the attached supplement to my letter of April 26 following review of May 10 packet.

bw



Robert C. Wallace, CEO, Wallace Properties, Inc., 425-455-9976 x 319, rwallace@wallaceproperties.com



WALLACE PROPERTIES

May 10, 2017

City of Bellevue
Planning Commission

E-mail: planningcommission@bellevuewa.gov

Re: Downtown Livability Code Amendments
Comments from Wallace Bellevue Partners LLC and Wallace/Scott LP

To the members of the Planning Commission:

This letter is a supplement to my letter of April 26 after reviewing the updated code in the May 10 packet.

Alleys with Addresses. We would appreciate this bonus being available in City Center North.

Tower Separation. We are comfortable with the proposed language in .075.B. Thank you for your excellent work on this important issue. Consider whether “maximum” in B.3.A. should be “minimum”, and also consider whether the staff discretion could be more oriented toward achieving open space on the remainder of the lot. Consider the Elements building as an example of this – the buildings are closer than 80’ but the result is a big open courtyard on the remainder of the site.

Upper Level Setback. We endorse the proposed language in .075.C.1.c. Thank you.

Linear Buffer (.110.C). Given your willingness to eliminate the linear buffer for A-3, please consider reducing the 20’ linear buffer for A-2 to 20’ from the curb edge instead of 20’ from the back of the sidewalk. Currently the code is interpreted as a 12’ sidewalk plus the 20’ buffer for a total of 32’.

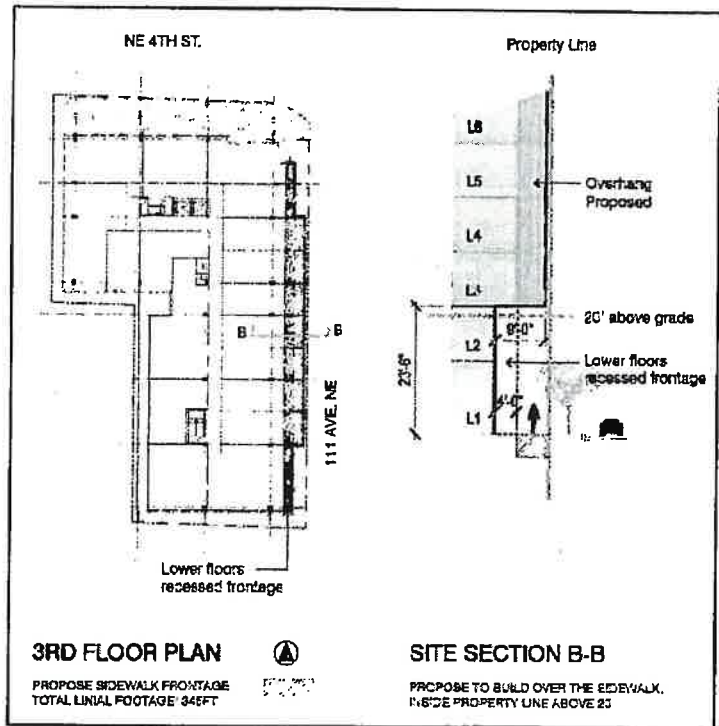
Director’s Authority to Modify Required Parking. Please support the modifications to .080.H that were provided in the April 26 Packet Materials and also appear on page 153 of the May 10 materials. These changes allow for a site-specific study of the parking needs, which eliminates the need for the City to do a broader study in advance.

Amenity Incentive System is Difficult for Small Lots. Please see the attached worksheet that explains why there are only three amenity incentive bonuses available to a residential development. Under the current code, the residential bonus would provide far more amenity points than necessary to achieve the maximum FAR. Under the new code, the only available bonuses are:

- Fee in-lieu, which must be used for 50% of the points.
- Art or water feature, which must be used for 25% of the points.
- Enhanced streetscape, which is used for the remaining 25%.

Enhanced streetscape is an extreme hardship on a small site. So the game will be to provide as little enhanced streetscape square footage as possible in the area that impacts the building as little as possible. This is not driving quality design.

Right to Build to Sidewalk. The adjacent diagram shows the floorplan and elevation of our proposed residential project on the 4th & 111th site. The small site makes it very difficult to set back the building and have enough room to efficiently design residential units. The figure on the left shows that even if the building can be built to the property line, a typical 35' deep row of residential units is only achievable on the east side of the building. As shown on the right diagram, the sidewalk and enhanced streetscape requirements push the ground floor back nine feet from the property line. If we are not allowed to build back to our property line it would eliminate the grey area on the east side of the building on every floor. Maintaining this up to 20' in elevation is not ideal, but it's workable.



Proposed solution: Add a new Subsection .060.2.a.iii. "On Mixed Streets and Neighborhood Streets, Building structure, external decks and balconies are permitted to extend over the sidewalk and enhanced streetscape area to the property line above a minimum clearance of 20 feet above the right-of-way, except when a setback or stepback precludes such extension."

Site Circulation, Open Space and Streetscapes. Small sites like the 4th & 111th site will have a very difficult time complying with the requirements of .160.B.2. and 160.E and 170. Please take small lots into consideration when evaluating these requirements.

Green Factor. The green factor is a hardship for small sites. Large sites are able to comply because they have sufficient space to put in ground level plantings, which is what the community wants. Small sites are forced to do green walls and green roofs, which are very expensive and do not provide much public benefit. The current code mandates require sufficient perimeter landscaping on small sites. We ask that you exempt sites of less than 40,000 square feet from the Green Factor requirements, or else reduce the multiple from 0.3 to 0.25.

Parking Garages Adjacent to 114th. Please clarify the requirements in Section .180.D.6.b for parking garages adjacent to 114th. Given that the garages are buried by the freeway and not along a streetscape it is an overreach to require glazing, for example.

Sincerely yours,

Robert C. Wallace

Property:	4th & 11th
Development Type:	Residential
Land Area:	19,321
Zone:	MU
Neighborhood/District:	East Main

Current Zoning	
Base FAR:	2.00
Max FAR:	5.00
Base Floor Area:	38,642
Max Floor Area:	96,605
Points Needed to Reach Max Floor Area:	57,963

Currently Available Bonuses	Ratio	Square Feet or Money	Points
Residential Uses	2	96,605	193,210

Proposed Zoning (Base is 90% of Max)	
Base FAR:	4.50
Max FAR:	5.00
Base Floor Area:	86,945
Max Floor Area:	96,605
Points Needed to Max Floor Area:	9,661

Usable Bonuses	Ratio	Square Feet or Money	Points
In-Lieu Fee (Capped at 50% of the Amenity Need)	28	\$ 135,247	4,830
Public Art or Water Feature. (Capped at 25% of the Amenity Need)	25	\$ 60,378	2,415
Enhanced Streetscape. 4-8 feet in addition to minimum sidewalk. Plus decorative paving and other costly improvements. The bonus is not factoring in the value of the land. MUST have right to build back out to property line above 20' vertical elevation.	7	345	2,415
Total			9,661

Under existing code, the only requirement necessary to reach the maximum FAR is the residential bonus. In fact, the residential bonus provides almost 4x the required amount.

Under the proposed code, only 9,661 points are required, but there are only three viable options to earn the points: In-lieu fee (50% max), art or water feature (25% max) and enhanced streetscape (remaining 25%).

Broadly Available Bonuses	Ratio	Reason Unusable
Outdoor Plaza. Minimum size 3,000sf. Max area 20% of lot. New code requirements much more stringent.	6	Can't use due to 3,000 sf minimum (16% of lot).
Upper Level Plaza	3	Can't use due to 3,000 sf minimum (16% of lot).
Active Recreation Area	1	Can't use due to security issues and size limitations.
Enclosed Plaza	4	Can't use due to security issues.
Upper Level Enclosed Plaza	2	Can't use due to security issues.

All of the other bonuses are infeasible, either because the site is too small, the residential building needs to be secured, or the bonus is not available at the location.

As a result the projects have no choice but to pay a \$28/FAR in-lieu fee and do the enhanced streetscape.

New/Recurring Bonuses - Limited Use	Ratio	Reason Unusable
Major Pedestrian Corridor & MPOS.	13.3	Not Available
Donation of Park Property. Only available in East Main and Northwest Village. Minimum size 4,000 sf.	22.2	Can't use on-site due to size limitations and off site unrealistic.
Improvement of Public Park Property in NW Village or East Main.	22.2	Not realistic because the scale of the development is too small to support building a public park.
Improvement of Public Park Property outside of NW Village or East Main.	25	Not realistic because the scale of the development is too small to support building a public park.
Alleys with Addresses. Not available in City Center North, Ashwood, Eastside Center or Old Bellevue.	6.7	Can't use due to size limitations.
Free-standing canopies for transit stops and street corners.	25	Can't use due to size limitations.
Pedestrian Bridges.		Not available in East Main
Historic Preservation. Protection of historic facades.	25	No historical elements.
Historic and Cultural Resources Documentation. Space dedicated to document history of Downtown Bellevue.	25	No historical elements.
Performing Arts Space. Must be less than 10,000 square feet.	16	Can't use due to size limitations.
Neighborhood Serving Uses. Non commercial neighborhood space. 5,000 sf max. Space must be dedicated for life of project.	8	Owner unwilling to permanently dedicate space to narrow use. Wouldn't benefit neighborhood. Cost prohibitive.

Enhanced streetscape unnecessarily burdens the property by reducing the building footprint beyond the code required sidewalk width.

The solution is to provide more on-site amenity bonus options or exempt small sites from the amenity incentive system requirements.

Gulledge, Kristin

From: Cathy Louviere <louviere.c@gmail.com>
Sent: Thursday, May 11, 2017 5:03 PM
To: PlanningCommission; Council
Subject: Concerns about development
Attachments: Livability Centre 425 and Lincoln Sq 050717.pptx

Good afternoon,

I attended the meeting last night but did not get to make my presentation in the first round of public comment and could not stay past 8:30. Please see my presentation in the attached Powerpoint slides. Thank you for this opportunity to participate in the planning process.

Sincerely,
Cathy Louviere
Bellevue Towers

Some issues of concern in downtown Bellevue

- Height and form: Stick to the promised 250 feet in O2, including things like rooftop gardens and machine rooms. People made financial decisions (house purchases) based on promises of what the future would look like. Minimum required distances (80') between buildings are essential for downtown residents, as are limiting heights (250' where promised), and preventing overshadowing. Views have been lost, replaced by intrusive lights from buildings and traffic at night, and piercing, reflected sunlight morning and afternoon.
- Pedestrian Safety & Traffic were the two main issues from the Livability Study (200 downtown residents were surveyed May 2016) and respondents thought they would only get worse. There are many reports of drivers narrowly missing pedestrians in crosswalks. It is difficult to go north on 106th Avenue, where vehicles going straight share a lane with vehicles making a right turn on NE 4th because pedestrians limit the ability of cars to turn right on NE 4th and that causes traffic to back up. Where services are very close, as they are to me, one would expect that walking would be quicker than driving, but it generally feels like traffic signals change more quickly for cars than for pedestrians. Early Sunday morning seems to be an exception.
- As Bellevue grows, so will these problems. Thank you. Cathy Louviere, Bellevue Towers.

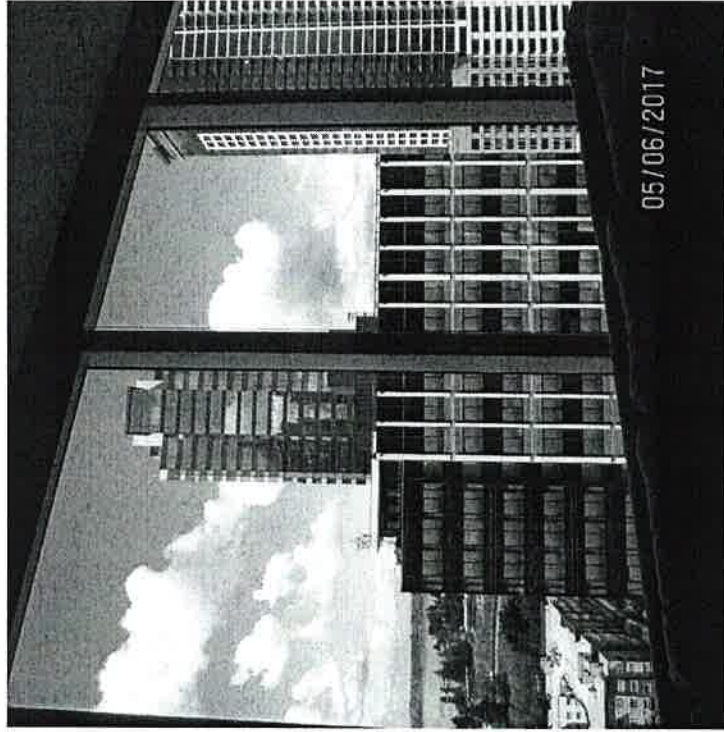
Livability for Downtown Residents?

Before Lincoln Square Expansion, Center 425

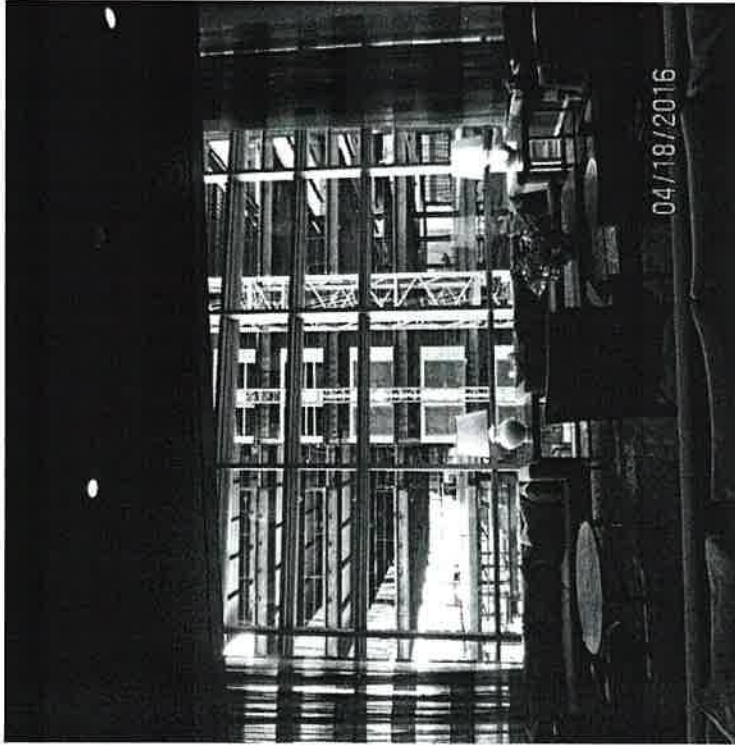


Livability for Downtown Residents?

After Lincoln Square Expansion, Center 425



Livability for downtown residents?
After: 80' between Centre 425 and Bellevue Towers?

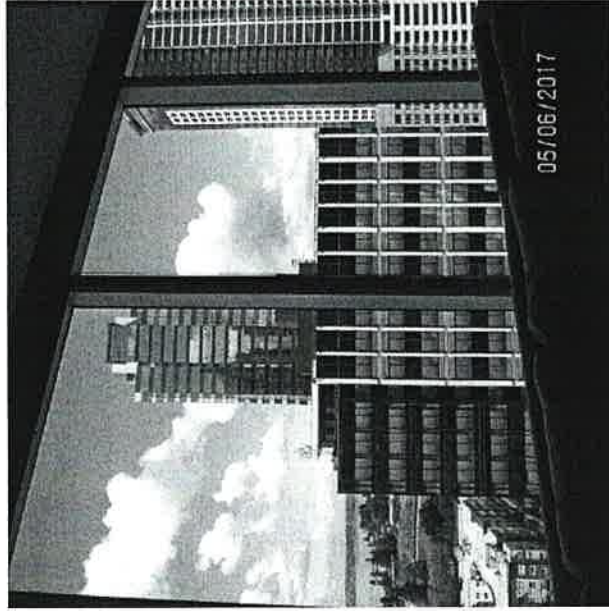


Previously the site of 1-story Bank of America building.

Livability for Downtown residents?
Height and form
Overshadowing: Lincoln Square tower from Bellevue Way

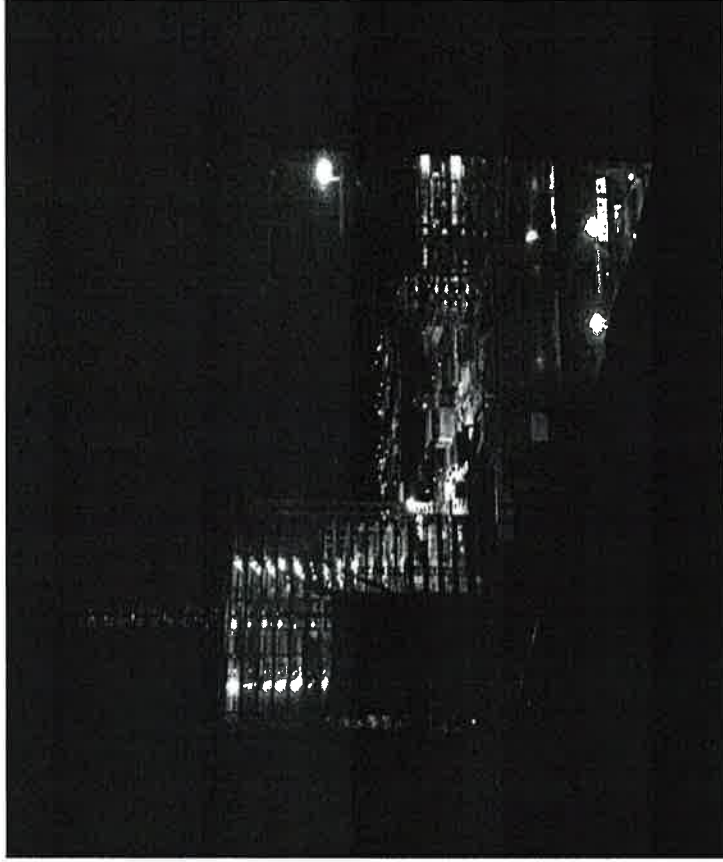


Height and form: Tall and narrow or short and squat? While the Lincoln Square towers considerably diminished views of city, mountains, and sky, it was the 425 Centre, particularly the roof garden, that nailed the lid on the coffin.



The new math: 16 = 21? Looking up at the 16th floor of 425 Centre from the 21st floor of Bellevue Towers.

Livability for Downtown Residents?
Before and after: Sunsets vs. bright lights at night.



Gulledge, Kristin

From: William Herman <william.j.herman@gmail.com>
Sent: Tuesday, May 16, 2017 11:19 PM
To: bill@l4bell.org
Cc: PlanningCommission; Council
Subject: Come to a Residents Meeting on May 22 at 7 pm at the BT Great Room

Downtown Development Expansion & Incentives Discussion (aka the Downtown Livability Initiative).

Please join us in the **Bellevue Towers Great Room on Monday evening May 22 at 7 PM** to review the proposed changes, their impact on residents, and what we can do as residents to influence the process. After 4 years the Initiative is approaching its conclusion. **On Wed. May 24, 2017, the Bellevue Planning Commission will meet to finalize the land use code changes scheduled for submission to the Bellevue City Council on June 5 for Council's approval.** The details of these changes and their impact on residents are complex and many residents have felt that it has been difficult to participate in the process. This meeting is intended to (1) help those of you who would like more information in an understandable form to access that information, and (2) provide a forum for residents to discuss these important issues and what steps we can take to ensure that our community continues to be an exceptional and safe place to live.

We hope to see all of you there!

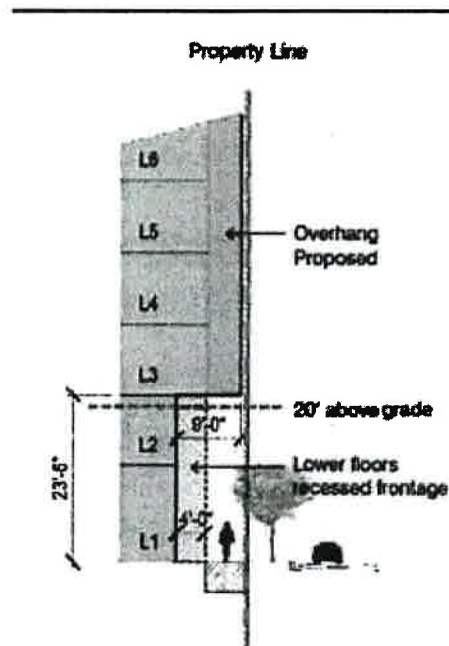
Bill and Michele Herman

P.S. At the last planning commission meeting Commissioner Laing did a 180 degree turn and made a motion to incorporate all the recommendations made in a letter from Wallace Development into the draft code. You can read the letter on pages 204-221 of the latest packet which is found at http://www.ci.bellevue.wa.us/pdf/PlanningCommission/PC_Packet_5_10_2017_PRINT.pdf

Highlights include

1. "Larger Floorplates. We request that you increase the by 20%, from 30,000 to 36,000, and from 20,000 to much for skinnier buildings or reducing shadows. Any skinnier has been crushed.
2. Right to build to the property line – In the previous developers removed the 40 foot setback requirement now you can get zero. On p206 there is a picture of the third floor of the building hanging over your must be what is meant by Livability.
3. "eliminate this additional open space requirement existing open space requirements are sufficient"

The letter pushes back on landscaping, crosswalks, sidewalk reducing parking, keeping dumpsters off the street, providing incorporating green factor in buildings. The dam has broken Livability is drowning in the flood of developer requests. Nobody has made the case to residents that Livability



maximum limit 24,000." So attempt at meetings to 20 feet, sidewalks with head. This because the requirements, amenities, and wide open and is improved

under the proposed changes. Let's meet and make a plan. Please join us on Monday May 22 at 7 pm in the Great Room.

Gulledge, Kristin

From: bt.livability@gmail.com
Sent: Tuesday, May 16, 2017 8:00 PM
To: PlanningCommission; Slatter, Vandana; Stokes, John; Wallace, Kevin R; Robertson, Jennifer S.; Robinson, Lynne; Lee, Conrad; Chelminiak, John; wherman@moosewiz.com
Subject: Concerns about Downtown Livability

Melanie Lee Melanie.15.Lee@gmail.com sent the following message:

Please do not change zoning at corner of 106th and 4th. We already hate the congestion and traffic there. You will make living there unbearable if you allow this.

Melanie Lee
Bellevue Tower resident

Sent by the Steeple.com Contact Us Form Google Apps Script

Gulledge, Kristin

From: bt.livability@gmail.com
Sent: Tuesday, May 16, 2017 7:52 PM
To: PlanningCommission; Slatter, Vandana; Stokes, John; Wallace, Kevin R; Robertson, Jennifer S.; Robinson, Lynne; Lee, Conrad; Chelminiak, John; wherman@moosewiz.com
Subject: Concerns about Downtown Livability

Christine Lee Christinelee072@gmail.com sent the following message:

Dear Planning Commission

I am a resident at Bellevue Towers and do not want any further increase in building height across the street on the corner of 106th and 4th. There is way too much traffic as it is currently and it affects livability. Residents quality of life should have priority over developers greedy income revenue.

Please help represent the residents perspective.

Christine Lee

Sent by the Steeple.com Contact Us Form Google Apps Script

Gulledge, Kristin

From: bt.livability@gmail.com
Sent: Tuesday, May 16, 2017 7:23 PM
To: PlanningCommission; Slatter, Vandana; Stokes, John; Wallace, Kevin R; Robertson, Jennifer S.; Robinson, Lynne; Lee, Conrad; Chelminiak, John; wherman@moosewiz.com
Subject: Concerns about Downtown Livability

Tony Tjan Ttjan302@gmail.com sent the following message:

I do not agree with the developers proposal for building on corner of 106th and 4th Ave. It reduces value at our site and affects traffic and reduces sunlight for the neighborhood.

Anthony Tjan
Bellevue Towers homeowner

Sent by the Steeple.com Contact Us Form Google Apps Script

Gulledge, Kristin

From: bt.livability@gmail.com
Sent: Tuesday, May 16, 2017 7:19 PM
To: PlanningCommission; Slatter, Vandana; Stokes, John; Wallace, Kevin R; Robertson, Jennifer S.; Robinson, Lynne; Lee, Conrad; Chelminiak, John; wherman@moosewiz.com
Subject: Concerns about Downtown Livability

Non Tjan Nonpo870@gmail.com sent the following message:

Do not approve the developers request to increase building heights at corner of 106th and 4th.
Traffic is already bad and dangerous!

Non Tjan
Bellevue Towers resident

Sent by the Steeple.com Contact Us Form Google Apps Script

Gulledge, Kristin

From: bt.livability@gmail.com
Sent: Tuesday, May 16, 2017 7:16 PM
To: PlanningCommission; Slatter, Vandana; Stokes, John; Wallace, Kevin R; Robertson, Jennifer S.; Robinson, Lynne; Lee, Conrad; Chelminiak, John; wherman@moosewiz.com
Subject: Concerns about Downtown Livability

Non Tjan Nonpo870@gmail.com sent the following message:

I request that the building heights be maintained at their current levels in the SW end of O-2 district. The area is defined as the south side of 4th street between Bellevue Way and 108th. The reasons for doing this is

1. Residents of Bellevue Towers relied on the existing land use code with maximum building heights of 250 ft. when making their purchasing decisions
2. It was the intention of the Citizens Advisory Commission to match the height of the O-2 South to the height limits in the bordering MU district. The heights in the MU district were recently reduced. The height in the O-2 South should be reduced to match.
3. The value created by the extra height in the O2-South is less than the value lost in diminished property values at Bellevue Towers.

Do NOT approve the developer plans for increased height. Traffic is dangerous!

Non Tjan
Bellevue Towers homeowner

Sent by the Steeple.com Contact Us Form Google Apps Script

Gulledge, Kristin

From: James Pazhavila <transactions@outlook.com>
Sent: Saturday, May 13, 2017 12:07 PM
To: wherman@moosewiz.com; PlanningCommission; Council
Subject: RE: How dark is our park?

I've lived in Downtown Bellevue for 12 years, but I've been out of town on a work assignment for the past year. When I returned last week for a visit, I was struck not by how far along the development had come, but rather how much worse the traffic had become. We should not be approving any further density increases until there is a viable and long-term solution for this. Please keep Downtown Bellevue livable!

Thanks,
James Pazhavila

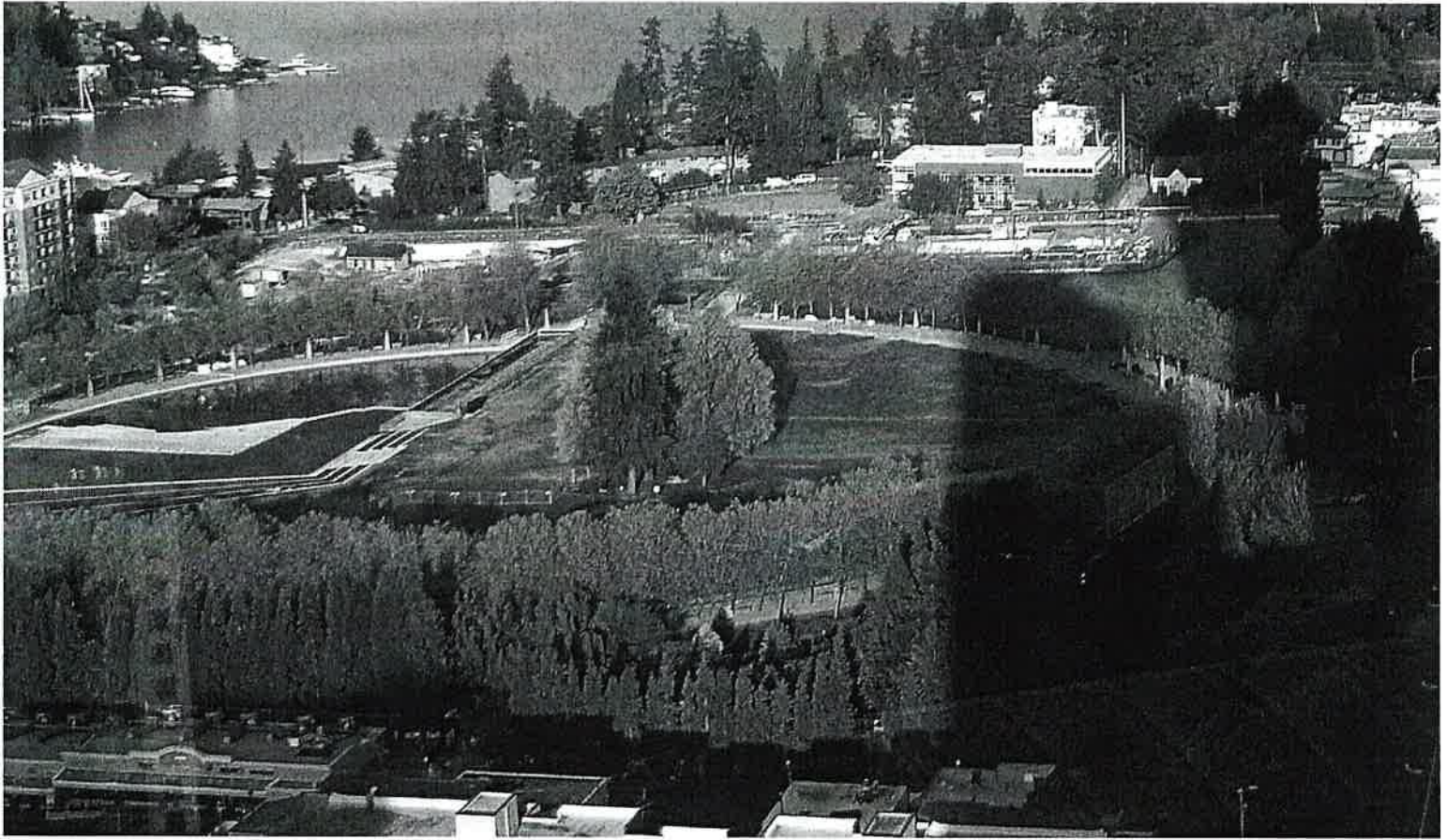
From: william.j.herman@gmail.com [mailto:william.j.herman@gmail.com]
Sent: Monday, May 8, 2017 7:10 PM
To: planningcommission@bellevuewa.gov; council@bellevuewa.gov
Subject: How dark is our park?

How Dark is our Park?

Tall buildings north of 4th Street shadow the north quarter of the Downtown Park in the morning. Do we want to increase building heights south of 4th and shadow the entire park?

Attend the meeting at City Hall Room 1E-113 on May 10 at 6:30

Reply All to let the planning commission know that you agree.

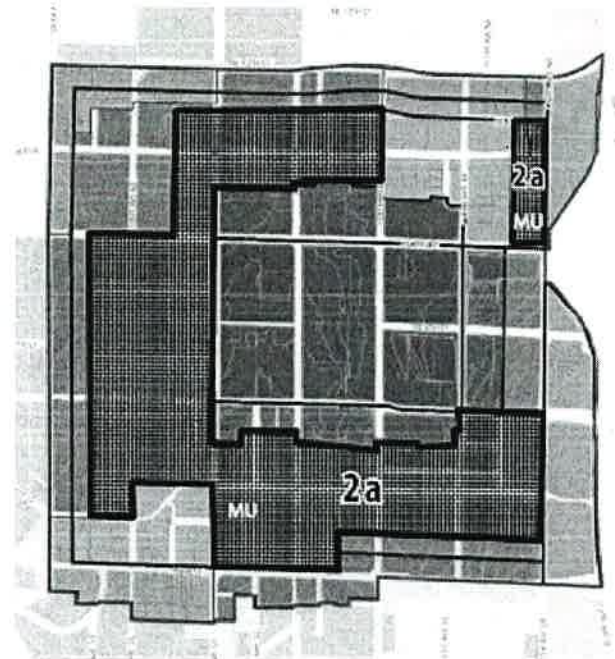


Up for discussion at this Livability meeting is whether to do added height at all. At the last Planning Commission session we learned that

1. The draft code doesn't specify skinnier buildings, just taller
2. Draft code has "all the costs and likely none of the benefits" of the recommendation
3. No open space will be provided

The draft code will

1. Add more cars to an already bad situation
2. Increase Shadowing and wind tunnel effects
3. Fail to maximize density around the light rail station,
4. Equalization is a disaster (Upzoning commercial development in the MU district brown in the picture)
 - a. Too much traffic - double the density and increasing height by 130% in the Multiuse district will crush traffic where there is no capacity
 - b. Wrong kind of traffic – Commercial buildings add to rush hour traffic, keep commercial buildings close to transportation, not half a mile away
 - c. Shadowing, commercial buildings have twice the floorplate of residential buildings leading to shadows and wind tunnels. The MU is where we should have residential buildings.

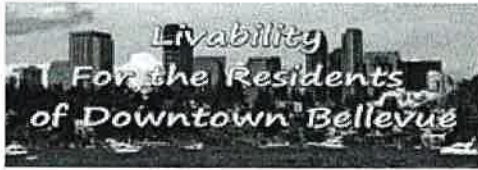


Attend the meeting at City Hall Room 1E-113 on May 10 at 6:30

Simply **Reply All** to this Email to let planners know that taller buildings will ruin your enjoyment of the one park we have nearby.

Write to the planningcommission@bellevuewa.gov and council@bellevuewa.gov

Bill



www.L4Bell.org

William J Herman
10700 NE 4th St Unit 3616
Bellevue, WA 98004
bill@l4bell.org
425 467-1264

Gulledge, Kristin

From: Michael LaTorre <michael.a.latorre@gmail.com>
Sent: Friday, May 12, 2017 10:45 AM
To: PlanningCommission
Cc: Council; william.j.herman@gmail.com; Don; michele@summerhourscom; Ferris Scott; Stevens David; Pomeroy Madelon; Intlekofer Michael; Au-Yeung Peggy; Davidson Jim
Subject: Comments - Livability Initiative

Planning Commission,

I attended the May 10th meeting and was the first public comment speaker.

When developing my comments I was lead to believe that when representing a group I would have 5 minutes. Just prior to the start of the meeting I was advised that my time would be limited to 3 minutes. This, of course, required me to cut back on what I had to say so I am now submitting in entirety what I wanted to say at the meeting.

My name is Mike LaTorre a board member of the Bellevue Towers Condominium Association and speaking on behalf of the Board.

Bellevue Towers consist of 539 units in 2 towers located at 106th Ave. NE and NE 4th Street within the DT 01 district.

Our residences will all be impacted in some way or another with any changes to the Land Use Codes so are very active, interested and involved in following and contributing to the process.

We appreciate all the work that has been done by all those involved but it must be said, that now after reviewing all the multiply studies, reports, and hearings it is not an easy task for myself or any of the residences to comprehend or disseminate to others what parts of this tremendous amount of data will lead to changes in the LUC.

Therefore, my comments today focus on the core issues affecting those that reside in the downtown area.

1. Traffic, Parking and Safety;
 2. Height and spacing;
 3. Amenities and incentives
-
1. Traffic, Parking and Safety. After many years of detours, reduced lanes, and traffic stoppage for construction of both Lincoln Expansion and Centre 425, the intersections of 106th Ave. NE and NE 4th, and Bellevue Way and NE 4th, have once again returned to the community with unencumbered sidewalks and crosswalks. With that said, the existing traffic, without either of the new buildings being anywhere near occupied, is causing street and intersection backups, congestion egressing and ingressing parking lots and alley easements, and safety issues of pedestrians brought about by the aggressive and sometimes hostile attitudes that drivers develop during this traffic snarl.

Before any up-zoning, adequate traffic, parking, and safety studies should be completed to ensure that our current road and intersection infrastructure is sufficient under the existing LUC. The limited studies that the city has conducted, concluding that traffic is not increasing in downtown Bellevue, are simply not supported by our own observations. **It would be much more accurate and pertinent to wait until the Lincoln Expansion, Centre 425, and even the Fana Group projects are complete and occupied to assess the impact that new workers, visitors, and residents will have on traffic, parking, and safety before we incentivize larger projects.**

2. **Height and Spacing.** One goal of the Livability Initiative was to promote open spaces and light, in effect by building taller skinnier buildings. The proposed changes do not translate into skinnier buildings, just taller buildings. This is especially true if the currently proposed 40 ft. setbacks, 80 ft. tower separations, and 10% floorplate reductions are removed. To address open space and light these should not be removed.

Maximum building heights need to be true maximums. There should be no tradeoff (amenity incentives) to allow exceeding the maximums.

Specifically, to address 02 District South, the 250-ft. maximum height specified for this District in the current LUC is not the maximum. There are footnotes and appendices that allow 15% additional height (37.5') for amenities and another 15 ft. for roof equipment and enclosures totally 52', making the true maximum height 302 ft.

Many Bellevue Towers residents purchased south-facing units at a premium, based on the current 250 ft.-height maximums. The proposal to raise the maximum height to 365 ft. will negatively impact the views and value for more BT residents. This isn't a matter of protecting views. **This has to do with making sound decisions based on actual codes at the time.** To change the parameters after the fact requires a well thought out and explainable justification.

We can not find that justification in any of the studies or reports other than alluding to what developer are saying is needed to encourage building. That in itself is only one reason. How about the livability portion?? Bellevue is not Manhattan, San Francisco, Vancouver, etc. Bellevue is a pleasant, mixed use community across the Lake from Seattle of which was the reason for the Livability Initiative (a livable, mixed use downtown core).

Height limits should be maintained as written for the core of downtown in the 1 and 2 Districts.

3. **Amenities and Incentives.** The current amenity incentive system should be simplified by the listing of very specific community needs and not what is incorporated into the design of new buildings. The various reports stipulate 23 specific amenities. If you read over that list each amenity can be interpreted in many ways with very little community benefit. Amenities must be more specific and defined to contribute to the community.

A few examples of amenities:

- Pedestrian Oriented Frontage - this should be required without any extra credit
- Landscape - this should be required without any extra credit
- Outdoor plaza - should be more specific (size, layout)
- Underground parking - you have to be kidding...no extra credit here

Residential entry courtyard - this should be required without any extra credit
Enhancement of existing parks - good
Community centers - good
Art work - should be very specific
Recreational centers - must be opened to public

Amenities built into the design of proposed buildings should be eliminated. Their value is more for the marketing of the building rather than to the benefits of the community.

What amenities that are agreed upon must be clearly defined to ensure community benefit and meets that benefit at end of project.

And finally

If in-lieu payments are made those monies must be earmarked for Downtown amenities only and not to offset already budgeted funds that have been identified for those same amenities.

Thank you

Gulledge, Kristin

From: Shawn Donohue <shawndonohue@comcast.net>
Sent: Friday, May 12, 2017 9:45 AM
To: PlanningCommission
Cc: Matz, Nicholas; Cullen, Terry
Subject: Community Meeting at Tam O'Shanter re: BTC

Good Morning,

I'd like to extend an invitation to any interested Commission member to attend a meeting to be held Tuesday, 16th at 7:00 pm in the Tam O'Shanter Fireside Ballroom.

A group of concerned citizens have asked Mr. Matz, Senior Planner for the City of Bellevue, to provide information regarding the CPA review process, and how citizens can participate and have their voices heard. Neighborhood Liaison and NEP coordinator Emily Kish has agreed to attend as well.

Most of the invitees live east of the BTC site and have concern as to how re-development of this property may change our quality of life. We are only asking for your presence at this meeting so you will have an opportunity to hear directly from these community members. We are not requesting your active participation, all though if you would like to speak or make your presence noticed, feel free.

Tam O'Shanter Golf and Country Club
Fireside Ballroom
1313 183rd Ave NE
Bellevue, WA

We hope you will see fit to attend, I think this meeting will be informative for all.

Sincerely,

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CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

April 19, 2017
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair deVadoss, Commissioners Carlson, Barksdale, Hilhorst, Laing, Morisseau, Walter

COMMISSIONERS ABSENT: None

STAFF PRESENT: Terry Cullen, Emil King, Department of Planning and Community Development; Carol Helland, Patricia Byers, Bradley Calvert, Department of Development Services; Camron Parker, Department of Parks and Community Services

COUNCIL LIAISON: Mayor Stokes

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

CALL TO ORDER
(6:41 p.m.)

The meeting was called to order at 6:41 p.m. by Chair deVadoss who presided.

ROLL CALL
(6:41 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Hilhorst, who arrived at 6:42 p.m., and Commissioner Laing, who arrived at 7:11 p.m.

APPROVAL OF AGENDA
(6:42 p.m.)

A motion to approve the agenda was made by Commissioner Carlson. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS
(6:42 p.m.)

Mr. Steward Heath, chair of the Parks and Community Services Board, said the Board would like to work with the Commission as partners in a proactive way to address the issues that face the city. With respect to the Downtown Livability Initiative, he said the Board understands that the process has been ongoing for a number of years and there is no desire to be seen as obstructionists. At the same time, however, the Board wants to have meaningful involvement in the process. With regard to the question of why the Board was seeking to be involved three years

into the process, he said the Board received an informational briefing in March 2014, and that proved to be the last time the issue was before the Board. The 20-minute presentation talked about the expected demographics and FAR, and the Board was given nothing to deliberate or decide. A member of the Board was appointed by the Council to the Downtown Livability Initiative CAC. In the presentation, the need for two parks was discussed along with the notion of open space plazas being active spaces. He said in the fall of 2016 when he was elected chair of the Board, he asked staff and the Council what the Board should be working on. The Downtown Livability Initiative was not mentioned, and indeed the issue was never put on the Board's radar. The Board held a retreat in February 2017 where attention was given to trust, transparency and communication, as well as the desire of the Board members to advocate for parks. Two weeks later a memo was received in which the planning department wanted time on the Board's March agenda, which would have replaced an item previously prioritized. It was made clear that the Board was not being asked to interact with the Commission, only with the staff, and that while there were four areas of substance to be addressed, there were no options for the Board to consider. The parks director finally indicated the Board was being asked to decide if the Downtown Livability Initiative meets the needs of Parks and Community Services, and whether the right mechanisms to meet those needs were in place. Accordingly, at the March meeting there was a presentation from parks and planning staff. Information was shared about demographics, the early wins, and the conceptual plan that calls for more parks in the downtown. Questions were asked about how many parks the existing incentive system has brought about, and the answer given was zero. The question was then asked if the proposal for new incentives would yield new park facilities, and the answer given was that no studies had been done to determine that. A motion was unanimously passed stating that the Board does not believe the Downtown Livability Initiative meets the needs of Parks and Community Services. A follow-up session in April resulted in the development of four or five recommendations to be carried forward to the Commission.

Mr. Eric Synn, a member of the Parks and Community Services Board, reiterated the desire of the Board to work in partnership with the Commission. He noted that he had attended the last Commission meeting to frame the recommendations of the Board. Downtown Bellevue is about 400 acres in size. There are two primary parks, Downtown Park at about 20 acres, and Ashwood Park at about 2.5 acres. Accordingly, park land represents about five percent of the total downtown area. Including Meydenbauer Bay Park would bring the percentage up to only six. The population and growth estimates show 17,000 residents per square mile currently, a number that is projected to double in the next 20 years. There has been no discussion about adding park land to support that rate of growth. The Board developed four specific recommendations: 1) The Parks and Community Services Board recommends that the Downtown Livability Initiative results in achieving the Parks and Open Space Plan's goals, specifically including new parks in the Northwest Village neighborhood and the East Main neighborhood; 2) The Parks and Community Services Board recommends that there is sufficient evidence that the Parks and Open Space Plan's goals will be met; 3) The Parks and Community Services Board recommends that there be further discussion by the Parks and Community Services Board regarding whether plazas are parks; and 4) The Parks and Community Services Board recommends that additional levers and controls, including Park Impact Fees, be identified to incent developers to meet the Parks and Open Space Plan's goals. He said it was the intent of the Board to take on itself in partnership with the Commission the discussion called for in item 3. Nothing that is commercially or privately owned should be considered to be park land.

Commissioner Barksdale asked what percentage of park land the Board was seeking to achieve in the downtown. Mr. Synn said determining that figure will require a great deal of community involvement. He said parks has a comprehensive parks and open space plan that includes a

blueprint for having within each city block open space sufficient to support the community. There are no current plans for park facilities in either the Northwest Village and East Main neighborhood.

Mr. Synn allowed that implementation of a park impact fee would need City Council approval. Bellevue calls itself a city in a park, a slogan that cannot be sustained unless more facilities are created.

Commissioner Hilhorst noted that McCormick Park was not mentioned and asked if that is because NE 12th Street serves as the downtown boundary. She also asked if the Board was looking to replace McCormick Park somewhere in the downtown corridor given that the site has been mentioned as a potential location for the downtown fire station. Mr. Synn confirmed that the boundary of the downtown is NE 12th Street, which means McCormick Park is not considered to be in the downtown. The intent of the Board is to address how the Land Use Code will be used to build and sustain parks. Mr. Heath added that the McCormick Park issue was not specifically discussed by the Board. The parks and open space plan includes a call for additional parks in the downtown, and that was put in the plan before anyone knew McCormick Park might be going away.

Commissioner Barksdale asked how the Grand Connection ties into the amount of Downtown Park space calculations. Mr. Synn said the Grand Connection is still only a vision and does not fall under the parks department. Mr. Heath added that the Board has not reached any resolution to date on the issue. As it has been described, the Grand Connection is a corridor and not a park. Sidewalks with landscaping and plazas are corridors, not parks.

Commissioner Carlson asked what the Board would like to see in the downtown that is not already there. Mr. Synn said the Board strives to fulfill what is contained in the parks and open space comprehensive plan. That plan calls for having park facilities in each of the nine sectors into which the downtown has been divided. Mr. Heath added that the plan calls for a new park in the northwest quadrant where the QFC used to be, and a park in the southeast neighborhood. The Downtown Livability Initiative should also fulfill the comprehensive plan that has already been approved.

Chair deVadoss noted that he and Commissioner Walter attended the last session of the Parks and Community Services Board and took the time to discuss the Downtown Livability Initiative and receive feedback.

Mr. Heath reiterated the desire of the Board to be seen as a partner with the Commission and to work proactively to solve issues.

Mayor Stokes reminded the Commission of the deadline that has been established for completing the work on downtown livability. To some extent, the issues raised by the Parks and Community Services Board are policy issues that will need fuller conversations but at a later date.

Chair deVadoss agreed that the park issues are of critical importance to the community. He said he would find a way to continue the discussion.

Mayor Stokes said the Arts Commission, Transportation Commission and Human Services Commission all are relevant to downtown livability. The question is how to function as discrete boards and commissions and also work as a committee of the whole to any extent. That certainly occurs when working on the Comprehensive Plan. There will be time to address the parks issues

after the downtown livability is completed.

Mayor Stokes praised the Commission for the work it has been doing. He said the April 7 quarterly check-in with the Commission and staff was helpful in laying out a game plan for wrapping up on time, and for addressing the issues that will follow.

Comprehensive Planning Manager Terry Cullen reminded the Commissioners that during the Commission's work on downtown livability staff was holding open office hours on Friday mornings from 9:00 a.m. to 11:30 a.m. through the end of May. He said staff was willing to meet in person or by telephone to discuss the issues.

Mr. Cullen reminded the Commission that beyond downtown livability the Commission will continue to be busy. A threshold review public hearing on the Bellevue Technology Center plan amendment is slated for June 14 and it is expected to draw a large crowd. The issue will serve as the dominant part of the Commission's agenda in June.

Mr. Cullen called attention to a status memo included in the packet summarizing the quarterly check-in meeting on April 7 with Mayor Stokes. He noted that the work of the Commission during the first quarter of the year was dominated by the downtown livability topic.

Mr. Cullen referred to the minutes from the March 22 Commission meeting and pointed out that most of the motions made included language directing staff to take certain actions. Two of the motions, however, did not include such language and thus a reasonable person looking at those motions could conclude the Commission had in fact made a final decision. He said during the study session he would ask the Commission to reaffirm that the intent was in fact to direct staff.

The Commissioners were asked to save the date for a potential Commission retreat on November 15.

PUBLIC COMMENT

(7:17 p.m.)

Mr. Ian Morrison, 701 5th Avenue, Suite 6600, voiced appreciation for the analysis done by staff relative to how other jurisdictions address tower spacing. He noted that while Bellevue is its own unique jurisdiction, it is important to look at best practices in other jurisdictions. Los Angeles has a requirement for an 80-foot separation, but it kicks ~~in~~ at 150 feet. Los Angeles also allows towers in the downtown up to 1000 feet with very large floor plates, which allows for mitigating tower spacing issues. In the Denny Triangle in Seattle, towers must be separated by 60 feet, and in Belltown the separation requirement is 80 feet, but in both cases the trigger is 160 feet. The result in the Denny Triangle has been some elegant slender towers, while in Belltown there has been no significant new development in the last decade, something that can be tied to the required 80-foot tower separation requirement. The staff also mentioned Vancouver, B.C., but the Canadian land use system relies on a collaborative negotiation as opposed to a prescriptive standard relative to tower separation. Portland with its 200-foot blocks does not have tower separation requirements. Having a tower separation requirement of 60 feet rather than 80 feet will be key to supporting development and density in the downtown, and the height at which the separation requirement kicks in will be critical. In the draft, the trigger is too low. There are concerns with regard to how the tower separation standards will impact irregularly shaped lots. The internal setback of 40 feet between internal property lines is not a component of other jurisdictions, primarily because they focus on the separation between existing structures as opposed to preserving the potential development rights for a site that may or may not be

developed in the future. The current 20-foot separation works and should be retained. The way the modification process exists in the draft ordinance is counterintuitive to good development. It sets incredibly restrictive standards and calls on developers to make convincing arguments otherwise. The better approach would be to set reasonable standards and to allow for an administrative review process on a case-by-case basis where there may be some issue that deserves individual consideration. The Commission was encouraged to review the materials he distributed to them and to carefully consider the recommendations made on behalf of the Fortress development to retain the 60-foot tower separation between existing towers, to set the trigger height at 150 feet, and to provide for an exception process that is based on a more expansive standard that allows for a case-by-case evaluation. The internal setback requirement is a concept that is not necessary in the downtown code. In Seattle, only two of the 19 zones have tower separation standards.

Mr. Andy Lakha, 500 108th Avenue NE, Suite 2050, said his planned Elan development is for the site at the intersection of Bellevue Way and NE 8th Street. He said he has spent his entire career working towards the wherewithal to develop such a property. However, the midblock and odd-shaped site presents challenges that his team has had to overcome. The site has not one but two required midblock connections, a requirement that will eliminate much of the site needed to accommodate a building. Because the site is odd-shaped, even the existing 20-foot setback presents a challenge, but the design team worked hard at finding a way to make it work while providing the necessary open space amenities and a very pedestrian-friendly development. The proposed 40-foot property line setback shatters the well thought out design, making most of the site undevelopable for a tower project. Other sites in the downtown would face the same challenge. Under the proposed requirements, only 31.8 percent of the site would be developable, and the result would effectively be a downzone. No other city in the Northwest has a 40-foot property line setback requirement. The final report of the Downtown Livability Initiative CAC includes no reference to 80-foot tower spacing, or to 40-foot property setbacks. The currently required 20-foot property setback should be retained.

Commissioner Carlson asked how far apart are the towers as envisioned for the Elan project. Mr. Lakha said as drawn they are 80 feet apart. The big problem is the 40-foot property setback.

Mr. Patrick Bannon, president of the Bellevue Downtown Association (BDA), 400 108th Avenue NE, Suite 110, pointed out that the Downtown Livability Initiative CAC process included considerable conversation about the value of and need for parks in the downtown. That is why the list of bonusable amenities includes both the donation of park property and improvement of public park property, with specific references made to Northwest Village and East Main. He disagreed that the proposed plan does not advance the parks plan. The Commission has throughout the process been very responsive to community and stakeholder feedback, and on behalf of the BDA he thanked the Commission for that. The BDA members have expressed strong support for setting the base FARs and base heights at 90 percent of the maximums, but they continue to express concerns about the proposed 40-foot property setback and tower spacing provisions, the trigger height requirement, and the incremental amenity chart for additional height. The issue is that the provisions, if imposed altogether, could severely constrain future development along with Bellevue's capacity to shape improvements for overall livability. The community, the BDA and the city ~~are~~ all agreed that the goal should be to strengthen Bellevue's economic base and to promote new opportunities for a healthy and thriving downtown core. The updated Land Use Code, if balanced with the right guidelines and strong incentives, will further stimulate new housing, both affordable and market rate, add public open space, and generate a significant fiscal benefit for city services and infrastructure from transportation impact fees and incremental tax revenues from new development.

Mr. Alex Smith, 700 112th Avenue NE, introduced the 700 112th LLC team members Jeff Taylor with the Keldoon Group, and Larry Martin with Davis Wright Tremain.

Mr. Jeff Taylor said he was pleased with the recent staff recommendations relative to the base FAR of 90 percent of the new maximum. However, nothing has changed with regard to the trigger height and the amenities for going higher. He said if all of the square footage of the preferred amenities, which are the amenities proposed in the draft, were to be divided by the total square footage of the amenities provided under the existing system, it would be only about 2.84 percent. He also pointed out that the total FAR going from base to maximum under the current code was 44.5 on average. Divided by 2.84 yields a value of 1.26, meaning that 1.26 FAR was provided by the preferred amenities. Under the staff recommendation of 90 percent of the new maximum, the value is 10.9, all of which are the new amenities. That means 762 percent more amenities will be provided under the proposed concept, and that will be a success for everyone. With regard to height, under the new approach building any square footage above the new trigger height must be earned or paid for at \$12.50/square foot. Additionally, ten percent open space must be provided, and the floor plates will be reduced by ten percent. Throughout the different zones, that ranges from zero to 77 percent. That will completely disincentivize a developer to go tall. It will cost more per square foot for a development to build a 30-story building than it would cost to build two 15-story buildings. The return for the taller building is value from the increased views, but the approach effectively takes away the incentive. He recommended doing away with the proposed requirements for going taller. He also voiced support for retaining the current 20-foot property setback.

Mr. Larry Martin, 777 108th Avenue NE, spoke representing Alex Smith. He noted that a lot of time has been spent in talking about the trigger height issue and the bonus FAR, and how much bonus FAR has to be earned by buildings in different zones. All that goes to show that the purpose of requiring provisional amenities is not to regulate development but rather to gain revenue for the city. That is at the heart of what makes the approach illegal. The trigger height issue is the same and varies wildly from one zone to another. In order to have a proper exercise of the city's legal authority, the code must be based on the regulation of the impacts of development. The proposed approach does not do that, rather it relates to an analysis of how much the BERK consultants thought developers and property owners could afford to pay before their property values would fall below their current values. The disincentive relative to height should be eliminated. The base height should be set at 90 percent of the new maximum. One thing the city can do to shape the future going forward is pay attention to incentivizing development around transit-oriented development. ULI looked at nearly 10,000 apartment buildings and found that the residents of units close to transit centers used transit five times more.

Mr. Darrel Vange, 166 Lake Avenue, Freeland, said the latest draft of the code on the subject of tower separation deals with superblocks rather than single project limits. The definitional boundaries for superblocks excludes the area to the east of 112th Avenue NE, which is where the project he is working on is located. That is either a drafting oversight, or an intention to deal differently with the DT-OLB.

Mr. Arne Hall, 17227 SE 40th Place, agreed that if the buildings shaded in red on the Webber Thompson graphic were not in the downtown given the tax revenue base they contribute to. Under the proposed rules, several of those projects would have only half of the towers. With regard to the interior property line setback, the issue is not the parcel size but rather the parcel configuration. In the most recent draft, staff have gone from a 30,000 square foot threshold for

the 40-foot setback to a 40,000 square foot threshold. Additionally, the fee in-lieu assessment above the trigger height varies by zone, but in the Deep B zone it adds a lot. There is no incentive for developers to build taller and more slender towers under the formula, and in fact the approach violates Washington state code as a tax on development. The floor plate reduction requirement will have impacts on cost efficiencies, leading to higher costs. There is no quantifiable information that supports the added revenues that will be obtained through rental or commercial properties. With regard to tower spacing, the CAC was silent. The notion developed by Jack McCullough for a 60-foot tower separation is a reasonable solution. Bellevue is unique. The other cities studied have downtown geographic areas that are much larger. The Commission and the staff should work closely toward creating a city with strategic and controlled density while providing the open space everyone wants to see.

Mr. Doug Demers, 225 Terry Avenue North, Seattle, said he is managing partner of a firm that plans mixed use ~~developments~~ ~~develops~~ around the world. He said his firm has done a lot of work in the peer cities that have been referenced, including Vancouver and cities up and down the West Coast. He suggested there is a case to be made for moving away from the prescriptive zoning approach that most US cities have embraced for a long time and toward a more collaborative and vision-focused urban planning model, an approach that is used in Canada and in most of the United Kingdom. The approach leads to more flexibility, whereas the prescriptive approach produces rows of wedding cake buildings that struggle to create a vibrant urban fabric. Flexibility is needed in urban corridors that allow for higher density. In cities with superblocks, more planned developments are focusing on friendly blocks, smaller lanes and limited street parking. In order to do that, it is necessary to be more flexible in looking at setbacks that involves dialog and negotiation. The result is a win for everyone.

Commissioner Carlson asked what city does flexibility and negotiated development better than anyone else. Mr. Demers said the Canadians have a more collaborative system. In Vancouver, developers with another way in mind that will achieve the goals set down by the city, even if it might involve changing a prescriptive piece of a formula, they are allowed to make their case. The result is an evolving landscape. In Seattle, the approach is a development either fits in a box or does not get built, an approach that does not fit anyone.

Commissioner Walter asked if there were sufficient time to have the collaborative system vision drafted for review and consideration prior to the deadline the Council has set for the process. Mr. Demers said the approach is more about process and less about being prescriptive. He suggested there are ways to do both.

Chair deVadoss asked how cities that operate without prescriptive guidelines compensate for developers who come late to the table in terms of initiating their projects. Mr. Demers said he was not arguing against having some level of prescriptions and rules. The problem is not necessarily with the rules but rather with a process that holds the rules to be sacred. The rules should serve as a place to start in considering how to build out the vision for a particular property. Through negotiations, developers can still meet and even beat the rules. What is needed is more of a philosophical mindset that is focused on the end result.

Commissioner Barksdale said the philosophical approach appears to be akin to what CACs do in Bellevue. Mr. Demers said the CAC approach could be overwhelming if focused down to the per-property level. The CAC approach works better when focused on large areas, such as the DT-O1 district.

Mr. Blaine Webber, 225 Terry Avenue North, Seattle, said he is the founding partner and

director of the Highrise Design Studio at Webber Thompson Architects. He said the firm has over two dozen highrise residential and mixed use tower projects to its credit and has also done a significant amount of design work in Bellevue. He expressed concern over the recently proposed change to setbacks from the current 20 feet to an extreme and unheard of setback of 40 feet for any structure above 45 feet. The increased setback on top of FAR restrictions, 80-foot tower spacing and the midblock connection requirements will result in unintended consequences and an effective downzone. As proposed, the approach will ~~be involve~~ the most ~~restrictive restriction land use restrictions~~ in the entire country. He referred to a study done by his firm reviewing all of the highrise tower projects completed in downtown Bellevue. A shocking number of completed projects would not be permitted under the 40-foot setback and 80-foot tower separation requirements. The diminution in jobs and tax revenues that would result would be significant. Only the two western towers of the Bravern would be possible, effectively cutting the project in half. Only one of the two Bellevue Towers would be possible; the same would be true of Avalon Towers. All three of the three Elements towers would be out of compliance, and only a single tower would be allowed. Lincoln Square would be allowed only two instead of three towers. Only one of the PSE towers could be constructed instead of two. A diagram of setbacks furnished by Department of Development Services purports to show conditions of major assemblages of parcels into tiny geometric shapes, but those conditions do not exist in reality. A slide of the actual city block at NE 2nd Street and 108th Avenue NE showed the cumulative impact of the 40-foot setback and 80-foot tower separation would result in a severe diminution of building area. Adding in the requirements for midblock connections could render some sites infeasible. Soma 2 would not comply and the Marriott AC would not be feasible. A review of the parcel map shows the real conditions in downtown Bellevue, with small and irregular parcels. The actual city block at NE 8th Street and Bellevue Way serves as a real world example in which the 40-foot setbacks result in a buildable area of only 52 percent of the site. The cumulative impacts, however, that combine the 40-foot setbacks, 80-foot tower spacing, 20-foot setbacks for landscaping and two midblock connectors result in an two unbuildable building pads, one of which is only 35.4 feet wide, and the other of which is only 54.3 feet wide. Neither of the envelopes would support a highrise tower given the need for a pad of at least 75 feet, and more normally 100 to 110 feet in width. The cumulative impacts will quite literally kill the project at NE 8th Street and Bellevue Way by reducing the three-acre site to only 36,000 square feet of buildable area.

Commissioner Barksdale pointed out that the point of the 40-foot setback and 80-foot tower separation requirements is to preserve light and air. Mr. Webber said the Lakha project as designed actually has 115 feet between towers. However, the 40-foot setback would push in the towers to the point where that spacing could no longer be achieved; the building pads would no longer be feasible for a highrise tower. He proposed 60-foot tower spacing as a reasonable alternative. Spacing towers to preserve light and air is vital to urban areas. Sixty feet is the width of most city streets and that is a reasonable separation. The 20-foot setback should be maintained and additional spacing on sites that can accommodate it should be incentivized.

Commissioner Hilhorst observed that when the 80-foot tower separation restriction was determined a year ago, no one spoke up. She said it was only when the 40-foot setback was introduced that the community spoke up. She asked which is the real issue. Mr. Webber said it is the cumulative impact of the two. He said he could live with the 80-foot tower separation requirement if the 20-foot setback were to be retained. Most cities on the West Coast have some manner of administrative departure in place for unusual sites. That is what is needed in downtown Bellevue as well to benefit the entire community.

Mayor Stokes urged the Commission to cut short public comment and to move on to its

discussion of the issues.

Mr. Scott Matthews, senior director for Vulcan Real Estate, 505 5th Avenue South, Suite 900, Seattle, said the firm is interested in participating in Bellevue's bright future. He stressed the need to look at things through the lens of how Bellevue can best compete for the best companies and the hearts and minds of people. The downtown livability issue is Bellevue's opportunity to take a larger role in the future of the region and the West Coast. The office market has shifted into a demand for larger floor plates, not smaller floor plates. The outcome of what has been proposed would be a hindering of the ability of developers to provide the types of spaces that employers are looking for. He urged the Commission to consider the thoughtful solutions being used in other markets. There is a path forward to preserve livability while also meeting the goals of the region and to participate on the world stage. With regard to South Lake Union development, he pointed out that the opportunity came before the zoning was in place, so many of the early Amazon buildings were built with very low density. In the coming years, developers and the city will look back and agree there should have been more density. The 40-foot setback and 80-foot tower spacing requirements will effectively result in a downzone in the downtown.

Mr. Jonathan Kagle, 9342 Vineyard Crest, thanked the parks department for continuing to advocate for more park facilities in the Northwest Village. As density increases, open space becomes an important part of livability. He asked the Commission to make public the list of stakeholders being used. He noted that the parade of developers who have made objections to the draft code appear to prefer the old plan and do not appear to see as attractive enough the approach of building amenities in return for more height. One approach would be to retain the existing code and add bonus amenities to it for going higher and denser. Another approach would be to keep going with the more streamlined new plan but to retain the current plan, at least for a while, and give developers the choice. The process of setting the base at 90 percent of the maximum and adding to it every possible permutation and combination will result in a significant upzone in every case. That would not be consistent with the overall livability goal the CAC envisioned.

STUDY SESSION (8:21 p.m.)

Strategic Planning Manager Emil King affirmed that staff have been following through on the direction provided by the Commission on March 22. He also noted that the packet included additional information requested by the Commission.

A motion to amend the motion reflected on page 10 of the March 22, 2017, minutes relative to having the A-1 district from 102nd Avenue NE eastward to 112th Avenue NE become A-2 to indicate direction to staff rather than final action was made by Commissioner Walter. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

A motion to amend the motion reflected on page 11 of the March 22, 2017, minutes relative to placing monies collected through the fee in-lieu system be placed into a dedicated account and be expended only for the acquisition or improvement of publicly accessible open space within the downtown to indicate direction to staff rather than final action was made by Commissioner Walter. The motion was seconded by Commissioner Carlson and the motion carried unanimously.

Chair deVadoss invited the Commissioners to highlight items and issues.

Commissioner Walter said the fee in-lieu issue needs more granularity, not just money for open space. Each amenity that is earned needs to go into its own fund. The city should look long and hard at the issue of parking to make sure there is an adequate amount. Anything getting in the way of people enjoying the downtown does not help livability, and parking is one such issue. The plan should include affordable housing in the downtown for all three tiers, including low-income and very low-income housing. No affordable housing dollars should be allowed to leave the downtown. There should be a parks designation to avoid park land getting diluted into something else. There should be a fire station located within the boundaries of the downtown. There should be an assurance given that traffic will flow based on human perception of traffic, not computer-generated models. A traffic quality survey would be one way to quantify how people perceive traffic in the downtown.

Chair deVadoss initiated a straw poll for each item. With regard to more granularity in regard to the fee in-lieu, Commissioners Barksdale and Hilhorst agreed; there was no reaction from Commissioners Carlson and Morisseau.

With regard to adequate parking, Commissioner Morisseau pointed out that a robust parking study will be conducted at a later date, making it difficult to say exactly what is adequate ahead of that study.

Commissioner Walter said the issue of businesses with overlapping hours that share parking should be addressed. A restaurant and a business having the same hours can be allowed a smaller number of parking spaces by indicating they share parking, but it does not logically make sense because two people cannot be in the same parking stall at the same time.

Commissioner Hilhorst noted that currently they are allowed a 20 percent bonus for sharing the space. Commissioner Walter suggested getting rid of that bonus.

Commissioner Carlson suggested that two different issues were being addressed, with Commissioner Morisseau talking about parking policy on a broad level and Commissioner Walter talking about closing a loophole. Closing the loophole is a great idea, but the parking study is a separate matter.

Commissioner Hilhorst agreed that it did not make sense for businesses to share parking and receive a 20 percent kickback for doing so. Shared parking works only where the businesses sharing the parking operate during different hours of the day.

Mayor Stokes thanked the Commissioners for their viewpoints but stressed that no study has been done on the shared parking issue. To propose a change would be to do so on the strength of nothing more than opinions.

Chair deVadoss concurred. Given that the parking study has not yet occurred, the Commission should provide a recommendation to the Council to prioritize the analysis of parking. Commissioner Morisseau agreed. Commissioner Carlson said he agreed as well and said it would not make any sense to even do the study if the Commission is going to make recommendations without it.

Mr. King asked if the Commission intended to wrap up the issue of parking. He pointed out that there were additional materials in the packet regarding parking, including the larger parking flexibility issue that was talked about on March 22 and around which the Commission had asked for additional information. He added that there is a relationship to the loophole and the proposed

new flexibility. Chair deVadoss asked staff to highlight the additional materials in due course.

Commissioner Morisseau said she would not be comfortable making recommendations in regard to parking without first seeing a comprehensive parking study.

Chair deVadoss observed for the record that there was full consensus among the Commissioners to recommend prioritizing a parking analysis to staff and the Council.

With regard to Commissioner Walter's recommendation relative to affordable housing, Mayor Stokes pointed out that the Council has launched a process to develop a comprehensive affordable housing strategy. The affordable housing technical advisory group has completed its work and their recommendations will be before the Council soon. How things will play out remain to be seen, but the approach taken will be predicated on good data. He said the Council would welcome a recommendation from the Commission to keep in mind the need for affordable housing in the downtown, but he urged the Commission not to take additional time to study it. Commissioner Walter disagreed. She said she has reviewed the information coming out of the TAG and concluded that much of it appears to be driving the affordable housing out to the neighborhoods. Mayor Stokes reiterated that the work of the Council in developing a comprehensive affordable housing strategy is under way and far from being completed. The downtown livability process is not the place to have a discussion on the affordable housing plan for the city. It would be perfectly appropriate for the Commission to recommend to the Council the need to keep the issue of affordable housing in mind.

Land Use Director Carol Helland allowed that a unique situation exists in which there are studies running on parallel tracks. She said the Commission could include in the transmittal memo narrative about the Commission's interest in achieving some objective relative to affordable housing, while allowing the affordable housing strategy piece to catch up.

Commissioner Walter said she wanted the recommendation to include a call to at least explore having affordable housing constructed in the downtown.

Commissioner Hilhorst asked if there was time for the recommendations of the TAG to be shared with and reviewed by the Commission, and for the Commission to develop specific recommendations based on it. Ms. Helland said it would be difficult to draft an approach for incorporation into the code without some direction from the Council. The Commission could simply park the issue until a future meeting, or could choose to suggest a recommendation for the Council to tailor a package once the issue is before them.

Mayor Stokes said the Council is not going to simply receive the report from the TAG and send it on to the Commission to think about as part of downtown livability. To try to do more than simply recommend addressing affordable housing would be to waste time.

Commissioner Carlson commented that affordable housing is an issue for the Commission, but not as part of downtown livability. Commissioner Walter disagreed and said affordable housing should be developed in the downtown and it certainly is part of downtown livability.

Mr. King commented that the Commission had given staff direction on March 22 to include an FAR exemption of 1.0 for affordable housing to be used in conjunction with the multifamily tax exemption program. He said the details of how that will play out will not be addressed absent Council direction.

Commissioner Hilhorst raised the issue of taking away the ten percent trigger for open space. She said there are a couple of ways the property owners are going to create open space automatically, through the design process codes that exist, and through the fee in-lieu that will be established. The ten percent is one more layer that could create sporadic open space for properties and is not necessary. The fees in-lieu can be placed in the hands of the parks department to be used in creating a cohesively designed true park in the downtown. If every individual development is left to do their own open space, the result will be piecemeal. The ten percent may also diminish the skinny, taller buildings the Commission wants. Mr. King said the direction received to date by staff has been that if a developer wants to go beyond their height limit, they must do ten percent ground level open space and diminished floor plates.

Commissioner Hilhorst said her opinion was that the fee in-lieu would happen and that the ten percent should go away. She reminded the Commissioners that the decision had previously been made to increase building height in the DT-MU. That was done after a Commissioner suggested that in order to get affordable housing, developers will need an extra bump. The proposed 1.0 FAR exemption kind of solves the problem, and it is questionable as to whether the extra height is needed. The CAC recommended retaining the existing height limit, and if everything can be achieved within that limit, the ten percent may not need to be included. Mr. King pointed out that for the biggest MU district, the CAC recommended going from 200 feet to 300 feet for residential, and from 100 to 200 feet for office. Commissioner Hilhorst reiterated that the Commission had agreed to go higher to allow for affordable housing, but the FAR exemption addresses that.

Chair deVadoss noted for the record that the majority of Commissioners supported the recommendation.

Commissioner Carlson urged the Commission to reach a conclusion in regard to the big issues of tower spacing, tower setback, and whether the base FAR and building height should be set at 90 percent of the maximum. Ms. Helland pointed out that the base FAR and height as outlined in the packet materials utilizes the 90 percent of maximum approach, which is what the Commission directed staff to do. The Commission did not give staff direction relative to tower spacing, though the staff were asked to bring back comparisons for the Commission to review.

Commissioner Morisseau said the public has consistently called for flexibility. The code should not be drafted that will become punitive to developers and the community at large. Adding all of the layers of tower separation, stepback and setback, makes the proposal somewhat prescriptive and moves it away from flexibility. With respect to the livability issues of providing for light and air, she said the 80-foot tower separation makes sense. The data relative to other cities that has been presented by the staff is not directly comparable to Bellevue. Los Angeles and Toronto are nothing like Bellevue. In addition to requiring towers to be separated by 80 feet, the current setback of 20 feet should be retained. Additionally, language should be provided in the code that allows for flexibility. Ms. Helland commented that several flexibility departures were added to the draft code, including an averaging provision and an offset provision.

Commissioner Carlson agreed that the current 20-foot setback should be retained.

Chair deVadoss noted for the record that all Commissioners agreed on the 20-foot setback.

Community Development Program Manager Bradley Calvert explained that as drafted, the code calls for 80-foot separation between towers, and 40-foot separation from interior property lines, for towers that are over 100 feet high, beginning at the 80-foot level. That aligns with the floor

plate sizes for the downtown as well.

With regard to the definition of a tower changing from 75 feet to 100 feet, Commissioner Morisseau asked what prompted the change. Ms. Helland said the International Building Code specifically calls out the first floor above 75 feet that is occupied, or a roof that is occupied. The reality is one cannot tell where the top of a building is going to be at the time design review is being done. By defining a tower as 100 feet, it can be assured that during the design review process developers can be afforded some flexibility while meeting the International Building Code requirements. It is assumed that for the first occupied floor above 75 feet, more flexibility than an additional 25 feet will not be needed for adjusting the floor level.

Mr. Calvert said staff took a look at the best practices across the country and North America. The proposed 80-foot tower separation in Bellevue falls right in the middle of the range along with Honolulu, Vancouver and Toronto. Philadelphia requires 75 feet. Belltown in Seattle requires 80 feet, while the Denny Triangle in Seattle requires 60 feet. Downtown Seattle has four different tower separation requirements that apply in Belltown, Denny Triangle, Yessler Terrace, and the waterfront.

Commissioner Carlson agreed with Commissioner Morisseau that the [citiesscity's](#) chosen to serve as comparisons are not quite the same. None of them are American cities with populations of under 200,000. Mr. Calvert said the circumstance is unique. Many cities of that size, such as [GreensboroGreensborough](#), North Carolina, don't allow or have buildings as tall as Bellevue has. Bellevue is unique as an urban suburb.

With regard to property line setbacks, Toronto, Vancouver and Los Angeles require 40 feet. Philadelphia requires 37 feet six inches, and Seattle comes in at 20 feet.

Commissioner Hilhorst asked if there were any reason why Bellevue could not require 80 feet of separation between towers and a 20-foot property line setback. Ms. Helland said there is no reason why that could not be the case. She said staff would need specific direction to leave the tower separation requirement at 80 feet or to change it to some other number, and specific direction relative to the proposed tower setback of 40 feet or reducing it to something else. She reminded the Commissioners that the code currently allows the flexibility to reduce the setback to 20 feet. The other issue is the level at which tower separation should start, which as drafted is 40 feet. The comparisons with other cities, however, indicates that 80 feet would be more in line with them.

Chair deVadoss noted that the Commission had previously given direction to retain the current 20-foot property line setback.

Commissioner Walter asked if there would be any losers should the tower separation be held at 80 feet.

Commissioner Carlson pointed out that the current code requires only 40-feet of separation. As drafted, that would double.

Commissioner Morisseau said the way to mitigate that would be to provide language in the code allowing the 80-foot separation requirement to be reduced on sites where it cannot be achieved. Such flexibility would mean no one would lose.

Commissioner Carlson suggested that a 60-foot tower separation requirement would not be

unreasonable. That is 50 percent more than what the code currently requires.

Mr. Calvert said the tower separation at the center point of Bellevue Towers where they take on a unique form is 60 feet. Additionally, the first and second building of the Summit office towers are closer than 80 feet.

Commissioner Morisseau noted that staff had made several presentations on the advantages of separating towers by 80 feet. Ms. Helland said the issue along with supporting materials was presented to the Commission in February 2016. She noted the materials were included in the packet beginning on page 26.

Commissioner Barksdale asked if the requirement could be set at 60 feet and a departure included that would allow the city to require up to 80 feet. Ms. Helland said an incentive would need to be established to do that. History shows that projects that come in for permits are generally designed to the minimum standards. At the permit stage it would be very difficult to require increasing the separation from the base requirement without offering something in return. The typical approach is to state the starting point, such as a goal of having towers separated by 80 feet, and to include a departure allowing the goal to be reached with less than 80 feet of separation under certain circumstances.

Commissioner Carlson proposed putting on the agenda for the April 26 meeting coming to a resolution between 60 feet tower separation and 80 feet tower separation. Commissioner Hilhorst agreed, adding that if 60 feet is chosen, there should be an incentive for increasing the separation to 80 feet.

With regard to the trigger height, Commissioner Morisseau asked what cities similar to Bellevue use. Ms. Helland referred her to the chart on page 15 of the packet. Commissioner Morisseau observed from the chart that cities with building height similar to that allowed in Bellevue have trigger heights of 75 to 80 feet. Mr. King pointed out that in the public hearing draft the trigger height was 45 feet. The Commission directed the staff to come up with a different number, which led to the currently recommended 80 feet.

Chair deVadoss voiced his support for establishing 80 feet as the trigger height above which the tower separation requirement kicks in. All of the Commissioners concurred.

Mr. King also pointed out that the public hearing draft defined a tower as 75 feet, but the new draft defines a tower as 100 feet. He noted that staff looked at the A-1 and A-2 overlays which have 55 feet and 70 feet height limits, as well as the B-2 which has a 100-foot height limit. Accordingly, there would be no tower spacing requirements for buildings in those areas.

Commissioner Morisseau asked if there could be any unintended consequences for sites where several towers could be built without any tower separation requirement. Ms. Helland said the developer would need to be conscientious in creating a design that would be marketable to those who would be living in the structures, or to anyone who might want to buy the development in the future. Market forces will to a large degree address any unintended consequences. Commissioner Morisseau said she was okay with the tower definition.

Turning to the amenity incentive system, Mr. King called attention to page 31 of the packet and the summary of the issues raised at the public hearing. He said direction was given to staff on March 22 along with requests for additional feedback on the implications of increasing the base FAR from 85 percent to 90 percent of the proposed maximum in all zones. Issues in need of

additional discussion were highlighted on pages 32 and 33, including the calculation of amenity based on the value of additional height; the issue of a super bonus; and the notion suggested by the public to eliminate the amenity incentive system in favor of adding new requirements.

Commissioner Hilhorst pointed out that the Commission has not discussed the idea of establishing a super bonus and asked if the staff were expecting the Commission to have that discussion. Mr. King said staff did not intend to do any analysis on the super bonus concept unless directed to do so by the Commission. The draft does not include a super bonus.

Chair deVadoss asked if there would be any disadvantage to having a super bonus option. Mr. King said there would need to be a lot of complex details worked out. The public comment has been that allowing an additional amount of height and FAR across the whole downtown without really understanding how much it might be used and what the visual and traffic impacts might be would require some study.

Commissioner Hilhorst said the Commission has not talked about the super bonus at all. The Bellevue Downtown Association made the request for additional FAR in exchange for something of clear public benefit. She said she did not personally have an opinion on the issue.

Commissioner Morisseau commented that the FAR and building heights the Commission has included in the draft are in line with the recommendations of the CAC. A super bonus would involve additional FAR and to allow it would require a lot more discussion.

Commissioner Walter asked when the next opportunity would be to talk about a future bonus. Mr. King said a provision is included in the draft for the incentive system to be periodically reviewed every seven to ten years.

Chair deVadoss noted for the record the Commission had not recommended including a super bonus in the draft.

In regard to the public comment to eliminate the incentive system, Chair deVadoss asked the Commissioners for direction.

Commissioner Morisseau commented that if the incentive system were eliminated, requirements like outdoor plazas and streetscapes would not come into play.

Commissioner Hilhorst noted that the Commission had not talked about eliminating the amenities. The amenity system is the method used for getting things like open space.

Commissioner Barksdale said he could see no reason to support eliminating the incentive system.

Mr. King said the comments by the public with respect to eliminating the incentive system was that as drafted it is fairly complex, and that an alternative to having the incentive system would be to impose requirements aimed at getting the same elements the incentive system brings about.

Chair deVadoss noted for the record that there was no support on the part of the Commissioners to eliminate the amenity incentive system.

Mr. King called attention next to the suggested edits to the base FAR and the draft amenity incentive system language beginning on page 34 of the packet. Ms. Helland pointed out that the proposed revisions were shown in the shaded columns. Mr. King noted that the chart on page 34

reflected the direction of the Commission to set the new base FAR at 90 percent of the new maximum FAR. In the instances in which there was no difference between the base FAR and the maximum FAR, the numbers in the column were not changed. The chart also reflected the new base building height by land use district as directed by the Commission.

Mr. King referred to some wording edits on page 38 of the packet for the Commission's consideration, specifically a change from "amenity need" to "amenity points," and edits to the fees in-lieu monies going toward publically accessible open space within the downtown. He said the additional direction given earlier in the meeting would be reflected in the next draft.

Mr. King noted that public comment had been received about changing the bonus for the major pedestrian corridor and the major public open space from 13.3:1 to 16:1 to reflect the current bonus. He said the chart on page 39 had been revised accordingly. Also on page 39, a language amendment was made to sync the discussion of the A-3/B-3 and the location of plazas in develops on sloped sites and the surrounding public sidewalk.

Mr. King said the change to the language on page 40 represents a clarification from stakeholders about the Lake to Lake bonus not being crystal clear.

Commissioner Walter called attention to the third item on page 40 and said she would like the third design criteria revised to include "unless the development is in Northwest Village or in East Main." Developments in those areas should contribute to parks in those two quadrants. Mr. King explained that as drafted, a higher bonus rate applies if the park property is located in either of those two neighborhoods. Commissioner Walter said she wanted to make sure everything that can be done will be done to achieve park facilities in those two neighborhoods. Mr. King said the value of land in the downtown is so high that it would be a fairly large project that would even approach needing that many bonus points to do a park donation of any considerable size.

There was agreement to hold over continuing the discussion to the next meeting.

Mr. King informed the Commissioners that a memo received from the Arts Commission outlined suggested amendments to the public art language. He said their suggestion was included in the language on page 42.

The Commissioners were informed that the language revisions on page 44 were triggered by a request from the Master Builders Association. They relate to revising the sustainability certification tiering to add a lower tier in the hope of getting more projects participating, and having the two highest tiers not listed as specific tiers but available for developers seeking a flexible amenity. Mr. King said the position of the Master Builders Association was spelled out in the letter submitted to the Commission.

The Commissioners were also told the amendment on page 45 was made to remove confusing language about a limitation on the amount of pedestrian corridor and public open space bonus points that are allowed to be transferred. The current code has no limit.

There were no additional comments or feedback offered in regard to any of the proposed language changes highlighted by Mr. King.

Turning to a discussion of specific sites, Code Development Manager Trish Byers said FANA is located in the DT-O2 South district and was the subject of comments from residents of Bellevue Towers concerned about the height limit in the district. She said the recommendation from

FANA is for 460 feet based on the DT-O2 North district. The CAC recommended 300 feet, which would actually be 345 feet with the 15 feet/15 percent with the transparency amendment. Bellevue Towers representatives have recommended that the height remain the same, which would be 250 feet plus the 15 feet/15 percent, or 288 feet. She said the recommendation of the staff was to come in at somewhere between 288 feet and 460 feet.

Ms. Helland stressed that the city does not act to protect private views. Under the current code, the only views protected are those to and from public spaces. The view of the city's skyline is considered to be iconic from certain locations. The views from DT-O2 South towards Meydenbauer Bay and I-90 are important, as are the views from those locations into the downtown; the district is also home to more residential towers. The views from the DT-O2 North are more territorial and take in primarily office towers; the district is not home to residential towers. The Staff believes there is a reason to differentiate between the two locations.

Commissioner Hilhorst noted that the Commission had previously agreed to 345 feet and asked if going to 460 feet would in fact be a spot zoning. Ms. Helland said 460 feet for the DT-O2 South district would be the same as the DT-O2 North district. It would not be considered a spot zone because the characteristics of the two districts are different and because the height would apply to the entire district, not just the FANA site. Some from the public have requested increasing the height in the South district to 260, while others have called for leaving the height as it is.

There was consensus to retain the maximum height of 345 feet for the DT-O2 South district.

With regard to the proposed height limit for the the Elan/Fortress sites, Ms. Helland said the property owner is in agreement with the proposed code language on page 51. Ms. Byers reminded the Commissioners that the site straddles the perimeter overlay B-2 and the DT-MU district boundaries. What the site will end up with is 264 feet in the B-2 and 288 feet in the DT-MU.

Commissioner Hilhorst said it was her recollection that the property owner wanted to go down the path of a development agreement. Ms. Helland said the property owner did not receive an overly positive reception from the Commission relative to a development agreement. The proposed approach is a circumstance that will work for all concerned, with discrete dimensional standards. The property owner still has an outstanding issue with regard to tower separation.

Ms. Byers stressed that the proposed heights would apply to the entire zones, not just the building site. Ms. Helland added that the proposal would apply equally to all properties in the two districts that share the characteristics of the Elan/Fortress properties with regard to split zoning.

Commissioner Walter said she did not want to see a situation in which a developer builds a single tower 264 feet tall rather than two towers that average 220 feet tall. Ms. Helland said the intent is to apply to multi-tower projects. She said she would review the code language to make sure that is clear.

Commissioner Morisseau asked if the Vuecrest property owners have weighed in on the proposed approach. Mr. King said the property owners have spent considerable time over the past couple of years talking with the Fortins about their proposal. The Elan/Fortress proposal was not that far along during the CAC process. Vuecrest has sought to better understand the Elan/Fortress proposal. They do understand the project is farther away than the Fortin proposal.

Vuecrest has expressed concern about zoning creep. Ms. Helland added that there is some functional limitation on how many sites the proposed approach would apply to. She said staff was willing to come back with a map showing those sites. As a practical matter, however, the taller towers would be farther from Vuecrest and more up against the DT-O2 North and DT-MU districts.

There was agreement to hold off making a decision until viewing the map of other properties to which the approach could be applied.

Ms. Helland reported that the A-3/B-3 property representatives, the Bellevue gateway project, have agreed with the proposal outlined in the packet materials starting on page 64.

Mr. King called attention to the information in the packet regarding shade and shadow in the A-2 district at Bellevue Way and NE 12th Street. He said the study compared buildings at 55 feet with buildings at 70 feet. He allowed that the key issues were time of day and time of year. He said the Commission could spend more time addressing the findings at the next meeting.

Ms. Byers said there were several OLB issues to address. She noted that the map had been amended to remove the sidewalk shown on NE 6th Street and NE 4th Street between 112th Avenue NE and I-405 given that there is in fact no sidewalk there. Ms. Helland pointed out that in elevation view, a sidewalk exists as part of the abutment for the NE 6th Street and NE 4th Street overcrossings, but the result would be a grade separation circumstance and difficulty in locating the sidewalk and the landscaping at the level of the adjacent development.

Ms. Byers said there are also landscaping and street tree requirements in the same area that would be difficult to deal with, but the code includes departures that are intended to deal with those kinds of issues.

With regard to a request made to increase the parking garage height from 40 feet to 55 feet to accommodate the topography of the OLB district, Ms. Byers said the draft code had been amended accordingly. Also removed was the requirement for active uses on 114th Avenue NE given how difficult it would be to accomplish in that location. The language changes were reflected on page 60 of the packet materials.

Ms. Byers said because 114th Avenue NE faces I-405, a line of parking garages there would be inappropriate. She said the draft code was revised to ensure that parking garages are compatible with the urban environment.

Commissioner Hilhorst commented that the area is unique given its topography, and an area where above-ground parking garages are likely to be seen. She asked if FAR could be gained by agreeing to create a park or open space at the top of a parking garage. She allowed that the desire for open space is generally at the ground level, but it would be nice to see more green from the freeway. Ms. Helland said feedback had been received against adding new amenities to the list to avoid diluting the places of primary focus. However, the flexibility amenity allowing for unique circumstances could be used to achieve a roof-top green space.

Ms. Byers addressed next the issue of maximum floorplates in the OLB. She noted that two people had asked to have an increase in the maximum floorplates. Currently, between 40 and 80 feet floorplates are limited to 22,000 square feet; the draft code increases the maximum to 30,000 square feet. The first request was to increase the maximum to 40,000 square feet. Above 80 feet, there is currently no maximum floorplate requirement given that the maximum height limit is

currently 75 feet. The draft code sets the maximum floorplate requirement at 20,000 square feet. The first request was to allow 22,000 square feet above 80 feet, or 20,000 square feet for technology uses. The second request was to allow more than 30,000 square feet above 80 feet, and 24,000 square feet at any height. Staff reviewed the request and suggested allowing a 20 percent increase in the maximum floorplate size between 40 feet and 80 feet; to require buildings to be separated by 40 feet; and to require a continuous separation between I-405 and 112th Avenue NE.

Chair deVadoss suggested the Commission would need some time to digest the staff-proposed approach.

MINUTES TO BE SIGNED

- A. January 25, 2017
- B. February 8, 2017

DRAFT MINUTES TO BE REVIEWED

- A. March 1, 2017
- B. March 8, 2017
- C. March 22, 2017

Given the lateness of the hour, Chair deVadoss postponed review of the minutes to the next meeting.

PUBLIC COMMENT

Mr. Karl Vander Hoek, 9 103rd Avenue NE, thanked the Commissioners for their due diligence. He noted that he had previously submitted written correspondence about parking. He suggested not changing or allowing departures from the current requirements until a parking study is done, though he agreed the loopholes should be closed. He said he was glad to see the tower definition change to 100 feet. He noted his support for the small site exception and going from 30,000 square feet to 40,000 square feet. The super bonus should be on the table because it would lead to a fire station, a downtown swimming pool, or a green lid on top of a parking garage, the outside-the-box things that can define the city for years to come. The 75 percent public open space amenity requirement should be reduced in open space bonus points to give more flexibility to projects attempting to achieve the maximum FAR but limited by parcel size. The flexible amenity should be administrative rather than legislative to encourage more creativity.

Mr. Ian Morrison with McCullough Hill provided the Commissioners with copies of a letter addressing the issue of active uses, which hopefully will be discussed at the Commission's next meeting. He stressed the need to provide flexibility and clarity in those uses. Plaza East at the corner of NE 8th Street, has struggled for some time in filling their ground floor space and the Commission was encouraged to take a look at the active uses language. The Council in 2016 approved an ordinance stating that certain service uses, such as banks and financial institutions, can be deemed active uses, and that is a good thing. The Commissioners were asked to think about other service uses that generate pedestrian activity and which achieve the goal of active uses.

Mr. Brian Franklin with PMF Investments, owner of the Sheraton site on 112th Avenue NE and Main Street, provided the Commissioners with copies of a letter that he said highlighted a few

issues to be addressed at the next meeting. He noted his support for the comments made by the Bellevue Downtown Association.

ADJOURN

A motion to adjourn was made by Commissioner Barksdale. The motion was seconded by Commissioner Walter and the motion carried unanimously.

Chair deVadoss adjourned the meeting at 10:17 p.m.

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

April 26, 2017
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair deVadoss, Commissioners Carlson, Barksdale, Hilhorst, Laing, Morisseau, ~~Walter~~

COMMISSIONERS ABSENT: Commissioner Walter ~~None~~

STAFF PRESENT: Terry Cullen, Nicholas Matz, Emil King, Department of Planning and Community Development; Carol Helland, Patricia Byers, Department of Development Services

COUNCIL LIAISON: Mayor Stokes

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

CALL TO ORDER
(6:38 p.m.)

The meeting was called to order at 6:38 p.m. by Chair deVadoss who presided.

ROLL CALL
(6:38 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Laing, who arrived at 8:55 p.m., and Commissioner Walter, who was excused.

APPROVAL OF AGENDA
(6:39 p.m.)

A motion to approve the agenda was made by Commissioner Carlson. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS – None
(6:39 p.m.)

Comprehensive Planning Manager Terry Cullen reported that he would not be present for the May 3 Commission meeting. He said Senior Planner Mike Kattermann would attend in his place.

PUBLIC COMMENT
(6:40 p.m.)

Ms. Peggy Smith, 15889 Northup Way, said she had the feeling the Bellevue Technology Center plan will be approved whether the community voices are heard or not. The Commissioners can

say they feel the pain of the local residents, and that they know what the traffic is like, what the loss of habitat will be like, and what it is like to knock down trees. Those who live in the area and who have to travel the streets know the traffic is already impossible. Not all of the roadway construction projects have been completed and it is very difficult to leave for work in the morning and to come home from work at night. It would be upsetting to see more trees brought down to build more dwellings that do not need to be built on that site. Too much green space has already been lost.

Ms. Susan Travis, 18430 NE 15th Place, said as a Tam O'Shanter resident she travels on Northup Way, NE 24th Street and 156th Avenue NE. Traffic is a big issue for the area. She said she purchased her home five years ago and delighted in seeing all the greenery and trees on the Bellevue Technology Center site. She said she was very disturbed to hear about the plans to take down many of the trees and to put in a large development. People in her neighborhood were asked to sign a letter in protest of the proposal, and most did. It was decided a long time ago that the site would remain a green area. There are new apartment buildings going up at Northup Way and 156th Avenue NE that are four stories tall. There is a new apartment building on NE 24th at 156th Avenue NE that is also four stories tall. Near QFC in Crossroads there is a new development going in. Traffic is already a problem with Microsoft, and all the new development will only make things worse. She said the community is concerned and does not want to see another highrise go into a suburban area.

Ms. Gail Toney, 1910 160th Avenue NE, said her property is in the Park Place subdivision that is adjacent to the Bellevue Technology Center. She said her view is toward the open space on that property and purchased her property with that in mind. She said she came to Bellevue for a reason, primarily the livability of the city, but day by day the city's livability is decreasing with the traffic congestion, and unaffordable housing prices. She said she has two children attending Sherwood elementary, which is just a mile away, and getting to the school can take 10 to 15 minutes. The trip is also dangerous because of the left turns required; often more than 50 cars pass before a left turn can be made. High school kids use a neighborhood cutoff path to get to Interlake high school. They have to cross Northup Way and NE 24th Street and there have been many close calls with cars. Adding more traffic to the area will only create additional dangers. Once development occurs, there is no going back. Once open space is gone, it is gone. The city has already lost so much of its tree canopy. The city's slogan of a city in a park is no longer true. There is only one small park in the area of the Bellevue Technology Center. Crossroads Park is nearby but it is always congested. There will be no place for the residents of all the new units to take their children, or to walk safely. There is no way to mitigate for the additional traffic by adding lanes, and buses and light rail do not serve places like parks, softball fields and grocery stores. The Commission needs to think through very carefully its responsibilities to the future of the city.

Mr. Joseph King, 15789 Northup Way, agreed with the need to retain green space in Bellevue. He said traffic is getting worse in Bellevue. He said his house faces Northup Way and that gives him a view of the backups that occur morning and evening. There is a turn lane serving the condominium complex he lives in, which is planned to be extended down to 164th Avenue NE. Other developments do not have turn lanes and face major problems getting in and out. The proposal for the Bellevue Technology Center seeks to lift restrictions that are currently in place, and that will give them leave to do whatever they want to do. Once all the units currently under construction or recently completed are fully occupied, much more traffic can be expected. Once light rail begins operation in Bellevue, people wanting to go into Seattle may choose to park their cars in areas close to a transit center, exacerbating the traffic problems. As things are currently, it can take as much as 40 minutes to get from the center of the Microsoft campus to Northup Way

and 156th Avenue NE in the afternoon.

Mr. Edward McDonald, 15936 NE 27th Place, said he has lived in the Sherwood Forest neighborhood for 36 years. He said he participated in the land use planning for the Unigard site, now called the Bellevue Technology Center. The property owners are again asking to amend the Crossroads subarea plan, but what they really want to do is eliminate the PUD and the concomitant agreement. The plans they have shown the community would triple the square footage from 300,000 square feet to 900,000 square feet. In addition, six highrise parking garages are planned. The Commission on a 5-1 vote denied their last request in July 2014. They came back and tried a zoning request, which also did not work out for them. Now they are back again. The Bellevue Technology Center property owners will speak about all of the changes in the area and about obsolete land use codes. They are correct in looking toward the west, but not to the east across 156th Avenue NE where there has not been any substantial new development, a point made previously by planning staff. A clear dividing line at 156th Avenue NE is needed to protect the residential community. The PUD was developed with the community, the property owners and the city after hundreds of hours of work. It is a contemporary document, not a relic of the past and it represents an agreement that defines the full use of the property. The community made concessions in agreeing to the PUD on the understanding that the commitment would be permanent. The original farm on the site would have been developed with residential homes had it not been for the Unigard PUD. A deal is a deal and the PUD should not be vacated. The PUD was intended to serve as a buffer east of 156th Avenue NE, protecting the trees, the open space and the residential community. The buffer is needed now more than ever.

Ms. Karen Strehlow, 1702 159th Avenue NE, said she has lived in the Inglebrook condominiums for 22 years. She said she chose the condominium in part because the wooded area on the Bellevue Technology Center was classified as a green space, and the assumption was that it would always be there. Now the property owner wants to rip it out and build more buildings. The property owner should work more closely with the community and should focus on the large flat area that has no trees. Their parking area is beautifully landscaped with trees. If the owners were to revise their plans a little bit, there might be less opposition from the community. Traffic is a huge problem and in the last year there have been a lot more accidents on 156th Avenue NE and Northup Way. As traffic increases there will be even more accidents and issues.

Mr. John Zeitz, 18430 NE 15th Place, said he was originally from San Francisco but has been in Bellevue since 2014. In San Francisco there were very few parks and houses crowded close together. There were many traffic problems. He said when he came to Bellevue he was enamored by the beauty of the area, the trees and the environment. He said he was concerned about whether the city might be too focused on increasing tax revenues by allowing new buildings and less concerned with old agreements with former residents and the environment. He said he uses the streets that have been mentioned and encounters bad traffic. He urged the Commission to retain the original zoning decisions made years ago and maintain the beauty of the area. In the area of 156th Avenue NE and Northup Way there is a huge eyesore in the form of more and more apartments. The worry is that the same approach will be extended to the Bellevue Technology Center site.

Mr. Reggie John, 15803 NE 27th Place, said he serves as president of the Sherwood Forest Community Club. He pointed out that the Sherwood Forest neighborhood members had submitted statements and emails regarding their concerns with and strong opposition to the proposed Comprehensive Plan amendment by the owners of the Bellevue Technology Center. He said the letters and emails should be part of the public comment record. He thanked those from the Sherwood Forest, Foxborough, Bellewood East, Tam O'Shanter, Bridle Trails, Crossroads

and other areas who have taken the time to show up yet again regarding the Bellevue Technology Center. The residents are very aware of the importance of continuing to uphold the PUD agreement adopted by the City Council for the Bellevue Technology Center property. The existing agreement limits commercial building development on the site, and the limit was adopted to assure an appropriate transition zone from the Overlake Village commercial area and the residential neighborhoods to the east of 156th Avenue NE. The limit of 325,000 square feet of office space has been reached, and no further development potential exists for the property. The proposed amendment would allow additional commercial development on the Bellevue Technology Center site, which would erode the transition zone, create additional traffic and noise, electrical towers, and loss of tree cover and open space, adversely affecting the quality of life in the surrounding neighborhoods. The intent of the PUD is as valid today as it was when initially adopted in 1972, even more so now considering the increase in traffic and noise west of 156th Avenue NE. He urged the Planning Commission and the City Council to not allow the amendment to proceed further. The exact argument was made by the neighborhood in July 2014 in response to a proposal submitted by the owners of the Bellevue Technology Center to change the Crossroads subarea plan. The effectiveness of the PUD has not changed since then, nor has the opposition of residents to any changes affecting the PUD.

Mr. Jack McCullough, 701 5th Avenue, Suite 6600, Seattle, spoke on behalf of the owners of the Bellevue Technology Center. He said the application submitted in 2014 was not specific as to a plan but rather it sought permission to open the door to considering possibilities for the site. The response of the Commission was that a plan amendment was not the right format and that a rezone would be the appropriate avenue. Over the last three years, the property owners have been pursuing a rezone, but during the winter months it was determined that a rezone was not the way to go after all. There have been meetings with community and neighborhood groups, and some regional groups are supporting the proposal given the significantly changed conditions. At the public hearing on June 14, the property owner will bring forward a plan that is modest in scope, one that does not involve highrise buildings or removal of all the trees. The plan will in fact preserve forever the meadow in the northwest corner through a conservation easement. The proposal may potentially introduce small-scale senior housing to the site. There are currently seven buildings on the site and the plan may seek to add four more, all on a scale that will not overpower the site. Since 2014 the city has adopted its economic development plan which in part focuses on information technology and business service headquarters, which is exactly what is going on at the Bellevue Technology Center site. The B Line high-capacity transit has also been brought online since 2014; it stops immediately across the street from the site. Likewise, the city has endorsed a growing transit communities compact which has extended the walkshed from a quarter mile to a half mile, and the site is well within the half mile walkshed of the station. The Comprehensive Plan amendment being proposed will not carte blanche allow development across the site but will open the door to a process by which the city can consider an application for additional development.

Ms. Karen Campbell, 2447 160th Avenue NE, agreed with the comments made by those who spoke out against the Bellevue Technology Center proposal, except for the speaker who suggested the meadow should be developed as a way of keeping the trees. The city should stand up and uphold the PUD, which has been in place for over 40 years. The residents do not want to see it changed. It would be great if the local residents did not have to come back to the city every few years to fight for the agreement. The property owners have many times come forward with new plans, and every time the local residents have rejected those plans. It is unclear what would actually happen to the site if the proposed amendment were to be granted. Bellevue Technology Center has been cutting down trees where they are not supposed to. There are some dead trees leaning toward powerlines that need to be cut down, but they are still standing. Traffic is bad,

pedestrians are in danger whenever they try to cross the street. There are a lack of crosswalks on NE 24th Street and Northup Way. New Americans With Disabilities Act cutouts have been created that are painted and very confusing for drivers. Those who use the bus to get to and from work find it very difficult to cross the street to access a bus, or to get home after coming home on the bus.

Ms. Michelle Neethammer, president of the Foxborough Homeowners Association, said the vision for Bellevue in 2035 is where the city wants to be. That document says Bellevue embraces the future while respecting its past. The Bellevue Technology Center site is a key part of the history of the area. The site is where the first recorded settler in Crossroads built a seven-room house in 1873. It was a rural area at that time, and the rapid growth of the 1950s and 1960s marked the end of that rural nature. The Bellevue Technology Center was developed in 1972 based on a planned unit development process. The PUD was designed to protect the site from large-scale development and to protect the trees and the meadow. The PUD has served the community well over the years and the restrictions put in place by the PUD were incorporated into the Comprehensive Plan and the various subarea plans. The Bel-Red, Crossroads and Northeast subarea plans, as well as the Transportation Facilities Plan, all take into account the Bellevue Technology Center. The Bel-Red subarea borders the Bellevue Technology Center site, and the Overlake transportation hub ring goes to 156th Avenue NE. The circle does not, however, expand to the Bellevue Technology Center. At the open house, the Bellevue Technology Center people said they realize the site is outside the half-mile mark and for that reason are considering operating a shuttle to and from the transit center. By their own admission, they are clearly not in the walkshed. There are certain things in the Crossroads plan the proposal conflicts with, specifically maintaining land use as depicted in the land use plan; protecting existing single family neighborhoods from encroachment by more intense uses; encouraging land use and density that will not intensify vehicular congestion; and ensuring that any development on remaining vacant land is compatible with the surrounding use. In the Crossroads plan, Policy CR-35, which was written in the 1980s, calls for considering restrictions on land development and density as a viable means of controlling unacceptable levels of traffic congestion. The existing plans are good and their visions should be upheld to make Crossroads and Northeast Bellevue a place people will want to call home.

Ms. Cindy Lamb, 16230 NE 24th Street, agreed with those against making a change on the Bellevue Technology Center site for the reasons stated. If the plan is going to be messed with, there will need to be a compelling reason. No such reason has been cited yet. Instead, what has been proposed will adversely affect the lives of those who live in the nearby neighborhoods, without any benefit for the community.

Ms. Els Blomme, 1010 185th Avenue NE, said her home is in Tam O'Shanter about a block east of West Lake Sammamish Parkway. She said she has two small children and loves to travel into downtown Bellevue to visit the library and Kids Quest, as well as the amazing shopping and restaurants. Sadly, there are only two ways to get from the neighborhood to downtown Bellevue, Northup Way/NE 20th Street, or NE 24th Street, both of which are a disaster for a big part of each day. The traffic to and from Microsoft is not primarily local or Bellevue residents, rather it involves people coming from east of Bellevue. West Lake Sammamish Parkway is pretty much a parking lot for much of the time all the way to Redmond. Things will only get worse once the apartments across the street from the Bellevue Technology Center and other develops in the area are fully occupied. Developing the Bellevue Technology Center site as well will only make things worse. She said it is actually easier to get from her home to shopping in Issaquah or Redmond during counterflow traffic hours. She said she opposed further development on the Bellevue Technology Center site and in the area generally. The city should develop an

infrastructure plan in conjunction with the city of Redmond to address the traffic issues before more development is allowed. She said if she wanted to sit in traffic in a concrete jungle, she would have moved to Seattle.

Mr. Hadden Hoppert, 1905 168th Avenue NE, voiced his opposition to more development on the Bellevue Technology Center site. With regard to the threshold review process, he said as proposed the application does not meet the test of significant change. The property has been reviewed a number of times in past years and it is not anything new to recognize the site has open space that the owner would like to develop. Policy S-CR-16, the proposed change from parks and public spaces to allow private organizations to provide open space, is sort of what the PUD was supposed to do to begin with, so it is hard to believe that approach would serve any better or last longer than the existing PUD. Policy S-CR-63, which would allow for senior housing, is not in line with what anyone has said about what is needed in Crossroads. Policy S-CR-66 would effectively get rid of the PUD and the concomitant agreement, which is a fairly large hammer for the property owner to use. The property owners, ~~have~~ in seeking changes in the past, have always been honest but disingenuous. They say they are within the walkshed, and it is true the property hits the 0.5-mile range, but only barely; to actually walk it, however, requires covering a distance of 0.7 miles up and down a fairly large hill. They say they will not build any highrise buildings, but they want to get rid of the height restriction imposed by Policy S-CR-66.

Ms. Janet Castanierra, 2447 161st Avenue NE, said at the open house she asked the Fortera representative what the benefit would be of going with what has been proposed instead of keeping the PUD, and the representative was not able to give an answer. The PUD has been protecting the whole area, and it appears the proposal is for Fortera to take a few pieces and protect what will be left. It has been said Fortera would enforce preserving the land under a contract, but the PUD is already in place as a deal with the city and the neighborhoods that has been working for many years.

Ms. Pamela Johnson, 3741 122nd Avenue NE, said according to King County Metro, transit-oriented development typically occurs within high-density mixed use develops that are within a ten-minute walk circle of a transit station, which is a 0.25 mile radius. The Bellevue Technology Center site is not within a quarter miles of a transit station. While the Bellevue Technology Center proposal affects only one part of Crossroads subarea, it will change the nature of the entire subarea. The subarea plan calls Crossroads a city within a city, but the Bellevue Technology Center site is not the center of Crossroads. There are many areas of the city that can accommodate additional growth, including ~~in~~ Bel-Red, the downtown and Wilburton. Crossroads is a vibrant and diverse community. The Comprehensive Plan calls for the city reaching the point of having a 40 percent tree canopy, but the proposal for the Bellevue Technology Center site will not help achieve that goal.

Mr. Stuart Heath, 13252 NE 47th Street, clarified that his comments were personal and not as chair of the Parks and Community Services Board. He noted that at the last meeting Commissioner Carlson asked if the Parks and Community Services Board had an appointee to the Downtown Livability Initiative CAC, and Commissioner Barksdale asked some very good questions regarding the CAC. He said that got him to thinking about how the Parks and Community Services Board and the Planning Commission could work together as community liaisons and representatives. The Downtown Livability Initiative was not before the Parks and Community Services Board when the Board concluded that the downtown livability incentive plan did not meet the needs of Parks and Community Services. It was never discussed and the vote was not intended to be a comment on the CAC process. The CAC did some very good work and in its final report noted the need for more parks in the downtown and the need to study the

issue further. What the Parks and Community Services Board has concluded is that after further study there is not enough evidence that the park goals will be met. During the CAC process, co-Chair Laing said the CAC met and gave to the various boards and commissions meaty subjects to chew on. In reality, what happened was there was no report back to the Parks and Community Services Board about the CAC's findings. The Board was never asked to deliberate on any issue and never actually made any decisions. The CAC actually raised an issue with regard to how the Board feels about the issues, but for some reason there was no closing of the loop. Afterwards, the chair of the Parks and Community Services Board made some comments and the staff expressed frustration with the process. He said when he became chair of the Board, the Wilburton CAC process was about to start, and he said he asked the Council liaison what the Council wants to see the Board working on in 2017. The answer given was the Wilburton CAC. To date, however, nothing has come back to the Board. There should be check-in points and communication between the CAC and Parks and Community Services.

Mr. Kevin Whitaker, 10700 NE 4th Street, Unit 2002 in Bellevue Towers, said his takeaway from the comments regarding the Bellevue Technology Center was a feeling of disenfranchisement and an abrogation of social and long-standing legal contracts. Many feel as though the rug is being yanked out from beneath them. He said when he purchased his unit in Bellevue Towers he did his due diligence and considered the potential impacts on his investment. The biggest source of value for his home is his view. The building code restrictions say adjacent buildings are limited to 250 feet, and up to 305 feet given other provisions. Even at that height, the views would not be impacted. Now the proposal is to increase the height limits and decrease the setbacks and the result will be essentially a wealth transfer of sorts in that someone who buys a developable property in the downtown can capitalize on the fact that they purchased their site based on the existing building codes and are trying to have the codes changed to reap a windfall. The downtown Bellevue incentive zoning update briefing book from January is a difficult read but reaches the conclusion that if the changes are made, developers will make more money. It does not include a good faith analysis of where the money will come from, which in part will be from local homeowners and residents. The concern is that the legal and social contracts on which they have made assumptions are being abrogated by elected representatives.

Mr. Bill Hermann, 10700 NE 4th Street, spoke representing the members of the Bellevue Towers Livability Initiative. He said when first told about the Downtown Livability Initiative, it was said the Land Use Code would be updated to create open spaces, to add light and air by having taller and skinnier buildings, and to add fun new amenities, all to improve livability. After three years, the update has become a rewrite that is incomprehensible. The open spaces are not there. The plaza requirement has been dropped. Increased light and air has become decreased light and air. The developers removed the changes requiring buildings that were three percent skinnier, and they removed the amendments calling for increased setbacks and tower spacing. A recent change will allow developers to earn 90 percent of the new maximum height without providing funding for amenities. At the last meeting, some developers stated that developers will be unlikely to participate in the amenity system. The biggest office towers will thus fund zero amenities, be 20 percent taller, and zero percent skinnier. In the DT-MU district, the towers are going to be 80 percent taller, fund nothing, and will be even fatter. Taller with the same floorplate is a formula for increased density across the board. Equalization is totally unrelated to livability. A 15 percent height increase is recommended where there are interesting roof forms. A memorable skyline and design outcomes ranked last in the resident survey as contributing to livability, so a 15 percent bonus for an interesting roof form is a terrible livability tradeoff. Additionally, the bonus fails at its stated goal in that only the smallest buildings will get the 15 percent bonus. There is no accountability given that every box built will earn the bonus. To add insult to injury, an amendment was made to add 20 feet for mechanical equipment. The added height magically

does not count toward the total height, except in the DT-O2 district. A survey of 200 residents ranked the top three livability attributes as walkability, traffic and parking. The city is in denial that traffic is a problem. The city says that adding density is not significant and that no study is needed. The city says the level of service is good and all will be okay when everything is done. The residents on the other hand are already experiencing problems and can anticipate gridlock and frustration. Fuel should not be added to the fire. The draft code is silent on parking. The proposals cannot be adequately evaluated without data. What is needed is informed decisions. The plan will not fund amenities. The residents of the downtown see the proposal for what it is, a development initiative, not a livability initiative. The process was flawed from the start. The CAC had no representation from downtown residents. The outcome is a transfer of value from residents to developers with the city getting its cut. The process should start over with resident input, and the policies should be evaluated on facts and data rather than the need to fund special projects. The results need to be transparent, easily understood, and verifiable. The Commission should recommend to the Council leaving the existing code on the books until it can be got right.

Ms. Michelle Hermann, 10700 NE 4th Street, Unit 3616 in Bellevue Towers, said as a resident she is opposed to all upzoning. However, if upzones are allowed, the western portion of the DT-O2 South should be treated differently. Bellevue Towers and other residents in the downtown have relied on the maximum height of 250 feet specified in the Land Use Code. Premiums were paid because of the views which will be lost by allowing an additional 100 feet. Open space, light, view corridors should be encouraged. Developer after developer has pushed back on the good proposals made with regard to the 40-foot setbacks, 80-foot tower spacing, and a ten percent reducing in floorplates, and without any resident feedback, the Commission simply agreed to do as the developers demanded. Residents are in favor of 40-foot setbacks and 80-foot tower spacing and a ten percent floorplate reduction because that is what will result in view corridors and light and air, the things that are important to livability. The existing code is not transparent, nor is the draft code with regard to the dimensional requirements, height and FAR. The amenity system as proposed is far too complex and does not serve the needs of residents. A mechanism for reevaluating the code every few years needs to be included to make sure the right amenities are in place, and there should be measurable metrics of public benefit that the public can understand.

Mr. Don Hassen, 650 Bellevue Way NE, said he is a resident of One Lincoln Tower. He said he only recently learned about the proposed zoning change. He said when he purchased his condominium he did his due diligence and determined that the building height is 250 feet. The code is not clear that there is an additional 15 percent and more for doing certain things, meaning that views might be obstructed all the way up to 305 feet. Residents who paid more for their good view could see it obstructed by the zoning change. The Commission was urged to retain the current building code until it is determined what the absorption rate will be with the Bellevue expansion and the 425 Center.

Ms. Monique Peralt, 498 233rd Place SE, Sammamish, spoke as president of the board of One Lincoln Tower. She said she began her real estate career in Bellevue selling pre-construction condominiums and condominium conversions in the late 1990s. She said she has dealt with a lot of people about their views and what could be built around them. Kemper Development Company originally intended to build Two Lincoln Tower as tall as One Lincoln Tower, but that resulted in a lot of agitated people even though the site is in the core of the downtown where buildings that tall are allowed. People make their buying decisions based on height restrictions that will preserve their view. Buying units in the downtown is for many the most important financial decision they will ever make. Taking away their view will dramatically decrease their price per square foot and increase their emotional distress. Making decisions to raise building

heights will affect everyone.

Ms. Leanna (inaudible), 1829 160th Avenue NE, said she is a relatively recent Bellevue resident. She said she moved to Bellevue after being enticed by what the city has to offer in terms of livability, green spaces, and diversity. It was terrifying to learn that over a thousand units have been approved for development within a one-mile radius of the Bellevue Technology Center and her home. She agreed that the area is maxed out in terms of impacts even though there are more units to come. She said she attended the open house events hosted by the developers and had a chance to ask questions. The developers said what they are proposing will not be detrimental to the preservation of trees. What they are talking about, however, is replacing old mature trees with new trees that will take many years to develop. There is a great deal of wildlife that use the site currently, and there is no clear idea as to what will happen to them. The traffic study that was conducted was done a couple of weeks before school started, which is questionable.

STUDY SESSION (8:01 p.m.)

Threshold Review 2017 Annual Comprehensive Plan Amendments

Chair deVadoss asked staff to provide the Commission with an update on what has changed relative to the Bellevue Technology Center since the last time the site was on the table. Commissioner Carlson concurred, noting that the Commission visited the issue just two and a half years ago, and a majority of the current Commissioners participated in the vote. If something was missed, or if something has changed, that should be the focus of the discussion.

Mr. Cullen pointed out that not all of the current Commissioners were on the Commission when the issue was last on the table. He noted the importance of getting all of the facts into the record leading up to setting the geographic scoping and determining a public hearing date.

Mr. Matz said the Bellevue Technology Center is the sole site-specific proposal in the 2017 annual Comprehensive Plan amendment process. The Commission was presented with the framework of the entire process on March 1, including an outline of the detailed steps involved in the threshold review process and a review of the applications submitted. With regard to the Bellevue Technology Center application, he stressed that it is not the same application that was before the Commission in 2014.

Mr. Matz said the annual Comprehensive Plan amendment process contains some specific steps and is guided by set criteria. Amending the Comprehensive Plan is allowed to occur once each year, and the threshold review process is used to establish a list of amendments to consider. The resulting work program recommended by the Commission must be acted on by the Council in order to establish it. Applications on the work program go through the final review process that involves study sessions and a public hearing ahead of the Commission making a recommendation for Council action.

Mr. Matz stressed that establishing the geographic scope of an amendment is not a judgment on an application but rather an assessment that the criteria has been met ahead of giving staff direction. Where an expansion of the geographic scope is recommended, the noticing area is expanded proportionally. There are two site-specific Comprehensive Plan amendments up for review in 2017, of which the Bellevue Technology Center application is one. The Eastgate Office Park application is already queued up for final review having been recommended through

the threshold review process in 2016; by request of the applicant, the application was deferred to the 2017 process, in part to allow adoption of the Eastgate Land Use Code amendments. The other final review amendments on deck are the Complete Streets Comprehensive Plan amendment initiated by the Council earlier in the year, and the Downtown Transportation Plan Comprehensive Plan amendments, which were also initiated by the Council earlier in the year. Still to be queued up is the East Main Comprehensive Plan amendment which the Council has not yet initiated.

The Bellevue Technology Center application involves a site in the Crossroads subarea that is developed with office buildings and a combination of surface and under building parking. The privately initiated application proposes new policies in the general land use and economics section of the Crossroads subarea plan, and seeks to amend policies S-CR-16, S-CR-63 and S-CR-66, as well as the land use map accordingly. The applicant is looking for a land use approach that would encourage redevelopment of the Bellevue Technology Center site. The new policies they are suggesting look at introducing transit-oriented development principles, taking inspiration from development that is occurring in the Bel-Red subarea and in the Overlake urban center in Redmond. At the same time, they are looking at carrying forward the hallmark principles of the policies and the regulatory approach that has made the site what it is currently, namely maintaining the principle and the fact of the meadow and the tree areas, and the impacts of traffic. The Commissioners were asked to keep in mind that the Comprehensive Plan amendment is not predicated on a specific plan for the site, rather an expectation of development capacity.

Mr. Matz said Policy S-CR-66 provides the direction for how the Bellevue Technology Center site has been developed and how it would be developed in the future. The policy states that office uses are appropriate on the site, and when translated into the PUD in 1972 it received regulatory teeth which constrained the amount of office development on the site in order to identify and protect the meadow and the tree areas, as well as to mitigate traffic impacts expected by the approximately 325,000 square feet of office. In the 2014 application, the proposal was made to eliminate Policy S-CR-66 in favor of allowing the property owner to manage the issues in a different way. The recommendation of the staff and the decision of the Commission to not advance the application out of threshold review was based in part on not knowing exactly how things would play out. The applicant was encouraged to look at other paths for addressing redevelopment of the site, and a rezone action was undertaken. Having gone through that exercise as far as possible, the city concluded that the Comprehensive Plan amendment process would need to be revisited. The current proposal looks beyond S-CR-66 and introduced other elements that look at the site from a different perspective.

Commissioner Carlson asked what the applicant could have done two and a half years ago versus what they would be able to do under the proposed application. Mr. Matz said the 46-acre site is zoned Office. Even using all of the development regulations that are in place, the amount of development on the site could more than double under the existing zoning. The issue that has been accurately identified by the application and the community is the fact that the existing PUD establishes the agreed-to appropriate level of development on the site, which is roughly 325,000 square feet of office and associated under building and surface parking. The PUD directly allows for retaining the meadow and the tree areas as significant elements of the site, and sets a limit on the traffic impacts that could occur from that much office. Elimination of the PUD would allow for at least twice the amount of square footage built on the site, and there would be commensurate issues related to the meadow, the trees and the traffic. The application is asking to reframe the discussion about how the various elements relate and balance out each other by looking at a model that exists in Bel-Red and Overlake.

Commissioner Morisseau asked what the applicant did in 2014 to fix the site. Mr. Matz said the PUD is a zoning rule that limits development on the site to 325,000 square feet. The property owners believe they can achieve an appropriate level of redevelopment that still addresses the concerns of the community about what the site represents, that a relationship can be developed and regulated between the amount of office on the site and the meadow, the trees and the traffic impacts. In 2014 the focus was on weakening S-CR-66 to allow for more site development. The applicant is now seeking a broader conversation about all of the policies that could affect the various ways in which the key site components relate to each other, including how much office, where it is located, the meadow, the trees and the traffic impacts on Northup Way, on 156th Avenue NE, and on NE 24th Street, and they want to do that in the context of what is happening around the site in Bel-Red and Overlake.

Chair deVadoss asked if a transportation analysis has been done. Mr. Matz said staff are working to develop a framework for a planning level traffic study. It will be made part of the site review.

Commissioner Hilhorst noted that the current application utilizes the concepts of transit-oriented development as a justification for why additional density should be allowed on the site. That is certainly different from the 2014 application. The 2014 application also would have expanded the development footprint on the site. Mr. Matz said the current application is not about increasing the allowed density, rather it is focused on lifting the restraints on how much of the 46 acres can be used.

Commissioner Barksdale asked staff to focus on the transitions between the neighborhood and the Bellevue Technology Center site given the proposed language changes. Mr. Matz said the site is zoned Office and is essentially surrounded by residentially zoned properties. Accordingly, there are transition area requirements that apply which increase the setbacks and add require more landscaping, with the burden to provide a buffer on the shoulders of the more intense property. By implementing transit-oriented development principles and lifting the PUD, the applicant seeks to use the site more efficiently, and the potential to create a concern for adjacent residential uses is enhanced.

Commissioner Carlson commented that the property representative, Mr. McCullough, mentioned possibly putting up four new buildings on the site. He asked how many buildings the applicant wanted to add in 2014. Mr. Matz said a specific number of buildings was not a part of that amendment.

Mr. Matz reiterated that the application does not seek to change the zoning on the site, rather it seeks to set a framework for redevelopment of the site that considers things that are happening in other nearby areas while addressing the close relationship between the amount of development on the site, the meadow, the trees and the traffic impacts.

Commissioner Hilhorst asked how many times has the property owner challenged the PUD or made requests to change the Comprehensive Plan since the PUD was put in place in 1972. Mr. Matz said he would need to conduct some research before answering the question.

Mr. Matz said the recommendation of staff was to not expand the geographic scope of the proposal. The site is in the center of an arc of Office-zoned property that curves around Redmond/Group Health and the easternmost foot of the Bel-Red neighborhood. The Crossroads subarea plan sees the site as a buffer from higher-intensity development in Redmond and the Bel-Red area. There are similarly situated properties that are zoned Office, but none of them are

the size of the Bellevue Technology Center site and therefore cannot take advantage of having a focus on a transit-oriented type of development. The previous Naficy Comprehensive Plan amendment looked to take advantage of a level of development intensity that could not be realized on a small property. The Office-zone properties to the north of Bel-Red Road and west of NE 20th Street lack the similarly situated circumstance, namely property size, that would let them take advantage of the framework proposed for the Bellevue Technology Center site. Property owners could elect to assemble parcels, but that would be putting the cart before the horse.

Commissioner Hilhorst questioned why Sound Transit would choose to put a light rail station in an area surrounded by parcels that could not build with a transit-oriented development density. Mr. Matz said the Overlake transit center site is in an area that is expected to have transit-oriented development densities. That is not the case with the similarly situated Office properties that are in Bellevue but outside of the urban center and outside of the Bel-Red subarea.

Chair deVadoss asked if transportation impacts are studied as part of presenting the case for threshold review. Mr. Matz said typically transportation impacts are analyzed under SEPA. If a proposal advances into the work program, it becomes subject to a SEPA analysis. Transportation modeling is not generally done at the threshold review stage. More modeling time than usual will be spent on the Bellevue Technology Center site if the application goes to final review.

Mr. Cullen reminded the Commissioners that when the 2014 application was on the table, the Commission did not recommend expanding the geographic scope.

Commissioner Morisseau recognized that the Bellevue Technology Center site lies on the border between Bellevue and Redmond and asked what is happening in Redmond to the north of the site. Mr. Matz said he was not aware of any proposed zoning changes in that area but agreed to check into it. The urban center in Redmond has been established for some time and there is a development capacity there.

Mr. Matz said the level of community engagement has been robust to date. Early outreach was conducted with the parties of record for the 2014 application. Staff have responded to writing to each of the comments received, and the website has been expanded to share information. Staff have offered to attend community association meetings and to date has attended three and used the time to talk about the Comprehensive Plan amendment process. Staff have also made themselves available during drop-in hours at Crossroads mini city hall. To date, 62 comments have been received from the public, and 67 persons have requested party of record status. The applicant also hosted a community meeting at which attendees were encouraged to ask questions.

Commissioner Barksdale applauded the outreach efforts by the city and the applicant. He added his opinion that expanding the geographic scope would go against the notion of consistency relative to providing a graceful transition from more intense uses to the neighborhoods.

Commissioner Carlson asked if the applicant has any additional capacity to expand the development footprint on the Bellevue Technology Center site under the current regulations. Mr. Matz clarified that as things exist, there is no additional development that can be allowed on the site.

Commissioner Hilhorst said she did not favor expanding the geographic scope. She said the parcel is unique and the process going forward should be focused only on the one property. She said there is development occurring across the line in Redmond that will impact the community

local to the Bellevue Technology Center site, and the Commission should be given data about growth in that area. Mr. Matz said staff would work with Redmond to develop information both about capacity and what is actually happening on the ground. He added that the traffic model includes Bellevue, Kirkland and Redmond, making it possible to anticipate the traffic impacts of development in other areas.

Commissioner Morisseau agreed that the Bellevue Technology Center site is unique and suggested other properties in the vicinity are not similarly situated. She said she would agree not to expand the geographic scope.

Commissioner Carlson said he understood the perspective of the applicant that the level of existing development on the 46-acre Bellevue Technology Center property is relatively small. The issue is where it is. The deal on the books is essentially that there is a development within a park that serves as a buffer to residential areas. He agreed that the geographic scope should not be expanded.

A motion not to expand the geographic scope of the Bellevue Technology Center Comprehensive Plan amendment was made by Commissioner Morisseau. The motion was seconded by Commissioner Hilhorst and the motion carried unanimously.

There was consensus to set June 14 as the date for the public hearing on the application.

Mr. Cullen said the Commission, in a study session ~~scheduled for~~ June 28, will be asked to make a recommendation to the Council with regard to whether or not the proposal should be included in the annual Comprehensive Plan amendment work program. The Council has tentatively identified July 24 as the date for approving the work program.

Mr. Cullen noted for the record that all of the comments received from the public had been provided to the Commissioners in both written and electronic format.

Commissioner Hilhorst asked if any of the written comments can be submitted as part of the public hearing. Mr. Matz said all comments received are made part of the public record and form part of the basis of materials used by the Commission in reaching a decision. The information in the record will be carried all the way through the Council decision process.

BREAK
(8:54 p.m.)

STUDY SESSION
(9:04 p.m.)

Downtown Livability – Review Draft Downtown Land Use Code Amendment

Mr. Cullen reminded the Commissioners that the public hearing on the Downtown Livability Initiative Land Use Code amendment was held on March 8. Since then there have been two study sessions aimed at developing final recommendations. The schedule calls for wrapping up on or before the Commission's last meeting in May.

Strategic Planning Manager Emil King called attention to the matrix on page 70 of the packet that showed all direction given by the Commission to date and the status of each item. A holistic review of all the changes is planned for the May 10 meeting.

Commissioner Morisseau called attention to the second item under parking flexibility on page 71 and said it was her recollection that the Commission at its last meeting had decided not to move forward with removing the 20 percent shared parking reduction, waiting instead until after the parking study is completed. Ms. Helland said the staff were not exactly certain as to whether or not there had been definitive direction given to move forward with removing the 20 percent reduction, or if the Commission had chosen to not do anything until the parking study is done. The language of the matrix is shown as initial direction, but it does not have to be included in the consolidated code.

Chair deVadoss said there was ~~across the Commission~~ the perspective, across the Commission, that the parking analysis should be done before making a recommendation. The Commission was of the opinion that a loophole exists that needs to be fixed. He suggested highlighting both issues in the matrix and to defer a recommendation until the analysis is done.

Mr. King noted that staff had brought back a new definition of “active uses” and asked the Commission to comment on it. He said staff also had information on maximum non-residential or office floorplates in the DT-OLB. Correspondence was also received from PMF and Wallace Properties for the Commission to consider relative to floorplate size. Also in the packet were code clarifications to be incorporated into the consolidated draft.

Commissioner Hilhorst agreed that the Commission had concluded not to make changes to parking until there is more data in hand. There was, however, a desire to talk about the loophole and to seeking a better understanding of it. She asked if the Commission should defer that discussion as well. Chair deVadoss said he would support acting on the loophole issue once it is clearly understood. Commissioner Hilhorst pointed out that the issue had been raised by Commissioner Walter and proposed deferring additional discussion on the loophole until she returns. Ms. Helland said staff would include it in the May 3 packet materials.

Commissioner Hilhorst asked if the Commission would be able to have a conversation down the road regarding the super bonus. She also asked the status of the amenity system going forward. Mr. King said the Commission on April 19 included a review of some suggested changes to the amenity system section of the code. The concept of a super bonus was referred to in a letter from the Bellevue Downtown Association. In essence, the super bonus would take a development above the maximum heights and FARs in the dimensional table. At its last meeting, the Commission did not direct the staff to explore the concept. The flexible amenity is the last item on the list of amenities and it allows a developer the choice of going through a legislative departure to provide something that is not otherwise on the list, but it is not a super bonus.

Commissioner Hilhorst stressed the need for the Commission to make a final review of the amenities list to make sure it is complete before locking it down. Mr. King said he would make the full list available at the next Commission meeting. He added that the notion of eliminating the amenity incentive system was raised by a handful of persons from the public. Their argument was that the system is complex and hard to understand in terms of what it might yield. One approach suggested was to eliminate the system and to add on a set of new development requirements, such as outdoor plazas, enhanced streetscapes, active recreation areas, enclosed plazas, public art, water features and pet areas. The direction given by the Commission was not to pursue that approach.

Ms. Helland said the list of things set for discussion at the May 3 meeting include the tower separation issue and removal of the ten percent open space requirement for exceeding the height

limit and old maximum FAR. Those topics could be discussed in concert with the amenity incentive system.

Chair deVadoss suggested there is merit to simply eliminating the incentive system given how complicated it is and the fact that it carries with it a number of side effects. He recognized that he was in the minority, however.

Commissioner Laing agreed that the incentive system is complicated. If the intent is to get more developers to provide open space, it may be a good thing to allow an additional ten percent FAR as an incentive. The Commission should be mindful of the fact that significant changes to the sidewalk and landscaping requirements have already been approved as part of the early wins package. The Commission also has recommended creating a park or open space fund through the fee in-lieu program. The list of amenities goes beyond open space and includes items that just never get selected. He said he would support focusing in on what it needed to make the downtown more livable and incentivizing only those things.

Commissioner Barksdale said he would like to see the process made more lean around the amenity incentive system. The system should not be done away with, but it should be made simpler.

Commissioner Hilhorst said she could support an approach that is lean and simple. Instead of leaving open the idea of open space, one option would be to provide some specificity regarding open space types.

Commissioner Laing said going all the way back four years to the Downtown Livability Initiative CAC process, a consistent theme has been the need to promote more open space in the downtown. It would be nice to have a simpler and cleaner amenity incentive system that is focused primarily on open space, and possibly including a park impact fee for facilities only in the downtown.

Commissioner Hilhorst said she could support a park impact fee or component in conjunction with a cohesive park plan.

Commissioner Barksdale added that the lean list of amenities should also be constantly updated based on what is being seen in terms of development in the downtown.

Commissioner Morisseau commented that if there **is** to be an amenity incentive system, it should be something that will actually work effectively and that will benefit the residents, the developers and the city. The proposed seven- to ten-year timeline for reviewing the list of amenities is too long and should be reduced if there is going to be an amenity incentive system. Mr. King said staff would outline some of the factors to consider for discussion on May 3.

Commissioner Laing agreed to table the parking discussion until Commissioner Walter can be present but said he has strong feelings about some of the language. With regard to active uses, he said he appreciated the effort made by staff, noting that their proposal ties in better with the existing code.

With regard to building height, Commissioner Laing said it was his understanding that the Commission on April 19 made a recommendation to remove the open space requirement tied to trigger height. He proposed eliminating the trigger height concept altogether. In talking about building height, including going to 600 feet in the downtown core and increasing height in the

DT-MU district, the CAC did so in the context of a new urban design form that involved tall, slender towers. The CAC talked about allowing a 400-foot fat tower under the existing code, or a 600-foot skinny tower under a new code. The idea was that while the buildings would be taller, because they are skinnier there would be more air and light and space. That is not the approach outlined in the packet, however. As proposed, developers still get to build to the existing height the same mass as before, after which the floor plates must be reduced by ten percent above a trigger height. Using a 24,000 square foot floorplate as an example, and assuming a square building, he noted that the square root is close to 156. Reducing the floorplate by ten percent, or 2400 square feet, would yield a floorplate of 21,600 square feet, the square root of which would be about 148.5. The result would be a reduction in a 156-foot façade length by about 7.5 feet, an imperceptible difference for a building that is some 200 feet taller, and the building could not be called tall and skinny. That is certainly not what the CAC talked about from an aesthetics standpoint.

Continuing, Commissioner Laing said all of the effort that has been put into the tower separation and setback issues have been aimed at solving a problem that in a way never was. If there is going to be a conversation about changing building height, massing and form, the focus should be on requiring what will actually be a skinnier building, and not just the portion of the building that exceeds the old maximum height. There are really only two or three places in the downtown that the CAC and the Commission have focused on for true upzones involving height and density beyond what is currently allowed. Very importantly, one of the areas is in the DT-OLB, which presents the face of the downtown along the freeway. The CAC was never concerned about allowing building height of up to 300 feet in that zone. If the Commission is going to support going from 450 feet to 600 feet in the downtown core for the purpose of having an iconic skyline with tall, skinny buildings, the code is going to have to require an iconic skyline with tall, skinny buildings. The same concept should be applied to all areas of the downtown. If no proposal is put on the table to literally require skinnier buildings from the podium up, the outcome will be all of the impact with potentially none of the benefit.

Commissioner Hilhorst agreed that absent reducing floorplate size significantly above a certain height, the result will be taller, fatter buildings. She said the alternative would be to simply not propose increasing building heights.

Commissioner Laing said the floorplate requirements will need to be based on solid evidence of what a viable floorplate size is. There was no call from the CAC to increase building heights just for the sake of increasing heights throughout the downtown. There has been, however, throughout the process a desire to have flexibility in terms of building form, and part of the flexibility involves taking the clay of a building and stretching it in different ways. He said he would not be comfortable allowing more height with the exact same mass that is currently allowed.

Commissioner Hilhorst said the material staff will bring back for the May 3 discussion will be helpful. As originally, drafted, the code had several different standards that led to a taller, skinnier solution. Many of those standards have ~~in the course of the discussions~~ been eliminated in the course of the discussions, including operations above the trigger height, the ten percent open space, the 80-foot tower separation and the 40-foot setback. Each of those elements were intended to yield the taller, skinnier building result. Establishing a floorplate limitation would be another way to accomplish the goal.

Commissioner Laing noted that from the start of the CAC process and the Commission's deliberations, there has been a focus on shadows, building massing, view obstructions, and the

impacts on what it is like to be a worker or a resident. The code as it is drafted ensures that those who avail themselves of the increased height will be allowed to have the same massing impacts, which is incongruent with where things started four years ago.

Chair deVadoss directed staff to make room at the May 3 meeting to follow up on the issue. Mr. King said the discussion at that meeting will include additional information on the 60-foot versus 80-foot tower separation issue, and more information on the proposed ten percent floorplate reduction, and an exploration of what-if scenarios. He said he would also come with information about viable floorplate sizes.

Commissioner Morisseau said she would like to see what requirements are in place, including floorplate size requirements in cities that allow buildings with similar heights and that require tower spacing.

With regard to parking, Commissioner Laing said he appreciated the revisions that have been prepared. He suggested that it should be spelled out very clearly in the code that one cannot use residential parking at all as part of the shared parking plan, nor can residential guest parking or ADA spaces be used as part of the shared parking. Residential garages are typically locked and separate from other garages for good reason, which makes the idea of sharing those spaces infeasible.

Turning to the definition of active spaces, Mr. King said the public hearing draft of the code included a new definition for active uses that was meant to replace the historic definitions of retail and pedestrian-oriented frontage. The approach taken had some built-in flexibility, but feedback was received from both stakeholders and the Commission to take a second crack at it with more specifics attached. He noted that the new language on page 77 of the packet set out a longer and more example-laden definition. Staff went through the land use charts and identified everything in the cultural, entertainment and recreation section that is permitted outright or by conditional or administrative use permit. Most all of the wholesale and retail uses were identified, along with a series of service uses. The intent was to create a definition that would discourage debate with regard to what an active use is. The design criteria included in the code would still need to be met. An administrative departure section was added to allow an applicant to propose to staff something that is not specifically identified. Feedback from stakeholders on the proposed definition has been positive.

Commissioner Hilhorst said her desire was to be crystal clear about what is allowed and what is not allowed. She asked how much gray area there is in the definition. Mr. King said as drafted, the definition is clear as to what is considered an active use. There is also flexibility to add something that is not identified provided it can be shown to function as an active use.

Commissioner Laing said his only suggestion would be to carve out the service uses a bit more finely since that has been one of the big issues with pedestrian-oriented frontage over the years. The use tables do not include every conceivable use, which is why there is an administrative interpretation provision that allows the director to make a determination. He asked if the proposed administrative departure is more or less flexible than the current approach. If it is intended to be the same as what is in place, the existing approach should be referenced. Ms. Helland said the design criteria provides specificity with regard to the type of street frontage. She added that the interpretation requirements for the director to identify where a use fits in the chart will still apply, and where the director identifies an active use that is ambiguous, the opportunity exists to put it into a section that by design meets the active use requirements.

Chair deVadoss said it appeared to him that the administrative departure is a big enough door to push through almost anything. Ms. Helland agreed that if designed properly, there are many things that could be included.

Mr. King proposed holding back on the discussion of the DT-OLB maximum floorplates until the May 3 meeting.

Mr. King briefly reviewed the schedule going forward.

Mr. Cullen acknowledged in the audience the presence of Leann Bremmer who was sitting in for Elaine Spencer, an attorney in the law firm retained by the City Attorney's office to provide independent and outside counsel review of the downtown code amendments.

DRAFT MINUTES TO BE REVIEWED (10:04 p.m.)

A. March 1, 2017

It was noted that Commissioner Walter was not in attendance at the meeting and should be shown as absent.

A motion to approve the minutes as amended was made by Commissioner Laing. The motion was seconded by Commissioner Morisseau and the motion carried unanimously.

B. March 8, 2017

A motion to approve the minutes as submitted was made by Commissioner Laing. The motion was seconded by Commissioner Barksdale and the motion carried without dissent; Commissioner Morisseau abstained from voting because she had not been in attendance at the meeting.

C. March 22, 2017

A motion to approve the minutes as submitted was made by Commissioner Laing. The motion was seconded by Commissioner Morisseau and the motion carried unanimously.

PUBLIC COMMENT (10:06 p.m.)

Mr. Jack McCullough, 701 5th Avenue, Suite 6600, Seattle, endorsed the idea of deferring the discussion of parking until after the parking study. He suggested that upon review the Commission will find that the 20 percent mixed use discount is not in fact a loophole in large projects. In small projects where retail or a restaurant makes up a third of the building, it could lead to issues. The discount was used in association with the Bravern and even so the building has more parking available than is needed. The big projects with mixed uses and dynamic different needs should be distinguished, and the parking study will do that. He said Commissioner Morisseau raised an excellent point about FAR and building height. From a market point of view, office floorplates need to be distinguished from residential floorplates. The code already effectively requires residential floorplates to be half the size of office floorplates. A residential tower with 12,000 square foot floorplates will necessarily be slender. Any discussion regarding limiting floorplate size on the upper portion of buildings should be focused on office.

On the FAR side, most buildings will run out of FAR before reaching the full height of 600 feet. He also reported that the Fortress representatives worked with and settled with staff on the height issue for that development.

Ms. Pamela Aston, 3741 122nd Avenue NE, pointed out that the Bravern is an odd example to highlight relative to parking. That is because the Bravern does not do its business with retail people who come in the door. Much of their business is done from overseas. It is not a normal retail scenario. With regard to the Bellevue Technology Center, she said she did not hear Mr. Matz in referencing Policy S-CR-66 talk about the views and the open character of the site, which is specifically called out in the Comprehensive Plan.

Mr. Tim Jackson with PMF Investments, 15015 Main Street, Suite 203, said design standards along I-405 are being looked at. Staff has been considerate enough to think about how parking and the like will occur in that area given the water table and topographical challenges. The focus is on modulated green walls used to screen buildings. The proposal is to bond what will happen with the green plants and that they be inspected for performance after three years. In regard the build-to line, he said staff has generously worked with him on the issue. With respect to phased projects, it should be allowed to construct amenities as development goes along. Staff is working on language that will not allow a situation where a developer could build three-quarters of a project without having supplied any amenities.

Mr. Alex Smith, 700 112th Avenue NE, said the base height should be set at 90 percent of the new maximum height in the same way the base FAR is proposed to be set at 90 percent of the new maximum FAR. There should also be an FAR exemption for transit-oriented development. He said he has yet to hear the Commission discuss the position that the arbitrary action of requiring provisional amenities is legally invalid because it is not based on the impacts of development, and as such is an illegal tax on development in violation of RCW 82.02.020.

ADJOURN
(10:17 p.m.)

A motion to adjourn was made by Commissioner Hilhorst. The motion was seconded by Commissioner Laing and the motion carried unanimously.

Chair deVadoss adjourned the meeting at 10:17 p.m.

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

May 10, 2017
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Commissioners Carlson, Barksdale, Laing, Morisseau, Walter

COMMISSIONERS ABSENT: Chair deVadoss, Commissioner Hilhorst

STAFF PRESENT: Terry Cullen, Emil King, Department of Planning and Community Development; Carol Helland, Patricia Byers, Department of Development Services

COUNCIL LIAISON: Not Present

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

CALL TO ORDER
(6:34 p.m.)

The meeting was called to order at 6:34 p.m. by Vice-Chair Walter who presided.

ROLL CALL
(6:34 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Laing, who arrived at 6:59 p.m., and Chair deVadoss and Commissioner Hilhorst, both of whom were excused.

APPROVAL OF AGENDA
(6:35 p.m.)

Commissioner Carlson suggested the agenda should be amended to take public comment only until 7:00 p.m., to take up the study session at that time, and to follow the study session with presentations from staff.

Comprehensive Planning Manager Terry Cullen pointed out that staff planned to include in their comments information germane to the study session discussion. It would be challenging to have the Commission discussion first and follow it up with the staff comments.

Land Use Director Carol Helland said the Commission had previously asked staff to return with additional information. She said some of that information was included in the packet materials, but added that staff planned to supplement that information through the use of slides and illustrations. It would be helpful to allow staff to go through the requested information ahead of each topic.

A motion to amend the agenda to conclude public comment at 7:00 p.m., and to approve the agenda as amended, was made by Commissioner Barksdale. The motion was seconded by Commissioner Morisseau and the motion carried unanimously.

COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS - None
(6:39 p.m.)

STAFF REPORTS - None
(6:39 p.m.)

PUBLIC COMMENT
(6:39 p.m.)

Mr. Mike Latori, 500 106th Avenue NE, Unit 611, said he serves as a member of the board of the Bellevue Towers Condominium Association. He said Bellevue Towers has 539 units in two towers in the DT-O1 district. The residents will all be impacted in one way or another as a result of any changes to the Land Use Code and are therefore interested in actively involved in following the process. The work done to date is appreciated but it must be said that after reviewing the multiple studies, reports and hearing testimony it is not an easy task to comprehend or disseminate to others much of the data. One of the goals of the Downtown Livability Initiative was to promote open space and light by building taller and skinnier buildings. The proposed changes, however, do not translate into skinnier buildings, just taller buildings. That will be especially true if the currently proposed 40-foot setback, 80-foot tower separation and ten percent floor plate reduction requirements are removed. Maximum building heights should be true maximums and there should be no tradeoff allowed to exceed the maximum. Specifically in the DT-O2 South district, the 250-foot maximum height in the current code is not in fact the maximum; there are footnotes and appendices that allow 15 percent additional height for amenities and another 15 feet for roof equipment and enclosures, making the true maximum height 302 feet. Many Bellevue Towers residents purchased south-facing units at a premium based on the current 250-foot maximum height, and the proposal to raise the maximum height to 365 feet would negatively impact the views and values for many Bellevue Towers residents. It is not a matter of protecting views, rather it has to do with making sound decisions based on actual data. To change the parameters after the fact will require well-thought-out and explainable justifications, none of which can be found in any of the studies or reports. Height limits should be maintained as written for the core of the DT-O1 and DT-O2 districts. The current amenity incentive system should be simplified by the listing of very specific community needs and not what is incorporated into the design of a new building. The various reports stipulate 23 specific amenities, each of which can be interpreted in many ways, and which may result in very little community benefit. Amenities should be more specific and defined as contributing to the community. Amenities built into the design of proposed buildings should be eliminated because their value is more toward marketing the building rather than benefiting the community.

Mr. Kevin Whitaker, 10770 NE 4th Street, Unit 2802 in Bellevue Towers, concurred with the previous speaker. He said many downtown people are frustrated because of the opacity of the process, the regulations and the governing documents that are defining the rules in the downtown. Most did their due diligence when they sought to purchase units in the downtown, and they made certain assumptions based on what was included in the regulations with regard to building height and setbacks. The regulations directly impact their investments in their homes. The process has created some cynicism in regard to what is going on, and the dense data is not

something lay persons can dig into and understand. The data is seemingly being used as justification for what amounts to a wealth transfer. Many feel the rug is being pulled out from under them by the process and by interests seeking to take advantage of a lack of sophistication on the part of downtown residents.

Commissioner Carlson asked if downtown residents who purchased units under the old building height rules could have a claim that changing the rules to allow taller buildings that take away views amounts to a taking.

Mr. Jack McCullough, 701 5th Avenue, Suite 6600, Seattle, said the short answer is no. If conditions are placed on a project that prevent it from being used, or which are out of proportion to an impact a project creates can be interpreted as a taking. However, in terms of loss of value, which is the implication relative to loss of views, the courts have said that to create a taking a property's value must be diminished by something like 85 to 90 percent. A good example would be downzoning a property so that it could only be used for a park. He called attention to the fact that several weeks ago Chair deVadoss sent him off to address and resolve the height issue, and said that mission had been accomplished. The language in the proposed footnote 12 creates opportunity to allow for additional height under limited circumstances in the B2 district. With regard to parking, he suggested leaving the 20 percent discount alone. There may be some issues in Old Bellevue, but not in the rest of the downtown relative to mixed use projects. To tinker on one part of the parking formula but not another could lead to unanticipated results. He suggested the information in the Commission's packet wraps up the direction given to staff except for the issue of tower separation relative to 60 feet versus 80 feet.

Mr. Arnie Hall, 17227 SE 40th Place, thanked the Commissioners for their hard work. He suggested that two important issues are yet to be determined. The first is the trigger height. The Commission made the difficult decision of agreeing to raise the new base FAR to 90 percent of the new maximum FAR. To be consistent, the trigger height should be set at 90 percent of the new maximum height to avoid any unintended consequences or advantages between properties in the downtown. Developers contribute in many ways, including through traffic impact fees, frontage improvements, on-site and off-site traffic mitigation, and in other ways. Making things even across the downtown will be consistent with the Commission's decision on the base FAR. The second issue is the parking reduction. He agreed that the 20 percent reduction for mixed use projects in the downtown has worked well. It has caused some concern in Old Bellevue and any revisions to the parking code should address the challenges in that part of the city.

Mr. Patrick Bannon spoke as president of the Bellevue Downtown Association (BDA). He said one issue that has come up several times centers on the usability of and how to navigate the code. He suggested the Commission should provide direction to the Council in the transmittal memo to ensure that a very clear index and understandable guide to the new code is included in the Land Use Code update. With regard to the base height issue, he said there remains on the table a significant discrepancy in the DT-OLB where the base height is at 26 percent of the new maximum, which results in having to provide far more amenities when compared to the other zones. He said he has had opportunity to have conversations with Bellevue Downtown Association members and with downtown residents, some of whom are new to the process and some of whom have been with the process for a long time. There appears to be some confusion about where additional FAR has been proposed. Consistent with the CAC, the process to date has continued to emphasize additional FAR in the DT-OLB district along I-405. The Commission has also looked at possible additional FAR relative to the site at Main Street and 112th Avenue NE. The CAC and the Commission both reached the conclusion that the non-residential FAR should be matched with the residential FAR in the DT-MU district. Otherwise,

the height changes considered for the downtown do not include additional density, though there is still on the table consideration for exempting some FAR for affordable housing.

Mr. Bill Herman, 10770 NE 4th Street, spoke representing L for Bell, a group of about 150 people who oppose the draft Land Use Code. He said the issue of equalization is bad for livability and was controversial at the CAC level. He proposed leaving equalization out of the final recommendation. The justification for it is to balance incentives between commercial and residential in the DT-MU. The proposed FAR increase is a 100 percent increase, which is not justified. Commercial traffic in the DT-MU is not wanted. Rush hour traffic is the downtown's biggest problem, and putting commercial traffic a half a mile away or more from the transit center is not the answer. It would be preferable to have the new density in the DT-OLB. Tall and skinny buildings are better than short and boxy buildings for reasons of livability. The 425 Center had the option of building half the floorplate and twice the height and chose not to. Developers will not want to build taller and skinnier unless forced to do so. The Commission should vote to remove all of the additional height.

Mr. Brian Brand with Baylis Architects said he also serves as co-chair of the BDA's livability committee. He said he has been involved in pushing for the code update for the past 13 years and especially over the last four years. The BDA supports flexibility in height increases minus FAR density increases. Taller and slimmer buildings will improve the design and livability benefits. Flexibility is needed to create the opportunity for more creative designs. Tower height cannot be increased without making floorplates smaller. The BDA has not proposed increasing the FAR and in fact does not want to see additional density except in the DT-OLB. Taller buildings that do not include more density are necessarily slimmer buildings. The benefits are more light and air, improved view corridors, and more spacing between towers. As currently written, FAR and height are pretty well matched, so buildings that achieve their maximum FAR end up being shorter and fatter, the very type of design that blocks views through their sites and cutting out light and air.

Ms. Michelle Herman, 10770 NE 4th Street, encouraged Commissioner Carlson to broaden his question about new building height resulting in a taking. Given that there have been numerous concerns raised about the process and the lack of ability for certain parts of the community to participate effectively, and given the number of objections that have been raised with regard to not only the proposed changes but also the current code, she suggested asking if the collective changes could result in a takings claim. She thanked Mr. Bannon for recently reaching out to her and initiating a very good conversation about residents and developers who appear to be completely opposed on various issues could work better together going forward. There is potential common ground. Upzoning the DT-OLB would be a good compromise given that it is close to both transit and I-405, meaning that additional traffic will not be brought into the downtown core. The argument has been made that people will walk from the light rail station into the downtown core, but that will require that they walk uphill for three quarters of a mile. Most will likely choose to drive instead. Adding density to the DT-OLB only makes sense. With regard to the amenity incentive system, the city should try a staged approach, beginning with some upzoning in the DT-OLB and fixes to the amenity system to see what happens before changing them for the entire downtown. Adherence to the wedding cake design is a red herring; there is no wedding cake design for the DT-OLB and there is no reason to adhere to it strictly and rigorously because upzoning the district will not impact transitions to the neighborhoods.

STUDY SESSION (7:05 p.m.)

Downtown Livability – Review of Draft Downtown Land Use Code Amendment

Strategic Planning Manager Emil King noted that the packet included a reprint of the materials from the May 3 meeting packet, as well as the consolidated code draft capturing the Commission's direction to date following the March 8 public hearing.

With regard to downtown parking, Mr. King said the direction received from the Commission on April 26 was to remove the flexibility that had been included in the public hearing draft of the code to allow developers to go either above or below the parking ratios through a parking study. The Commission had also expressed a desire to have more discussion about the current code provisions about the 20 percent shared parking discount.

Land Use Director Carol Helland commented that the consolidated code provisions reflecting the Commission's direction had the code flexibility removed with respect to the modification. The only modification left relative to the 20 percent shared parking discount was to allow it only through a parking study rather than automatically.

Mr. King shared with the Commissioners a graph showing the cumulative parking demand by type of use. He explained that overlapping businesses can operate with different peak hours, which is the philosophy behind shared parking.

Commissioner Walter said she was satisfied with changing the language to allow for a 20 percent shared parking reduction through a parking study. Ms. Helland said that code language could be found on page 68 of the packet.

Commissioner Morisseau said the 20 percent shared parking reduction has been highlighted as being a problem in the Old Bellevue area. She asked why that would be the case given that the code applies citywide. Mr. King acknowledged that there are a number of issues related to parking in Old Bellevue that have been raised before the Commission over the last year. Others have said there are parts of the city that are becoming built out and where shared parking exists it is not signed and operated appropriately, making it difficult to use.

Commissioner Carlson suggested the problem is not exclusive to Old Bellevue. Old Bellevue is in fact the canary in the coal mine and the issue is going to be a downtown-wide issue if the city does not get a handle on it. He said he questioned why the city was expanding Downtown Park without including a single additional parking space. With the residential and the commercial on Main Street in Old Bellevue, the parking issue is a collision that did not need to happen. The issue will pop up in more and more places throughout the city over time. Ms. Helland reminded him that the Commission had previously recommended including in the transmittal memo to the Council a request that a comprehensive parking study be undertaken soon. The study has in fact been funded and staff have started cataloging ideas to put forward as part of the recommendation in the transmittal memo relative to items that go beyond the code.

Commissioner Laing said the language regarding the shared parking provision should be clear that it is for non-residential uses only, and that required residential visitor parking cannot be used as part of the shared parking. Mr. King called attention to page 153 of the packet and suggested using the language that was drafted in talking about the parking reductions. Commissioner Laing said that would work for him. Ms. Helland agreed to make the change.

Answering Commissioner Morisseau's request to clarify the 20 percent reduction, Ms. Helland explained that under the current code the 20 percent discount is provided automatically without

any parking study. The language of the consolidated code includes a requirement for a parking study to ensure that the parking supply will meet the demand based on the peak usage requirement. Other jurisdictions allow a discount of anywhere between 20 and 30 percent on the hope that things will work out in the wash, though some jurisdictions do in fact require a parking study to justify up to a 20 percent discount.

Commissioner Laing said it was his understanding that Commissioner Carlson was going to need to leave the meeting early and suggested focusing on the big rocks prior to his departure.

Commissioner Laing commented that a letter from Wallace Properties had been included in the Commission's May 3 packet. The letter contained some very specific recommendations.

A motion to direct staff to incorporate the proposed changes from the Wallace Properties May 10, 2017, letter to the Commission into the draft code was made by Commissioner Laing.

Commissioner Morisseau said she was not entirely comfortable in doing that. She noted the need to discuss floorplate size and stated that part of the Wallace letter makes reference to floorplate size. Commissioner Laing said the intent of his motion was to generally accept the suggestions made in the letter. Once incorporated into the draft, the Commission will be able to see how the changes play out before going forward.

Commissioner Morisseau pointed out that the Wallace letter states that the fee in-lieu rate should be \$25 per square foot rather than \$28 per square foot, and that is not something the Commission has talked about. The letter also proposes larger floorplates. She said she was not comfortable having either of those items in the draft. Commissioner Laing said he would accept carving out those two items as a friendly amendment to his amendment.

Commissioner Carlson said he would be willing to second the motion without the friendly amendment. He added, however, that he was amenable to the amendment.

Commissioner Laing said he had been working on the downtown livability issue for the past four years along with others in the room. He suggested that with the way the conversation was going, the Commission would spend the entire meeting talking about minor variations of the same information that has been under discussion for four years. What will happen is the Commission will find itself on May 24 having run out of time to make recommendations and will try to do something meaningful without having meaningfully moved the draft forward. He said he wanted to move things forward, taking advantage of having five Commissioners in the room before there would be only four.

Commissioner Walter suggested that putting everything into the draft for review on May 24 would not necessarily serve as a productive use of the Commission's time.

Commissioner Carlson said the Commission has been talking about most of the topics for a very long time. He said the direction set forth in the Wallace letter is the direction the Commission should take. He said he would be willing to carve out the issues Commissioner Morisseau had expressed concern about and discuss them separately.

Commissioner Carlson seconded Commissioner Laing's motion.

Commissioner Barksdale called out the need to notate the source for the various changes to the draft. Code Development Manager Patricia Byers said staff could do that.

The motion carried with Commissioners Barksdale, Carlson and Laing voting for, and Commissioner Morisseau voting against.

Commissioner Laing called attention to a letter dated May 10, 2017, from PMF Investments in which a suggestion was made to allow floorplates only in the DT-OLB South zone between 80 and 150 feet to be increased by 25 percent, up to 25,000 square feet, subject to the same standards of tower separation and light and air impacts as proposed in the staff recommendation.

A motion to direct staff to incorporate into the draft the change recommended in the May 10, 2017, PMF Investment letter was made by Commissioner Laing. The motion was seconded by Commissioner Carlson and the motion carried unanimously.

Commissioner Laing said he would not take part in any discussion of the Elan/Fortress project. He said during his tenure as co-chair of the Downtown Livability Initiative CAC, he was contacted on a few occasions, without any bad intent, by representatives of the property owner asking him in his professional capacity as a land use attorney to assist with a rezone of the property. He clarified that the proposal before the Commission is not something he ever had a substantive conversation about. He said he disclosed his communications with the property owner to the city attorney and to the city's ethics officer a little over a year ago, and subsequently made the decision not to participate in any way in discussion anything that involves the Elan/Fortress property or their proposal. Ms. Helland noted that the Elan/Fortress property representative has come to the table claiming satisfaction with the information that is in the packet.

Commissioner Carlson left the meeting.

With regard to the amenity incentive system, Mr. King said the two items for which the Commission previously requested follow-up information were the list of bonusable amenities and a shorter periodic review cycle of seven years rather than ten. The Wallace letter covers about half of the proposed amenities. Additionally, the list of suggested bonusable amenities highlighted by the public included sports and recreation facilities; public open air markets; museums; publicly accessible amenity spaces on rooftops or tops of podiums; roof gardens; residential amenity space; mid-block pedestrian crossings; and through-block connections. He said five of those items were included in the Wallace letter and accordingly would be added to the draft code.

Commissioner Barksdale asked how likely it was the market would provide the listed amenities without an incentive to do so. Mr. King said certainly a few of them would be incorporated into develops without being incentivized. Commissioner Barksdale said he would favor not including the listed items.

Ms. Helland said one item on the list is currently a requirement and the request has been to make it a bonusable amenity, namely the through-block connections. Commissioner Walter asked what would qualify as a residential amenity space and Ms. Helland said that would be things like an exercise room, swimming pool or meeting rooms just for the use of residents in the building.

Commissioner Barksdale said any item the market will take care of or which does not provide a public benefit should not be on the list of amenity incentives. He suggested residential amenity space is one such item. Ms. Helland clarified that the Wallace letter calls for bonusing publically accessible spaces on building rooftops or on the top of podiums, which is not the same as

residential amenity space.

Commissioner Morisseau said anything that is already a requirement should remain a requirement. She noted that some from the public and stakeholder community have actually recommended getting rid of the amenity incentive system, making some of the items on the list requirements instead. Ms. Helland said as part of the initial discussion with the Commission, questions were asked about the items currently in the consolidated code, with a focus on whether there are too many of them, or whether there are too few of them and new ones should be added. Commissioner Morisseau agreed with Commissioner Barksdale that items the market will take care of on its own should not be added to the list.

Commissioner Laing pointed out that as drafted, ten percent of the allowable FAR must be earned by providing bonusable amenities. If the amenity incentive system is done away with, it will be necessary to just give every development the full amount of FAR and to simply require different items. Determining what should and should not be required would take a long conversation. He suggested focusing instead on what should and should not be on the list of bonusable amenities.

Ms. Helland said the list of amenities starting on page 161 of the packet are consistent with the amenity principles discussed by the Council and the Commission in the joint meeting. The question is whether the amenities suggested in the Wallace letter should be added, or if any of the amenities suggested by the public should be added.

Commissioner Laing pointed out that what is suggested in the Wallace letter is a way of allowing small lots the opportunity to actually earn the last ten percent of the maximum FAR. Small lots are problematic for a number of reasons, including limited space for including ground-level amenities. Rooftops and the upper level of podiums are in many instances the only place to provide amenities on small lots. He agreed that interior residential amenity space should not be bonusable. Ms. Helland said the items listed, absent the interior residential amenity space, could be drafted as applying only to small lots.

Commissioner Walter asked if the flexible amenity could be written to apply to small lots. Commissioner Laing said the flexible amenity should be allowed to stand on its own. The list of amenities serve as a menu of items developers can order, whereas the flexible amenity is intended to allow for creative alternatives. Mr. King allowed that as written the flexible amenity gives developers the opportunity to suggest alternatives through a specific process. It has historically been viewed as encompassing larger and more grandiose items that are not on the list, but it could be interpreted as taking into account a number of small things as well. Ms. Helland said the flexible amenity essentially serves as a departure for small sites.

Mr. King sought clarification from the Commission as to whether the proposed amenities highlighted in the Wallace letter should be considered as applying to small lots only or for all lots.

Commissioner Morisseau said she would prefer to not add the Wallace suggestions and instead rephrase the flexible amenity to address alternative amenities for small lots. Ms. Helland said there are a couple of approaches that could be taken that would neck down the need to expand the list of amenities. One option would be to rely on the flexible amenity, which would not require much rewriting. Another option would be to acknowledge that small sites of 40,000 square feet or less face different challenges by creating a departure for them, which is an approach the Commission has been amenable to in the past. The third option would be to retain

the body of amenities as they have been drafted.

Commissioner Laing said things like sports and recreation facilities, public open air markets, museums and through-block connections are all items that developers can only avail themselves of if they have a substantial project limit. Midblock pedestrian crossings could be done by any developer. He stressed the importance of having items on the list that small property owners can take advantage of and said he could support adding the highlighted items suggested by the public, with the exception of interior residential amenity space.

Commissioner Walter suggested a small lot might or might not have room for a public open air market. She proposed including the list of amenities suggested by the public as examples under the flexible amenity, though not as an exhaustive list. The Commissioners concurred and Ms. Helland said staff would take a stab at it.

There was also agreement to include from the Wallace letter small sites amenities publically accessible rooftops or amenity spaces, amenity spaces on roofs of podium or tower structures, roof gardens that are not necessarily publically accessible, and enhanced landscaping.

With regard to adaptive management, Commissioner Barksdale said the approach is data driven rather than time driven. He said developers put their stake in the ground at the permit stage. Given the plans that are already in the works, plus those coming through in permits, it is possible to project the effects on the downtown area. The city should be able to revisit the amenity incentive system based on what is coming through and make adjustments accordingly rather than waiting for a specific number of years.

Commissioner Walter asked how the approach would be administered, where the data would be collected and monitored, and how the city would know it was time to revise the amenity incentive system. Commissioner Barksdale agreed it would be easier to do the look back on a set time schedule, but he suggested that what is easy is not always effective. By tracking the data, the city could shift the weighting of the individual items or sunset particular amenities based on what is coming through development projects.

Ms. Helland said an approach that has been used by the state legislature and indeed by the city in some cases involves reporting on implementation. She said the seven- to ten-year update could be retained while agreeing to report out on an annual basis on the amenities that are being used. Where the need to make course corrections is identified, the corrections could be made based on that information. An annual reporting form could be developed to track the amenities used.

Commissioner Laing reminded the Commission that the Downtown Livability Initiative CAC unanimously recommended a five-year look-back. Of course there is a concern that even given the best intentions, the look-back might not happen unless prioritized by the Council. Mr. King noted that as drafted, the code calls for a period review every seven to ten years as initiated by the Council. The Commission previously discussed shortening the time interval or undertaking an alternative approach. Commissioner Barksdale said he would prefer to see both the backstop and the tracking report included in the code.

There was agreement to use five to seven years as the backstop timeline.

With regard to the tower separation issue, Mr. King noted that the Commission had previously given direction to have a 20-foot setback from interior property lines between project limits. That direction has been written into the code. The definition of a tower has also been revised to reflect

100 feet rather than 75 feet, and to indicate that the tower spacing must occur at 80 feet rather than 45 feet in line with previous direction given by the Commission.

Mr. King noted that the Commission had asked for additional discussion in regard to 80-foot versus 60-foot tower spacing. He said the Wallace letter addresses the subject but mainly focuses on one site for which an analysis was done. He asked the Commissioners to comment as to whether the direction in the Wallace letter should apply everywhere in the downtown or just to the site highlighted in the letter.

Commissioner Laing commented that ever since the stakeholder started to understand the tower spacing issue, the Commission has engaged in whack-a-mole. Staff has been amazing at bringing forward research on approaches used by other cities and indeed other countries. He proposed leaving the language in the draft as is and challenge someone to come in on May 24 with something that will actually work. If the Commission likes it, it can adopt it or make changes.

A motion to retain the language in the current adopted Land Use Code relative to tower setback and tower spacing for the May 24 meeting was made by Commissioner Laing.

Commissioner Laing clarified that the current code calls for 40-foot tower separation based on the building code. Ms. Helland added that the current code carries the separation requirement across property lines, and pointed out that the building code does not apply a tower separation requirement on an individual property, thus under the existing code there is no tower separation on a single project limit. Commissioner Laing said he understood that.

Commissioner Barksdale asked what the setback is in the current code. Ms. Helland said it defaults to the building code, which is 20 feet from property lines unless property lines are combined. On a single site, there is no prescribed limit between buildings given that multiple buildings on a single site are considered to be a single building for purposes of administration of the building code. There is no provision in the current Land Use Code about building separation. She reminded the Commission that the notion of building separation was a hallmark of the Downtown Livability Initiative CAC recommendation for light and air.

Commissioner Laing respectfully disagreed that building separation was a hallmark of the CAC's recommendation. He said he did not recall having any meaningful conversations at the CAC level about tower separation. There was talk about light and air, but no specific call to increase tower separation, just as the CAC did not make a recommendation for taller buildings with the exception of the DT-OLB district and some minor tweaks. The CAC operated on the principle of doing no harm.

Commissioner Barksdale said if the CAC advocated in favor of more light and air, and if the code does not currently require tower separation within a single property, the goal of achieving more light and air will not be reached. Commissioner Laing pointed out that projects would still have to meet the building code, and the draft also proposes new design guidelines that talk about reducing floor plates for taller buildings. No one has come forward screaming that their towers are too close together. As outlined, tower separation feels like a solution looking for a problem. The Commission has spent a huge amount of well-intentioned time trying to come up with something different from the existing code that will not gut redevelopment in the downtown. It has not found it yet, so things should be kept as they are, leaving the door open to someone coming forward with a compelling case for why things should be different.

Commissioner Barksdale asked if the CAC discussed the issue of light and air on the

understanding that currently there is insufficient light and air, or because it was being aspirational. Commissioner Laing said the conversations at the CAC level about light and air were nowhere near as in-depth as the conversations had to date on the topic by the Commission. Light and air is certainly not an unimportant thing. The CAC talked a lot about the amenity system, about the DT-OLB district, about the sidewalk and landscaping standards, and about the need for more park land in the downtown. Very little time was spent on tower separation outside of considering taller buildings if they are skinnier.

Commissioner Morisseau said the recommendations of the CAC represent a vision, and the work done by the Commission is focused on implementing that vision. The vision of the CAC was to increase light and air, and requiring towers to be separated is how to implement the vision. For stakeholders, the issue has been the combination of an 80-foot tower separation and a 40-foot set from interior property lines. The Commission concluded that separating towers by 60 to 80 feet would be workable for many stakeholders if done in conjunction with a setback of only 20 feet, and would also achieve the goal of increasing light and air. If there are going to be taller buildings, it makes sense that the distance between them should be increased. She also noted that Commissioner Carlson had asked for more discussion of 60 feet versus 80 feet but was not present to participate in the discussion. The language of the consolidated code should be retained, allowing for either a 60- or 80-foot tower separation requirement.

Ms. Helland said the tower separation issue has been in the draft since November. In multiple meetings between staff and stakeholders, tower separation of 60 or 80 feet was not the lightning rod. The problem was the setback from interior property lines. The draft code has removed the initial 40-foot setback in favor of the current 20-foot setback, which is consistent with the building code.

The motion made by Commissioner Laing was not seconded.

Commissioner Walter said she would be comfortable with a 60-foot tower separation in place of the 80-foot requirement in the draft code.

A motion to change the 80-foot tower separation requirement to 60 feet was made by Commissioner Morisseau. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

****BREAK****

(8:26 p.m. to 8:37 p.m.)

With respect to reducing floorplate size above the trigger height, Mr. King noted staff had previously received from the Commission direction to remove the ten percent outdoor plaza requirement. A related element and one of the objectives was to yield a more slender urban form. Good examples were previously given in regard to how the proposed ten percent floorplate reduction would play out. One argument made by Commissioner Laing was that floorplate reductions would probably be more important in some parts of the downtown and less important in others.

For the DT-O1 district, the draft code is written to require a ten percent reduction in the maximum floorplate size of 13,500 square feet for a residential tower where it exceeds the current building height of 450 feet. If done equally on each façade, the ten percent ~~reduction~~ ~~reduce~~ is not significant. A ~~developer~~ ~~develop~~ could choose to reduce the floorplate on a single side or on all four side. There are provisions in the code that allow for diminishing

floorplates and averaging them from 80 feet and up, provided that no one floorplate exceeds the maximum allowed in the zone. The intent is to result in a more elegant structure. Non-residential office towers in the same zone typically have larger floorplates, up to 24,000 square feet above 80 feet. A reduction of ten percent will result in a reduction of each façade by about five feet if done equally.

Mr. King commented that office floorplates can be more impactful given that they are larger than residential floorplates. He urged the Commissioners to keep in mind the feasibility of reducing floorplate size in new development, noting that stakeholders had questioned the feasibility of dropping below 20,000 square feet for office. The Commission should consider where floorplate reductions of more than ten percent might make sense for given uses and given zones.

Commissioner Laing reiterated the statement ~~he~~ made at the last meeting about the ten percent reduction in the floorplate would result in an almost imperceptible change from outside the building. He said he understood the concern expressed by the BDA about not getting taller and slimmer buildings, just taller buildings with essentially the same mass. He said he was not in a position to just pick a square footage and require developers to make it work. At the same time, it would be disingenuous to allow for height increases in exchange for skinnier buildings without having something specific in the code that requires skinnier buildings.

Commissioner Morisseau said she had previously asked staff to come to the Commission with examples of approaches used by similar cities. Mr. King said staff's research on office development has shown that the floorplate sizes of 20,000 square feet to 24,000 square feet are fairly typical. Some jurisdictions allow larger floorplates closer to ground level. The interesting forms of some of the iconic skylines across the country clearly to involve a tapering down of floorplate size, though it is typically done to achieve a sculptural element. Vancouver, B.C. allows residential floorplates below 12,000 square feet. Clearly floorplate reduction is more of an issue for office developments given their need for more space per floor. However, a highrise with 24,000 square foot floorplates going up to 600 feet would require some land assemblage of up to 28 acres. There are bonuses available in the DT-O1, but some creativity would need to come into play to have an office building go up to the maximum height.

Commissioner Laing said he hoped input would be received from design professionals before the Commission makes a final recommendation to the Council that will be absolutely opposed to the notion of livability. Mr. King proposed retaining in the draft the ten percent floorplate reduction requirement while keeping an ear open to hear from the public and stakeholders about how to assure taller and more slender towers.

Ms. Helland noted that the Wallace letter suggests alternative directions for the maximum floor plates in the DT-MU. The suggestion was that the maximum floor plate for office should be increased so that once the ten percent reduction is applied it would be effectively brought back down to 20,000 square feet.

Commissioner Morisseau asked what the lowest floorplate size would be in the DT-MU with the ten percent reduction. Ms. Helland said in that district above 80 feet the floorplate would be less than 20,000 square feet. As drafted, the DT-MU allows floorplates up to 22,000 square feet up to 40 feet and 20,000 square feet above 80 feet. The suggestion is to equalize the floorplate sizes in the district at 22,000 square feet so that when the ten percent reduction kicks in the floorplate will not be reduced to less than 20,000 square feet. Commissioner Morisseau said if the goal is more slender buildings, a smaller floorplate will achieve that.

Commissioner Walter agreed that mathematically that makes sense, but the question is whether or not such buildings would get built. A smaller floorplate would ensure thinner buildings, but it might also make invisible buildings.

Commissioner Laing said that was his concern as well. He said he had been running scenarios with 22,000 square feet as the basic commercial floorplate to determine what actual heights would be achievable and the types of properties that would be needed. In the Denny Triangle in Seattle, which is admittedly a unique circumstance, the tower width above 75 feet cannot be more than 80 percent of the north-south façade. The purpose is allow for light from the east-west exposure and by having some restriction on the north-south façade, allowance is made for the sun at its lowest angle in the sky to shine between buildings. He stressed that he was not endorsing that approach, rather that he was saying there are other ways of putting a metric in the code that might have the same effect, though in a more flexible manner.

Commissioner Walter allowed that Bellevue has both sunshine and shadows to address. Bellevue also has the issue of livability. What the code should bring about is buildings that can get built, buildings that are appealing, and a downtown people will want to live in.

There was agreement to retain the code as drafted with the ten percent reduction in floorplate size.

Commissioner Walter asked to have the materials for the May 24 meeting delivered to the Commissioners sooner rather than later to allow for thoroughly reviewing it. Said it would also be helpful to ask the public to submit comments a week in advance of the meeting so they can also be reviewed and considered.

Commissioner Barksdale agreed but added that while developer economics are important, the Commission should have a balanced perspective with a focus on both livability and developer economics.

Ms. Helland said staff went over the materials previously prepared by them and compared them to the Wallace letter and the PMF Investments letter from May 10 and concluded that the DT-OLB floorplate issue had been subsumed in the direction given by the Commission with respect to PMF Investments. Additionally, suggested language has been drafted in regard to the Elan/Fortress project which the property representative has indicated is consistent with the needs of his client, so it could be moved to the consolidated code.

Commissioner Morisseau said she and Commissioner Hilhorst were concerned after speaking to the Elan/Fortress stakeholder that the proposed approach could be deemed spot zoning. She asked how many sites within the DT-MU B-2 overlay would be impacted by the change. Ms. Helland said staff conducted a review and found the approach not dissimilar to what was done with the Bellevue Gateway site. She said the approach acknowledges that there are thin areas where a zoning line essentially bisects a site, triggering the need for flexibility for development across the zoning line. In the B-2, the Elan/Fortress site is the only property assemblage that is bisected by the Deep B line, so the footnote would apply to the site but would not currently apply to any other site. It would not, however, be a spot zone because there could be other sites assembled that could meet the same characteristics within the B-2. The footnote allows for some flexibility with regard to variable building height for multiple towers on the site, with a maximum height of 288 feet.

Commissioner Walter said it was her recollection that the maximum tower height would be no

more than 220 feet. Ms. Helland the footnote only addresses situations where properties are split by a zoning line. The building height of 288 feet is allowed for a single building in the B-2 perimeter district adjacent to the DT-MU.

Commissioner Morisseau pointed out that the Wallace letter called for adjusting the fee in-lieu rate from \$28 per square foot to \$25 per square foot. Ms. Helland said the rate seeks to incent the amenities earned to place them on the property rather than paying the fee in-lieu. Commissioner Morisseau agreed with that notion and commented that the purpose of the amenity incentive system is to get the community what it wants and needs to the advantage of all. However, 75 percent of open space was put on the amenity incentive list for a reason and it should be built on site. The difference between \$25 per square foot and \$28 per square foot could potentially make that happen.

Commissioner Laing said his take on the fee in-lieu was different. At the CAC level and since, the big thing has been the idea of publically accessible ground floor open space, the best example of which is Downtown Park. The CAC and the Commission has recognized the difficulties associated with coming up with an assemblage. The city could choose to exercise its condemnation authority to get the land it needs for park facilities, but the Commission has been sensitive to the idea of investing fees in-lieu in the area of the project that generated the fees. He said rather than getting into the specific dollar amount of the fee in-lieu, he would prefer to do a downtown-only park impact fee, an approach that is allowed by state law by designating the downtown as a district. Any impact fees collected within the district must be kept in a segregated account and must be spent in the district. One thing about park, school and transportation impact fees is that property owners cannot be charged twice. Where there is a transportation impact fee to address a needed intersection improvement, if the developer opts to build the intersection improvement, a credit against the impact fees is awarded. In a situation in which downtown property owners and developers had a choice between putting publicly accessible ground level open space on their properties or paying a park impact fee, there would be some integrity many could buy into. Making the fee as high as possible to encourage developers to provide facilities on their properties could run up against the legal challenge of nexus proportionality, and requiring the payment of more money to not build something could be tenuous. Probably the only way to actually see more publicly accessible park space in the downtown will be by instituting a park impact fee.

Commissioner Walter noted the Commission had previously discussed the notion of having a park impact fee and she indicated her support for the approach. For every square foot of space people will live and work in, there should be an amount of space dedicated for them to recreate. Ms. Helland said a park impact fee would require a considerable amount of research and preparation to calibrate. The Comprehensive Plan calls for looking for ways and financial avenues to create park space. That could certainly be added as a recommendation in the transmittal memo.

Commissioner Walter asked Commissioner Laing if he would support a fee in-lieu of between \$25 per square foot and \$28 per square foot for amenities other than park facilities. He voiced concern over a tacit admission of overcharging. He said he would not support anything that would become a deterrent to development.

Commissioner Morisseau said she wanted to see a system put in place that will benefit the citizens and the community.

Commissioner Laing agreed but stressed that downtown Bellevue is the golden goose. The

property taxes that are generated by the downtown, along with the retail sales taxes collected there, comprise a significant bulk of the city's operating budget. The vitality and viability of the downtown is what allows the vast majority of the residents of Bellevue to pay some of the lowest property taxes in the state. Bellevue is a world-class city because of the downtown, and that is why getting the downtown code right is so important.

Commissioner Morisseau agreed but said the question is how to make sure what the Commission is trying to accomplish will actually work.

Commissioner Walter said the fee in-lieu largely comes down to do it now versus do it later somewhere else. There is invariably more cost involved in the do it later somewhere else scenario. ~~There~~The needs to be transparency and comparability so downtown residents will know how things might change over time. She said she supported \$28 per square foot.

Commissioner Barksdale asked what the difference is between a fee in-lieu and an impact fee. Ms. Helland explained that the fee in-lieu involves participation in the amenity incentive system. Instead of building an amenity, the developer pays a fee instead. The funds flow into a pool that is used to construct the amenities for which the fees are collected. An impact fee is a construct of state law. State law allows for the collection of impact fees for transportation, parks, fire and schools. Bellevue currently collects transportation impact fees and collects for schools on behalf of school districts in the area. There must be a master plan and a capital facilities plan, and the city must demonstrate where the facilities are that are needed and how they will be charged. A component of obligation is then assigned to the development community to support building out the capital facilities plan. Impact fees are relatively complex to set up.

Commissioner Laing said the Wallace letter makes it clear that some projects have no choice but to pay the fee in-lieu. If there is a fee in-lieu that is intentionally set higher than what the impact is in order to encourage people to build rather than pay, some will be forced to pay the fee by virtue of literally not having enough property. The fee in-lieu at whatever level it is set should not have a disparate impact on those with smaller properties. Those who cannot provide amenities on their sites should not have to pay more than it would cost if they could provide amenities on their sites.

Commissioner Morisseau asked if staff could include in the code language that takes into account those situations. Ms. Helland said there are other approaches that could be utilized. One approach would be not to adjust the cost but rather to include another small site departure. She offered to have staff come back with a recommendation for a departure approach.

MINUTES TO BE SIGNED/REVIEWED (9:25 p.m.)

Commissioner Walter gave staff direction to seek review and approval of the minutes at the May 24 meeting.

PUBLIC COMMENT (9:26 p.m.)

Mr. Don Hassen, 650 Bellevue Way spoke as a resident of One Lincoln Tower. He said the 425 Center building and the Bellevue expansion will be coming online by the end of the summer. He said it would be nice to wait for those two huge buildings to be occupied in order to determine what the actual and real impact will be on the city relative to parking and traffic, as well as

livability generally. There should be no rush to come to a decision on May 24 when a much more informed decision could be made six months or so after the buildings are built and occupied.

Mr. Eric Sinn, 10906 NE 39th Place, spoke representing the Parks and Community Services Board. He said the Board recognizes the work done by the Commission and does not want to be a stopper in the process that is under way. The Board is working to develop a definition of open space and when done will share it with the Commission. On the question of whether a plaza constitutes an open space, specific examples were reviewed in which the incentive structure might not benefit the community or be sustainable to Bellevue. One example shared involved the open space or plaza that is behind Bakes Place in downtown Bellevue. The site fits the requirements but actually provides very little value to the community in regard to accessibility or visibility. It is a green space that is approached via a number of stairs, and the main access point is through the entrance to the building. The Board concluded that for a plaza to be considered open space it should be publicly visible, accessible, on publicly or privately owned land that operates or is available for leisure, play or sport, or serves to protect or enhance the natural environment, and is consistent with the desired uses of the community. He noted the willingness of the Board to continue supporting the process by addressing any particular questions.

Commissioner Walter asked if the Board reached any conclusion as to whether open space is park space. Mr. Sinn said that issue is still under discussion by the Board. There is in place a comprehensive parks and open space plan that the city follows. It is part of the long-term strategy relative to the sustainability of parks within the city. That plan, however, provides no set definition of open space. There is a clear need to come up with a definition

Mr. Jeff Taylor with the Keldoan Group, 10400 NE 4th Street, Suite 500, represented 700 112th LLC that has a property in the DT-OLB Central where the floorplate sizes if reduced by ten percent would fall to only 18,000 square feet. An efficient office floorplate wants to be around 22,000 square feet to 24,000 square feet. It all has to do with distance from the core. The Z corridors from exiting need to be a certain distance from the interior side of the hallway to the window line, making the space as efficient as possible around the entire building. The same approach is utilized across the country. The exception is high-tech companies which want bigger floorplates to get as many employees in the space as possible. The concept of reducing floorplates is good, but there should be a minimum size for office to avoid structures that will not be competitive. He voiced support for the flexible amenity but said if approval will involve going before the City Council, not too many developers will opt for it. Staff should be given flexibility to approve flexible amenities up to a maximum number of points.

Mr. Larry Martin with Davis Wright Tremaine, 777 108th Avenue NE, said he continued to find confusion the ramification of the base height and the trigger height. The dimensional standards chart beginning on page 42 in the packet has two identical columns that sets a base and trigger height for each zone. The base height appears to reflect the FAR discussions the Commission had. Properties are not allowed to build beyond the base height unless it earns amenity points. The trigger height for each zone is the very same height, but it is a separate section in the code. Developers will no longer have to provide ten percent open space upon exceeding the trigger height, but the code still calls for reducing floorplate size. There is an arbitrariness and unfairness associated with having different base height and trigger height numbers for each zone. There is no ramification for base height or trigger height in the DT-O1 district until 345 feet or 450 feet, depending on residential or non-residential. However, in the DT-OLB Central district the trigger height and the base height both kick in at 90 feet or 105 feet, depending on residential or non-residential. The same 400-foot building in those two zones would be treated differently. The correction made to set the base FAR at 90 percent of the new maximum FAR should be

made to the base height and trigger height requirements by setting each at 90 percent of the new maximum for each zone. Where DT-OLB gets a big increase in development, they end up paying for a lot of amenities disproportionate to other zones where the increase in development capacity was not as great, even though they can build bigger buildings. It has nothing to do with impacts, it is all based on how additional development capacity is given. That takes things into the unfair and illegal zone.

Mr. Alex Smith with 700 112th LLC, 700 112th Avenue NE, noted that Mr. Martin's argument had been summarized in prior submissions to the Commission. He thanked the Commissioners for their dedication and said he looked forward the meeting on May 24.

Commissioner Barksdale asked why developers would not want to go before the Council for approval of a flexible amenity. Mr. Taylor said the assumption is that it would take a long time and be very expensive. It is also unclear when it would occur, at the beginning of the process or at some time partway through the process.

ADJOURN
(9:44 p.m.)

A motion to adjourn was made by Commissioner Barksdale. The motion was seconded by Commissioner Morisseau and the motion carried unanimously.

Commissioner Walter adjourned the meeting at 9:44 p.m.