

October 5, 2015

## **CITY COUNCIL AGENDA MEMORANDUM**

### **SUBJECT**

Final Action on the Land Use Code Amendment to clarify the definition of “existing building” for the purpose of administering the parking requirements applicable to restaurant and retail uses in Downtown – Old Bellevue.

### **FISCAL IMPACT**

There is no direct fiscal impact from this Land Use Code Amendment. The requested amendment would clarify applicability of existing provisions contained in the Land Use Code and describe how the parking footnote is administered.

### **STAFF CONTACT**

Carol Helland, Land Use Director 452-2724  
Liz Stead, Urban Design Planning Manager 452-2725  
*Development Services Department*

### **POLICY CONSIDERATION**

Should the City Council adopt a Land Use Code Amendment to clarify the definition of “existing building” for the purpose of administering the parking requirements applicable to restaurant and retail uses in Downtown – Old Bellevue?

Applicable Downtown Subarea and General Comprehensive Plan Policies were set forth in the Staff Report provided as Attachment A to the July 6 Council Packet Materials.

### **DIRECTION NEEDED FROM COUNCIL**

☒ Action  
☒ Discussion  
☐ Information

A third alternative (A-3) was requested by the City Council for Final Action on October 5, 2015. Alternative A-3 would clarify application of the parking exemption to buildings constructed prior to 1998 and expand application of the exemption to three additional buildings mistakenly granted the 1,500 nsf exception between 1998 and 2006.

### **BACKGROUND**

Representatives of the Vander Hoek Corporation (VHC) approached the City in fall of 2014 to request a solution to the limited parking available to serve existing uses located in Old Bellevue. On May 26, 2015, the Council initiated a Land Use Code Amendment (LUCA) that would clarify the definition of “existing building” for the purpose of administering the parking requirements applicable to restaurant and retail uses in Downtown – Old Bellevue. The City Council retained review of the Code Amendment and held a public hearing on July 6, 2015, on the VHC-requested code amendment language. Analysis of the VHC Alternative (A-1) was provided in the City Council packet materials on June 22, July 6, and September 8, 2015.

On June 22, there was Councilmember concern voiced about the impact that the Alternative A-1 clarification would have on three developments that received City approval to locate and invest in tenant improvements, but lacked the parking necessary to support their retail or restaurant use without benefit of the 1,500 nsf exception. While tenants do not have a legal right to continue a use that does not meet the terms of the City code, these tenants did receive a City approval to establish with reduced parking levels. Analysis of the June 22-Requested Alternative (A-2) was provided in the City Council packet materials on June 22, July 6, and September 8, 2015.

On September 8, there was Councilmember concern voiced about the impact that Alternative A-2 would have on developments that took legitimate advantage of the Old Bellevue Parking exemption prior to 1998. On September 14, a new alternative was requested to blend the clarifying provisions from Alternative A-1 and the “grandfathering” provisions from Alternative A-2 to create a new September 14 Alternative A-3 for Council consideration at a future meeting.

Land Use Code Amendment Alternative A-3 would clarify applicability of the parking exemption for restaurant and retail uses located in Old Bellevue and “grandfather” reduced parking levels in three buildings that were mistakenly granted the 1,500 nsf exemption by:

1. Defining “existing building” for purposes of applying the parking exemption to restaurant and retail tenants located in buildings in existence as of 2006;
2. Describing the first 1,500 net square feet (nsf) of restaurant and retail uses in existing buildings as exempt from the requirement to provide parking; and,
3. Describing how tenant spaces larger than 1,500 nsf get the benefit of the exemption, but must provide parking for square footage in excess of 1,500 nsf.

Potential effects of Alternative A-3 amendment to the Land Use Code:

1. Clarifies (without changing) application of the current parking exemption in Old Bellevue to buildings that were existing prior to 1998;
2. Expands the code exemption to the only three buildings that were constructed in Old Bellevue between 1998 and 2006;
3. “Grandfathers” the three buildings that mistakenly received the benefit of the parking exemptions, and treats them the same as buildings in existence prior to 1998, by changing the definition of existing building to refer to those in existence prior to December 2006.
4. Legitimizes a parking deficit of approximately 24 stalls in Old Bellevue that was created as a result of the mistake in code application. However, this deficit has been largely ameliorated by the addition of 29 on-street parking stalls that were recently constructed on 100th Avenue NE by the Transportation Department.

## **ALTERNATIVES**

1. Select Ordinance Alternative A-3 if the Council wishes to clarify application of the parking exemption to buildings constructed prior to 1998 and expand application of the exemption to three additional buildings mistakenly granted the 1,500 nsf exception between 1998 and 2006.
2. Provide staff with alternative direction.

**MOTION**

I move to approve Ordinance Alternative A-3 to clarify the definition of “existing building” for the purpose of administering the parking requirements applicable to restaurant and retail uses in Downtown – Old Bellevue.

**ATTACHMENTS**

Attachment A-3: September 14 Council Requested Code Alternative – Draft Ordinance

**AVAILABLE IN COUNCIL DOCUMENT LIBRARY**

N/A