



DATE: April 19, 2018

TO: Chair Barksdale and Members of the Planning Commission

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SUBJECT: Public Hearing on Land Use Code Amendment (LUCA) necessary to achieve consistency with the new Downtown, Part 20.25A of the Land Use Code (LUC), and Eastgate LUC amendments, and for general clean-ups to correct omissions and/or internal conflicts within the LUC and between the LUC and the Bellevue City Code (BCC). File No. 17-131156-AD.

I. BACKGROUND

A. Recent Code Amendments.

In August and October 2017, the City Council adopted Ordinance No. 6366 related to the Eastgate subarea (the Eastgate Project) and Ordinance No. 6377 related to the Downtown subarea (the Downtown Livability Project), respectively. These two ordinances entailed significant amendments to the LUC concerning these two subareas, and thus, required amendments to general sections of the LUC to ensure consistency between these general sections and newly adopted parts.

Ordinance No. 6366—Eastgate/I-90 Land Use and Transportation Project (Eastgate Project).

Ordinance No. 6366 amended the LUC to advance the Eastgate Project. Initiated in 2010, the Eastgate Project resulted in the Council-appointed Eastgate Citizens Advisory Committee's issuance of *The Eastgate / I-90 Land Use and Transportation Project Citizen Advisory Committee Final Report* (Eastgate CAC Report), which benefited from one and a half years of public outreach and planning work, including open houses, online surveys, stakeholder interviews, presentations to interest groups, and website updates. The City Council accepted the Eastgate CAC Report, and its corresponding principles and guidelines related to the Comprehensive Plan, LUC, Zoning Map, and Transportation Facilities Plan.

The draft LUC amendments for the Eastgate Project created three new land use designations, including a transit-oriented development district (EG-TOD), an expanded version of Office and Limited Business designation (OLB-2), and a Neighborhood Mixed-Use designation (NMU). Use tables, dimensional requirements, development standards, and design guidelines for each of the new land use districts were part of the draft amendments. Also, the draft amendments included rezones of certain areas to land use designations that already existed, and repeals of some concomitant zoning agreements.

Subsequently, and after holding 13 study sessions and a public hearing, the Commission recommended the draft land use regulations to the City Council. The City Council held additional study sessions, and received further comments and recommendations from the Transportation Commission. Finding the draft land use code amendments were consistent with the Eastgate Project principles, the Eastgate CAC Report, the Comprehensive Plan, and applicable decision criteria, the City Council then adopted Ordinance No. 6366 in August 2017.

Ordinance No. 6377—Downtown Livability Initiative.

Ordinance No. 6377 amended the LUC to advance the Downtown Livability Initiative. The City Council launched the Downtown Livability Initiative to update the LUC so that it better aligned with the updated Downtown Subarea Plan and changes that have occurred in the evolution of Downtown, and to focus on enhancing the livability of Downtown Bellevue.

A Council-appointed Citizen Advisory Committee (CAC) worked on the Downtown Livability Initiative from May 2013 to June 2014. The CAC evaluated and identified high-level recommendations for Downtown LUC amendments, including public open space, pedestrian corridor, design guidelines, amenity incentive system, station area planning, building height and form, downtown parking, and other topics. Between May 2015 and May 2017, the Planning Commission worked to evaluate and refine the CAC recommendation, and transmitted a recommended LUCA package to the City Council for final review and adoption.

The City Council reviewed and first adopted a smaller package of “Early Wins” code amendments. Then, after concluding six study sessions related to the Downtown Livability code amendments, the City Council adopted Ordinance No. 6377, which repealed the previous Part 20.25A LUC to add a new Part 20.25A LUC. The new Part 20.25A LUC provided new Downtown definitions, departures, tower requirements, and provisions regarding nonconformities, dimensions, amenity incentive system, development standards, and design guidelines.

B. Conformance Amendments to the LUC Are Now Necessary.

In addition to amendments necessary due to the Eastgate and Downtown ordinances, updates to the Comprehensive Plan and continuing code development efforts in recent years created omissions and/or internal conflicts within the LUC and between the LUC and other city regulations that were identified during the City’s review and processing of land use approvals and permit applications.

For instance, the International Building Code (IBC) that was adopted by the City in 2016 now allows for five levels of wood frame construction over two levels of concrete construction (5 over 2). This 5 over 2 construction type, which is more cost effective and flexible for development of housing that is affordable to a wider array of residents, was not allowed when the Factoria 1 regulations were last amended in 2007. The change in height limit from 60 feet to 75 feet in Development Area (DA) III in Factoria (LUC 20.25F.140) included in these Conformance Amendments addresses the new IBC provisions allowing 5 over 2 construction method in the Factoria DA III where residential uses are encouraged.

Another example is regarding maximum building heights in the dimensional requirement charts in LUC 20.25A.060.A.4. There are two numbers provided in these charts, one for the Maximum Building Height and another for the Maximum Building Height with Mechanical Equipment. On May 24, 2017, the Planning Commission decided to include both heights in the charts, as opposed to listing the uninhabitable mechanical space as a separate height exception, and the final Downtown Code is consistent with this direction. However, a remnant of the separate height exception remains in LUC 20.25A.060.B.3 which still allows a 20-foot height intrusion for mechanical equipment through an Administrative Departure. Based on staff review of the May 24, 2017 minutes, it does not appear that the Planning Commission intended to provide a 20-foot administrative intrusion opportunity in addition to the 20-foot height increase for mechanical equipment included in LUC 20.25A.060.A.4 (which would

result in up to 40 feet of additional height for mechanical equipment). In the March 28 study session, staff confirmed that the separate height exception in LUC 20.25A.060.B.3 was not intended to remain in the final Downtown Code. As such, deletion of the height exception provision is included in these Conformance Amendments for clarity and consistency with the Planning Commission's previous recommendation.

C. Recommended LUCA Description

This recommended LUCA, i.e. Conformance Amendments, contains cross references and amendments to sections of the LUC necessary to effectively integrate and ensure consistency with the substance of adopted ordinances, regulations, and the Comprehensive Plan. Notably, these Conformance Amendments do not separately make any substantive changes to the LUC. The draft amendments are included in Attachment 1.

II. REVIEW PROCESS

In the March 28 study session, the Planning Commission was introduced to the recommended LUCA. The LUCA is required to achieve consistency with the newly adopted Downtown, Part 20.25A LUC, and Eastgate LUC amendments, and for general clean-ups to provide clarity and ease of administration of the LUC. After this introduction and discussion, the Commission directed the public hearing be scheduled for May 9, 2018 to receive comments and consider the recommended LUCA.

Following the public hearing, the Commission will be asked to transmit to the City Council a recommendation for the LUCA adoption; or a recommendation for the LUCA adoption with modifications.

During a subsequent public meeting (potentially in June 2018), the City Council will consider the recommended LUCA, along with the Planning Commission's recommendation, and may take final action on the LUCA. If the Council adopts LUCA ordinance, the documents will be forwarded to the Washington State Department of Commerce (Commerce) pursuant to the Growth Management Act (GMA).

III. PUBLIC NOTICE

The notice required for legislative actions is governed by the terms of LUC sections 20.35.415 through 20.35.450. Notice of the LUCA Application and Public Hearing scheduled for May 9, 2018, including this Staff Report, was published on April 19, 2018 in the Weekly Permit Bulletin, and availability of the Weekly Permit Bulletin was noticed in the Seattle Times. Notice of the Public Hearing scheduled for May 9, 2018, including the availability of this Staff Report, was also published in the Seattle Times on April 20, 2018. Both notices were also provided to members of the Community Council, representatives of neighborhood associations, community groups, and others who have subscribed to receive these notices.

Pursuant to the GMA, proposed amendments to the LUC must be sent to Commerce. A copy of the required transmittal to Commerce, including a copy of the proposed amendments, was transmitted on April 10, 2018, and is available for review in the code amendment file. As of the release of this Staff Report, no comments have been received from any state agencies.

In addition to the required public notice, information regarding this recommended LUCA is posted on the City's Code News website. This website provides access to materials regarding the draft amendment, staff contacts, and other relevant information.

Parts of the recommended LUCA concern general provisions that apply city-wide, including within the jurisdiction of the East Bellevue Community Council (EBCC). As such, the EBCC will hold a courtesy hearing on the proposed LUCA, currently scheduled for June 5, 2018. If this LUCA is adopted by the City Council, the EBCC will then be asked to approve the ordinance for it to become effective within the EBCC area. Notice of the public hearing and potential EBCC action will be properly provided.

IV. DECISION CRITERIA

LUC 20.30J.135 establishes the decision criteria for an application to amend the text of the LUC. Those criteria, and the relationship of the recommended amendments to them, are discussed below:

A. The amendment is consistent with the Comprehensive Plan; and

Finding: The City of Bellevue has adopted three comprehensive plan policies that speak to the efficiency, consistency, and predictability of the permitting process:

POLICY ED-5. Develop and maintain regulations that allow for continued economic growth while respecting the environment and quality of life of city neighborhoods.

POLICY ED-6. Strive to provide an efficient, streamlined, timely, predictable and customer-focused permit processes, conducted in a manner that integrates multiple city departments into a coordinated entity, recognizing the role of development in creating places for economic activity.

POLICY ED-31. Maintain and update integrated land use and transportation plans to guide the future of the city's major commercial areas and help them respond to change.

The LUC contains the regulations that are used to implement the Comprehensive Plan in its totality, including the above listed policies specifically. The City Council adopted these regulations, along with the underlying policies, through its legislative (law-making) and long-term planning authority.

The recommended LUCA is consistent with and supports the Comprehensive Plan and these listed policies, as well as their corresponding regulations, by achieving consistency with the new Downtown, Part 20.25A LUC, and Eastgate LUC amendments, and general clean-ups to correct omissions and/or internal conflicts within the LUC and between the LUC and the BCC.

B. The amendment enhances the public health, safety or welfare; and

Finding: The recommended LUCA will enhance the public health, safety, and welfare by achieving consistency and correcting conflicts within the LUC and between the LUC and other city codes.

The recommended LUCA would properly develop and maintain the LUC, and ensure that the permitting process is efficient, streamlined, timely, predictable, and customer-focused, and that

development and land use are coordinated within and between multiple city departments and codes.

C. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.

Finding: The recommended LUCA is consistent with the best interest of the citizens and property owners as it will achieve consistency and correct conflicts within the LUC and between the LUC and other city codes.

V. STATE ENVIRONMENTAL POLICY ACT

Integrated environmental review occurred for the Eastgate Project and the Downtown Livability Project and resulted in the issuance of a Determination of Non-Significance on June 9, 2016 and February 16, 2017, respectively. Other conformance amendments not part of the Eastgate Project and the Downtown Livability Project are categorically exempt from the requirements of SEPA under WAC 197-11-800(19)(b).

VI. RECOMMENDATION

The recommended LUCA included in Attachment 1 is consistent with the decision criteria required for adoption of an amendment to the LUC. Staff recommends that the Planning Commission hold a public hearing on the draft amendment, and following consideration of the testimony provided at the hearing and discussion, recommend to the City Council approval of the draft amendment.

ATTACHMENTS

1. Draft 2018 Conformance Amendments