



DATE: August 24, 2018

TO: Chair Hummer and Members of the East Bellevue Community Council

FROM: Carol Helland, Code & Policy Director  
Trisna Tanus, Legal Planner  
*Development Services Department*

SUBJECT: Courtesy Hearing, Conformance Land Use Code Amendments

## **I. INTRODUCTION**

On September 11 the East Bellevue Community Council (EBCC) will hold a courtesy hearing regarding a Land Use Code Amendment (LUCA) necessary to achieve consistency with the new Downtown, Part 20.25A Land Use Code (LUC), and Eastgate LUC amendments; to incorporate International Building Code (IBC) and Bellevue City Code (BCC) amendments related to construction type in Factoria Development Area III; and for general clean-ups and clarifications to correct errors, omissions and/or internal conflicts within the LUC and between the LUC and the BCC.

Specifically, the EBCC will consider the portions of the draft LUCA applicable to the EBCC jurisdiction. These portions consist of general clean-ups and clarifications to correct errors, omissions and/or internal conflicts within the LUC.

The Planning Commission has approved and recommended adoption of the LUCA as in the Draft Ordinance (Attachment 1). The City Council is scheduled to consider the recommended LUCA at its September 17 Study Session and may elect to take final action on that night or at a subsequent meeting.

## **II. DISCUSSION**

### **A. Background**

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). Additionally, changes to the IBC in 2016 enabled five levels of wood frame construction over two levels of concrete construction (5 over 2), and this 5 over 2 construction type was not permitted when Factoria 1 regulations were last amended in 2007. The Eastgate Project, the Downtown Livability Project, and the adoption of the 2016 IBC amending the BCC to incorporate the IBC provisions regarding 5 over 2 construction type entailed significant amendments to the BCC. These legislative actions are discussed below:

**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 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 amendments. Also, the amendments included rezones of certain areas to land use designations that already existed and repealed some concomitant zoning agreements. The City Council 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. 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 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.

### **2016 IBC Amendments**

The IBC that was adopted by the City in 2016 now allows for 5 over 2 construction type, which consists of five levels of wood frame construction over two levels of concrete construction. The 5 over 2 construction type is more cost effective and flexible for development of housing and was intended to help add to the diversity of housing choices available in the City. The total height for a 5 over 2 construction type is ideally 75 feet.

This construction type was not permitted in the City at the time Factoria 1 regulations were last amended in 2007, and as a result, the maximum height for Factoria Development Area (DA) III was set at 60 feet. In order to integrate and ensure consistency between the provisions of the IBC, BCC, and the LUC, the recommended LUCA would permit 5 over 2 construction type in Factoria DA III and increase the maximum height for multifamily in Factoria DA III from 60 feet to 75 feet (LUC 20.25F.140).

### **B. Conformance Amendments are now Necessary**

In addition to the amendments necessary due to the above described legislative actions, 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. The City has also identified necessary general clean-ups and clarifications during its review and processing of land use approvals and permit applications.

As such, the recommended LUCA, i.e. Conformance Amendments, contain updated 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. These Conformance Amendments do not separately make any substantive changes to the LUC. The recommended amendments are included in Attachment 1.

### **C. The Topics before the EBCC**

As explained above, the recommended LUCA is required primarily to conform general sections of the LUC and the BCC to new or revised Eastgate, Downtown, and Factoria chapters of the LUC. Thus, the majority of the recommended LUCA is specific to provisions in the LUC regarding these Land Use Districts. The portions of the recommended LUCA that the EBCC will consider are those applicable City-wide, and as such, within the EBCC jurisdictional area.

These amendments consist of general clean-ups and clarifications to correct errors, omissions and/or internal conflicts within the LUC. For instance, several sections in the recommended LUCA correct outdated or erroneous cross references (see examples in sections for LUC 20.25H.040.C; 20.25P.050; 20.35.120.B.3; 20.35.210.A.5; 20.35.320.B.3; and 20.35.510.B.3). Another example is in the section for LUC 20.20.195.A.3, which adds the three new districts (OLB 2, NMU, and EG-TOD) created by the Eastgate Ordinance into the list of nonresidential land use districts. The EBCC may recall that there are two parcels within the EBCC area affected by the Eastgate Ordinance. Thus, the EBCC has jurisdiction to approve or disapprove any amendments to the Eastgate code; however, such action would only impact those two parcels.

## **III. COMPREHENSIVE PLAN**

The Comprehensive Plan analysis is included in the May 24 Staff Report prepared and published for the Planning Commission Public Hearing (Attachment 2).

## **IV. ACTION REQUESTED OF THE EBCC**

The EBCC is requested to consider the recommended LUCA and provide its comments to the City Council. Staff will be present at the September 11, 2018 courtesy hearing to answer any questions the EBCC members may have.

If there are questions before the September 11 meeting, please contact Carol Helland at 425-452-2724 or at [chelland@bellevuewa.gov](mailto:chelland@bellevuewa.gov), or Trisna Tanus at 425-452-2970 or at [ttanus@bellevuewa.gov](mailto:ttanus@bellevuewa.gov).

### **ATTACHMENTS:**

- A. Draft Ordinance
- B. Staff Report