



STAFF REPORT

DATE: November 16, 2017

TO: Mayor Stokes and Members of the City Council

FROM: Carol Helland, Code and Policy Director 452-2724
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Development Services Department

SUBJECT: Public Hearing on Land Use Code Amendment (LUCA) to reconcile conflicts between the on-street parking requirements in LUC 20.25D.140.E and the specific transportation Capital Investment Program (CIP) project designs for NE Spring Boulevard. File No. 17-125854 AD.

On October 23 and November 13, the City Council held study sessions regarding a recommended LUCA to reconcile conflicts between the on-street parking requirements in LUC 20.25D.140.E and adopted CIP project designs for NE Spring Boulevard. Following discussion on October 23, Council initiated the LUCA, and retained authority to conduct the public hearing on the draft LUCA. Council directed staff to set the public hearing, which has been scheduled for December 4, 2017. Council also expressed several policy priorities as parameters to accomplish the reconciliation. On November 13, Council directed staff to advance the draft LUCA to the scheduled public hearing.

After deliberation and consideration of public comments received from October 23 through the scheduled public hearing, Council will be asked whether staff should make the draft LUCA ready for adoption at a future City Council meeting.

I. BACKGROUND

BelRed Plan: In 2009, the City Council adopted a new BelRed Subarea Plan together with a legislative rezone of the BelRed area. Council also adopted a new BelRed Code, Part 20.25D LUC, which established regulations, standards, and design guidelines for implementation of the new BelRed Plan.

Typically, LUC regulations are limited in application to property that is located outside of the right-of-way. As adopted, the BelRed Code was unique because it included Street Development Standards for the right-of-way. LUC 20.25D.140 provided these standards, including on-street parking requirements along NE Spring Boulevard, because the formerly industrial area in BelRed lacked any transportation infrastructure.

Transportation CIP Update: Subsequent to adoption of the BelRed Code, the City Council adopted the 2013-2019 CIP, Ordinance No. 6089. This CIP update was the culmination of a robust process which included work by the Transportation Commission, substantive policy considerations, and significant public involvement related to the

design of NE Spring Boulevard (previously referred to as the NE 15th/16th Street Corridor).

The adopted 2013-2019 CIP project designs for NE Spring Boulevard specifically evaluated the right-of-way width necessary to achieve the pedestrian enhancement, frontage activation, transit, and other mobility objectives identified in the BelRed Code. The final right-of-way design includes sidewalks, through-lanes, bike facilities, transit and light rail alignment, as well as on-street parking requirements along NE Spring Boulevard which give rise to the code conflict that is at issue here.

Conflicts between LUC 20.25D.140.E and the Adopted CIP Project Design:

Conflicts between the on-street parking requirements in LUC 20.25D.140.E and adopted transportation CIP project designs have been identified on two segments of NE Spring Boulevard. The first conflict is located between 120th Avenue NE and 124th Avenue NE, where LUC 20.25D.140.E requires on-street parking along both the north and south sides of NE Spring Boulevard. The adopted CIP project design provides on-street parking only on the north side. The new REI headquarters is proposed along this street segment.

The second conflict is located between 130th Avenue NE and 132nd Avenue NE, where LUC 20.25D.140.E requires parking along both sides of NE Spring Boulevard. The adopted CIP project design does not provide for on-street parking. A map depicting the location of the conflicts is provided below.

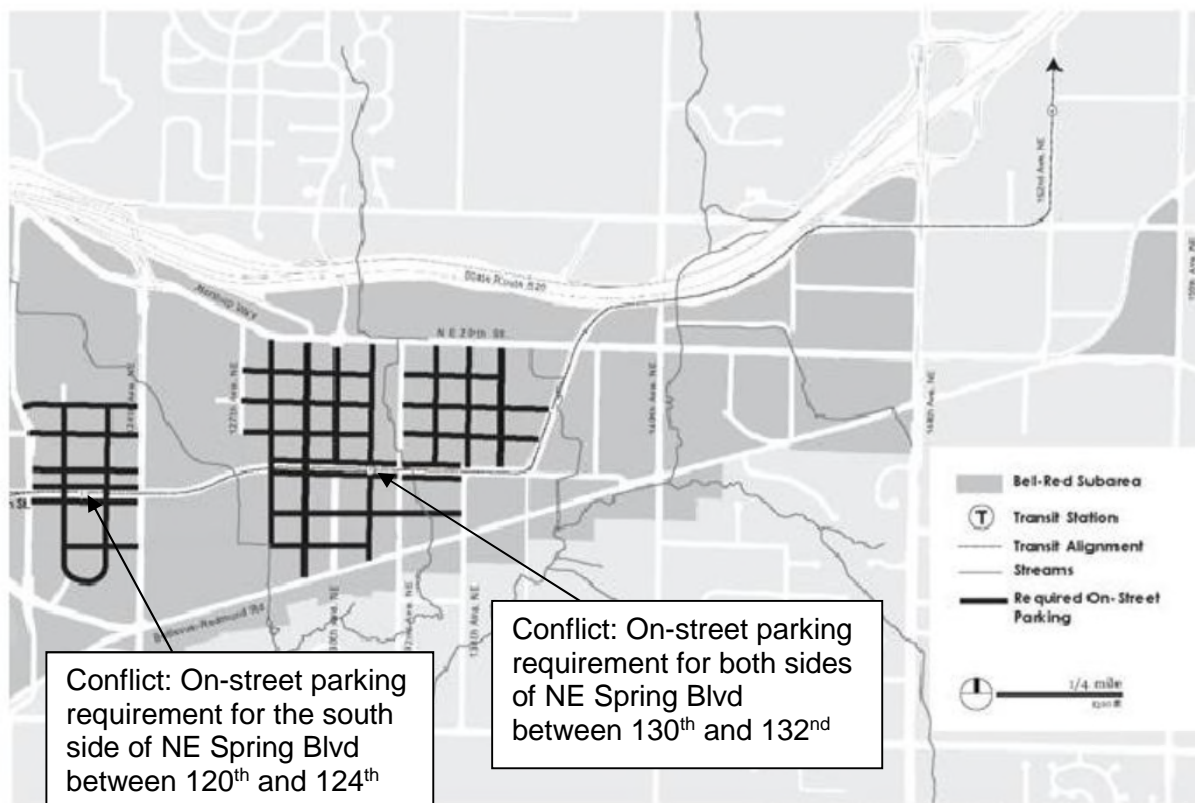


Figure 20.25D.140.E: Required On-Street Parking

LUCA to Achieve Reconciliation. On October 23, Council agreed that a LUCA is necessary to reconcile conflicts between the on-street parking requirements in LUC 20.25D.140.E and the adopted CIP project designs for NE Spring Boulevard. Council also acknowledged the accelerated timing for this specific LUCA to be driven by private land use applications for the new REI headquarters, which is currently in design review. Council discussed several options to accomplish the reconciliation, ranging from a broad proactive approach, to a moderate amendment applicable only to street development standards, and a narrowly tailored update to the required on-street parking map. Moreover, Council expressed several policy priorities, including transparency, clarity, efficiency, nimbleness, predictability, and consistency, and directed that there should not be any unknown approvals or back door code amendments allowed as a result of any recommended reconciliation approach.

Based on the policy priorities expressed by Council, staff recommended the attached LUCA (Attachment A) during the City Council Study Session on November 13. The recommended LUCA would update the map in Figure 20.25D.140.E for NE Spring Boulevard at two locations—between 120th Avenue NE and 124th Avenue NE, and between 130th Avenue NE and 132nd Avenue NE. This recommended LUCA would meet Council's objective of quickly reconciling the identified conflicts between the 2013-2019 CIP project designs and the BelRed Code on-street parking requirements on NE Spring Boulevard, and is aligned with policy priorities expressed by Council on October 23. This LUCA is narrowly tailored to resolve two identified conflicts and provide clarity as the City proceeds with the REI design review, without approving unknown conditions or eroding the separation appropriate between routine CIP budget adoptions and land use code amendments. Council directed staff to bring this draft LUCA forward to the scheduled public hearing.

It is important to note that consistent with Council's direction, staff is coordinating internally to ensure consistency of new transportation project designs with the BelRed code. Further, a comprehensive review of the CIP project designs and the LUC will be included in the BelRed Lookback project that is scheduled for Planning Commission consideration in 2018 to identify any areas where additional reconciliation may be necessary.

II. REVIEW PROCESS

When Council initiated this recommended LUCA at its Council meeting on October 23, Council also decided that the required public hearing associated with the amendment should be held by the City Council in lieu of forwarding the amendment to the Planning Commission. This decision was necessary and appropriate because the code amendment directly relates to the reconciliation of two competing Council approvals (a LUC provision and an adopted CIP project design).

Council considered this code amendment during its study sessions on October 23 and November 13, and the public hearing before the City Council is scheduled for December 4, 2017. These steps satisfy City Code requirements for adoption of the LUCA by the City Council, and final action can be taken at a date after the public hearing.

Following completion of the code amendment process, including a public hearing and adoption of a final ordinance by the City Council, the documents will be forwarded to the Washington State Department of Commerce.

III. PUBLIC NOTICE

The notice required for City Council legislative actions is governed by the terms of LUC sections 20.35.415 through 20.35.450. Notice of the LUCA application was published in the Weekly Permit Bulletin on November 16, 2017, and availability of the Weekly Permit Bulletin was noticed in the Seattle Times. Notice of the public hearing scheduled for December 4, 2017, and availability of this staff report, was also published in the Weekly Permit Bulletin on November 16, 2017, and in the Seattle Times on November 20, 2017. Both notices were 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 Washington State Growth Management Act, proposed amendments to the LUC must be sent to the Washington State Department of Commerce. A copy of the required transmittal to the Department of Commerce, including a copy of the draft amendment, was transmitted on October 3, 2017, 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.

This code amendment does not have any effect within the jurisdictional area of the EBCC, and as such, a courtesy hearing before the EBCC is not necessary.

IV. DECISION CRITERIA

LUC 20.30J.135 establishes the decision criteria for an application to amend the text of the Land Use Code. Those criteria, and the relationship of the proposed amendment to them, are discussed below:

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

Finding: The City of Bellevue has adopted two Comprehensive Plan policies that speak to the efficiency, consistency and predictability of the permitting process:

Comprehensive Plan 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.

Comprehensive Plan Policy TR-1:

Integrate land use and transportation decisions to ensure that the two mutually support the Comprehensive Plan.

The City also has adopted policies for the BelRed Subarea Plan that support a more complete, connected, and well-balanced transportation system of roadways, pedestrian and bicycle system, and transit, particularly light rail:

Policy S-BR-53:

Identify and preserve necessary rights of way for the transportation projects identified in this Plan by ensuring that proposed site and building development plans are compatible with the planned transportation system. (See Table BR-1, Bel-Red Transportation Project List.)

In Table BR-1, Arterial Project 107: NE 15th/16th Corridor from 116th Avenue NE to 136th Place NE:

Multi-modal corridor incorporating east-west arterial capacity (2 through-lanes in each direction, potentially with an interim improvement limited to a single through-lane in each direction); light rail guideways and stations; urban sidewalks; a bicycle trail/pathway with regional trail connections; and “green” elements, including urban open spaces, tree canopy and landscaping features, and natural drainage features where practical.

Discussion: The new NE 15th/16th Corridor is critically important both to the functioning and character of the Bel-Red Subarea. This project provides new east-west capacity for both vehicles and light rail. It provides a high quality pedestrian and bicycle facility that connects Bel-Red to Downtown, open spaces, north-south trails, and the larger Bellevue parks system. The quality and character of this centrally located corridor will also have a formative impact on the ambiance of the entire Bel-Red Subarea. Thus the design and implementation of this project should carefully incorporate the above elements in a manner that promotes the desired urban design and character of Bel-Red, with special sensitivity to width, human scale, walkability, and pedestrian-friendly design.

Policy S-BR-55:

Extend and expand NE 16th Street as a multi-modal corridor that includes vehicular, high capacity transit, and non-motorized travel modes to serve east-west trip demand across the Bel-Red area, while incorporating significant urban open spaces, and environmentally sensitive design features.

Policy S-BR-68:

Work with Sound Transit to realize the City's preferred light rail route, alignment and station locations, as shown in Figure S-BR.2. Support the development of light rail stations in the vicinity of Overlake Hospital Medical Center, 122nd Avenue NE/NE 16th Street, and 130th Avenue NE/NE 16th Street.

The LUC contains the regulations that staff use to implement these Comprehensive Plan policies. The City Council adopted these regulations, along with the underlying policies, through its legislative (law-making) and long-term planning authority.

This LUCA is consistent with and supports these Comprehensive Plan policies and their corresponding regulations by reconciling conflicts between the on-street parking requirements in LUC 20.25D.140.E and adopted CIP project designs for NE Spring Boulevard.

By updating the on-street requirement map contained in LUC 20.25D.140.E for NE Spring Boulevard, this LUCA will provide a predictable, consistent, and integrated permitting process for applicants and developers, while supporting the goal of a more complete, connected, and well-balanced transportation system of roadways, pedestrian and bicycle system, and transit, particularly light rail, in BelRed and at the 15th/16th Street Corridor (NE Spring Boulevard).

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

Finding: This code amendment enhances the public health, safety and welfare by reconciling conflicts between the on-street parking requirements in LUC 20.25D.140.E and adopted CIP project designs for NE Spring Boulevard.

This amendment harmonizes conflicts between LUC 20.25D.140.E with adopted CIP project designs, so that applicants, developers, and the public will have consistent, clear, and predictable requirements regarding on-street parking for NE Spring Boulevard.

Additionally, the adopted CIP project designs are part of the comprehensive CIP for the City, which includes project prioritization, funding, and implementation, and is informed by a city-wide environmental analysis of projected land use and traffic growth. The CIP also contains transportation designs that have been much further advanced since the on-street parking requirements in LUC 20.25D.140.E were adopted. Thus, this recommended LUCA will ensure that street development will be consistent with the more detailed and currently adopted CIP project designs.

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

Finding: The amendment is not contrary to the interests of citizens and property owners as it reconciles conflicts between the on-street parking requirements in LUC 20.25D.140.E and adopted CIP project designs for NE Spring Boulevard. This amendment will provide applicants consistency, predictability, and assurance regarding the on-street parking requirements to which they must comply.

V. STATE ENVIRONMENTAL POLICY ACT

The BelRed Corridor Project Environmental Impact Statement (EIS) was prepared by the City of Bellevue with significant public input between 2007 and 2009. The Environmental Coordinator has concluded that the environmental review previously completed for the Plan covers the current LUCA proposal consistent with Bellevue Environmental Procedures Code, Bellevue City Code section 22.02.037.

A Final EIS was issued on July 19, 2007 and an Addendum to the Final EIS was issued on February 5, 2009. The EIS analyzed environmental impacts associated with potential future land use and transportation changes and development through 2030 in the 912-acre BelRed study area. The environmental effects of reducing the right-of-way width on NE Spring Boulevard by removing on-street parking in some locations would reduce environmental impacts associated with construction of the BelRed transportation grid, and are within the scope of the prior environmental review.

RECOMMENDATION

The City Council directed staff on November 13 to advance the draft LUCA (Attachment A) to public hearing. The noticing requirements for a LUCA have been satisfied, and the draft LUCA is consistent with the decision criteria required for adoption of amendments to the text of the LUC as documented by this staff report. Staff recommends that the City Council hold the public hearing as scheduled on December 4, 2017, and direct staff to prepare the draft LUCA for approval as presented in Attachment A, or with modifications based on comments received during the public hearing.

ATTACHMENTS

- A. Draft LUCA to Reconcile On-Street Parking Requirement Conflicts

LUC 20.25D.140.E

E. Required On-Street Parking.

1. Purpose/Intent. On-street parking can contribute to the pedestrian environment, be a great benefit to retail uses, and enhance elements of neighborhood character.

2. Where Required. ~~Required locations include the portions of the NE 15th/16th Transit Boulevard adjacent to retail and commercial uses, along the 130th Avenue Shopping Street, and for some of the local streets within the transit nodes.~~ Figure 20.25D.1430.E indicates the block faces where on-street parking is required. The Director may approve the final location of on-street parking to respond to specific site conditions, property ownership, and phasing considerations; provided, that the final locations satisfy the intent of subsection E.1 of this section and meets the applicable standards identified in subsection E.3 below.

3. Applicable Standards. Parking design details shall receive all approvals required pursuant to City Codes and standards, including but not limited to transportation and utility codes and development standards, now or as hereafter adopted.

Required On-Street Parking

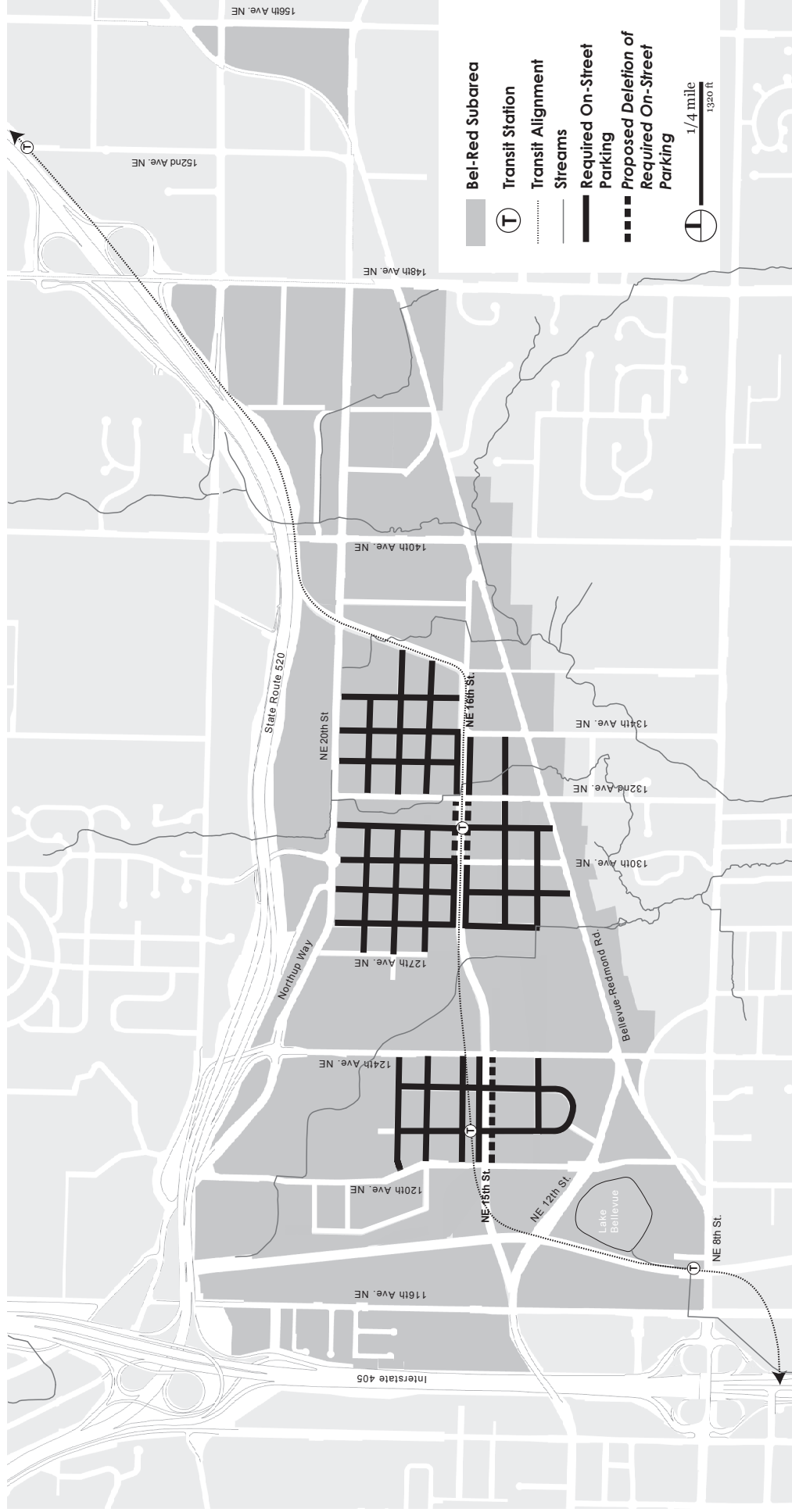


Figure 20.25D.140.E: Required On-Street Parking