



Bellevue Planning Commission

March 28, 2018

PLANNING COMMISSION STUDY SESSION ITEM

SUBJECT

Introduction of Land Use Code Amendments (LUCA) necessary to achieve consistency with the new Downtown, Part 20.25A, Eastgate Land Use Code (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).

STAFF CONTACT(S)

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POLICY ISSUES

The suggested LUCA is required to achieve consistency with the newly adopted Downtown, Part 20.25A LUC, Eastgate LUC amendments, and for general clean-ups to correct omissions and/or internal conflicts within the LUC and between the LUC and the BCC.

DIRECTION NEEDED FROM THE PLANNING COMMISSION

ACTION	DIRECTION	INFORMATION ONLY
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
The Planning Commission will be introduced to the suggested LUCA, which is required to achieve consistency with the newly adopted Downtown, Part 20.25A LUC, Eastgate LUC amendments, and for general clean-ups to correct omissions and/or internal conflicts within the LUC and between the LUC and the BCC. Following review and discussion, the Commission will be asked to schedule a public hearing for May 9, 2018 on the suggested LUCA.		

BACKGROUND/ANALYSIS

In August and October 2017, the City Council adopted Ordinance No. 6366 related to the Eastgate subarea and Ordinance No. 6377 related to the Downtown subarea, respectively. These two ordinances entailed significant amendments to the LUC concerning these two subareas. Further, in some circumstances, 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 in the course of the City's review and processing of land use approvals and permit applications.

The purpose of tonight's discussion is to introduce the suggested LUCA, which is required to achieve consistency with the newly adopted Downtown, Part 20.25A, Eastgate LUC amendments, and for general clean-ups to provide clarity and ease of administration of the LUC. Following this introduction, the Commission will consider the suggested LUCA and decide whether another study session is necessary or if the public hearing can be scheduled for May 9, 2018. A summary of Ordinance Nos. 6366 and 6377, and the suggested LUCA's "Conformance Amendments" is provided 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 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 district were part of the draft amendments. Also, the draft amendments included rezoning certain areas to land use designations that already existed, and repealed 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.

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Conformance Amendments to the LUC Are Now Necessary.

As discussed above, Ordinance Nos. 6366 and 6377 have created new land use districts and changes to use tables, dimensional requirements, development standards, and design guidelines for Eastgate, and added a new Part 20.25A LUC for Downtown. This requires amendments to general sections of the LUC to ensure consistency between these general sections and newly adopted parts.

Also, in the City's administration of the LUC, certain omissions and/or internal conflicts have been identified due to updates to the Comprehensive Plan and continuing code development efforts. 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.

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 (attached), 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). Deletion of the height exception provision is included in these Conformance Amendments for clarity and consistency with the Planning Commission's previous decision.

This suggested 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. These Conformance Amendments do not separately make any substantive changes to the LUC.

Following discussion, the Planning Commission will be asked to consider the suggested LUCA and decide whether another study session is necessary, or if the public hearing can be scheduled for May 9, 2018 without additional study session.

OPTIONS

1. Direct staff to schedule a public hearing on the suggested LUCA for May 9, 2018.
2. Direct staff to schedule a study session on the suggested LUCA for May 9, 2018, and a public hearing for May 23, 2018.
3. Provide alternative direction to staff.

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RECOMMENDATION

Option 1

ATTACHMENT(S)

1. Draft LUCA
2. Planning Commission Minutes from May 24, 2017

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