

City of
Bellevue



STAFF REPORT

DATE: February 24, 2021

TO: Chair Moolgavkar and Members of the Planning Commission

FROM: Trisna Tanus, Consulting Attorney, 452-2970
Kristina Gallant, Senior Planner, 452-6196
Development Services Department

SUBJECT: Public Hearing on a Land Use Code Amendment (LUCA) to establish lower minimum parking requirements in the Land Use Code (LUC) for certain residential developments with frequent transit service. File No. 20-110291-AD.

I. BACKGROUND

The proposed LUCA will amend chapters 20.20, 20.25A, 20.25D, 20.25P and 20.50 to establish lower minimum residential parking requirements in areas with frequent transit service, consistent with State regulations and previous Council direction. A strike-draft of the proposed LUCA is provided as Attachment A.

The proposed LUCA is in response to RCW 36.70A.620, RCW 36.70A.698, the City's 2017 Affordable Housing Strategy (AHS), and the City's 2014 Transit Master Plan. RCW 36.70A.620 limited minimum parking requirements cities can impose on certain residential developments with frequent transit service, including affordable housing, market rate multifamily housing, and housing for seniors and people with disabilities. RCW 36.70A.698 limited minimum parking requirements cities can impose on new accessory dwelling units with frequent transit service.

The cost to build parking is a significant cost driver in residential development. This cost impacts rent and home sale price levels. The proposed LUCA supports the City's goal to reduce the cost of building housing generally, including affordable housing (AHS C-5). With its focus on areas with frequent transit service, the LUCA also supports the City's goal to use development regulations in Bellevue's activity centers to support transit use (Transit Master Plan Strategy 7). In addition, the proposed LUCA supports the City's goal to revise codes to reduce costs and process time for building multifamily housing (AHS D-1).

II. REVIEW PROCESS

The content of the LUCA was divided into six topics for review. In the January 13 Study Session, the proposed LUCA was introduced to the Planning Commission. In addition, the Planning Commission reviewed and discussed Topics 1 and 2. In the January 27 Study Session, the Planning Commission reviewed and discussed Topics 3 through 6. After discussion, the Planning Commission directed staff to schedule the required public hearing for February 24.

Following the public hearing on February 24, the Planning Commission will be asked to make a recommendation for transmittal to the City Council. The City Council is anticipated to consider

the LUCA and the Planning Commission Recommendation at a future meeting. The EBCC will be introduced to the LUCA at a courtesy public hearing, and will hold a public hearing to make an approval/disapproval decision, consistent with procedural requirements for this legislative item.

III. PUBLIC ENGAGEMENT

Required Public Notice

The notice required for City Council Legislative Actions (Process IV) is governed by LUC 20.35.415 through 20.35.450. Notice of the LUCA application, including notice of the SEPA, was published in the Weekly Permit Bulletin on December 10, 2020, and availability of the Weekly Permit Bulletin was noticed in the Seattle Times. Notice of the Public Hearing was published in the Weekly Permit Bulletin on February 4, along with availability of this staff report. The notice of public hearing was also provided to members of the EBCC and those individuals who have subscribed to receive these notices and those who have expressed interest on this topic.

Department of Commerce Notice

Pursuant to the Washington State Growth Management Act, proposed amendments to the LUC must be sent to the Washington State Department of Commerce to review and comment on the proposed amendments to the LUC. The required notice to the Department of Commerce and the initial draft LUCA were transmitted on February 2, 2021, and a copy of both documents is available for review in the code amendment file. No comments have been received by Commerce as of the date of this report.

Enhanced Public Notice

In addition to the requirements of LUC 20.35.415 *et seq* for City Council Legislative Actions, staff has provided enhanced public outreach for this LUCA to include an online presence. A webpage was launched for this LUCA to provide opportunity for the public to learn about the LUCA, with sections on public information messages regarding the LUCA progression, and staff contact information to submit written comments.

Public Comments

As of the date of this staff report, staff has received numerous comments, including 58 emails commenting on the previous Interim Official Control and draft LUCA. Most comments were supportive of the proposed changes. Some comments expressed concerns of transit ridership impacts due to COVID and that transit service is not frequent enough to justify reduced parking; general opposition to increased affordable housing; and concerns about overflow parking impacts and increased street parking.

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 these proposed amendments to them, are discussed below:

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

Finding: The proposed LUCA is consistent with the Comprehensive Plan. The amendment will limit unnecessary development costs, removing potential barriers to achieving maximum zoned development potential in Bellevue's multifamily growth centers. The amendment will expand opportunities to build housing for transit riders in areas with the best access to transit, without changing underlying land uses. The amendment offers additional flexibility for permanent affordable housing. The proposed code amendment is supported by the following Comprehensive Plan policies:

Policy LU-1. Direct most of the City's growth to the Downtown regional growth center and to other areas designated for compact, mixed use development served by a full range of transportation options.

Policy LU-6. Encourage new residential development to achieve a substantial portion of the maximum density allowed on the net buildable acreage.

Policy LU-15. Provide, through land use regulation, the potential for a broad range of housing choices to meet the changing needs of the community.

Policy LU-28.3. Ensure that transit-oriented land use and development is responsive to the type of transit facilities and services provided and the context of surrounding area.

Policy HO-7. Encourage the development of affordable housing through incentives and other tools consistent with state-enabling legislation.

Policy HO-17. Evaluate the housing cost and supply implications of proposed regulations and procedures.

Policy HO-26. Provide incentives and work in partnership with not-for-profit and for-profit developers and agencies to build permanent low- and moderate-income housing.

Policy TR-7. Ensure that land use changes near high capacity transit stations are consistent with the Comprehensive Plan, recognizing that: 1. Transit may support more intense development around some stations; 2. Transit supportive design and orientation may be implemented without changes to land use intensity; and 3. Land use plan map changes would be precluded in existing single family designations and environmentally sensitive areas.

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

Finding: The amendment will enhance the public health, safety and welfare of people by preventing excess development costs, thereby limiting avoidable impacts to rents and home sale prices. As excessive parking requirements can limit the number of units that are feasible on a site, the amendment will help remove barriers to producing enough housing to meet demand. The amendment will support development in areas with good access to transit, which can support retaining or even expanding transit availability by increasing ridership. Transit-oriented development helps make it possible for households to live with fewer cars, which provides significant environmental benefits.

- 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 of the City as it will remove barriers to development in the City's growth centers, ensuring that the City can accommodate its growth needs as planned.

V. RECOMMENDATION

Staff has concluded that the Reduced Minimum Residential Parking LUCA to establish lower minimum parking requirements for certain residential developments with frequent transit service, as drafted in Attachment A, is consistent with the decision criteria required for adoption of amendments to the text of the LUC, pursuant to Part 20.30J LUC. Staff recommends that the Planning Commission direct staff to prepare the LUCA for recommendation to Council.

ATTACHMENTS:

- A. Proposed LUCA Strike-Draft

20.20.120 Accessory dwelling units.

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B. General.

One accessory dwelling unit is permitted as subordinate to an existing single-family dwelling provided the following criteria are met:

1. Either the primary residence or the accessory dwelling unit must be occupied by an owner of the property;
2. The total number of occupants in both the primary residence and the accessory dwelling unit combined may not exceed the maximum number established by the definition of family in LUC 20.50.020;
3. The accessory dwelling unit shall contain not less than 300 square feet and not more than 800 square feet, excluding any related garage area; provided, if the accessory unit is completely located on a single floor, the Director may allow increased size in order to efficiently use all floor area, so long as all other standards set forth in this section are met;
4. The square footage of the accessory dwelling unit, excluding any garage area, shall not exceed 40 percent of the total square footage of the primary residence and accessory dwelling unit combined, excluding any garage area;
5. There shall be one off-street parking space provided for the accessory dwelling unit, which is in addition to any off-street spaces required for the primary residence, except when the property has frequent transit service as provided in LUC 20.20.590.L.1;
6. The construction of a second entry door facing on a street front for entrance into an accessory unit is prohibited; new entrances not facing on a street front are permitted on the sides and rear of a house, or on a front side facing on a street where no other door exists; provided, that existing single-family structures with two or more entry doors facing on a street shall not be prohibited from using one of those doors to access the accessory unit; and
7. The accessory dwelling unit shall meet all technical code standards, BCC Title 23, including building, electrical, fire, and plumbing code requirements.

Commented [A1]: Topic #6 ADU Parking, discussed in Study Session 2
Amended for consistency with RCW 36.70A.698

20.20.590 Parking, circulation and walkway requirements.

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F. Minimum/Maximum Parking Requirement by Use.

1. Specified Uses. Subject to subsections G, H, and L of this section, the property owner shall provide at least the minimum and may provide no more than the maximum number of parking stalls as indicated below:

	Use	Minimum Number of Parking Spaces Required	Maximum Number of Parking Spaces Allowed
...			
m.	Residential (3):		
	Single-family detached	2:unit	No max.
	Multiple unit structure:		
	One-bedroom or studio unit	1.2:unit	No max.
	Two-bedroom unit	1.6:unit	No max.
	Three or more bedroom unit	1.8:unit	No max.
...			
p.	Senior housing (3):		
	Nursing home	0.33:bed	1:bed
	Congregate care senior housing	0.5:unit	1.5:unit
	Senior citizen dwelling	0.8:unit	1.5:unit
...			

nsf = net square feet (See LUC 20.50.036).

Notes: Minimum/Maximum Parking by Use:

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(3) See LUC 20.20.590.L for affordable housing, market rate multifamily dwellings, and senior housing minimum parking standards when these residential uses are located near frequent transit service.

...

L. Minimum Parking for Residential Uses with Frequent Transit Service.

1. Applicability.

a. For Affordable Housing, frequent transit service shall be defined as:

- i. Within one-quarter mile of a transit stop that receives transit service at least two times per hour for twelve or more hours per day; or
- ii. Within one-half mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day; or
- iii. Within one-half mile of a future light rail or bus rapid transit station scheduled to begin service within two years.

b. For Market Rate Multifamily Dwelling and Senior Housing, frequent transit service shall be defined as:

- i. Within one-half mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day; or
- ii. Within one-half mile of a future light rail or bus rapid transit station scheduled to begin service within two years.

c. For Accessory Dwelling Units, frequent transit service shall be defined as:

- i. Within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day; or
- ii. Within one-quarter mile of a future light rail or bus rapid transit station scheduled to begin service within two years.

d. Except in the case of future light rail or bus rapid transit, frequent transit service availability shall be considered based on scheduled transit service available on the date that a fully complete Building Permit application is filed or land use approval is final. The Director of the Development Services department shall specify the

Commented [A2]: Topic #1 Frequent Transit Service Criteria, discussed in Study Session 1.

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Commented [A3]: Topic #1 Frequent Transit Service Criteria, discussed in Study Session 1 (Added to clarify vesting timing and transit service)

submittal requirements necessary to provide documentation of transit service availability.

e. Where other sections in the Land Use Code provide for lower minimum parking standards for the specified uses in this section, the lower standards shall apply.

f. If the use is located in an area where physical impediments would require pedestrians to walk more than one-half mile to the nearest frequent transit stop, the Director of the Development Services Department may determine that the location does not meet the definition of frequent transit service.

2. Standards

<u>Use</u>	<u>Minimum Number of Parking Spaces Required</u>
<u>Affordable Housing with frequent transit service (Transit service at least two times per hour)</u>	<u>0.75:unit</u>
<u>Affordable Housing (Service at least four times per hour)</u>	<u>0.50:unit (1)</u>
<u>Market Rate Multifamily Dwelling</u>	<u>0.75:unit</u>
<u>Senior Housing</u>	<u>0:bed or unit (2)</u>

Commented [A4]: Topic #2 Required Ratio, discussed in Study Session 1.

Commented [A5]: Topic #4 Additional Affordable Housing Incentive, discussed in Study Session 2. Increased incentive for affordable housing in higher frequency category, similar to Downtown FAR incentive (20.25A.070.C.2.b)

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Commented [A6]: Topic #4 Additional Affordable Housing Incentive, discussed in Study Session 2. Similar to 20.25D.120.B.2 Note (5) (BelRed), provides an additional incentive for small and more affordable units. 60% AMI is suggested rather than 50% AMI as this is consistent with Low Income Housing Tax Credit requirements.

This change also supports AHS B-1: Encourage micro-apartments around light rail stations through actions such as reduced parking requirements.

(1) The minimum requirement for up to and including one bedroom apartment units available to households earning 60 percent or less than the median income as determined by the United States Department of Housing and Urban Development for the Seattle Metropolitan Statistical Areas is 0.25 spaces per unit. An agreement in a form approved by the City shall be executed by the applicant and recorded with the King County Recorder's Office, or its successor organization, requiring the affordable housing to remain for the life of the project. This agreement shall be a covenant running with the land, binding on the assigns, heirs, and successors of the applicant.

(2) Parking shall be required only for staff and visitors per the existing use standards of the specific land use district. The Director of the Development Services Department may consider the criteria in LUC 20.20.590.F.2.a – c in establishing alternative parking requirements for staff and visitors.

20.25A.080 Parking standards.

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B. Minimum/Maximum Parking Requirement by Use – Specified Uses.

This subsection supersedes LUC 20.20.590.F.1. Subject to LUC 20.20.590.H and L, the property owner shall provide at least the minimum and may provide no more than the maximum number of parking stalls as indicated below unless modified pursuant to applicable departure allowances contained in this section:

Downtown Parking Requirements

Land Use	Unit of Measure	Downtown Land Use Districts			
		-O-1, -O-2		-R, -MU, -OB, -OLB	
		Min.	Max.	Min.	Max.
...					
k. Residential (6)	per unit	0	2.0	1.0 (5) (7)	2.0
...					
o. Senior Housing (7):	per patient bed	0.4	0.8	0.4	0.8
Nursing Home	per living unit	0	1.0	0.33	1.0
Senior Citizen Dwelling or Congregate Care					

nsf = net square feet (see LUC 20.50.036)

Notes to Parking Requirements:

...

- (6) Visitor parking shall be provided in residential buildings at a rate of one stall per 20 units, but in no case shall the visitor parking be less than one stall. For Affordable Housing and Market Rate Multifamily Dwelling uses with frequent transit service, the required visitor parking per unit shall be proportionately reduced for a combined number of resident and visitor parking per unit to not exceed a parking ratio of 0.75:unit.

Commented [A7]: Topic #5 Downtown Visitor Parking, for discussion in Study Session 2. Maintained requirement for visitor parking ratio; added a not-to-exceed provision for consistency with minimum ratio elsewhere. (For example: if the requirement is 0 per unit for residents, adding visitor parking will not result in an average of more than 0.75 spaces/unit.)

(7) See LUC 20.20.590.L for affordable housing, market rate multifamily dwelling, and senior housing minimum parking standards when these residential uses are located near frequent transit service.

20.25D.120 Parking, Circulation, and Internal Walkway Requirements.

A. General.

1. General. The provisions of LUC 20.20.590.C, E, G, H, I, K, and L apply to development in the BR Land Use Districts in addition to the provisions contained in this section.
2. Review Required. The Director shall review the proposed parking, circulation, and walkways and may approve the proposed structure, alteration, site development, use, or occupancy only if the requirements of this section are met, subject to the provisions of LUC 20.25D.060 for existing conditions.

B. Minimum/Maximum Parking Requirements by Use – Specified Uses.

1. Number of Parking Stalls. The requirements of this section for the number of parking stalls apply to each new use and to each new tenant.
2. Parking Standards for BelRed – Chart 20.25D.120.B.2.

Table 20.25D.120.B.2. Parking Standards for BelRed (6) (7)

		MO-1, OR-1, OR-2, RC-1, RC-2, RC-3		MO, OR, RC, CR, GC, R, ORT		
Use		Unit of Measure		Min.	Max.	
...						
g.	Residential (5)	Per unit	0.75	2.0	1.0 <u>(8)</u>	2.0
...						
k.	Senior housing: Nursing home <u>(8)</u>	Per patient bed	0.25	0.75	0.25	1.0
l.	Senior housing: Senior citizen dwelling or congregate care <u>(8)</u>	Per living unit	0.25	1.0	0.5	1.25

Strike-Draft Residential Parking LUCA
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Use	Unit of Measure	MO-1, OR-1, OR-2, RC-1, RC-2, RC-3		MO, OR, RC, CR, GC, R, ORT	
		Min.	Max.	Min.	Max.
...					

Notes applicable to parking standards for BelRed (Chart 20.25D.120.B.2):

...

(8) See LUC 20.20.590.L for affordable housing, market rate multifamily dwelling, and senior housing minimum parking standards when these residential uses are located near frequent transit service.

20.25P.080 Parking, circulation, and internal walkway requirements.

A. General.

1. General. The provisions of LUC 20.20.590.C, E, G, H, I, K, and L apply to development in the EG TOD Land Use District in addition to the provisions contained in this section.
2. Review Required. The Director shall review the proposed parking, circulation, and walkways and may approve the proposed structure, alteration, site development, use, or occupancy only if the requirements of this section are met.

B. Minimum/Maximum Parking Requirements by Use – Specified Uses.

1. Number of Parking Stalls. The requirements of this section for the number of parking stalls apply to each new use and to each new tenant.
2. Parking Standards for EG-TOD Land Use District – Chart 20.25P.080.B.2.

Chart 20.25P.080.B.2 Parking Standards for Eastgate Transit Oriented

Development Land Use District (6) (7)

Use	Unit of Measure	EG-TOD	
		Min.	Max.
...			
g. Residential	Per unit	0.75 (5)	2.0
...			
k. Senior housing: Nursing home (8)	Per patient bed	0.25	0.75
l. Senior housing: Senior citizen dwelling or congregate care (8)	Per living unit	0.25	1.0
...			

Notes applicable to parking standards for EG-TOD (Chart 20.25P.080.B.2):

[\(8\) See LUC 20.20.590.L for minimum parking standards when senior housing is located near frequent transit service.](#)

20.50.046 S definitions.

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Senior Citizen Dwellings. Dwellings exclusively designed for and occupied by families each of which have at least one person of 62 years of age or older, and limited by the requirements of state or federal programs for housing for senior citizens to include those individuals who are classified as head-of-household and are disabled or handicapped regardless of age.

[Senior Housing. See Senior Citizen Dwelling.](#)