



MEMORANDUM

DATE: January 22, 2009

TO: Chair Orrico and Members of the Planning Commission

FROM: Paul Inghram, AICP, Comprehensive Planning Manager
pinghram@bellevuewa.gov 425-452-4070
Sally Nichols, Associate Planner,
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SUBJECT: Factoria Land Use Code Amendments

- Courter Honda Land Use Code Amendment (08-136448-AD)
- SFO Factoria Land Use Code Amendment (08-136447-AD)

Two Land Use Code amendments for the Factoria area will be presented to the Planning Commission on January 28 for public hearing. This includes an amendment addressing retail auto sales near the location of Honda Auto Center and an amendment modifying the allowed building floor area ratio (FAR) in the area north of Factoria Mall.

Staff will ask for the Commission to deliberate and make recommendations to the Council following the public hearings.

BACKGROUND

The two proposed Land Use Code amendments stem directly from 2007 Comprehensive Plan amendments reviewed by the Planning Commission and adopted by the City Council through Ordinance Nos. 5798 and 5799.

The amendment addressing retail auto sales is based on a request from Courter Enterprises, the owner of Honda Auto Center, to make retail auto sales an allowed use at the Honda site and the neighboring property to the west. The Honda site is zoned OLB (Office Limited Business) and, generally, retail auto sales are not permitted in the OLB zoning district. At this location, retail auto sales is currently a legal, non-conforming use, which impacts Honda's ability to maintain financing for site improvements and expansion. Retail auto sales are allowed in the portion of OLB along "Auto Row" (that is, 116th Avenue NE south of NE 8th Street) and the proposed amendment would expand the allowed OLB area to include the area at the Honda site. This is consistent with the Courter Enterprises Comprehensive Plan amendment adopted in Ordinance No. 5798.

The second amendment will increase the allowed FAR for the office development area north of Factoria Mall to 0.75 and is based on a request from SRO, the property owner. SRO seeks to have a sufficient ability to allow redevelopment of the Factoria Cinemas site. The current F2 and O zoning in the subject area allow for 0.6 and 0.5 FAR, respectively. This increase in the FAR is consistent with the SRO Factoria Comprehensive Plan amendment adopted in Ordinance No. 5799.

RECOMMENDATION

Staff recommends that the Planning Commission hold a public hearing for each of the amendments, deliberate and make a recommendation to the City Council.

As detailed in the staff reports that follow this memorandum, staff recommends adoption of both amendments.



Planning/Development Services Staff Report

DATE: January 8, 2009

TO: Chair Orrico and Members of the Bellevue Planning Commission

FROM: Sally Nichols, Associate Planner, 452-2727
spnichols@bellevuewa.gov
Paul Inghram, Comprehensive Planning Manager, 452-4070
pinghram@bellevuewa.gov

SUBJECT: SRO Factoria Land Use Code Amendments (08-136447-AD),
January 28, 2009, Public Hearing

I. INTRODUCTION

This memorandum presents the report and recommendation of the Development Services Department and Planning and Community Development Department on proposed Land Use Code (LUC) amendments to implement the 2007 SRO Factoria Comprehensive Plan amendment, adopted in February 2008. A copy of the proposed LUC language is included in Section III of this report and in Attachment A.

A public hearing is scheduled for January 28, 2009, with the Planning Commission. Following the public hearing and consideration of public comments, staff recommends that the Planning Commission make a recommendation to the City Council regarding adoption of the proposed Code amendments.

II. BACKGROUND

In response to a private request and application by SRO (Sterling Realty Organization), a Comprehensive Plan amendment was adopted on February 25, 2008 that supports increasing the allowed FAR for the F2 district from 0.6 to 0.75 and the standard for the Office district adjacent to F2 from a sliding scale with a maximum FAR of 0.5 to a maximum of 0.75.

To implement the adopted Comprehensive Plan amendment, staff crafted a draft Land Use Code amendment modifying the chart at LUC 20.20.010 modifying the Dimensional Requirements for uses in land use districts.

III. PROPOSAL

The proposed Land Use Code amendment would:

Implement policy direction in Policy S-FA-30.1 of the Factoria Subarea Plan by amending the dimensional standard in LUC 20.20.010 for the F2 district increasing the allowed FAR from 0.6 to 0.75 and the standard for the Office district adjacent to F2 from a sliding scale with a

maximum FAR of 0.5 to a maximum of 0.75. Design Review is required in the F2 District in accordance with LUC 20.30F.

It would modify LUC section 20.20.010 - Notes: Uses in land use districts – Dimensional Requirements – Notes (8) and (31):

LUC 20.20.010 – Dimensional Requirements (Note 8)

- (8) Any office building or any office portion of a building in the PO, O, OLB, LI, GC, NB, CB or F1 Districts shall comply with the following limitations on Floor Area Ratio:
 - (a) At 0.5 FAR, no office building or office portion of a building may exceed 50,000 square feet of gross floor area; and
 - (b) For any office building or office portion of a building greater than 50,000 square feet in gross floor area, the following sliding scale shall be observed as interpolated and extrapolated below:
 - (i) At 0.3 FAR, no office building or office portion of a building may exceed 100,000 square feet of gross floor area; and
 - (ii) At 0.1 FAR, no office building or office portion of a building may exceed 150,000 square feet of gross floor area.
 - (c) In an O District, north of Factoria Mall and directly adjacent to an F2 District, any office building or any office portion of a building may have a Floor Area Ratio greater than 0.50, not to exceed a Floor Area Ratio of 0.75 FAR. In this district, the sliding FAR scale does not apply.

This footnote 8 shall not apply to sites in the Critical Areas Overlay District. Density/intensity on sites in the Critical Areas Overlay District is calculated pursuant to LUC 20.25H.045.

LUC 20.20.010 – Dimensional Requirements (Note 31)

- (31) Any office building or any office portion of a building in the F2 District may not exceed a Floor Area Ratio of ~~0.60~~0.75 FAR.

A copy of the proposed LUC language, including the proposed revisions in underline/strikeout format, is included as Attachment A.

IV. STATE ENVIRONMENTAL POLICY ACT

The Environmental Coordinator for the City of Bellevue has determined that this proposal will not result in any probable, significant, adverse environmental impacts. A final threshold determination of non-significance (DNS) was issued January 8, 2009. The DNS is attached as Attachment B.

V. PUBLIC NOTICE AND COMMENT

The Factoria SRO LUCA was introduced at a study session with the Planning Commission on December 10, 2008. During that study session, the Planning Commission gave staff direction to proceed to a public hearing on the proposed amendment. Notice of the Application was published in the Weekly Permit Bulletin on December 18, 2008. Notice of the Public Hearing before the Planning Commission, the staff recommendation, and the SEPA threshold determination was published in the Weekly Permit Bulletin on January 8, 2009.

Pursuant to the requirements of the state Growth Management Act, copies of the draft Land Use Code amendment were provided to the state Community Trade and Economic Development Department (CTED) on December 30, 2008 for review. No comment letters were received by DSD prior to the release of this staff report. Comments received after release of the staff report will be forwarded to the Planning Commission prior to the public hearing.

VI. APPLICABLE DECISION CRITERIA - LAND USE CODE PART 20.30J

The decision criteria for an amendment to the text of the Land Use Code are set forth in the Land Use Code, Section 20.30J.135. The Planning Commission may recommend the City Council approve or approve with modifications an amendment to the text of the Land Use Code if:

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

The Factoria SRO Land Use Code Amendment is proposed as a result of 2007 Comprehensive Plan Amendment (CPA) actions for **Factoria SRO**. The CPA was adopted by the City Council on February 25, 2008, through Ordinance No. 5799.

The 2007 Factoria SRO amendment created new Factoria Subarea policy to consider allowing office development up to a 0.75 floor area ratio (FAR) in OLB and O designations north of Factoria mall, with a related definition amendment in the Comprehensive Plan Glossary:

Factoria Subarea Plan

Policy S-FA-30.1: Consider allowing office intensity up to 0.75 FAR in the area north of Factoria Mall through application of design review, with particular emphasis on the area's contribution to Factoria's pedestrian environment and the area's "gateway" location to the Factoria commercial center.

Comprehensive Plan Glossary

Office – A land use designation that provides for the location of business, financial, administrative and professional uses.

Discussion: A low intensity office is an office building or office portion of a building with a floor area ratio (FAR) of 0.5 or less and where the following sliding scale is used: at 0.5 FAR, no office building or portion of a building may exceed 50,000

square feet of gross floor area; at 0.3 FAR, 100,000 square feet; at 0.1 FAR, 150,000 square feet.

To provide significant permanent open space and to allow a shift of development potential, office intensity of no more than 0.5 is allowed on properties designated OLB-OS. In this district, the sliding FAR scale does not apply.

A medium intensity office is a building of at least 0.5 FAR but not exceeding 3.0 FAR. A high intensity office is a building of at least 3.0 FAR.

Medium and high intensity offices are only located in the Downtown with the following exceptions: The 1993 Factoria annexation agreement created special circumstances for development in Factoria from 1993-2000 to permit office buildings of higher intensities; and office limit for FAR for the area north of Factoria Mall can be increased up to 0.75 (FAR) consistent with Ordinance No. 5799 and Policy S-FA-30.1.

The LUCA would amend the Uses in Land Use Districts Chart of Dimensional Requirements at LUC 20.20.010 to reflect this CPA direction and would include amendment of Notes 8 and 31 to that chart.

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

The Factoria SRO CPA sought to increase the allowed FAR for office on property outside of the Downtown in an area the owner would like to redevelop, north of Factoria Mall. This property is currently a movie theater and its parking lot. The proposed Land Use Code amendment enhances the public health, safety and welfare by implementing adopted Comprehensive Plan policy emphasizing that redevelopment of the area at these office intensities will enhance the area's contribution to the Factoria pedestrian environment and the area's "gateway" location to the Factoria commercial center.

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

This amendment is not contrary to those best interests, as it proposes an amendment that is consistent with the interests of the city and its residents and citizens through implementation of Comprehensive Plan policy. These interests have been previously established in Factoria-based amendments to the Comprehensive Plan (FATS Update, 2005) and the Land Use Code (2002). The FATS Update re-emphasized the community goal of a renewed—and coherent—mixed-use corridor along Factoria Boulevard emphasizing all of the F district areas. The vision is articulated in Subarea Plan goals, which intend to:

- "...manage change in the commercial district to improve its cohesiveness, compatibility, and accessibility to Subarea residents [Goal 1]," and
- "...create a well-integrated, transit-supportive, pedestrian-oriented, mixed-use neighborhood in Factoria's commercial core [Goal 2]."

VII. STAFF RECOMMENDATION

Staff recommends approval of the Factoria SRO LUCA as drafted in Attachment A and transmittal of the Ordinance to the City Council for final approval.

Attachments:

- A. Proposed LUCA Language
- B. Final DNS published on January 8, 2009

Attachment A

LUC 20.20.010 – Dimensional Requirements (Note 8)

- (8) Any office building or any office portion of a building in the PO, O, OLB, LI, GC, NB, CB or F1 Districts shall comply with the following limitations on Floor Area Ratio:
- (a) At 0.5 FAR, no office building or office portion of a building may exceed 50,000 square feet of gross floor area; and
 - (b) For any office building or office portion of a building greater than 50,000 square feet in gross floor area, the following sliding scale shall be observed as interpolated and extrapolated below:
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This footnote 8 shall not apply to sites in the Critical Areas Overlay District. Density/intensity on sites in the Critical Areas Overlay District is calculated pursuant to LUC 20.25H.045.

LUC 20.20.010 – Dimensional Requirements (Note 31)

- (31) Any office building or any office portion of a building in the F2 District may not exceed a Floor Area Ratio of ~~0.6~~ 0.75 FAR.

Attachment B



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
ENVIRONMENTAL COORDINATOR
11511 MAIN ST., P.O. BOX 90012
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: City of Bellevue

LOCATION OF PROPOSAL: Factoria Subarea

DESCRIPTION OF PROPOSAL: Implement policy direction in Policy S-FA-30.1 of the Factoria Subarea Plan by amending the dimensional standard in LUC 20.20.010 for the F2 district, increasing the allowed FAR from 0.6 to 0.75 and the standard for the Office district adjacent to F2 from a sliding scale with a maximum FAR of 0.5 to a maximum of 0.75. Design Review (LUC 20.30F) would apply to affected development proposals wishing to take advantage of this provision.

FILE NUMBER: 05-123677 AD

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with Land Use Division. This information is available to the public on request.

- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.
- This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project), or if the DNS was procured by misrepresentation or lack of material disclosure.

This DNS is only appealable as part of the City's action on the amendment to the Land Use Code. In order to comply with requirements of SEPA and the State of Washington Growth Management Act for coordination of hearings, any appeal of the SEPA threshold determination herein will be considered by the Growth Management Hearings Board along with an appeal of the City Council's action. See LUC 20.35.250C.

Carie V. Holland
Environmental Coordinator

January 8, 2009
Date

OTHERS TO RECEIVE THIS DOCUMENT:

State Department of Fish and Wildlife
U.S. Army Corps of Engineers
Attorney General
King County
Muckleshoot Indian Tribe