



# MEMORANDUM

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TO: Chair Orrico and Members of the Planning Commission

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SUBJECT: Draft Bel-Red Subarea Plan and Land Use Code Amendments

No formal action is requested at this time. Direction is requested regarding

The July 9 study session will continue the Planning Commission's review of the draft Bel-Red Subarea Plan and related plan and code amendments. This study session is focused on the review of several aspects of the draft land use regulations and some policy issues, including:

- Medical Institution (separate memo)
- Existing uses/conditions
- Parking ratios
- Park-n-rides and transit uses
- College uses
- Drive-throughs (or drive-in windows)
- Height limit for RC-3, MO, OR, CR districts
- Retail use requirements

The goal is for the Commission to be able to complete its review of the Bel-Red amendments by the end of July to enable the City Council to begin its review in September.

### **Upcoming Reviews and Action**

At the July 16 meeting, the Planning Commission will be asked to complete its review and provide direction on the following:

- Overall land use plan and map
- Housing policy targets and related housing affordability issues
- NE 15th/16th corridor design options
- Design standards maps
- Minimum percent of uses

A complete schedule is included in Attachment 1.

### **Recent Reviews and Direction**

At the July 2 meeting, the Planning Commission reviewed FAR levels, phasing and incentives. In brief, direction from the Commission in regards to FAR levels was:

- Increase draft maximum FARs in the CR and R districts (outside of nodes) from 1.0 to 2.0.
- Increase the draft maximum FARs in the MO-1, OR-1, OR-2, RC-1 and RC-2 districts (nodes at the hospital area, 122nd and 130th) from 2.5 to 3.0 while continuing to allow 0.5 open space transfers up to 3.5.
- Retain the draft maximum FAR in the other Bel-Red districts.
- Allow an increased exception from the FAR calculation for ground floor retail space where it is required along 130th Avenue.
- Make adjustments to the code language to make the calculation of effective FAR more clear.

The direction regarding phasing was to include in the Planning Commission's transmittal a recommendation to encourage the Council to support early developments in the Bel-Red area.

The Commission directed looking further at potential incentives for senior and affordable housing, the regional TDR program, and underground parking. Underground parking is addressed in the parking section of this memo. Housing is scheduled for follow up on July 16. Regional TDR is scheduled for discussion on July 23.

The Commission also asked to consider options for ensuring that mixed use areas include a minimum percent of uses other than the primary use. This has been added to the schedule for review on July 16.

## **Existing uses/conditions**

*Policy question: Should proposed existing conditions regulations be modified?*

### **Staff recommendation:**

- *The draft existing conditions code (20.25D.060, p. 9) should be amended to:*
  - *Provide the Director the ability to waive the requirement for documentation of an existing condition (Subsection D).*
  - *Clarify that existing uses that today operate after 9:00 pm or before 6:00 am can continue to operate within their existing window (Subsection F).*
  - *Add to Subsection F an option for existing uses to extend their hours of operation to later than 9:00 pm or before 6:00 am through the Administrative Conditional Use (A) process.*
  - *Changes to noise ordinance will be forwarded to Council to be consistent with the new Bel-Red districts.*
  - *Clarify the application of the Loss of Existing Use Status as it relates to intentional destruction (Subsection F.4.d (misnumbered b), p. 13).*
  - *No change to the duration of "abandoned use," currently proposed to be 12 months.*
- *Separately, staff recommends consideration of the land use designations and zoning for properties just south of the West Tributary and NE 15th Street and potentially changing*

*from R to OR to allow greater flexibility of new uses adjacent to existing industrial uses and to improve compatibility. Map changes are scheduled to be reviewed July 16.*

One of the City Council's planning principles for the Bel-Red project was to build from existing assets, including the many successful existing businesses. The Steering Committee recommended that all retail-like services uses continue to be allowed throughout the corridor, while services with industrial characteristics continue to be allowed within a specific framework strategy:

**Strategy for "LI-type" Service Uses in nodes and standalone housing areas** (Existing uses allowed, market forces could pressure)

- Existing service uses will be allowed and may be continued by future owners.
- No new service uses will be allowed.
- Expansions to existing service structures will be permitted.
- Discontinued service uses may not be re-established.
- Destroyed service structures may be reconstructed.

**Strategy for LI-type Service Uses in area outside nodes and outside nonstandalone housing locations** (new service uses allowed across the district)

- Existing service uses will be allowed and may be continued by future owners.
- New service uses will be allowed.
- Expansions of service uses will be allowed.
- Destroyed service structures may be reconstructed.

Service uses with LI characteristics located in transit nodes and standalone housing areas will not be considered "nonconforming" uses. As noted above, Bellevue's Land Use Code does not currently include a term for an existing use that is allowed to continue and expand its structure, but would not otherwise be allowed as a new use. Accordingly, the Land Use Code will address the treatment of existing service uses with LI characteristics in the Bel-Red corridor.

The draft Bel-Red regulations include a section (20.25D.060, p. 9) that specifically captures the Steering Committee intent of allowing existing uses to continue, and with limits, expand, while supporting redevelopment of new office, residential, commercial and mixed uses.

Comments on the draft focus on issues of interpretation and how they would affect existing businesses. The staff recommendations listed above would address these comments by clarifying specific code sections.

Recognizing the hours of operation may change over time for an existing use, and that the intent isn't to regulate a business out of operation by limiting hours, staff recommends an addition to the draft code that would allow expansion of hours of operation through the Administrative Conditional Use process, which would provide the City with a review process to address impacts, such as noise, that might be associated with hours of use.

The intentional destruction clause associated with the Loss of Existing Use Status (p. 13) would not apply to most modifications of existing uses, where removal of an existing structure would occur through a City permit process. The intent of the code section is to address inappropriate destruction, such as if a building were destroyed by arson. Staff can develop revisions that clarify the application of this section.

## Parking

*Policy questions: Should proposed parking ratios be adjusted up or down?*

*Should the incentive system include a bonus for underground parking?*

### **Staff recommendations:**

- *Staff recommends modifying parking ratios for the finance and office categories to be consistent, and lowering the minimum parking ratio from 2.5 per 1,000 to 2.0 to per 1,000 as shown below. Parking ratios may also be modified through the code (20.25D.110.F, p. 50), as proposed. Further consideration of lower parking ratios or zero minimum may be appropriate as transit service becomes closer to a reality. This could be included in the five year implementation review. Parking maximums are appropriate for the urban form and land uses proposed and are a critical consideration for transit oriented development. If the Commission chooses to recommend higher parking ratios, staff recommends that modest increases be limited to the additional interim parking allowed under Note 1. Staff also recommends a change to what was called the “high technology/light industry” category.*

| Chart 20.25D.110.B.2 - PARKING STANDARDS FOR BEL-RED (7) (8)           |                 |  |                                  |                            |      |
|--|-----------------|--|----------------------------------|----------------------------|------|
| Use  | Unit of Measure | MO-1, OR-1, OR-2, RC-1, RC-2, RC-3 (6) |                                  | MO, RC, CR, GC, R, ORT (6) |      |
|  |                 | Min.                                   | Max.                             | Min.                       | Max. |
| a. Financial institution   | Per 1,000 nsf   | <del>2.5</del> <u>2.0</u>              | <del>3.0/3.5</del><br><u>(1)</u> | 3.0                        | 4.0  |
| b. <del>Manufacturing/assembly</del><br>High technology/light industry | Per 1,000 nsf   | <del>2.0</del> <u>1.0</u>              | <del>3.5</del> <u>2.0</u>        | 2.0                        | 4.0  |
| e. Office: Business services/professional services/general office      | Per 1,000 nsf   | <del>2.5</del> <u>2.0</u>              | <del>3.0/3.5</del><br><u>(1)</u> | 3.0                        | 4.0  |

The Planning Commission reviewed draft code language related to parking ratios on April 23 and identified a need for further review of drive-through facilities during that discussion (which as discussed below). Additionally, the City received comments suggesting that parking ratios should be lower to facilitate a more urban, pedestrian and transit oriented environment, and that parking ratios should be larger due to the lack of transit in the near term. High capacity transit service may be sufficient to make lower parking ratios appropriate, especially near transit stations. Since transit stations, even with early implementation of BRT, won't be immediately available, the City could consider zero parking minimums when it evaluates the implementation of the plan five years after adoption. Staff cautions against increasing maximums as an over

supply of parking could threaten the urban nature envisioned for the area. The parking maximums proposed are sufficient for the types of uses, based upon staff's experience with past developments.

- *Do not include underground parking in the incentive system. There is a public benefit to avoid extensive surface parking areas in higher density areas and to ensure that above ground structures, including parking garages, are designed to be compatible with their urban context. Staff believe that this is achieved with the FAR levels supported by the draft code which will necessitate structured parking, and by design standards and guidelines that will ensure appropriate design of above ground parking structures. The public benefit of underground parking versus well-designed above ground parking is marginal at best.*

The extent and impact of surface parking areas would be limited by the design standards, including build-to lines, active edge requirements, and the design review process.

### **Park-n-rides and transit uses**

*Policy questions: Should park-n-rides and transit uses be permitted outright?*

*Should the plan emphasize locating a park-n-ride facility near the planned transit stations?*

#### **Staff recommendation:**

- *Change to allow park-n-rides as conditional uses in the OR-1 and OR-2 districts. The current draft allows park-n-rides as a conditional use in the OR, RC-1, RC-2, and RC-3 districts. Light rail facilities (as a rail transportation use) would be allowed as a conditional use in all districts. Light rail stations and park-n-rides are unique and intensive uses that should be reviewed in detail for compatibility with the surrounding area. The conditional use process affords the City an appropriate level of review and the opportunity to impose conditions that ensure the right community "fit."*
- *Modify the Transit section in the Subarea Plan to identify and support a park-n-ride facility near the 130th Avenue transit station.*

Sound Transit provided comments about making transit facilities permitted uses, or creating an overlay district for transit areas. The Commission has discussed the potential for park-n-ride facilities in both its discussions of Bel-Red and Light Rail Best Practices. Recognizing the interest in park-n-ride facilities associated with light rail, staff proposes a modification to the Subarea Plan to directly address park-n-rides and to support one to be located near the 130th Avenue node, where one would be most compatible with adjacent uses and best serve adjacent neighborhoods (due to north-south access on 130th Avenue).

### **College uses**

*Policy question: Should the code improve support for college uses?*

**Staff recommendation:**

- *Modify the draft land use charts to allow “Universities and Colleges” and “Special Schools: Vocational...” as Administrative Conditional Uses (A) or permitted uses (P) as follows (p. 29):*

| STD<br>LAND<br>USE<br>CODE<br>REF | LAND USE<br>CLASSIFICATION  | Services - Bel-Red Districts          |  |  |                        |                                  |                                      |  |
|-----------------------------------|---|---------------------------------------|--|--|------------------------|----------------------------------|--------------------------------------|--|
|                                   |   | Bel-Red<br>Medical<br>Office<br>/Node | Bel-Red<br>Office<br>Residential<br>/Nodes | Bel-Red<br>Residential<br>Comm.<br>Nodes | Bel-Red<br>Residential | Bel-Red<br>General<br>Commercial | Bel-Red<br>Commercial<br>Residential | Bel-Red<br>Office<br>Residential<br>Transition |
|                                   |   | BR-<br>MO/<br>MO-1                    | BR-<br>OR/<br>OR-1<br>OR-2                 | BR-<br>RC-1<br>RC-2<br>RC-3              | BR-<br>R               | BR-<br>GC                        | BR-<br>CR                            | BR-<br>ORT                                     |
| 682                               | Universities and<br>Colleges  | A/                                    |  | A  |                        | A                                | A                                    |  |
| 683                               | Special Schools:<br>Vocational, Trade, Art,<br>Music, Driving, Barber<br>and Beauty Schools | A/A                                   | A/A  | A  | A 7                    | P                                | P                                    | P 7  |

Comments from City University caused staff to review the draft land use charts as they apply to colleges and other secondary schools. We found that the current draft would allow colleges as permitted in some areas, including the 122nd node, while they wouldn’t be allowed in others, such as the CR district near the PNB school. Meanwhile, Special Schools were originally proposed to be permitted outright in all districts, including R, except for the MO and MO-1 districts. The above recommendation intends to better address the unique nature of college uses and suggests using the Administrative Conditional Use process to provide a City review opportunity to address compatibility with adjacent uses. Student housing would be considered as part of the school use, provided that it is integral to a school campus. Stand alone student housing would be regulated under the Residential land use chart on page 17.

**Drive-in-windows**

**Policy question:** *Should the draft code be modified to allow drive-in-windows in some districts in the Subarea for some use types?*

**Staff recommendation:**

*No change is proposed to the draft land use charts (p. 25), which would not permit drive-in-windows for Eating and Drinking Establishments in any of the Bel-Red land use districts. Drive-in-windows would continue to be allowed in less dense districts outside of Bel-Red that would serve Bellevue residents. Drive-in-windows could be permitted for other uses in Bel-Red, such as for banks and drug stores. The most extensive prohibition on drive-throughs expressed as part of*

*the parking regulations (20.25D.110, Note 6, p. 46) would be removed to follow the Commission's direction and to avoid the inconsistency with the land use chart.*

### **Height limit for RC-3, MO, OR, CR**

***Policy question:*** *Should the draft height limit of 70 feet for the RC-3, MO, OR, CR districts be adjusted to increase development flexibility?*

***Staff recommendation:***

*No change from the 70 foot limit proposed. The proposed height limit of 70 feet for the RC-3, MO, OR, CR districts correlates to the building code limit for V-over-I construction (wood construction over concrete). This is an increase from the current code's limit of 60 feet for the CB zone. If the Commission wishes to consider taller heights, 85 feet is another logical limit based on building codes.*

The City's current regulations for CB (Community Business) limit heights to 60 feet, which often translates to five story buildings (four wood stories over one concrete). The Commission has expressed interest in increasing heights to allow six story building. The proposed 70 foot limit would allow six stories (five wood over one concrete) and maximize the efficiency of that construction type. If higher than 70 feet, construction would need to shift to a non-combustible type (such as steel stud framing). High rise building standards must be met at a 75 foot floor height (or about an 85 foot building height). Staff can illustrate these different heights at the study session, if needed.

### **Various retail use requirements**

***Policy question:*** *Should the draft code expand the retail uses and sizes allowed in the R and CR districts?*

***Staff recommendation:***

*Staff suggests a handful of minor amendments to increase the flexibility of retail uses in the CR and R districts in response to comments. One recommendation is to modify the draft land use charts to allow Eating and Drinking Establishments, limited to 3,000 square feet in size individually and 10,000 SF combined, in the R district. Also, staff recommends to continue to focus more intense and larger format retail uses in the RC-1,2,3, CR and GC district; and to not allow large format retail uses in the R district. Staff will provide additional retail use amendments to "fine tune" compatibility with the Steering Committee vision.*

### **Attachments**

1. Bel-Red Review Schedule

## Attachment 1

### Planning Commission Bel-Red Review Schedule

| Potential Planning Commission dates | Bel-Red  |
|-------------------------------------|--|
| <b>July 2</b>                       | <p><b>Discussion and direction:</b><br/>                     Overall land use plan<br/>                     FAR limits<br/>                     Phasing (Council direction on financial strategy)<br/>                     Incentive system (Council direction on financial strategy)</p>  |
| <b>July 9</b>                       | <p><b>Deliberation and Action:</b> make recommendation on MI district amendments</p> <p><b>Discussion and direction:</b><br/>                     Existing uses/conditions<br/>                     Parking ratios<br/>                     Park-n-rides and transit uses<br/>                     College uses<br/>                     Drive-through (drive-in windows)<br/>                     Height limit for RC-3, MO, OR, CR<br/>                     Retail uses requirements</p> |
| <b>July 16</b>                      | <p><b>Discussion and direction:</b><br/>                     Confirmation of overall land use plan and map<br/>                     Housing policy targets and related issues<br/>                     NE 15th/16th corridor design options<br/>                     Design standards maps<br/>                     Minimum percent of uses</p>  |
| <b>July 23</b>                      | <p><b>Discussion and direction:</b><br/>                     Revised draft amendments<br/>                     Regional TDR<br/>                     Follow up on outstanding issues<br/>                     Technical changes</p> <p><b>Deliberation and Action:</b> make recommendation on Bel-Red amendments</p>   |
| <b>July 30 (if needed)</b>          | <p><b>Deliberation and Action:</b> additional opportunity to make recommendation on Bel-Red amendments, if needed</p>  |