1523-ORD
05/12/16

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6289

AN ORDINANCE imposing an interim official control regarding the definition of "Pedestrian Oriented Frontage" and "Retail Activity"; providing for severability; and establishing an effective date.

WHEREAS, in the fall of 2012, the City Council commenced the Downtown Livability Initiative, which is a targeted review of specific regulations that guide downtown development and land use activity; and

WHEREAS, objectives of the Downtown Livability Initiative include seeking to (a) better achieve the vision for Downtown as a vibrant, mixed-use center; (b) enhance the pedestrian environment; (c) improve the area as a residential setting; and (d) enhance the identity and character of Downtown neighborhoods; and

WHEREAS, in the spring of 2013, the City Council appointed the Downtown Livability Initiative Citizen Advisory Committee (CAC) to review and make recommended changes to the City's Land Use Code (LUC); and

WHEREAS, on October 13, 2014, the CAC issued a final report that presented an updated vision for Bellevue's Downtown subarea; and

WHEREAS, on May 26, 2015, the City Council transmitted the CAC final report and the CAC's recommendations on the Downtown Livability Initiative to the Planning Commission for its consideration and recommendations; and

WHEREAS, the Planning Commission process is expected to lead to amendments to development regulations for the Downtown Subarea by the end of 2016; and

WHEREAS, the proposed amendments to the development regulations for Downtown are anticipated to include changes to the incentive zoning methodology and associated amenities; and

WHEREAS, the City Council has expressed a preference that banks and financial institutions be characterized as "Pedestrian oriented uses" for the purposes of applying the amenity system contained in LUC 20.25A.030.C.1, and "Retail activities" for the purposes of defining "edge conditions" for application of the *Design Guidelines, Building/Sidewalk Relationships, Central Business District* and for application of the Floor Area Ratio Exceptions contained in LUC 20.25A.020.B.3; and

WHEREAS, the Industrial and Commercial Bank of China (ICBC) seeks to locate a financial institution in tenant space located at 11100 NE 8th Street, which location is

restricted to uses that currently meet the definition of "Pedestrian Oriented Frontage" and "Retail Activity"; and

WHEREAS, ICBC's proposal has the potential to embody the characteristics of pedestrian oriented frontage and retail activity that the City Council envisions and will advance the City's Economic Development goals of attracting, retaining and expanding businesses in Bellevue; and

WHEREAS, the limited available tenant space to accommodate the ICBC financial institution use will likely result in the loss of this business attraction opportunity if the City does not take steps to allow financial institutions to be allowed to locate in spaces otherwise restricted to "pedestrian oriented use" and "retail activity" before the Downtown Livability amendments are developed by the Planning Commission and sent to the City Council for final adoption; and

WHEREAS, by adopting an Interim Official Control to allow financial institutions to locate in tenant spaces otherwise restricted to "pedestrian oriented use" and "retail activity," the City Council's vision of the Downtown Subarea are advanced consistent with the anticipated outcomes of the Downtown Livability Initiative and the City's Economic Development goals; and

WHEREAS, the Environmental Coordinator for the City of Bellevue has determined that this text amendment to the Land Use Code would be Categorically Exempt from the Threshold Determination requirements of the State Environmental Policy Act pursuant to the terms of WAC 197-11-800(19); and

WHEREAS, the City Council adopts the foregoing as its findings of fact justifying adoption of this Ordinance; now, therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Imposition of Interim Official Control. An interim official control is hereby imposed whereby banks and financial institutions are characterized as "pedestrian oriented uses" and "retail activity" as follows:

a. Banks and financial institutions are "pedestrian-oriented uses" for the purposes of applying the amenity system contained in LUC 20.25A.030.C.1; and

b. Banks and financial institutions are "retail activities" for the purposes of defining "edge conditions" for application of the *Design Guidelines, Building/Sidewalk Relationships, Central Business District* and for application of the Floor Area Ratio Exceptions contained in LUC 20.25A.020.B.3.

Section 2. Duration and Scope of Interim Official Control. This interim official control would be in place during the pendency of the Downtown Livability Initiative which is anticipated to conclude by December 2016. Under the terms of RCW 36.70A.390 this interim official control is recommended to be in effect for a period of one year to allow final passage of permanent development regulations to occur as part of the Downtown Livability Initiative.

Section 3. Public Hearing. Pursuant to RCW 36.70A.390, the City Council shall hold a public hearing on this interim official control within sixty (60) days of its adoption, so as to hear and consider public comment and testimony regarding this interim official control. Following such hearing, the City Council may adopt additional findings of fact, and may extend the interim official control for a period up to an additional six (6) months. The City Council may adopt additional six month extensions after any required public hearing, pursuant to RCW 36.70A.390.

Section 4. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 5. Effective Date. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Section 6. Findings of Fact. The findings contained in this Ordinance are hereby adopted as Findings of Fact to justify adoption of this interim official control.

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Passed by the City Council this 16th day of May, 2016 and signed in authentication of its passage this 16th day of May, 2016.

(SEAL)

John Stokes, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Robert A. Hyde, Deputy City Attorney

Attest:

Kyle Stannert, City Clerk

Published: May 19, 2016.