

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE extending the interim official control originally adopted by Ordinance No. 6290 regarding the relocation of BelRed businesses displaced by the Sound Transit East Link project; providing for severability; repealing Ordinance No. 6290; and establishing an effective date.

WHEREAS, an updated vision for the BelRed Subarea was adopted by the City Council in May 2009 together with regulations to facilitate BelRed's transformation into vibrant and sustainable, pedestrian-oriented mixed use neighborhood with vital businesses supported by a Link Light Rail system that would connect BelRed to the greater City and region; and

WHEREAS, many of the uses and developments located in BelRed prior to the 2009 Comprehensive Plan and Land Use Code amendments would not be allowed to establish after the policy and associated code changes were adopted; and

WHEREAS, the "Existing Conditions" provisions of LUC 20.25D.060 were an important component of the BelRed code because those provisions allowed for continued operation of existing light industrial and service uses and existing developments at a location where they were legally established when the BelRed subarea Plan was adopted on May 26, 2009; and

WHEREAS, condemnations related to construction of the Sound Transit alignment have displaced long time businesses that pre-date the BelRed Corridor Plan; however, the Existing Conditions provisions did not contemplate the need to accommodate business relocations to a new site in order to continue their operations in BelRed; and

WHEREAS, Park Place LTD is one example of a long time Bellevue business that is being forced to relocate out of the future light rail alignment, but cannot find land where auto sales, washing and repair services can be located under the new BelRed Corridor Plan; and

WHEREAS, in order to effectuate the vision of the City to allow for the continued operation of existing light industrial and service uses, and existing development, the City Council has identified an emergent need to accommodate established businesses displaced by Sound Transit when compatible with the residential and higher intensity mixed use development that was introduced with the BelRed Corridor plan; and

WHEREAS, in order to respond to this emergent need, the City Council has expressed a preference for allowing Existing Uses in BelRed (as defined in LUC

20.25D.060.B.1) to relocate to Existing Development (as defined in LUC 20.25D.060.B.2); and

WHEREAS, scoping for the BelRed Lookback was initiated by the City Council in October 2015; and

WHEREAS, the objective of the BelRed Lookback is to review regulations that guide BelRed development and land use activity for effectiveness after seven years of experience with code administration of the BelRed regulations; and

WHEREAS, the BelRed Lookback is anticipated to result in code amendments to address unanticipated barriers to continued operation of existing businesses such as the unique circumstance posed by the Sound Transit displacements; and

WHEREAS, the BelRed Interim Official Control to accommodate businesses displaced by Sound Transit, such as Park Place LTD, advances the Economic Development goals of the City to attract, retain and expand businesses in Bellevue; and

WHEREAS, limited space available to accommodate the historic light industrial and service uses in BelRed will likely result in the loss of a business retention opportunity if steps are not taken to allow them to relocate before the BelRed Lookback is completed by the Planning Commission and recommended to the City Council for final adoption; and

WHEREAS, by adopting an Interim Official Control to allow BelRed businesses displaced by Sound Transit to relocate in existing structures and sites in BelRed, the vision of the City Council is advanced consistent with the BelRed vision and with the City's Economic Development goals; and

WHEREAS, permanent code amendments necessary to implement provisions contained in the Interim Official Control are scheduled to be evaluated as part of the BelRed Lookback that is likely to be considered by the Planning Commission in 2017; and

WHEREAS, an extension of the Interim Official Control is necessary to provide time for the City to draft, consider and hold hearings on permanent regulations; 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 duly held the public hearing required pursuant to RCW 36.70A.390 on November 7, 2016, so as to hear and consider public comment and testimony regarding extension of this Interim Official Control; and

WHEREAS, the City Council adopts the foregoing as its findings of fact justifying extension of the Interim Official Control originally adopted by Ordinance No. 6290 for an additional six (6) month period; 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 to accommodate existing uses displaced by Sound Transit in BelRed, and to permit existing uses in BelRed (as defined in LUC 20.25D.060.B.1) to relocate, subject to the following criteria:

- a. The Existing Use was established prior to adoption of the BelRed Corridor Plan;
- b. The Existing Use is being displaced by Sound Transit; and
- c. The Existing Use is proposing to relocate to an Existing Development in the BelRed Corridor (as defined in LUC 20.25D.060.B.2).

Section 2. Duration and Scope of Interim Official Control. Pursuant to RCW 36.70A.390, this Interim Official Control is recommended to be in effect for a period of six (6) months. This Interim Official Control may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 3. Repeal. Ordinance No. 6290 is hereby repealed.

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 extension of this interim official control.

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

(SEAL)

John Stokes, Mayor

Approved as to form:

Robert A. Hyde, Deputy City Attorney

Attest:

Kyle Stannert, City Clerk

Published: _____

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Public Hearing on Ordinance No. _____ extending interim official controls amending the Land Use Code, allowing businesses located in BelRed and displaced by the Sound Transit East Link Project to relocate to existing buildings within the BelRed Corridor for a period of six months, to be in effect while the City drafts, considers, holds hearings and adopts permanent zoning regulations.

FISCAL IMPACT

No fiscal impact is expected. The extended Interim Official Controls amending the Land Use Code will be administered by land use staff during review of permit applications.

STAFF CONTACT

Carol Helland, Land Use Director
Development Services Department

452-2724

POLICY CONSIDERATION

Should the City Council extend the interim official control, amending the Land Use Code to allow businesses located in BelRed and displaced by the Sound Transit East Link Project to relocate to existing buildings within the BelRed Corridor for a period of an additional six months, to be in effect while the City drafts, considers, holds hearings and adopts permanent zoning regulations? Refer to Attachment B.

DIRECTION NEEDED FROM COUNCIL

- Action
- Discussion
- Information

BACKGROUND

Process Requirements for Adoption of an Interim Official Control. Allowed uses in the City are governed by the Bellevue Land Use Code (LUC). The LUC is a development regulation as defined by the Growth Management Act (GMA), Chapter 36.70A RCW. Legislative actions related to the LUC must comply with the process requirements set forth in the GMA. Council’s adoption of Ordinance No. 6290 on May 16, 2016, constituted imposition of an interim official control under GMA. By using the GMA “interim official control” adoption process, a Planning Commission public hearing was not required; however, under the GMA, the City Council was required to hold a public hearing within 60 days of adoption of the ordinance. The City Council held a public hearing on July 5, 2016, which satisfied this requirement.

Under the terms of RCW 36.70A.390, the interim official control adopted by Ordinance No. 6290 is allowed to stay in effect for a period of six months. The interim official control may be renewed for additional six-month periods, if a subsequent public hearing is held and findings of fact are made prior to each renewal. The public hearing scheduled on November 7 is being held to satisfy the requirements necessary to extend the interim official control for an additional six month period.

Relocation of Existing BelRed Uses Displaced by Sound Transit. At the May 9, 2016 Council Study Session, staff presented an option to use interim official controls to amend the LUC and allow businesses located in the BelRed Subarea and displaced by the Sound Transit East Link Project to relocate to existing buildings within the BelRed Corridor. Under the current LUC, existing uses are allowed to continue, but are not permitted to relocate to existing buildings in other parts of the BelRed subarea if the use is not permitted at the new location under the terms of the current code.

The limited space available to accommodate the historic light industrial and service uses in BelRed would likely have resulted in the loss of business retention opportunities if steps had not been taken to allow them to relocate before the BelRed Lookback is completed by the Planning Commission and recommended to the City Council for final adoption. Ordinance No. 6290 was adopted by the City Council as an interim official control on May 16, 2016. Refer to Attachment A. The interim official control responded to current challenges facing businesses in the BelRed area and specifically Park Place LTD, an auto dealership located at 13710 NE 20th Street in the BelRed that was required to relocate due to the East Link project. Park Place LTD had found it difficult to locate property and buildings suitable for their operations, and the interim official control allowed the the City to retain this long-time business in the BelRed Corridor.

Adoption of Ordiance No. 6290 was aligned with the City’s Economic Development goal of business retention, and is not anticipated to have an impact on the planned transformation envisioned for the BelRed area of the City. The adoption of interim official controls in this instance provided a near-term solution that will be evaluated for permanent adoption into the Land Use Code as part of the “BelRed Lookback” scheduled for future Council consideration. The proposed extension ordinance is included with this memorandum as Attachment B. Code amendments necessary to implement findings of the BelRed Lookback would likely be considered by the Planning Commission in 2017.

EFFECTIVE DATE

Ordinance No. _____ would become effective on _____, 2016.

OPTIONS

1. Hold the public hearing and adopt Ordinance No. _____.
 - a. Open the Public Hearing and take testimony on Ordinance No. _____.
 - b. Close the Public Hearing and the record on Ordinance No. _____.
 - c. Adopt Ordinance No. _____ extending the interim official controls amending the Land Use Code, allowing businesses located in BelRed and displaced by the Sound Transit East Link Project to relocate to existing buildings within the BelRed Corridor for a period of six months, to be in effect while the City drafts, considers, holds hearings and adopts permanent zoning regulations.

2. Decline to hold a public hearing and provide alternate direction to staff.

RECOMMENDATION

Option 1.

MOTION

1. Three sequential motions are needed to hold the Public Hearing and adopt Ordinance No. _____.
 - a. Move to open the public hearing for comments on Ordinance No. _____ and to take testimony;

- b. Move to close the Public Hearing and the record on Ordinance No. _____;
- c. Move to adopt Ordinance No. _____ extending the interim official control amending the Land Use Code, allowing businesses located in BelRed and displaced by the Sound Transit East Link Project to relocate to existing buildings within the BelRed Corridor for a period of six months, to be in effect while the City drafts, considers, holds hearings and adopts permanent zoning regulations.

ATTACHMENTS

Attachment A: Ordinance No. 6290

Attachment B: Ordinance No. _____