1522-ORD
05/12/16

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6290

AN ORDINANCE imposing an interim official control regarding the relocation of BelRed businesses displaced by the Sound Transit East Link project; providing for severability; 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 these 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.

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.

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.

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.

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 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 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. 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:

Robert A. Hyde, Deputy City Attorney

Attest:

Kyle Stannert, City Clerk

Published: May 19, 2016.