



MEMORANDUM

DATE: June 5, 2012

TO: Chair Turner and Members of the Planning Commission

FROM: Paul Inghram, AICP, 452-4070
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SUBJECT: Banner Bank Comprehensive Plan Amendment (CPA) Proposal

At its May 16 study session, the Planning Commission recommended that the Banner Bank Comprehensive Plan amendment proposal not be initiated into the 2012 annual CPA work program. Following the meeting, Commission members asked to have additional consideration of the Banner Bank proposal and a potentially a different geographic scope than what was previously considered. City Council review of the Planning Commission recommendations is scheduled for June 25, so at this time, there is still an opportunity for the Commission to modify its recommendation if the appropriate steps are taken.

An important principle of parliamentary procedure is that the requirements for changing a previous action are generally greater than those for taking the action in the first place. If the Commission determines that additional review of the Threshold Review recommendation for the Banner Bank proposal is needed, it will need to first rescind the previous recommendation.

Sample motion language: *I move to rescind the motion made to not initiate the Banner Bank proposal into the annual work program that was adopted at our meeting on May 16.*

The Planning Commission may choose to rescind its previous action provided that it occurs before the recommendation is forwarded to the Council. In accordance with Robert's Rule of Order Newly Revised, the motion to rescind may be made by any commissioner, regardless of how they voted on the proposal previously.

If the Planning Commission does rescind the previous recommendation, the previous recommendation will no longer be valid. The Commission will need to make a new motion to recommend to include or not include the proposal in the work program.

Sample motion language to include in the work program:
I move to recommend initiation of the Banner Bank Comprehensive Plan amendment application for the 2012 Annual Comprehensive Plan work program, and to expand the proposal's geographic scope [to include _____ properties].

Sample motion language to not include in the work program: *I move to recommend no further consideration of the Banner Bank Comprehensive Plan amendment application for the 2012 Annual Comprehensive Plan work program.*

A recommendation to initiate a project into the work program should be made in accordance with Section 20.30I.140 Threshold Review Decision Criteria, which is included as Attachment 1. The staff report for the Banner Bank proposal is included at Attachment 2.

ATTACHMENTS

1. LUC Section 20.30I.140 Threshold Review Decision Criteria
2. Banner Bank CPA Staff Report
3. Banner Bank site map

ATTACHMENT 1

20.30I.140 Threshold Review Decision Criteria

The Planning Commission may recommend inclusion of a proposed amendment to the Comprehensive Plan in the Annual Comprehensive Plan Amendment Work Program if the following criteria have been met:

- A. The proposed amendment presents a matter appropriately addressed through the Comprehensive Plan; and
- B. The proposed amendment is in compliance with the three year limitation rules set forth in LUC 20.30I.130.A.2.d; and
- C. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council; and
- D. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and
- E. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. Significantly changed conditions are defined as:

LUC 20.50.046 Significantly changed conditions. Demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent Plan map or text; where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole. This definition applies only to Part 20.30I Amendment and Review of the Comprehensive Plan (LUC 20.50.046); and

- F. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly-situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and
- G. The proposed amendment is consistent with current general policies in the Comprehensive Plan for site-specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the Growth Management Act, other state or federal law, and the Washington Administrative Code; or
- H. State law requires, or a decision of a court or administrative agency has directed such a change.

(ii) Consideration of Geographic Scope

Prior to the public hearing, the Planning Commission shall review the geographic scope of any proposed amendments. Expansion of the geographic scope may be recommended if nearby, similarly-situated property shares the characteristics of the proposed amendment's site. Expansion shall be the minimum necessary to include properties with shared characteristics...

2012 Annual Threshold Review Recommendation
and Consideration of Geographic Scoping
Site-Specific Amendment

Banner Bank

Staff recommendation: Recommend **not including** the Banner Bank CPA in the 2012 annual CPA work program. If the proposal is included, **expand** the geographic scope of the proposal to include similarly-situated adjacent properties.

Application Number: 12-104617 AC
 Subarea: Bel-Red
 Original Addresses: 12433-12443-12453 Bel-Red Road NE
 Applicant(s): Sternoff
 Addresses Expanded
 Through Geographic Scoping: 1000 124th Avenue NE
 12501, 12505, 12515, 12715, 12721, and 12705 NE Bel-Red Rd

PROPOSAL

This privately-initiated application proposes to amend the map designation on a three-parcel, 2.61 acre site, from BR-ORT (Bel-Red Office/Residential Transition) to BR-CR (Bel-Red Commercial/Residential). The applicant has also submitted a concurrent rezone application. See Attachment 1.

The Planning Commission directed consideration for expanding the geographic scope of similarly situated property to west of this application and properties to the east, for a total of 10.91 acres. See Attachment 2.

REVIEW OF STAFF RECOMMENDATION

Staff recommends not including this Comprehensive Plan amendment application in the 2012 work program. Economic conditions that constrain office development in the Bel-Red Subarea or in the Bel-Red Office Residential Transition zone designation (BR-ORT) are not a significantly changed condition relevant to a site-specific Comprehensive Plan Amendment. However, if Planning Commission advances the proposal into the 2012 Final Review process, staff recommends the geographically-expanded 10.91-acre area.

BACKGROUND

This privately-initiated application originally included three office properties on the south side of Bel-Red Road across from the Coca-Cola plant. The ten parcels in the geographically-expanded site are currently office buildings, from 124th Avenue NE east for about 1,500 feet. The properties gain access from 124th, Bel-Red Road on the north, and from NE 10th Pl on the south. The properties' southern boundary is coterminous with the southern boundary of the Bel-Red Subarea.

The entire Bel-Red subarea, including the subject area, was reviewed during the Bel-Red planning process in 2006-2009, which resulted in a new subarea plan and comprehensive new zoning categories for the entire subarea. The subject site was previously zoned Office (O). Unlike other O-zoned properties along the south site of Bel-Red Road, it is

not adjacent to residential zoning and therefore was not affected by the residential transition standards that limit building heights. During the Bel-Red planning process, the area's zoning was changed from O to BR-ORT (Bel-Red Office Residential Transition). The new BR-ORT zone allows for both office and residential uses, heights up to 45 feet, and density of up to 0.75 FAR (floor area ratio). This newer zone allows for greater density and development potential than the previous Office designation. If the CPA were adopted the site could then be rezoned to allow Bel-Red commercial redevelopment at an intensity of up to 2.0 FAR.

THRESHOLD REVIEW DECISION CRITERIA

The Threshold Review Decision Criteria for an initiated Comprehensive Plan Amendment proposal are set forth in the Land Use Code Section 20.30I.140. Based on the criteria, Department of Planning and Community Development staff has concluded that the proposal **should not be included** in the annual CPA work program.

This conclusion is based on the following analysis:

- A. The proposed amendment presents a matter appropriately addressed through the Comprehensive Plan; and

The appropriate land use designation on a specific site or sites is a matter appropriately addressed through amendment of the Comprehensive Plan.

- B. The proposed amendment is in compliance with the three-year limitation rules set forth in LUC 20.30I.130.A.2.d; and

The three-year limitation does not apply to this proposal to amend the site designations. The sites have not been examined since the 2009 version of the Bel-Red Subarea Plan was adopted.

- C. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council; and

This proposal raises land use issues that are appropriately addressed through the annual CPA process and not some other ongoing work program.

- D. The proposed amendment can be reasonably reviewed within the resources and timeframe of the Annual Comprehensive Plan Amendment Work Program; and

The application can be reasonably reviewed within the resources and time frame of the current Annual Comprehensive Plan Amendment Work Program.

- E. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. Significantly changed conditions are defined as:

Significantly changed conditions. Demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent Plan map or text; where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole. This definition applies only to Part 20.30I Amendment and Review of the Comprehensive Plan (LUC 20.50.046); and

The proposal does not address significantly changed conditions.

The Bel-Red Subarea Plan (2009) facilitates redevelopment at various densities in Bel-Red node and edge locations. The applicant suggests adopted Bel-Red Subarea plan policy did not anticipate the severe economic downturn and its effect on forecast redevelopment growth in Bel-Red. The applicant further notes that failing to increase the allowable density on these edge sites will exacerbate the slowdown in redevelopment growth that Bel-red policy was intended to foster. The economic downturn is not focused just on Bel-Red but affects the entire city and is part of a global condition. The Comprehensive Plan anticipates variation in the rate of community growth over the long term. While economic conditions may be worth thinking about, this is a citywide issue that should be addressed strategically, as growth itself is planned for in the Comprehensive Plan. In addition, edge site properties designated BR-ORT are not a catalyst to the redevelopment growth planned for Bel-Red, and the densities surrounding planned light rail station sites have not changed.

The extent of the economic downturn is not a significantly changed condition on the subject property or its surrounding area (the fire damaged building on one of the adjacent properties recommended for expansion of geographic scope could be considered a redevelopment opportunity but is not a significantly changed condition). The adoption of the Bel-Red Subarea Plan and its growth forecasts does not evidence that densities proposed for BR-ORT are insufficient for this edge area of Bel-Red, and there have been no proposals put forward for redevelopment to test whether conditions have indeed significantly changed.

Finally, the Bel-Red Subarea Plan could be considered a change related to the pertinent map or text, except that the change occurred in the direction of increased redevelopment density opportunity from the previous Office designation. So this circumstance also does not meet the test of a significantly changed condition.

- F. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly-situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and

Nearby, similarly-situated property has been identified and the expansion is the minimum necessary.

This site is similarly situated both to property to the west of it and properties to the east of it in this particular area south of Bel-Red Rd.

The application site and adjacent properties are similar because they function as a buffer between Professional Office and Office-designated properties to the south, and to single family areas subject to buffering located east of the subject area.

Policy S-BR-93 speaks directly to this situation:

***Policy S-BR-93:** Provide for a mix of office and housing in this area, with low-intensity buildings of one or two stories serving as an appropriate buffer between the uses north of Bel-Red Rd and the single family residential neighborhoods to the south. While office should remain a focus, housing in this area is also a suitable transition use.*

- G. The proposed amendment is consistent with current general policies in the Comprehensive Plan for site specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the Growth Management Act (GMA), other state or federal law, and the Washington Administrative Code (WAC); or

Preliminary analysis suggests that this request is likely consistent with policy implementation in the CPPS and GMA for urban growth areas development.

Staff believes the proposal will likely prove consistent with current general policies in the Comprehensive Plan that focus opportunities for the Bel-Red Subarea Plan to develop a sustainable urban development pattern that reshapes the future of the Subarea.

If the proposed amendment is included in the annual work program additional analysis will be conducted prior to determining whether this request is fully consistent with all applicable and specific policies and regulations.

; and

- H. State law requires, or a decision of a court or administrative agency has directed such a change.

State law, or a decision of a court or administrative agency has not directed the suggested change.

PUBLIC COMMENT

See Attachment 3.

ATTACHMENTS

1. Application materials
2. Site map
3. Public comments received to date including the applicant's

