



MEMORANDUM

DATE: September 20, 2013

TO: Chair Tebelius and the Planning Commission

FROM: Nicholas Matz AICP, Senior Planner 452-5371
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SUBJECT: 2013 Annual Comprehensive Plan Amendments
September 25, 2013 Final Review Study Session

INTRODUCTION

The City Council acted on the Planning Commission's 2013 CPA Threshold Review recommendations at its July 8, 2013, meeting. The Council initiated the Bellevue Apartments and the Bel-Kirk Office Park amendments into the 2013 CPA work program as recommended by the Commission. The Council declined to initiate the Overlake Investors amendment, as recommended by the Commission.

The City Council also confirmed the timing of the 5-year review of the Bel-Red Subarea, which will include consideration of permitted floor area ratios.

<i>CPA number (AC)</i>	<i>Site-specific Proposal Subarea</i>	<i>City Council Threshold Review action July 8, 2013</i>
Bellevue Apartments <i>12 - 132257 AC</i>	Map change of 1.84 acres from Office (O) to Multifamily-High (MF-H) 13902 NE 8th St <i>Wilburton/NE 8th</i>	6-0 Advance to Final Review no geographic expansion
Bel-Kirk Office Park <i>13-106131 AC</i>	Map change of 7.26 acres from Light Industrial (LI) to Office (O) 11100 NE 33rd Pl <i>North Bellevue</i>	6-0 Advance to Final Review no geographic expansion
Overlake Investors <i>13-106273 AC</i>	Map change of 0.8 acres from BR-MO (Bel-Red Medical Office) to BR-CR (Bel-Red Commercial/Residential) 1835 116th Ave NE <i>Bel-Red</i>	6-0 Decline to advance to Final Review

The purpose of the September 25 study session is to begin Final Review by reviewing issues raised during the first Threshold Review stage. Final Review examines the merits of the application through a separate set of decision criteria (See Attachment 2). At the study session staff seeks Commission direction on 1) an October 23, 2013, Final Review public hearing date; and 2) any information

commissioners would like prior to or at the hearing. A staff report and recommendation responding to the Final Review criteria will be available in advance of the public hearing.

This memo reviews issues that have been identified as the amendments enter Final Review.

BELLEVUE APARTMENTS CPA

Background

The privately initiated application proposes to amend the 1.84-acre site designation from Office to Multifamily-High. The Bellevue Apartments, an existing 29 unit apartment building, is located at the northwest corner of the intersection of 140th Ave. NE and NE 8th St.

The property was designated as and rezoned to Office in 1981. The Office designation required development to receive a conditional use permit approval because residential uses exceed 50 percent of the gross floor area of buildings; design review approval was also required because the site is located within a transition area from single family zoning (although that zoning is Puget Sound Energy's Midlakes electrical substation). The residential density limit allowed in Office-designated areas is 20 units per acre. The Bellevue Apartments were built in 1993 at that density.

The area within a quarter-mile of this intersection includes about nearly every land use found in the city outside of the Downtown:

- There are two- and three-story office and professional office buildings to the north, west, east and south.
- There are multifamily neighborhoods at medium (20 units/acre) and high (30 units/acre) densities to the west, northwest and north, and across NE 8th St. to the southwest.
- Farther east along NE 8th St. are additional two- and four-unit complexes, themselves located between Stevenson Elementary School and Odle Middle School.
- Odle shares ground with the recreational Bellevue Aquatic Center.
- A gas station, convenience store and car wash community business is across 140th St.
- A Walgreens drug store neighborhood business is across NE 8th St. The drugstore is next to a church.
- Catty-corner to the Bellevue Apartments is Puget Sound Energy's Midlakes electrical substation.
- The intersection—a “designated” intersection in the Urban Design Element—was rebuilt to enhance pedestrian safety and now provides access to the Rapid Ride stops on either side of 140th Ave. NE at NE 8th St. Designated intersections encourage special streetscape design that create entry points into the city or neighborhoods or that warrant enhanced pedestrian features.
- On the outer edge of the walkable quarter-mile are single family neighborhoods at 2.5 and 3.5 houses per acre.

Issue - Other nearby sites

The City Council's 6-0 vote (Councilmember Chelminiak absent) to pass this amendment out of Threshold Review included discussing the geographic scope of the proposal. Councilmembers questioned whether approving this application would encourage the property adjacent to the west — property already zoned R-20, and built at a comparable density to Bellevue Apartments—to make its own application. Planning Commission Chair Tebelius noted this potential in her presentation to Council as the reason for her dissenting vote on the Planning Commission recommendation.

Could geographic expansion have addressed this question?

Current code considers geographic expansion during the Planning Commission's threshold review. The Commission majority acknowledged that their reason for not expanding the scope was that adjacent sites were not similarly situated because they already had appropriate zoning. The Commission went on to affirm that a residential use in an exclusively office zone is a significant condition unique amongst the multifamily residential neighborhoods in this area.

How does amendment review apply to the Bellevue Apartments site, and by extension, how would it affect other sites?

Comprehensive plan amendment review scrutinizes site-by-site land use changes within the larger community context of the plan. Specifically to Bellevue Apartments, this site is unique in this area. The multifamily use is inconsistent with the office zoning on the site. It was developed under the limitations of this office zoning. While the neighborhood around it has continued to develop with a mix of uses, some of which are very supportive of multifamily, there was never an opportunity for this site to consider a residential density higher than the 20 units per acre office designation allowance.

The subject property is unique for the reasons above. However, there is no certainty that nearby property will not come in seeking increased density.

BEL-KIRK OFFICE PARK CPA

Background

The privately initiated application proposes to amend the 7.62-acre site designation from Light Industrial to Office. Bel-Kirk Office Park is developed with a two-building office complex located between NE 33rd St. and the Burlington Northern Santa Fe rail corridor, approximately four-tenths of a mile northwest of the intersection of SR-520 and I-405.

The City Council's 6-0 vote affirmed its support of the Planning Commission's 7-0 vote to move this application out of threshold review. Both Council and Commission acknowledged the North Bellevue Subarea Plan did not anticipate the area's change from industrial to predominantly office.

Issue - Changing industrial zoning to office zoning for existing uses

During the threshold review commissioners asked about the impacts of a comprehensive plan change to zoning for existing uses. In other words, would a change from LI to Office result in nonconforming uses?

Bellevue's zoning code primarily intends office districts (LUC 20.10.260) to provide areas for business, financial and professional services. The code expects to find such uses in areas located on arterial or commercial access streets. When they are near other major business and commercial areas, these districts may buffer residential areas from more intensive commercial districts.

Light industrial (20.10.330) zones, in contrast, provide for the location of a broad array of manufacturing, wholesale trade and distribution activities. Offices are allowed if they support the primary activities or functions of the light industrial district.

Staff reviewed the existing Bel-Kirk use mix and compared it to the non-residential Services section of the Land Use Code at 20.10.440. While this review was necessarily limited, for existing uses identifying a change to Office would not create any nonconformity. They are all allowed in Office zones:

Existing Bel-Kirk Office Park uses

- Certified public accountant - *Professional Services, Other – Permitted in LI if in multi-function* building, Permitted in O*
- Construction company offices - *Professional Services, Other – Permitted in LI if in multi-function* building, Permitted in O*
- Multi-business lines including software sales, training, and product consulting - *Administrative Office – General: Permitted in LI if in multi-function building, Permitted in O*
- Community and non-retail banking - *Finance – Must be commercially or industrially related in LI, Permitted in O*
- Engineering, investment advising and professional consulting - *Professional Services, Other – Permitted in LI if in multi-function building, Permitted in O*
- Business law - *Professional Services, Other – Permitted in LI if in multi-function building, Permitted in O*
- 3D mechanical design, simulation, publishing and data management software products - *Administrative Office – General: Permitted in LI if in multi-function building, Permitted in O*
- Producer and manufacturer of innovative nonfiction books for adults and book and toy products for kids - *Administrative Office – General: Permitted in LI if in multi-function building, Permitted in O*

*In the Land Use Code a multifunction building would include the primary light industrial activity permitted by right and the office that supports it.

Issue - Opposition by Building Owner

The Rosens, as owners of the office buildings, stated during the public hearing and in comments before City Council that without building owner approval, the owners of the land (Seelig-Burns) were not qualified to apply for an amendment. The relationship between the Rosens, as owners of the buildings, and the Seelig-Burns group, as owners of the land, is contractual.

The City Council asked staff to research the statements provided by the building owners. At the same time the Council confirmed that the application met Threshold Review criteria, and that advanced it out for that reason.

The City Attorney's Office reviewed whether landowners Seelig-Burns are entitled to apply for a CPA; the answer is yes. The City Attorney's Office also reviewed whether the Rosens, as building owners on the property, have the right to prevent the City Council's adoption of the Bel-Kirk Office Park amendment proposed by the land owners. The City Attorney's Office affirmed that no, they do not.

The City Attorney's Office noted that the owners of the buildings are essentially tenants of the land, and any rights they have as to the "ground" flow from their lease with the property owner. The City is prohibited from enforcing private contract rights.

The Land Use Code expressly authorizes a property owner such as Seelig-Burns to propose amendments to the Comprehensive Plan. The Rosens do not dispute the land ownership of Seelig-Burns.

The criteria considered by the Planning Commission and ultimately by the City Council do not include who owns the property, the buildings, or who initiated the proposal.

In conclusion, the City Attorney's Office noted that this is essentially a private dispute. The Rosens must be given the same opportunity to be heard as any member of the public, and the Council and Commissioners may be cognizant that they are particularly interested in this proposal, but they do not have any special rights as tenants to approve the proposal prior to its submittal or to prevent its adoption.

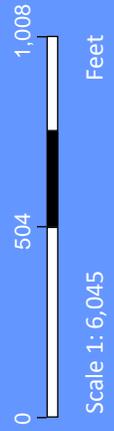
NEXT STEPS

No decision is requested of the Planning Commission tonight or in advance of the Final Review public hearing. Staff will continue to research issues in anticipation of a staff recommendation for the Final Review public hearing. Any new public communications, comment, or background material that we receive will be provided to the Commission in advance of the hearing. For direction from tonight's study session we ask that the Commission:

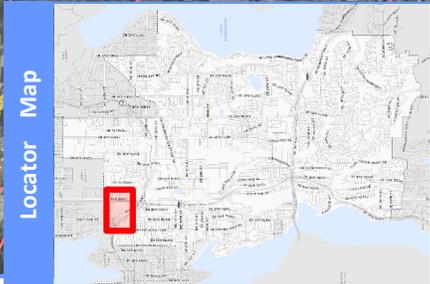
1. Confirm an October 23, 2013, Final Review public hearing date
2. Identify additional questions that the Commission would like information on prior to or at the upcoming hearing.

ATTACHMENTS

1. Bellevue Apartments CPA location map
2. Bel-Kirk Office Park CPA location map
3. City Council minutes of July 8, 2013
4. Final Review decision criteria



Bel-Kirk Office CPA vicinity



Locator Map

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

July 8, 2013
6:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Mayor Lee, Deputy Mayor Robertson and Councilmembers Balducci, Davidson, Stokes, and Wallace

ABSENT: Councilmember Chelminiak

1. Executive Session

Deputy Mayor Robertson called the meeting to order at 6:03 p.m. and declared recess to Executive Session for approximately one hour to discuss one item of labor negotiations and two items of potential litigation.

The meeting resumed at 7:14 p.m., with Mayor Lee presiding.

2. Oral Communications

- (a) Sam Bellomio, representing StandUP-America, spoke regarding agenda item 3(c), amending Council Rules on oral communications. He said the Council recently removed him and Mr. Zimmerman from a Council meeting, which he believes was due to them expressing opposing views.

Mayor Lee interjected and asked Mr. Bellomio and Mr. Zimmerman to be civil, noting that Mr. Zimmerman was laughing and disrupting the meeting. Mayor Lee asked them to address the Council with the proper decorum.

Mr. Bellomio said the United States was founded on freedom and the Council has created tyranny. He said the Mayor has no control over him and he is not obligated to follow decorum. Mr. Bellomio said he should be able to swear and say whatever he wants.

- (b) Alex Zimmerman, StandUP-America, said he has lived in Bellevue for 25 years. He said the Councilmembers are idiots and compared them to communists and fascists. He said he comes to meetings to make government work better. He believes the Council is suppressing his free speech. He asserted that Councilmembers are psychopaths and mentally ill. Mr. Zimmerman said that he and Mr. Bellomio are talking about rights, common sense, and business as citizens and shareholders of the government.

- (c) Jean Gladrey said she is a member of an assemblage that owns property on 116th Avenue NE, across the street from the hospitals. She stated her understanding that the City intends to reconsider inconsistencies in building height limitations. The property has a FAR (floor-area ratio) of 1 and the assemblage would like to increase that to 2 to 4. She is the owner of a small law firm across the street from Children's Hospital.
- (d) David Johnston, representing Overlake Investors LLC, spoke in support of the requested FAR increase for property on 116th Avenue NE. He said the change in FAR to 2 to 4 has been recommended by the Planning Commission because it is consistent with the City's vision for the area.
- (e) Joe Tovar, representing the Tai family, owners of the Bellevue Apartments on NE 8th Street, spoke regarding the proposed Comprehensive Plan Amendment. He said the property has been well maintained and well used by tenants for 20 years and there are no vacancies. He thanked the Council for considering the proposal.
- (f) Sam Ciapanna, a resident of South Bellevue, said he and his husband own property at 11418 NE 19th Street, which is in the BR-MO (Bel-Red-Medical Office) zone. He asked the Council to expand the FAR in this area, consistent with the request by Overlake Investors.
- (g) Michael Schechter, representing Rosen Properties, spoke regarding the Bel-Kirk Office Park Comprehensive Plan Amendment (CPA) proposal. He said Rosen Properties opposes the requested rezone from Light Industrial (LI) to Office (O). He said the proposal does not meet the threshold review decision criteria for significantly changed conditions. He said the area, the property, impacts to the property, and zoning on the property have all been consistent since at least the last Comprehensive Plan update in 2004. He noted that Rosen Properties is one of the property owners that owns the improvements. He said the landowner alone cannot initiate this amendment.
- (h) Martin A. Selig said he represents the Burns family who owns the property referred to by Mr. Schechter. He believes there are significantly changed conditions and encouraged support of the rezone. He said the rail corridor adjacent to the property is no longer operated by Burlington Northern but is now part of the Rails to Trails program. He noted improvements underway to SR 520 and existing office buildings on the Bel-Kirk Office Park site.

3. Study Session

(a) Council Business and New Initiatives

Mayor Lee reported that he and Councilmember Davidson attended the Independence Day celebration in Downtown Park attended by an estimated 65,000 people. Both commended the decision to extend the orchestra's performance beyond the fireworks display, which helped to

stagger traffic leaving the event and the Downtown. Mayor Lee thanked staff for their hard work on the event.

Acting City Manager Brad Miyake noted that the 4th of July celebration was produced in partnership with the Bellevue Downtown Association (BDA) and Kemper Development Company.

Councilmember Wallace commended City staff's work to make the celebration a great success. He reported that he attended the Farmers Market on Saturday and spoke to Lori Taylor, Director of the Market, who again expressed her appreciation for the efforts of the Acting City Manager and staff in relocating the market.

Mayor Lee noted that a number of Councilmembers attended 4th of July events throughout the community.

(b) 2013 Annual Comprehensive Plan Amendment (CPA) Work Program

Acting City Manager Brad Miyake opened discussion regarding the 2013 annual Comprehensive Plan Amendment (CPA) work program. The City's Land Use Code, pursuant to state law, establishes the procedure and criteria for amending the Comprehensive Plan as it relates to privately-initiated CPA applications. He explained that the CPA process requires a threshold review, which is the purpose of tonight's agenda item, and a future final review of proposals selected for threshold review.

Dan Stroh, Planning Director, said the Council is being asked to determine which, if any, of the CPA proposals should be advanced through threshold review. He introduced Diane Tebelius, Vice Chair of the Planning Commission, and noted that she would comment later on the proposals.

Paul Inghram, Comprehensive Planning Manager, described the three privately-initiated CPAs. The Bellevue Apartments application requests a change in the map designation of this 1.84-acre site from Office to Multifamily-High. The Bel-Kirk Office Park proposal requests a change in the map designation of this 7.26-acre site from Light Industrial to Office. The Overlake Investors CPA proposal requests a change in the map designation of this 0.8-acre site from BR-MO (Bel-Red Medical Office) to BR-CR (Commercial/Residential).

Ms. Tebelius said the Planning Commission recommends, by a vote of 6-1, that the City Council initiate the Bellevue Apartments CPA for threshold review in the 2013 work program.

Responding to Councilmember Balducci, Mr. Inghram said the current multifamily development on the site is built at a maximum of 20 units per acre. The proposed Multifamily-High designation would allow up to 30 units per acre.

In further response, Mr. Inghram said there are adjacent Multifamily-High and MF-Medium sites along the corridor.

Responding to Councilmember Balducci, Ms. Tebelius said she was the dissenting vote on the Planning Commission. She was concerned that approving the change could lead to nearby properties making the same request.

Councilmember Davidson recalled that the original zoning designation for the site in 1981 was somewhat controversial and resulted in a mixed use solution with Office on one side and Multifamily on the other side.

Councilmember Stokes observed that the area has changed a great deal over the years, with increasing multifamily development and the RapidRide bus line.

Dr. Davidson noted that this is the threshold review stage and the proposal will receive further scrutiny if selected by the Council to move forward.

Mayor Lee said the requested map change seems reasonable given the development in the area.

Commissioner Tebelius said there was no public opposition to this CPA proposal.

→ Deputy Mayor Robertson moved to initiate the Bellevue Apartments Comprehensive Plan Amendment (CPA) into the annual work program, as recommended by the Planning Commission. Councilmember Wallace seconded the motion.

Councilmember Wallace observed that adjacent property is zoned Multifamily-Medium and questioned whether it would make sense to expand the geographic scope to include that site.

Responding to the Mayor, Mr. Inghram said staff has not conducted a thorough review of the adjacent property. However, staff conferred with the Planning Commission about the issue of geographic scoping. Staff concluded that, while the MF-Medium site is potentially a logical site for increased density, it does not have the same circumstance as the Bellevue Apartments site which is zoned Office but developed as multifamily units.

Responding to Dr. Davidson, Mr. Inghram said this is the proper step to address geographic scope. However, that concept was not included in the public hearing.

Ms. Tebelius said the issue of geographic scoping was not included in the CPA request.

Deputy Mayor Robertson said she is not inclined to expand the scope of the CPA. She noted that, if submitted to threshold review, the Planning Commission will not necessarily come back with a recommendation for the requested zoning of MF-High.

Councilmember Davidson questioned whether there is a way to give the Planning Commission the flexibility to consider expanding the geographic scope if the CPA is advanced for threshold review.

Mr. Stroh said that, if the Council is interested in that path, he would recommend considering the Land Use Code process. He said geographic scoping is intended to be addressed and clarified at the threshold review stage.

Responding to Dr. Davidson, Mr. Stroh said that aspect of the Land Use Code could be changed. Dr. Davidson said he would be interested in exploring that potential.

Deputy Mayor Robertson observed that neighboring properties would have seen postings on the site and/or received notices in the mail regarding the CPA proposal. Mr. Stroh confirmed that the City has not heard from adjacent property owners.

Councilmember Balducci expressed support for initiating the Bellevue Apartments CPA proposal into the work program for further review. While she is somewhat concerned about the potential for similar requests from other properties in the area, she believes the proposal has met the criteria for threshold review.

→ The motion carried by a vote of 6-0.

Mr. Inghram described the Bel-Kirk Office Park CPA proposal to change the map designation for the 7.26-acre site from Light Industrial to Office. There are currently two office buildings on the site and adjacent uses include multifamily housing and a single-family subdivision. It is a short distance from the South Kirkland Park and Ride which is currently undergoing redevelopment and will include apartments.

Commissioner Tebelius said the Planning Commission recommends by a vote of 7-0 that the City Council initiate this CPA into the 2013 work program, without geographic expansion. The Commission found that the threshold review criteria had been satisfied, and there have been significantly changed conditions. The North Bellevue Subarea Plan did not anticipate the area's change from industrial to predominately office development. Ms. Tebelius said the Planning Commission heard from one citizen who opposed the CPA proposal.

Deputy Mayor Robertson questioned the application requirements for a privately-initiated CPA proposal, within the context of Mr. Schechter's earlier comments.

Mr. Inghram said the property owner or authorized agent of the property owner must sign the application. In this case, the property owner submitted the application, and staff determined that this is a legitimate application.

Ms. Robertson noted that the site is surrounded largely by residential development. She observed that the office designation might be an effective buffer between light industrial and residential zoning. However, the decision tonight relates to threshold review. While she is concerned about losing LI property citywide, Ms. Robertson said that is an issue for the Planning Commission to discuss if the Council moves this CPA proposal forward. She noted the changed circumstances and the unanimous support of the Planning Commission. She supports including the Bel-Kirk CPA proposal in the 2013 work program.

Responding to Councilmember Balducci, Mr. Inghram pointed out LI properties in the area. Ms. Balducci observed that the change would not displace any existing LI development. She believes it makes sense to forward the proposal for threshold review.

Responding to Councilmember Wallace, Mr. Inghram said the current development is office buildings, which are allowed in the LI zone within certain limitations.

Mr. Wallace questioned whether the Planning Commission addressed Mr. Schechter's comments regarding the lease. Ms. Tebelius said the Commission did not but relied on staff's recommendation that the application was properly submitted.

Ms. Balducci said she understands how a property owner might not support a proposed map designation change. However, she said the decision is based on whether the proposal fits the appropriate criteria for a CPA.

Mayor Lee questioned whether there is a potential liability for the City if the matter is disputed. Mr. Inghram said staff can research that question. He is not aware of a similar situation.

Councilmember Stokes said he would like the City Attorney to review the issue. He observed that, if the landowner has the interest in changing the map designation, perhaps the building owner would have a cause of action against the landowner. However, he does not see the City as being involved in that at all.

Mr. Stokes observed that the proposal meets the threshold review criteria, and he supports adding it to the work program.

→ Deputy Mayor Robertson moved to initiate the Bel-Kirk Office Park CPA into the annual work program, and Councilmember Wallace seconded the motion.

→ The motion carried by a vote of 6-0.

Mr. Inghram said the Overlake Investors CPA proposal requests a change in map designation from BR-MO (Bel-Red – Medical Office) to BR-CR (Bel-Red – Commercial/Residential) for a site on 116th Avenue NE. He said the subject property is currently vacant, and there has been development interest in the site in recent years.

Commissioner Tebelius said the Planning Commission recommends by a vote of 7-0 that the City Council not initiate this CPA into the annual work program. The Commission concluded that the request is not consistent with the Council's policies reflected in the Bel-Red Subarea Plan update adopted in 2009.

Ms. Tebelius reminded the Council that the current Medical Office development standards do not support redevelopment of the property. The Commission therefore recommends that the Council initiate a set of CPAs that would apply to the entire BR-MO district. If directed by the Council,

the Commission can address that in the future. The intent would be to increase the FAR (floor-area ratio) from the current 1.0 to better match the 70-foot building height allowed in the Bel-Red Medical Office area. This would economically support new development.

Commissioner Tebelius said an update to the Bel-Red Subarea Plan is due in 2014. The Planning Commission asks that the Council consider moving up the timeline to address this issue. Responding to Ms. Tebelius, Mr. Inghram said the Council could initiate a related amendment if desired.

Deputy Mayor Robertson said the Planning Commission is currently in the early stages of the 10-year citywide Comprehensive Plan update. A number of site-specific or area-specific requests have been discussed for potential addition to the update work plan. Ms. Robertson said that one item under consideration is shortening the time for the Bel-Red Subarea Plan update and combining it with the 10-year update. The Council anticipates a response from staff about the availability of resources for that work.

Mr. Stroh said staff plans to return to the Council to discuss how to address the Bel-Red Subarea Plan update.

Ms. Robertson said she supports addressing the Bel-Red Plan with the current Comprehensive Plan update. She is open to considering FAR, building heights, and zoning for the Overlake Investors site and similar sites in the Bel-Red corridor. However, she concurs with the Planning Commission and staff that addressing the current Overlake Investors CPA proposal does not meet the threshold criteria.

Councilmember Balducci observed that there are different ways to go about addressing changes in map designations and land uses. In addition to the CPA work program, two more relevant processes are the current 10-year Comprehensive Plan update and the Bel-Red Subarea Plan update planned for 2014. Ms. Balducci said she is interested in considering changes to the 116th Avenue NE area. However, she believes it is a more appropriate topic for a different process.

Mayor Lee noted that, while the next Bel-Red Subarea Plan update is slated for 2014, the Council could decide to change that direction to staff.

Councilmember Stokes concurred with the comments by Deputy Mayor Robertson and Councilmember Balducci. He would like to address the Bel-Red update in 2014 as planned. He supports the Planning Commission's recommendation to not advance the Overlake Investors CPA proposal into the 2013 work program.

Councilmember Wallace noted that a number of small lots surround the Overlake Investors site, which he thinks calls for a broader look at the Medical Office zone and the development implications of the zoning. He believes the MO zoning is not correct and he would like the Council to fix it. He noted that a number of property owners have communicated that they are unable to use their properties until the zoning is amended.

Deputy Mayor Robertson concurred. She recalled that the Planning Commission approved the Bel-Red Plan update and set the five-year review schedule in 2008. The Council did not take action until 2009 and she agrees that it is time to consider an update. She believes that a number of amendments will be appropriate for the Bel-Red corridor.

→ Deputy Mayor Robertson moved to not initiate the Overlake Investors CPA proposal into the annual work program, and Councilmember Stokes seconded the motion.

Mayor Lee opined that the area has not experienced much change since the Bel-Red Subarea Plan was adopted in 2009, and he could support postponing an update beyond 2014. However, he understands concerns about certain zoning designations and supports a review of the plan if desired by the Council. He will support the motion.

→ The motion carried by a vote of 6-0.

~~(c) Options for Amending City Council Rules for Oral Communications~~

~~Mr. Miyake opened discussion regarding the Council's interest in amending its rules with regard to oral communications during meetings. In its direction to staff, the Council expressed a strong commitment to public involvement with an eye toward maintaining meeting efficiency and civility.~~

~~Myrna Basich, City Clerk, recalled that, for some time, the Council has been interested in amending the rules for oral communications. She noted materials provided in the meeting packet. State law requires that Council meetings are open to the public but does not guarantee the right of audience participation with the exception of public hearings.~~

~~Ms. Basich said it is the role of the presiding officer to maintain order at Council meetings. The Mayor may instruct the public regarding rules of courtesy for Council meetings, and, if the rules are not followed, the speaker may lose his or her privileges to speak and may be ejected from the meeting for disorderly conduct.~~

~~Due to time constraints, the Council was not able to discuss possible amendments to the rules during its Council retreat when the topic was originally scheduled. Ms. Basich referred the Council to the meeting packet for information originally printed for the January discussion, including an update to the matrix that summarizes the rules used by other cities. Information beginning on page 3-38 of the packet outlines four types of rule modifications for the Council's consideration.~~

~~Ms. Basich said the first area for consideration provides more specific rules related to the expected decorum at Council meetings, which expressly state the right of the Chair to suspend the person's right to speak should he or she not comply with the rules. Language adopted by Shoreline, Tacoma, and Yakima is provided in the matrix, and sample language is provided on the bottom of page 3-38, should the Council want to consider this type of amendment.~~

ATTACHMENT 4

20.30I.150 Final review decision criteria

The Planning Commission may recommend and the City Council may adopt or adopt with modifications an amendment to the Comprehensive Plan if:

A. There exists obvious technical error in the pertinent Comprehensive Plan provision; or

B. The following criteria have been met:

1. The proposed amendment is consistent with the Comprehensive Plan and other goals and policies of the City, the Countywide Planning Policies, the Growth Management Act and other applicable law; and
2. The proposed amendment addresses the interests and changed needs of the entire City as identified in its long-range planning and policy documents; and
3. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 for the definition of “Significantly Changed Conditions;” and

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](#) LUC, Amendment and Review of the Comprehensive Plan.

4. If a site-specific proposed amendment, the subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications; and
5. The proposed amendment demonstrates a public benefit and enhances the public health, safety and welfare of the City.

(Ord. 5650, 1-3-06, § 2)