

July 5, 2016

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Public Hearing on Ordinance No. 6289 adopting interim official controls designating financial institutions as retail activity and allowing them to locate in tenant spaces currently restricted to pedestrian oriented uses and retail activity for a period of one year, to be in effect while the City drafts, considers, holds hearings and adopts permanent zoning regulations as part of the Downtown Livability Initiative.

FISCAL IMPACT

No fiscal impact is expected. The application of an interim official control amending the Land Use Code will be administered by land use staff during review of permit applications.

STAFF CONTACT

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POLICY CONSIDERATION

Should the City Council keep in place an interim official control amending the Land Use Code, designating financial institutions as retail activity and allowing them to locate in tenant spaces currently restricted to pedestrian oriented uses and retail activity for a period of one year, while the City drafts, considers, holds hearings and adopts permanent zoning regulations as part of the Downtown Livability Initiative?

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. 6289 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 is not required; however, under the GMA, the City Council must hold a public hearing within 60 days of adoption of the ordinance. The public hearing scheduled for July 5 satisfies this requirement, and was properly noticed on June 20, 2016. Refer to Attachment A.

Interim official controls are allowed to stay in effect for a period of one year when a work plan has been developed for the adoption of permanent regulations. Under the terms of RCW 36.70A.390, the interim official control adopted by Ordinance No. 6289 will 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. If

necessary, 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.

Designation of Financial Institutions as Interim Official Controls. At the May 9, 2016 Council Study Session, staff presented an option to use interim official controls to amend the LUC designating financial institutions as a retail activity. This solution responded to a request from the Industrial and Commercial Bank of China (ICBC) to occupy tenant a space located at 11100 NE 8th Street that is restricted to uses which currently meet the definition of “Pedestrian Oriented Frontage” and “Retail Activity.” Under current LUC a financial institution would not be allowed to occupy this tenant space.

Ordinance No. 6289 was adopted by the City Council as an interim official control on May 16, 2016, to expedite a code amendment and advance the time-constrained opportunity presented by ICBC that achieves Council-adopted economic development goals. A copy of Ordinance No. 6289 is included as Attachment B. The Planning Commission is currently working on the Downtown Livability Initiative, which is expected to lead to code amendments by the end of 2016. The ICBC proposal has the potential to embody the characteristics of pedestrian oriented frontage and retail activity that are envisioned by the City Council for Downtown, and ICBC’s location in Bellevue will advance the economic development goals adopted by the Council.

EFFECTIVE DATE

Ordinance No. 6289 became effective on May 24, 2016.

OPTIONS

1. Open the public hearing on Ordinance No. 6289.
2. Decline to hold a public hearing on Ordinance No. 6289 and provide alternate direction to staff.

RECOMMENDATION

Option 1.

MOTION

1. Move to open the public hearing for comments on Ordinance No. 6289 implementing interim official controls amending the Land Use Code, designating financial institutions as retail activity and allowing them to locate in tenant spaces currently restricted to pedestrian oriented uses and retail activity for a period of one year to be in effect while the City drafts, considers, holds hearings and adopts permanent zoning regulations as part of the Downtown Livability Initiative.
2. Move to close the public hearing and record on Ordinance No. 6289.

ATTACHMENTS

Attachment A: Affidavit of Public Hearing Notice Publication

Attachment B: Ordinance No. 6289