

May 16, 2016

## **CITY COUNCIL AGENDA MEMORANDUM**

### **SUBJECT**

Ordinance No. 6289 imposing an interim official control regarding the definition of “Pedestrian Oriented Frontage” and “Retail Activity”; providing for severability; and establishing an effective date.

### **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**

Carol Helland, Land Use Director 452-2724  
*Development Services Department*

Jesse Canedo, Economic Development Manager 452-5236  
*Planning & Community Development Department*

### **POLICY CONSIDERATION**

Should the City Council adopt 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?

### **DIRECTION NEEDED FROM COUNCIL**

☒ Action  
☐ Discussion  
☐ Information

### **BACKGROUND**

In October 2015, the Council endorsed an ambitious Planning and Land Use Code development work program to support the Community Vision articulated in the updated Comprehensive Plan. During the work program discussions, Council asked staff to explore and experiment with new techniques to generate efficiencies in advancing planning and code development work, and respond more quickly to emerging opportunities that align with the City’s Economic Development goals.

At the May 9, 2016 Council Study Session, staff presented an option to use Interim Official Controls to amend the Land Use Code designating financial institutions as a retail activity. This solution responds to a request from the Industrial and Commercial Bank of China (ICBC) to locate in 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 Land Use Code a financial institution would not be allowed to occupy this tenant space.

An Interim Official Control puts temporary regulations in place to guide new development while permanent regulations are being prepared. Notice and a public hearing are not necessary prior to enactment of an Interim Official Control, so the regulations can be put in place quickly. However, a public hearing must be held within 60 days of its adoption.

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 this interim official control is recommended to 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.

Staff is proposing the use of Interim Official Controls to expedite a code amendment and advance the time-constrained opportunity presented by ICBC that achieves Council-adopted ED goals. 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:**

If approved, this Ordinance becomes effective on May 26, 2016.

**OPTIONS**

1. Adopt Ordinance that implements Interim Officials 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; and, direct staff to hold a public hearing in the next 60 days.
2. Reject Ordinance that implements an Interim Officials 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; and, provide alternative direction to staff.

**RECOMMENDATION**

Option 1.

**MOTION**

Move to adopt 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.

**ATTACHMENTS**

Attachment A: Recommended Interim Official Controls – Proposed Ordinance No. 6289