

July 18, 2016

## **CITY COUNCIL STUDY SESSION ITEM**

### **SUBJECT**

Action to establish the 2016 annual Comprehensive Plan Amendment (CPA) work program.

### **STAFF CONTACT**

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### **POLICY ISSUES**

The Comprehensive Plan guides the nature and intensity of development in the City. An amendment to the plan is a mechanism by which the City may modify its land use, development or growth policies.

### **DIRECTION NEEDED FROM COUNCIL**

<u>  X  </u>	Action
<u>  X  </u>	Discussion
<u>  X  </u>	Information

The Council is asked to take Threshold Review action to establish the 2016 Comprehensive Plan Amendment Work Program.

At this first Threshold Review step, the City Council reviews the Planning Commission recommendation and the criteria set forth in LUC 20.30I.140 to determine which privately-initiated proposed amendments, as geographically scoped, to include in the annual Comprehensive Plan Amendment Work Program for further review. This year, one site-specific and two non-site-specific proposed amendments are presented for the Council's consideration. If a proposal is included in the work program it will then be referred back to the Planning Commission for Final Review. See Attachment 1.

### **2016 COMPREHENSIVE PLAN SCHEDULE**

Bellevue's annual Comprehensive Plan Amendment process for privately-initiated applications consists of two steps:

- 1) Conducting Threshold Review of the list of applications to determine which proposed amendments to include in the annual work program; and
- 2) Conducting detailed Final Review of the merits of each proposed amendment included in the work program.

Amendment proposals not included in the work program receive no further study. The Council's determination of the work program does not constitute a decision or recommendation that the proposed amendment should be ultimately adopted. The Council's decision to include an

amendment in the work program is a decision that the proposal warrants further review in accordance with Threshold Review Decision Criteria (LUC Section 20.30I.140.)

In the second step, the Final Review process will evaluate the proposed amendment, and the proposal will undergo analysis using Final Review Decision Criteria (LUC Section 20.30I.150) along with an environmental review and SEPA determination. The Planning Commission will hold a public hearing and make a recommendation which will culminate in Council action on the proposed amendment.

## **BACKGROUND/ANALYSIS**

Five privately-initiated proposed amendments were submitted during this year's application period. Attachment 2 shows a map of the site-specific application locations. The other two applications are non-site-specific and would apply citywide.

Consistent with the Growth Management Act, the Bellevue Land Use Code provides for annual review of amendments to the Comprehensive Plan. Part 20.30I establishes the procedure and criteria the City will use to review and amend the Comprehensive Plan. Per state law, the plan should not be considered for amendment more frequently than once per year, except as otherwise permitted, and all proposed amendments in any year should be considered concurrently so that the cumulative effect of the various proposals can be ascertained.

### **Privately-initiated applications**

#### **Naficy Mixed Use**

##### **16-123605 AC 15700 Bel-Red Rd NE—Crossroads Subarea**

The applicant has withdrawn this site-specific application to amend the map designation on this 0.574-acre site from Office (O) to Bel-Red Residential-Commercial node 3 (BR-RC-3). The single property is developed with a medical/dental office building and surface parking. No further action will be taken in 2016 through the Comprehensive Plan amendment process.

#### **Eastgate Office Park**

##### **16-123765 AC 15325-15395 SE 30<sup>th</sup> PI—Eastgate Subarea**

This site-specific application would amend the map designation on this 14-acre site from Office (O) to Office Limited Business (OLB). This site is developed with a 280,000 square feet of office in four buildings with surface parking.

The Planning Commission recommends by a 6-0 vote (Commissioner Laing recused) that the City Council include the Eastgate Office Park site-specific Comprehensive Plan Amendment (CPA) proposal in the 2016 work program and expand the geographic scope of the proposal to include two other similarly-situated properties directly to the east. See Attachment 3 – Eastgate Office Park Transmittal.

The Planning Commission finds that the Threshold Review Decision Criteria have been satisfied for this proposed Comprehensive Plan Amendment as set forth in the Land Use Code in Section 20.30I.140 (Threshold Review Decision Criteria).

The Commission finds that, whereas this area was part of the Eastgate Land Use and Transportation Study, the Comprehensive Plan amendments stemming from that initiative have already been adopted. If, as the applicant notes, the potential of the area was overlooked in that study, then there is no other ongoing venue for reviewing the designation of this site.

The Commission also finds that the proposed amendment addresses significantly changed conditions on the subject property or its surrounding area where such change has implications of a magnitude that need to be addressed for the Plan to function as an integrated whole. The changes in the Eastgate area that make this designation request timely include the establishment of OLB and OLB-2 designations allowing for more mixed use density as well as the establishment of a Transit Oriented Development designation around the Eastgate Park and Ride facility. Additional policies to increase mobility, access, and land use relationships to surrounding areas were adopted as well.

**Newport Hills Village Comprehensive Plan**  
**16-123752 AC    5600 119<sup>th</sup> Ave SE—Newport Hills Subarea**

The applicant has withdrawn this site-specific application to amend the map designation on a majority of the approximately 5.9-acre Newport Hills Shopping Center site from Neighborhood Business (NB) to Multifamily-High (MF-H). No further action will be taken in 2016 through the Comprehensive Plan amendment process.

**Park Lands Policies #1**  
**15-129232 AC—citywide**

This non-site-specific application would amend policy and/or text in the Comprehensive Plan. Three new policies are proposed in the Parks, Recreation and Open Space Element. These policies would restrict or regulate review in changes in use of acquired park lands and park property by citizens, the Parks Board and in the city's formal rezone process.

The Planning Commission recommends by a 7-0 vote that the City Council include the Park Lands Policies #1 site-specific Comprehensive Plan Amendment (CPA) proposal in the 2016 work program. See Attachment 4 – Park Lands Policies #1 Transmittal.

The Planning Commission finds that the Threshold Review Decision Criteria have been satisfied for this proposed Comprehensive Plan Amendment as set forth in the Land Use Code in Section 20.30I.140 (Threshold Review Decision Criteria).

The Planning Commission finds that the proposal can be reasonably reviewed by City Council to determine if further or additional policy is necessary because park acquisition and disposition actions associated with changing conditions were not anticipated by the Comprehensive Plan. These include changing conditions that were not known or anticipated by the City Council at the time of voters passing the levy for parks purchase. The proposed amendment allows Council to review current conditions and determine if policy changes are necessary.

The Planning Commission is the official recommending body on this matter.

For the record, it is noted that the Planning staff report reached a different conclusion, i.e., that the Threshold Review criteria have not been met and the application should be not be included in the annual Comprehensive Plan Work Program. City staff concluded that city actions regarding real property are already governed by established law, including the Bellevue City Code, and that portions of the proposal restricting the sale or disposal of park property and that relate to bond issuances are not appropriate matters to address in the Comprehensive Plan.

## **Park Lands Policies #2 16-122081 AC citywide**

This privately-initiated application would amend policy and/or text in the Comprehensive Plan. Three new policies are proposed in the Parks, Recreation and Open Space Element. These policies would restrict or regulate review in changes in use of acquired park lands and park property by citizens, the Parks Board and in the city's formal rezone process. A fourth policy proposal would require city owned park lands to be designated as such in the Comprehensive Plan, zoned with a new "Park" designation. This new "Park" zoning designation would limit uses is the designated property solely to active and passive recreation and open space.

The Planning Commission recommends by a 7-0 vote that the City Council include the Park Lands Policies #2 site-specific Comprehensive Plan Amendment (CPA) proposal in the 2016 work program. See Attachment 5 – Park Lands Policies #2 Transmittal.

The Planning Commission finds that the Threshold Review Decision Criteria have been satisfied for this proposed Comprehensive Plan Amendment as set forth in the Land Use Code in Section 20.30I.140 (Threshold Review Decision Criteria).

The Planning Commission finds that the proposal can be reasonably reviewed by City Council to determine if further or additional policy is necessary because park acquisition and disposition actions associated with changing conditions were not anticipated by the Comprehensive Plan. These include changing conditions that were not known or anticipated by the City Council at the time of voters passing the levy for parks purchase. The proposed amendment allows Council to review current conditions and determine if policy changes are necessary.

The Planning Commission is the official recommending body on this matter.

For the record, it is noted that the Planning staff report reached a different conclusion, i.e., that the Threshold Review criteria have not been met and the application should not be included in the annual Comprehensive Plan Work Program. City staff found that using policy to restrict or regulate city actions regarding real property is already governed by established law, including the Bellevue City Code, and that portions of the proposal restricting the sale or disposal of park property and that relate to bond issuances are not appropriate matters to address in the Comprehensive Plan. Moreover, the Comprehensive Plan already designates public lands,

including park property, and park property uses are zoned based on Standard Land Use Coding classifications in use around the country.

### **Council initiation of CPAs under LUC 20.30I.130.B.1**

At its March 7, 2016, Council Study Session the City Council initiated the consideration of a proposed amendment to the Transportation Element consistent with Vision Zero plan amendments as recommended by the Transportation Commission. With action tonight the Council affirms this by directing the Vision Zero proposed Comprehensive Plan amendment be included in the 2016 annual CPA work program. See Attachment 6.

On December 7, 2015, the City Council unanimously adopted a resolution endorsing Vision Zero, an ambitious approach to traffic safety, which seeks to eliminate serious injuries and traffic deaths in Bellevue by 2030. Vision Zero is supported by a number of agencies, including the Washington State Department of Transportation and King County.

### **ALTERNATIVES**

The Council is asked to establish the 2016 Comprehensive Plan Amendment Work Program through separate motions by including any of the privately-initiated and/or the Council-initiated proposed amendments in the 2016 annual work program.

The Council could provide direction to proceed with the annual work program at tonight's study session or at the Regular Session.

The Council could provide alternative direction to Planning Commission and staff for any of the privately-initiated proposed amendments. Each is presented below for separate Council direction.

### **RECOMMENDATION**

The Planning Commission recommends as follows:

1. Include the proposed Eastgate Office Park CPA as geographically expanded in the annual work program;
2. Include the proposed Park Lands Policies #1 CPA in the annual work program; and
3. Include the Park Lands Policies #2 CPA in the annual work program.

Include the City Council-initiated Vision Zero CPA as recommended by the Transportation Commission.

### **MOTIONS**

1. Move to *include/not include* the proposed Eastgate Office Park CPA in the annual work program [if included] as geographically expanded.
2. Move to *include/not include* the proposed Park Lands Policies #1 CPA in the annual work program.
3. Move to *include/not include* the proposed Park Lands Policies #2 CPA in the annual work program.

4. Move to *include* the proposed Vision Zero CPA in the annual work program.

#### **ATTACHMENTS**

1. 2016 Annual Comprehensive Plan Amendments – List of Applications
2. City map of site-specific proposed amendments
3. Eastgate Office Park CPA Planning Commission Transmittal
4. Park Lands Policies #1 CPA Planning Commission Transmittal
5. Park Lands Policies #2 CPA Planning Commission Transmittal
6. Vision Zero Recommendation and March 7, 2016 Council Regular Session Minutes
7. Threshold Review Decision Criteria and Expansion of Geographic Scoping Criteria

#### **AVAILABLE IN COUNCIL DOCUMENT LIBRARY**

The application file materials, public comments, staff reports, Planning Commission minutes and other related materials are located in the Council Document Library.