

November 7, 2016

## **CITY COUNCIL AGENDA MEMORANDUM**

### **SUBJECT**

Public Hearing on Ordinance extending the interim official control originally adopted by Ordinance No. 6290 regarding the relocation of BelRed businesses displaced by the Sound Transit East Link project; providing for severability; repealing Ordinance No. 6290; and establishing an effective date.

### **FISCAL IMPACT**

No fiscal impact is expected. The extended Interim Official Controls 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*

### **POLICY CONSIDERATION**

Should the City Council extend the interim official control, amending the Land Use Code to allow businesses located in BelRed and displaced by the Sound Transit East Link Project to relocate to existing buildings within the BelRed Corridor for a period of an additional six months, to be in effect while the City drafts, considers, holds hearings and adopts permanent zoning regulations? Refer to Attachment B.

### **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. 6290 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 was not required; however, under the GMA, the City Council was required to hold a public hearing within 60 days of adoption of the ordinance. The City Council held a public hearing on July 5, 2016, which satisfied this requirement.

Under the terms of RCW 36.70A.390, the interim official control adopted by Ordinance No. 6290 is allowed to stay in effect for a period of six months. 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. The public hearing scheduled on November 7 is being held to satisfy the requirements necessary to extend the interim official control for an additional six month period.

**Relocation of Existing BelRed Uses Displaced by Sound Transit.** At the May 9, 2016 Council Study Session, staff presented an option to use interim official controls to amend the LUC and allow businesses located in the BelRed Subarea and displaced by the Sound Transit East Link Project to relocate to existing buildings within the BelRed Corridor. Under the current LUC, existing uses are allowed to continue, but are not permitted to relocate to existing buildings in other parts of the BelRed subarea if the use is not permitted at the new location under the terms of the current code.

The limited space available to accommodate the historic light industrial and service uses in BelRed would likely have resulted in the loss of business retention opportunities if steps had not been taken to allow them to relocate before the BelRed Lookback is completed by the Planning Commission and recommended to the City Council for final adoption. Ordinance No. 6290 was adopted by the City Council as an interim official control on May 16, 2016. Refer to Attachment A. The interim official control responded to current challenges facing businesses in the BelRed area, such as Park Place LTD, an auto dealership located at 13710 NE 20<sup>th</sup> Street in the BelRed that was required to relocate due to the East Link project. Park Place LTD had found it difficult to locate property and buildings suitable for their operations, and the interim official control allowed the City to retain this long-time business in the BelRed Corridor.

Adoption of Ordinance No. 6290 was aligned with the City's Economic Development goal of business retention, and is not anticipated to have an impact on the planned transformation envisioned for the BelRed area of the City. The adoption of interim official controls in this instance provided a near-term solution that will be evaluated for permanent adoption into the Land Use Code as part of the "BelRed Look Back" scheduled for future Council consideration. The proposed extension ordinance is included with this memorandum as Attachment B. A recommended scope of topics to include in the full BelRed Look Back analysis phase is tentatively planned for Council review in January 2017. Staff conducted focus groups and public outreach earlier this year to inform the recommended scope. Code amendments necessary to implement findings of the BelRed Lookback would likely be considered by the Planning Commission in 2017.

#### **EFFECTIVE DATE**

If approved, this Ordinance becomes effective on November 17, 2016.

#### **OPTIONS**

1. Hold the public hearing and adopt Ordinance.
  - a. Open the Public Hearing and take testimony on Ordinance No. 6315.
  - b. Close the Public Hearing and the record on Ordinance No. 6315.
  - c. Adopt Ordinance No. 6315 extending the interim official control originally adopted by Ordinance No. 6290 regarding the relocation of BelRed businesses displaced by the Sound Transit East Link project; providing for severability; repealing Ordinance No. 6290; and establishing an effective date.
2. Decline to hold a public hearing and provide alternate direction to staff.

#### **RECOMMENDATION**

Option 1

**MOTION**

1. Three sequential motions are needed to hold the Public Hearing and adopt Ordinance No. 6315:
  - a. Move to open the public hearing for comments on Ordinance No. 6315 and to take testimony;
  - b. Move to close the Public Hearing and the record on Ordinance No.6315; and
  - c. Move to adopt Ordinance No. 6315 extending the interim official control originally adopted by Ordinance No. 6290 regarding the relocation of BelRed businesses displaced by the Sound Transit East Link project; providing for severability; repealing Ordinance No. 6290; and establishing an effective date.

**ATTACHMENTS**

A: Ordinance No. 6290

B: Proposed Ordinance No. 6315

**AVAILABLE IN COUNCIL DOCUMENT LIBRARY**

N/A