

8-28-85
0951c/mm

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3545

AN ORDINANCE reclassifying 25.3 acres of property (Site 2) located on the north side of N.E. 8th Street between 160th and 164th Avenues N.E. in Planning District E of the Crossroads Subarea, in the City of Bellevue.

WHEREAS, an application for reclassification of the property hereinafter described was duly filed by the City of Bellevue with the appropriate City officials; and

WHEREAS, on June 7, 1984, a public hearing was held thereon before the Hearing Examiner pro tem. upon proper notice to all interested persons; and

WHEREAS, on June 21, 1984, the Hearing Examiner pro tem. recommended approval of the application to reclassify the property located on the north side of N.E. 8th Street between 160th and 164th Avenues N.E. in the Crossroads Subarea (Site 2) from CB to O; and made and entered findings of fact and conclusions based thereon in support of her recommendation; and

WHEREAS, after denial of Requests for Reconsideration filed by certain affected property owners, timely appeals of the Hearing Examiner pro tem's Findings, Conclusions and Recommendation were filed; and

WHEREAS, on January 28, 1985 a hearing was held before the City Council at which the Council heard arguments and considered the evidence contained in the record in support of and in opposition to the application; and

WHEREAS, the City Council concurs in the recommendation of the Hearing Examiner pro tem. and has determined that the public use and interest will be served by reclassifying said property and desires to enter written findings of fact and conclusions in support thereof; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Code; now, therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council adopts the following findings of fact, conclusions based thereon, and adopts the recommendation of the Hearing

8-28-85
0951c

Examiner pro tem. to the Council in this matter as set forth in "Findings and Recommendation of the Hearing Examiner for the City of Bellevue, In the Matter of the Application of City of Bellevue For a Reclassification, File No. HE-A 84-3," as amended by "Order Amending Findings and Recommendation of the Hearing Examiner of the City of Bellevue" entered on June 28, 1984; "Order Correcting Clerical Error" entered July 23, 1984, and "Order Amending Conclusion" entered November 28, 1984:

FINDINGS OF FACT

1. City of Bellevue, as the applicant, filed an application for reclassification of real property located north of N.E. 8th Street, between 160th and 164th Avenues N.E. (Site 2), from CB to O zoning with conditions. After due notice to all interested persons in accordance with requirements of the City's Land Use Code, a public hearing was held upon the application on June 7, 1984 before the City of Bellevue Hearing Examiner pro tem. On June 21, 1984, the Hearing Examiner pro tem. entered findings of fact, conclusions of law and a recommendation that the City's application be approved and that the property be reclassified from CB to O. On June 28, 1984 the Hearing Examiner pro tem. entered an order amending her recommendation to include a condition of special design review. After denial of Requests for Reconsideration, and entry of an order correcting a clerical error on July 23, 1984, appeals were filed by Edythe Johnson & Associates, Inc., et al., and Peter Joufflas and Alan Bond, as owners of interests in a portion of the property and persons affected by the reclassification. On November 5, 1984, without hearing the appeal, the City Council remanded the matter to the Hearing Examiner pro tem. for the purpose of making the required findings based upon the record as set forth in Land Use Code Section 20.30.845. On November 28, 1984 the Hearing Examiner pro tem. entered her order amending the conclusions previously entered on June 21, 1984. On January 28, 1985 the appeals were heard before the City Council, after which the City Council voted to deny the appeal and to approve the reclassification of the site from CB to O, with a condition of special design review.

2. The subject site contains approximately 25.3 acres. The northern portion of the site is developed with a mini-warehouse and storage facility. This use is currently a legal nonconforming use under the City's Land Use Code. The southeasterly 4.2 acres of the site include a tool rental store, 7-11 convenience store, veterinary clinic, service station, appliance store, Karate studio, restaurant, and roller skating rink. On the southwesterly portion of the site are a retirement home, fire station, and school for the handicapped. In the northerly portion of the site there is approximately 4.4 acres of undeveloped property and the City of Bellevue owns 7.6 acres of undeveloped land in the southwesterly portion of the site.

8-28-85
0951c

3. The 7-11 convenience store, service station, appliance store, Karate studio, restaurant and roller skating rink would become nonconforming uses under O zoning. The tool rental and mini-warehouse uses are nonconforming uses in both CB and O zoning. The veterinary clinic, school for the handicapped, and fire station are permitted uses under both O and CB zoning. The retirement home is a permitted use in CB zoning and requires a conditional use permit in O zoning. A Safeway store is proposed to be developed on the location of the roller rink and roller rink parking lot. That use is permitted in CB and would become nonconforming under O zoning.

4. Adjacent to the site the following uses currently exist: to the north is located a City park, with office zoning, and developed multifamily with multifamily zoning. To the east, across 164th Avenue N.E., is a developed single-family area, with single-family zoning. To the west, is the Crossroads Shopping Center, a retail use, with CB, or retail, zoning. To the south the area is zoned Office with a variety of uses, including a power substation, office complex, multifamily development, and City Utility property.

5. The necessary utilities and community facilities exist to accommodate maximum development of the site under either the existing CB zoning or the proposed Office zoning. Schools would not be materially affected by either the current or proposed classifications.

6. The site has been cleared, graded and is essentially level. No significant area of natural vegetation remains on the site. The soils are alderwood series and there are no apparent natural constraints to development.

7. The site includes 18 separate legal parcels, standing in eight different ownerships. To the west, the retirement home is owned by the Catholic Archdiocese of Seattle. East of that is property owned by the City of Bellevue, and developed in part with a fire station and a school for the handicapped, with the remaining City-owned property remaining undeveloped. A portion of the undeveloped City-owned property could be sold for private development. The easterly portion of the site stands entirely in private ownership. Of that portion, 4.4 acres remain undeveloped.

8. The site is a portion of Planning District E of the Crossroads Subarea Plan. The Land Use Diagram proposes office use with special design review. Planning District E bears development pressure because of the vacant land located therein between existing residential neighborhoods to the east, north, and south, and the more intense commercial uses contained in the Crossroads Shopping Center immediately to the west. Planning District E is also one of the four planning districts which will have the most impact on future traffic generation, again due to the vacant land located therein.

8-28-85
0951c

9. Development of the site under current zoning will place more intense retail uses immediately adjacent to the established single-family residential area immediately to the east across 164th Avenue N.E., as well as the multifamily area to the north of the site, and the established multifamily uses across N.E. 8th Street to the south, and the established single-family uses farther to the south.

10. The proposed office zoning would enhance the strip of office zoning that separates the commercial uses at the Crossroads Shopping Center site from the residential uses to the south, thus providing additional buffering for the multifamily and single-family uses to the south. The existing developed retirement home, fire station, and school for the handicapped on the westerly portion of the site provide buffering between the intense commercial uses to the west and the less intense residential uses to the south, east, and north. Development of the easterly portion of the site under O zoning would complete that pattern of buffering.

11. The proposed office zoning would provide less traffic impacts on the existing over-crowded streets in the vicinity of the site, most particularly 164th Avenue N.E. and N.E. 8th Street. In addition, development under the proposed zoning would result in different peak traffic hours than currently exist. Development of the site under current zoning to its maximum potential would result in traffic generation rates which are approximately 2 to 3 times greater than the traffic generation rates would be if development to full potential occurred under the proposed O zoning. Traffic generation rates for presently existing and proposed uses under the current zoning, which is less intense than what potentially could be developed, nevertheless exceed traffic generation rates for full development under proposed Office zoning. Peak traffic generation rates under the currently existing zoning are greater than the peak traffic generation rates under the proposed Office zoning. In addition, the higher traffic generation rates under the current zoning potential persist throughout the day, whereas traffic generation rates under proposed Office zoning are concentrated, in the main, during the morning and afternoon rush hour periods. Under current zoning residents in the area are subjected to longer period of traffic, because of the night use of retail uses as compared to the normal 8:00 a.m. to 5:00 p.m. uses for office development. Full development under the current zoning would generate 400 to 700 vehicle trips per acre compared to 277 vehicle trips per acre for full development under office zoning. The existing traffic circulation system's capacity, together with the limitations on expanding on that capacity, require that the development on the subject site be such as to generate the lowest possible trip rates per acre for the remaining undeveloped lands in the Subarea. Several principal streets in the Crossroads Subarea are already at or in excess of desired traffic capacity during peak hours. Full development of the site under current zoning would significantly lower the level of service on 164th Avenue N.E. immediately adjacent to a single-family neighborhood.

8-28-85
0951c

12. Office zoning is more compatible with, and provides better buffering for, single- and multifamily residential uses adjacent to a major retail and commercial area such as the Crossroads Shopping Center to the west of the subject site. Expansion of the commercial and retail area from the Crossroads Shopping Center to the west into the subject site would destroy any possibility of buffering and would place incompatible and detrimental land uses immediately adjacent to the established single-family and multifamily residential areas.

13. The subject site is not a part of a planned retail and personal services center. Such a center exists to the west of the site, in the Crossroads Shopping Center. The easterly portion of the site, which contains privately-owned property currently developed and available for development, is physically separated from the Crossroads Shopping Center by the City-owned property, which is developed in a fashion which is more compatible with office-type development and serves as a better buffer and transition area to the residential areas adjacent to the south, east, and north.

14. A Declaration of Non-Significance was issued on April 10, 1984 by the City's Environmental Coordinator, and was published as required by law. No appeal from that Declaration of Non-Significance was taken and that Declaration has become final. No evidence has been produced during these proceedings to indicate that there was an error in the issuance of the Declaration of Non-Significance so as to require that the Declaration be withdrawn.

15. Circumstances and conditions with respect to the subject site have changed since the currently existing zoning on the property was established approximately 21 years ago. Since that time, there have been changes in the land use patterns, firmly establishing single-family and multifamily residential uses to the north, east, and south of the subject site; the Crossroads Shopping Center has been built out, although there still remains some area for development within the Center itself; the Comprehensive Plan Process, including the Crossroads Subarea Plan Element to the Comprehensive Plan, has been established and adopted by the City, and that Plan shows that a pattern of land use on the subject site and in its vicinity has developed which requires that continued expansion of commercial and retail development to the east of the Crossroads Shopping Center onto this site should be prevented; the City has made significant land acquisitions in the area, separating the existing retail development and undeveloped areas on the north and east parts of the site from the intensively developed retail area of the established Crossroads Shopping Center to the west of the site. The City's property, including the park, golf course, and special service sites to the north, and the fire station site in the southwest part of the site, together with the Archdiocesan retirement home to the west, clearly create a division and establish the beginning of the desired buffer necessary between the intensive retail uses to the west and the

8-28-85
0951c

residential uses to the north, east, and south; and traffic has increased dramatically over the past 21 years, particularly on the two-lane collector arterial which separates the site from the developed single-family area to the east.

16. Although the Evergreen East Shopping Center is no longer a viable possibility to the north of the subject site, the Evergreen Highlands industrial park, to be developed on the old Evergreen East site, will greatly increase the amount of traffic traveling in the vicinity of the site on 164th Avenue N.E., thereby impacting already strained traffic circulation systems in the vicinity of the subject site.

CONCLUSIONS

1. Circumstances have changed since the existing CB zoning was placed upon the subject property over 20 years ago in that continued development in the subject area has placed great burdens upon the existing traffic circulation systems; the Crossroads Shopping Center has been substantially developed; the City has acquired and developed parks, a golf course, social service uses, a school for the handicapped, and a fire station, and the Archdiocese of Seattle has developed a retirement home on the westerly portion of the site separating the established Crossroads Shopping Center to the west and the easterly undeveloped and developed retail uses on the site; the area to the north, east, and south has developed into established multifamily and single-family areas; 164th Avenue N.E., a two-lane road without sidewalks, has been subjected to increased traffic pressure; the existing residential areas surrounding the subject site are in need of buffering from the intensive retail uses in the Crossroads Shopping Center to the west; and the City has adopted its Crossroads Subarea Plan, establishing a policy for interposing office development between intensive retail uses to the west and residential uses to the east, and designating the subject site as an area to be developed for office uses and not for expansion of the intensive retail uses from the Crossroads Shopping Center to the west, in order to buffer the more sensitive residential areas to the north, south, and east, and minimize the traffic impacts upon the adjacent already strained traffic circulation system, and in particular 164th Avenue N.E.

2. The subject property is designated on the Crossroads Subarea Land Use Diagram with the land use designation of O-sdr, that is, office with a condition of special design review.

3. The significant growth in the Crossroads area which currently adversely affects the street system and adjoining properties strongly supports this reclassification and the reclassification would help to mitigate those adverse impacts.

4. The following General Land Use policy of the City's Comprehensive Plan governs this application for reclassification:

8-28-85
0951c

21.B.040 Decisions in land use should be made only after consideration of the interests of the community. Each type of land use shall be located in designated districts. Any change in zoning must be justified. The hearing body may take into consideration, but not be limited to, the following:

- the effect upon the physical environment;
- the effect on the economic environment;
- the effect on the social environment;
- the effect upon open space, streams and lakes;
- compatibility with and impact on the adjacent land uses and surrounding neighborhoods;
- adequacy of and impact on community facilities including utilities, roads, public transportation, parks, recreation facilities and schools;
- benefit to the neighborhood, city or region;
- quantity and location of vacant land zoned for this use in the City;
- current and projected population density in the general area;
- and general conformance with the Comprehensive Plan.

5. With regard to traffic impacts, the Comprehensive Plan contains the following provisions which are applicable to this reclassification application:

Circulation:

21.M.080 Proposed land uses which will generate heavy traffic volumes shall be located away from circulation facilities which are already at or near capacity unless improvement of these facilities is consistent with the Comprehensive Plan.

Crossroads Subarea:

21.V.2.055 Encourage uses that will serve to reduce the existing problems associated with vehicular congestion and incompatible land uses.

Planning District Guidelines:

The six Planning Districts that have been identified with the Crossroads Subarea include that portion of the Crossroads Study Area that is not generally established as single-family neighborhoods Development pressure is occurring and will continue to occur in the areas which currently separate the existing single-family neighborhoods from more intense uses such as

8-28-85
0951c

multifamily, office and commercial. It is these transition areas which have been designated as Planning Districts for detailed study. . . .

Districts "A", "B", "C" and "E" are likely to have the most effect on the circulation patterns of the area because of the existing vacant land in these areas and its relationship to traffic generation. The plan recommendation for low traffic generating land uses would provide remedial solutions to the current problems of traffic congestion.

Retention of existing zoning is inconsistent with these policies in that it will generate greater traffic volumes and will exacerbate adverse traffic impacts and vehicle congestion. The proposed zoning is consistent with these policies in that it will reduce traffic generation, thus minimizing congestion and other adverse traffic impacts.

6. The following Comprehensive Plan provisions are applicable to the proposed reclassification of the subject site:

Economic:

- 21.F.035 Office uses are considered appropriate:
- (a) In freeway corridors;
 - (b) As a buffer between working or trading areas and residential areas where required and appropriate;
 - (c) In retail-commercial areas.
- 21.F.150 GOAL: To establish and maintain economic activities in carefully delineated areas which are property separated from incompatible land uses and appropriately served by community facilities.
- 21.F.160 Community retail districts shall be identified and restricted to specific districts.
- 21.F.165 Pedestrian-accessible neighborhood retail and personal services may be permitted at appropriate locations, where local economic demand, local citizen acceptance and design solutions demonstrate compatibility with the neighborhood.
- a. Retail and personal services shall be encouraged to group together within planned centers to allow ease of pedestrian movement.

. . . .

8-28-85
0951c

- 21.F.190 Low intensity low rise office uses are considered appropriate outside the Central Business District in the following locations.
- a. in freeway corridors,
 - b. in community retail districts,
 - c. and to buffer residential and nonresidential uses when appropriate.

Crossroads Subarea:

- 21.V.2.050 Protect existing single-family neighborhoods from encroachment by more intense uses.
- 21.V.2.080 Restrict all future retail expansions or modifications to retail districts as shown on the Land Use Diagram.
- 21.V.2.195 The Crossroads Subarea has been divided into six Planning Districts in addition to existing single family land. The boundaries are mapped on the Land Use Diagram.

District E: General Land Use:

- 21.V.2.425 Community level retail use is permitted for this area as illustrated on the Land Use Diagram.
- 21.V.2.430 Office uses with special design review is encouraged for the vacant land east of the Crossroads Shopping Center as illustrated on the Land Use Diagram.
- 21.V.2.440 Reinforce the existing Crossroads Shopping Center site by limiting further expansion of community level retail except upon the Center site and by encouraging the long range relocation of convenience retail along 156th Avenue N.E. into the interior of the shopping center site.

The existing zoning is inconsistent with these Comprehensive Plan provisions, and the Land Use Diagram. Retail development should be restricted to the developed Shopping Center and residential uses should be buffered from the intense uses to the west. Office development provides that buffer, while retail development, even the development existing and proposed now on the site, does not. The proposed reclassification provides a rational, coherent pattern of land use which should be encouraged for this area, where intense uses and traffic congestion exist in proximity to established residential areas.

8-28-85
0951c

7. The economic viability of the existing Crossroads Shopping Center site would be threatened by a concentration of retail development on the subject site. Development of the subject site under Office zoning would promote and enhance the economic viability of the existing Crossroads Shopping Center site. Enhancement and promotion of the existing Crossroads Shopping Center site as a retail center is essential to the economic well-being of the area, as well as to concentrating retail and commercial uses to the west in an area which is better served by existing traffic circulation systems. Traffic in the vicinity of the subject site is a major problem which must be addressed by the City in making land use decisions affecting the area. 164th Avenue N.E., especially in the area immediately to the east of the subject site, is environmentally sensitive to traffic increases. It already has a high traffic volume for a two-lane collector arterial running through a neighborhood bounded almost entirely by single-family residences, and which contains no sidewalks, thus hampering effective, efficient and safe pedestrian circulation. High traffic volumes on such a street are to be discouraged if possible.

8. There is a need for more office zoning in the Crossroads Subarea. High intensity office development as a matter of policy is to be concentrated in the Central Business District area of the downtown. However, low intensity office uses in the neighborhoods are still encouraged by the Comprehensive Plan and existing subarea plans. The existing Crossroads Subarea Plan addresses the need for low intensity office uses in this area, both for purposes of providing sites for offices and for providing buffers between residential and intensive commercial uses. It is the intent of the City that low intensity office uses outside of the Central Business District continue to be developed in areas surrounding more intensive uses to provide that necessary buffering. The fact that there exists vacant office space in the City is not to the contrary, since the vast majority of that vacant office space exists within the downtown Central Business District, a high intensity office use area. That high intensity office use does not compete with the low intensity office which is promoted by the City's Subarea Plan Policies in areas outside the Central Business District. Furthermore, in establishing office zones in areas such as this, the City is looking to the long-term need for office development in these areas, not the immediate demand for office use which currently exists.

9. The proposal is in accord with the goals and policies of the Comprehensive Plan.

10. The effect of the proposal on the immediate vicinity will not be materially detrimental, and the effect of the proposal on the community as a whole will not be materially detrimental.

11. There is merit and value in the proposal for the community as a whole.

8-28-85
0951c

12. Conditions should be imposed in order to mitigate any significant adverse impacts from the proposal.

13. The applicant has met its burden of proof by adducing proof in sufficient measure to support the proposed rezone action, and that the proposed rezone bears a substantial relationship to the public health, safety and welfare.

14. The record does not disclose and the appellants have failed to demonstrate that there has been substantial error.

15. The record does not disclose and the appellants have failed to demonstrate that the proceedings were materially affected by irregularities in procedures.

16. The record does not disclose and the appellants have failed to demonstrate that the recommendation of the Hearing Examiner pro tem. was unsupported by material and substantial evidence in view of the entire record as submitted.

17. The record does not disclose and the appellants have failed to demonstrate that the recommendation of the Hearing Examiner pro tem. is in conflict with the City's Comprehensive Plan.

18. The record does not disclose and the appellants have failed to demonstrate that insufficient evidence was presented as to the impact of the proposed rezone on the surrounding area.

19. The City has complied with all of the requirements of the State Environmental Policy Act and the Bellevue Environmental Procedures Code. Notice of the environmental determination was given as required by law, no timely appeal therefrom was taken, and that determination is final. No reason appears in the record to withdraw that determination.

20. The appeals should be denied, and the reclassifications should be approved, from CB to O, with a condition of special design review.

Section 2. The appeals of Edythe Johnson and Associates, Inc., et al., and Peter Jouflas and Alan Bond, of the recommendation of the Hearing Examiner with regard to the herein described property are denied.

Section 3. The use classification of the following described property is changed from CB to O subject to special administrative design review to mitigate any significant adverse impacts of the development;

8-28-85
0951c

Legal Description:

The SE 1/4 of the SE 1/4 of Section 26, Twp 25 North,
Range 5 E., W.M., less the north 638.27 feet of the west
296.76 feet thereof; and less the west 10 feet of the
south 1/2 of said subdivision.

Section 4. This ordinance shall take effect and be in force five
days after its passage and legal publication.

PASSED by the City Council this 3rd day of September 1985,
and signed in authentication of its passage this 3rd day
of September 1985.

(SEAL)



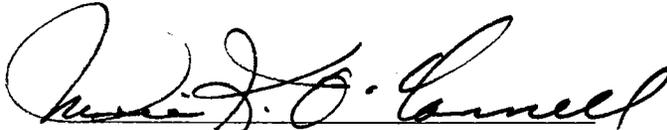
Cary E. Bozeman, Mayor

Approved as to form:



Richard L. Andrews, City Attorney

Attest:



Marie K. O'Connell, City Clerk

Published September 7, 1985