

#### City of Bellevue Development Services Department Land Use Staff Report

**Proposal Name:** 

30th St. Warehouse Conditional Use

**Proposal Address:** 

13312 SE 30th St.

**Proposal Description:** 

Land Use review of an Administrative Conditional Use Permit to allow an indoor marijuana producer and processor within

an existing warehouse structure.

File Number:

16-131826-LA

Applicant:

Sarah Anderson, Avalon Project Inc.

**Decisions Included:** 

Administrative Conditional Use Permit

(Process II 20.30E)

Planner:

Reilly Pittman, Planner

State Environmental Policy Act

**Threshold Determination:** 

**Exempt** 

**Director's Decision:** 

**Approval with Conditions** 

Michael A. Brennan, Director

**Development Services Department** 

By:

Carol V. Helland, Land Use Director

Vin M. Bod

Application Date:

May 24, 2016

Notice of Application Publication Date:

June 30, 2016

Decision Publication Date:

September 1, 2016

Appeal Deadline:

September 15, 2016

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

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#### **Attachments**

- 1. Project Plans Enclosed
- Public Comments In File
   Application forms In File

#### I. Request and Review Process

#### A. Request

The applicant proposes to operate a marijuana facility that will grow, produce, and process state-licensed marijuana for recreation and medical purposes, which is legal in the State of Washington.

#### **B.** Review Process

Land Use Code 20.20.535 contains the regulations that govern marijuana uses in the City of Bellevue. This code requires all such proposed uses to obtain an Administrative Conditional Use Permit (ACUP) approval to operate in Bellevue.

LUC 20.20.535 requires that all marijuana uses be separated by 1,000 feet from

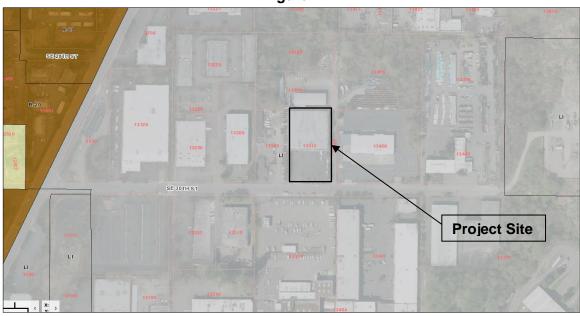
- Elementary or secondary school;
- Playgrounds;
- · Recreation center or facility;
- Child care centers;
- Public parks;
- Public transit centers;
- Libraries; and
- Any game arcade

#### II. Site Context and Description

#### A. Site Context

The site is located in the Richards Valley subarea of the City, along SE 30<sup>th</sup> Street, and east of Richards Road. The property obtains vehicle access from SE 30<sup>th</sup> Street. The site and surrounding properties are zoned LI, Light Industrial and the surrounding uses are a mix of light industrial uses, offices, and storage yards with some service uses provided. See Figure 1 below for a zoning map.

Figure 1



#### **B.** Site Description

The site has one industrial warehouse building that has most recently housed an auto servicing use. See Figure 2 below for existing site improvements. The building is setback 120 feet from the property line along SE 30<sup>th</sup> Street. Parking and landscaping is in front of the building within the setback area.

Figure 2



#### III. Consistency with Development Requirements:

## A. Conformance with LUC 20.20.010 and LUC 20.20.590 – Zoning Dimensional Requirements and Parking

The proposal does not propose any exterior alterations to the building or site. Conformance with the zoning dimensional requirements for the LI, Light Industrial zone is not changed. For the purposes of determining required parking the use is considered a manufacturing/assembly/warehouse use which requires 1.5 parking stalls per 1,000 net square feet. The site currently provides 40 parking stalls. Based on the building square footage provided on the plans, the total building is 29,260 square feet and therefore requires 44 parking stalls. The proposed marijuana producer is a resource/agricultural use as found in LUC 20.10.440. This use is a change of use from the prior service use that was an auto repair tenant. As a result, this proposed marijuana producer is required to provide the required 44 parking stalls. The plans submitted under the future building permit shall show 44 parking stalls provided on the site. Fifty percent of the required parking stalls can be compact and it is anticipated that the required parking can be provided within the existing paved area through some restriping of parking stalls. Based on similar existing uses, the actual employees working on the site will also be less than the parking required, but the code requirements must be met by this proposal. See Conditions of Approval in Section X.

#### B. Conformance with LUC 20.20.535 - Marijuana Uses

This lot complies with the 1,000 foot separation from all uses specified in LUC 20.20.535. Conformance with requirements for odor, loading dock screening (if used), signage, and security will be verified as part of the required building permit. Marijuana uses are also required to complete a Hold Harmless Agreement. The use is subject to the City's noise code, BCC 9.18. **See Conditions of Approval in Section X.** 

#### C. Conformance with LUC 20.20.560 - Nonconforming Structures, Uses, and Sites

The site is legally nonconforming to required landscaping requirements of LUC 20.20.520. The proposed improvements will likely not exceed 30 percent of the value of the existing structure and will not trigger conformance. Verification of the cost improvements will occur as part of the building permit submittal.

#### IV. Public Notice and Comment

Application Date: May 24, 2016
Public Notice (500 feet): June 30, 2016
Minimum Comment Period: July 14, 2016

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin and Seattle Times on June 30, 2016. It was mailed to property owners within 500 feet of the project site and a public notice sign was posted. One comment was received from a

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Bellevue resident that supported the proposal.

#### V. Summary of Technical Reviews

#### A. Clearing and Grading

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards and approved the application.

#### B. Utilities

The Utilities Department reviewed the proposal and approved the application.

#### C. Transportation

The proposed Administrative Conditional Use Permit will convert the existing 29,260-square foot warehouse from an Automobile Care Center to a manufacturing use. The existing building currently takes access off of SE 30th Street through one existing driveway approach. No change to the access location, internal circulation, or building footprint is currently being proposed.

The existing use will provide a credit of 3.51-pm peak hour trips per 1,000-square feet of gross leasable area, per ITE Land Use 942. With 29,260-square feet of gross leasable area this results in 103-pm peak hour trips.

The proposed manufacturing use will result in 0.97-pm peak hour trips per 1,000-square feet of gross floor area, per ITE Land Use 140. With 29,260-square feet of gross floor area this results in 29-pm peak hour trips. The net new pm peak hour trips is negative and there is an anticipated reduction of 74-pm peak hour trips.

As a result of having a less intensive use and existing adequate facilities, a traffic impact analysis will not be required. As there are not more than 30-new pm peak hour trips, concurrency will not be required. As this is a tenant improvement under 11-new pm peak hour trips there will not be a traffic impact fee.

City staff has analyzed the short term operational impacts of this proposal in order to recommend mitigation if necessary. The existing access to the site, off of SE 30th Street, is of sufficient width and meets Bellevue's minimum sight distance requirements. The internal circulation is such that vehicles and trucks have the facilities to turn around within the site. Backing on to the public roadway is not allowed. No mitigation is needed per the proposed plans.

#### D. Fire Prevention

The Fire Department has reviewed the proposal and approved the project. The proposal will require a tenant improvement permit for a new use and will be required to meet current codes.

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#### See Conditions of Approval in Section X.

#### VI. State Environmental Policy Act (SEPA)

The proposal is exempt from SEPA per WAC 197-11-800(1).

#### VII. Changes to Proposal Due to Staff Review

No changes were required but conditions of approval are required and found in section X of this report.

#### VIII. Decision Criteria

A. 20.30E.140 Administrative Conditional Use Permit - Decision Criteria
The Director may approve, or approve with modifications, an application for an Administrative Conditional Use Permit.

1. The administrative conditional use is consistent with the Comprehensive Plan.

**Finding:** The project is consistent with the Comprehensive Plan. The proposal keeps a light industrial use in the Richards Valley subarea (LU-24). The proposal to locate a marijuana producer/processor is allowed by Washington State's legalization of marijuana for medical and recreational purposes.

2. The design is compatible with and responds to the existed or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity.

**Finding:** No external change is proposed to the building design and can remain unchanged as discussed in this report. Any potential external changes to the site will result from the creation of additional parking stalls within the existing paved lot and from potential landscaping to screen loading functions to meet code requirements. All of these proposed and potential changes are compatible with the existing and intended character of the property and properties in the immediate vicinity.

3. The administrative conditional use will be served by adequate public facilities including streets, fire protection and utilities.

**Finding:** The proposed use does not change existing service levels of public facilities to this property or surrounding properties and is a reduction of vehicle trips from the prior use.

4. The administrative conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property

Finding: The proposal locates a use that is allowed in the light industrial zone. The

proposed marijuana production is legal in the state, and not detrimental to the property or uses in the vicinity as all activity is required to occur in the secured building. By meeting all of the locational criteria of the Land Use Code the proposal is not adjacent to other uses that have been determined to be inappropriate for a marijuana producer/processor to locate near.

## 5. The administrative conditional use complies with the applicable requirements of this code.

**Finding:** As conditioned, the proposal complies with applicable requirements of the Land Use Code. Refer to section III of this report for further information on Land Use Code consistency.

#### IX. Conclusion and Decision

After conducting the various administrative reviews associated with the proposal, including applicable Land Use consistency and City Code & Standard compliance reviews, the Director does hereby APPROVE WITH CONDITIONS the subject proposal to establish a marijuana producer/processor.

#### X. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Janney Gwo, 425-452-6190
Utilities – BCC Title 24	Chris Brookes, 425-452-6825
Land Use Code- BCC Title 20	Reilly Pittman, 425-452-4350
Noise Control- BCC 9.18	Reilly Pittman, 425-452-4350
Transportation Code – BCC 14.60	Ryan Miller, 425-452-7915
Right of Way Use Permit – BCC 14.30	Tim Stever, 425-452-4294
Fire Code – BCC 23.11	Sean Nichols, 425-452-2926

The following conditions are imposed under the Bellevue City Code authority referenced:

**1. Building Permit:** A tenant improvement building permit for a new/change of use is required to be submitted. The use will be subject to current codes.

Authority: Land Use Code 20.30E.140

Reviewer: Reilly Pittman, Development Services Department

2. Provisions for Loading: On-street loading and unloading will not be permitted within the public right of way. Vehicles shall be able to turn around within the site and shall not need to back out into the public street.

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Authority: LUC 20.20.590.K.4; BCC 14.60.150, BCC 14.60.180

Reviewer: Ryan Miller, Transportation Department

3. Odor, Loading Screening, Signage, and Security: Plans approved under the building permit shall be in conformance with LUC 20.20.535. This code requires producers and processors to design their ventilation to address odors, provide screening of loading activity if external to the building, have any signage meet the code limits and have security measures for storage in the building.

Authority: Land Use Code 20.20.535

Reviewer: Reilly Pittman, Development Services Department

**4. Parking Required:** The site is required to provide parking at a ratio of 1.5 stalls to 1,000 net square feet. Based on discussion in this report additional parking stalls may be required.

Authority: LUC 20.20.590

Reviewer: Reilly Pittman, Development Services Department

5. Hold Harmless Agreement: Prior to building permit issuance, the applicant shall submit a hold harmless agreement in a form approved by the City Attorney which releases the City of Bellevue, for itself, its agents, officers, elected officials and employees, from any injuries, damages, or liabilities of any kind that result from any arrest or prosecution or seizure of property, or liabilities of any kind that result from any arrest or prosecution for violations of federal or state law relating to operation or siting of a marijuana use. Additionally, within the release document, the permittee of a marijuana use shall indemnify and hold harmless the City of Bellevue and its agents, officers, elected officials, and employees from any claims, damages, or injuries brought by adjacent property owners or other third parties due to operations at the marijuana use and for any claims brought by any of the marijuana use's members, employees, agents, guests, or invitees for problems, injuries, damages, or liability of any kind that may arise out of the operation of the marijuana use.

Authority: Land Use Code 20.20.535

Reviewer: Reilly Pittman, Development Services Department

6. Noise Control: Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance. Requests for construction hour extension must be done in advance with submittal of a construction noise expanded exempt hours permit.

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Authority: Bellevue City Code 9.18

Reviewer: Reilly Pittman, Development Services Department

# 30th St Warehouse Conditional Use Permit

13312 - SE 30th St - Bellevue WA 98005



ABBREVIATIONS	FIRE DEPT. NOTES	PROJECT DIRECTORY	PROJECT DATA	SHEET INDEX / EGRESS
AT INSUL INSULATION ADDITIONAL M. O. MASONRY OPENING ADDITIONAL M. O. MASONRY OPENING ADDITIONAL AD	OWNER/MANAGEMENT TEAM:  J.G. FLAGSTAFF LLC 400 112TH AVE #230 BELLEVUE, WA 98104 CONTACT: WALTER SCOTT LEGACY COMMERCIAL 425-450-2336  ENGINEER/ ARCHITECT:  AVALON PROJECT 1603 116TH AVE NE, STE 115 BELLEVUE, WA 98004 CONTACT: GLEN MERKEL TEL. NO. 425-454-2331 EMAIL. GLEN@AVALONPROJECT.US	PROJECT SCOPE:  30TH STREET WAREHOUSE BUILDING  ADDRESS:  13312 - SE 30TH ST BELLEVUE, WA  LEGAL DESCRIPTION:  BELLEVUE, WA  MERCER SLOUGH GARDENTRS LOT 2 BELLEVUE SP #80-01 REC # 8005289004 SD SP DAF S 1/2 TR 19 MERCER SLOUGH GARDEN TRS LESS E 30 FT THOF LESS ST PLAT LOT 19  ASSESSOR PARCEL:  545330-0167  GENERAL PLAN DESIGNATION: ZONING: ZONING DESIGNATION: LC EXISTING USE: BUSINESS - MECHANIC SERVICE CENTER DESCRIPTION OF NEW USE: BUSINESS OCCUPANCY GROUP: B TYPE OF CONSTRUCTION: V-B SPRINKLERS: YES STORIES:  2  SQUARE FOOTAGE TOTALS: SITE AREA:  51,836 SF (1.19 ac)  MAIN FLOOR (INDUSTRIAL): 21,580 SF FIRST 3840 SF SECOND 3840 SF PARKING REQUIRED: CITY OF BELLEVUE REQUIREMENTS FOR GENERAL OFFICE USE = 4 SPACE(S): 1000 NSF  TOTAL PARKING REQUIRED: 7,000 * 4 SF / 1000 SF. = 28 PARKING STALLS TOTAL PARKING PROVIDED: (PRE EXISTING (APPROVED)) = 40 PARKING STALLS	ARCHITECTURAL:  A0.1 TITLE SHEET AND PROJECT INDEX A1.1 SITE PLAN A A1.2 EXISTING/PROPOSED FLOOR PLANS AND NOTES A1.3 EXTERIOR ELEVATIONS AND NOTES  I502 - 1000' RADIUS SETBACK EXH SCALE: 1" = 400'	
EQUAL T.O. TOP OF EXISTING THK. THICKNESS EXPANSION TYP. TYPICAL EXTERIOR U.N.O. UNLESS NOTED OTHERWISE FLOOR DRAIN VERT. VERTICAL FOUNDATION V.G.D.F. VERTICAL GRAIN DOUGLAS FIR		OCCUPANT LOAD CALC. SECTION 1004 OCCUPANT LOAD IBC 2012	EXISTING STRUCTURE PARKING GROSS SQUARE FOOTAGE = 25,550 SF	10 10 10 10 10 10 10 10 10 10 10 10 10 1
FINISH V.T.O. VENT TO OUTSIDE FINISHED FLOOR W.C. WATER CLOSET FLOOR W/O WITHOUT FINISH W/ WITH FLASHING W/I WITHIN FACE OF CONCRETE WP. WATERPROOF FACE OF MASONRY WR. WATER RESISTANT		FIRST FLOOR (WAREHOUSE)  FLOOR AREA: 21,580/500 (43 max.)  FIRST SECOND FLOOR (OFFICE)	TOTAL BICYCLE REQ'D FOR COMMERCIAL: CITY OF BELLEVUE REQUIREMENTS  AS REQ'D BY THE DISTRICT DIRECTOR OF DEVELOPMENT	1000' - 0"  1000' - 0"  1000' - 0"
FACE OF STUD WD. WOOD FRAMING FOOT/FEET GAUGE GYPSUM HOSE BIB HOLLOW CORE HOLLOW METAL HEADER		FLOOR AREA: 7680/100 (76 max.)		Section of the sectio

DEFERRED SUBMITTAL(S)

Revision Revision Description Revision VICINITY MAP

1603 116TH Ave NE Suite 115

Revision Schedule

Bellevue, WA 98004

Client:

LUDWIG ALLEGRA MD

Drawn By: G. Merkel May 6-2016 Scale:

1" = 400'-0"

MAY 2 4 2016 Permix Processing

SEPERATE ELECTRICAL PERMIT - LIGHTING PLAN THE CONTRACTOR SHALL CONFORM TO ALL CODE ORDINANCES ETC. WHICH HAVE JURISDICTION OVER THIS WORK. BELOW IS A LIST OF SEPERATE MECHANICAL PERMIT MAJOR STANDARDS LISTED FOR CONVENIENCE ONLY. REFERENCE TO A STANDARD MEANS, THE LATEST EDITION OF SUCH STANDARD AT SEPERATE PLUMBING PERMIT DATE OF BUILDING PERMIT. THE CONTRACTOR SHALL RETAIN

CODE INFORMATION

RESPONSIBILITY FOR COMPLIANCE WITH LATEST REVISIONS OF ALL

OTHER APPLICABLE CODES AND ORDINANCES NOT LISTED HEREIN.

2012 WASHINGTON ADMINISTRATIVE CODE (WAC)

2012 WASHINGTON STATE ENERGY CODE (WSEC) 2012 INTERNATIONAL MECHANICAL CODE (IMC)

2012 INTERNATIONAL BUILDING CODE (IBC)

2012 UNIFORM PLUMBING CODE (UPC)

2012 INTERNATIONAL FIRE CODE (IFC)

**ABBREVIATIONS** 

NEW COMMERCIAL TENANT IMPROVEMENT LOCATED AT 13312 SE 30TH STREET IN BELLEVUE. ADA COMPLIANCE (ACCESSIBILITY) TO MAIN

INTERIOR NON-STRUCTURAL (USE) IMPROVEMENTS TO BE:

CONVERSION OF EXISTING BUSINESS (MECHANIC SERVICE CENTER) TO BUSINESS FOR GROWTH, CULTIVATION, AND PROCESSING OF RECREATIONAL MARIJUANA UNDER THE RULES AND REGULATIONS OF INITIATIVE 502.

SCOPE OF WORK

NO NEW BUILDING FLOORING FINISH, REPAIR AND UPDATE INCLUDING ACOUSTICAL CEILING GRID AND UPDATE OF LIGHTING REQUIRING ADDITIONAL PERMIT(S) WILL BE APPLIED.

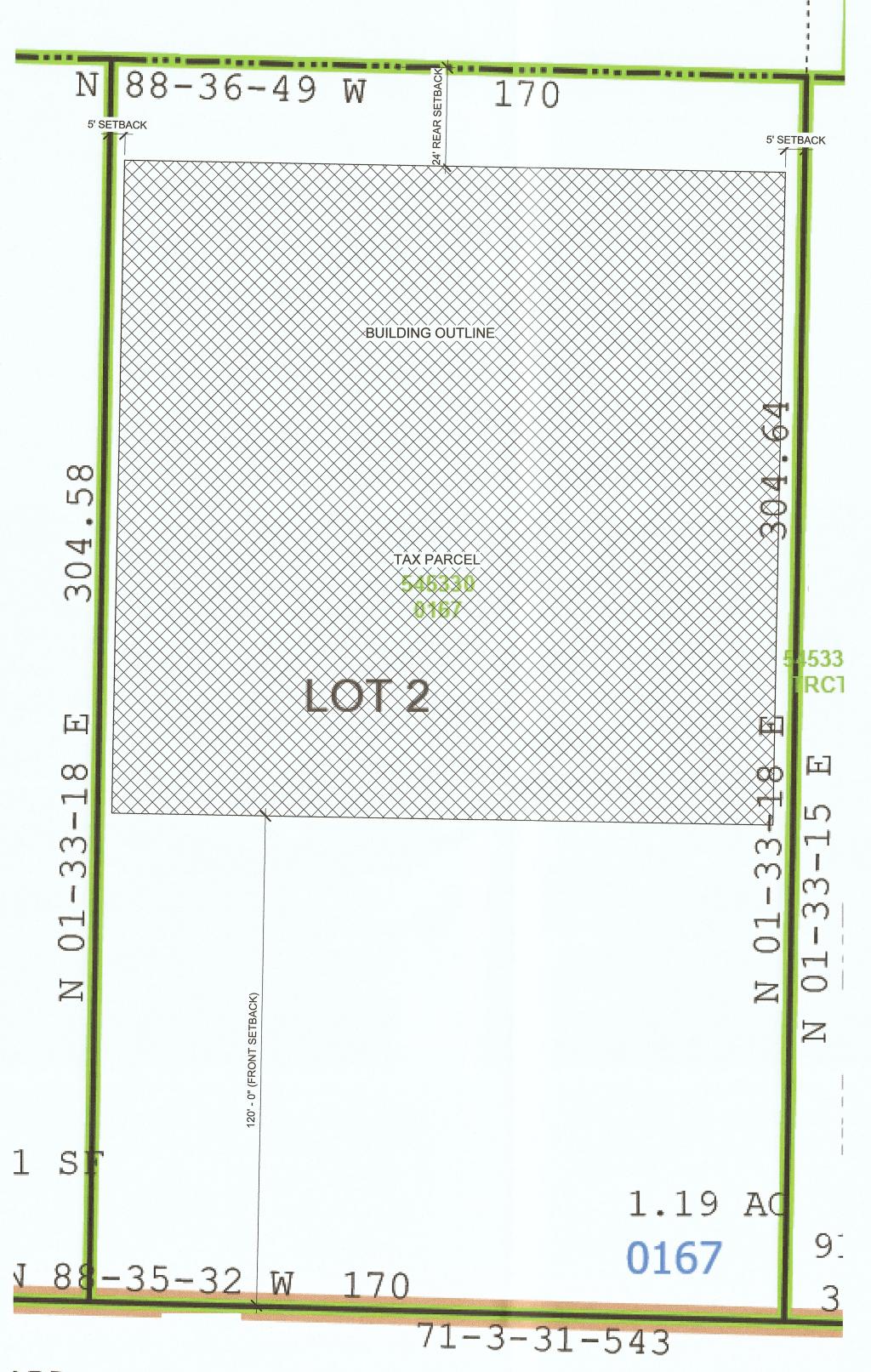
EXTERIOR RENOVATIONS WILL NOT BE REQUIRED:

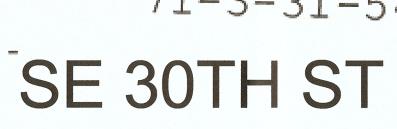
NEW BUSINESS TENANT/OPERATION WILL NOT REQUIRE ANY NEW EXTERIOR BUILDING ADDITIONS INCLUSIVE OF ANY NEW ATTACHED AND/OR DETACHED SIGNAGE REQUIREMENTS.

29260 S.F. OF COMMERCIAL OFFICE/WAREHOUSE USE ON A 51,836 SF SITE.

PLUMBING FIXTURE COUNT IN ACCORDANCE WITH CHAPTER 29 TABLE 2902.1 FOR MIN. REQUIREMENTS

TYPICAL WALL FINISHES SHALL COMPLY WITH CHAPTER 25 OF IBC2012





1 SITE PLAN 1" = 20'-0"







30TH

Revision Number Revision Description Revision Date Revision Schedule

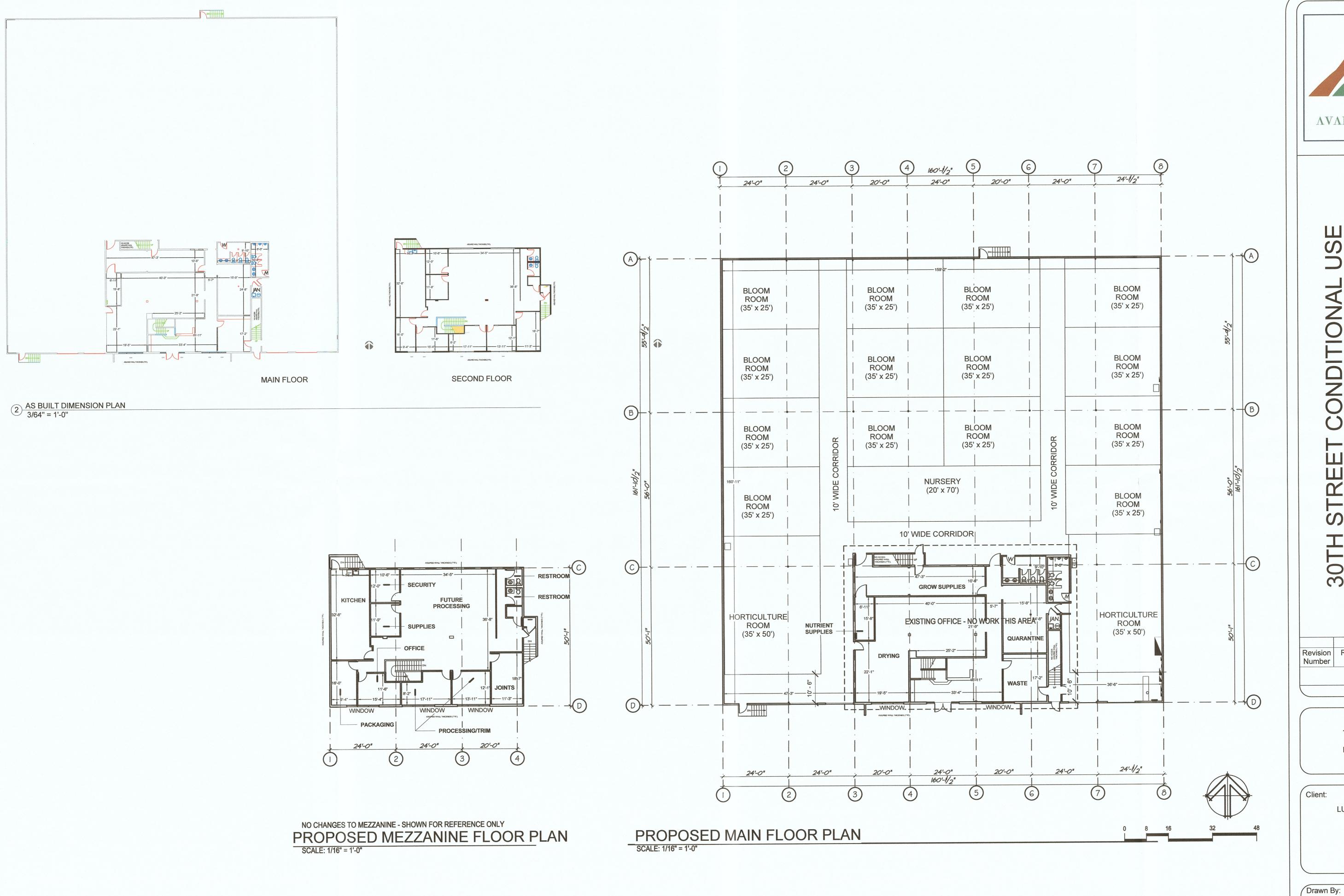
1603 116TH Ave NE Suite 115 Bellevue, WA 98004

Client: LUDWIG ALLEGRA MD

Drawn By: G. Merkel May 6-2016 1" = 20'-0"

MERCER SLOUGH GARDENTRS LOT 2 BELLEVUE SP #80-01 REC # 8005289004 SD SP DAF S 1/2 TR 19 MERCER SLOUGH GARDEN TRS LESS E 30 FT THOF LESS ST PLAT LOT 19

Permit Processin



## WAREHOUSE ROOM DESCRIPTIONS:

(14) BLOOM ROOMS 35' X 25' (24' HIGH) (2) VEG ROOMS 50' X 35' (24' HIGH) (1) NURSERY ROOM 20' X 70'



May 6-2016
Ale:
As indicated

A1.2

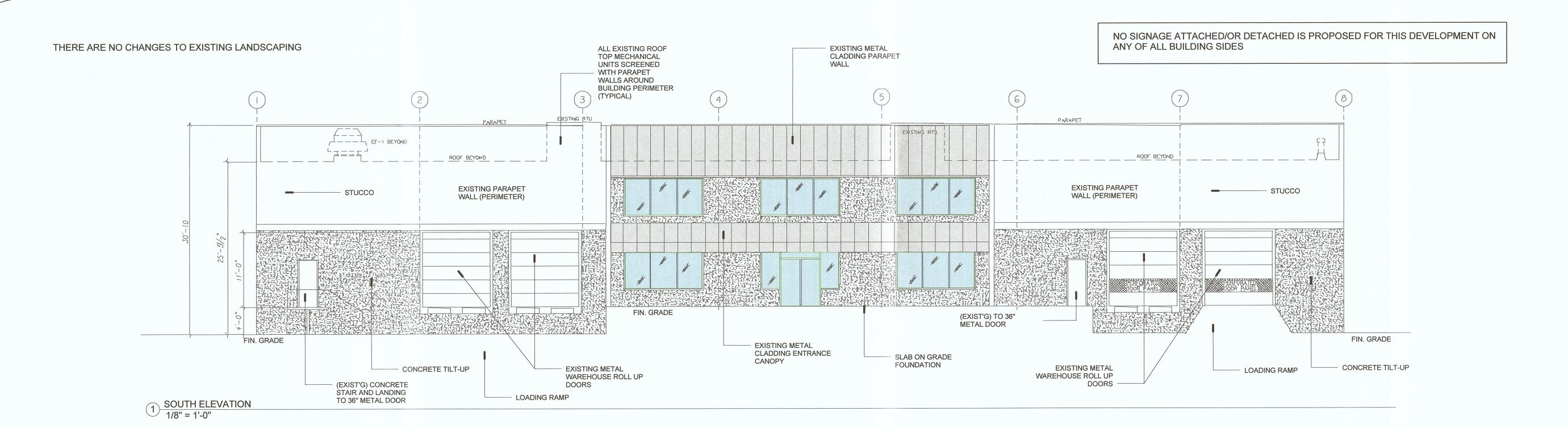
MAY 24

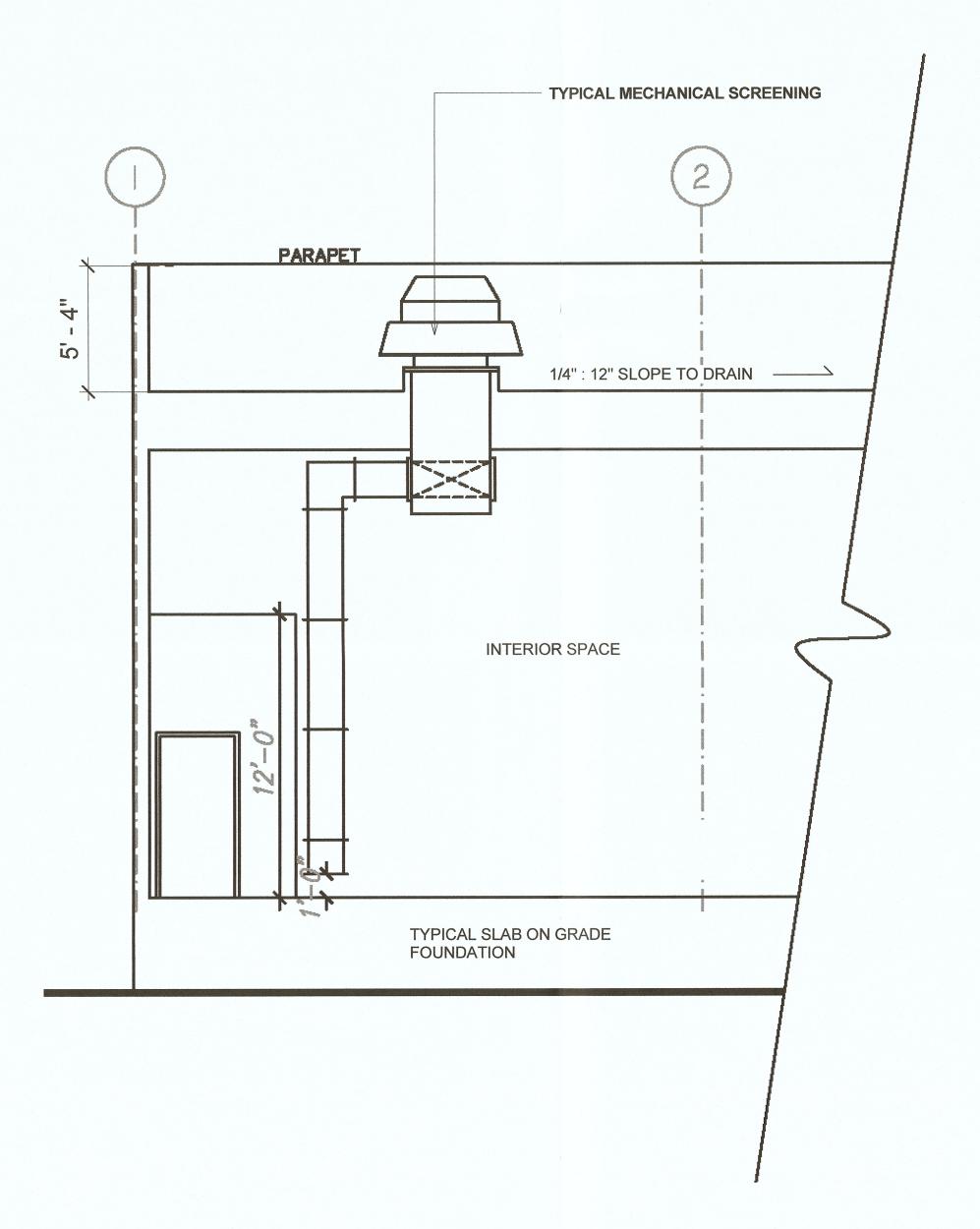
Sheet

G. Merkel

Scale:

Rermit Processing









FRONT ELEVATION

FRONT ELEVATION





RIGHT ELEVATION

REAR ELEVATION

TYPICAL ROOF SECTION/MECHANICAL 2 SCREENING 1/4" = 1'-0"

G. Merkel May 6-2016 As indicated Permit Processing

AVALON PROJECT

30TH

AND

EVATIONS

RIOR

| Revision | Revision Description | Revision Number Date Revision Schedule

> 1603 116TH Ave NE Suite 115 Bellevue, WA 98004

Client:

LUDWIG ALLEGRA MD

Drawn By: Scale: