



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

Proposal Name: Green Theory Factoria

Proposal Address: 12827 SE 40th Pl.

Proposal Description: Land Use review of an Administrative Conditional Use Permit to allow a marijuana retail store to establish on a property in the Factoria Subarea. An associated application for a binding site plan is proposed to divide the property into two lots.

File Number: 16-129278-LA

Applicant: George Garrett, Green Grotto

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
Carol V. Helland, Land Use Director

Application Date: April 12, 2016
Notice of Application Publication Date: May 5, 2016
Decision Publication Date: August 25, 2016
Appeal Deadline: September 8, 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
2. Public Comments – In File
3. Survey for Binding Site Plan – In File
4. Construction Valuation – In File
5. Application forms – In File

I. Request and Review Process

A. Request

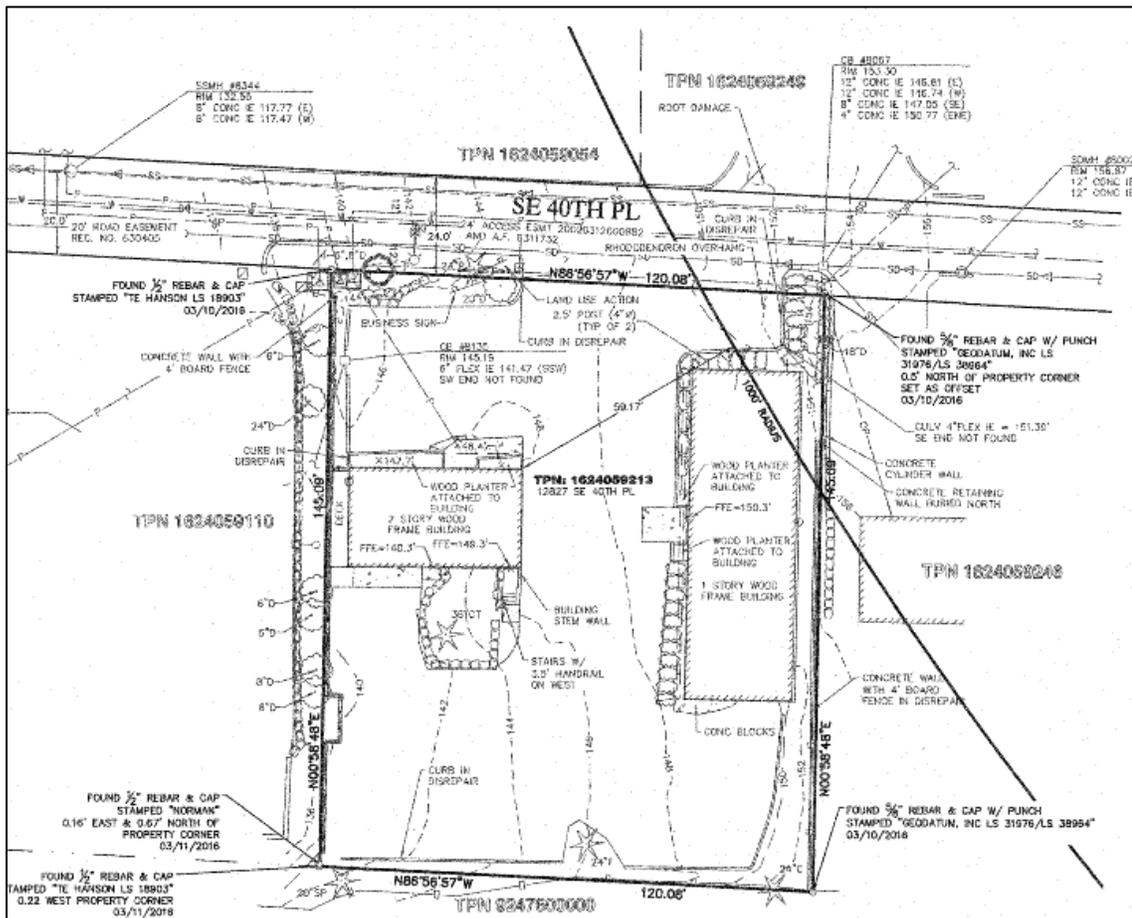
The applicant proposes to open a retail store to sell state-licensed marijuana for recreation and medical purposes which is legal in the State of Washington.

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. The applicant proposes to merge the ACUP with a binding site plan as allowed by LUC 20.30E.160.

Application 15-129067-LA was submitted in 2015 and proposed to establish a retail marijuana store at this same location. Review of that application and public comment submitted showed that the property was within 1,000 feet of the Puesta Del Sol Elementary School and as a result the application was withdrawn by the applicant. See Figure 1 below for survey 1,000 foot radius.

Figure 1



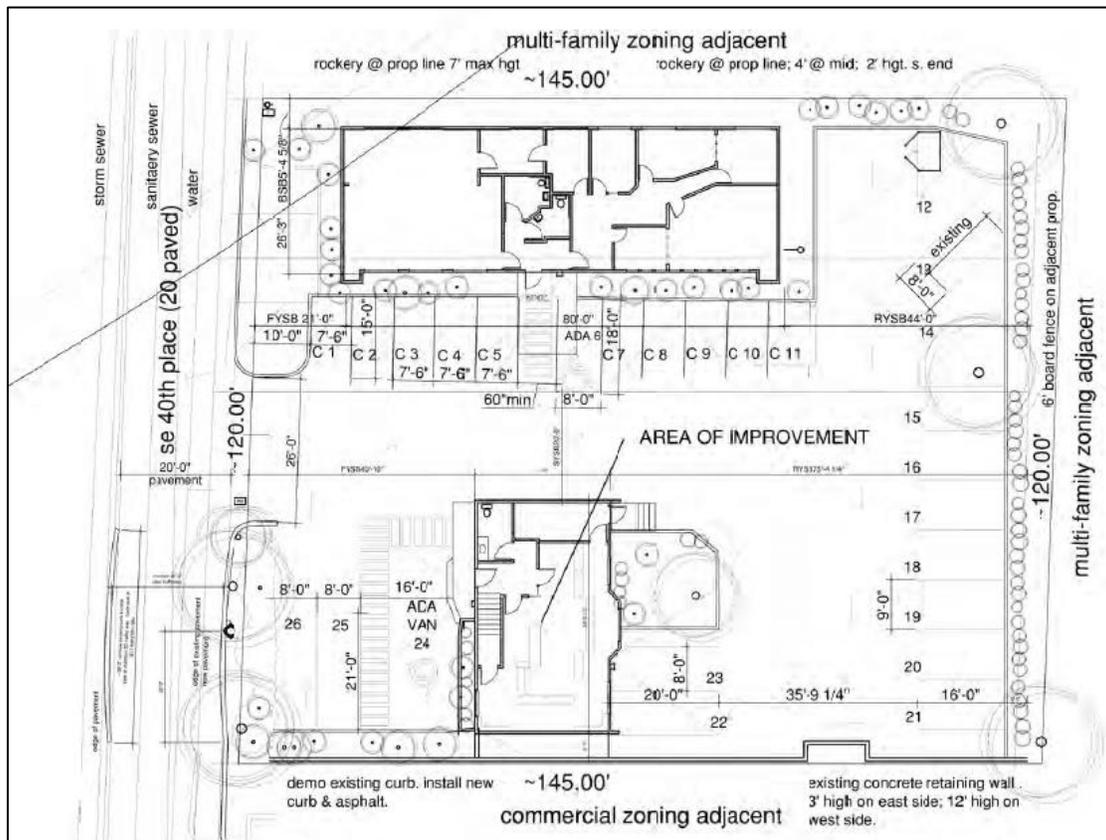
LUC 20.20.535 requires that all marijuana uses be separated by 1,000 feet from

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

In addition any proposed retail marijuana store must be at least 1,000 feet from any other retail store. All measurements are from property line to property line.

The current application and subject of this staff report has a Binding Site Plan merged with the ACUP as allowed per LUC 20.30E.160. The binding site plan proposes to subdivide the property into two lots in order to create a property that complies with the 1,000-foot separation requirement from the Puesta Del Sol Elementary School. A binding site plan is an administrative approval that is contingent upon the approval of the ACUP and is not effective until it is recorded with the King County Assessor. The proposal can be seen in Figure 2 below.

Figure 2



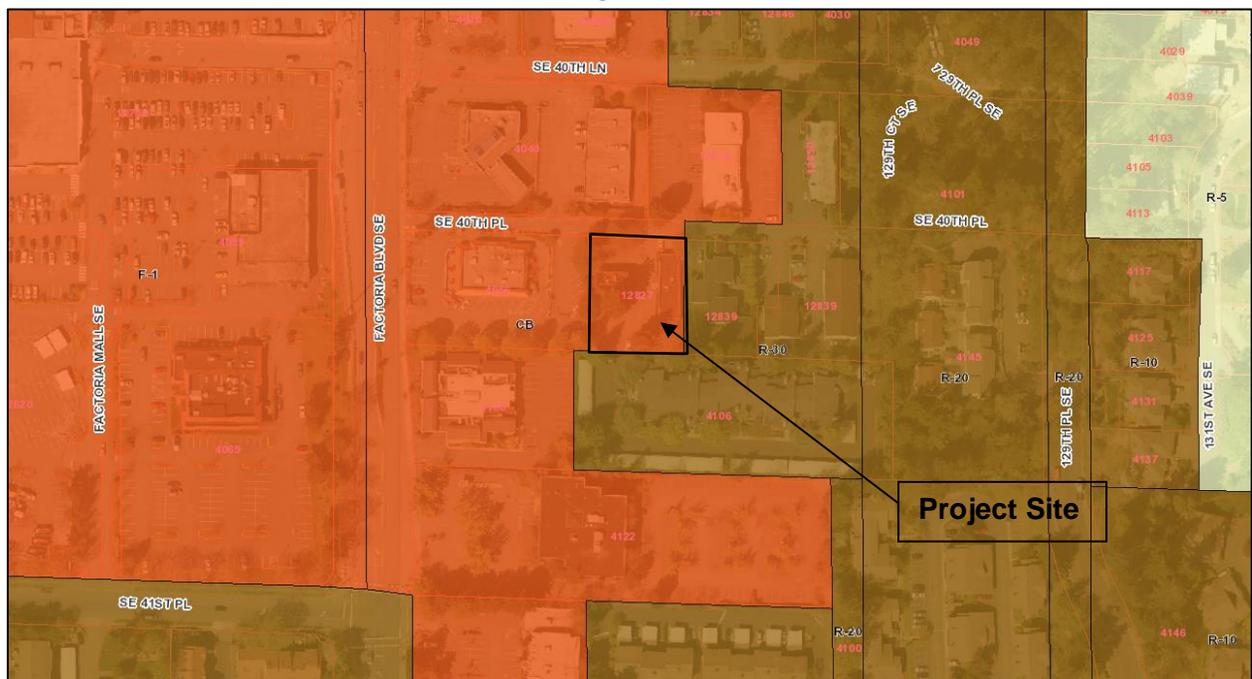
II. Site Context and Description

A. Site Context

The site is located in the Factoria subarea of the City, east of Factoria Blvd. The property obtains vehicle access from SE 40th Pl. The property and surrounding neighborhood were originally developed when the area was under King County jurisdiction. The area was part of the Factoria annexation into the City of Bellevue which occurred in 1993.

The site is zoned CB, Community Business. The properties to the west and north are also zoned CB. To the east and south are properties zoned R-30, Multi-Family Residential. Properties to the east of the site are generally zoned residential and have residential uses. The uses to the west, and along Factoria Boulevard are generally zoned CB and have commercial uses, predominantly offices, services, and retail. The Factoria Mall is nearby, on the west side of Factoria Blvd. A McDonald's restaurant is immediately adjacent to the property to the west. See Figure 3 below for a zoning map.

Figure 3



B. Site Description

The site is currently one property that has two buildings and a shared parking lot built in 1979. Both buildings have housed commercial uses historically. The building proposed for the marijuana retail store is the western-most building and previously contained an office use. The adjacent building on site and to the east contained a defensive driving school service. The proposed binding site plan will divide this property into two lots so that each building is located on a separate lot. As the site was developed under King

County codes some aspects such as parking lots and landscaping are legally nonconforming to the current Bellevue Land Use Code.

III. Consistency with Development Requirements:

A. Conformance with LUC 20.20.010 – Zoning Dimensional Requirements

The proposal does not propose to alter any existing structure. Conformance with the zoning dimensional requirements for the CB, Community Business zone is not changed. Any nonconforming aspects are not required to be addressed by the proposal.

B. Conformance with LUC 20.20.535 – Marijuana Uses

The merged proposal to subdivide the property through a binding site plan creates a second lot where the proposed marijuana retail use will be located. This lot complies with the 1,000 foot separation from the school and all other known uses that require separation under LUC 20.20.535. See Attachment 3 for binding site plan survey verifying the 1,000 foot separation from the school. The property is zoned CB, Community Business which allows marijuana retail uses through an Administrative Conditional Use Permit. Conformance with requirements for odor, signage, and security will be verified as part of the required building permit for changes within the existing building. Marijuana uses are also required to complete a Hold Harmless Agreement. **See Conditions of Approval in Section X.**

The City of Bellevue enacted interim ordinance 6286 in May of 2016. This ordinance limits marijuana retail uses to one per specified subarea and requires a 100-foot buffer from residentially zoned property. This ordinance is not applicable to this application that vested upon submittal of the building permit application in April of 2016.

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

The site is legally nonconforming to required landscaping and parking lot layout requirements of LUC 20.20.520 and LUC 20.20.590 respectively. LUC 20.20.560.B requires nonconforming sites be brought into proportional compliance with the Land Use Code if the cost of proposed improvements to existing structures exceed 30 percent of the existing value. Based on City staff review, the proposed improvements do not exceed 30 percent of the value of the existing structure. See Attachment 4 for communication on valuation.

Despite not triggering the proportional compliance, City staff have required changes to the site as part of the proposed binding site plan that will subdivide the property and under the conditional authority granted by the Administrative Conditional Use Permit application in LUC 20.30E.120.

- Required street frontage improvements will remove three parking stalls from the City right-of-way. As a result, the existing parking lot is proposed to be reconfigured to provide sufficient parking for the uses on the site. Existing parking

lots on nonconforming sites can be reconfigured within the existing paved surface and the parking lot modification is required to address requirements of the City. The reconfigured parking lot provides parking for the proposed retail use and an office use in the adjacent building. This shared parking arrangement requires the creation of a shared parking agreement that establishes that the parking lot is shared between both buildings as is currently the case. **See Conditions of Approval in Section X for requirements on the shared parking agreement.**

- Perimeter landscaping is required to be provided in the area remaining outside of the parking lot to screen the site and replace/add vegetation as part of the frontage improvements required. If no permanent irrigation is required then temporary irrigation is required to establish the plants for one year. **See Conditions of Approval in Section X.**

D. Conformance with LUC 20.25B – Transition Area Design District

The site is adjacent to multi-family zoned property and is within the Transition Area. Per LUC 20.20.560.A, the structure can remain, provided improvements do not exceed 100 percent of the value of the structure. No improvements are proposed to this structure under this application. Any nonconformities may remain including the nonconforming 30-foot setback required from the property line separating the site from the adjacent residentially zoned property.

E. Conformance with LUC 20.25I – Community Retail Design District

No changes are proposed to the structure that require conformance under this code section. Nonconforming sites are allowed to reconfigure their parking and the parking area minimizes conflict with pedestrians as much as the existing parking area.

IV. Public Notice and Comment

Application Date:	April 12, 2016
Public Notice (500 feet):	May 5, 2016
Minimum Comment Period:	May 19, 2016

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin and Seattle Times on May 5, 2016. It was mailed to property owners within 500 feet of the project site and a public notice sign was posted. Comments were received from property owners and representatives of a parent group. General summaries of the comments received are provided below with a response. All comments received as part of this application can be found in Attachment 2.

Comment: Why did the Green Theory Factoria submit the same application again?

Response: The prior application for this proposal, 15-129067-LA, was cancelled because the proposed store did not satisfy the 1,000 foot separation required between the property lines of the school and the proposed marijuana retail location. The applicant withdrew the

application and determined that the property could be subdivided to meet the separation requirement. The current application includes a binding site plan which subdivides this commercial property to create a property that meets the 1,000-foot property line separation.

Comment: Are comments submitted under the prior application still considered?

Response: Prior comments are part of the record for the prior application. In addition to written comment, staff met with many members of the public and discussed their concerns. As a result, the comments and concerns have been noted. However, comments are not transferred from a cancelled application to another application and to be a party of record someone would have to submit new comments under this current application.

Comment: The proposed use is inappropriate as there are children nearby.

Response: Land Use Code 20.20.535 provides the code requirements that allow marijuana uses to locate in the City of Bellevue. Provided a marijuana use is not within 1,000 feet of a use specified in the code, the marijuana use can locate. The code requires separation from uses that children are expected to frequent. A child cannot legally buy marijuana from a marijuana store and it is in the interest of the store to not sell to minors, which can result in license revocation. The existing marijuana uses in the City are open and have operated in areas with high visibility and concentrations of children. The City's regulatory authority is prescribed by the Land Use Code, and the City must allow uses when an applicant demonstrates compliance with the established code requirements adopted by the City Council.

Comment: Why is the proposed store allowed near daycares, tutoring services, and residences?

Response: The proposed store must be 1,000 feet away from child care centers, elementary, and secondary schools as licensed and recognized by the State Department of Early Learning. No State licensed child care center or school is within 1,000 feet of the proposed site of the marijuana store, provided the binding site plan is recorded that separates the lot. There are daycares, tutoring services, and other uses that children frequent nearby. However, these uses are greater than 1,000 feet away or are not state licensed schools or daycares. There is no requirement that limits placement of a marijuana use near residences that applies to this application. The City Council recently passed interim Ordinance 6286 that applied a 100-foot buffer to residential zones in order to prevent marijuana uses locating near residential property. However, this ordinance was passed after the current application and building permit application was submitted and determined to be complete, which vested the project to the codes in effect at the time of application.

Comment: What is being done to address increased crime?

Response: Police information and data show that these uses do not increase or decrease the crime in the area. These stores are required to have security cameras and systems and consult with law enforcement. The stores are also monitored by State and local law enforcement. No store currently open in Bellevue has failed a State-run sting operation

targeted to expose illegal sales to underage buyers.

Comment: What is being done to address pedestrian safety, increased traffic, people driving illegally, and noise?

Response: The applicant is required to widen the roadway to provide a 20-foot wide driving surface in front of the property. This will remove vegetation and increase sight distance of cars leaving this property. Marijuana retail stores have been open for some time in Bellevue and complaints regarding traffic and noise have not been reported to the City in relation to these stores. The City's Transportation Department has reviewed the proposal and found that the proposed marijuana retail store will not increase traffic beyond what is generated by the office and service uses on the site and has not required any mitigation for increased traffic. The proposed use will have no effect on the decisions that people make regarding compliance with traffic laws.

Comment: The property does not meet required setbacks, landscaping, parking, and impervious surface requirements of the zoning code.

Response: As discussed previously in this report, the site and structures are legally nonconforming to some zoning requirements. The site and structures are allowed to maintain their nonconforming status provided the cost of improvements to the structures on the site do not exceed set percentage levels of the total cost of the structures. The proposal does not trigger site upgrades for conformance with zoning requirements as improvements do not exceed the cost percentage that would require building or site compliance. However, to address comments and provide a better project, staff has required landscaping around the perimeter of the project, and the site must provide sufficient parking for the proposed retail use and a potential office use in the adjacent building. Frontage improvements are required to widen the road slightly and the parking lot is proposed to be reconfigured.

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

Storm Drainage

The project drains to Lake Washington via Richards Creek Basin. Binding site plans that divide an existing property are considered new development. There are no new, replaced or new plus replaced impervious surfaces proposed. Only MR #2 Construction Storm Water Pollution Prevention Plan (CSWPPP) may apply. See BCC 23.76 – Clearing and Grading Code for additional information.

Water

The water supply for this project is provided from City of Bellevue owned water mains located on SE 40th Place. The two existing buildings are presently served by one ¾-inch water meter. The easterly existing building will be required to install a new separate water service via UC permit (Water Service Application) as a condition of Binding Site Plan approval. Any irrigation lines or services are required to have an approved and certified backflow assembly installed as well as provide an Irrigation Water Budget prior to acceptance of the installation. **See Conditions of Approval in Section X.**

Sewer

The two existing buildings are served by a Joint Use Side Sewer. A recorded Joint Use Side Sewer Maintenance Agreement will be required as a condition of Binding Site Plan approval. **See Conditions of Approval in Section X.**

C. Transportation

The proposed Administrative Conditional Use Permit will convert one of two existing office buildings into a marijuana product retail store. The two existing buildings currently reside on one parcel with a shared driveway off of SE 40th Place. The ACUP application is merged with a binding site plan under a separate application to the City that proposes to split the parcel into two lots. The east building will remain as office on one parcel while the west building will change from office to miscellaneous retail on the second parcel.

The two buildings currently share driveway access onto SE 40th Place. The current right of way width for SE 40th Place is twenty-four feet. The pavement width starts out at twenty-feet at the intersection of Factoria Boulevard SE and SE 40th Place. The pavement width then narrows to approximately sixteen-feet along the frontage of the proposed project and east of the project until the end of SE 40th Place. There are also three parking stalls that extend into the right of way along the frontage of the project site.

The existing office building will receive a credit of 1.34-pm peak hour trips per 1,000-square feet of gross floor area. This results in five pm peak hour trip credit.

The proposed miscellaneous retail will results in 2.45-pm peak hour trips per 1,000-square feet of gross floor area. This results in eight pm peak hour trips. With the credit this change of use will result in three new pm peak hour trips.

As a result of having three new pm peak hour trips, 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

determine if mitigation is necessary. The existing public and private facilities do not meet Bellevue's minimum standards. As mitigation, the applicant will be required to widen the pavement to meet the minimum 20-feet of pavement required in Bellevue. This widening will start at the northeast property line and continue 15-feet past the northwest property line to connect to the existing 20-foot wide pavement section. The applicant will remove the three parking stalls located on SE 40th Place to eliminate cars backing out onto the public roadway. The applicant shall provide adequate facilities and internal circulation for vehicles to turn-around within the site without backing onto the public roadway. These mitigation items are required to bring the existing facilities into compliance with Bellevue's minimum standards and provide safe operations on SE 40th Place. **See Conditions of Approval in Section X.**

D. Fire Prevention

The Fire Department has reviewed the proposal and approved the project with conditions that required conformance with the applicable codes. Fire lane signage is required as well as physical protection of the fire hydrant located on SE 40th PI if the hydrant overhangs into the roadway. **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

Changes were required to provide frontage improvements, landscaping, meet parking requirements, and provide trash enclosures.

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 is to locate a commercial retail use in a land use district that allows retail and other commercial uses. As required by the Land Use Code and conditioned by this approval the project is compatible with surrounding uses (S-FA-4). The proposal is required to provide landscaping around the property perimeter and is providing road frontage improvements (S-FA-5). The proposal provides a new retail business use in an area zoned for retail and in a location that allows for pedestrian access rather than driving (LU-18). The proposal to locate a marijuana retail store is allowed by Washington State's legalization of marijuana for medical and recreational purposes. This use as proposed under the City's marijuana regulations, increases individual access to alternative treatment options (HS-10).

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 which can remain unchanged as discussed in this report. However, the existing structures incorporate sloped walls and roofs, shingles, wood siding, and other residential features that reflect this area which is transitioning from commercial uses to residential uses. The required landscaping also provides perimeter landscaping where little to no landscaping currently exists.

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

Finding: The proposed retail use does not change existing service levels of public facilities to this property or surrounding properties.

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 retail use in a zone that allows retail uses. The proposed product for sale 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. The possibility for crime or illegal access by minors are not a determining factor to limit this use at this location as these are potential issues anywhere in the City. 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 store 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 retail marijuana store.

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	Savina Uzunow, 425-452-7860
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	Derek Landis, 425-452-6032

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

1. **Clearing and Grading Permit Required:** A clearing and grading permit is required for the required landscaping improvements, irrigation, and other improvements to the parking lot and frontage on private property.

Authority: Land Use Code 20.30E.120
 Reviewer: Reilly Pittman, Development Services Department

2. **Building Permit:** Building permit 16-129656-BY is required to be completed and the plans revised to reflect any changes resulting from this approval. Final inspection and occupancy of the structure will not be approved until all exterior work for road improvements, landscaping, parking, and other improvements is completed and the associated permits are closed.

Authority: Land Use Code 20.30E.140
 Reviewer: Reilly Pittman, Development Services Department

3. **Preliminary Design, Utility Codes and Engineering Standards:** Utility review has been completed on the preliminary information submitted at the time of this application. The review has no implied approvals for water, sewer and storm drainage components of the project. A Utility Extension Agreement application will be required for review and approval of the utility design for sewer, water and storm. The side sewer connection will be reviewed, permitted and inspected under separate side sewer permits. Submittal of the Utility Extension will coincide with future clearing and grading permit review. Final civil engineering may require changes to the site layout to accommodate the utilities. Preliminary storm drainage review was completed under the codes and standards in place at the time of this application.

Authority: BCC Title 24.02, 24.04, 24.06
 Reviewer: Chris Brookes, Utilities Department

- 4. Right-Of-Way Use Permit:** Prior to issuance of any construction or clearing and grading permit, the applicant shall secure applicable right-of-way use permits from the City's Transportation Department, which may include:
- a) Designated truck hauling routes.
 - b) Truck loading/unloading activities.
 - c) Location of construction fences.
 - d) Hours of construction and hauling.
 - e) Requirements for leasing of right of way or pedestrian easements.
 - f) Provisions for street sweeping, excavation and construction.
 - g) Location of construction signing and pedestrian detour routes.
 - h) All other construction activities as they affect the public street system.

In addition, the applicant shall submit for review and approval a plan for providing pedestrian access during construction of this project. Access shall be provided at all times during the construction process, except when specific construction activities such as shoring, foundation work, and construction of frontage improvements prevent access. General materials storage and contractor convenience are not reasons for preventing access.

The applicant shall secure sufficient off-street parking for construction workers before the issuance of a clearing and grading, building, a foundation or demolition permit.

Authority: BCC 11.70 & 14.30

Reviewer: Ryan Miller, Transportation Department

- 5. Civil Engineering Plans – Transportation:** Civil engineering plans produced by a qualified engineer must be approved by the Transportation Department prior to issuance of the clearing and grading permit. The design of all street frontage improvements and driveway accesses must be in conformance with the requirements of the Americans with Disabilities Act, the Transportation Development Code, the provisions of the Transportation Department Design Manual, and specific requirements stated elsewhere in this document. All relevant standard drawings from the Transportation Department Design Manual shall be copied exactly into the final engineering plans. Requirements for the engineering plans include, but are not limited to:
- a) Traffic signs and markings.
 - b) Curb, gutter, sidewalk, and driveway approach design. The engineering plans shall be the controlling document on the design of these features; architectural and landscape plans must conform to the engineering plans as needed.
 - c) Curb ramps, crosswalk revisions, and crosswalk equipment such as pushbuttons. Reference ADA compliance or provision of a Design Justification Form.

- d) Installation or relocation of streetlights and related equipment.
- e) Undergrounding of existing overhead utility lines, which should be coordinated with adjacent sites. Transformers and utility vaults to serve the building shall be placed inside the building or below grade, to the extent feasible.
- f) Landscaping requirements (in these plans or separate landscaping plans). Note that the property owner is responsible for maintenance unless accepted by the city.
- g) As part of the traffic signal installation, the developer must pay a fee to integrate this signal into the city's adaptive signal management system (SCATS). Payment for SCATS is needed at the time the signal is added to the adaptive signal management system and in no case later than occupancy of the first building.
- h) Sight distance. Show the required sight triangles and include any sight obstructions, including those off-site. Sight distance triangles must be shown at all driveway locations and must consider all fixed objects and mature landscape vegetation. Vertical as well as horizontal line of sight must be considered when checking for sight distance.
- i) City standards for driveway widths range from 30 to 36 feet on arterial streets, and 26 to 30 feet for local streets. Driveway aprons must be constructed in accordance with Design Manual.
- j) Location of fixed objects in the sidewalk or near the driveway approach.
- k) Trench restoration within any right of way or access easement.

Specific requirements are detailed below.

- a) Widening of pavement to a minimum width of 20-feet.
- b) Removal of street parking on SE 40th Place.
- c) Installation of concrete curb and gutter along the frontage with a driveway approach per the Design Manual.

Construction of all street and street frontage improvements must be completed prior to closing the clear and grade permit and right of way use permit for this project. A Design Justification Form must be provided to the Transportation Department for any aspect of any pedestrian route adjacent to or across any street that cannot feasibly be made to comply with ADA standards. Design Justification Forms must be provided prior to approval of the clear and grade plans for any deviations from standards that are known in advance. Forms provided in advance may need to be updated prior to project completion. For any deviations from standards that are not known in advance, Forms must be provided prior to project completion.

Authority: BCC 14.60; Transportation Department Design Manual; Americans with Disabilities Act

Reviewer: Ryan Miller, Transportation Department

- 6. Record Binding Site Plan:** Binding site plan application 16-129277-LF is required to be completed and the plan recorded with the King County Assessor prior to issuance of the

submitted building permit.

Authority: Land Use Code 20.20.535

Reviewer: Reilly Pittman, Development Services Department

- 7. Fire Lane Signage and Hydrant Protection:** Fire lane signage and marking shall be indicated along the east wall of the retail building (west building). See Bellevue Fire Department info sheet F-11. Physical protection shall be required for the fire hydrant on SE 40th Place if the hydrant overhangs into the roadway.

Authority: 2012 International Fire Code 507.5.6

Reviewer: Derek Landis, Fire Department

- 8. 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.

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

Reviewer: Ryan Miller, Transportation Department

- 9. Odor, Signage, and Security:** Plans approved under the building permit shall be in conformance with requirements for odor, signage, and security applicable to retail marijuana uses.

Authority: Land Use Code 20.20.535

Reviewer: Reilly Pittman, Development Services Department

- 10. Shared Parking and Trash Agreement:** A separate agreement establishing the parking lot on the site as shared between both buildings is required. The agreement must also state that additional parking will be required if either use in the buildings change from retail and office.

Authority: Land Use Code 20.30E.120; LUC 20.20.590; LUC 20.20.725

Reviewer: Reilly Pittman, Development Services Department

- 11. Landscaping and Temporary Irrigation:** The perimeter landscaping plan proposed is approved on a conceptual basis. Changes to species or plant quantity may be required as part of the review of the required clearing and grading permit to conform to the landscaping requirements of LUC 20.20.520. If permanent irrigation is not provided temporary irrigation for one year is required and shall be shown on the plans.

Authority: Land Use Code 20.30E.120

Reviewer: Reilly Pittman, Development Services Department

12. 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

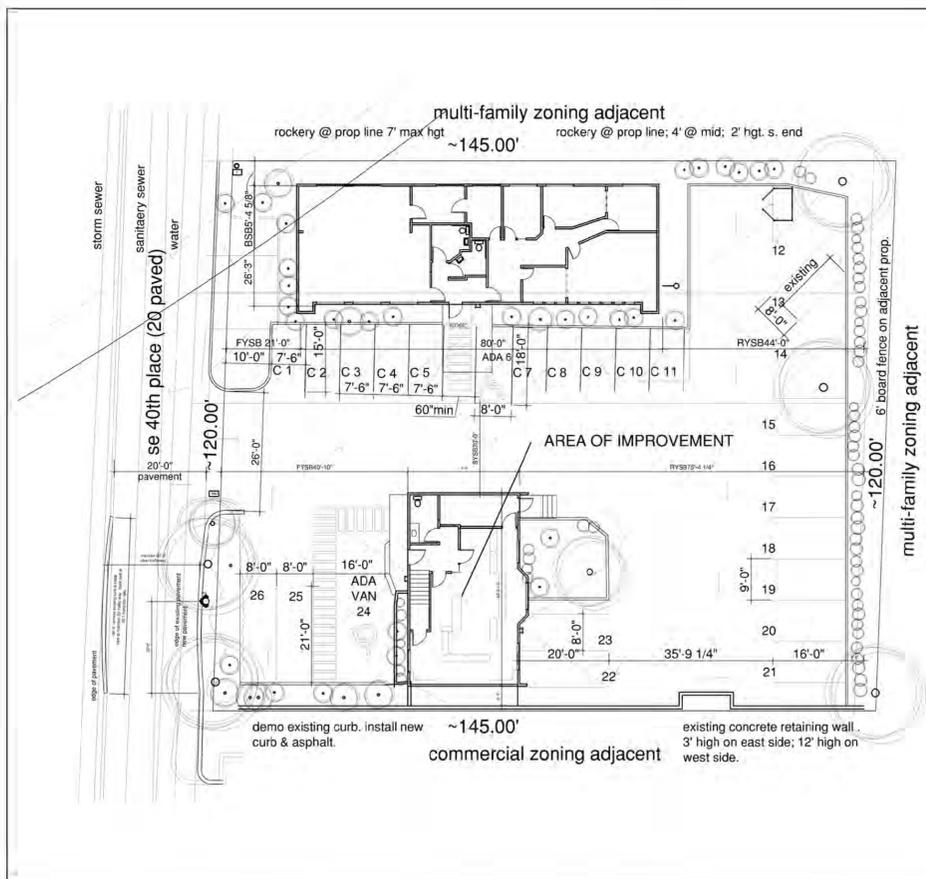
13. Noise Control: Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited 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.

Authority: Bellevue City Code 9.18

Reviewer: Reilly Pittman, Development Services Department



12827 SE 40th Bellevue WA.



SITE PLAN
SCALE: 0 8 16 32 NORTH

LEGAL DESCRIPTION

S 145 FT OF E 120 FT OF W 395 FT OF N 1/2 OF NE 1/4 OF NE 1/4 LESS C/M RGTS

PROPERTY INFORMATION

ZONING: CB; CURRENT USE OFFICE & TRAINING. ACUP IN PROCESS 16-129278; BSP 16-129277
COMPREHENSIVE PLAN DESIGNATION: CB

TAX ACCOUNT NUMBER: 162405-9213

AREA OF IMPROVEMENT



VICINITY MAP
SCALE: 0 1000 FEET NORTH

OWNER
CONTRACTOR
ARCHITECT

PROJECT TEAM

EVERGREEN LAKE INVESTMENTS

c/o PAR 5, LLC
P.O. Box 848
Medina, WA 98039
CONTACT PERSON: TERA MARTIN
425.502.7033 x701
tera@green-theory.com

ROBERT S. MILLER & ASSOCIATES

100 WAVERLY WAY
KIRKLAND, WA 98033
CONTACT PERSON: BOB MILLER
425.822.0100
rsm@spaceplan.com

TO BE DETERMINED

CONTACT PERSON: .
PHONE: .
LICENSE NUMBER: . EXPIRES .
UBI NUMBER: .

BUILDING INFORMATION

CONSTRUCTION: V-B NON-SPRINKLED
OCCUPANCY: M, B, S2
SEISMIC ZONE: 3
SEWER DISPOSAL: PUBLIC SEWER
STORIES / BASEMENTS: 2 / 1
YEAR BUILT: 1979

APPLICABLE BUILDING CODES:
2012 INTERNATIONAL BUILDING CODE & ICC A 117.1 2009 ACCESSIBILITY
2012 INTERNATIONAL BUILDING CODE
2012 WASHINGTON STATE ENERGY CODE
2012 UNIFORM PLUMBING CODE
2012 INTERNATIONAL MECHANICAL CODE
2012 INTERNATIONAL FIRE CODE
2012 NATIONAL ELECTRICAL CODE
2012 WAC-51-50, 51, 52, 54, 56, 57, 11, 13, & 296-46B
CITY OF BELLEVUE ORDINANCES

TENANT AREA: 2,102 SF
TOTAL BUILDING AREA: 2,101 SF
TOTAL SITE AREA: 17,411 SF (.399A)
TOTAL BUILDING AREA ON SITE: 4,189 SF

PARKING REQUIRED: 2 - 28 SPACES
PARKING PROVIDED: 26 SPACES

PROJECT DESCRIPTION

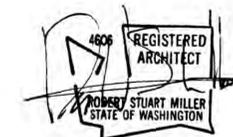
ADMINISTRATIVE CONDITIONAL USE PERMIT APPLICATION TO CHANGE THE USE OF THIS PROPERTY FROM OFFICE TO RETAIL. BINDING SITE PLAN ACCOMPANIES THIS APPLICATION. CHANGE PARKING, STREET WIDTH & LANDSCAPE PER REQUIREMENTS OF CITY OF BELLEVUE PLANNING DEPARTMENT.

ACUP PERMIT NUMBER 16-129278-LA
BSP PERMIT NUMBER 16-129277-LF
TI PERMIT NUMBER 16-129656-BY

SHEET INDEX

COVER SHEET - ADMINISTRATIVE INFORMATION
SHEET 1 - SITE PLAN & CALCULATIONS
SHEET L5.01 - LANDSCAPE PLAN & DETAILS

DATE:	NUMBER:	ISSUED FOR:
12MAR2016	1	ACUP APPLICATION
14APR2016	2	PRELIM REV
19APR2016	3	TI PERMIT AP
12JUL2016	4	ACUP/BLDG REV'S
05AUG2016	5	ACUP SITE REV'S



COVER

architecture
space planning
interior design

ROBERT S. MILLER & ASSOCIATES

100 Waverly Way
Kirkland, WA 98033

TEL 425.822.0100
FAX 206.770.7244

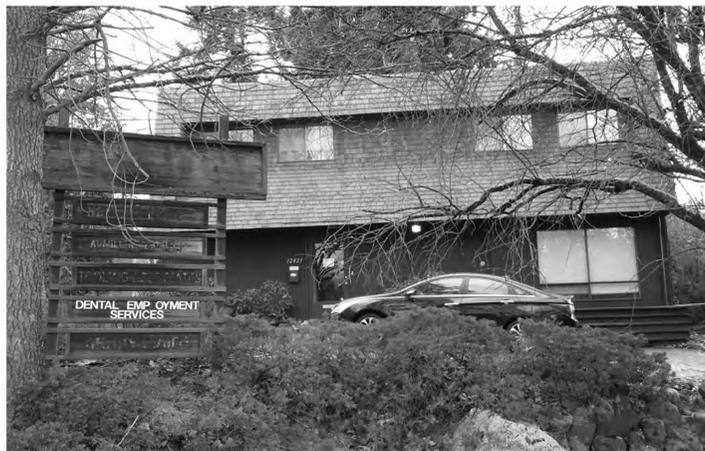
TENANT IMPROVEMENTS FOR:



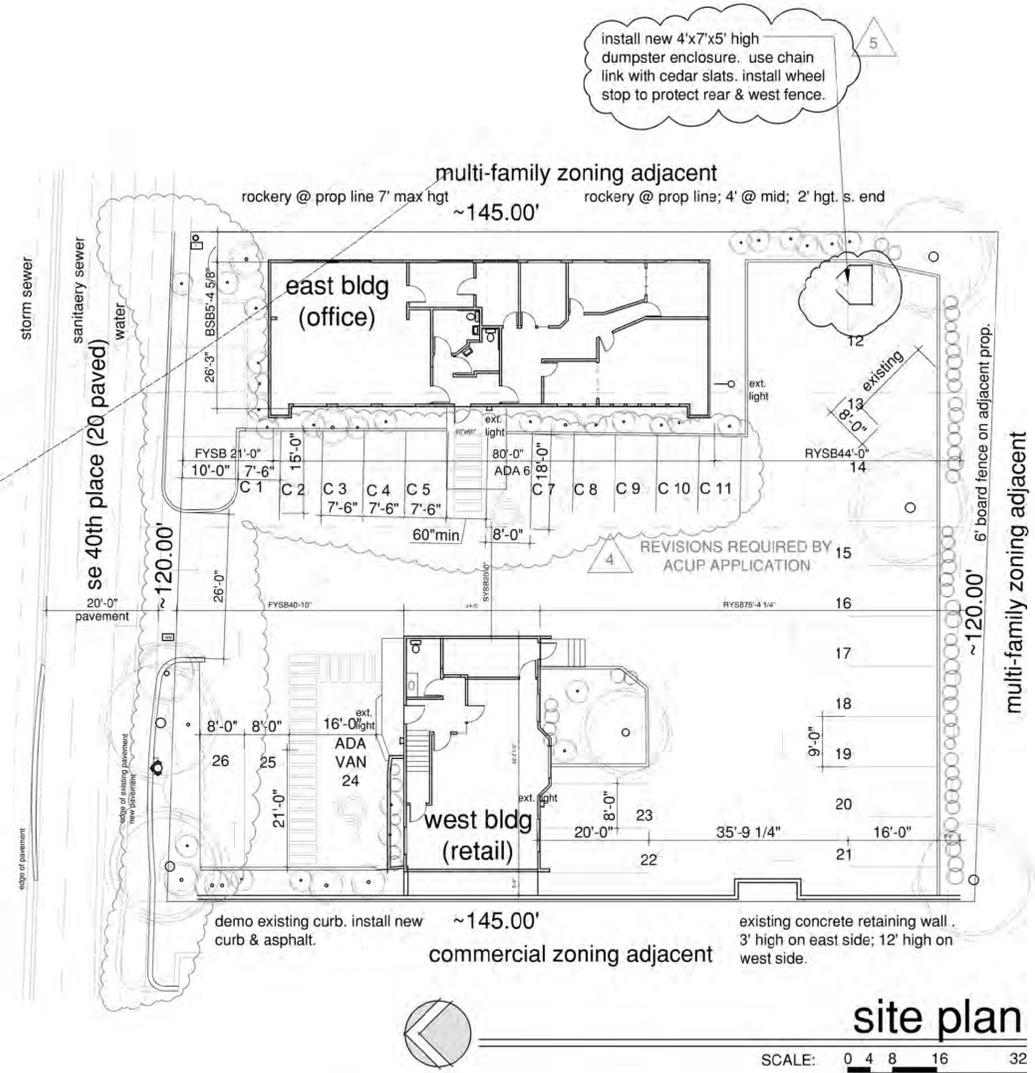
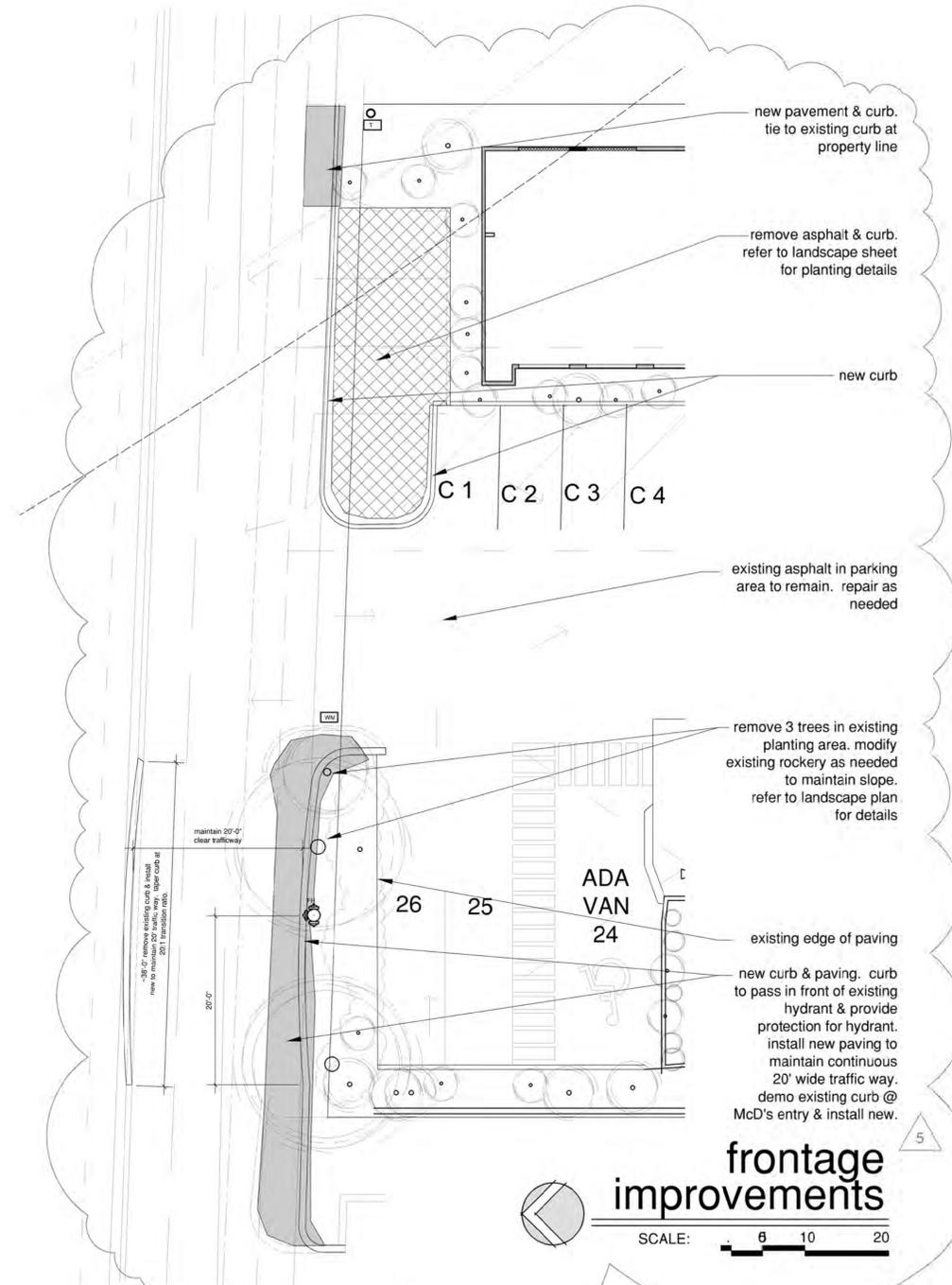
12827 SE 40th
Bellevue WA.

RSMA JOB NO.:150116

BUILDING PERMIT NUMBER:



exterior elevations



no adjacent easements on this property.
 no ground mounted mechanical equipment.
 all mechanical equipment is roof mounted & screened behind a parapit wall. see elevations.
 no sensitive area or overlay district setbacks.
 no change to existing grades.
 no change to existing landscape or plantings
 no critical areas in the vicinity
 no public sidewalks serve this site or street.
 no phased construction.

impervious area calculation:
 site area: 17,411 sf
 building area: 3,129 sf
 paving & other imperv.: 10,319 sf
 LS & pervious area: 3,973 sf

max allowed impervious coverage = 85%
impervious area = $13448/17411 = 77.24\%$

project information

office building: 1-story 2097 sf
 retail building: 2 story + basement 3284 sf
 zoning: CB

parking calculation:
 retail 5/m min; 5.5/m max
 office 4/m min; 5/m max

	min	max
east building	8.34	10.43
office area		
west building		
retail area	15.66	17.26
(total building area)		

total required 24.00
total stalls provided 26

legal
 S 145 FT OF E 120 FT OF W 395 FT OF N
 1/2 OF NE 1/4 OF NE 1/4 LESS C/M RGTS

tax

162405-9213

DATE:	NUMBER:	ISSUED FOR:
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siteplan

architecture
 space planning
 interior design

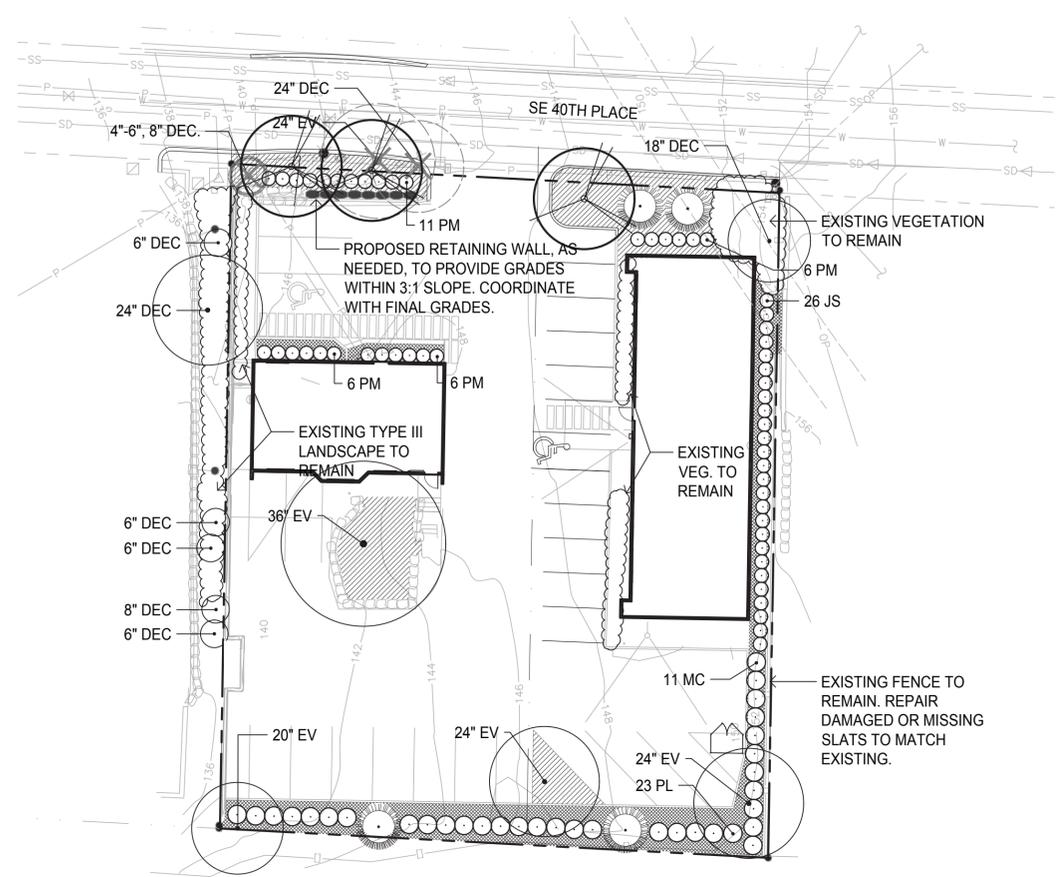
TENANT IMPROVEMENTS FOR:

ROBERT S. MILLER & ASSOCIATES
 100 Waverly Way
 Kirkland, WA 98033
 TEL 425.822.0100
 FAX 206.770.7244

GREEN-THEORY
 Bellevue's Retail Marijuana Store
 12827 SE 40th
 Bellevue, WA.

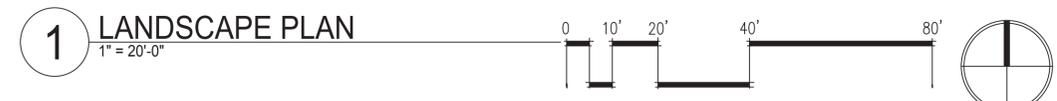
DATE	ISSUE
7.13.2016	ACUP & BSP
8.8.2016	ACUP & BSP

DESIGNED: MW
DRAWN: MW
CHECKED: MW
DATE: 7.7.2016



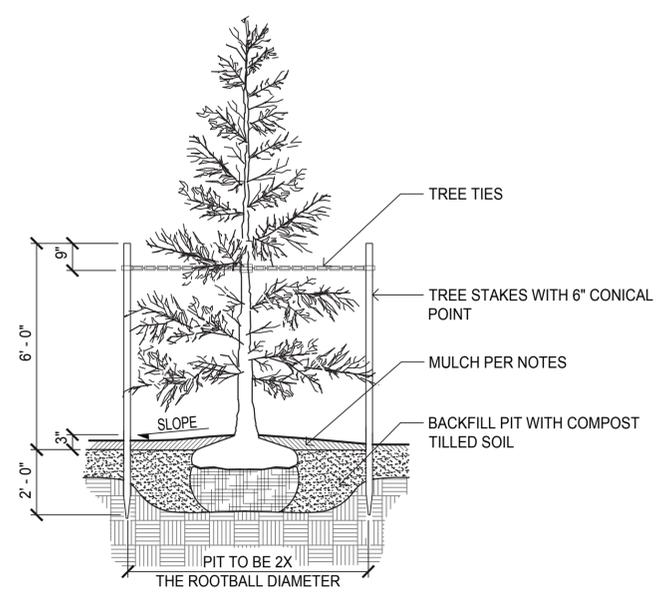
SYMBOL	TREE	NOTES
	DECIDUOUS TREE TO BE REMOVED	
	EVERGREEN TREE TO BE REMOVED	
	EXISTING TREES TO REMAIN	
	DECIDUOUS TREE TO REMAIN	PRESERVE AND PROTECT
	EVERGREEN TREE TO REMAIN	PRESERVE AND PROTECT

SYMBOL	BOTANICAL NAME / COMMON NAME	SIZE	NOTES
DECIDUOUS TREES			
	ACER PLATANOIDES 'CRIMSON SENTRY' / CRIMSON SENTRY NORWAY MAPLE	2" CAL.	B&B, FULLY HEADED, STRAIGHT CENTRAL TRUNK
EVERGREEN TREES			
	PINUS CONTORTA VAR. CONTORTA / SHORE PINE	6' HT.	B&B, FULL & BUSHY TO BASE
SHRUBS			
JS	JUNIPERUS SCOPULORUM 'SKYROCKET' / SKYROCKET JUNIPER	4' HT.	B&B, FULL & BUSHY TO BASE, 3' O.C.
MC	MYRICA CALIFORNICA / PACIFIC WAX MYRTLE	30"-36" HT.	FULL FOLIAGE, 4' O.C.
PM	PINUS MUGO VAR PUMILIO / DWARF MUGO PINE	21"-24" HT.	FULL FOLIAGE, 3' O.C.
PL	PRUNUS LUSITANICA / PORTUGAL LAUREL	30"-36" HT.	FULL FOLIAGE, 4' O.C.
GROUNDCOVER			
	ARCTOSTAPHYLOS UVA-URSI / KINNIKINNICK	1 GAL.	FULL FOLIAGE, 30" O.C.
	JUNIPERUS SABINA 'BROADMOOR' / BROADMOOR JUNIPER	1 GAL.	FULL FOLIAGE, 36" O.C.



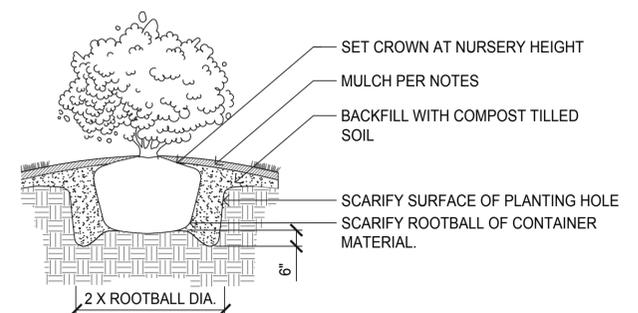
LANDSCAPE NOTES:

1. INSTALL GROUNDCOVER IN ALL PLANTING BEDS RECEIVING NEW SHRUBS.
2. ROTOTILL 6" DEPTH OF CEDAR GROVE COMPOST INTO 12" OF EXISTING SOIL IN ALL AREAS RECEIVING NEW LANDSCAPE. TOP DRESS WITH 2" DEPTH OF CEDAR GROVE LANDSCAPE MULCH.
3. PROVIDE 30 DAYS MAINTENANCE BEYOND FINAL ACCEPTANCE AND 1-YEAR WARRANTY ON ALL WORK.
4. IRRIGATION SHALL BE DESIGN BUILD OR OWNER SHALL PROVIDE HAND WATERING FOR FIRST YEAR UNTIL PLANTINGS ARE ESTABLISHED. AFTER ESTABLISHMENT, OWNER SHALL BE RESPONSIBLE FOR PROVIDING SUPPLEMENTAL HAND WATERING, AS NECESSARY, TO KEEP PLANTS ALIVE.

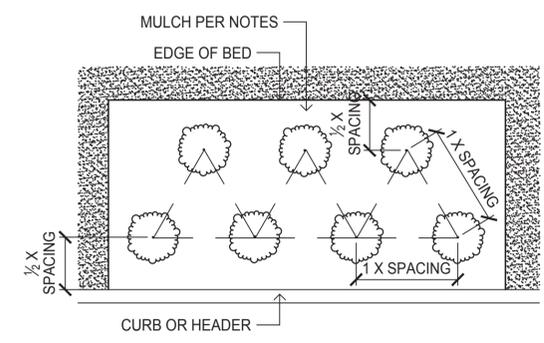


NOTES:
1. PLANT TREES HIGH ENOUGH TO ALLOW POSITIVE DRAINAGE AWAY FROM ROOTBALL.

2 EVERGREEN TREE PLANTING
3/8"=1'-0"



3 SHRUB PLANTING
3/8"=1'-0"



NOTES:
1. SPACING FOR GROUNDCOVER TO BE TRIANGULAR PER DISTANCE SHOWN ON PLANT SCHEDULE.
2. CONTINUE GROUNDCOVER UNDER TREE CANOPIES UP TO 30" FROM TRUNK

4 GROUND COVER PLANTING
3/8"=1'-0"

LANDSCAPE PLAN, SCHEDULE, NOTES AND DETAILS
 GREEN THEORY
 12827 SE 40TH
 BELLEVUE, WASHINGTON

L5.01