

City of  
Bellevue



# MEMORANDUM

DATE: December 5, 2007

TO: Chair Robertson  
Members of the Planning Commission

FROM: Paul Inghram AICP, Comprehensive Planning Manager 452-4070  
[pinghram@bellevuewa.gov](mailto:pinghram@bellevuewa.gov)  
Nicholas Matz AICP, Senior Planner 452-5371  
[nmatz@bellevuewa.gov](mailto:nmatz@bellevuewa.gov)

SUBJECT: Public Hearing for Comprehensive Plan Amendment for SRO Factoria (07-104704 AC)

On December 12, 2007 the Planning Commission will conduct a public hearing to receive testimony related to a Comprehensive Plan Amendment (CPA) for SRO Factoria in the Factoria Subarea.

## BACKGROUND

This site-specific, privately initiated Comprehensive Plan Amendment (CPA) proposes to:

- Amend Policy S-FA-57 and the Glossary definition of Office to allow additional office development of up to a total .75 Floor Area Ratio (FAR) in Office Limited Business (OLB) and Office (O) designations on 12.33 acres of F2- and O-zoned land located at 3505-3545 128<sup>th</sup> Ave SE and 12600 SE 38<sup>th</sup> St.

The proposal for .75 FAR could allow up to 175,000 square feet of additional office space at the subject location. Currently, the area of the amendment request has 227,760 square feet of office space along with a multi-screen movie theater. These sites taken together count toward an existing office FAR of .58. It is presumed that, under the proposal, the movie theater building would be replaced by a new office building.

The November 21, 2007 staff report provides additional background information, discusses the public notice process, and analyzes the consistency of the proposal with the Comprehensive Plan Amendment decision criteria. Please **bring the November 21 staff report** to the December 12 Planning Commission public hearing.

## PUBLIC COMMENT

Public comment on this CPA has included telephone calls asking about the proposal. Staff have also held several meetings with the applicant and applicant representatives for discussion.

## **STAFF RECOMMENDATION**

As detailed in the November 21 staff report, this proposal does not satisfy the decision criteria for a Comprehensive Plan Amendment. Following the December 12 public hearing and consideration of the public comment and analysis in the staff report, staff recommends **DENIAL** of the proposed Comprehensive Plan Amendment.

## **PLANNING COMMISSION ACTION**

We request that you conduct and close the public hearing, discuss the proposal, ask questions of staff and reach a recommendation.

## **ATTACHMENT**

1. Applicant proposal

## Applicant Proposal



STERLING REALTY ORGANIZATION

**David Schooler**

President  
(425) 455-8167  
davids@sterlingrealty.com

March 5, 2007

Nicholas Matz  
Senior Planner  
Department of Planning and Community Development  
City of Bellevue  
450- 110th Avenue NE  
Bellevue, WA 98004

Re:  
File No. 07-104704-AC  
Application for a Comprehensive Plan Amendment  
3505 - 128th Avenue SE/Factoria

Dear Mr. Matz,

With my letter of January 29, 2007, which accompanied Sterling Realty Organization's application for a Comprehensive Plan Amendment submitted to the City on January 31, 2007, I outlined the purpose for the requested amendment. Stated simply, our request is for amended Comprehensive Plan language to support a text amendment to the Land Use Code that would allow the development of 120,000 - 130,000 square feet of office space (with underground parking and design review) at the location of the existing Factoria Cinema. We applied for the amendment at this time because the lease for the theater will end in the near future and we anticipate the possibility that the theater may cease operation. Without approval of an amendment the Comprehensive Plan and Land Use Code will not permit any additional office development on SRO's Factoria properties.

With our January 31 application we requested, a 1 FAR to be applicable to four contiguous F2 zoned/OLB designated properties with a total of 8.95 acres. We recognize that, with the exception of the F3 zoned/OLB designated properties which have a permitted average FAR of 1.26 for all uses, the requested 1 FAR would be twice that allowed for other office development outside of the Downtown. However, existing Comprehensive Plan and Factoria Subarea Plan policies acknowledge the increasing shortage of land available for office uses outside of the Downtown, thereby establishing a recognition that some increase in allowable intensity for office development will be needed in this area.

The purpose of this letter is to ask that the geographic area of the CPA be expanded to include SRO's Office zoned/O designated 3.38 acre parcel 092405-9055, which is contiguous to the OLB properties. With the addition of the Office parcel to the CPA area an FAR of .75 applied to the contiguous 12.33 acres of property would create an increase in office development capacity for Factoria subarea District 2 roughly equivalent to that of our original requested amendment. Expanding the CPA to include all five contiguous O and OLB (F2) properties would increase by a third the amount of land area subject to design review. While either scenario is would achieve SRO's goal, we believe that expanding the area of the CPA to include the 3.38 acres of O zoned property is not only consistent with the goals of the Comprehensive Plan and Factoria subarea plan, but provides the City with greater design control in the coordination of future pedestrian access, landscaping and other site elements as development occurs in this visually prominent sector of the Factoria subarea.

If the Planning Commission is willing to consider the expanded area for a CPA, our proposed amendment language would be modified to state:

Amend Factoria subarea policy S-FA-57

POLICY S-FA-57. Explore providing incentives to developers on the Factoria Boulevard commercial corridor to build underground parking that would enhance the pedestrian orientation of a site.

Discussion: The movie theater on the OLB designated property located at the southwest intersection of Factoria Boulevard and S.E. 36th Street is expected to cease operation in the near future. The theater site is one of five contiguous Office (O) and OLB designated properties in a single ownership. It is also at the north gateway to the Factoria subarea. An incentive of additional permitted office use not to exceed .75 FAR for these Office (O) and OLB designated properties will create an opportunity for redevelopment of the theater property with office and subordinate retail uses of the intensity necessary to support underground parking. Design review should be required to ensure improved pedestrian orientation and the highest quality of building and site design for this gateway location.

*Amend the Glossary definition of Office*

*Office (O) — A land use designation that provides for the location of low-intensity office for business, financial, administrative and professional services.*

*Discussion: A low intensity office is an office building or office portion of a building with a floor area ratio (FAR) of 0.5 or less and where the following sliding scale is used: At 0.5 FAR, no office building or portion of a building may exceed 50,000 square feet of gross floor area; at 0.3 FAR, 100,000 square feet; at 0.1 FAR, 150,000 square feet.*

*To provide significant permanent open space and to allow a shift of development potential, office intensity of no more than .5 is allowed on properties designated OLB-OS. In this district, the sliding FAR scale does not apply.*

*A medium intensity office is a building of at least 0.5 FAR but not exceeding 3.0 FAR.*

*A high intensity office is a building of at least 3.0 FAR.*

*Medium and high intensity offices are only located in the Downtown with the following exception: The 1993 Factoria annexation agreement created special circumstances for development in Factoria from 1993-2000 to permit office buildings of higher intensities.*

*To provide an incentive for future development of the Office and OLB designated portion of District 2 of the Factoria subarea west of Factoria Boulevard to incorporate underground parking and design elements that support an integrated pedestrian system with improved transit access an office intensity of no more than .75 is allowed. In these districts the sliding scale does not apply.*

*To provide significant permanent open space and to allow a shift of development potential, office intensity of no more than .5 is allowed on properties designated OLB-OS. In this district, the sliding FAR scale does not apply.*

If there are any questions regarding this letter or our previous submittal documents, you may reach me by phone at (425) 455-8167 or email at [davids@sterlingrealty.com](mailto:davids@sterlingrealty.com) or our representative Michael Aippersbach at (206) 523-3764, [maipp@comcast.net](mailto:maipp@comcast.net).

Sincerely,



David Schooler

President

*Yes. At the time of the last Comprehensive Plan Update, the theater was considered a long-term use and there was adequate office use capacity in the I-90 corridor.*

- F. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and

*Expansion of the OLB land area is not being considered. Only contiguous OLB properties would be affected in this proposed revision.*

- G. The proposed amendment must also manage...

**The applicant response to the Final Review Decision Criteria begins below.**

*Yes. This is... earlier premises of the plan no longer apply and the plan needs to be... Bellevue's Comprehensive Plan states that "The maps, goals, and policies provide the basis for the adoption of regulations, programs, and services which implement the plan. The plan serves as a guideline for designating land uses and infrastructure development as well as developing community services" (p. 7, Introduction). The plan further states that "Bellevue's implementation program is comprised of a combination of short-term and long-term actions" (p. 9, Introduction). It goes on to state that "Long-term actions include subarea planning, monitoring, evaluating, and amending the plan as conditions change....."*

*Yes. The proposed amendment is being proposed to accommodate changed conditions as contemplated on the City's General Comprehensive Plan.*

- H. State law requires, or a decision of a court or administrative agency has directed such a change.

N/A.

**Final Review Decision Criteria:**

- A. There exists obvious technical error in the pertinent Comprehensive Plan provision; or

N/A.

- B. The following criteria have been met:

1. The proposed amendment is consistent with the Comprehensive Plan and other goals and policies of the City, the Countywide planning Policies, the Growth management Act and other applicable law; and

*Yes. This is a case where the earlier premises of the plan no longer apply and the plan needs to be amended. Bellevue's Comprehensive Plan states that "The maps, goals, and policies provide the basis for the adoption of regulations, programs, and services which implement the plan. The plan serves as a guideline for designating land uses and infrastructure development as well as developing community services" (p 7, Introduction). The plan further states that "Bellevue's implementation program is comprised of a combination of short-term and long-term actions" (p. 9, Introduction). It goes on to state that "Long-term actions include subarea planning, monitoring, evaluating, and amending the plan as conditions change....."*

2. The proposed amendment addresses the interests and changed needs of the entire City as identified in its long-range planning and policy documents; and

*Yes. Assisting in accommodating Bellevue's share of regional jobs and housing growth (spurred on by increases in employment opportunities) is provided by this proposed text amendment to the Comprehensive Plan and Factoria Subarea Plan. The amendment as proposed allows an opportunity for the City to address urban design issues at a key location in Factoria through the design review process and guided by urban design and transportation policies.*

3. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 for the definition of "significantly changed conditions"; and

*Yes, the changed conditions are (1) the anticipated departure of the theater use at the site and (2) the general demand for more intense office space along the I-90 corridor to increase employment opportunities in a designated employment center which were unknown at the last time the plan was updated.*

4. If a site-specific proposed amendment, the subject property is suitable for development in general conformance with adjacent land use and surrounding development pattern, and with zoning standards under potential zoning classifications; and

*The proposed text amendment allows for an increase in office intensity within the Factoria portion of the I-90 corridor – an increase in intensity of office development that is already present in the Eastgate portion of the I-90 corridor.*

5. The proposed amendment demonstrates a public benefit and enhances the public health, safety and welfare of the City.

*Yes, the amendment as proposed demonstrates a public benefit by permitting expansion to increase the intensity of office development. This change would allow for a greater level of employment opportunities in a designated employment center. In addition, the applicant would volunteer to submit future site development plans through the City's design review process. The design review process provides an opportunity to enhance public health, safety, and welfare by encouraging underground parking which would release more ground area. Having more ground area would allow for an opportunity to provide measures that would allow for mutually beneficial solutions to gateway issues involving urban design such as landscaping and building design at a key location in Factoria, and to a improving the existing pedestrian system and allow for potential transit improvements.*

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