City of Bellevue

MEMORANDUM

DATE: April 15, 2009

TO: Bellevue Planning Commission

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

SUBJECT: April 22, 2009, Public Hearings on 2009 Annual Comprehensive Plan Amendment Threshold Review and Site-specific Geographic Scoping

- Newport Professional Buildings 09-104623 AC
- Kinoshita 09-104700 AC

PLANNING COMMISSION ACTION

On April 22, 2009, the Planning Commission will hold public hearings to consider the 2009 applications for CPA under Threshold Review. The Planning Commission is asked to recommend by motion those applications that should be initiated for Comprehensive Plan amendment under LUC 20.30I.140. The Commission is also asked to recommend by motion on geographic scoping under LUC 20.30I.130.A.1.a.ii.

Sample motion language (for reference): I move to recommend *initiation/no further consideration* of the *name* CPA application for the 2009 Annual Comprehensive Plan amendment process, and *expand/not expand* through geographic scoping to include the *named* propert[ies].

BACKGROUND

The 2009 List of Initiated Applications has been established to consider amendments to the Comprehensive Plan. The List is the tool the city uses to consider proposals to amend the Comprehensive Plan. Such consideration is limited to an annual process under the state GMA.

Threshold Review action produces proposed amendments for the annual CPA work program. This 2009 annual CPA work program consists of four steps:

1. Planning Commission study sessions and public hearings to recommend whether initiated proposals should be considered for Comprehensive Plan amendment (March-April);
2. City Council action on Planning Commission recommendations to establish the annual work program (May*);
3. Planning Commission study sessions and public hearings to consider and recommend on proposed Comprehensive Plan Amendments (summer-fall);
4. City Council action on Planning Commission recommendations to adopt amendments (fall).

*(*Please note: The City Council will also act at this time on staff requests to initiate an amendment to the Capital Facilities Element updating references to the current Capital*

Investment Program (CIP) and to initiate an amendment to the Transportation Element at Figure TR.2—Travel Demand Forecasts. If Council initiates these amendments they will become part of the 2009 annual CPA work program, and the Planning Commission will review them through Final Review.)

THRESHOLD REVIEW DECISION CRITERIA

The Threshold Review Decision Criteria for a proposed Comprehensive Plan Amendment are set forth in the Land Use Code in Section 20.30I.140. Based on the criteria, Department of Planning and Community Development staff is recommending that **none** of the site-specific applications should be included in the 2009 annual CPA work program. These recommendations are explained in the staff reports included here in Attachments 1-2. **You do not need to bring your April 2 copies of the staff reports to the April 22, 2009, hearing.**

Staff Recommendation Summary

CPA Application Site-specific	Description of Applicant Proposals *Subarea*	Attachment **Staff recommendation** *Geographic scoping*
Newport Professional Building *09 104623 AC*	Map change of 0.62 acres from PO (Professional Office) to CB (Community Business) with development conditions to be realized through rezone 4307 and 4317 Factoria Boulevard SE *Factoria*	Attachment 1 **No** *Expand geographic scope to include 4301 Factoria Boulevard SE*
Kinoshita *09 104700 AC*	Map change of 0.57 acres from SF-H (Single Family-High) to MF-M (Multifamily-Medium) 1429 Bellevue Way SE *Southwest Bellevue*	Attachment 2 **No** *Do not expand geographic scope*

ISSUES IDENTIFIED DURING FEBRUARY 25, 2009, STUDY SESSION

Planning Commissioners directed staff to research several application issues after their February 25, 2009, study session introducing the CPAs.

Newport Professional Building

1. Commissioner Sheffels asked how a development condition would restrict ground floor commercial uses in a redeveloped building.

   The applicant has proposed a development condition that would exclude retail uses from the ground floor of a building or buildings developed under Community Business. Office and residential uses would predominate under the applicant's proposal, although retail uses would be allowed on upper floors. The applicant has also proposed an affordable housing component as a development condition, to ensure some level of housing affordability in residential land uses here. The presumption of affordability is that residents would meet qualifying median income standards.

   A development condition could be implemented with a CPA recommendation. It would be awkward, because it means some combination of policy amendments, zoning conditions, and

code amendments for a single site, and for what otherwise would be a simple map change. The city has adopted policy language in somewhat similar circumstances to inform future actions specific to a site or geographically-defined area. Recent examples of this include Sambica (2008), Wilburton-Gateway (2006), and Botch (2003). However, there is another consideration in attaching such specificity in development conditions to a CPA map change. Restricting commercial retail uses in a CB district is inconsistent with the underlying commercial use designation intended to allow these range of uses.

2. Commissioner Robertson asked what a dimensional analysis under existing PO and proposed CB designation would show, including the maximum building "envelope" and building heights to the street level.

   Under any non-residential designation for these parcels, the combinations of small lot size, historical circumstance, and the location between Newport High and Factoria Boulevard makes maximizing redevelopment difficult. Dimensional requirements for setbacks, allowed building heights, parking, landscaping, Transition Area, and existing parcel-to-parcel agreements for access easements and signage, all combine to diminish the relative differences in comparing various building envelopes.

   Professional Office
   A PO designation could produce a building of two stories up to 30 feet high. The height as viewed from Factoria Boulevard would be affected by the slope of the properties to the west down from street level. The setback from property lines would be 30 feet from Factoria Blvd, 30 feet from Newport High School boundaries (due to Transition), and 20 feet from Factoria Dental. The maximum total building area would be approximately 19,200 square feet.

   Community Business
   A CB designation could produce a building of three stories up to 45 feet high. As with PO, the height as viewed from Factoria Boulevard would be affected by the slope of the properties to the west down from street level. The setback from property lines would be 0 feet (10 foot-landscaping only) from Factoria Blvd, 30 feet from Newport High School boundaries (due to Transition), and 8 feet from Factoria Dental. The maximum total building area would be approximately 43,000 square feet.

   Summary of the two designations
   For both PO and CB designations, the feasible building area is likely less than the building area allowed through the combination of Transition building height and setback limits. The space needed for required parking and the 0.5 FAR office maximum limit the ability of the parcels to achieve the total floor area allowed. Existing access agreements between the three parcels will also likely influence any redevelopment.

3. Commissioner Robertson asked for a comparison of the CPA "history" of the site versus St. Margaret's.

   The buildings on the two parcels were built in 1963 (Lorge), 1923 and 1979 (Benis). The Factoria Dental building was built in 1982. All three properties were annexed in 1994. The Factoria Area D CPA amended the Comprehensive Plan from SF-H to PO in 1997.

St. Margaret's was built in 1969 (the annex building was built in 2001). The property was annexed in 2001. The St. Margaret's CPA amended the Comprehensive Plan from SF-H to MF-H in 2007, after the applicant first proposed CB.

4. Commissioner Robertson asked for clarification of the third property owner's intent in participating in the CPA process via expansion of geographic scoping.

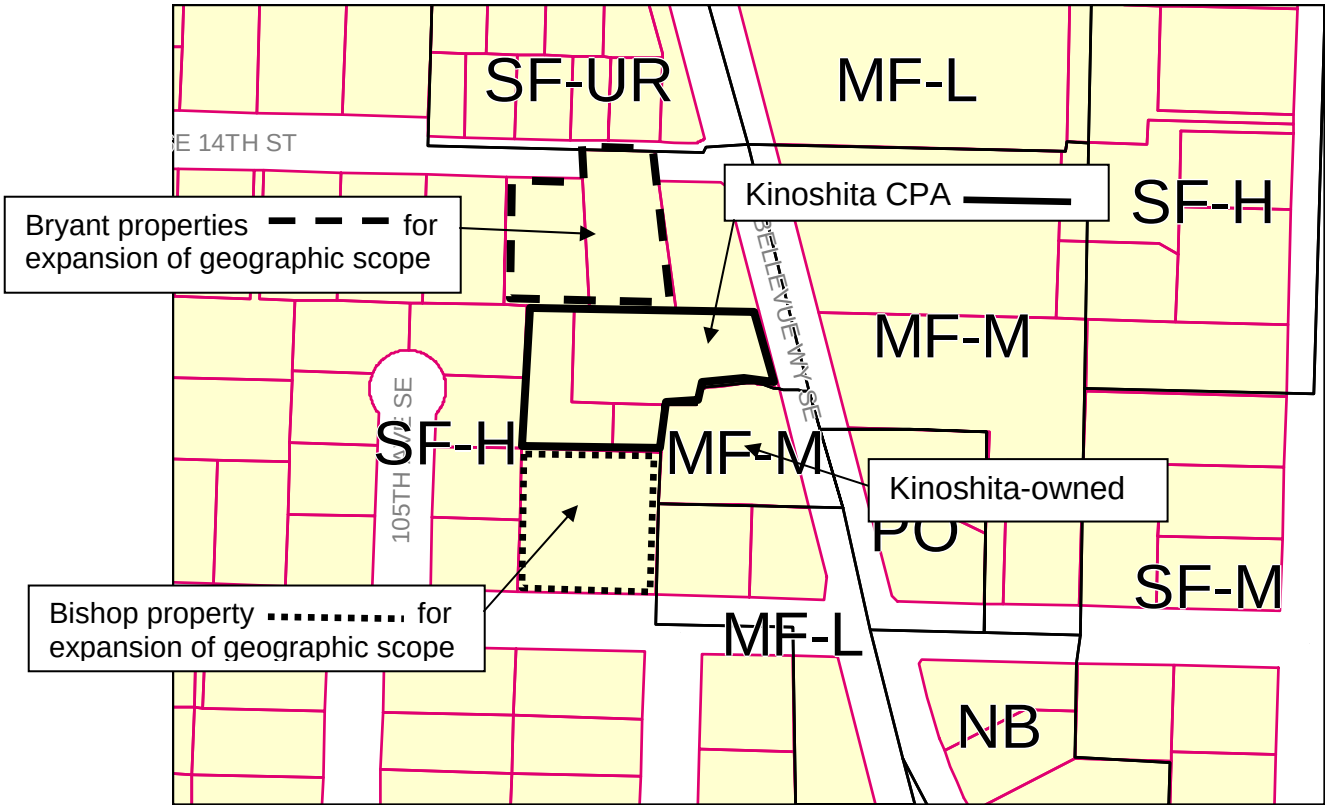
   Dr. Cole Sherwood owns Factoria Dental--third building to the northwest. He opposes being included in the CPA, and his comments are included in his letter attached to the Newport Professional Building staff report in Attachment 1.

Kinoshita

1. Commissioner Ferris asked for information regarding property surrounding Kinoshita and its suitability for inclusion in the expansion of geographic scope.

   Since the February 25, 2009, study session property both to the north and to the south of Kinoshita have requested inclusion in the expansion of the geographic scope of the proposal. The Bryant property to the north made their request in writing and it is included in the staff recommendation and analysis. The Bishop property to the south made a telephone request to be included after the staff report was published.

Property description	Total size in sf
Kinoshita CPA properties:	21,300, 9,500, and 2,613 (portion)
Kinoshita-owned property designated MF-M:	20,500
Bryant properties for geographic expansion:	11,500 and 13,700
Bishop property for geographic expansion:	21,800



2. Finally, Commissioner Robertson requested a copy of the July 23, 2003, Planning Commission minutes on the Botch CPA, designated SF-UR one block north of the Kinoshita proposal and now a CamWest development. These minutes are included as Attachment 3 to this memo.

PUBLIC NOTICE AND COMMENT

The applications were introduced to the Planning Commission during a study session on February 25, 2009. Notice of the Applications was published in the Weekly Permit Bulletin on March 12, 2009, and mailed and posted as required by LUC 20.35.420. Notice of the April 22, 2009, Public Hearing before the Planning Commission was published in the Weekly Permit Bulletin on April 2, 2009.

The Department of Planning and Community Development (PCD) contacted listed owners of property that would be affected by the expanded geographic scoping recommendation for the Newport Professional Building CPA. The Department was contacted by listed owners of property wishing to be included by expanding the geographic scope of the Kinoshita CPA.

Public comments that have been received to date are included at the end of each Attachment.

ATTACHMENTS

Each attachment contains a staff report recommendation, vicinity map, geographic scoping map, the applicant's application materials, and any written public comments that have been received to date.

1. Newport Professional Building CPA materials
2. Kinoshita CPA materials
3. Botch CPA 7/23/2003 Planning Commission meeting minutes
4. Threshold Review Decision Criteria (LUC 20.30I.140) and Consideration of Geographic Scoping (LUC 20.30I.130.A.1.a.ii)

City of Bellevue

MEMORANDUM

DATE: April 2, 2009

TO: Bellevue Planning Commission

FROM: Nicholas Matz AICP, Senior Planner 452-5371
nmatz@bellevuewa.gov

SUBJECT: 2009 Annual Comprehensive Plan Amendments (CPA) Threshold Review staff recommendations for Newport Professional Buildings (09-104623 AC) and Kinoshita (09-104700 AC)

INTRODUCTION

Attached please find the staff recommendations, maps, and applicant materials for the 2009 CPA Threshold Review applications. This material is being provided to coincide with the published public notice for the scheduled April 22, 2009 Planning Commission public hearing.

If you have any questions about these reports and materials, please contact the planner assigned to the application. The complete application files are available for review in the Planning Division offices at Bellevue City Hall.

RECOMMENDATIONS SUMMARY

1. Newport Professional Buildings 09-104623 AC
   - Staff recommendation: Do not include in CPA work program; if included, expand geographic scope
   - Included materials: staff recommendation, subarea map, application

2. Kinoshita 09-104700 AC
   - Staff recommendation: Do not include in CPA work program; do not expand geographic scope
   - Included materials: staff recommendation, subarea map, application

2009 Annual Threshold Review Recommendation and Consideration of Geographic Scoping
Site-Specific Amendment

Newport Professional Buildings

Staff recommendation: Recommend that the City Council **not include** the Newport Professional Buildings CPA into the 2009 annual CPA work program. If the proposal is included, **expand** the geographic scope of the proposal.

Permit Number:	09 104623 AC
Subarea:	Factoria
Address:	4307 and 4317 Factoria Boulevard SE
Applicant:	Lorge/Benis

PROPOSAL

This privately-initiated application would amend the map designation on this two-parcel, .62-acre site from PO (Professional Office) to CB (Community Business). The applicant proposes to attach development conditions which would a) prohibit retail uses on the ground floor of redeveloped buildings, and b) require an affordable residential housing component. See Attachment 1.

SUMMARY OF RECOMMENDATION

The framework for the appropriateness of this proposal is the goals and general land use vision of the Factoria Subarea Plan. Intensifying commercial uses at this site is inconsistent with these goals and vision. They call for developing a true mixed use district focused in the commercial core while maintaining distinctly less intense residential, office, and other commercial land use areas elsewhere in Factoria. Put simply, this proposal is outside of the commercial core, where more intense uses are anticipated.

The applicant proposes development conditions to address this intensification that would limit retail use of the site, and mandate a housing component. Both are intended to minimize the impacts of intensified uses—in this case, proposed Community Business.

The proposal also identifies other CPAs adopted in the Factoria Subarea as significantly changed conditions. However, because these CPAs were reviewed and adopted within the existing framework of the Subarea Plan—with its distinct locations for the intensities of development—they do not change conditions on this site or its surrounding area.

Redevelopment may be constrained by the potential conflicts between the small, nonconforming natures of these three sites. However, these constraints are dimensional in nature. The Comprehensive Plan process is not the appropriate path to resolve these difficulties, although other options do exist.

Professional offices remain an appropriate and suitable use for this small site. PO designations and uses are appropriate for smaller, older sites that are typically located closer to residential uses, and isolated from other areas of more intense commercial or office focus.

BACKGROUND

The application site is two parcels with small office buildings on each of them. The single-building Newport Chiropractic Center is located on the northeast corner, at 4307 Factoria Boulevard SE, and two small office building are located on the larger, southern site at 4317 Factoria Boulevard SE. There is a third parcel with a dental office building bordering the application site to the northwest at 4301 Factoria Boulevard SE. This third parcel—not part of the CPA application—is recommended by staff for inclusion through the expansion of the geographic scope of the proposal. See Attachment 2.

A CPA application for this site was made last year. The Planning Commission recommended at its May 14, 2008, public hearing on the application to not advance it out of Threshold Review. The Commission based its recommendation on a lack of significantly changed circumstances in the Factoria area applicable to the proposal. The Commission acknowledged that other CPAs for Factoria redevelopment (FATS) and for multifamily residential density (St. Margaret's Church) reacted to significantly changed redevelopment and affordable housing issues, respectively, but noted that these did not influence this application. See Attachment 3.

The difference between the 2008 CPA and this 2009 application is the applicant's proposal to attach development conditions. Before that, the question of appropriate designation was last examined in 1996. When the site was annexed in 1994 it was designated SF-H (Single Family-High). Then in 1996 the city-initiated "Factoria Inconsistencies" CPA proposed a PO (Professional Office) designation for the three parcels. The owner at 4307 Factoria Boulevard SE (and current applicant) requested consideration of O (Office) instead; the City Council remanded the proposal back to the Planning Commission for further consideration of that request. Ultimately, both the Commission recommendation and the final Council action under Ordinance No. 5028 confirmed the PO designation on the parcels.

THRESHOLD REVIEW DECISION CRITERIA

The Threshold Review Decision Criteria for an initiated Comprehensive Plan Amendment proposal are set forth in the Land Use Code Section 20.30I.140. Based on the criteria, Department of Planning and Community Development staff has concluded that the proposal **should not be included** in the annual CPA work program.

This conclusion is based on the following analysis:

A. The proposed amendment presents a matter appropriately addressed through the Comprehensive Plan; and

   The appropriate land use designation on a specific site is a matter appropriately addressed through amendment of the Comprehensive Plan.

B. The proposed amendment is in compliance with the three-year limitation rules set forth in LUC 20.30I.130.A.2.d; and

The three-year limitation does not apply to this proposal to amend the site designation. While an application was submitted last year, the 2008 application was withdrawn prior to City Council action.

C. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council; and

This proposal raises land use issues that are more appropriately addressed through the annual CPA process and not some other ongoing work program.

D. The proposed amendment can be reasonably reviewed within the resources and timeframe of the Annual Comprehensive Plan Amendment Work Program; and

The proposal can be reasonably reviewed within the resources and time frame of the current Annual Comprehensive Plan Amendment Work Program.

E. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. Significantly changed conditions are defined as:

> **Significantly changed conditions.** Demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent Plan map or text; where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole. This definition applies only to Part 20.30I Amendment and Review of the Comprehensive Plan (LUC 20.50.046).

The proposed amendment addresses no significantly changed conditions since the last time the Plan map or text was amended in 1996.

The proposal also identifies other CPAs adopted in the Factoria Subarea as significantly changed conditions. To be significant, a changed condition must have created unanticipated consequences for a site, or a changed situation on the subject property or its surrounding area, or created a need to amend pertinent Plan maps or text.

Other Factoria Subarea CPAs adopted since 1996 are not relevant to significantly changed conditions implying intensification of commercial uses at the subject site. As an example, the St. Margaret's CPA—originally proposed for CB—was adopted with a Multifamily-High (MF-M) designation consistent with the Subarea policy focus to locate high density land uses (in this case, R-30) on the east side of Factoria Boulevard as a buffer to the lower intensity residential uses farther east in District 1 and maintains the Subarea Plan's focus of commercial uses in the core.

These other Factoria subarea CPAs adopted since 1996 do not trigger significantly changed conditions for this proposal because they were adopted consistent with the

fundamental concentration of commercial uses in the core commercial district, and do not change conditions on this site or its surrounding area. There is no basis for amending the Comprehensive Plan on a site simply because some designations were changed on other sites in the Subarea.

; and

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

If this proposal is included in the 2009 work program, expansion of the geographic scope of the proposal should include the third and separately-owned medical office parcel at 4301 Factoria Boulevard. This third parcel that makes up this PO area is similarly situated and shares characteristics of access, use, and dimensional redevelopment issues.

G. The proposed amendment is consistent with current general policies in the Comprehensive Plan for site specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the Growth Management Act (GMA), other state or federal law, and the Washington Administrative Code (WAC); or

A CB district, even constrained by development conditions, would signal an expansion of the commercial core. Commercial Business in Factoria is appropriate in the commercial core of District 2 only, and change to CB is inconsistent with policies that focus commercial development there.

PO remains a deliberate and appropriate designation to reflect the existing and expected use and intensity among the three small and older properties in this area. The PO designation and dimensional requirements are designed to limit the intensity of use of small sites. More intense office and commercial uses should more appropriately be located on larger sites.

The constraints created by the potential conflicts between the small, nonconforming nature of these sites and redevelopment are dimensional in nature. These constraints include the origin and history of the buildings' use, setbacks and height; the amount, location and access to parking; signage placement; Factoria Boulevard frontage; and access easements. Because the sites are both small and separate in relation to each other, and are contained within an area bounded by Newport High School and a major arterial, significant redevelopment runs into both nonconforming use and dimensional limits. The Comprehensive Plan process would be appropriate if the community vision for this area changes, but is not the appropriate path to resolve issues with dimensional standards. Other options exist.

Balancing site constraints and the application of regulations to redeveloping the sites is a unique circumstance for these small sites. A variance under the Land Use Code

could be considered to address regulatory restraints applicable to this site and applicable to any individual or combination of redeveloping these sites.

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

State law, or a decision of a court or administrative agency has not directed the suggested change.

PUBLIC COMMENT

The property owner at 4301 Factoria Boulevard SE has made extensive inquiries about the proposal and has submitted written comments. Seattle Public Utilities has advised of the proximity of a 36-inch concrete cased water transmission line in 128th Ave SE adjacent to the proposal. Two inquiries were received regarding potential development construction.

ATTACHMENTS

1. Applicant materials
2. Site map
3. May 14, 2008, Planning Commission minutes
4. Public comments

425-452-6800 www.cityofbellevue.org

COMPREHENSIVE PLAN AMENDMENT

APPLICATION DATE: 1/30/09 FOR CPA YEAR: 20	TECH INITIALS CS	PROJECT FILE # 09-104623 AE

1. Project name _____Lorge/Benis/et. al._____
2. Applicant name ___John Lorge_____Agent name_____
3. Applicant address ____4307 Factoria Blvd, Bellevue, WA _____
4. Applicant telephone (425) 747-5657 fax (___) _____ e-mail drlorge@drlorge.com
5. Agent telephone (206) 624-6239 fax (206) 625-0930 e-mail rwta@rwta.com

This is a proposal to initiate a site-specific Comprehensive Plan Amendment ☒ (Go to **Block 1**)
This is a proposal to initiate a non site-specific Comprehensive Plan Amendment ☐ (Go to **Block 2**)

BLOCK 1
Property address and/or 10-digit King County parcel number __4307 Factoria Blvd._____.

Proposed amendment to change the map designation from existing PO to proposed CB with Conditions.
Site area (in acres or square feet) .62 + .21 Acres.
Subarea name _____Factoria_____.
Last date the Comprehensive Plan designation was considered: 2008 (withdrawn).
Current land use district (zoning) PO - limits height and use (no Retail).
Is this a concurrent rezone application? (Yes) No Proposed land use district designation CB with Conditions.
(Block 1 continued in space below)
Go to **BLOCK 3** Community Council: N/A East Bellevue

BLOCK 2
Proposed amendment language. This can be either conceptual or specific amendatory language; but please be as specific as possible so that your proposal can be adequately evaluated. If specific wording changes are proposed, this should be shown in ~~strike out~~/underline format. Attach additional pages as needed.

Comprehensive Plan Amendment - PO to CB with Concommittent Agreement to accompany Site Zoning -

Conditions: Ground Floor Office (No Retail).
Floors 2 - 4 Residential with Affordable Housing component.

Reference Element of the Comprehensive Plan (e.g., Land Use, Transportation, Housing, Capital Facilities):

Last date the Comprehensive Plan policy or text was considered ___/___/___? 2003/2004.

Go to **BLOCK 3**

Department of Planning & Community Development
425-452-6864 www.cityofbellevue.org

Application for
COMPREHENSIVE PLAN AMENDMENT
page 2

BLOCK 3
Support for the proposed amendment. Explain the need for the amendment—why is it being proposed? Describe how the amendment is consistent with the vision of the Comprehensive Plan. Include any data, research, or reasoning that supports the proposed amendment. Attach additional pages as needed.

Please see the attached "Lorge Land Use Study" for data, research, and reasoning that supports the proposed amendment.

Go to **BLOCK 4**

BLOCK 4a
Evaluating the proposed amendment. Explain how the proposed amendment is consistent with the Threshold Review Decision Criteria in LUC Section 20.30I.140 (see Submittal Requirements Bulletin #53). Attach additional pages as needed.

The proposed amendment is consistent with the Threshold Review Decision Criteria as outlined within LUC Section 20.30I.140. Please see page 3 of the attached "Lorge Land Use Study" for a complete analysis of the Threshold Review Decision Criteria.

BLOCK 4b ***complete this section only for a site-specific concurrent rezone***
Evaluating the proposed concurrent resone. Explain how the proposed rezone would be reviewed under Rezone Decision Criteria in Land Use Code Section 20.30A.140. Attach additional pages as needed.

I have read the Comprehensive Plan and Procedures Guide ✓

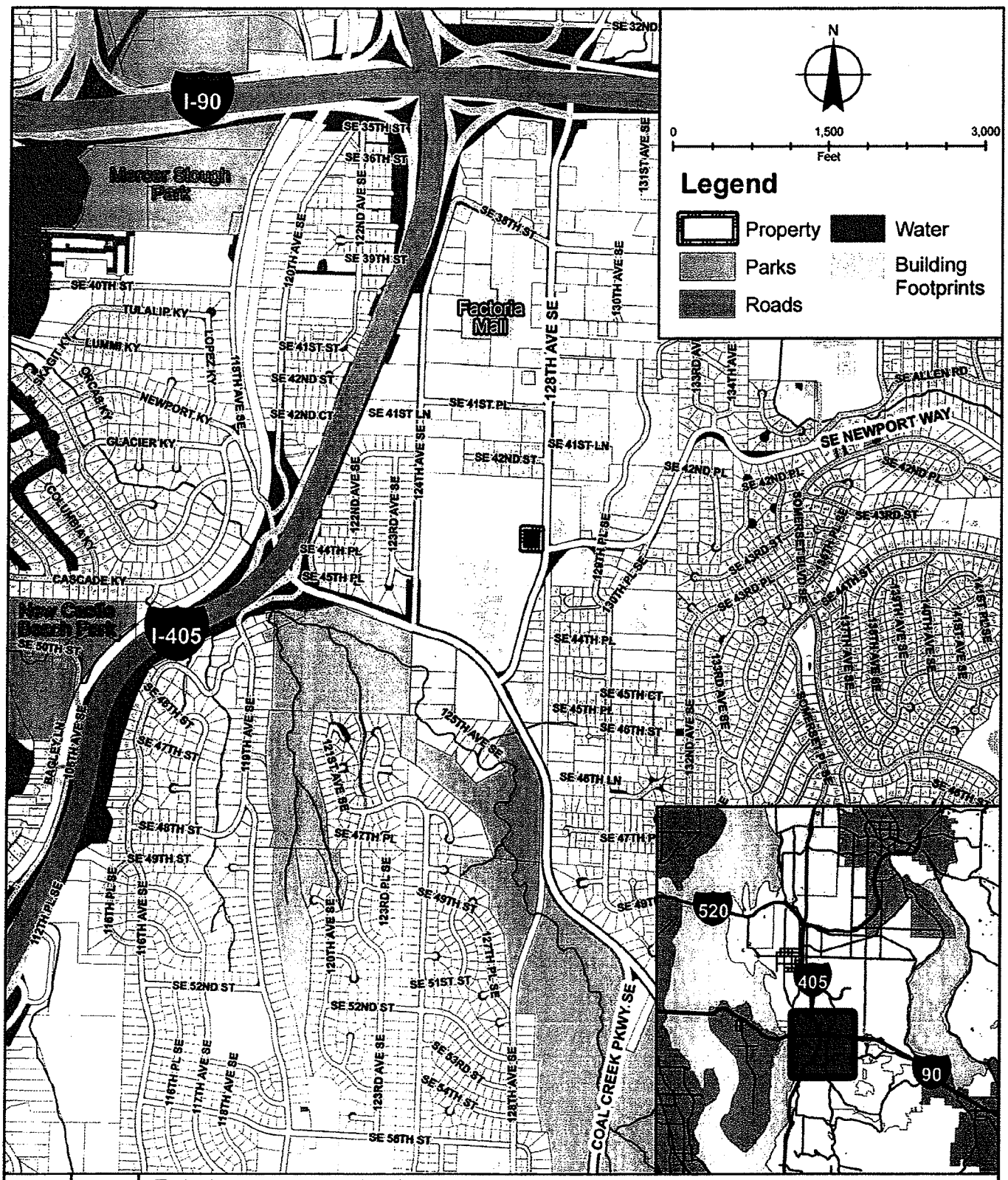
NOTICE OF COMPLETENESS: Your application is considered complete 29 days after submittal, unless otherwise notified.

Signature of applicant _____ Date 1/29/08

I certify that I am the owner or owner's authorized agent. If acting as an authorized agent, I further certify that I am authorized to act as the Owner's agent regarding the property at the above-referenced address for the purpose of filing applications for decisions, permits, or review under the Land Use Code and other applicable Bellevue City Codes and I have full power and authority to perform on behalf of the Owner all acts required to enable the City to process and review such applications.

I certify that the information on this application is true and correct and that the applicable requirements of the City of Bellevue, RCW, and the State Environmental Policy Act (SEPA) will be met.

Signature _____ *Date* 1/29/09
(Owner or Owner's Agent)
R W Tonnace/Assoc, Inc 206-624-6238



drn JH	ckd	R.W. Thorpe & Associates, Inc.	Phone: 206.624.6239	Planning
	app'd	*Seattle / Anchorage / Denver / Winthrop*	Fax: 206.625.0930	Landscape Architecture
Job 0712130	date 01/23/08	710 Hoge Building 705 2nd Avenue Seattle, WA 98104	E-mail: planning@rwta.com	Project Management
			Web: http://www.rwta.com	Environmental
				Economics

FIG. 1

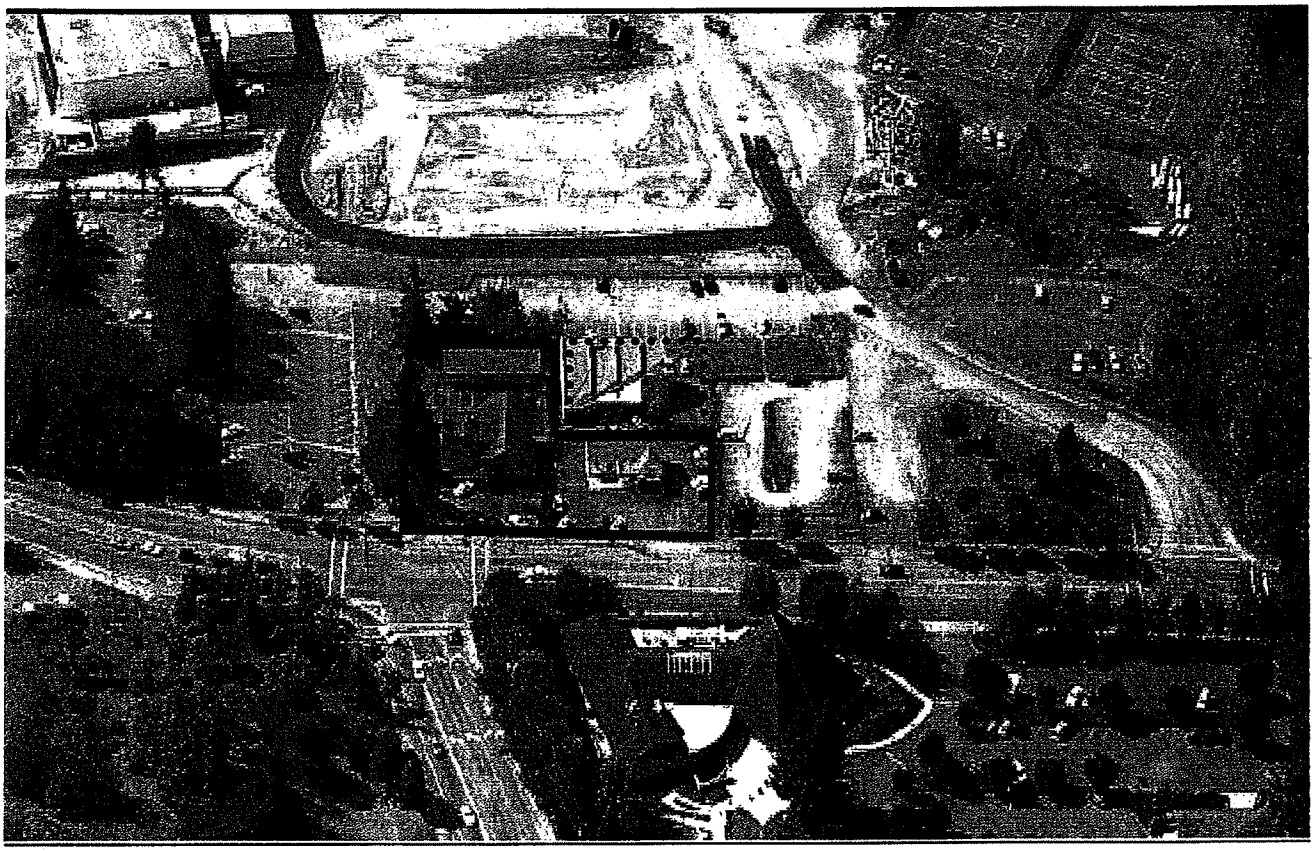
LORGE PROPERTY

Bellevue, WA

VICINITY MAP

Source: King County (2007), City of Bellevue (2007)

Lorge Land Use Study
4307 Factoria Blvd SE, Bellevue, WA



Prepared by:

R.W. Thorpe & Associates, Inc.
Planning / Landscape Architecture / Economics
705 Second Avenue, Suite 710
Seattle, Washington 98104

January 30, 2008 (Updated November 2008)

TABLE OF CONTENTS

FIGURES & ATTACHMENTS

I. Executive Summary:

The purpose of this Land Use Study is to provide background information for a proposed amendment to the Bellevue Comprehensive Plan Land Use Map to allow for the redesignation of approximately +/-.62-Acres of land located at 4307 and 4301 Factoria Blvd SE and an optional .21 Acres of adjacent land located at 4301, from Professional Office (PO) to Community Business (CB) (See Figure #1 - Vicinity Map). The proposed amendment would support a future rezone of the property to land use designation CB, which allows for mixed commercial and residential developments. **Based on the "Threshold Decision Criteria for a Comprehensive Plan Amendment" as provided within the Bellevue Municipal Code (BMC), Section 20.30I.140, it is the professional opinion of R.W. Thorpe & Associates that the proposed amendment merits approval and support by City of Bellevue Planning Staff, Planning Commission, and City Council. Our conclusion is based upon the amendments compatibility with the Goals and Policies of the Factoria Subarea Plan, Bellevue Comprehensive Plan, King Countywide Planning Policies as demonstrated within the analysis provided below and the attached Compatibility Matrix.**

It is the intent of the applicant to allow for the future potential of redeveloping the proposed amendment site with a Higher and Better Use consisting of a mixed-use structure with ground floor office/retail space and residential dwelling units located on the upper floors (Please See Figure #2 - Conceptual Massing Study).

II. Site Information / Existing Conditions

The proposed amendment area is located along Factoria Boulevard SE amid St. Margaret's Episcopal Church and the Holy Cross Lutheran Church to the east and the Newport High School campus to the west. Additionally, the amendment site is one third of a mile (1/3) south of the Kimschott Factoria Square Mall and approximately one-half (1/2) a mile north of Coal Creek Parkway SE. Currently five businesses are located within three structures located within the proposed amendment area. Newport Chiropractic Center is located within parcel 1624059070 (4307 Factoria Boulevard SE) and a four-unit office building is located within parcel 1624059206 (4317 Factoria Boulevard SE).

III. Assessment Criteria

The Threshold Decision Criteria for a Comprehensive Plan Amendment are set forth in the City of Bellevue Land Use Code, Section 20.30I.140. Based upon our analysis of the criteria it is our professional opinion that the proposed amendment merits approval. Our recommendation is based upon the following analysis:

A. BMC 20.30I.140(A): *The proposed amendment presents a matter appropriately addressed through the Comprehensive Plan; and*

- **RWT/A Response:** It is the professional opinion of R.W. Thorpe & Associates that the proposed amendment to the City of Bellevue Comprehensive

Plan Land Use Map is a matter that is appropriately addressed through the Comprehensive Plan amendment process.

B. BMC 20.30I.140(B): *The proposed amendment is in compliance with the three-year limitation rules set forth in LUC 20.30I.130.A.2.d; and*

- **RWT/A Response:** The proposed amendment has not been the subject of a comprehensive plan amendment proposal within the past three years.

C. Review Criteria 20.30I.140(C) - *The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council; and*

- **RWT/A Response:** R.W. Thorpe & Associates feels that the annual Comprehensive Plan Amendment process is the most appropriate means by which the City Council should address the proposed change.

D. Review Criteria 20.30I.140(D) *The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and*

- **RWT/A Response:** The proposed amendment represents two relatively small parcels that should not require an exuberant amount of time or resources to review.

E. Review Criteria 20.30I.140 (E). *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*

- **RWT/A Response: The site-specific proposed amendment addresses "significantly changed Land Use, Transportation, and Housing conditions" since the last time the pertinent Comprehensive Plan was amended.**

  - **Land Use:** The City Council initiated Comprehensive Plan Amendment (07-117934AC), involving St. Margaret's Episcopal Church is located east of the proposed amendment site and represents a "significantly changed condition". If approved Amendment 07-117934AC would allow the future development of Affordable Housing within the Episcopal Church site by re-designating the site from Single Family High Density (SF-H) to Multifamily High Density (MF-H). **The Episcopal Church amendment is similar to the proposed amendment addressed by this study in that both amendments would allow for the future potential of redevelopment of underutilized property and urban infill.**

Additionally, as Bellevue matures as a city the amount of vacant developable land has become scarce. An analysis of Bellevue's capacity for growth released in 2003 identified, with the exception of the Downtown area, only 961 acres of vacant and redevelopable land. **The City of Bellevue must look to property such as the proposed amendment site for redevelopment and infill to accommodate future growth and jobs.**

- **Transportation:** A change within the Factoria Subarea policy framework and list of associated transportation facility projects to incorporate the 2005 Factoria Area Transportation Study (FATS) recommended urban design strategies represents a "significantly changed condition". Approval of the proposed amendment would address this significantly changed transportation condition by constructing well-integrated mixed-use structures that would be transit-supportive and pedestrian-oriented.

  Additionally, the recommended implementation of a multi-modal transportation system represents a city-wide "significantly changed condition". The proposed amendment addresses the changes in city-wide transportation conditions by supporting the goals and policies of the Comprehensive Plan Transportation Element. If approved the proposed amendment would allow for well-integrated mixed-use structures that discourage the use of single occupant vehicles by providing more accessible features that accommodate users of transit, carpooling, pedestrians, and bicyclists.

- **Housing:** As mentioned in the Comprehensive Plan Land Use Policy #3, the city must accommodate growth targets of 10,117 additional households for the 2001- 2022 period. The proposed amendment demonstrates the type of redevelopment and urban infill that will be necessary to accommodate future growth targets.

F. Review Criteria 20.30I.140 (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

➢ **RWT/A Response: The following is a brief outline of the uses currently surrounding the proposed amendment site. The analysis demonstrates that the requested land use amendment includes at the minimum, similarly situated properties with like characteristics. Please see Figure #3 - Future Land Use Designation Map.**

NORTH: A dental office not included within the proposed amendment abuts both parcels of the proposed amendment site. Additionally, a Newport High School parking area is directly north the proposed amendment site. A veterinary clinic, apartment complexes, and a fire station are located approximately one-

tenth (1/10) of a mile north of the proposed amendment site. Additionally, the Factoria Mall is approximately one-third (1/3) of a mile north of the proposed amendment site.

The Comprehensive Plan shows the land use designation corresponding with the dental office as Professional Office (PO), the Newport High School and its parking area as Single Family High (SF-H), the veterinary clinic designated as PO and the apartment complexes designated as Multi-Family-High Density (MFH).

EAST: To the East, the amendment site is fronted by Factoria Boulevard SE, which separates it from St. Margaret's Episcopal Church and the Holy Cross Lutheran Church. SE Newport Way, which runs directly east of the proposed amendment site, separates these two churches to the north and south respectively. Future development of Affordable Housing is being considered for the Episcopal Church site through a City Council initiated Comprehensive Plan Amendment (07-117934AC), which would redesignate the land use from SF-H to MF-H. Further to the east of the proposed amendment site are town-homes and single-family homes.

The two church sites directly east of the proposed amendment site are designated SF-H with a small portion of property north of the intersection of 129th Ave SE and the SE Newport Way designated as Multi-Family Medium Density (MF-M).

SOUTH: The Newport High School campus extends south of the proposed amendment site approximately one-half of a mile to the intersection of Coal Creek Parkway and Factoria Boulevard SE. The entire Newport High School Campus has been designated by the Comprehensive Plan as a SF-H land use.

WEST: The Newport High School campus extends west of the subject site approximately one-third of a mile where it abuts 124th Ave SE.

As previously stated the entire Newport High School campus has been designated by the Comprehensive Plan as a SF-H land use.

G. Review Criteria 20.30I.140 (G). *The proposed amendment is consistent with current general policies in the Comprehensive Plan for site-specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the Growth Management Act, other state or federal law, and the Washington Administrative Code; or*

- **RWT/A Response: The proposed amendment is highly compatible with the applicable Goals and Policies of the Factoria Subarea and Comprehensive Plan. Analysis by our staff and Certified Planners does not reveal any incompatibility with the Washington State Growth Management Act (GMA) or King County Countywide Planning Policies.** Please see the

attached Decision Criteria / Land Use Compatibility Matrix for a full analysis of the applicable Comprehensive Plan.

H. Review Criteria 20.30I.140 (H). *State law requires, or a decision of a court or administrative agency has directed such a change. (Ord. 5650, 1-3-06, § 2)*

- **RWT/A Response:** The proposed amendment was not submitted in response to a State Law requirement, decision of a court, or at the direction of an administrative agency.

IV. Summary

The above analysis demonstrates that the proposed amendment meets the "Threshold Decision Criteria for a Comprehensive Plan Amendment" as outlined within the Bellevue Municipal Code (BMC), Section 20.30I.140. The amendment represents a public benefit by providing an opportunity for the city to align itself with the "community vision" as established within the Comprehensive Plan. **The amendment is highly compatible with the applicable Goals and Policies of the Factoria Subarea and Bellevue Comprehensive Plan. Analysis by our staff and Certified Planners does not reveal any incompatibility with the Washington State Growth Management Act (GMA) or King County Countywide Planning Policies. It is therefore the professional opinion of R.W. Thorpe & Associates that the proposed amendment merits approval and support by City of Bellevue Planning Staff, Planning Commission, and City Council.**

Please contact the undersigned for questions or clarification of the analysis in this report. Qualifications of report Team can be found at http://www.rwta.com/.

Respectfully,
R.W. Thorpe & Associates, Inc.

Robert W. Thorpe

Robert W. Thorpe, AICP
President

UNDERLYING ASSUMPTIONS OF STUDY

This Study is constrained by the assumptions and limiting conditions contained therein, including the understanding that the report is to be utilized by the client(s) and their real estate agents to aid in the determination of the current status of the property.

The office of R. W. Thorpe & Associates, Inc. does hereby certify that:

We have no present or contemplated future interest in the real estate that is the subject of this Study.

We have no personal interest or bias concerning the subject matter of this Study.

To the best of our knowledge and belief, the statements of fact contained in this Study, upon which analyses, opinions and conclusions expressed herein are true and correct.

This Study sets forth all the limiting conditions affecting any analyses, opinions and/or conclusions expressed.

With the exceptions of discussions with jurisdictional staff concerning methodology and preliminary analysis of data, no one other than the undersigned prepared this Study or analyses, conclusions and opinions concerning the subject real estate set forth in this Study.

It is our opinion that this Study is based on information and data relevant to the date of the Study. Although subsequent historical data exists, any other analysis at a later date would require the updating of the Study to reflect current plans, policies, and regulations.

Please note that with ever-changing land use regulations to comply with Washington GMA, information contained in this Study may need to be verified periodically.

We have utilized the current Appraisal Institutes definitions.
According to the Appraisal of Real Estate Twelfth Edition page 302 Copyright 2003 by the Appraisal Institute, the definition of Highest and Best Use is as follows:
The reasonable probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value.

R. W. Thorpe & Associates

Robert W. Thorpe

Robert W. Thorpe, AICP
President

Decision Criteria / Land Use Compatibility Matrix
Complete Analysis of BMC Section 20.30I.140(G)

Symbol Key	"++" Highly Compatible	"+" Somewhat Compatible	"S" Subjective	"-" Somewhat Incompatible	"–" Highly Incompatible

Table #1 - Bellevue Comprehensive Plan Analysis

	Compatibility Current/Future
POLICY LU-3. *Accommodate growth targets of 10,117 additional households and 40,000 additional jobs for the 2001- 2022 period. These targets represent the city's commitment to develop the zoning and infrastructure to accommodate this level of growth; they are not a commitment that the market will deliver these numbers.*	S / ++
Response to Goal / Policy: If approved the proposed amendment would allow for the future potential of a mixed-use office/retail and residential development. The amendment would comply with LU-3 by providing residential dwelling units to meet the future growth targets.	
POLICY LU-4. *Encourage new residential development to achieve a substantial portion of the maximum density allowed on the net buildable acreage.*	S / ++
Response to Goal / Policy: Approval of the proposed amendment would support a future rezone of the property to Community Business (CB). This would allow for the future potential of a mixed-use development that would increase the available office/retail area currently available, while achieving the maximum residential density allowed on the net buildable acreage of the amendment site.	
POLICY LU-13. *Reduce the regional consumption of undeveloped land by facilitating redevelopment of existing developed land when appropriate.*	S / ++
Response to Goal / Policy: The proposed amendment complies with LU-13 by helping to reduce the consumption of undeveloped / raw land within the City of Bellevue by proposing to redevelop the existing amendment site to provide for additional office/retail space and residential units.	
POLICY LU-23. *Provide, through land use regulation, the potential for a broad range of housing choices to meet the changing needs of the community.*	S / ++
Response to Goal / Policy: As outlined within the Housing Element of the Comprehensive Plan the City of Bellevue plans to accommodate over 80 percent of their projected 20 year residential growth within the downtown area and within mixed-use developments located in commercial areas. The proposed amendment would support a future rezone to CB and would achieve Policy LU-23 by allowing for a mixed-use development within the Factoria Commercial District.	
POLICY LU-27. *Encourage mixed residential/commercial development in all Neighborhood Business and Community Business land use districts where compatibility with nearby uses can be demonstrated.*	+ / ++
Response to Goal / Policy: The land-owners intent by requesting a Comprehensive Plan Land use redesignated from Professional Office (PO) to Community Business (CB), is to provide for the future potential to achieve a Higher & Better Use of the amendment site by constructing a mixed-use structure that provides ground floor office/retail space and the maximum allowable residential density on the upper floors. The analysis of surrounding land uses provided above demonstrates the proposed amendments conformance with adjacent land uses and development patterns.	

POLICY LU-36. *Encourage continued development of office uses in designated districts.*	Compatibility Current/Future S / ++
Response to Goal / Policy: It is the intent of the applicants that if approved the proposed amendment would support the future development of mixed use structures, which would provide for an increase in overall area available for office/retail use. It is also the intent of the applicants to maintain similar office/retail uses to those currently on site within the proposed mixed use structures.	
POLICY HO-11. *Encourage housing opportunities in mixed residential/commercial settings throughout the city.*	Compatibility Current/Future S / ++
Response to Goal / Policy: The proposed amendment would achieve Policy HO-11 by allowing for the amendment site to be redesignated from Professional Office (PO) to Commercial Business (CB), which supports the future potential of redevelopment of the site with mixed-use urban infill.	
POLICY HO-13. *Ensure that mixed-use development complements and enhances the character of the surrounding residential and commercial areas.*	Compatibility Current/Future S / ++
Response to Goal / Policy: As provided in the above analysis of "LUC Review Criteria 20.30I.150 (B)(2) & B(3), the proposed amendment demonstrates its conformance with adjacent land uses and development patterns in addition to demonstrating how it would enhance and complement the future vision of the area.	
Table #2 - Factoria Subarea Plan Goals & Policies	
POLICY S-FA-2. *Protect single-family neighborhoods from encroachment by more intense uses.*	Compatibility Current/Future ++ / ++
Response to Goal / Policy: St. Margaret's Episcopal Church and the Newport High School respectively border the proposed amendment site to the East and West. Single-family neighborhoods do not directly border any part of the proposed amendment site.	
POLICY S-FA-4. *Encourage infill development and redevelopment in a manner that is compatible with surrounding uses and meets adopted design guidelines.*	Compatibility Current/Future ++ / ++
Response to Goal / Policy: It is the intent of the applicant to provide for infill mixed-use development that meets all adopted design guidelines as set by the Bellevue Municipal Code. Additionally, the proposed amendment would support the implementation of the Factoria Area Transportation Study (FATS) recommended urban design strategies adapted into the Factoria Subarea Plan by constructing well-integrated mixed-use structures that would be transit-supportive and pedestrian-oriented.	
POLICY S-FA-7. *Restrict all future office expansion to districts shown on the Land Use Plan (Figure S-FA.1).*	Compatibility Current/Future ++ / ++
Response to Goal / Policy: The proposed amendment would not expand office uses onto any other sites within the Factoria Subarea.	

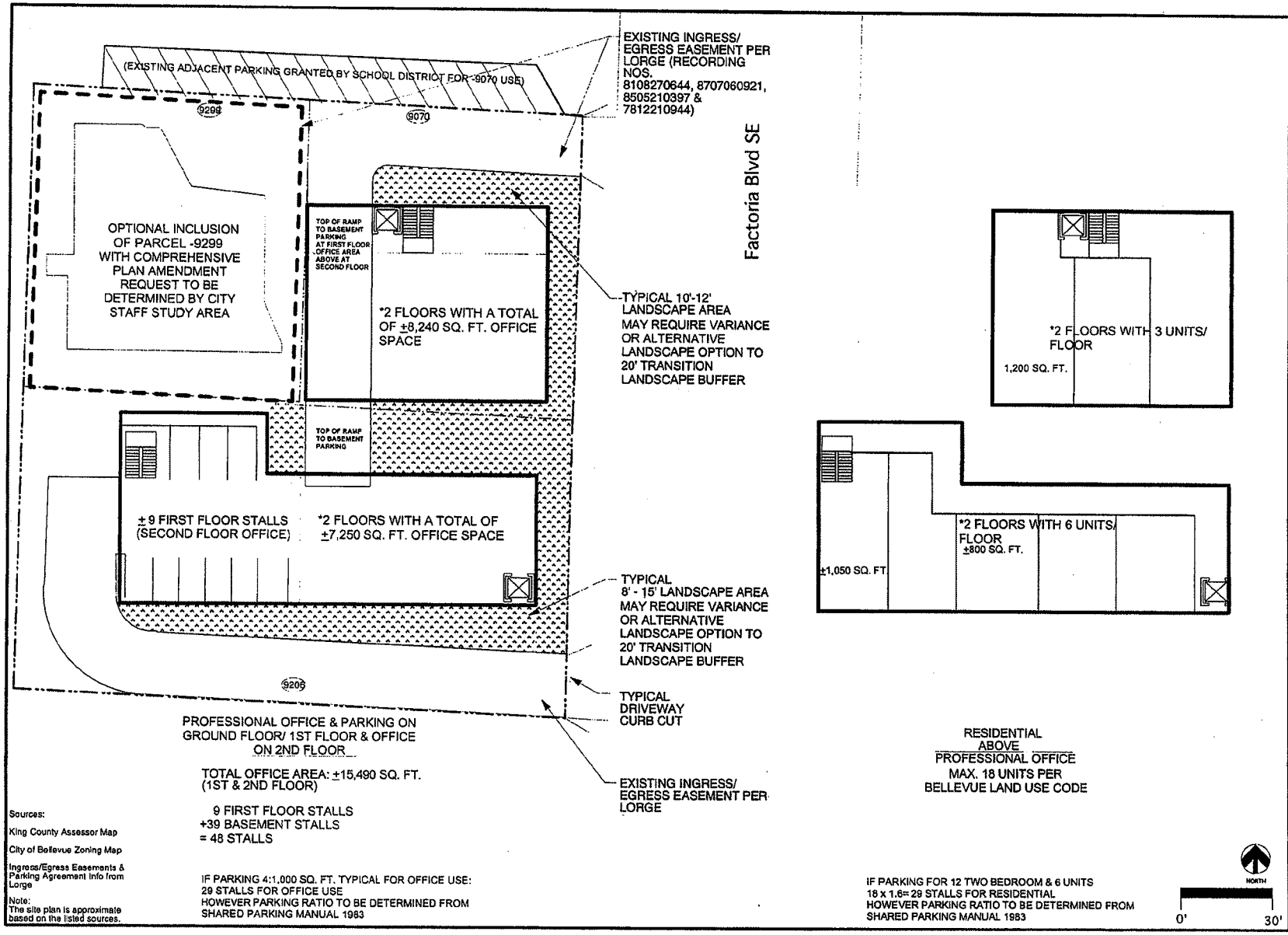
POLICY S-FA-11. *Encourage mixed-use residential and commercial development within community level retail districts.*	Compatibility Current/Future ++ / ++
Response to Goal / Policy: If approved the proposed amendment would allow for the future potential of redevelopment of a mixed-use residential and commercial development along Factoria Boulevard SE (Factoria Boulevard), which is currently characterized by office, commercial, and retail development.	
POLICY S-FA-14. *Implement the Factoria Area Transportation Study (FATS) Update transportation and urban design recommendations.*	Compatibility Current/Future S / ++
Response to Goal / Policy: If approved the proposed amendment supports a future rezone of the amendment site to CB and would align all future potential development of mixed use structures with the FATS Update transportation and urban design recommendations so as to front Factoria Boulevard SE and would provide direct pedestrian connections between the sidewalk and the primary building entrance. Please see Figure #2 - Conceptual Massing Study.	

Table #3 - Growth Management Act	
GMA Goal #1 - Urban Growth. *Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.*	Compatibility Current/Future ++ / ++
Response to Goal / Policy: The proposed amendment site is located within an urban area that currently has adequate public facilities and services available to serve future tenants and owners in an efficient manner.	
GMA Goal #2 - Reduce Sprawl. *Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.*	Compatibility Current/Future + / ++
Response to Goal / Policy: The proposed amendment complies with GMA Goal #2 by helping to reduce the consumption of undeveloped/raw land within the City of Bellevue by proposing to redevelop the existing amendment site to provide for additional office/retail space and residential units.	
GMA Goal #3 - Transportation. *Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.*	Compatibility Current/Future S / ++
Response to Goal / Policy: The proposed amendment supports the Factoria Area Transportation Study (FATS) Update and its recommended transportation and urban design strategies. The proposed amendment would encourage the future potential for a well-integrated, transit supportive, pedestrian oriented, mixed-use structure that compliments the existing land uses in Factoria's commercial core.	
GMA Goal #4 - Housing. *Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.*	Compatibility Current/Future S / ++

Response to Goal / Policy: The proposed amendment would support a future rezone of the amendment property to Community Business (CB), which would achieve GMA Goal #4 by allowing a mixed-use development that would increase the available office/retail area while achieving the maximum residential density allowed on the net buildable acreage of the amendment site.	
GMA Goal #5 - Economic Development. *Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.*	**Compatibility Current/Future** **S / ++**
Response to Goal / Policy: The proposed amendment would support a future rezone to Community Business (CB) which would achieve GMA Goal #5 by promoting the retention of existing businesses located within the site while recruiting new business by expanding the available square footage for office/retail space.	
GMA Goal #10 - Environment. *Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.*	**Compatibility Current/Future** **+ / ++**
Response to Goal / Policy: No critical areas and or environmentally sensitive areas would be adversely impacted by the proposed amendment. All future development would adhere to the City of Bellevue Development guidelines, which may enhance the sites ability to protect air quality, water quality and the availability of water.	
GMA Goal #12 - Public Facilities and Services. *Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.*	**Compatibility Current/Future** **++ / ++**
Response to Goal / Policy: The proposed amendment site is located within an urban area that currently has adequate public facilities and services available to serve future tenants in an efficient manner.	

Table #4 - County Wide Planning Policies	
CWPP - Critical Areas	**Compatibility Current/Future** **++ / ++**
Response to Goal / Policy: No critical areas and or environmentally sensitive areas would be adversely impacted by the proposed amendment.	
CWPP - Land Use Pattern	**Compatibility Current/Future** **S / ++**
Response to Goal / Policy: The proposed amendment is consistent with the implementation of the desired pedestrian/ transit oriented land use pattern envisioned for the Factoria Subarea, by providing a land use designation which allows for mixed-use development.	

CWPP - Transportation	Compatibility Current/Future
	S / ++
Response to Goal / Policy: As previously mentioned the proposed amendment supports the Factoria Area Transportation Study (FATS) Update and its recommended transportation and urban design strategies. The FATS Update encourages the potential for mixed-use developments similar to the proposed amendment in order to create a well integrated, transit supportive, pedestrian oriented, mixed-use neighborhood in Factoria's commercial core.	
CWPP - Community Character and Open Space	**Compatibility Current/Future**
	++ / ++
Response to Goal / Policy: The proposed amendment is not anticipated to affect the implementation of regulations dealing with historic resources, urban design, human and community services, and open space lands and corridors.	
CWPP - Affordable Housing	**Compatibility Current/Future**
	-- / S
Response to Goal / Policy: The proposed amendment represents a future opportunity to increase the supply and variety of housing available along Factoria Boulevard SE without encroaching on existing residential areas. The FATS Update recommends mixing housing and commercial uses in the same building as a method to help reduce vehicle use. Additionally, the proposed amendment lends itself to the future potential for affordable housing.	
CWPP - Contiguous and Orderly Development and Provision Of Urban Services to Such Department	**Compatibility Current/Future**
	++ / ++
Response to Goal / Policy: As previously mentioned the services are available to the proposed amendment site, which is located within a developed urban area.	
CWPP - Siting Public Capital Facilities of a Countywide or Statewide Nature.	**Compatibility Current/Future**
	NA
Response to Goal / Policy: This policy is not applicable to the proposed amendment.	
CWPP - Economic Development	**Compatibility Current/Future**
	S / ++
Response to Goal / Policy: The proposed amendment would support economic development by recruiting new business through expansion of the available square footage for office/retail space.	
CWPP - Regional Finance and Governance	**Compatibility Current/Future**
	NA
Response to Goal / Policy: This policy is not applicable to the proposed amendment.	



Sources:

King County Assessor Map

City of Bellevue Zoning Map

Ingress/Egress Easements & Parking Agreement Info from Lorge

Note:
The site plan is approximate based on the listed sources.

Lorge & Benis
Comprehensive Plan Land Use Amendment

FACTORIA AREA

Existing Comp/Zoning: PO Prof. Office
Proposed Comp/Zoning: CB Community Business
Factoria Land Use District 2
Transitional Overlay

R.W. Thorpe & Associates, Inc.

Seattle • Anchorage • Denver • Winthrop

Planning • Landscape Architecture
Environmental • Economics
Project Management

710 Hoge Building
705 Second Avenue
Seattle Washington 98104

Telephone: 206.624.6230
Fax: 206.625.0030
E-Mail: planning@rwta.com

Parcels:
1624059070 (9070) .21 ac
4307 Factoria Blvd SE

1624059206 (9206) .41 ac
4317 128th Ave SE

Optional Parcel tbd by city/ study:
1624059299 (9299) .21 ac
4301 128th Ave SE

Source: King County Assessor Map
RWTA Info

SEAL

Comprehensive Plan Amendment Request Only

Concept Site Plan Not for Permit Application

ISSUED

No.	Description	Des	Dwn	Chk	Date
1	MASSING STUDY	JL	PD LM	RT	01/24/08

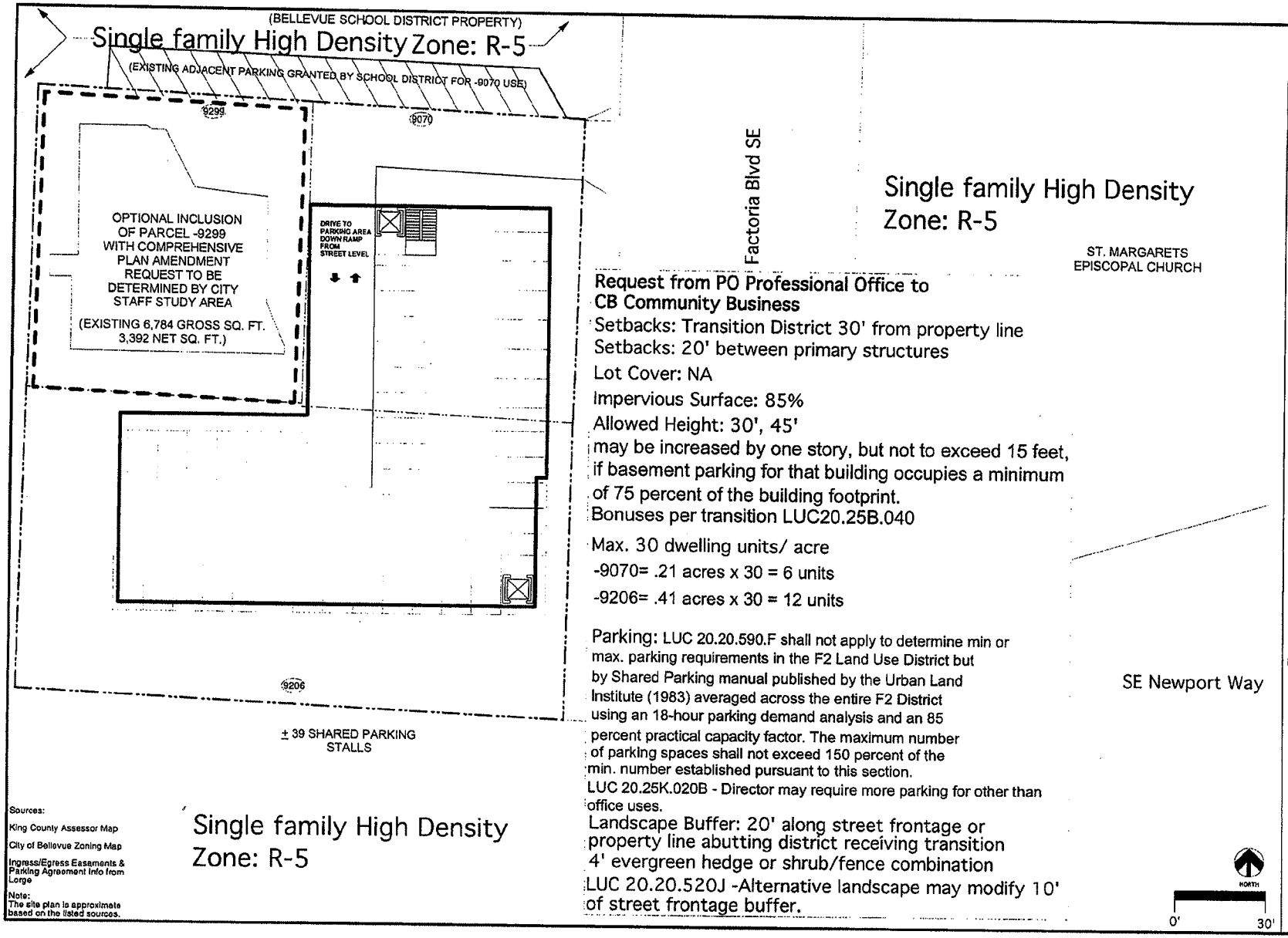
REVISIONS

No.	Description	Des	Dwn	Chk	Date
1	MASSING STUDY	JL	RT	RT	11/12/08

RWTA JOB NO. 0712130

SHEET TITLE
CONCEPT PLAN
MASSING STUDY
FIG. 2A

2 FLOORS PROFESSIONAL OFFICE W/ 2 FLOORS RESIDENTIAL ABOVE



Request from PO Professional Office to CB Community Business

Setbacks: Transition District 30' from property line

Setbacks: 20' between primary structures

Lot Cover: NA

Impervious Surface: 85%

Allowed Height: 30', 45'

may be increased by one story, but not to exceed 15 feet, if basement parking for that building occupies a minimum of 75 percent of the building footprint.

Bonuses per transition LUC20.25B.040

Max. 30 dwelling units/ acre

-9070= .21 acres x 30 = 6 units

-9206= .41 acres x 30 = 12 units

Parking: LUC 20.20.590.F shall not apply to determine min or max. parking requirements in the F2 Land Use District but by Shared Parking manual published by the Urban Land Institute (1983) averaged across the entire F2 District using an 18-hour parking demand analysis and an 85 percent practical capacity factor. The maximum number of parking spaces shall not exceed 150 percent of the min. number established pursuant to this section.

LUC 20.25K.020B - Director may require more parking for other than office uses.

Landscape Buffer: 20' along street frontage or property line abutting district receiving transition

4' evergreen hedge or shrub/fence combination

LUC 20.20.520J -Alternative landscape may modify 10' of street frontage buffer.

Sources:

King County Assessor Map

City of Bellevue Zoning Map

Ingress/Egress Easements & Parking Agreement Info from Large

Note:
The site plan is approximate based on the listed sources.

Lorge & Benis
Comprehensive Plan Land Use Amendment

FACTORIA AREA

Existing Comp/Zoning: PO Prof. Office

Proposed Comp/Zoning: CB Community Business

Factoria Land Use District 2

Transitional Overlay

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E-Mail: planning@rwta.com

Parcels:

1624059070 (9070) .21 ac
4307 Factoria Blvd SE

1624058206 (9206) .41 ac
4317 128th Ave SE

Optional Parcel tbd by city/ study:

1624059299 (9299) .21 ac
4301 128th Ave SE

Source: King County Assessor Map NWMaps Net

SEAL

Comprehensive Plan Amendment Request Only

Concept Site Plan Not for Permit Application

ISSUED

No.	Description	By	Rev'd by	Date
1	MASSING STUDY	JL	JPD/RT/LM	01/24/08

REVISIONS

No.	Description	By	Rev'd by	Date
1	MASSING STUDY	JL	RT/RT	11/12/08

RWTA JOB NO. 07-22-30

SHEET TITLE

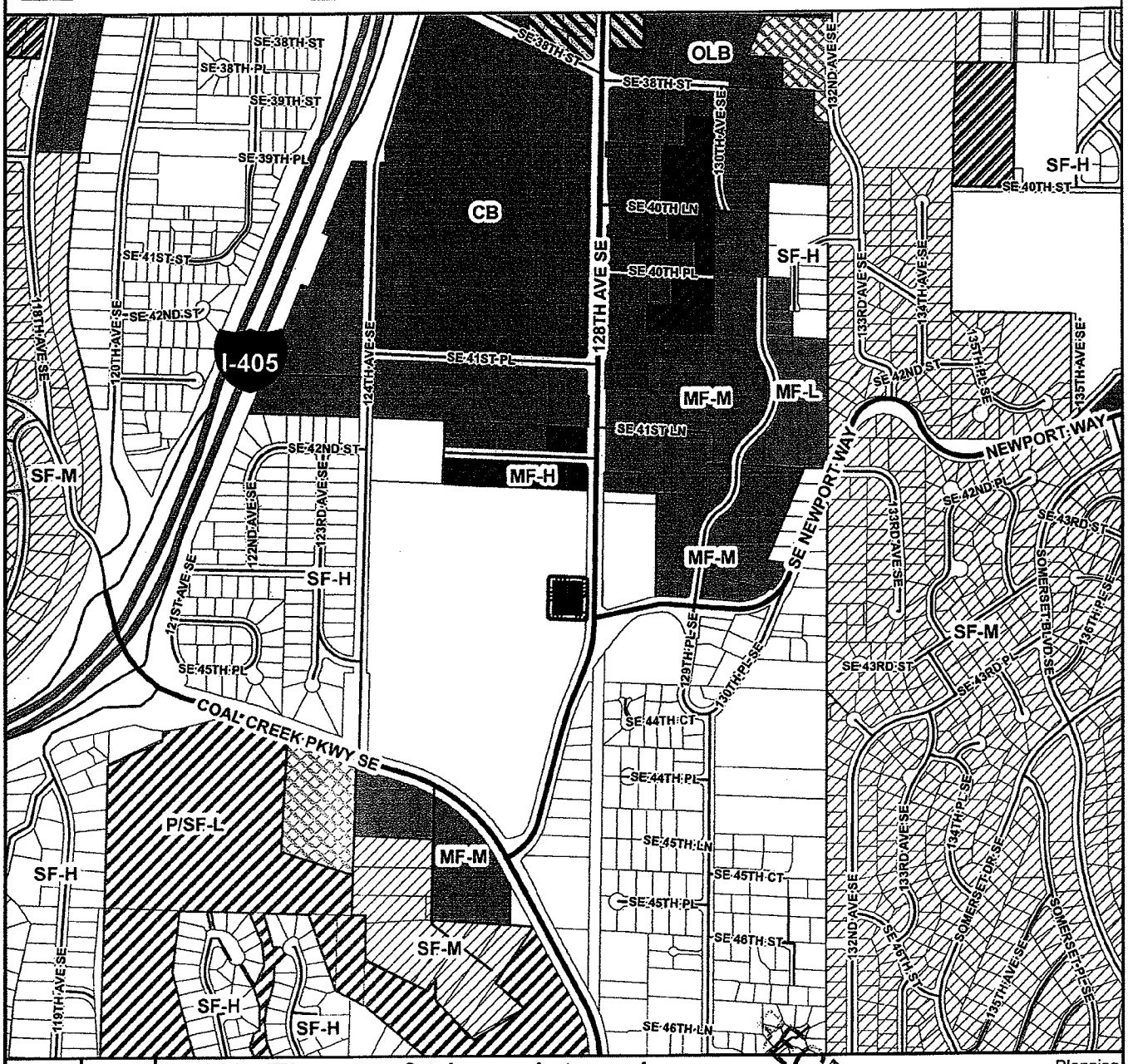
CONCEPTUAL MASSING STUDY

BASEMENT

Legend

- Property
- Future Land Use:
- PO: Professional Office
- O: Office
- OLB: Office, Limited Business
- CB: Community Business
- GC: General Business
- P/SF-L: Park / Single Family, Low Density
- PF/SF-L: Public Facility / Single Family, Low Density
- SF-M: Single Family, Medium Density
- PF/SF-M: Public Facility / Single Family, Medium Density
- P/SF-M: Park / Single Family, Medium Density
- SF-H: Single Family, High Density
- MF-L: Low Density
- MF-M: Medium Density
- MF-H: High Density

Source: King County (2007)
City of Bellevue (2007)



drn JH	ckd	R.W. Thorpe & Associates, Inc.	Phone: 206.624.6239	Planning
	app'd	*Seattle / Anchorage / Denver / Winthrop*	Fax: 206.625.0530	Landscape Architecture
Job 0712130	date 01/24/08	710 Hoge Building 705 2nd Avenue Seattle, WA 98104	E-mail: planning@rwta.com Web: http://www.rwta.com	Project Management Environmental Economics

FIG. 3

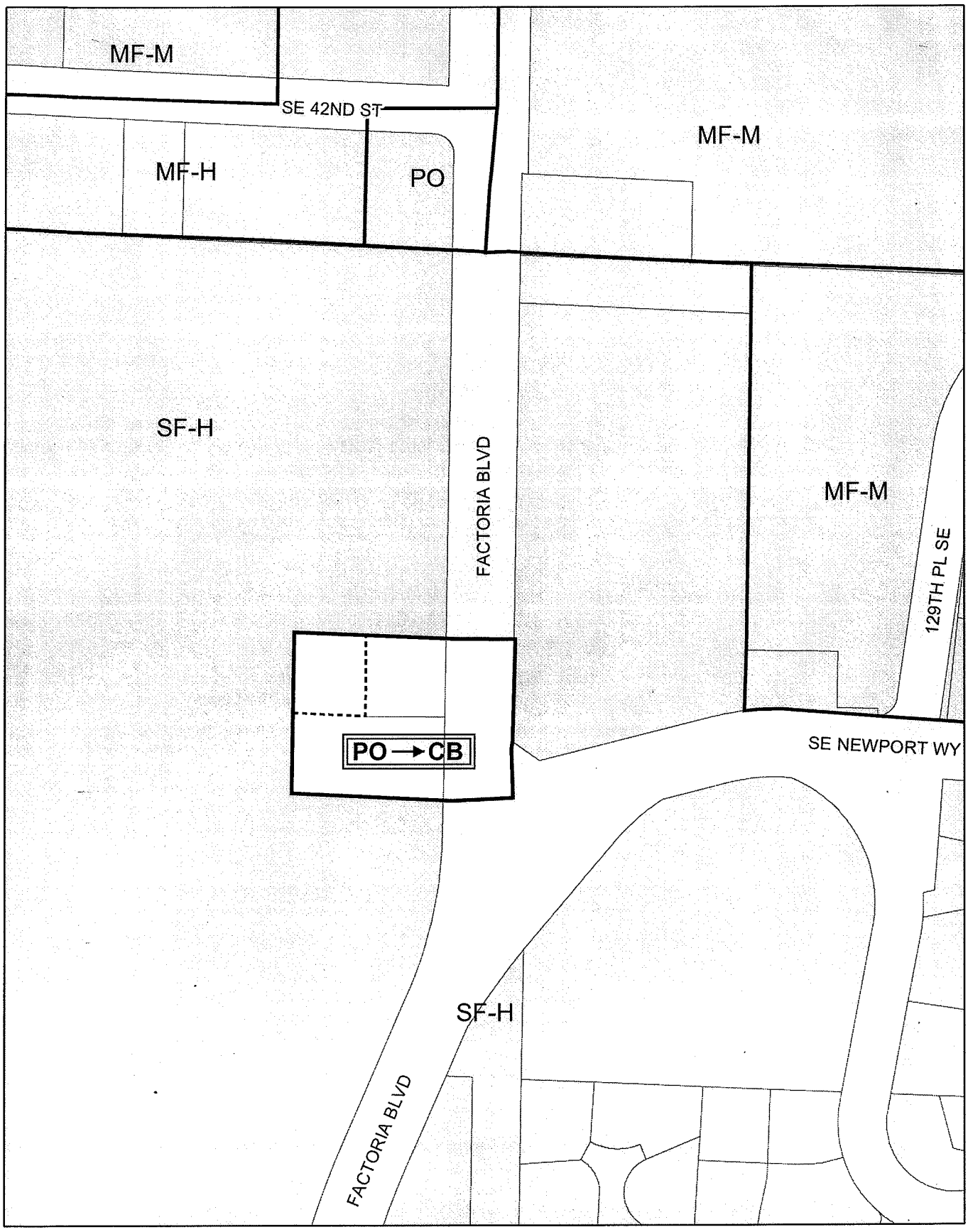
LORGE PROPERTY
Bellevue, WA

Future Land Use Map

0 250 500 1,000 Feet

RECEIVED
PERMIT PROCESSING

Attachment 2



Newport Professional Building

Proposed Comprehensive Plan Designations

4307 and 4317 Factoria Blvd SE

March 2008

ATTACHMENT 3
PLANNING COMMISSION MINUTES 5-14-08

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

May 14, 2008
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT:	Chair Robertson, Vice-Chair Bach, Commissioners Ferris, Lai, Mathews, Orrico, Sheffels
COMMISSIONERS ABSENT:	None
STAFF PRESENT:	Paul Inghram, Cheryl Kuhn, Steph Hewitt, Matthews Jackson, Nicholas Matz, Mike Kattermann, Department of Planning and Community Development; Maria Koengeter, Transportation
GUEST SPEAKERS:	None
RECORDING SECRETARY:	Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:34 p.m. by Chair Robertson who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present.

3. APPROVAL OF AGENDA

The agenda was approved by consensus.

4. STAFF REPORTS

Mr. Inghram briefly reviewed the materials provided to the Commission. He reminded the Commissioners that a joint boards and commissions meeting is slated for May 15 at 6:30 p.m. on the Bel-Red topic. He said that meeting will be preceded by an open house from 4:00 p.m. to 6:30 p.m. The Bel-Red public hearing is scheduled for May 28.

Mr. Inghram reported that he was recently elected to serve as president of the AICP.

5. PUBLIC COMMENT

Mr. Chris Mooi, 2211 156th Avenue NE, extended an invitation to attend an open house for the Bel-Green project on May 20, 2008 at 2:00 p.m. and again at 7:00 p.m. at the Samena Swim Club. He provided the Commission with copies of a letter that was read into the record at the May 12, 2008 Bellevue City Council meeting. He said he is anxious to get operations under way and begin to provide a much needed source of housing for the changing population of Bellevue. There is growing community support for the project. He complimented the Commission on its

awareness of the critical issues for any business looking to do any development in the area and how the implementation strategies will affect that. He noted his desire to immediately commence the process of getting a master plan development application approved, which would mean a construction program could commence immediately upon approval of the Bel-Red plan. There are five key factors that need attention. First, the financial realities of business operations and not just speculative development should be considered in determining the contributions owners can make the city to create business opportunities. Second, the incremental increases in tax revenues from new land assessments and contributions made from business operations should be included as a source of contributions to the city. Third, within the incentive program, senior housing should be excluded from the need for contribution as affordable housing as it is by its very nature affordable housing. Fourth, the realities of the current market value for land in the various areas of the overall Bel-Red corridor should be fully understood as evaluations are done. Fifth, underground parking, which is currently excluded from the incentive program, should be recognized as an important element.

Ms. Marilynn Stevens, 17213 NE 14th Street, spoke in regard to the property at 17217 NE 14th Street. She said the neighboring house has been empty for ten years. It is not maintained. Neighbors have called the city seeking help in getting the litter cleaned up and the grass mowed. The city has been very accommodating and has communicated directly with the property owner, who always says steps are being taken to get the place ready to sell or rent, but who never does anything. She shared with the Commissioners photos of the property, which has outbuildings that are ready to fall down. The property presents a danger to the neighborhood and is also a blight on the neighborhood. There is a referendum on the King County books under which any home that has been vacant for two years and is a blight to the neighborhood can be taken by the city. The Neighborhood Enhancement Program in Bellevue is commendable and addresses just such situations.

6. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS – None

7. REPORTS FROM COMMISSIONERS

8. PUBLIC HEARING

   A. 2008 Comprehensive Plan Amendments

      1. Newport Professional Buildings CPA 08-103679 AC

Motion to open the public hearing was made by Commissioner Orrico. Second was by Commissioner Sheffels and the motion carried unanimously.

Senior Planner Nicholas Matz noted that staff was seeking from the Commission a recommendation regarding Threshold Review and the expansion of geographic scope for the first six of the ten 2008 applications for Comprehensive Plan amendments. The balance of the amendments will be before the Commission for public hearing on June 11, 2008.

Mr. Matz said Newport Profession Buildings is a cluster of small professional offices located in Factoria at 4307 and 4317 Factoria Boulevard SE. The privately initiated application proposes to amend the map designation for the sites from Professional Office (PO) to Community Business (CB). The staff recommendation is to not advance the proposal out of Threshold Review. It was noted, however, that should the Commission choose to advance the proposal, staff would recommend including the third office building in the northwest corner of the area within the expansion of the geographic scope.

The reason for the staff report recommendation, said Mr. Matz, is that a context of significantly changed conditions cannot be deemed to exist in Factoria simply because recent Comprehensive Plan amendment proposals such as St. Margaret's and SRO Factoria have been justified on the basis of redevelopment potential. While the subject site may be ripe for redevelopment, the Comprehensive Plan does not need to be amended in order to create opportunity for such redevelopment, especially since the Factoria Subarea Plan clearly delineates the extent of where such commercial redevelopment efforts should occur. The applicant has argued that the site should be able to avail itself of the same opportunities represented by other Factoria redevelopment, but the examples cited stand apart from the application because they respond to clearly identified changed conditions based on the Subarea Plan.

Mr. Matz said no written public comments on the proposal have been received, but there have been inquiries made by tenants in the subject buildings.

Mr. Robert Thorpe, with RW Thorpe and Associates, 705 2nd Street Avenue, Seattle, said his firm helped to prepare the Comprehensive Plan amendment application for the Newport Professional Buildings. He called attention to maps 10 and 31 and pointed out that the zoning across the street should be shown as multifamily high density on the Episcopal church site. Of the 19 applicable policies in the application, 17 of them are highly compatible with the Comprehensive Plan; the application also meets the King County policies and the Growth Management Act. A reasonable argument can be made that the criteria have been met. There is a change in circumstances with the Episcopal church, with the theater decisions, and with the transit plan. The property owner also has an aging office building that he wants to redevelopment with mixed use retail/housing; he is willing to agree to a similar affordable housing requirement that the Episcopal church receives. There are not many retail or Professional Office (PO) opportunities in the corridor. The request is reasonable, has merit, and should be moved forward in the process.

Mr. John Lorge, 4307 Factoria Boulevard SE, spoke as owner of the subject properties. He said the proposal would result in increased housing near the high school, and would improve the area. The older building needs to be renovated. Under the current PO designation, a proper renovation cannot be economically done. He said he has had a number of professionals seeking space in his buildings because they do not want to be in a highrise structure, but the fact is there is no more room in the existing buildings. The proposal represents a very positive move forward.

Commissioner Sheffels asked why the buildings cannot be renovated under the PO designation. Mr. Lorge said there are limitations based on the parameters set by the city. The cost of putting

underground parking under a two-story structure would be prohibitive. Commercial Business (CB) would allow for a much larger platform for building.

Mr. (not identified) explained that the land has increased in value to the point that rebuilding a limited structure will not yield a proper economic return. The current zoning creates almost a dead hand for redevelopment.

Commissioner Sheffels asked if after the proposed redevelopment there would be any professional offices on the site, only retail and housing. Mr. Lorge said there would continue to be professional offices there.

Motion to close the public hearing was made by Commissioner Orrico. Second was by Commissioner Sheffels and the motion carried unanimously.

2. Sambica CPA 08-103705 AC

Motion to open the public hearing was made by Commissioner Bach. Second was by Commissioner Ferris and the motion carried unanimously.

Mr. Matz said the privately initiated proposal seeks to amend the map designation for the 6.5-acre site from Single Family-High, Neighborhood Business and Multifamily-Medium to the most appropriate designation for current and future uses. He said the Sambica proposal stands out in Threshold Review because the staff recommendation to include it in the annual work program for Comprehensive Plan amendments is based on finding a most appropriate solution which has not yet been identified. Staff believes the application will have merit and that a most appropriate designation can be found. Staff is not recommending any expansion to the geographic scope, limiting the proposal to the property owned or shared by Sambica.

The purpose of amending the Comprehensive Plan would be to assure predictability for the long-term use and the neighborhood by identifying a Sambica master plan effort within the context of the Comprehensive Plan. Staff believes there is a mutual goal in resolving the Sambica mix of existing Comprehensive Plan designations, consistent land use policies, conforming and nonconforming land uses, existing property lines, existing zoning districts, and potential zoning uses.

With regard to significantly changed conditions, Mr. Matz said the Comprehensive Plan must function to assure stability for a long-term uses like Sambica and for the surrounding, long-established neighborhood. Policy consistency is found in the 2001 Newcastle Subarea policies adopted to create a framework for the anticipated discussion; the policies are precursors to the amendment work being proposed.

Mr. Matz noted that all of the written public comments received to date were included in the Commission desk packets. The comments run the gamut from retaining existing uses, how intense any new proposed uses might be, and concerns about any future use of the site if Sambica were out of the picture.

staff. The Chevy Chase community is opposed to the Lee proposal. Many who live in the neighborhood work for Microsoft; some work at home part of the time while others commute to the corporate campus. Accommodations for that have been made through the home occupation requirements. The proposal does not meet any of the criteria for the Comprehensive Plan amendment process. The site could be redeveloped for housing, even up to R-7.5 in a clustered format.

Motion to close the public hearing was made by Commissioner Mathews. Second was by Commissioner Ferris and the motion carried unanimously.

5. Wilburton Village Mixed Use Development CPAs
08-103709 AC and 08-103710 AC

Motion to open the public hearing was made by Commissioner Bach. Second was by Commissioner Sheffels and the motion carried unanimously.

Mr. Inghram said the proposal involves two Comprehensive Plan amendment requests. The first involves an amendment that would establish an overlay district, and the second would establish some additional policies covering the area. The subject property is located between 116th Avenue NE and 120th Avenue NE to the south of NE 8th Street; it includes most of the properties along auto row as well as the site on which Best Buy is situated.

Mr. Inghram said the recommendation of staff is not to move the amendments forward. While the concepts are very interesting, the criteria of significantly changed conditions is not met. There is also a question of resources and what it would mean to follow through with the proposal and just how it would be implemented.

Mr. Jack McCullough spoke on behalf of the applicant. He said when the work was completed on the Wilburton Comprehensive Plan amendment in the fall of 2007 there was the collective feeling that good progress had been made but that there was still work to be done. At that time the focus was on the east side of the tracks and making NE 4th Street a reality. It was made clear that the property owner would be back with additional ideas. The proposed amendments were filed early in 2008 as a vehicle for moving forward. The fact is, concepts for the area are still being developed; headway is being made with regard to the west side of the tracks, and that will continue to be the focus now that NE 4th Street will be made a reality. He said he applicant will be withdrawing the proposed amendments and refiling them in the future. He promised to keep the Commission updated as planning for the area continues.

Motion to close the public hearing was made by Commissioner Bach. Second was by Commissioner Orrico and the motion carried unanimously.

9. STUDY SESSION

A. 2008 Comprehensive Plan Amendments

1. Newport Professional Buildings CPA 08-103679 AC

Commissioner Orrico asked staff to comment on the statement of the applicant that the current PO designation does not allow for proper renovation of the site. Mr. Inghram said the reference likely was in regard to the fact that PO does not allow much more than two stories; it does not allow for a very tall building. The argument by the applicant is that in order to be able to do underbuilding parking, one would need something other than PO. CB allows for up to 60 feet with underbuilding parking.

From the audience, Mr. ((not identified)) said PO has a large number of side, front and back setbacks; CB has fewer constraints of that sort, allowing buildings to take up a larger percentage of a lot.

Answering a question asked by Commissioner Orrico, Mr. Matz said the argument of the applicant is that because other redevelopment actions have occurred in the Factoria area, the proposed site should be able to take advantage of the idea of generalized redevelopment.

Chair Robertson pointed out that in 2007 when St. Margaret's church applied for an amendment to Community Business (CB) the staff opposed a commercial designation. In the end, St. Margaret's sought and received a Multifamily-High (MF-M) designation, which will allow them to put the affordable housing units they want on the site.

Chair Robertson said she did not see significantly changed conditions. She commented that the subject property was reviewed in a previous Comprehensive Plan amendment action in 1996. Consideration was given at that time to an Office (O) designation, but the Planning Commission concluded that Professional Office (PO) remained appropriate.

Motion not to consider further the Newport Professional Building Comprehensive Plan amendment for the 2008 annual Comprehensive Plan amendment process, and to recommend in favor of geographic scoping, was made by Commissioner Orrico. Second was by Commissioner Bach and the motion carried unanimously.

2. Sambica CPA 08-103705 AC

Motion to accept the staff recommendation to move forward with the Sambica application, and to not expand the geographic scope, was made by Commissioner Sheffels. Second was by Commissioner Orrico and the motion carried unanimously.

3. Oh CPA 08-103739 AC

Commissioner Orrico asked when the current Comprehensive Plan designations for the Oh property and the surrounding properties were adopted, and why the Oh property was included with the single family rather than multifamily. Mr. Matz said the homes in the area date to just before the incorporation of the city. He speculated that the creation of density "layers" was done very deliberately and was not associated with geography or street grids. The focus was on

ATTACHMENT 4
PUBLIC COMMENTS – NEWPORT PROFESSIONAL BUILDINGS

Matz, Nicholas

From: John Murphy [john@newhometrends.com]
Sent: Thursday, March 12, 2009 3:38 PM
To: Matz, Nicholas
Subject: Newport Professional Buildings - File # 09-104623 AC

Hello Nicholas,

Do you have a copy of the notice of application that you could email to me? I'm interested in the residential component of this project.

Thank you,

John Murphy
Director of Operations - www.newhometrends.com
(425) 953-4719

Matz, Nicholas

From: Barriteau, Kathleen [Kathleen_Barriteau@mcgraw-hill.com]
Sent: Friday, March 13, 2009 10:45 AM
To: Matz, Nicholas
Subject: Q on Newport Professional Bldgs

Mr. Matz

I am trying to keep up to speed on new planning submittals for my counterpart in WA while he is on sabbatical.

Does this redevelopment project on the 3/12 bulletin involve any construction at this time?
Our database indicates that RW Thorpe is a landscape architect, not a building architect.

Thanks for the clarification.

Site Specific:
Newport Professional Buildings
Location: 4307 and 4317 128th Ave SE
Subarea: Factoria
Neighborhood: Factoria
File Number: 09-104623 AC
Description: Map change of 0.62 acres from PO (Professional Office) to CB (Community Business) and including proposed development conditions to limit ground floor redevelopment to office (no retail) and require an affordable housing component in residential uses.
Date of Application: January 30, 2009
Completeness Date: February 27, 2009
Applicant Contact: R.W. Thorpe and Associates,
206 624-6239
Planner Email: nmatz@bellevuewa.gov

Kate Barriteau
Public Information Coordinator
McGraw-Hill Construction / The Daily Journal
1114 W 7th Avenue Suite 100
Denver CO 80204

303.584.6738 (phone)
303.584.6764 (fax)
www.construction.com
kathleen_barriteau@mcgraw-hill.com

Matz, Nicholas

From: Teri Hallauer [Teri.Hallauer@Seattle.Gov]
Sent: Monday, March 16, 2009 4:29 PM
To: Matz, Nicholas
Subject: Bellevue Rezone - Newport Professional Buildings - File Number 09-104623 AC
Attachments: Map Book Page 453 SPU Water Line.pdf; Crossing Standards for SPU Transmission Pipelines 7-12.07.doc

Nicholas,
The City of Seattle has a 36 inch concrete cased water transmission line in 128th Ave SE adjacent to the above referenced rezone. I realize that plans have not yet been developed but Seattle Public Utilities will need to be included in the plan review process if any work is to be done in the vicinity of our water transmission line. This would include any added utilities, drainage and pedestrian improvements, paving, etc. I am attaching a sketch which shows our water line and a copy of SPU's standards for work in the vicinity of our facilities.
Sincerely,

Teri Hallauer
Seattle Public Utilities
Real Estate Services
700 Fifth Ave Suite 4900
PO Box 34018
Seattle WA 98124-4018
206-684-5971

March 23, 2009

Cole Sherwood
4121 East Lake Sammamish Pkwy SE
Sammamish, Washington 98075

Mr. Nicolas Matz
Senior Planner
Department of Planning & Community Development
450 110th Avenue NE, Bellevue, Wa. 98004
P. O. Box 90012
Bellevue, Washington 980099-9012

Dear Mr. Matz:

Please accept my humble attempt to analyze Lorge's land use study – Comprehensive Plan Amendment PO to CB.

In Mr. Thorpe's summary paragraph, he speaks of "a public benefit by providing an opportunity for the city to align itself with the 'community vision' as established within the Comprehensive Plan." The community vision most certainly should foresee the public's health care needs of the Factoria Sub-area. Within this area, only two small parcels qualify for PO, Professional Office Space zoning. Given a proper chance for redevelopment, the existing PO zoned parcels could be an outstanding location for medical and dental office space.

Serving the public's need should be the City's highest priority. This priority is already served by four churches in the Newport Way-Factoria Blvd. area and the newly remodeled, and very attractive, Newport High School. The school's parking areas are newly landscaped, lending an ambience to the community. In addition, the community can watch the high school's sport activities (e.g., baseball, football, soccer, track and field).

These are the building blocks of a "village community concept" realized through politicians' foresight. We should not want to interrupt this forward movement now and introduce high impact, four story office buildings.

Sincerely,

Cole Sherwood

Cole Sherwood

COMPREHENSIVE PLAN AMENDMENT #09-104623 AC

OVERVIEW

Taking a bird's eye view, I would first notice a beautiful new redesigned and remodeled Newport Hills High school. Adjacent areas have been redesigned, relocated ball fields, tennis courts, with improved egress and ingress, All in all, a superb job which Bellevue and the smaller area of Factoria can be proud of. It complements the older Mockingbird Hill residential community to the west as well as the area to the east of Coal Creek Pkwy SE, Factoria Blvd, and SE Newport Way. Further to the east with its very many lots, is the Somerset Hill residential community. North of the high school and Newport Way are additional living locations represented by the coding of MF-H, MF-M, MF-L and SF-H. To the south of Coal Creek Pkwy SE lies Newport Hills. Although the focus of its many families may be the Newport Hills Shopping Center, we cannot discount that many travel to the Factoria Mall and surrounds. All of this is complemented by the Mountain to Sound Greenway Park with a trail extending, I understand, to Cougar Mountain and beyond. In my talks with City Planners, all this resulted from previous city planning and forethought.

Factoria Mall has not "caught on" as a truly viable shopping center in as much as it has competed with Bellevue Square and its upscale shops. With the development of the high rises in Bellevue's core and the resultant congestion, the smaller shops and boutiques should begin to migrate out to Factoria Mall if the remodel of the mall is handled well. It should become a much more people oriented and exciting mall.

Factoria Mall, I understand, has plans to increase pedestrian flow, and therefore, retail business. Eateries should become prevalent. More interesting are the plans to place housing (condominiums?) in the southwest corner of Factoria Mall property. Plenty of space is available in the generalized Mall property or surrounds to increase office space, even multi story office space with better overall access than what is outlined in the Comprehensive Plan Amendment. I believe the Factoria area should become more pedestrian friendly. Encouraging people to walk 2, 3 or 7 and 8 blocks.

All of the above is meant to say it can be a very people oriented community. There are also many business locations north, east and south of the Mall which need a broader customer base for viability. Further north are the high rise office buildings, cinema theatres, restaurants and Loehman's Plaza. These are supported by the office workers and all of the surrounding families and high school students.

What is needed, in my opinion, is a local shuttle service moving people around within the Factoria sub area. This would lower car density and perhaps make the community more prosperous and tighter knit: people knowing one another, networking and the like.

But people need services to benefit their lives. Many services exist already, but what could be more important than medical, dental services? The more upscale medical, dental services become, the better identity those practitioners have. Can anyone think of a better location than the one provided by Bellevue Planners at the confluence of Factoria Blvd. and Newport Way?

Properly handled with the surrounding school grounds and four nearby churches, it could become a beautiful area. Everything would be complemented: family life, religious life, school life and health needs.

FACTORIA DENTAL PLACE

Factoria Dental Place (FDP) came about by an architectural design and the financial efforts of Dr. Brett Fidler and his father. The architect, William Walker, received an award from his fellow professionals for the building design. Dr. Vern Callero, the original owner of 4307, sold the FDP property to Dr. Fidler coupled with a shared parking agreement. FDP was constructed in 1982 and my wife and I became half owners on December 30,1982. Dr. Lorge purchased Dr. Callero's property in 1996. I am pleased FDP is complemented by the same external design as the newly remodeled Newport High School.

A limitation of the location is its visibility from Factoria Blvd. Visibility is better for south bound traffic, but less so for north bound. At the intersection of Newport Way and Factoria Blvd the western view complements visibility which is still limited because FDP is about 15 feet below Factoria Blvd. The two floor office building (Dr. Lorge's current building located at 4307 Factoria Blvd.) is located directly east of FDP and accounts for the low visibility. The FDP office spaces are well laid out and function extremely well.

Parking and traffic flow were recognized by Drs. Fidler and Callero to be possible problem areas. They, in turn, signed a Shared Parking Agreement that rides with ownership of both properties, 4301 and 4307. The development of Factoria Dental Place utilized King County land and building codes during its construction. Professional Office zoning must have been in effect at that time, since all current adjacent buildings included professional offices in 1982.

CONCEPTUAL MASSING STUDY FIG2A AND FIG2B

Upon studying the above figures, I became aware the layouts are not quite accurate. With the use of dividers and one inch equals thirty feet (scale), I produced lines that fall within the boundary lines shown. Starting with the dividers and the NE corner of lot 9070 I produced differences in widths about two feet too wide and lengths three feet too long, as we go south and west. Further, the intersection of the internal lot lines are skewed which led me to think the boundary lines were not in their proper compass directions. It therefore appears the available land has diminished in size according to the drawings.

What is incorrect is the relative position (as shown) of Factoria Dental Place. Using three methods (1) Aerial photograph, (2) topological layout (both provided by the City of Bellevue) and (3) the known lot dimensions, I estimated 7.28 feet between the property line and FDP by method (1) and 6.14 feet by method (2). I then actually measured the distance between present concrete structures on lots 9299 and 9206 and found it to be about eleven feet or 5.5 feet to the property line. Using any one of these numbers together with the 20 ft. setback requirement between structures, places the planned basement parking area approximately fifteen feet to the south of the northerly property (9206) line. This will either have the effect of cramping available internal parking, or constraining

the transition district 30ft. setback from southern property line of lot 9206 down to between 20 to 21 feet.

The land (lots 9070 and 9206) have certain topological features which caused me to ruminate about how much soil needs to be removed to provide basement parking. Knowing the projected building is designed for four floors (two professional offices and two affordable housing floors) and allowing ten feet per floor (i.e. 40 ft. plus roof equipment, i.e. 45 feet), it would seem fair to allot ten feet of height for basement parking. Analyzing the topological data sheet showing only lots 9070 and 9299 allows postulation (assuming the first floor is at or near ground level of 190) that a rectangular body of soil extending from the NE corner of the parking basement to west of the elevator on the northend to the complete south end of the building requires removing 10 ft. (height) by 59 ft. (Northend width) by 133 ft. or 78,470 cubic feet of soil plus. Sitting on top of that volume is a triangular volume (the slope changes from 190 to about 197) for the two lots 9070 and 9206. Threrefore, ½ (59 X 7 X133)=27,465 cubic feet, totaling 105,935 cubic ft thus far. Still assuming 190 is our datum line, the garage floor is at 180 and 180 is attainable without soil removal at or near the westerly end of lot 9206. Some soil would have to be removed for the parking basement, which is another triangular slab going westerly. Therefore, ½(61.88X82.5X10)=25,525.5 cubic ft. The ramp down to the parking basement requires ½ (90X10X20.62)=9,284 cubic ft. or a grand total of 140,745 cubic feet or 5,213 cubic yards.

However, it doesn't all have to be trucked away. If retaining walls are used around three sides of the most westerly end of lot 9206, tapering upward towards the east, then some soil can be compacted around the basement parking walls. I estimate 14,975 cu. Ft. (40,5000-25,525) can be compacted between the basement parking and retaining walls. Therefore, a preliminary guess would be ninety per cent of the soil would have to be trucked away. At 10 to 12 yds. per truck load, it would require from 390 to 470 truck loads. At $200.00/load, the cost would be $80,000 to $100,000 dollars. We know for delivery of 1 or 2 loads trucking companies charge about $300.00/load, hence, I used the lower cost level.

PRESUMED AFFECT OF THIS PROJECT ON FACTORIA DENTAL PLACE

Factoria Dental Place was put in place with strict zoning codes existing at the time. As stated before, it won the architect an award for his design and it has been further complimented by the newly remodeled Newport High School design. It functions well for the two dentists (possibly four dentists in the future). The limitations of the Comprehensive Plan Land Use Amendment are many. If the planned structure is built, then the following situations will result, causing a reduction in or elimination of the full use of FDP's property:

(1) The current six shared parking places will be lost to the ramp driveway;

(2) All same level parking places will be eliminated for the elderly or the disabled, including my son who is a paraplegic;

(3) In general, the shared parking agreement put in place by the former lot building owners will be violated;

(4) Limited or no access area will be available for emergency vehicles, including but not limited to fire equipment and ambulances. If emergency vehicles are able to access the space, entrance and exit points out of the proposed basement parking will be restricted or blocked entirely;

(5) The northern area that was landscaped in 1982, which includes FDP's six square foot directional sign, would be eliminated;

(6) The landscaped area south of the area identified in part (5), above, would be captured between FDP's roof and a descending and ultimately dangerous drop off. This would, in turn, require an unsightly fence;

(7) The basement parking traffic flow entering and exiting the parking area could be enormous. For example:

(a) During daytime hours, typical traffic would include vehicles associated with office space lessors and their clients, as well as one to two cars for each residential suite;

(b) During nighttime hours, traffic flow from residents and guests of residents may be quite high depending on such factors as the average age of the residents;

(8) Places of design quality possess and inspire a feeling of spaciousness and luxury that would be unattainable with an alley (ramp) close by. Any reduction in the aesthetic of the FDP building and surrounds would undoubtedly result in a corollary decline in revenue for FDP tenants. And, overall, the <u>value</u> of the FDP building would <u>decline</u>;

(9) Visibility of FDP from Factoria Boulevard would be totally blocked. The proposed building would rise 45 feet in front of FDP—and stand a mere eight feet from the front of FDP—effectively blocking all visibility of FDP from the road. This will make it difficult to grow existing practices.

Further, there are practical concerns related to the construction of the proposed building that have not been adequately considered:

- Excessive and disruptive noise, ground shaking, dirt, and debris will almost certainly befall the tenants, staff, and patients of FDP;
- Supply lines will be disrupted resulting in office closures and/or reduced productivity for FDP tenants, for which they should receive reimbursement;
- Ongoing construction and the resultant inconvenience to patients will negatively impact the practices of FDP's dentists;
- Construction equipment almost certainly will impede the right of way to FDP, unacceptably restricting or blocking patient, vendor, and emergency vehicles' day-to-day access to FDP;

- Construction materials and supplies will undoubtedly be staged and stored in and around the proposed building space which must not encroach on FDP property or the easement.

COMPREHENSIVE PLAN AS SUBMITTED

The issue of increased numbers of affordable housing rentals may be important. If so, this can be addressed by City Planners in relation to St. Margarets Episcopal Church and its' associated Amendment. Affordable housing placement is better suited located next to Multifamily-M zoning and the Fire station. There is also interest, I understand, in providing the same type of housing on the Lutheran Church site which once again provides the City with control over the number of units. It is simply hard to reconcile the proposed location for affordable housing other than an 'island', which does not compliment the newly remodeled school or its'activities. It would also seem to be possibly noisy location for future affordable housing residents.

The proposed addition of office space would be better placed, if needed, in the generalized Factoria Mall land area. Similar multi-story buildings exist near the cinemas and next to the intersecting freeways. Additional land seems to be available for office buildings just to the south of the afore mentioned. All of these locations offer a higher and better use than the proposed site of the Comprehensive Plan Amendment. The additional office space at the Comp site would only bring increased traffic to the proposed location and the Factoria Blvd-Newport Way intersection. In the future, vehicular traffic will only increase at that intersection.

City of Bellevue

MEMORANDUM

DATE: April 2, 2009

TO: Bellevue Planning Commission

FROM: Nicholas Matz AICP, Senior Planner 452-5371
nmatz@bellevuewa.gov

SUBJECT: 2009 Annual Comprehensive Plan Amendments (CPA) Threshold Review staff recommendations for Newport Professional Buildings (09-104623 AC) and Kinoshita (09-104700 AC)

INTRODUCTION

Attached please find the staff recommendations, maps, and applicant materials for the 2009 CPA Threshold Review applications. This material is being provided to coincide with the published public notice for the scheduled April 22, 2009 Planning Commission public hearing.

If you have any questions about these reports and materials, please contact the planner assigned to the application. The complete application files are available for review in the Planning Division offices at Bellevue City Hall.

RECOMMENDATIONS SUMMARY

1. Newport Professional Buildings 09-104623 AC
   - Staff recommendation: Do not include in CPA work program; if included, expand geographic scope
   - Included materials: staff recommendation, subarea map, application

2. Kinoshita 09-104700 AC
   - Staff recommendation: Do not include in CPA work program; do not expand geographic scope
   - Included materials: staff recommendation, subarea map, application

2009 Annual Threshold Review Recommendation and Consideration of Geographic Scoping
Site-Specific Amendment

Kinoshita

Staff recommendation: Recommend that the City Council **not include** the Kinoshita CPA into the 2009 annual CPA work program. If the proposal is included, **do not expand** the geographic scope of the proposal.

Permit Number:	09-104700 AC
Subarea:	Southwest Bellevue
Address:	1429 Bellevue Way SE
Applicant:	Kinoshita

PROPOSAL

This privately-initiated application would amend the map designation on this .57-acre site from SF-H (Single Family-H) to MF-M (Multifamily-Medium). See Attachment 1.

SUMMARY OF RECOMMENDATION

Mere proximity to desired land use designations or housing market responses to supply and demand are not considered significantly changed conditions requiring Comprehensive Plan amendment action.

The Southwest Bellevue Subarea Plan specifies the location of land uses in the Bellevue Way SE corridor in order to lend stability to development expectations for this important city corridor. Single family exists south of the Triangle Pool at about SE 19th St. Multifamily exists north of SE 8th Street. In between these areas the Subarea Plan identifies an established mix of single family, multifamily, professional office and neighborhood business in recognition of these sites' actual and longtime uses. Amongst this, the Subarea Plan does not support changes to more intense land use categories due simply to proximity.

BACKGROUND

The site currently consists of a single family residence and a licensed day care center. If the CPA is adopted, the site could be rezoned to allow redevelopment at fifteen to twenty units (R-15 to R-20) per acre. The applicant also owns the property to the south, which is zoned R-15. See Attachments 2 and 3.

THRESHOLD REVIEW DECISION CRITERIA

The Threshold Review Decision Criteria for an initiated Comprehensive Plan Amendment proposal are set forth in the Land Use Code Section 20.30I.140. Based on the criteria, Department of Planning and Community Development staff has concluded that the proposal **should not be included** in the annual CPA work program.

This conclusion is based on the following analysis:

A. The proposed amendment presents a matter appropriately addressed through the Comprehensive Plan; and

The appropriate land use designation on a specific site is a matter appropriately addressed through amendment of the Comprehensive Plan.

B. The proposed amendment is in compliance with the three-year limitation rules set forth in LUC 20.30I.130.A.2.d; and

The three-year limitation does not apply to this proposal to amend the site designation. The site has not been examined since the 1996 version of the Southwest Bellevue Subarea Plan (formerly South Bellevue) was adopted.

C. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council; and

This proposal raises land use issues that are more appropriately addressed through the annual CPA process and not some other ongoing work program.

D. The proposed amendment can be reasonably reviewed within the resources and timeframe of the Annual Comprehensive Plan Amendment Work Program; and

The suggestion can be reasonably reviewed within the resources and time frame of the current Annual Comprehensive Plan Amendment Work Program.

E. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. Significantly changed conditions are defined as:

> **Significantly changed conditions.** Demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent Plan map or text; where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole. This definition applies only to Part 20.30I Amendment and Review of the Comprehensive Plan (LUC 20.50.046).

The proposed amendment does not address significantly changed conditions since the last time the Plan map or text was amended in 1996.

The applicant notes proximity to existing multifamily designations south of this site as a significantly changed condition warranting CPA review for this site. Mere proximity to desired land use designations or housing market responses to supply

and demand are not considered significantly changed conditions requiring Comprehensive Plan amendment action.

The Southwest Bellevue Subarea Plan specifies the location of land uses in the Bellevue Way SE corridor in order to lend stability to development expectations for this important city corridor. Single family exists south of the Triangle Pool at about SE 19th St. Multifamily exists north of SE 8th Street. In between these areas the Subarea Plan identifies an established mix of single family, multifamily, professional office and neighborhood business in recognition of these sites' actual and longtime uses. Amongst this, the Subarea Plan does not support changes to more intense land use categories due simply to proximity. Increasing single family densities but not adding new multifamily capacity might be considered within this framework.

The 2003 Botch Family CPA (ref. Ordinance No. 5487) is an example of this type of consideration, where changes in the housing market, and changes in conditions surrounding the subject site led to consideration of the appropriate residential density on this site—originally proposed by the applicant at multifamily densities—to be implemented at the Single Family-Urban Residential designation of 7.5 units per acre. The final SF-UR designation included a development condition limiting houses built on the site to 2,500 square feet of total building area. Botch was built out as a Camwest development, and is one-half block north of the Kinoshita site.

; and

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

Owners of property adjacent to Kinoshita on the north have requested their property be included in the proposal through the expansion of geographic scoping, noting that their proximity to the site is a logical approach to long-term redevelopment in the area and will provide a benefit to the long-term planning needs of the community.

Expansion of the geographic scope of this proposal is not recommended because there is no consistent pattern to the lot sizes and their relationship to Bellevue Way in this area. As with the 2008 Pazooki CPA application in West Bellevue, without a clear boundary to the extent of similarly-situated property there is no way to establish a reasonable extent to the expansion of geographic scope.

G. The proposed amendment is consistent with current general policies in the Comprehensive Plan for site specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the Growth Management Act (GMA), other state or federal law, and the Washington Administrative Code (WAC); or

Preliminary analysis suggests that this request is likely inconsistent with current general policies in the Comprehensive Plan that focus opportunities for consideration of higher residential densities in the Bellevue Way SE corridor in highly selective areas.

If this proposed amendment is included in the annual work program additional analysis will be conducted prior to determining whether this request is fully consistent with all applicable and specific policies and regulations.

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

State law, or a decision of a court or administrative agency has not directed the suggested change.

PUBLIC COMMENT

Adjacent property owners to the north have expressed interest in the process, and have asked to be included in the notification and public record aspects of the application. See Attachment 3.

ATTACHMENTS

1. Applicant materials
2. Site map
3. Expansion of geographic scope (Bryant)
4. Public comments

ATTACHMENT 1
KINOSHITA

Department of Planning & Community Development
425-452-6864 www.cityofbellevue.org

Application for
COMPREHENSIVE PLAN AMENDMENT

APPLICATION DATE: 2/2/09 FOR CPA YEAR: 20	TECH INITIALS Ob	PROJECT FILE # 09-104700AC

1. Project name _____
2. Applicant name Ron Kinoshita Agent name _____
3. Applicant address 1429 Bellevue Way SE
4. Applicant telephone (425) 241-3601 fax (___) _____ e-mail rKinosh@earthlink.net
5. Agent telephone (___) _____ fax (___) _____ e-mail _____

This is a proposal to initiate a site-specific Comprehensive Plan Amendment ☒ (Go to **Block 1**)
This is a proposal to initiate a non site-specific Comprehensive Plan Amendment ☐ (Go to **Block 2**)

BLOCK 1

Property address and/or 10-digit King County parcel number 052405-9081-05 052405-9237-08.

Proposed amendment to change the map designation from existing SF-H to proposed MF-M.
Site area (in acres or square feet) 24,708 square feet ±.
Subarea name Pattersons Addition.
Last date the Comprehensive Plan designation was considered __/__/1996
Current land use district (zoning) R-4 Single Family.
Is this a concurrent rezone application? ☐ Yes ☒ No Proposed land use district designation _____.

Go to **BLOCK 3**

Community Council: N/A ☒ East Bellevue ☐

BLOCK 2

Proposed amendment language. This can be either conceptual or specific amendatory language; but please be as specific as possible so that your proposal can be adequately evaluated. If specific wording changes are proposed, this should be shown in ~~strike-out~~/underline format. Attach additional pages as needed.

NA

Reference Element of the Comprehensive Plan (e.g., Land Use, Transportation, Housing, Capital Facilities):

Last date the Comprehensive Plan policy or text was considered ___/___/___.

Go to **BLOCK 3**

BLOCK 3
Support for the proposed amendment. Explain the need for the amendment—why is it being proposed? Describe how the amendment is consistent with the vision of the Comprehensive Plan. Include any data, research, or reasoning that supports the proposed amendment. Attach additional pages as needed.

See attachment

Go to **BLOCK 4**

BLOCK 4a
Evaluating the proposed amendment. Explain how the proposed amendment is consistent with the Threshold Review Decision Criteria in LUC Section 20.30I.140 (see Submittal Requirements Bulletin #53). Attach additional pages as needed.

See attachment

BLOCK 4b ***complete this section only for a site-specific concurrent rezone***
Evaluating the proposed concurrent resone. Explain how the proposed rezone would be reviewed under Rezone Decision Criteria in Land Use Code Section 20.30A.140. Attach additional pages as needed.

N/A

I have read the Comprehensive Plan and Procedures Guide ☐

NOTICE OF COMPLETENESS: Your application is considered complete 29 days after submittal, unless otherwise notified.

Signature of applicant [signature] Date 01/30/2009

I certify that I am the owner or owner's authorized agent. If acting as an authorized agent, I further certify that I am authorized to act as the Owner's agent regarding the property at the above-referenced address for the purpose of filing applications for decisions, permits, or review under the Land Use Code and other applicable Bellevue City Codes and I have full power and authority to perform on behalf of the Owner all acts required to enable the City to process and review such applications.

I certify that the information on this application is true and correct and that the applicable requirements of the City of Bellevue, RCW, and the State Environmental Policy Act (SEPA) will be met.

*Signature*_____ *Date*_____
(Owner or Owner's Agent)

Application for Comprehensive Plan Amendment

Block 3
Support for the proposed amendment. Explain the need for the amendment-why is it being proposed? Describe how the amendment is consistent with the vison of the Comprehensive Plan. Include any data, research, or reasoning that supports the proposed amendment.

Our property at 1429 Bellevue Way SE is zoned ST-H. This property has a conditional use permit to operate Jack & Jill Day & Pre-School, Inc. We recommend a change in the comprehensive plan for this property to be MF-M. We also own the adjacent property at 1435 Bellevue Way SE that is already zoned MF-M since the 1970's. We have been operating the day care and pre-school since 1974. We want to be consistent with the comprehensive plan because the lots at the NW corner of Bellevue Way SE/SE16th St are zone multi-family. Just recently, the NW corner of Bellevue Way SE/SE 14th St. lots were rezoned multi-family. We have seen the changed of the City of Bellevue and especially along Bellevue Way SE moving from single family to multi-family. Therefore, we are submitting this application to amend the comprehensive plan in order to maintain the consistency of the surrounding area.

Block 4a
Evaluating the proposed amendment. Explain how the proposed amendment is consistent with Threshold Review Decision Criteria in LUC Section 20.301.140 (see Submittal Requirements bulleting #53).

Our proposal addresses a significantly changed condition since the last time the pertinent Comprehensive Plan map was amended. As stated in Block 3, "Our property at 1429 Bellevue Way SE is zoned ST-H. This property has a conditional use permit to operate Jack & Jill Day & Pre-School, Inc. We recommend a change in the comprehensive plan for this property to be MF-M. We also own the adjacent property at 1435 Bellevue Way SE that is already zoned MF-M since the 1970's. We have been operating the day care and pre-school since 1974. We want to be consistent with the comprehensive plan because the lots at the NW corner of Bellevue Way SE/SE16th St are zone multi-family. Just recently, the NW corner of Bellevue Way SE/SE 14th St. lots were rezoned multi-family. We have seen the change of the City of Bellevue and especially along Bellevue Way SE moving from single family to multi-family. Therefore, we are submitting this application to amend the comprehensive plan in order to maintain the consistency of the surrounding area".

This proposal amendment is consistent with current general policies in the Comprehensive Plan for site-specific amendment proposals as stated above. We recommend that our two adjacent properties be zoned the same (MF-M) that is consistent with policy implementation in the Countywide Planning Policies, the Growth Management Act, other state or federal law, and the Washington Administrative Code; and the State Law.

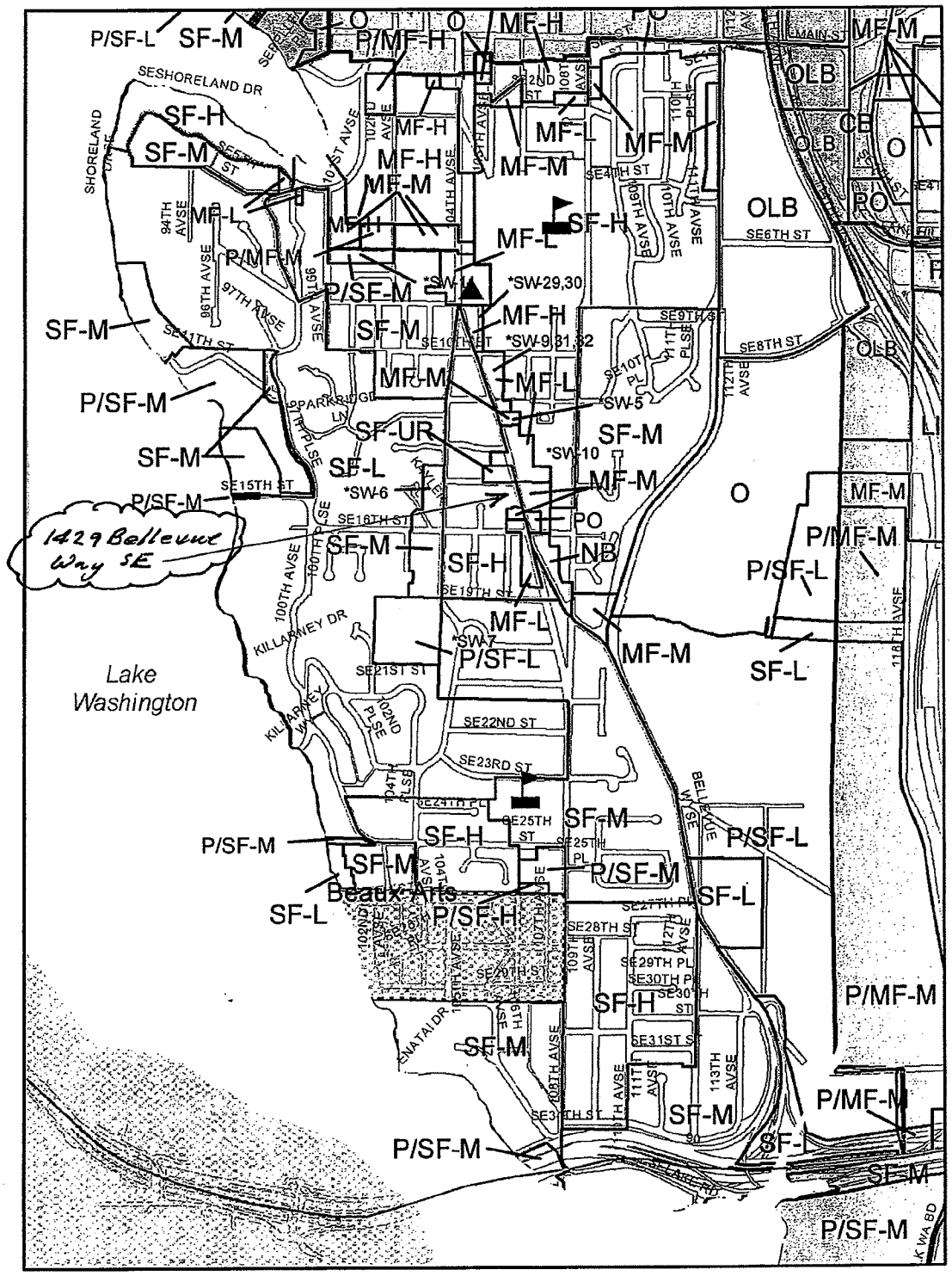


FIGURE S-SW.1

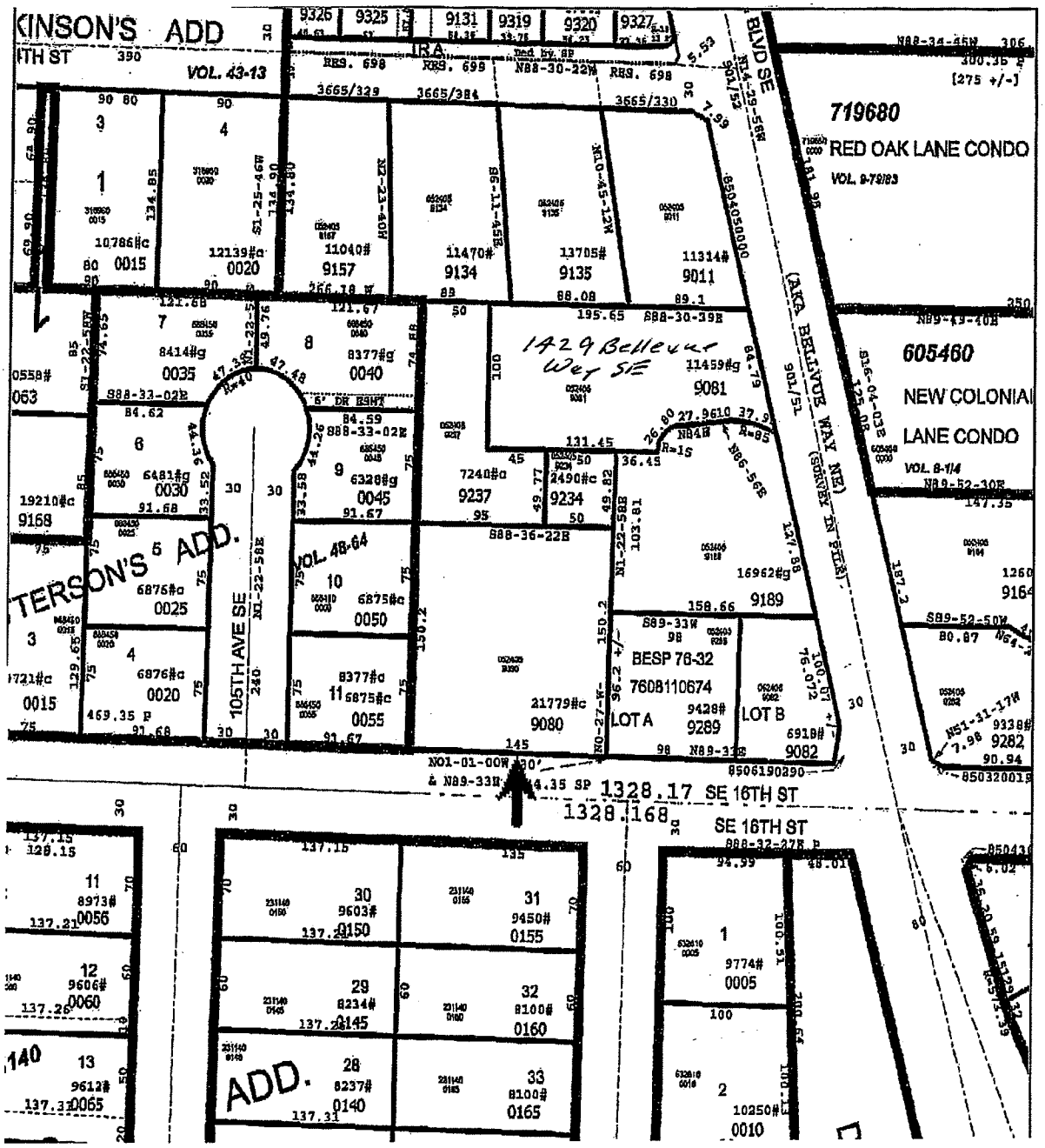
Southwest Bellevue Land Use Plan

N

* See Ord 5487

SF	Single Family
MF	Multi Family
-L	Low Density
-M	Medium Density
-H	High Density
-UR	Urban Residential
PO	Professional Office
O	Office
OLB	Office, Limited Business
OLB-OS	Office, Open Space
NB	Neighborhood Business
CB	Community Business
GC	General Commercial
LI	Light Industrial
PF	Public Facility
P	Park

Fire Stations
Public Schools
Planning Districts
Bellevue City Limits (6/2005)
Lakes


KINSON'S ADD
VOL. 43-13
719680
RED OAK LANE CONDO
VOL. 9-79/83
605460
NEW COLONIAL
LANE CONDO
VOL. 8-1/4
1429 Bellevue Way SE
(AKA BELLEVUE WAY NE)
105TH AVE SE
TERSON'S ADD.
VOL. 48-64
BESP 78-32
7608110674
LOT A
LOT B
SE 16TH ST
1328.17 SE 16TH ST
1328.168
ADD.

1429 Bellevue Way SE

A-1964

Pioneer National Title Insurance Company

WASHINGTON TITLE DIVISION

REAL ESTATE CONTRACT

THIS CONTRACT, made and entered into this 5th day of April, 1974

between WILLIAM L. BLANCHARD and BARBARA S. BLANCHARD, his wife

hereinafter called the "seller," and RONALD H. KINOSHITA and SUSAN KINOSHITA, his wife

hereinafter called the "purchaser,"

WITNESSETH: That the seller agrees to sell to the purchaser and the purchaser agrees to purchase from the seller the following described real estate, with the appurtenances, in King County, State of Washington:

As per attached description, by this reference made a part hereof:
SUBJECT to an existing Deed of Trust recorded under Auditor's No. 6678638 which Seller herein agrees to continue to pay according to its own terms and conditions and to have satisfied at or prior to time contract herein is fully paid.
SUBJECT to easements recorded under Auditor's Nos. 4152068, 3270223 and 4633036.

PORTION OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF PATTERSON'S ADDITION, ACCORDING TO THE PLAT RECORDED IN VOLUME 48 OF PLATS, PAGE 64, IN KING COUNTY, WASHINGTON; THENCE SOUTH 1°22'58" WEST ALONG THE EAST LINE OF SAID ADDITION 149.68 FEET; THENCE SOUTH 88°33'02" EAST 95 FEET; THENCE NORTH 1°22'58" EAST 49.77 FEET; THENCE SOUTH 88°36'22" EAST 86.45 FEET, TO INTERSECTION WITH A CURVE TO THE RIGHT WITH RADIUS OF 15 FEET, THE CENTER OF WHICH BEARS NORTH 72°21'21" EAST FROM SAID POINT OF INTERSECTION; THENCE NORTHEASTERLY ALONG SAID CURVE 26.80 FEET; THENCE ALONG A TANGENT TO SAID CURVE NORTH 84°44'33" EAST 27.96 FEET; THENCE NORTH 86°50' EAST 10 FEET; THENCE ALONG CURVE TO THE RIGHT WITH RADIUS OF 85 FEET A DISTANCE OF 37.91 FEET TO THE WESTERLY LINE OF LAKE WASHINGTON BOULEVARD; THENCE NORTHWESTERLY ALONG SAID WESTERLY LINE TO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTH 88°36'22" WEST TO POINT OF BEGINNING.

AFF. No. 7605635
APR 2 1974
By ..... Deputy
OFFICE OF THE COMPTROLLER
King County, WA

As referred to in this contract, "date of closing" shall be April 5, 1974

(1) The purchaser assumes and agrees to pay before delinquency all taxes and assessments that may as between grantor and grantee hereafter become a lien on said real estate; and if by the terms of this contract the purchaser has assumed payment of any mortgage, contract or other encumbrance, or has assumed payment of or agreed to purchase subject to, any taxes or assessments now a lien on said real estate, the purchaser agrees to pay the same before delinquency.

(2) The purchaser agrees, until the purchase price is fully paid, to keep the buildings now and hereafter placed on said real estate insured to the actual cash value thereof against loss or damage by both fire and windstorm in a company acceptable to the seller and for the seller's benefit, as his interest may appear, and to pay all premiums therefor and to deliver all policies and renewals thereof to the seller.

(3) The purchaser agrees that full inspection of said real estate has been made and that neither the seller nor his assigns shall be held to any covenant respecting the condition of any improvements thereon nor shall the purchaser or seller or the assigns of either be held to

1435 Bellevue Way SE

8005230474

PARCEL A

That portion of the South half of the South half of the Southeast quarter of the Northwest quarter of Section 5, Township 24 North, Range 5 East W.M., in King County, Washington, described as follows:

Beginning at the intersection of a line which is 100.00 feet South of and parallel to the North line of said subdivision with the East line of PATTERSON'S ADDITION, according to the plat thereof recorded in Volume 48 of Plats, page 64, records of King County, Washington;
thence South 88 deg. 36 min. 22 sec. East, along said parallel line 145.00 feet to the true point of beginning;
thence continuing South 88 deg. 36 min. 22 sec. East 36.45 feet to an intersection with a curve to the right having a radius of 15 feet to the center of which curve bears North 72 deg. 21 min. 21 sec. East from said point of intersection;
thence Northeasterly along said curve to the right 26.80 feet;
thence along a line tangent to said curve North 84 deg. 44 min. 33 sec. East 27.96 feet;
thence North 86 deg. 50 min. 00 sec. East 10.00 feet;
thence along a curve to the right having a radius of 85 feet a distance of 87.91 feet to an intersection with the Westerly line of Lake Washington Boulevard;
thence South 14 deg. 29 min. 41 sec. East along said Westerly line 127.28 feet to a point which is North 14 deg. 29 min. 41 sec. West 100.07 feet from the intersection of said Westerly line with the North line of S.E. 16th Street as now located and established;
thence North 88 deg. 33 min. 02 sec. West parallel to the North line of said S.E. 16th Street, 158.66 feet to the East line of that certain tract of land described in that instrument recorded in Volume 2122 of Deeds, page 9, under Recording No. 3302139;
thence North 1 deg. 22 min. 58 sec. East along the East line of said tract and the same produced Northerly, 103.81 feet to the true point of beginning;

TOGETHER WITH an easement for ingress to and egress from said above described tract over and across the following described portion of the South half of the South half of the Southeast quarter of the Northwest quarter of said Section:

Beginning at a point on a line which is 100.00 feet South of and parallel to the North line of said subdivision, said point being South 88 deg. 36 min. 22 sec. East measured along said parallel lines 181.45 feet from the East line of said PATTERSON'S ADDITION;

thence Northeasterly along a curve to the right having a radius of 15 feet the center of which curve bears North 72 deg. 21 min. 21 sec. East from said point of beginning, a distance of 26.80 feet;
thence along a line tangent to said curve North 84 deg. 44 min. 33 sec. East 27.96 feet;
thence North 86 deg. 50 min. 00 sec. East 10.00 feet;
thence along a curve to the right having a radius of 85 feet, a distance of 87.91 feet to an intersection with the Westerly line of Lake Washington Boulevard;
thence North 14 deg. 29 min. 41 sec. West along said Westerly line 25.07 feet to an intersection with a curve having a radius of 45 feet to the center of which curve bears North 28 deg. 20 min. 36 sec. West from said point of intersection;
thence Westerly along said curve to the right a distance of 19.77 feet;
thence along a line tangent to said curve, South 86 deg. 50 min. 00 sec. West 50.00 feet;
thence along a curve to the left having a radius of 28 feet a distance of 46.67 feet to a point on said line which is 100.00 feet South of and parallel to the North line of said South half of the South half of the Southeast quarter of the Northwest quarter of said Section;
thence South 88 deg. 36 min. 22 sec. East along said parallel line 13.39 feet to the point of beginning.

PARCEL B

That portion of the South half of the South half of the Southeast quarter of the Northwest quarter of Section 5, Township 24 North, Range 5 East W.M., in King County, Washington, described as follows:

Beginning on a point on a line 95.00 feet East of and parallel to the East line of PATTERSON'S ADDITION, according to the plat thereof recorded in Volume 48 of Plats, page 64, records of King County, Washington, said point being 100.00 feet South of, measured along said parallel line, the North line of the South half of the South half of the Southeast quarter of the Northwest quarter of said Section;
thence South 1 deg. 22 min. 58 sec. West parallel to the East line of said PATTERSON'S ADDITION, 49.77 feet to the North line of that certain tract of land described in that instrument recorded in Volume 2122 of Deeds, page 9, records of King County, Washington, under Recording No. 3302139;
thence South 88 deg. 33 min. 02 sec. East along the North line of said Tract, 50.00 feet to the Northeast corner thereof;

thence North 1 deg. 22 min. 58 sec. East along a line which is a production Northerly of the East line of said Tract, 49.82 feet to a point on a line which is 100.00 feet South of and parallel to the North line of the South half of the South half of the Southeast quarter of the Northwest quarter of said Section;
thence North 88 deg. 36 min. 22 sec. West along said parallel line, 50.00 feet to the point of beginning.

Both situate in the City of Bellevue, County of King, State of Washington.

8005230474

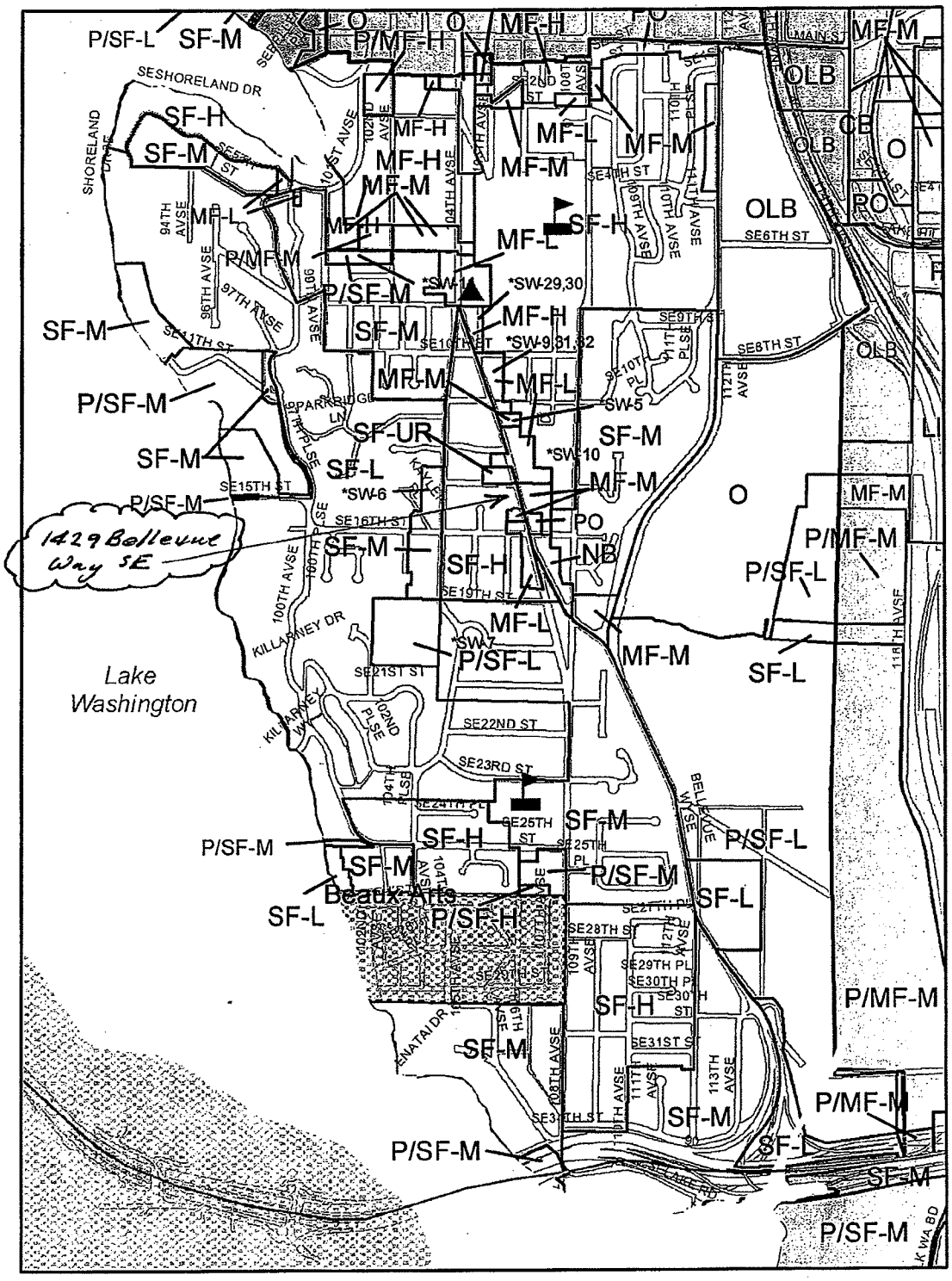


FIGURE S-SW.1

Southwest Bellevue Land Use Plan

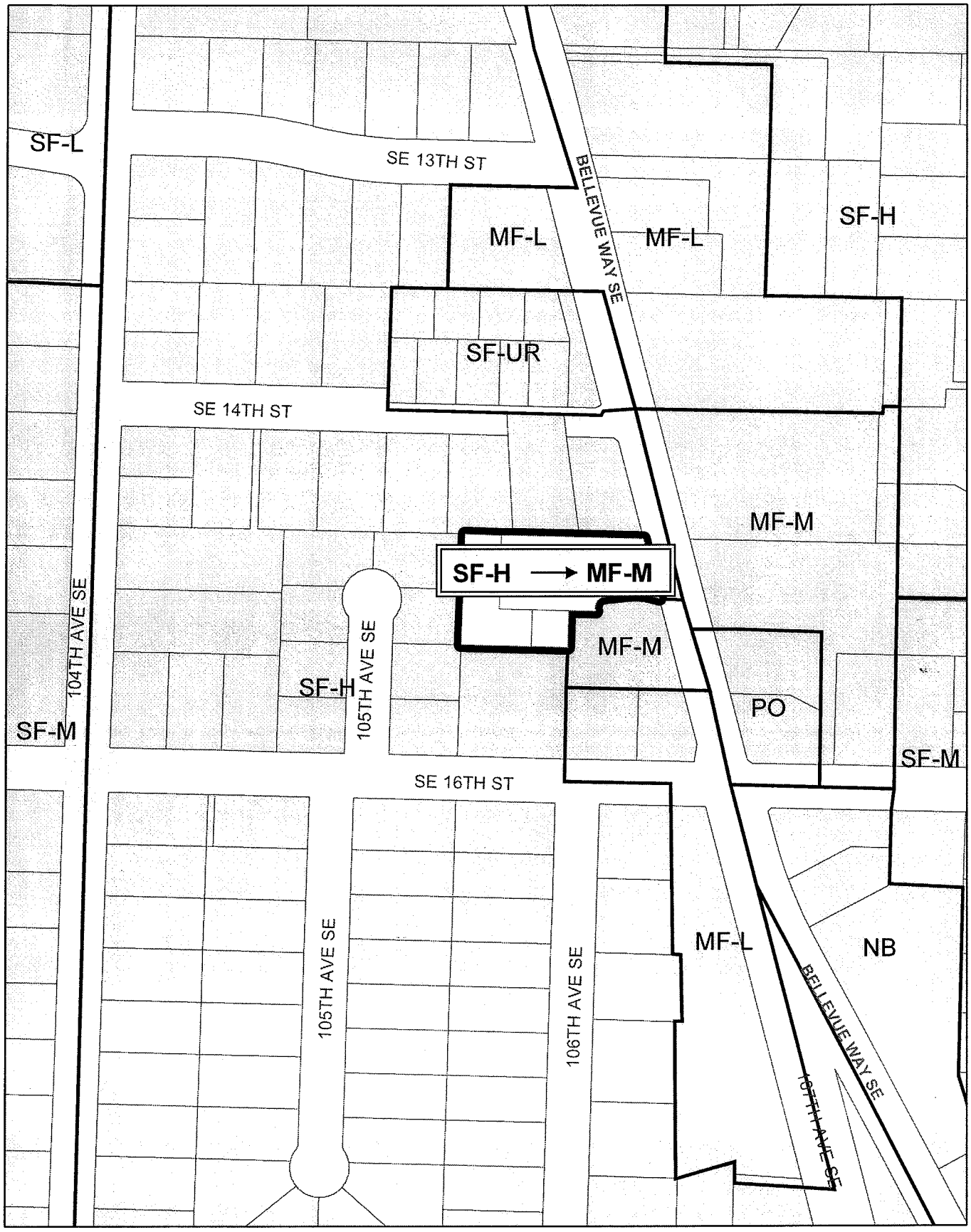
N

Fire Stations
Public Schools
Planning Districts
Bellevue City Limits (6/2005)
Lakes

* See Ord 5487

SF	Single Family
MF	Multi Family
-L	Low Density
-M	Medium Density
-H	High Density
-UR	Urban Residential
PO	Professional Office
O	Office
OLB	Office, Limited Business
OLB-OS	Office, Open Space
NB	Neighborhood Business
CB	Community Business
GC	General Commercial
LI	Light Industrial
PF	Public Facility
P	Park

Attachment 2



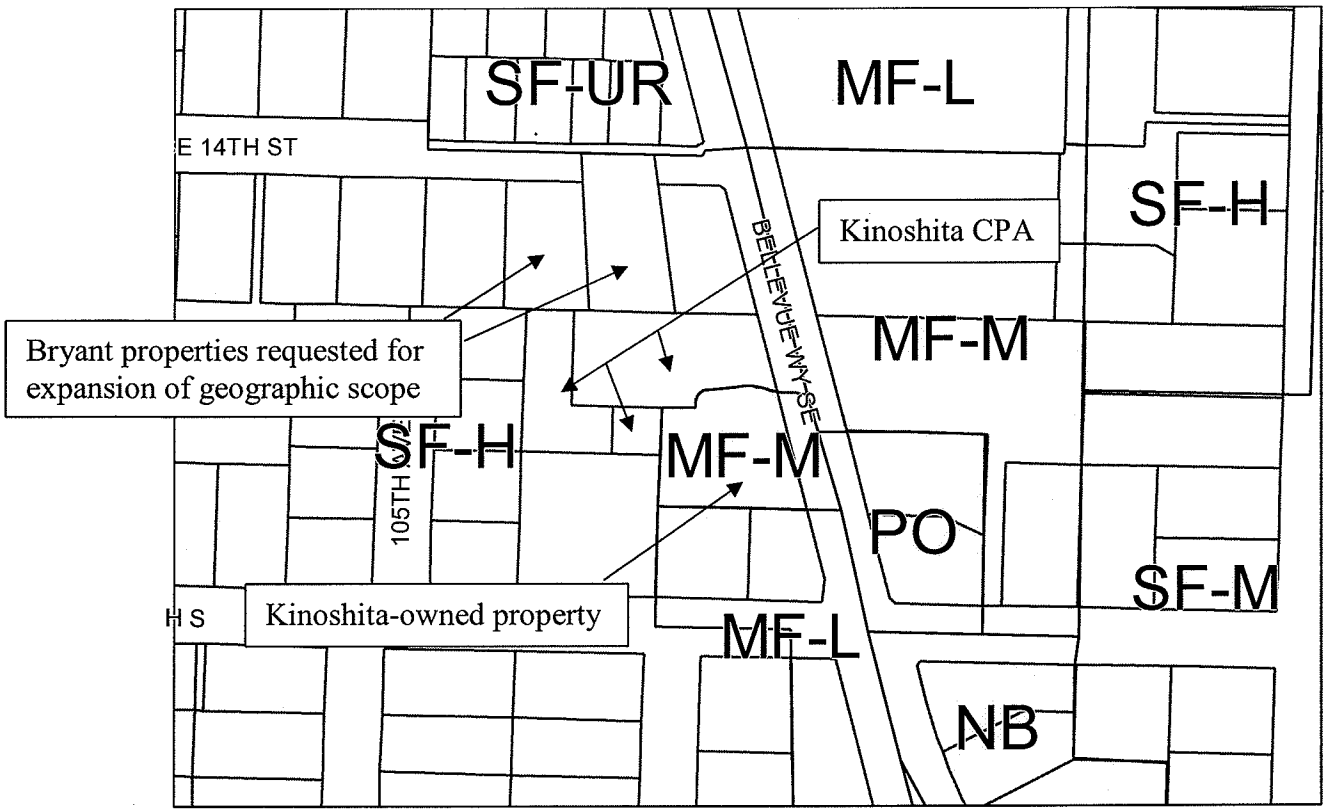
Kinoshita

Proposed Comprehensive Plan Designations

March 2009

Attachment 3

Kinoshita Expansion of geographic scope (Bryant)



ATTACHMENT 4
PUBLIC COMMENTS - KINOSHITA

Matz, Nicholas

Subject: RE: File Number 09-104700 AC

From: kathleen marshall [mailto:kathyteaches@gmail.com]
Sent: Thursday, March 19, 2009 3:33 PM
To: Matz, Nicholas
Subject: Re: File Number 09-104700 AC

Dear Mr. Matz - my brother has sent me a copy of his email to you. He is an architect and I am a teacher in Kirkland so obviously he is more familiar with the rezone request than I would be. I don't know what we will be planning for the estate property in the future but perhaps you can give me some additional information as I feel a bit uncomfortable with this until I know more. I am interested in the density of the proposed development, design plans esp. in relation to our property line, income - is it low income housing and how this impacts zoning for our property now and in the future. The last few years have created changes in the quality, size and price of new homes on S.E. 14th. This leads me to believe that while more than one home could potentially be built on the estate property as well as our youngest brother's home next door, apartments would never be acceptable on 14th. I appreciate the time you are taking to provide me with further information. I will provide you with 2 email addresses and two mailing addresses as my husband and I live on Bainbridge Island and commute to the Eastside.

Kathleen Marshall

On Thu, Mar 19, 2009 at 10:36 AM, <NMatz@bellevuewa.gov> wrote:

> Mr. Bryant and Ms. Marshall:
>
> Thank you for commenting on this Comprehensive Plan Amendment (CPA) application. I have added your comments to the public record and will include these comments in the Planning Commission's review of materials.
>
> Based on receipt of this email I have added your email addresses to the parties of public record for this application.
>
> Nicholas Matz AICP 425 452-5371
>
> ---
>
> **From:** Richard Bryant [mailto:altavistadesign@comcast.net]
> **Sent:** Thursday, March 19, 2009 9:30 AM
> **To:** Matz, Nicholas
> **Cc:** Kathleen Marshall 2
> **Subject:** File Number 09-104700 AC
> **Importance:** High
>
> Dear Mr. Matz,
>
> My sister and I are the co-executors for the estate of Lorraine A. Bryant. The estate owns the house at 10445 SE 14th Street, Bellevue, WA 98004. Our property adjoins the Kinoshita property along our rear (south) property line.
>
> I received the March 12, 2009 Weekly Permit Bulletin and noticed the re-zoning announcement for the

Kinoshita property. Although the application was dated on January 30, 2009, the notice in the bulletin was the first information that we have received about the re-zone request.

Since we have not received any information about the project, we have not yet had an opportunity to review or comment on the request. I did go to your web site and look at the application form that Ron filled out. Nothing of great significance or concern was noted in that review.

On the surface, we are not too concerned about the zone-change request as such a change would likely lend credence to any plans that we might have regarding a future zone-change request for the Estate's property.

Using our two e-mail addresses, please keep Kathleen and me updated regarding the zone-change request and please send us via e-mail any specific documents related to site and building plan developments.

Thanks for your assistance in this regard.

Richard Bryant, AIA

Alta Vista Design Architecture & Planning LLC

Alta Vista Design Architecture & Planning LLC
4128 NW Peppertree Place, Corvallis, OR 97330
Phone / Fax: (541) 754-7540

March 31, 2009

City of Bellevue
Planning & Community Development
450 110th Ave. NE
P.O. Box 90012
Bellevue, WA 98009

Attn: Mr. Nicholas Matz AICP
Senior Planner, City of Bellevue

RE: File Number 09-104700 AC
Kinoshita Property Comprehensive Plan Amendment Application

Dear Mr. Matz,

This letter will serve as a continuation of our previous correspondence regarding the Comprehensive Plan Amendment application recently filed by Mr. Ron Kinoshita requesting that their property (described in File # 09-104700 AC) zoning designation be changed from Single Family – High (SF-H) to Multi-family Medium (MF-M).

Since our last e-mail regarding the Kinoshita request, I have had the opportunity to discuss with the other members of the Estate of Lorraine A. Bryant, both the initial re-zoning application as well as the potential implications of the proposed re-zoning upon the immediately adjacent property that is owned by the Estate. From that discussion, we have concluded that the request presented by Mr. Kinoshita is in the best long range interests of the City of Bellevue and that the request will have no negative impact upon the current use and future development potential for the Estate's property located at 10445 SE 14th Street.

Discussions with a family member who owns the parcel immediately west of the Estate's property and also shares a property line with the subject Kinoshita Property, has concluded that the Kinoshita request would not have a negative impact on his property.

As part of the Threshold Review process, the Estate of Lorraine A. Bryant wishes to support the request to amend the Comprehensive Plan and permit re-zoning of the Kinoshita Property to Multi-Family – Medium.

Under the "Expansion of Geographic Scope" provisions contained in the Comprehensive Plan, the Estate of Lorraine A. Bryant formally requests that the current zoning designation of the

Estate's adjacent property be changed to match the MF-M amendment requested by Mr. Kinoshita.

We believe that changing the Estate's current zoning to match the designation requested for the adjacent Kinoshita Property will benefit the long-term planning needs of the community by permitting higher density housing development that is in close proximity to; 1) public transit, 2) existing neighborhood commercial development, and 3) other existing higher-density housing developments that are in close proximity to the subject properties.

Using the "Expansion of Geographic Scope" provision seems to be a logical approach to addressing our re-zoning request, especially where adjacent properties share common property lines and similar locations within the fabric of a changing neighborhood and larger community perspective. Granting our request to have the designation of the Estate's property amended to MF-M appears to be an efficient and logical approach to Comprehensive Plan Amendments. We believe that such an amendment provision will help to avoid the pitfalls of "spot zoning" and multiple CPA application requests from adjacent property owners in the near future.

At the moment, we plan to be represented at the April 22, 2009 hearing and, if permitted, to speak in favor of Mr. Kinoshita's application and the Estate's request for a CPA to MF-M through the "Expansion of Geographic Scope" process.

We appreciate your sharing of information about the requested CPA as well as your description of the process and available options to participate in the proposed CPA / Threshold Review.

Should you have any questions regarding this letter and our request, please feel free to contact me.

Respectfully,

Richard Bryant, AIA
Co-executor, Estate of Lorraine A. Bryant

Copy:
Kathleen Marshall, Co-executor, Estate of Lorraine A. Bryant
Joseph Bryant
Steve Waltar, Estate Attorney

Matz, Nicholas

From: Joseph Bryant [josephpbryant@gmail.com]

Sent: Thursday, April 02, 2009 4:58 AM

To: Matz, Nicholas

Subject: 033109 File Number 09-104700 AC and Expansion of Geographic Scope zone change request

Attachments: Bryant Zone Change request 09-104700 AC.doc; Bryant Zone Change request 09-104700 AC.pdf

Dear Mr. Matz,

Attached is a letter that supports the zone-change request submitted by Mr. Kinoshita.

I am requesting that City Staff review my request to have my property and the Estate's adjacent property included in the Threshold Review process. Under the provisions permitted in the Expansion of Geographic Scope approach, I am requesting that the current zoning of the my property and that of the Estate be changed to match the MF-M (R-20) designation requested by Mr. Kinoshita.

Should you need any additional information, please feel free to contact me.

Joseph P. Bryant
Heir to the Estate of Lorraine A. Bryant

PS: Signed hard copy to follow.

Joseph P. Bryant

10441 SE 14th St • Bellevue, WA 98004-7144
Phone: 425-455-4846 • Fax: 425-455-4846 • E-Mail: josephpbryant@gmail.com

April 1, 2009

City of Bellevue
Planning & Community Development
450 110th Ave. NE
P.O. Box 90012
Bellevue, WA 98009

Attn: Mr. Nicholas Matz AICP; Senior Planner, City of Bellevue

RE: File Number 09-104700 AC - Kinoshita Property CPA Application

Dear Mr. Matz,

My brother and sister, co-executors of the Estate of Lorraine A. Bryant and I as an heir to the Estate have discussed the proposed re-zoning of the Kinoshita property that is adjacent to the southern lot line of our connected properties. Our conclusion is that Mr. Kinoshita's request is in the best interest of the City of Bellevue and that his request will have no negative impact upon the current use of, nor the future development potential for my property located at 10441 SE 14th Street or the Estate's property located at 10445 SE 14th Street which shares my eastern lot line.

As part of the Threshold Review process, I would like to support the request to amend the Comprehensive Plan and permit re-zoning of the Kinoshita Property to Multi-Family – Medium.

Under the "Expansion of Geographic Scope" provisions contained in the Comprehensive Plan, I am formally requesting that the current zoning designation of my adjacent property be changed to match the MF-M amendment requested by Mr. Kinoshita.

I feel that changing the current zoning of my property as well as that of the Estate to match the designation requested for the adjacent Kinoshita Property will benefit the long-term planning needs of the community by permitting higher density housing development that is in close proximity to:

- Public transit
- Existing neighborhood commercial development
- Existing higher-density housing developments in close proximity to the subject properties

Using the "Expansion of Geographic Scope" provision seems to be a logical approach to addressing my re-zoning request, especially where adjacent properties share common property lines and similar locations within the fabric of a changing neighborhood and larger community perspective. Granting my request to have the designation of my property and that of the Estate amended to MF-M appears to be an efficient and logical approach to Comprehensive Plan Amendments.

I appreciate the opportunity to participate in the proposed CPA / Threshold Review.

Please feel free to contact me regarding this letter and my request.

Respectfully,

Joseph P. Bryant

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

July 23, 2003 | Bellevue City Hall
7:00 p.m. | City Council Conference Room

COMMISSIONERS PRESENT: Chair Schiring, Vice-Chair Lynde, Commissioners Bach, Bonincontri, Chelminiak, Mathews, Robertson

COMMISSIONERS ABSENT: None

STAFF PRESENT: Kathleen Burgess, Emil King, Steve Cohn, Department of Planning and Community Development

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 7:02 p.m. by Chair Schiring who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present.

3. APPROVAL OF AGENDA

The agenda was approved by consensus.

4. STAFF REPORTS

Kathleen Burgess, Planning Manager, reported that the Council held a study session at its July 21 meeting on the wireless issue. While no decision was made, it appears the Council will adopt the recommendation of the Planning Commission. The Mayor expressed her deep gratitude for the work of the Commission on the subject.

Ms. Burgess said the Council had a briefing on the critical areas update at its June 30 meeting. The Council was very complimentary regarding the work done by the CAC. The issue was passed on to the Planning Commission for review and recommendation; that work will begin after the August break.

A. Interpreting Changed Circumstances for CPAs

Ms. Burgess said one of the decision criteria for Comprehensive Plan amendments is the issue of changed circumstances, something that is not always clear. She explained that not every change meets the changed circumstances criteria. The Comprehensive Plan is a document that plans for change over time as policies and regulations are implemented through both public and private investment. Such changes are foreseen by the Comprehensive Plan and as such are not considered to be changed circumstances.

Under the adopted process, proposed Comprehensive Plan amendments must first be docketed. At that stage the applicant must address the changed circumstances criterion. There is little staff analysis during that phase. At the decision stage, applicants must show changed circumstances, and staff prepares a report that looks at the rate and timing of growth, the time passed since the area was last reviewed, housing targets and infrastructure. In part staff looks to determine if the implementation of the policies and regulations, or the lack of implementation in some cases, has resulted in a change not foreseen by the Comprehensive Plan.

In 2002 the Albright CPA was before the Commission seeking a change from Single Family-Low to Single Family-Medium. The applicant proposed, and the Commission agreed, that the connection of Lakemont Boulevard to I-90, even though it was foreseen and planned for in the Comprehensive Plan, resulted in rapid change in the Lakemont area that was not foreseen by the Comprehensive Plan. The determination was made that in fact there had been a changed circumstance. When application was made to expand the uses allowed in the General Commercial zone, it was claimed by the applicant that the mix of allowed uses was not working and that the general economy was stagnating; in that instance the Commission concurred that the change in the economy represented a changed circumstance.

Ms. Burgess commented that growth of an area is not necessarily a changed circumstance; if the Comprehensive Plan anticipated the growth, it is not a changed circumstance. Some applicants have claimed that because a particular subarea plan has not been updated in several years the changes that have occurred meet the changed circumstances criteria, but if the Comprehensive Plan is being carried out as anticipated the test cannot be met. Determining changed circumstance is often less of a science and more of an art.

Chair Schiring pointed out that a legal decision, such as a change in the Growth Management Act (GMA), could result in a changed circumstance.

Commissioner Bach asked how often the housing supply and affordability provisions of the GMA are revised. Ms. Burgess allowed that the GMA is changed from time to time. For instance, the planning to expand SR-520 and I-90 is something in which the city is very involved. As those plans come to fruition, the Comprehensive Plan may need to be amended in part as the land use impacts may change. The GMA sets specific housing targets for each jurisdiction, and some applicants have argued that those requirements justify an increase in density beyond that anticipated in the Comprehensive Plan. However, the Comprehensive Plan has been geared to accommodate the established housing targets and as such they cannot be used to prove changed circumstances.

5. PUBLIC COMMENT - None

6. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCIL, BOARDS AND COMMISSIONS - None

7. PUBLIC HEARING

A. 2003 Comprehensive Plan Amendment – Botch Family

Emil King, Senior Planner, said the privately initiated Comprehensive Plan Amendment for the 1.03-acre site on Bellevue Way SE seeks a change from Single Family-High to Multifamily-Low. He said staff does not believe the Multifamily-Low is appropriate for the site and has recommended Single Family-Urban Residential which has an associated zoning of R-7.5. The

staff recommendation includes a proposal that any future development on the site be limited to single family detached units, and that the unit sizes be limited to 2,500 square feet to fit better with the established neighborhood.

Commissioner Chelminiak asked if the city has in the past acted to limit the size of structures as proposed. Mr. King said it has not been done before in Bellevue. The practice has over the last five years become much more common in surrounding jurisdictions, especially with respect to cottage and small-lot single family developments.

Commissioner Chelminiak commented that with a limit of 2,500 square feet the property could yield six or seven lots. He asked if the issue is one of scale. Mr. King said the site is fairly flat and under the current zoning could yield roughly four 10,000-square-foot lots; a large single family home could be constructed on each lot. Limiting the size of the structures would bring about homes much more in keeping with the development of the neighborhood. Four lots with homes of 4,000 square feet each would mean an FAR of about 0.38. With seven or eight units at 2,500 square feet each the FAR would be slightly higher but within the same general range. The bulk would just be split among more structures. Staff did not feel that simply allowing a higher density without capping the size of the structures would be compatible with the neighborhood, most of which was developed in the 1950s and 1960s.

Commissioner Chelminiak noted that the owner of an adjacent property could sell to a builder who would be allowed to redevelop to the maximum limit permitted by the code, which could be a much larger home than 2,500 square feet. Mr. King agreed. He pointed out that there are very few single family uses fronting Bellevue Way between downtown and the intersection with 112th Avenue SE.

Motion to open the public hearing was made by Commissioner Bonincontri. Second was by Commissioner Chelminiak and the motion carried unanimously.

Ms. Colleen Dunseath, 1410 104th Avenue SE, spoke in opposition to the proposed amendment. She said there is plenty of housing in the city and more on the way; an increase in density for the subject property is simply not needed. The older neighborhood is well established, and though the homes are relatively small the lots are relatively large. The claim has been made that smaller homes might be more affordable, but just recently a small house close by sold, was then torn down, and the home being built there now will be valued at $879,000, hardly an affordable home. The neighborhood will gain nothing if the amendment is approved, with or without a size restriction.

Mr. Brock Dunseath, 1410 104th Avenue SE, said the home he now lives in was purchased new in 1950 by his father who moved the family to Bellevue in order to provide a better life. The lot is large with plenty of room for kids to play, as are most of the lots in the neighborhood. The Botch property should be developed under its current zoning. That would mean four homes on rather large lots. He allowed that that could mean construction of very large homes on the lots, and an increase in property taxes for all properties in the area. What is really needed is an approach that will fit with the existing neighborhood.

Mr. Mike Taylor, 9 Lake Bellevue Drive, Suite 213, spoke on behalf of the Botch family. He said the original application was for a higher density. The decision to seek Single Family-Urban Residential was made after talking with staff and is a supportable position. If a limit is imposed on the size structures, however, the limit should be tied to living space and not total structure space. The property fronts Bellevue Way where there is a large volume of traffic. A development at R-7.5 would provide a nice transition from Bellevue Way to the single family

developments. Access to the site is anticipated to be from SE 14th Street. Whether or not homes constructed on the site will be affordable is something the market will control. He urged the Commission to support the amendment as proposed.

Motion to close the public hearing was made by Commissioner Lynde. Second was by Commissioner Bonincontri and the motion carried unanimously.

8. STUDY SESSION

A. 2003 Comprehensive Plan Amendment – Botch Family

Commissioner Mathews asked if the 2,500 square foot limit as proposed would apply even if the property owner chose to develop at less than the maximum density allowed. Mr. King said if a maximum size limit is adopted, it would apply regardless of the number of lots ultimately achieved on the site. Mr. King added that if the limit is for living space only, the size of any garage would not be included; as such the overall development size per home would be closer to 3,000 square feet.

Answering a question asked by Commissioner Lynde regarding establishing a size limit, Mr. King explained that it could be achieved by putting a special policy in the subarea plan, or by making it a condition of the plan change and have it occur during the rezone process.

Chair Schiring asked how many units could be achieved under the current zoning, and he was told by Mr. King that the site could yield four units.

Commissioner Lynde said she liked in concept the idea of Single Family-Urban Residential for the site and the size limitation of 2,500. However, every public comment letter received has been opposed to the change for various reasons. She said she would be inclined to support the desires of the residents over the staff recommendation. Mr. King pointed out that the written public comments all were received prior to issuance of the staff report calling for Single Family-Urban Residential and the size limits. He allowed, however, that the concerns raised may still be valid.

Commissioner Chelminiak praised staff for trying to find the middle ground and succeeding. He stated, however, that he agreed with Commissioner Lynde, adding that he was bothered by the notion of establishing a size limit. While the concept is valid, no future owner of any home built with the size limit would ever be able to remodel and add on space. The zoning as it currently exists is the zoning that matches the uses that are part of the Comprehensive Plan. There has been no rush to in-fill in the surrounding areas with multifamily, and for those reasons the request should be denied.

Commissioner Bach noted that many of the letters received from the public commented on the number of vehicle trips that could result from approval of the proposed amendment. A multifamily development on the site would create fewer new trips than the Single Family-Urban Residential recommendation. Construction of a home facing Bellevue Way, however, may not be all that desirable; most developments along Bellevue Way are in fact multifamily. There is a need for buffers between high-traffic areas and residential areas, and the Single Family-Urban Residential recommendation provides for that.

Commissioner Robertson concurred, especially with the notion of allowing a little greater density with a size limitation would provide a buffer to Bellevue Way. She expressed an interest

in what the neighborhood comments would be for the proposal as it has been downwardly revised with respect to density. She said she would think some would prefer to have smaller single family homes on the property as opposed to only four potentially large homes.

Commissioner Bonincontri added her voice to those recommending denial of the application. She allowed that Bellevue Way is a very busy street but said there are many design mechanisms available to provide screening and minimize the impacts. Much will depend on how the site is subdivided and where the buildings are placed. Adding more lots, even with a building size limit, will not necessarily fit in better with the neighborhood, especially as the neighborhood may change over time with redevelopment.

Chair Schiring stressed the uniqueness of the neighborhood. He said his preference would be to deny the proposal and retain the present zoning, allowing the market to determine what kind of homes should be constructed there.

Motion to recommend denial of the 2003 Comprehensive Plan Amendment for the Botch Family site was made by Commissioner Chelminiak; second was by Commissioner Bonincontri.

Commissioner Mathews observed that under the present zoning there could be four homes on the large lots, and those homes may be large enough to take up the same amount of space as six homes limited to 2,500 square feet. Approving the proposal will yield smaller scale homes that will better fit with the existing nature of the neighborhood.

Commissioner Lynde said she was not willing to set a precedent that moves the city closer to micromanagement of sites. The pace of development or character of a neighborhood cannot be legislated effectively, nor should it be. There is nothing stopping property owners within the area from selling their properties and seeing them redevelop with larger homes. She added that more density next to a very busy street is not necessarily a good buffer.

The motion to recommend denial of the Comprehensive Plan Amendment carried 4-3, with Chair Schiring and Commissioners Chelminiak, Bonincontri and Lynde voting FOR, and Commissioners Bach, Robertson and Mathews voting AGAINST.

B. Comprehensive Plan and Land Use Code Amendments – I-405 OLB Auto Sales

Steve Cohn, Associate Planner, noted that the only place along 116th in the OLB zone where auto sales are not permitted is the site on which City Hall currently is located. The proposed Comprehensive Plan Amendment seeks to amend a policy in the Wilburton Subarea Plan that would allow auto sales in the OLB zone on the sites south of Main Street. The Comprehensive Plan amendment will be accompanied by a Land Use Code Amendment that amends the Footnote to refer to the same geographic area. The amendments are focused on a specific area of the city and not to all OLB properties.

Continuing, Mr. Cohn observed that the Land Use Element and Economic Element contain policies that talk about changing the code as necessary over time to sustain a strong economic climate. In the Urban Design Element there is a policy that applies to the City Hall site as well as others along the freeway and says that regardless of allowed uses certain design criteria must be met. In 1996 when the idea of allowing auto sales along the freeway in the OLB district was reviewed, there was discussion and adoption of specific design criteria for such uses. The LUCA implementing the Urban Design policy only applies to new auto dealers, of which there have been none since adoption of the policies.

A preliminary review of the facts suggest that there have been changing circumstances since this issue was last reviewed. The new SE 8th off-ramp from I-405 causes 116th Avenue to be viewed as a gateway corridor. The recent decision to move the City Hall campus to Downtown is also a changed circumstance.

Mr. Cohn commented that in 1996 when the policies were last updated the intent of the City Council was for City Hall to remain located where it is. For that reason the subarea plan map has a PF, or public facilities, designation shown for the City Hall campus. In considering the Comprehensive Plan Amendment, part of the recommendation should be to remove the PF designation from the map.

Answering a question asked by Commissioner Chelminiak, Mr. Cohn said the Wilburton area study conducted recently looked at the City Hall campus site and determined that it is appropriate for hotel, office or auto sales. There was consideration given to allowing a sports stadium in the OLB district adjacent to the freeway, but there was no support for the notion and it was taken off the table. He added that the results of the Wilburton study will be presented to the City Council on August 4.

Chair Schiring noted that the current City Hall property serves as a gateway and commented that auto sales may not be the best use for the site. He added, however, that all of the properties along the corridor should be open to the same uses.

There was consensus to set a public hearing on the matter for September 17.

9. APPROVAL OF MINUTES

A. June 18, 2003

Referring to the fourth paragraph on page 31, Commissioner Robertson noted that in the second sentence "…such criteria may not be necessary…" should read "…such criteria may be necessary…."

Motion to approve the minutes as amended was made by Commissioner Robertson. Second was by Commissioner Bonincontri and the motion carried unanimously.

10. OLD BUSINESS – None

11. NEW BUSINESS – None

12. PUBLIC COMMENT

Ms. Renay Bennett, 826 108th Avenue SE, said she was impressed with the deliberations regarding the Botch Family property. She suggested that when the staff recommendation differs from materials sent to the neighbors, there should be a real effort to send out new information so everyone is on the same page.

13. ADJOURNMENT

Chair Schiring adjourned the meeting at 8:03 p.m.

ATTACHMENT 4

20.30I.140 Threshold Review Decision Criteria

The Planning Commission may recommend inclusion of a proposed amendment to the Comprehensive Plan in the Annual Comprehensive Plan Amendment Work Program if the following criteria have been met:

A. The proposed amendment presents a matter appropriately addressed through the Comprehensive Plan; and
B. The proposed amendment is in compliance with the three year limitation rules set forth in LUC 20.30I.130.A.2.d; and
C. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council; and
D. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and
E. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. Significantly changed conditions are defined as:

> **LUC 20.50.046 Significantly changed conditions.** Demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent Plan map or text; where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole. This definition applies only to Part 20.30I Amendment and Review of the Comprehensive Plan (LUC 20.50.046); and

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
G. The proposed amendment is consistent with current general policies in the Comprehensive Plan for site-specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the Growth Management Act, other state or federal law, and the Washington Administrative Code; or
H. State law requires, or a decision of a court or administrative agency has directed such a change.

(ii) Consideration of Geographic Scope

Prior to the public hearing, the Planning Commission shall review the geographic scope of any proposed amendments. Expansion of the geographic scope may be recommended if nearby, similarly-situated property shares the characteristics of the proposed amendment's site. Expansion shall be the minimum necessary to include properties with shared characteristics…