



DATE: October 17, 2013

TO: Chair Tebelius and members of the Bellevue Planning Commission

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

SUBJECT: October 23, 2013, Public Hearings on Bellevue Apartments (12-132257 AC) and on Bel-Kirk Office Park (13-106131 AC) 2013 Comprehensive Plan Amendments (CPA) Final Review

PLANNING COMMISSION ACTION

On October 23, 2013, the Planning Commission is scheduled to hold Final Review public hearings to consider the Bellevue Apartments and Bel-Kirk Office Park CPA applications. The Planning Commission is asked to make a recommendation on these 2013 CPA work program items under LUC 20.30I.150.

At the meeting, staff will provide a brief review of the proposals and of the staff recommendations, to be followed by the public hearings and testimony. After the Commission conducts separate hearings and studies the proposals, the Commission will be asked to deliberate and make a recommendation. PCD staff is available to answer questions during Commission deliberations.

2013 COMPREHENSIVE PLAN AMENDMENT REVIEW BACKGROUND

The 2013 list of initiated applications has been established to consider amendments to the Comprehensive Plan. The city uses the list to consider proposals to amend the Comprehensive Plan. Such consideration is limited to an annual process under the state Growth Management Act (GMA):

Threshold Review

1. Planning Commission study sessions and public hearings to recommend whether initiated proposals should be considered for further review in the annual work program (May);
2. City Council action on Planning Commission recommendations to establish the annual work program (July);

Final Review

3. Planning Commission study session and public hearing to consider and recommend on proposed Comprehensive Plan Amendment (September - October);
4. City Council action on Planning Commission recommendation (December).

STAFF RECOMMENDATION SUMMARY

The Final Review Decision Criteria for a proposed Comprehensive Plan Amendment are set forth in the Land Use Code in Section 20.30I.150. Based on the criteria, the Department of Planning and Community Development staff recommendation is to **approve** the proposed:

1. Bellevue Apartments Comprehensive Plan amendment to change the Comprehensive Plan designation from Office (O) to Multi-Family High (MF-H) on 1.84 acres at 13902 NE 8th St.
2. Bel-Kirk Office Park Comprehensive Plan amendment to change the Comprehensive Plan designation from Light Industrial (LI) to Office (O) on 7.62 acres at 11100 NE 33rd Pl.

The staff reports are included as Attachments 1 and 2, respectively.

PUBLIC NOTICE AND COMMENT

The applications were introduced to the Planning Commission during study session on March 27, 2013. Notice of the Application was published in the Weekly Permit Bulletin on March 1, 2013, and mailed and posted as required by LUC 20.35.420. Notice of the October 23, 2013, Final Review Public Hearing before the Planning Commission was published in the Weekly Permit Bulletin on October 3, 2013 and included notice sent to parties of record.

The City has received new public comment since the September 25, 2013, Planning Commission study session on Bellevue Apartments. It is included after Attachment 1 (1A). We will provide you with all comments that we receive before the hearing.

Please contact us if you have any questions about the report and materials. The complete application file is available for review in the Planning Division offices at Bellevue City Hall.

ATTACHMENTS

1. Staff report and site location, Subarea, and site aerial maps

City of Bellevue



2013 Comprehensive Plan Amendments

Post Office Box 90012 ▪ Bellevue, Washington ▪ 98009 9012

Planning Staff Report

DATE: October 4, 2013

TO: Chair Tebelius
Bellevue Planning Commission

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

SUBJECT: Bellevue Apartments Comprehensive Plan Amendment (12-132257 AC)
October 23, 2013, Final Review Public Hearing (LUC 20.30I.A.1.b)

I. PROPOSAL

This privately-initiated site-specific application would amend the map designation on a 1.84-acre site from O (Office) to Multifamily-High (MF-H). See Attachment 1 for a location map. The site was not recommended for geographic expansion.

Permit Number: 12 132257 AC
Subarea: Wilburton/NE 8th St.
Address: 13902 NE 8th St.
Applicant: Tsai LLC

II. STAFF RECOMMENDATION

This proposal satisfies the Decision Criteria for a Comprehensive Plan Amendment and **staff recommends approval of the Comprehensive Plan Amendment to:**

- Amend the map designation on a 1.84-acre site from O (Office) to Multifamily-High (MF-H).

III. BACKGROUND

The City Council directed the application for Final Review following Threshold Review of the privately-initiated Bellevue Apartments Comprehensive Plan Amendment (CPA) on July 8, 2013.

The 39-unit Bellevue Apartments is located at the northwest corner of the intersection of 140th Ave. NE and NE 8th St.

The property was designated as and rezoned to Office in 1981. When the apartments were developed in 1993 a conditional use permit approval was required because residential uses exceed 50 percent of the gross floor area of buildings; design review approval was also required because the site is located within a transition area from single family zoning (although that single family zoning that this site is transitioning from is Puget Sound Energy's Midlakes electrical substation). Design Review also ended up being required by the concomitant Zoning Agreement attached to the 1981 rezone. The agreement was used to assure that site design, storm detention and access issues were addressed.

The allowed density for residential in an office district is 20 units per acre. The Bellevue Apartments were built at that density. The development is in conformance with existing land use regulations.

If the CPA were adopted the site could then be rezoned to allow multifamily redevelopment at a density of up to thirty units per acre (R-30). The effect of what the applicant is seeking is to have the property zoning align with its land use, and then to add density to the existing complex in the form of additional dwelling units. While a rezone would technically allow up to 15 additional units, the applicant has estimated that from 8-12 units could be added.

IV. DECISION CRITERIA

The Decision Criteria for a Comprehensive Plan Amendment are set forth in the Land Use Code, Section 20.30I.150. Based on the criteria, Department of Planning and Community Development staff recommends **approval** of the proposed amendment. This conclusion is based on the following analysis:

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

Not applicable to this proposal.

B1. The proposed amendment is consistent with the Comprehensive Plan and other goals and policies of the city, the Countywide Planning Policies (CPP), the Growth Management Act and other applicable law; and

The proposed amendment is consistent with the Comprehensive Plan and other goals and policies of the City for urban growth areas development in the Wilburton/NE 8th St. corridor and subarea. These include:

Housing Policy HO-17: Encourage infill development on vacant or under-utilized sites that have adequate urban services and ensure that the infill is compatible with the surrounding neighborhoods.

Land Use Policy LU-9: Maintain compatible use and design with the surrounding built environment when considering new development or redevelopment within an already developed area.

Land Use 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.

Transportation Goal 2: To reduce the use of single occupant vehicles, by creating a land use pattern that allows for shorter vehicular trips and the use of alternative travel options.

Growth Management Act

The proposal is consistent with GMA planning goals encouraging urban growth where adequate public facilities and services exist or can be provided in an efficient manner in specific areas, by reducing the inappropriate conversion of undeveloped land into sprawling, low-density development, and by ensuring that those public facilities and services necessary to support development are adequate to serve the development at the time development is available for occupancy and use without decreasing current service levels below Bellevue standards.

Countywide Planning Policies

The Comprehensive Plan is consistent with the framework Countywide Planning Policies (CPP) for King County including critical areas, land use pattern, transportation, community character and open space, and contiguous and orderly development.

B2. The proposed amendment addresses the interests and changed needs of the entire city as identified in its long-range planning and policy documents; and

The proposed amendment addresses the interests and changed needs of the entire city. At Threshold Review the city concluded that it was valid to question the density realized through the unique condition of this site's development under Office zoning. Final Review would then review the appropriate density for this site in light of the neighborhood that has developed in this part of the Wilburton Subarea since. The Office zoning was intended as a limit on overall density because of the then lack of neighborhood infrastructure to support higher multifamily densities.

This criterion is illustrated by reviewing the mix of land and transportation uses that have developed over the years within a quarter mile of this intersection include nearly every land use found in the city outside of Downtown. This is an environment rich in the ability to support facilitating redevelopment (LU-13) while at the same time maintaining compatible use and design (through land use regulatory compliance) with the surrounding built environment when considering redevelopment within an already developed area (LU-9):

- *There are two- and three-story office and professional office buildings to the north, west, east and south.*
- *There are multifamily neighborhoods at medium (20 units/acre) and high (30 units/acre) densities to the west, northwest and north, and across NE 8th St. to the southwest.*
- *Farther east along NE 8th St. are additional two- and four-unit complexes, themselves located between Stevenson Elementary School and Odle Middle School.*
- *Odle shares ground with the recreational Bellevue Aquatic Center.*
- *A gas station, convenience store and car wash community business is across 140th St.*
- *A Walgreens drug store neighborhood business is across NE 8th St. The store is next to a church.*
- *Southeast from the Bellevue Apartments is Puget Sound Energy's Midlakes electrical substation.*
- *The intersection—a "designated" intersection in the Urban Design Element—was rebuilt to enhance pedestrian safety and now provides access to the Rapid Ride stops on either side of 140th Ave. NE at NE 8th St. Designated intersections encourage special streetscape design that create entry points into the city or neighborhoods or that warrant enhanced pedestrian features.*
- *On the outer edge of the walkable quarter-mile are single family neighborhoods at 2.5 and 3.5 houses per acre.*

Creating opportunities for residents, realizing the extent of built infrastructure, and assuring compatibility with land use regulation suggest that MF-H is an appropriate density.

B3. 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 [below] for the definition of "significantly changed conditions"; and

Significantly changed conditions are defined as: 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 proposal does address significantly changed conditions resulting from the unanticipated consequences of adopted policy in the area surrounding and near the subject property:

- *Higher density multifamily development has emerged as a major residential land use pattern in the area, even on this site which was zoned for Office (and also allowed residential as a conditional use);*
- *A number of neighborhood service and convenience uses have been developed within close proximity; e.g. the Walgreen's pharmacy built across NE 8th Street from the site, following a 2001 Comprehensive Plan amendment;*
- *The new King County "Rapid Ride B Line" has been established on the NE 8th Street arterial abutting this site, providing a greatly enhanced form of transit (bus rapid transit) serving this location;*
- *The City's adoption of GMA-era design standards and administrative design review process, now applicable to this site.*

Comprehensive plan amendment review scrutinizes site-by-site land use changes within the larger community context of the plan. Specifically to Bellevue Apartments, this site is unique in this area. The multifamily use is inconsistent with the office zoning on the site. It was developed under the limitations of this office zoning. While the neighborhood around it has continued to develop with a mix of uses, some of which are very supportive of multifamily, there was never an opportunity for this site to consider a residential density higher than the 20 units per acre office designation allowance. A residential use in an exclusively office zone is a significant condition unique amongst the multifamily residential neighborhoods in this area.

B4. If a site-specific proposed amendment, the subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications; and

The subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications.

There are 39 existing units in one building on this site, along with covered and uncovered surface parking. While a rezone would technically allow up to 15 additional units, the applicant has estimated that from 8-12 units could be added under existing regulations.

Access requirements, easements, play area requirements (useable open space for outdoor children's' play – a requirement for any development with 10 units or more) and dimensional requirements within the still-applicable Transition Area Design District all have to be met.

A multifamily use has a lower peak hour trip generation than office uses for the p.m. peak period, therefore, this request would result in a lower trip generation during that critical peak time of day than site office redevelopment. Further, this location is well-served with the transportation infrastructure in place at 140th NE and NE 8th Street. The Transportation Department has no concerns with this proposal.

B5. The proposed amendment demonstrates a public benefit and enhances the public health, safety and welfare of the city.

The proposal demonstrates a public benefit by aligning with policies for urban growth areas redevelopment such as those found in the Land Use Element and referenced in this report. Density can be managed efficiently and without impact to the surrounding neighborhoods and infrastructure. It then appropriately enhances the public health, safety and welfare of the city and its residents.

V. STATE ENVIRONMENTAL POLICY ACT

The Environmental Coordinator for the City of Bellevue has determined that this proposal will not result in any probable, significant adverse environmental impacts. A final threshold determination of non-significance (DNS) was issued on October 3, 2013.

VI. PUBLIC NOTICE AND COMMENT

Notice of the Application was published in the Weekly Permit Bulletin and in the Seattle Times on March 7, 2013. Notice of the Public Hearing before the Planning Commission was published in the Weekly Permit Bulletin and in the Seattle Times on October 3, 2013.

Pursuant to the requirements of the Growth Management Act, state agencies must be given 60 days to review and comment on proposed amendments to the Comprehensive Plan. A list of the 2013 amendments to the Bellevue Comprehensive Plan was provided to state agencies on October 4, 2013, for review.

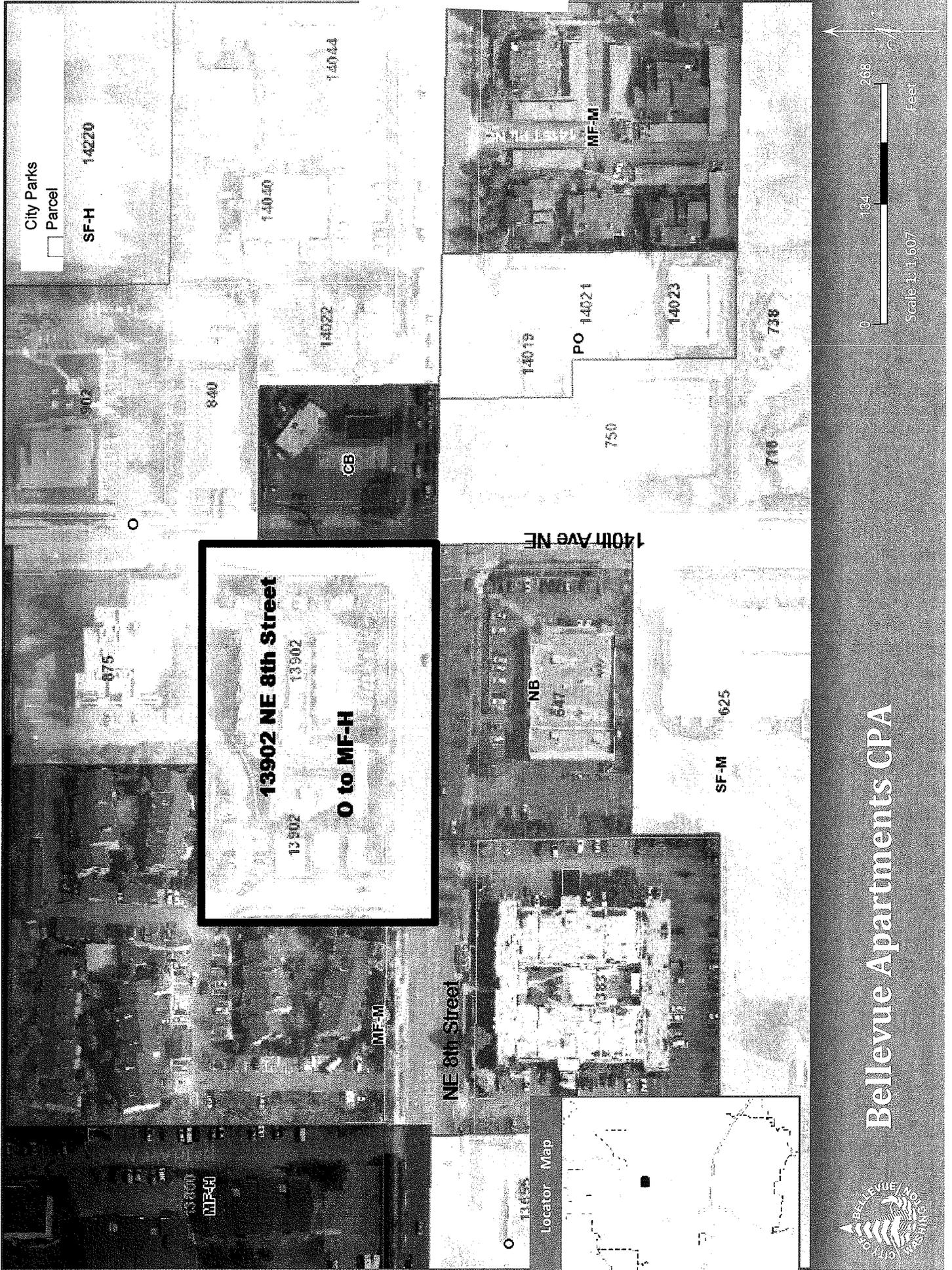
VII. NEXT STEPS

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

VIII. ATTACHMENTS

1. Location map
2. Final Review Decision Criteria
3. Wilburton/NE 8th St. Subarea

Attachment 1



ATTACHMENT 2

20.30I.150 Final review decision criteria

The Planning Commission may recommend and the City Council may adopt or adopt with modifications an amendment to the Comprehensive Plan if:

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

B. The following criteria have been met:

1. The proposed amendment is consistent with the Comprehensive Plan and other goals and policies of the City, the Countywide Planning Policies, the Growth Management Act and other applicable law; and
2. The proposed amendment addresses the interests and changed needs of the entire City as identified in its long-range planning and policy documents; and
3. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 for the definition of "Significantly Changed Conditions;" and

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 LUC, Amendment and Review of the Comprehensive Plan.

4. If a site-specific proposed amendment, the subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications; and
5. The proposed amendment demonstrates a public benefit and enhances the public health, safety and welfare of the City.

(Ord. 5650, 1-3-06, § 2)



October 15, 2013

Chair Tebelius
Bellevue Planning Commission
450 110th Ave NE
Bellevue, WA 98001

Dear Chair Tebelius and Planning Commissioners:

I represent the Tsai family LLC, owner of the Bellevue Heights Apartments at 13902 NE 8th Street in Bellevue, and applicant for 2013 Comprehensive Plan Amendment No. 12-132257 AC. We appreciate the Commission's earlier recommendation, and the City Council's subsequent decision, to advance this item to Final Review at the October 23 public hearing. My clients and I will be at the hearing to answer any questions you may have, and to respond to any public comment that you receive.

The City's decision at the final review is based on five specific criteria set forth at Section 20.301.150.B of the Land Use Code. We agree with the city staff that our Comprehensive Plan Amendment proposal specifically meets each of these criteria as detailed below.

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

Comment:

We agree with the staff's assessment that the proposed amendment is consistent with Bellevue's Comprehensive Plan and other goals and policies of the City, the Countywide Planning Policies and the Growth Management Act and other applicable law. We would especially like to call your attention to three specific policies in the Bellevue Comprehensive Plan:

Housing Policy HO-17: "Encourage infill development on vacant or under-utilized sites that have adequate urban services and ensure that the infill is compatible with the surrounding neighborhoods."

Land Use Policy LU-9: "Maintain compatible use and design with the surrounding built environment when considering new development or redevelopment within an already developed area."

Transportation Goal 2: “To reduce the use of single-occupant vehicles, by creating a land use pattern that allows for shorter vehicular trips and the use of alternative travel options.”

The location of the Bellevue Apartments, and the proposal to increase housing opportunities there, are not only consistent with these policies, but are perfect illustrations of them. Additional housing on the property is precisely the kind of “infill development” that the plan says should be located where adequate services exist, in a form, scale, and design that will be compatible with the surrounding area. The broad range of amenities and services within a short walk of the site, and the existence of the Rapid Ride service immediately in front of the property, provide excellent travel alternatives to single-occupant vehicles.

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

Comment:

We believe that Criterion 2 is also met. The above-cited policies in the City’s comprehensive plan reflect the city’s desire to “address the interests and changing needs of the entire community.” The Seattle Times recently reported that increasing economic activity in the region is driving increases in the market demand for more rental housing. Accommodating a portion of that at infill sites like Bellevue Apartments responds to both the city’s public policy priorities and market forces.

My clients estimate that vacancy at the Bellevue Apartments has been effectively zero for the past six months and that units are typically re-rented within days of being available. The increase in the high tech industry on the Eastside is reflected by the fact that about half of the present tenants at the Bellevue Apartments work at Microsoft’s main campus or downtown Bellevue offices and take transit to work. Many of these workers have families in residence, contributing about twenty school age children to nearby Stevenson Elementary and Odle Middle Schools, both within a safe and easy walk of the property

Criterion 3. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 for the definition of “Significantly Changed Conditions”

Comment:

The City Council’s recent decision to advance the Tsai CPA to Final Review has conclusively answered this criterion in the affirmative. The Council agreed with the Planning Commission’s conclusion that “significant change” has occurred since the last time the Wilburton/NE 8th Subarea Plan was considered in 1992.

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

Comment:

We agree with the staff report that Criterion 4 is met. Increasing the number of apartments on the subject property from the present 39 to a theoretical 54 will not significantly change the multifamily character of the property.

When the Bellevue Apartments were built in 1992, they conformed to the 20 unit per acre maximum density allowed in the Office zone. As you can see from Exhibit A, there was plenty of room left for additional building footprint and lot coverage within the "O" zone maxima. If the property is rezoned to R30, any additional development on the site will have to conform to the dimensional maxima shown in Exhibit A. Because maximum lot coverage and impervious surface are identical in the O and R30 zones, the overall mass allowed on the site will not change significantly.

The subject property is very "suitable for development in general conformance with adjacent land use and the surrounding development patterns." As the staff report notes, the surrounding land uses include medium density projects (20 units per acre) and high density projects (30 units per acre) to the west and northwest, and an office building immediately to the north. Commercial uses are across NE 8th to the south (a Walgreen's pharmacy) and to the east (a Shell gas station/convenience store). See vicinity map Exhibit B.

Although an actual building design has not been prepared, we do know that the existing access driveways on NE 8th Street and 140th Ave NE will not change. The driveways, and the access easements across the Tsai property which serve adjacent uses, will continue. Likewise, the heavy landscaping along the south and east property frontages will continue to be maintained. The most likely location for adding new apartments on the site is probably along the western portion of the property, where carports presently exist, as shown on Exhibit C.

The City's Environmental Coordinator, Carol Helland, in her October 3, 2013 staff report to the Commission, concluded that a project consistent with this comprehensive plan amendment, and the concurrently requested R30 zoning density and standards, would have no significant adverse impact on the environment. She specifically noted "An analysis of potential vehicle trips concludes that the anticipated traffic impacts that might occur can be accommodated by the city's future transportation network." Helland Report, at page 3.

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

Comment:

The City's adopted comprehensive plan policies, cited above, serve the public interest, so to the extent that the proposed amendment is consistent with and implements those policies, it can be said to "demonstrate a public benefit" and "enhance the public health, safety and welfare."

By responding to the increasing market demand for housing in Bellevue, this added increment of housing stock would help offset the escalating city-wide housing costs which can result from scarce supply. By virtue of the existing amenities in the vicinity and compatibility of the proposed use with the surrounding land uses, this amendment puts new residential growth where it best fits its context.

Finally, the city's development regulations for the R30 zone, including administrative building and site design requirements, will assure that the "public health, safety, and welfare" will be protected even as the site accommodates an added increment of housing.

In summary, we agree with the City staff that the proposed Tsai Comprehensive Plan Amendment meets all five of the criteria in the Land Use Code. We respectfully ask that the Planning Commission forward a recommendation for approval to the City Council.

Sincerely,



Joseph W. Tovar, FAICP
540 Dayton Street, #202
Edmonds, WA 98020

Exhibits

- "A" Matrix comparing existing building, "O" and "R30" dimensional standards
- "B" Vicinity Map
- "C" Site Concept Map

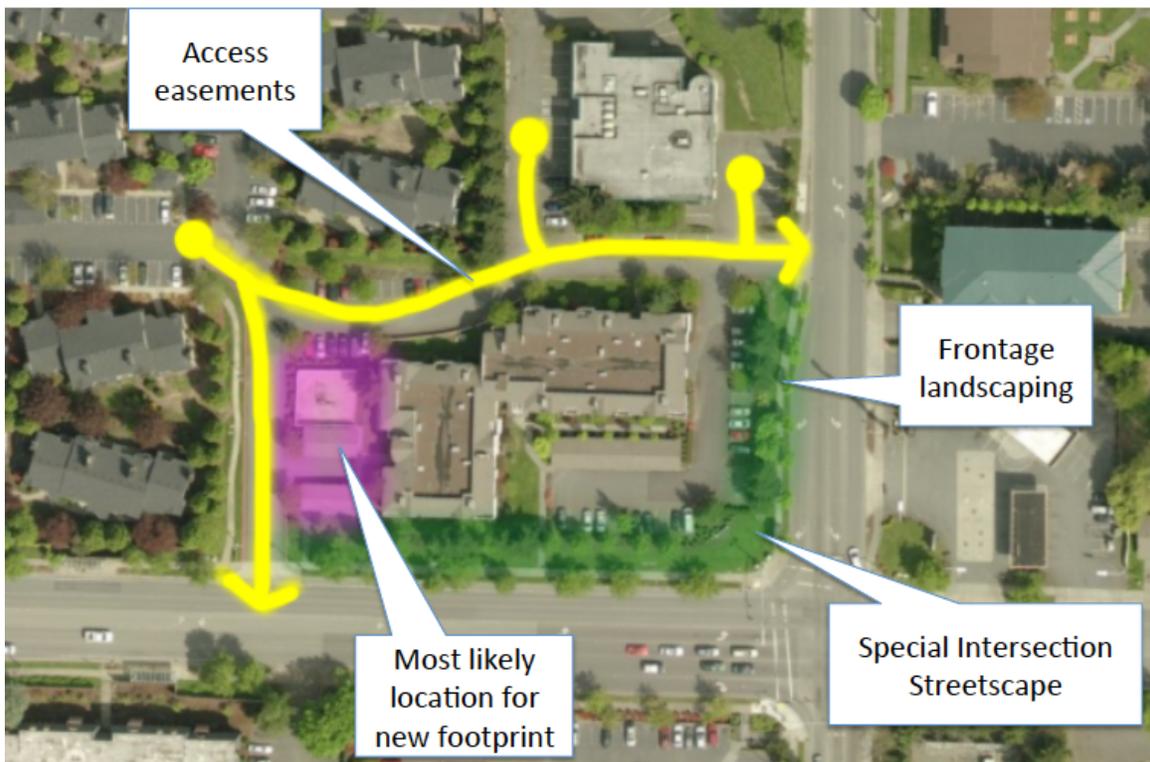
Exhibit "A" – Comparison of dimensional requirements

	Existing Bellevue Apartments	"O" zone dimensional standards	"R30" zone dimensional standards
Dwelling units	39	39 units allowed	54 units allowed
Lot coverage by building	18.3% is covered by building	35% maximum coverage allowed	35% maximum coverage allowed
Lot coverage by impervious surface	56% of lot is impervious surface	80% allowed	80% allowed
Building height	32 feet above average finished grade	35 feet above average finished grade	40 feet above average finished grade
Front yard setback (NE 8 th and 140 th Ave NE)	30	30	20
Rear yard setback (w. and n. sides)	50	25	25

Exhibit "B" - Vicinity Map



Exhibit C - Site Concept Map



October 15th, 2013

Chair Diane Tebelius
Bellevue Planning Commission
450 110th Ave. NE
Bellevue, WA 98009

Dear Chair Tebelius and Bellevue Planning Commissioners:

Our family business, Tsai, LLC, owns the Bellevue Heights apartments at 13902 NE 8th Street at 140th Avenue NE. We are the applicants for the proposed Comprehensive Plan Amendment to change the designation for this property from "Office" to "Multifamily High Density." We have also made a concurrent application to have the property rezoned from "Office" to R30.

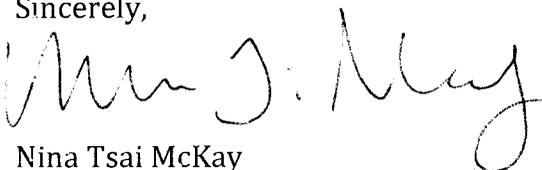
We have owned this property since 1990 and my parents have been Bellevue residents for over 14 years. These apartments are the main focus of our family business. We are happy to say that the steady growth in Bellevue has made our investment a successful one. We also feel the quality and tasteful design of the building and landscaping have contributed to keeping the apartment rented to capacity over the years. More recently, the rising demand for housing in the area has brought multiple applicants for any vacating units.

Our immediate neighboring property owners have not expressed any concerns with our application. We feel we maintain good relations with them, granting access easements and sharing driveways onto NE 8th Street and 140th Avenue NE along the west and north of our property.

Our intent is to consider adding up to 15 additional apartments. Conceptually, we know that there is room to accommodate more apartments within the height, setback, parking and other requirements of the City's code for R30 zoning. However, we have not yet moved forward to draw up detailed building and site plans as we are awaiting the decision from this application. If we are able to move forward, please know we will approach our new designs with the same integrity as we have in the past.

Thank you for your time and consideration.

Sincerely,



Nina Tsai McKay
Partner
Tsai, LLC

8 October 2013

✓ Commissioners
Planning Commission
City of Bellevue
Bellevue, Washington

cc: Chris Salomone, Director
Department of Planning & Community Development
City of Bellevue
Bellevue, Washington

Subject: File Number 12-132257-AC, Application to Revise Bellevue
Comprehensive Plan

Dear Commissioners:

Regarding the subject application to change the land use map designation for the property located at the northwest corner of NE 8th St. and 140th Ave. NE, I urge you to deny this application for the following reasons:

1. There is no reason to change the land use and zoning on this property as the existing "O Land Use Designation" provides the property owner with ample opportunities for development under this designation. The attached Table 2 provides a brief summary of the permitted and conditional use developments that are allowed under the current City land use code.

2. More intense development would undoubtedly add additional vehicle traffic to NE 8th and 140th NE; this is especially undesirable since these arterials and the NE 8th/140thNE intersection are already crowded during peak traffic hours.

3. The existing land-use designation for this property is reasonable; and existing nearby developments are consistent with the "O" land use.

4. There is no need to develop further high-density residential capacity in this very small area, as the City has already taken into account recent population, housing, and employment growth objectives by their rezone of the entire 900 acres in the Bel-Red corridor, which the City has designated as one of the primary growth areas for future City development. New residential growth planned for the Bel-Red area will more than accommodate future growth projections. In addition, Bel-Red development is envisioned to include affordable housing. Furthermore, the Bel-Red area will be serviced by light rail, with 2 stations within the area; this transit service will be far more effective for new residents in the area than a small satellite area in the proposed location.

6. The proposed change is not compatible with the State Growth Management Act, as it does not provide increases to the City's meager (virtually non-existent) stock of affordable housing;

5. The proposed change violates the following provisions of the Bellevue Comprehensive Plan:

5.0 Housing Policy HO-2, which advocates development of multifamily developments that includes open space, as no open space is proposed under this application or the concomitant rezone;

5.1 Housing Policy HO-13, which states that mixed-use development will complement and enhance the character of surrounding residential and commercial areas; the proposed change will only permit developments that detract from the character of surrounding residential and commercial areas;

5.2 Housing Policy HO-14, which encourages development of Downtown, including innovative, affordable housing; the proposed change contradicts this policy;

5.3 Housing Policy HO-17, which advocates in-fill development on vacant or under-utilized sites; the site has no vacant land, is fully developed under current zoning; and further development could take place under the existing zoning as shown in the attached Table 2;

5.4 Housing Policy HO-25, which requires that affordable housing opportunities should be dispersed throughout the City;

5.5 Land Use Policy LU-9, which requires that development be compatible with an already developed area; the proposed change will permit a great increase in use and density on the property, making it incompatible with the nearby residential and office structures along 140th Ave. NE;

5.6 Land Use Policy LU-15, which encourages dedication of open space; there is no open space proposed under the change;

5.7 Land Use Policy LU-23, which encourages development which has a potential for a broad range of housing choices; the proposed change will only perpetuate and extend provision of the same kind of rental housing already present in the surrounding apartment developments;

5.8 Land Use Policy LU-30, which encourages development of housing in the Downtown; the proposed development will encourage housing development/location far beyond the Downtown area, and should not be encouraged; and,

5.9 Transportation Goal 2 urges land use development patterns that allow for shorter vehicular trips and reduce the use of single-occupant vehicles; the proposed Comprehensive Plan amendment contradicts this Goal by seeking to increase the number of residential units where there are no on-site increases in employment opportunities; residents of units built under the provision of this amendment will increase vehicular traffic on existing City arterials, thus increasing congestion.

There have not been any substantial new developments in the area considered under the proposed amendment, with the minor exception of the construction of the nearby Walgreens drug store; the balance of the nearby business and residential developments have been in place for many years and are the clear result of City planning, zoning and land use designations for the surrounding area; public transportation service to the area is substantially the same as it has been for many years.

The City has done nothing to ameliorate the increased traffic that has occurred along NE 8th St, and 140th Ave. NE. There is significant north-bound and south-bound traffic congestion at peak travel hours on 140th Ave. NE. in the vicinity of the proposed amendment. Increasing the number of residential units under the proposed amendment (and accompanying rezone petition) will only increase this congestion, making it difficult for emergency vehicles to gain access to the large nearby apartment complexes, and to the Rockwood neighborhood to the east.

There are no discernable public benefits that will result from proposed amendment; it will only diminish public health, safety and welfare of City residents, especially those living near the area of the proposed amendment.

I urge you to deny the subject application.

Sincerely yours,

A handwritten signature in cursive script that reads "David F. Plummer".

David F. Plummer

14414 NE 14th Place
Bellevue, WA 98007-4001

Attachment: Table 2. Permitted Uses in 'O-Zoned' Areas of Bellevue

Table 2. Permitted Uses In 'O-Zoned' Areas of Bellevue

<i>Type Development</i>	<i>Description</i>
Residential Dwellings	Two to four, and five or more units/structure Senior citizen dwellings
Manufacturing	Medical/optical goods; computer software
Recreation	Library, art galleries; nature exhibitions; athletic fields; skating, bowling & athletic clubs; camping sites and hunting clubs; public & private parks; museums; aquariums; art galleries; botanical gardens; zoos
Transportation & Utilities	Right-of-way; yards; terminals and maint. Shops; Airports, terminals, heliports; Accessory parking, park & ride; Radio and TV broadcast studios; Satellite dishes; electrical utilities facilities
Wholesale/Retail	Auto & truck sales; fuel service stations; Clothing stores; eating & drinking establishments
Services	Finance, insurance & real estate offices Funeral & crematory services; family child care services; Medical offices & clinics; judicial and related functions; Military & correctional institutions; Primary & secondary education, universities & colleges; Special trade/vocational schools; Religious and social services; computer program & data processing services
Resources	Agricultural products production; veterinary clinics; forestry & timber production; mining & quarrying; oil & gas extraction

Source: Bellevue Land Use Code

City of Bellevue



2013 Comprehensive Plan Amendments

Post Office Box 90012 ▪ Bellevue, Washington ▪ 98009 9012

Planning Staff Report

DATE: October 4, 2013

TO: Chair Tebelius
Bellevue Planning Commission

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

SUBJECT: Bel-Kirk Office Park Comprehensive Plan Amendment (13-106131 AC)
October 23, 2013, Final Review Public Hearing (LUC 20.30I.A.1.b)

I. PROPOSAL

This privately-initiated site-specific application would amend the map designation on a 7.62-acre site from Light Industrial (LI) to Office (O). See Attachment 1 for a location map. The application was not recommended for geographic expansion.

Permit Number: 13 106131 AC
Subarea: Northwest Bellevue
Address: 11100 NE 33rd Pl
Applicant: Seelig-Burns

II. STAFF RECOMMENDATION

This proposal satisfies the Decision Criteria for a Comprehensive Plan Amendment and **staff recommends approval of the Comprehensive Plan Amendment to:**

- Amend the map designation on a 7.62-acre site from Light Industrial (LI) to Office (O).

III. BACKGROUND

The City Council directed the application for Final Review following Threshold Review of the privately-initiated Bel-Kirk Office Park Comprehensive Plan Amendment (CPA) on July 8, 2013.

This site is developed with an existing two-building complex located between NE 33rd Pl and the former BNSF rail right-of-way, and more generally between SR 520 and I-405, approximately 4/10ths of a mile northwest of the intersection of those highways.

During the threshold review commissioners asked about the impacts of a comprehensive plan change to zoning for existing uses. In other words, would a change from LI to Office result in nonconforming uses?

Bellevue's zoning code primarily intends office districts (LUC 20.10.260) to provide areas for business, financial and professional services. The code expects to find such uses in areas located on arterial or commercial access streets. When they are near other major business and commercial areas, these districts may buffer residential areas from more intensive commercial districts.

Light industrial (20.10.330) zones, in contrast, provide for the location of a broad array of manufacturing, wholesale trade and distribution activities. Offices are allowed if they support the primary activities or functions of the light industrial district.

The LI designations in this area likely occurred in large measure due to the confluence of road and rail access. This specific site was the Bel-Kirk drive-in movie theatre from approximately 1965 to 1985. The existing building was constructed in 1988. The type of construction and the presence of some warehouse space in it suggest that various light industrial and ancillary uses, including office uses, have occupied the interior space over its lifetime.

Comparing the building's existing known uses to the non-residential Services section of the Land Use Code at 20.10.440, staff concludes that for existing known uses a change to Office would not create any nonconformity. These known uses are all allowed in Office zones.

Existing Bel-Kirk Office Park uses

Staff is aware of the following uses within this building complex:

- Certified public accountant - *Professional Services, Other – Permitted in LI if in multi-function* building, Permitted in O*
- Construction company offices - *Professional Services, Other – Permitted in LI if in multi-function* building, Permitted in O*
- Multi-business lines including software sales, training, and product consulting - *Administrative Office – General: Permitted in LI if in multi-function building, Permitted in O*
- Community and non-retail banking - *Finance – Must be commercially or industrially related in LI, Permitted in O*
- Engineering, investment advising and professional consulting - *Professional Services, Other – Permitted in LI if in multi-function building, Permitted in O*
- Business law - *Professional Services, Other – Permitted in LI if in multi-function building, Permitted in O*
- 3D mechanical design, simulation, publishing and data management software products - *Administrative Office – General: Permitted in LI if in multi-function building, Permitted in O*
- Producer and manufacturer of innovative nonfiction books for adults and book and toy products for kids - *Administrative Office – General: Permitted in LI if in multi-function building, Permitted in O*

* Footnote 5 to the chart of allowed Service Uses (LUC 20.10.440) stipulates that “these uses are permitted in LI Districts only if located in a multi-function building or complex.”

IV. DECISION CRITERIA

The Decision Criteria for a Comprehensive Plan Amendment are set forth in the Land Use Code, Section 20.30I.150. Based on the criteria, Department of Planning and Community Development staff recommends **approval** of the proposed amendment. This conclusion is based on the following analysis:

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

Not applicable to this proposal.

B1. The proposed amendment is consistent with the Comprehensive Plan and other goals and policies of the city, the Countywide Planning Policies (CPP), the Growth Management Act and other applicable law; and

The proposed amendment is consistent with the Comprehensive Plan and other goals and policies of the City for urban growth areas redevelopment, including:

Land Use Policy LU-34: Explore the appropriate long-term direction for the location of light industrial businesses such as light manufacturing and warehousing.

Land Use Policy LU-36: Encourage continued development of office uses in designated districts.

The Land Use Goal for the North Bellevue Subarea seeks to provide for land use which protects the predominantly single-family character of the subarea from encroachment by other uses. Policy supports scaling down multifamily and office development as it approaches the single-family areas so as to create an appropriate transition. This amendment contributes to that direction.

Growth Management Act

The proposal is consistent with GMA planning goals encouraging urban growth where adequate public facilities and services exist or can be provided in an efficient manner in specific areas, and by ensuring that those public facilities and services necessary to support development are adequate to serve the development at the time development is available for occupancy and use without decreasing current service levels below Bellevue standards.

Countywide Planning Policies

The Comprehensive Plan is consistent with the framework Countywide Planning Policies (CPP) for King County including critical areas, land use pattern, transportation, community character and open space, and contiguous and orderly development.

B2. The proposed amendment addresses the interests and changed needs of the entire city as identified in its long-range planning and policy documents; and

The proposed amendment addresses the interests and changed needs of the entire city. The area's land use designations and road infrastructure have adapted from an industrial orientation to a developed and existing land use pattern that is predominantly non-industrial. This is partly due to the changed condition of the BNSF railroad terminating operations through this corridor. The trend in the area, documented by previous comprehensive plan amendment actions, has been to transition the area towards its non-industrial land uses. Comprehensive Plan policies call for careful consideration of changes in the city's light industrial-zoned land base. In this case, the subject site is part of a relatively small and isolated pocket of LI-zoned land, and its existing principal use is not for industrial functions.

B3. 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 [below] for the definition of "significantly changed conditions"; and

Significantly changed conditions are defined as: 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 proposal does address significantly changed conditions.

The North Bellevue Subarea Plan has not anticipated the area's land use designations and road infrastructure adapting from an industrial orientation to a developed and existing land use pattern that is predominantly non-industrial. Approving this amendment does not threaten other light industrially-designated land in the area.

The expansion of SR 520; a 2001 CPA to amend the Light Industrial designation on property to the northeast that had developed as multifamily; the proximity of the Kirkland TOD site as an indicator of changing access and land use patterns; and the repurposing of the BNSF rail corridor all speak to a pattern of adaptive land use changes whose effect together has not been anticipated by the North Bellevue Subarea Plan.

B4. If a site-specific proposed amendment, the subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications; and

The subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications.

There are steep slope critical areas on this site due to the adjacent rail corridor right-of-way (the railroad is higher than the property). Such critical areas must be accounted for in redevelopment. In assessing redevelopment potential staff's rough estimate is that up to 78,000 square feet of office could be built on this site. The existing complex has about 59,000 square feet of building. While office would potentially allow for more intensive use than is permitted by the Light Industrial zoning, traffic and other impacts would be analyzed and mitigated if additional development were proposed. At this time the property owner has not proposed expansion of the site's office uses.

B5. The proposed amendment demonstrates a public benefit and enhances the public health, safety and welfare of the city.

The proposal demonstrates a public benefit by aligning with policies for urban growth areas redevelopment, and by clarifying the relationship between this site's designation and its evolving use. It enhances the buffering function the site performs between residential to the northeast and non-residential to the southwest. It positions office uses and their workers within walking distance of future non-motorized use of the BNSF right-of-way. It therefore enhances the public health, safety and welfare of the city and its residents.

V. STATE ENVIRONMENTAL POLICY ACT

The Environmental Coordinator for the City of Bellevue has determined that this proposal will not result in any probable, significant adverse environmental impacts. A final threshold determination of non-significance (DNS) was issued on October 3, 2013.

VI. PUBLIC NOTICE AND COMMENT

Notice of the Application was published in the Weekly Permit Bulletin and in the Seattle Times on March 7, 2013. Notice of the Public Hearing before the Planning Commission was published in the Weekly Permit Bulletin and in the Seattle Times on October 3, 2013.

Pursuant to the requirements of the Growth Management Act, state agencies must be given 60 days to review and comment on proposed amendments to the Comprehensive Plan. A list of the 2013 amendments to the Bellevue Comprehensive Plan was provided to state agencies on October 4, 2013, for review.

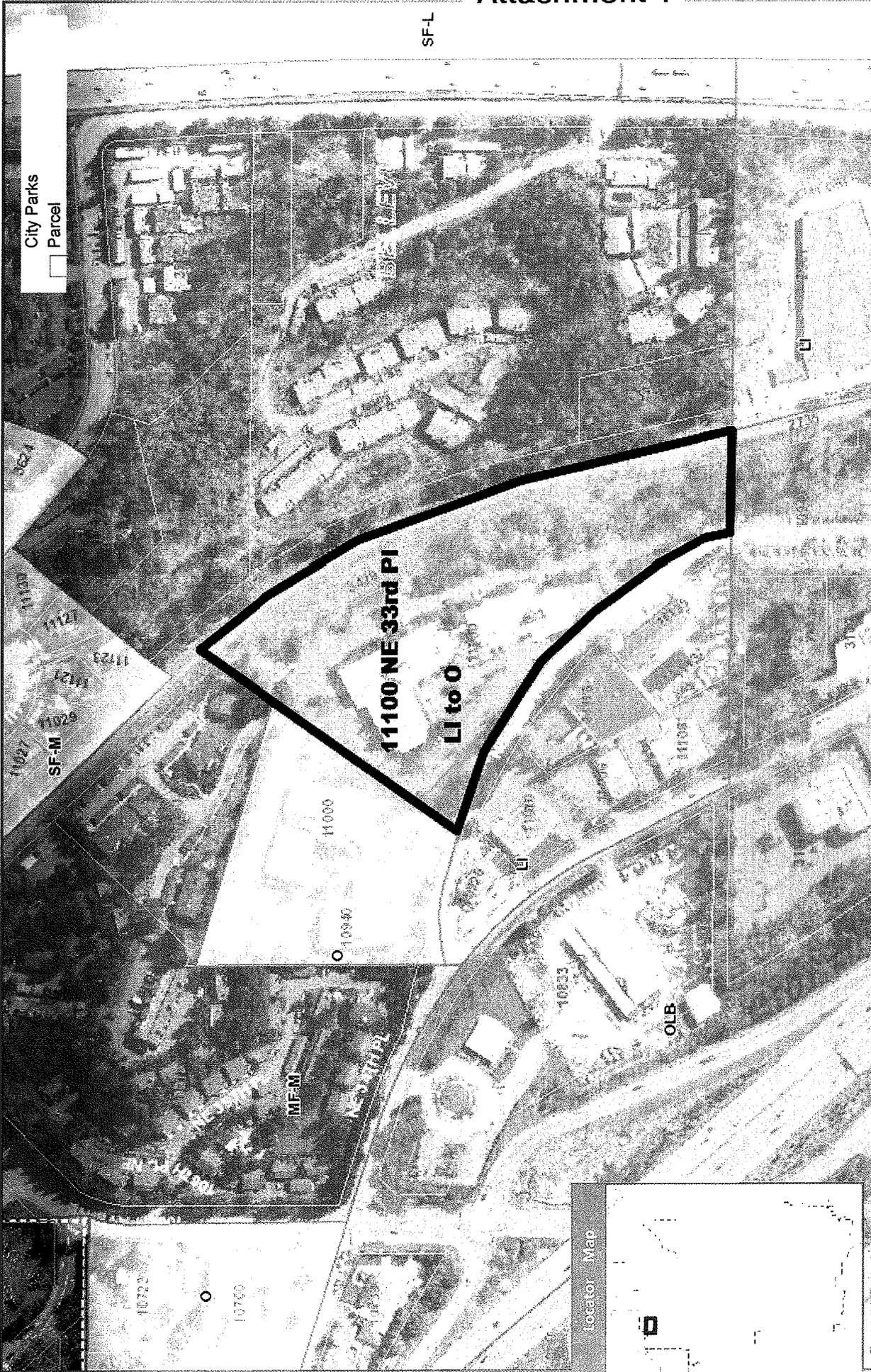
VII. NEXT STEPS

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

VIII. ATTACHMENTS

1. Location map
2. Final Review Decision Criteria
3. Northwest Bellevue Subarea

Attachment 1



0 268 536
Feet
Scale: 1:3,214

Bel Kirk Office Park CPA



ATTACHMENT 2

20.30I.150 Final review decision criteria

The Planning Commission may recommend and the City Council may adopt or adopt with modifications an amendment to the Comprehensive Plan if:

- A. There exists obvious technical error in the pertinent Comprehensive Plan provision; or
- B. The following criteria have been met:

1. The proposed amendment is consistent with the Comprehensive Plan and other goals and policies of the City, the Countywide Planning Policies, the Growth Management Act and other applicable law; and
2. The proposed amendment addresses the interests and changed needs of the entire City as identified in its long-range planning and policy documents; and
3. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 for the definition of “Significantly Changed Conditions;” and

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 LUC, Amendment and Review of the Comprehensive Plan.

4. If a site-specific proposed amendment, the subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications; and
5. The proposed amendment demonstrates a public benefit and enhances the public health, safety and welfare of the City.

(Ord. 5650, 1-3-06, § 2)

