



MEMORANDUM

DATE: October 3, 2012

TO: Chairman Carlson and the Planning Commission

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

SUBJECT: 2012 Annual Comprehensive Plan Amendments (CPA)
October 10, 2012, Study Session for Lorge-Benis (12-104629 AC)

Introduction

The City Council initiated the Lorge-Benis CPA on September 4, 2012. This privately-initiated application would amend the map designation on a three-parcel, .83-acre site from PO (Professional Office) to CB (Community Business). See Attachment 1 for a location map.

At the recommendation of the Planning Commission and of staff the original two-parcel proposal at 4307 (Lorge) and 4317 (Benis) Factoria Boulevard SE was geographically expanded by the City Council to include a third parcel at 4301 (Sherwood). This third parcel is similarly situated and shares characteristics of access, use, and due to its size, dimensional redevelopment issues. The proposal site contains small office buildings on each of 4307 and 4317, and a dental office building on 4301.

This memo reviews issues that have been identified so far as the CPA enters Final Review.

After the presentation at the study session staff seeks direction on 1) a November 14, 2012, Final Review public hearing date; and 2) any additional questions that the Commission would like information on prior to or at the upcoming hearing. A staff report and recommendation responding to the Final Review criteria (see Attachment 2) will be available in advance of the public hearing.

Background

The applicants are Dr. Lorge, who has a chiropractic practice and has owned his building (4307) since 1996 and Mr. Benis—he and his family have owned their buildings (4317) since the 1950's. Dr. Sherwood owns a dental practice and has owned his building (4301) since 1982. Dr. Sherwood was not one of the original applicants; in his testimony he has questioned the amendment proposal.

The legislative history of this site contains multiple CPA applications because of what the applicants believe are sites ripe for redevelopment at a larger scale. While the CPA component of the proposal has been consistent, with the 2009 proposal Dr. Lorge introduced the idea of constraining development through conditions that would apply to a rezone of the property. The conditions proposed by the applicant would a) prohibit retail uses on a ground floor office of

redeveloped buildings, and b) require an affordable housing component in the allowed residential uses, although the applicants have not proposed any Comprehensive Plan policy language to “point” at development conditions applied through a rezone.

Issues

The vision for the Factoria Subarea and for this site

What is the vision for Factoria and how is Professional Office consistent with that vision? Would a Community Business designation also be consistent?

Factoria

When Factoria was annexed in 1993 the Comprehensive Plan adapted to a pattern of existing core areas of higher density office and retail that had been allowed by King County codes. The Plan has always contemplated a core commercial area, surrounded by decreasing densities of commercial and residential uses. Annexation created the opportunity to move Factoria in the direction of a more urban neighborhood, anchored by the core density areas. See Attachment 3 for a Subarea map.

Efforts in 1996 and 2005 to take advantage of this opportunity resulted in a Comprehensive Plan vision as that of a well-integrated, transit-supportive, pedestrian-oriented, mixed-use urban neighborhood in the commercial core area of District 2. Consisting of the CB, OLB, and O districts, the core is intended for some of the most intense commercial redevelopment anticipated outside of Downtown or the Bel-Red Corridor. CB districts typically serve community markets and provide areas for the location of services and retail outlets other than Downtown. In contrast, PO districts normally provide areas for low-intensity offices because they are located on edges.

In particular, the 2005 Factoria Area Transportation Study (better known by its acronym FATS) really set the stage to recognize these areas as sufficiently able—due to size, proximity, and access—to redevelop into such urban neighborhoods:

“Redevelopment in Factoria will use FATS Update transportation and urban design strategies adapted into the Subarea Plan and in the East Bellevue Transportation Facilities Plan to create a well-integrated, transit-supportive, pedestrian-oriented, mixed-use urban neighborhood.”

In Factoria, well-integrated means that the wide variety of land uses, geographically separated by long distances, busy roads, and steep topography, can take advantage of urban design elements and guidelines for private redevelopment.

Transit-supportive means that riders find it easy and comfortable to walk between transit stops and buildings. As properties redevelop, their buildings get located closer to the street and provide direct pedestrian connections between the sidewalk and the primary building entrance.

A pedestrian-oriented site, combined with public sidewalk and street-crossing projects, makes it easier to get around without a car.

The Subarea Plan implements the vision by establishing urban design elements regarding site design, building placement, and street- and street-edge treatments. There is also a connection between higher intensity uses and the level of urban design improvements associated with them. Factoria's urban design intent for such higher intensity uses includes internal circulation improvements, access consolidation, enhanced, widened street edge improvements, and connectivity between uses.

Lorge-Benis-Sherwood

The staff report will examine whether the site's size and location would contribute to a CB designation consistent with the vision.

The proposal site totals a little over three-quarters (.83) of an acre, including the Lorge and Sherwood properties each at about .2 acres or 9,000 square feet; the Benis property is about .4 acres or 18,000 square feet. See Attachment 3 for a site map.

The site is surrounded on three sides by Newport High School parking and by Factoria Boulevard, with its close proximity to the intersection with Newport Way, on the fourth side. This relative isolation is both good—there are no adjacent uses which could be impacted by higher intensities, and the location provides easier access for neighborhoods to the PO services offered here; and bad—access is already an issue and would be more so with higher intensities, and the site is physically separated (about a quarter-mile) from the core commercial areas. The staff report will also examine the ability of this site—whether the individual parcels are consolidated or not—to meet the dimensional requirements of more intense districts.

Review and legislative chronology

Both Council and Commission asked for a deeper understanding of the sequence and history of the Comprehensive Plan's review of this site.

Dr. Lorge submitted multiple site-specific CPA applications in 1996, 2008, 2009, and 2012. Mr. Benis first joined him in the 2012 application. Dr. Sherwood's parcel was for the first time included in 2012 through the expansion of geographic scope, although Dr. Sherwood has not ever applied for a CPA.

The question of appropriate designation was first 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. Dr. Lorge 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 confirmed the PO designation.

Dr. Lorge made a CPA application in 2008 to change from PO to CB. The Planning Commission (5/14/08) recommended 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. Dr. Lorge then withdrew his application before the City Council could take up the PC recommendation.

Dr. Lorge introduced the idea of constraining development with conditions that would apply to a rezone of the property in the 2009 proposal (also a change to CB). The proposed rezone conditions would prohibit retail uses on a ground floor office of buildings, and require an affordable housing component in allowed residential uses. Faced with another Planning Commission recommendation (4/22/09) to not advance the application out of Threshold Review (as well as to not expand the geographic scope to include 4301) he again withdrew the application.

In 2010 Dr. Lorge began to inquire about the City's GMA-mandated Comprehensive Plan Update process. In December, 2010 City staff laid out the schedule for adopting the seven-year Comprehensive Plan Update (CPU) that would have occurred in 2011. Subsequent to that the State of Washington moved the deadline to 2015 and the city's CPU process was delayed.

Attaching CPA development conditions to a rezone

The applicants state that development conditions on this site can assure its consistency with the Factoria Subarea vision. These conditions would be applicable with a subsequent rezone, although the applicants have not proposed any Comprehensive Plan policy language to "point" at such conditions.

The issue this would raise is the effect of attaching *zoning* conditions to a site-specific *CPA* proposal. Sometimes these conditions continue to implement the Plan, such as occurred at the Kelsey Creek redevelopment (removing the condition to underground the creek through the parking lot did advance the redevelopment to completion, but did not change the underlying set of uses and densities that were planned to occur in the first place). In the case of Lorge-Benis-Sherwood it is unclear whether the applicants' CB¹ proposal, when it is essentially a hybrid PO zone with a residential component, is compatible with the Factoria vision for sites as part of the core CB commercial districts.

Site-specific transportation and land use

Identified by both the Planning Commission and by Council was a need to understand the land use/dimensional and transportation impacts of redevelopment of the site under a Community Business land use district.

¹The Comprehensive Plan Glossary definition of CB is a retail land use designation that provides for the sale of convenience and comparison goods and services to the community.

Staff will research for the staff recommendation questions that have been posed, including:

- What did the FATS traffic numbers for Newport High School indicate regarding the traffic impact that redevelopment of the school would have?
- What are lane backups of traffic doing or projected to do on Factoria Boulevard?
- With respect to traffic, how the curbs cuts that are located work now and where curb cuts for redeveloped sites would be located?
- What impact would the existing parking agreement (for shared parking between the Lorge and Sherwood properties) and the parking arrangement with the Bellevue School District for the parking strip directly north of the proposal site have?

NEXT STEPS

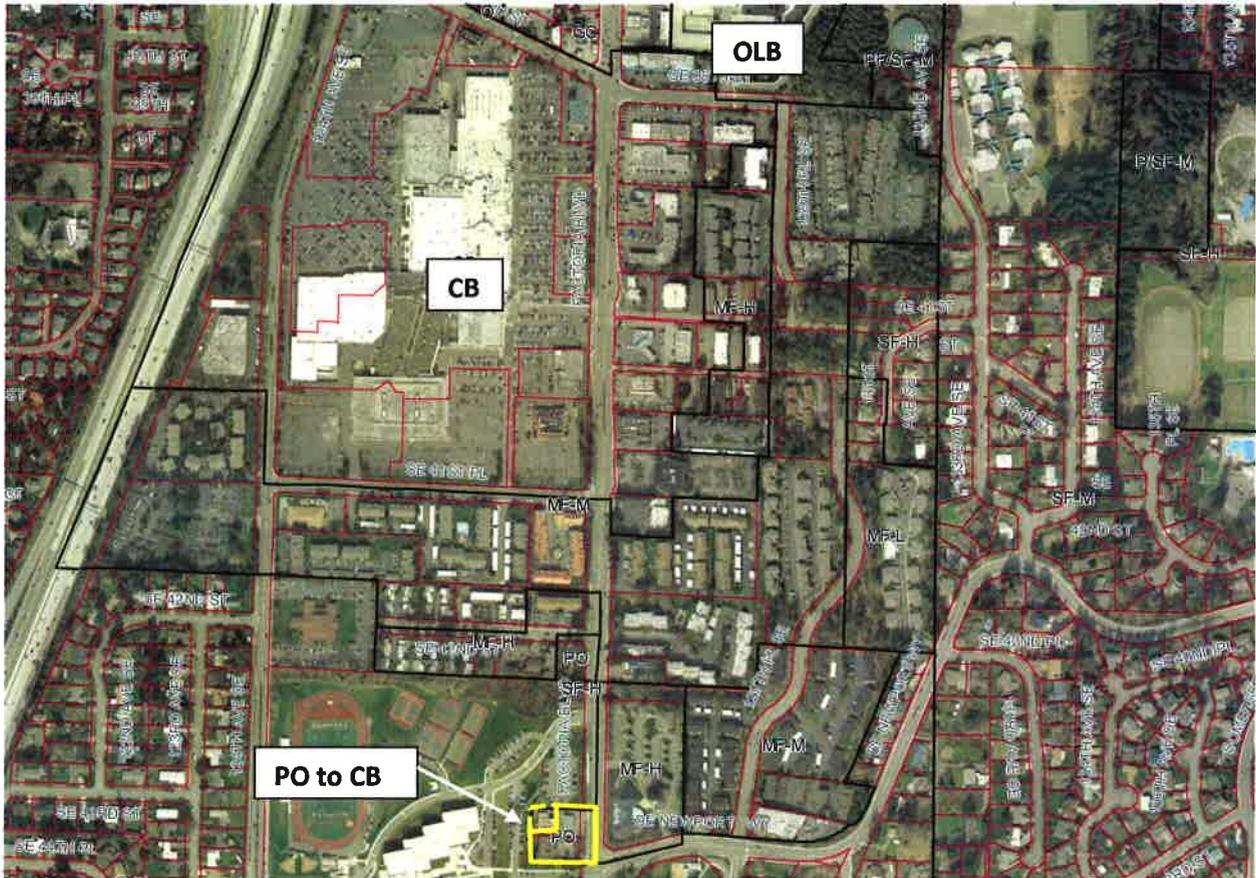
Staff will continue to research the issues identified in this study session memo, in anticipation of a staff recommendation for the Final Review public hearing. Any new public communications, comment, or background material that we receive will be provided to the Commission in advance of the hearing. For direction from tonight's study session we ask that the Commission:

1. Confirm a November 14, 2012 Final Review public hearing date
2. Identify additional questions that the Commission would like information on prior to or at the upcoming hearing.

ATTACHMENTS

1. Lorge-Benis CPA location map
2. Final Review decision criteria
3. Factoria Subarea Plan map
4. Lorge-Benis CPA site map

Attachment 1



**Lorge/Benis/Sherwood
Newport Professional Building**
4301, 4307, 4317 Factoria Blvd. SE

Attachment 2

20.30I.140 Threshold Review Decision Criteria

The Planning Commission may recommend inclusion of a proposed amendment to the Comprehensive Plan in the annual CPA work program if the following criteria have been met:

- A. The proposed amendment represents 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 work program; and
- 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
- 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.

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
 - 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.



Attachment 3

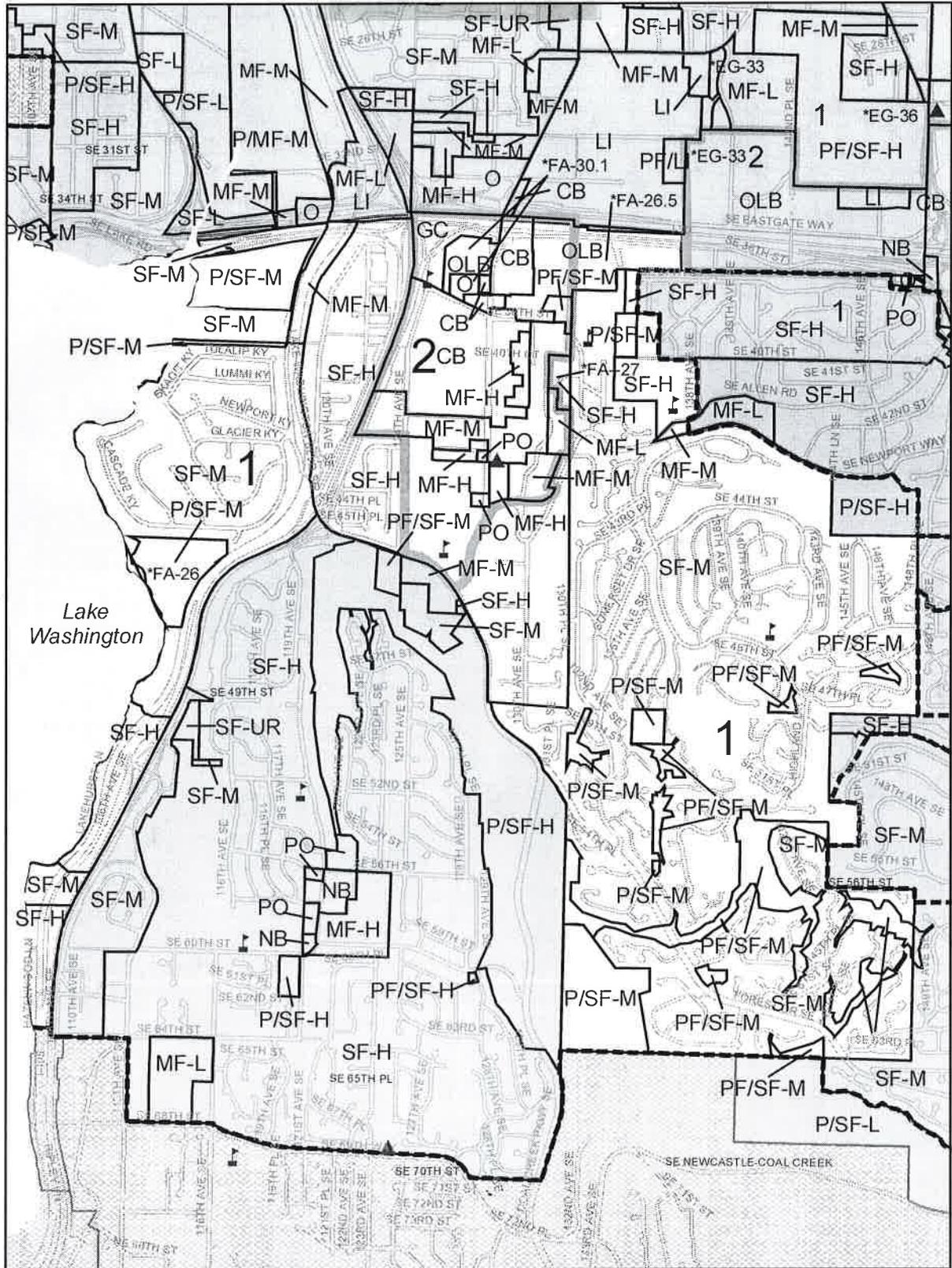


FIGURE S-FA.1
Facteria Land Use Plan

- 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
- Bellevue City Limits (6/2005)
- Lakes
- Planning Districts
- Outside of Bellevue

Attachment 4

