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<br>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** ✓

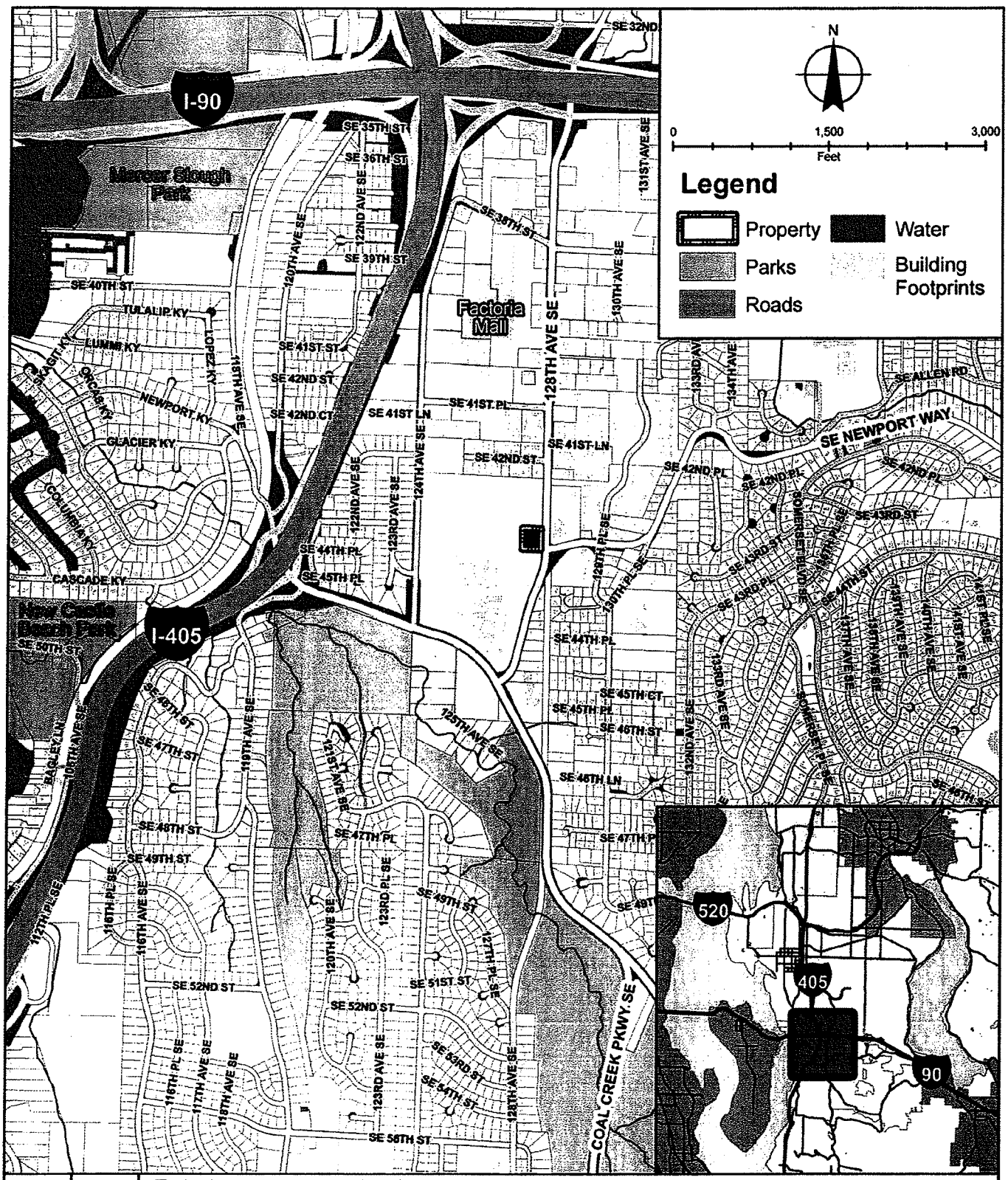
**NOTICE OF COMPLETENESS:** Your application is considered complete 29 days after submittal, unless otherwise notified.

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

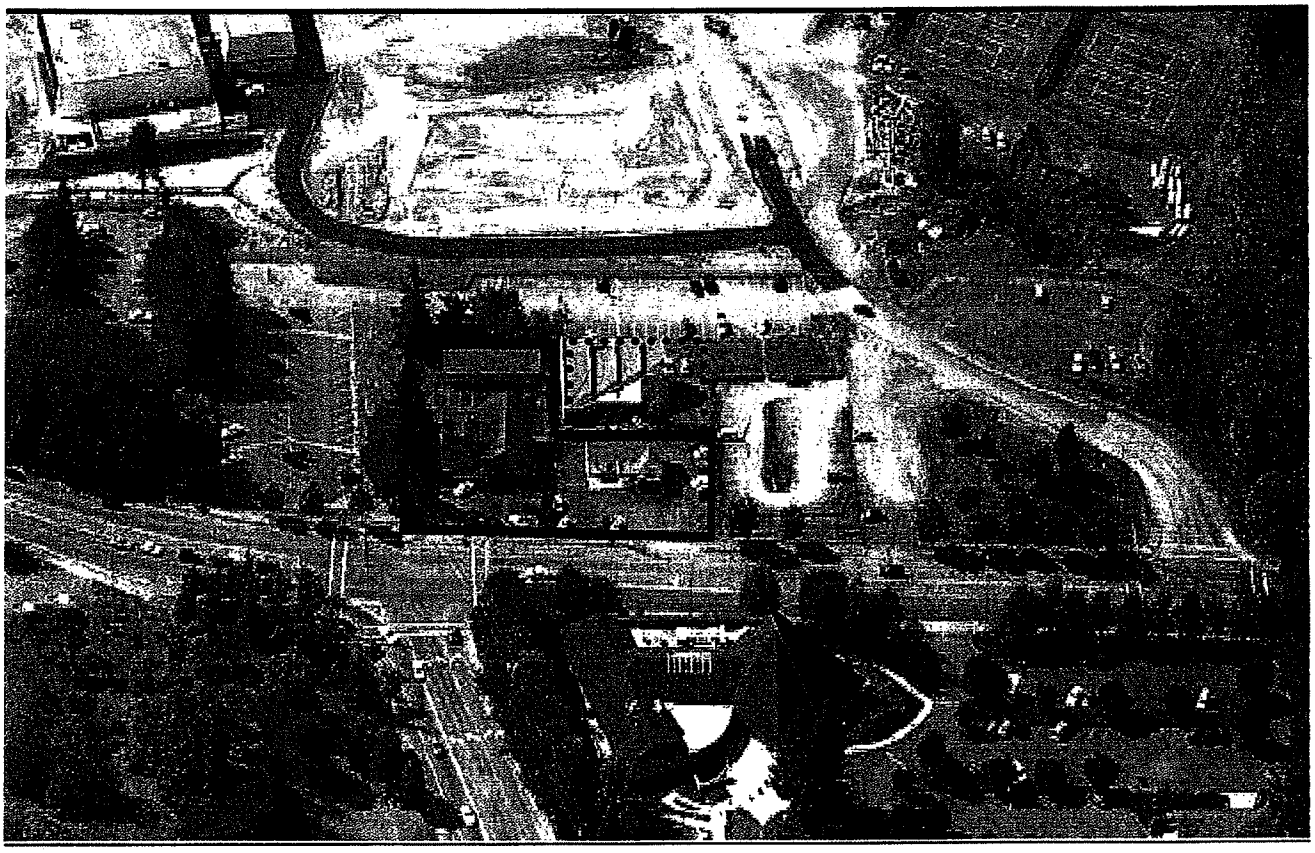
**LORGE PROPERTY**

**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)

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# 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<br>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<br>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<br>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<br>++ / ++ |
| **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<br>++ / ++ |
| **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<br>++ / ++ |
| **Response to Goal / Policy: The proposed amendment would not expand office uses onto any other sites within the Factoria Subarea.** | |

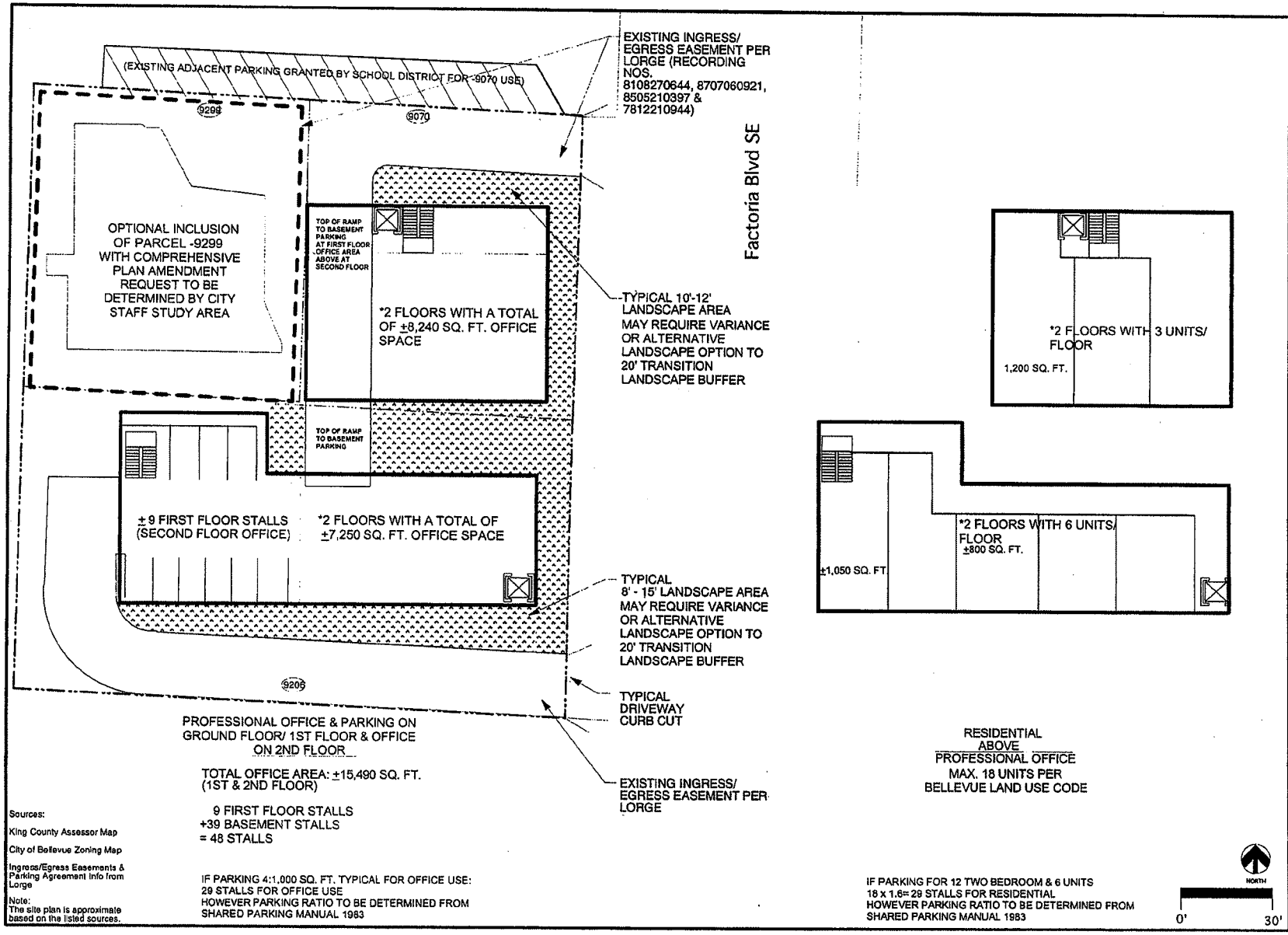
| | |
|---|---|
| **POLICY S-FA-11.** *Encourage mixed-use residential and commercial development within community level retail districts.* | Compatibility Current/Future<br>++ / ++ |
| **Response to Goal / Policy: If approved the proposed amendment would allow for the future potential of redevelopment 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<br>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<br>++ / ++ |
| **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<br>+ / ++ |
| **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<br>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<br>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**<br>**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**<br>**+ / ++** |
| **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**<br>**++ / ++** |
| **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**<br>**++ / ++** |
| **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**<br>**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

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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 |

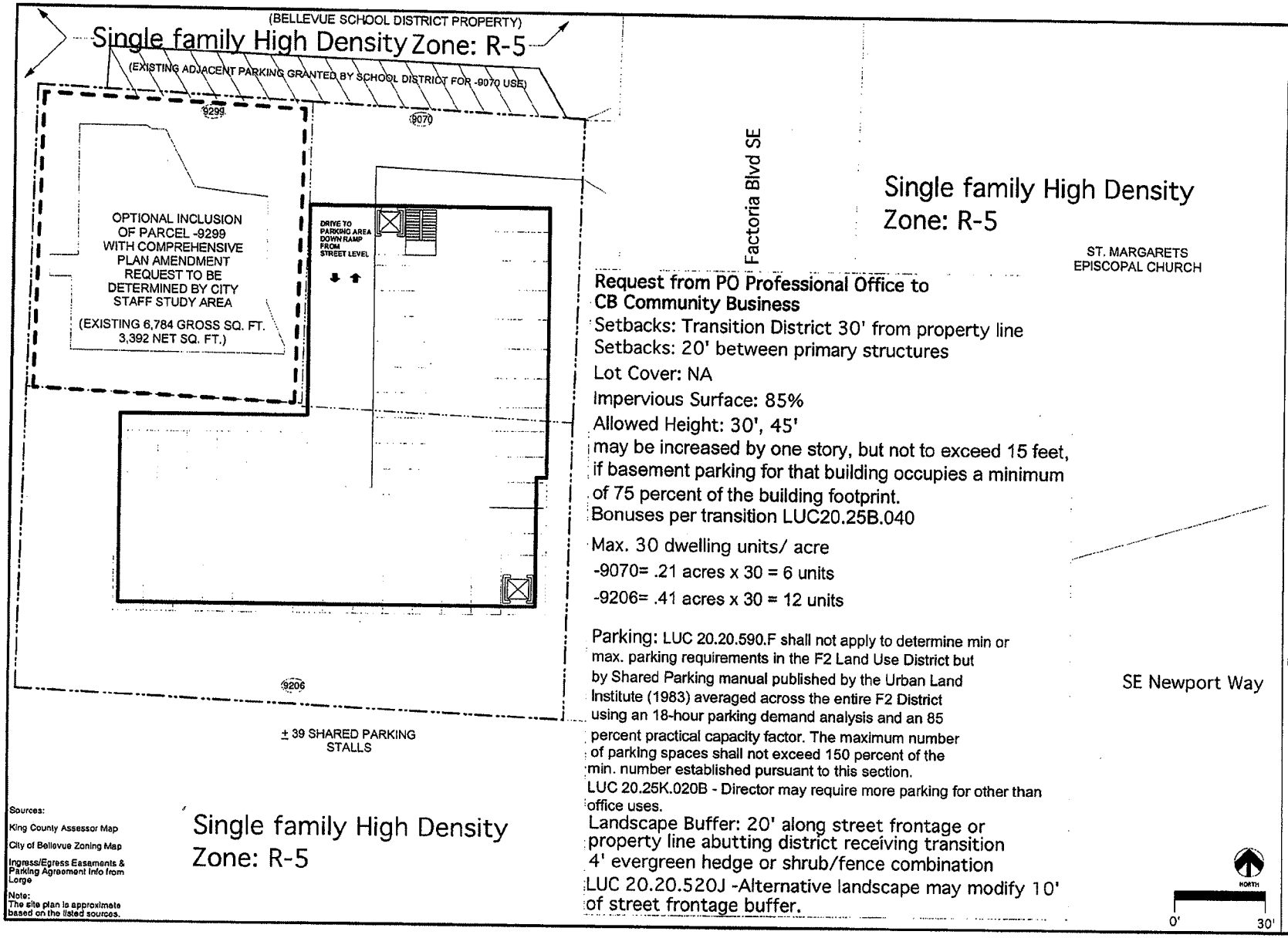
REVISIONS

| 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

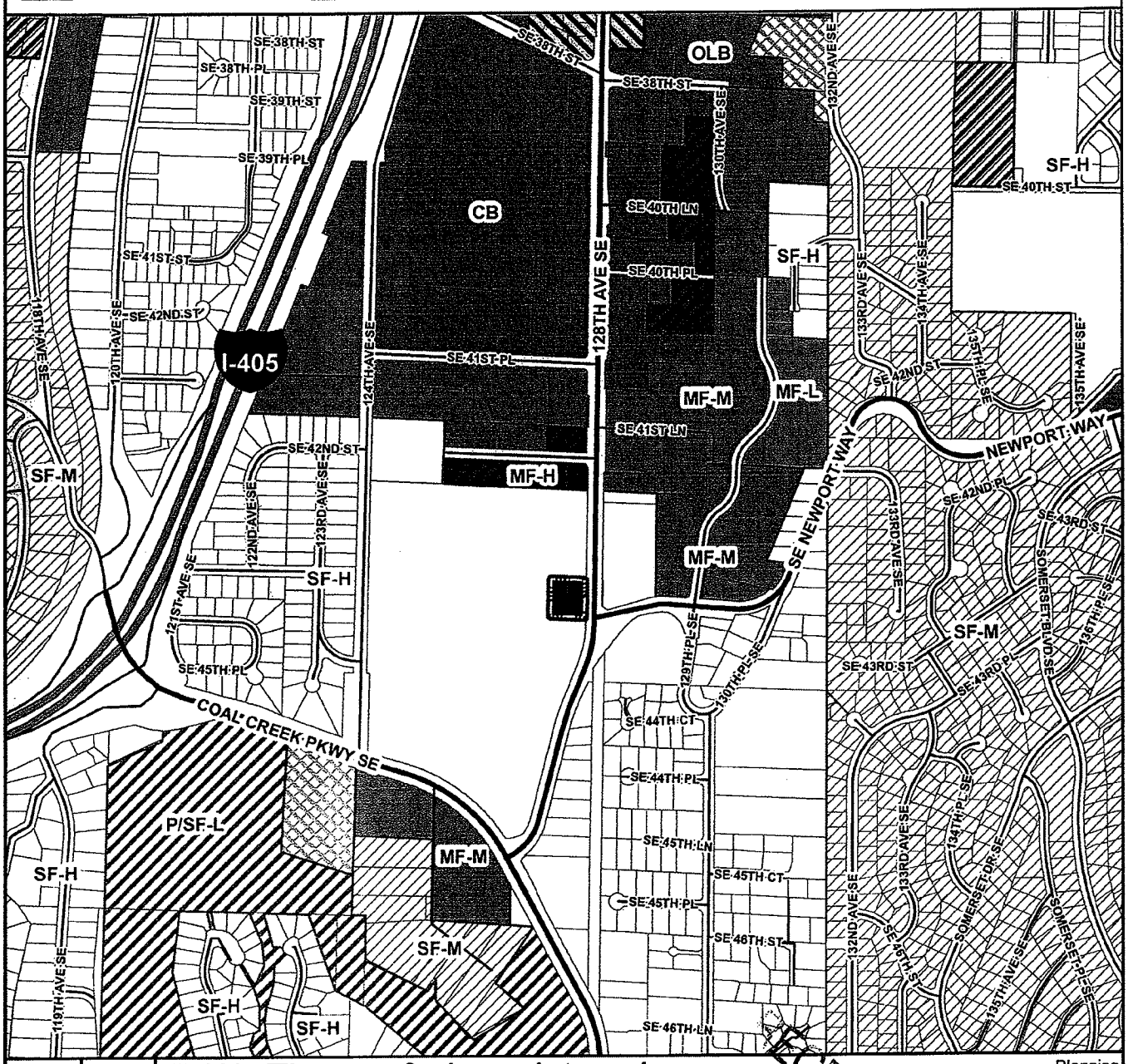
CONCEPTUAL MASSING STUDY

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

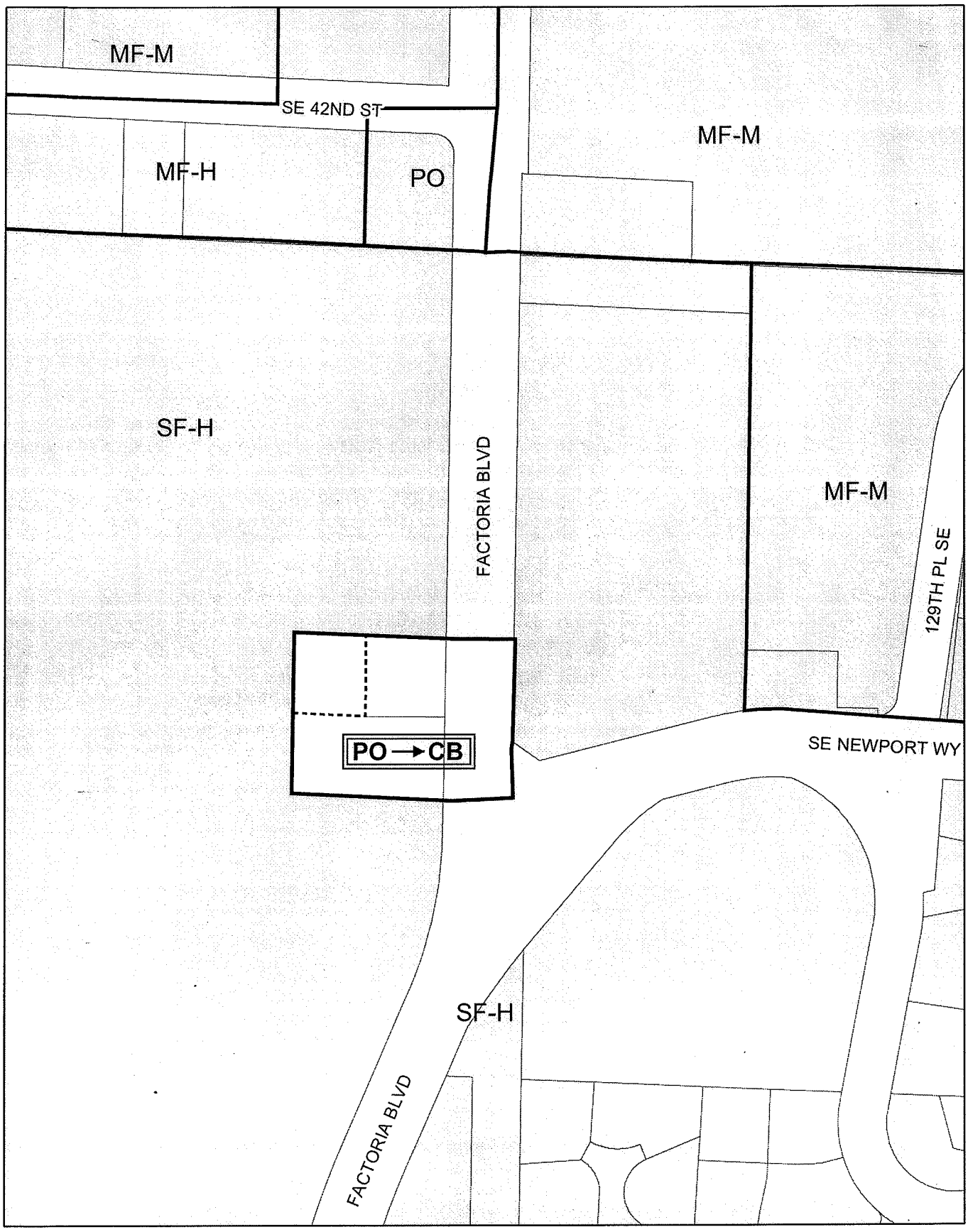
**LORGE PROPERTY**
**Bellevue, WA**

**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.