



**City of Bellevue
Development Services Department
Land Use Staff Report**

Proposal Name: Bellevue District Court

Proposal Address: 1309 114th Ave SE

Proposal Description: Application for a Shoreline Conditional Use and Shoreline Substantial Development Permit to establish a government services use (court and probation facility services) within an Office zoning district. The use is being relocated from a nearby site in Surrey Downs to the subject location. The site is within the Shoreline Overlay District.

File Number: 14-125951-WA and 14-126635-WG

Applicant: Susan Harper, City of Bellevue

Decisions Included: **Process I, Shoreline Conditional Use
Process II, Shoreline Substantial Development Permit**

Planner: Heidi M. Bedwell, Senior Environmental Planner

**State Environmental Policy Act
Threshold Determination:** Exempt

Director's Decision/ Recommendation:

Approval with Conditions
Michael A. Brennan, Director
Development Services Department

Carol V. Helland

Carol V. Helland, Land Use Director
Development Services Department

Date of Application:	Shoreline Conditional Use File 14-125951-WA- March 3, 2014 Shoreline Substantial Development 14-126635-WG-March 14, 2014
Notice of Application:	March 20, 2014
Public Meeting Date:	April 3, 2014
Recommendation/ Decision Publication Date:	May 15, 2014
Public Hearing Date:	June 12, 2014
<u>Deadline For Appeal of Process II Administrative Decisions</u>	
Shoreline Substantial Development Permit:	June 5, 2014 (21 days following publication of a notice of decision)

For information on how to appeal a proposal, visit the Development Services Center at City Hall or call (425) 452-6864. Appeal of the Decision must be received in the City Clerk's Office by 5 PM on the date noted for appeal of the decision.

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Attachments: Project Plans

I. REQUEST and REVIEW PROCESS

The applicant requests Shoreline Conditional Use permit approval for the establishment of a government services use (court and probation facility services) within an Office zoning district. King County provides District court services through an interlocal agreement with the City of Bellevue. Pursuant to an agreement with the County, the City provides Probation Services and a facility to house court services. The Bellevue District Court is currently located within a building on City-owned property at 585 112th Ave SE also known as the Surry Downs Park. The Park will be redeveloped and the site impacted by the routing of the East Link light rail, requiring the relocation of the court use prior to beginning construction of the rail in the first half of 2015.

A Shoreline Conditional Use Permit is a mechanism by which the City may be provide more control and allow greater flexibility in administering the Shoreline Master Program in a manner consistent with the policies of the Shoreline Management Act. The City may permit certain uses to be established or may require conditions on development or on the use of land in order to insure that designated uses or activities are compatible with other uses in the same land use district and in the vicinity of the subject property (**LUC 20.30C.120 Purpose**). The Land Use Code also requires a complete application for Shoreline Substantial Development Permit to be submitted along with the Shoreline Conditional Use permit. The Shoreline Conditional Use action for this project is discussed in greater detail in Section VII of this report.

Process I quasi-judicial decisions are made by the City's Hearing Examiner on recommendation of the Director. The Director (or appointee) reviews the file under the review standards of the Washington Administrative Code (WAC), the Revised Code of Washington (RCW), and the City's Land Use Code (LUC) and issues a recommendation to the Hearing Examiner, who holds a public hearing and reviews the file for consistency with the established conditional use criteria. The Hearing Examiner issues a finding of approval, approval with modifications, or denial. The final decision of the City (Hearing Examiner decision or Council decision if a Hearing Examiner decision is appealed) is transmitted to the Washington State Department of Ecology where the final decision on the action is taken.

Applications for Shoreline Conditional Use Permits require the concurrent processing of a Shoreline Substantial Development Permit. The subject site is located within the Shoreline Overlay District and development on this site is subject to compliance with the General Performance Standards found in the City's Land Use Code. Shoreline Substantial Development Permits are Process II administrative decisions made by the Development Services Department Land Use Director (or appointee). The decision is subject to compliance with the Shoreline Substantial Development criteria. The project's compliance with the Shoreline Substantial Development criteria is discussed in greater detail in Section VII below.

II. SITE CONTEXT, ZONING, AND COMPREHENSIVE PLAN DESIGNATION

A. Site Context and Description

The applicant is proposing to locate the use within an existing office building located in a complex of buildings referred to as Bellefield Office Park (Bellefield). Bellefield is bound by SE 8th St to the North and 112th Ave SE to the west. Internal road circulation is via private roads. Mercer Slough and its associated wetlands, a shoreline waterbody, also bound the office park to the east and west. A series of underbuilding and surface parking lots accommodate the development parking needs.

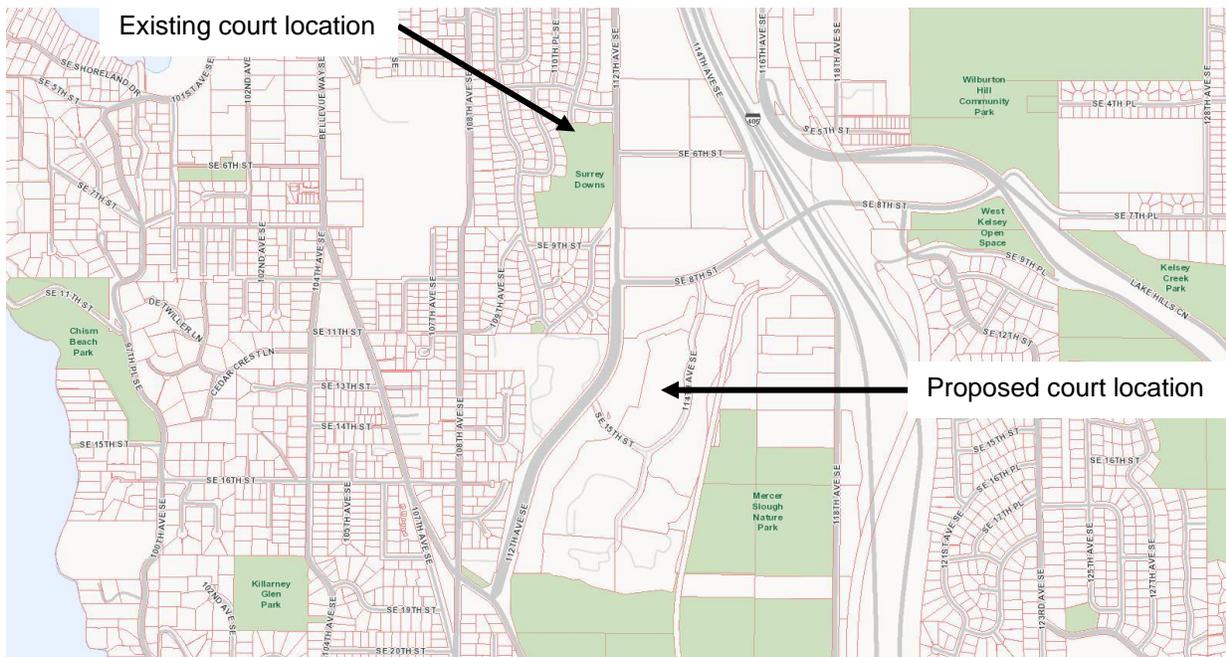


Figure 1: Vicinity Map



Figure 2: Aerial Image



Figure 3: Building (source: Bing Maps)

B. Comprehensive Plan

The Comprehensive Plan Land Use Designation is O-Office and the site is located within the Southwest Bellevue Subarea. The O designation allows for a range of land uses that provide for the location of business, financial, administrative and professional services. In addition to these designations, this property is also subject to the requirements and standards of the Shoreline Management Program of the Comprehensive Plan as the site

B. Parking

Per LUC Section 20.20.590.F.2 the proposed use is classified as an unspecified use for purposes of determining the minimum parking requirements. The Director shall establish the minimum number of parking spaces required and may establish the maximum number of parking spaces allowed for any use not specified in LUC [20.20.590.F.1](#). The applicant has provided documentation regarding the parking demand at the existing Surrey Downs site. Since no change is proposed in the existing mix of uses and services at Surrey Downs site compared to the proposed Bellefield site, the parking demand at the Surrey Downs site provides accurate guidance regarding the parking demand expected at the proposed Bellefield site.

The existing Surrey Downs site has a total of 110 parking stalls to service a building with a gross square footage of 21,637 (approximately 4 stalls per 1,000 gross square footage). The proposed Bellefield site will have a total of 150 parking stalls allocated for use by the District Court for a building that is 29,966 gross square feet. Although the Bellefield site is larger than the Surrey Downs site, the level and volume of service will not be increased over the existing service at the Surrey Downs location. The proposed location will however provide an increase in available parking with approximately 5 stalls per 1,000 gross square feet of space. Based on the proposed and existing operation the applicant has demonstrated that sufficient parking will be available to meet the proposed use.

C. General Regulations Applicable to All Land Use Districts and Activities per LUC 20.25E.080.B

1. Where applicable, all federal and state water quality and effluent standards shall be met.

No changes to the building footprint are proposed.

2. If a property extends into the Shoreline Overlay District, the Shoreline Master Program Policies and these use regulations shall apply only to that portion of the property lying within the Shoreline Overlay District.

The entire project site is located within the Shoreline Overlay District but no changes to the building footprint are proposed to accommodate the government services use.

3. All development within the Shoreline Overlay District shall be accompanied by a plan indicating methods of preserving shoreline vegetation and for control of erosion during and following construction in accordance with Part [20.25H](#) LUC, City of Bellevue Clearing and Grading regulations, Chapter [23.76](#) BCC, and the Comprehensive Plan.

No clearing and grading is proposed as part of this application.

4. Special care shall be exercised to preserve vegetation in wetland, shoreline and stream corridor bank areas in order to prevent soil erosion. Removal of vegetation from or disturbance of shoreline critical areas and shoreline critical area buffers, and from other critical area and critical area buffers shall be prohibited, except in conformance with Part [20.25H](#) LUC and the specific performance standards of this section.

No removal of vegetation or disturbance of the shoreline critical areas or buffers is proposed.

5. Maximum height limitation for any proposed structure within the Shoreline Overlay District shall be 35 feet, except in land use districts with more restrictive height limitations. The method of measuring the maximum height is described in WAC [173-14-030](#)(6). Variances to this height limitation may be granted pursuant to Part [20.30H](#) LUC.

The existing structure is less than 35 feet in height. No change to the height of the building is proposed as part of this application.

6. The Bellevue Shoreline Master Program, in conjunction with existing Bellevue land use ordinances and Comprehensive Plan policies, shall guide all land use decisions in the Shoreline Overlay District.

The proposed use has demonstrated compliance with all applicable land use regulations and City policies, no change to the building footprint is proposed with this project.

7. Any development within the Shoreline Overlay District shall comply with all applicable Bellevue ordinances, including but not limited to the Bellevue Land Use Code, Sign Code, and clearing and grading regulations.

As conditioned, the application will comply with all applicable Bellevue ordinances, all improvements will be within the existing building footprint.

8. The dead storage of watercraft seaward of the ordinary high water mark of the shoreline is prohibited.

No dead storage of watercraft is proposed as part of this application.

9. Where applicable, state and federal standards for the use of herbicides, pesticides and/or fertilizers shall be met, unless superseded by City of Bellevue ordinances. Use of such substances in the shoreline critical area and shoreline critical area buffer shall comply with the City's "Environmental Best Management Practices."

As conditioned, the application shall comply with the standards for use of herbicides, pesticides and/or fertilizers.

10. Adequate storm drainage and sewer facilities must be operational prior to construction of new development within the Shoreline Overlay District. Storm drainage facilities shall be separated from sewage disposal systems.

The existing building has adequate and operational storm drainage and sewer facilities currently in place.

IV. PUBLIC NOTICE AND COMMENT DATES

Application Dates: Shoreline Conditional Use File 14-125951-WA- March 3, 2014
Shoreline Substantial Development 14-126635-WG- March 14, 2014
Notice of Application: March 20, 2014
Public Notice Sign Installed: March 20, 2014
Minimum Comment Period: April 21, 2014
Public Meeting: April 3, 2014

No interested parties attended the public meeting and no comments have been received by staff at the time of publishing this recommendation.

V. TECHNICAL REVIEW

Transportation Department Trip Generation

Trip generation at the existing district court at 585 112th Ave SE was assessed by the traffic consultant (Transportation Engineering Northwest). Counts were taken on two consecutive weekdays, and a p.m. peak hour average trip generation of 39 trips was documented. The consultant's April 8, 2014 memo is available in the project file.

Using the City of Bellevue's adopted trip rate for office of 1.34 trips per 1000 gsf, the existing office building at the proposed new location for the district court, at 29,966 gsf, typically generated 40 p.m. peak hour trips. Reducing this volume to reflect the building's 35% occupancy of the last two years results in a recent p.m. peak hour trip generation of 14 trips. Services to be provided by the district court at this new location are anticipated to be equivalent to those at the existing location, therefore, the 39 trips reported above are expected to be consistent. The resulting net trip generation is 25 p.m. peak hour trips. This volume, along with the scope of the tenant improvement, do not constitute a material change in use and therefore the project is exempt from SEPA review per City of Bellevue's Environmental Procedures Code Section 22.02.

In the case of tenant improvement permits, the requirements of BCC 22.16, the Transportation Impact Fee Program, apply when SEPA review is required. BCC 14.10, the Traffic Standards Code, applies when the proposal or use will generate 30 or more new p.m. peak hour trips. With a net p.m. peak hour generation of 25 trips, neither traffic impact fees nor a concurrency analysis are required.

Vehicular Site Access

Access to the proposed district court, to be located within an existing building within the

Bellefield Office Park, will be provided via a private road internal to the office park. That road connects to 112th Ave SE at approximately 1100 feet south of SE 8th Street. The subject parcel has no direct frontage on a public street. The street frontage improvements in the vicinity of this parcel, including street lighting and curb, gutter, and sidewalk, are in good condition, and no improvements are required.

Access Facilities for Clients

The Bellefield Office Park is served by Sound Transit and King County Metro Transit with several bus lines, with stops in the vicinity of both the SE 8th/114th Ave SE entrance and the 112th Ave SE/SE 15th entrance. Those routes serve the greater county region, with connections through the Bellevue Transit Center.

Use of the Right of Way During Construction

Applicants often request use of the right of way and of pedestrian easements for materials storage, construction trailers, hauling routes, fencing, barricades, loading and unloading and other temporary uses. A Right of Way Use Permit for such activities must be acquired prior to issuance of any construction permit including demolition permit. Sidewalks may not be closed except as specifically allowed by a Right of Way Use Permit. A Right of Way Use Permit for hauling is required for excavation and/or construction at the job site which requires ten or more truckloads to or from the site per day.

Clearing and Grading Division

The Clearing and Grading Division has no concerns about the proposed use at the subject location.

Utilities Department

The Utilities Department has reviewed and approved the proposed use. No additional requirements are triggered with the location of the use in an existing building.

Fire Department

The Fire Department has reviewed and approved the proposed use. Formal review will take place with subsequent building permit submittal. All fire code standards must be met.

VI. STATE ENVIRONMENTAL POLICY ACT (SEPA)

Adverse impacts which are less than significant are usually subject to City Codes or Standards which are intended to mitigate those impacts. Where such impacts and regulatory requirements correspond, no further documentation is necessary. For other adverse impacts which are less than significant, Bellevue City Code Section 22.02.140 provides substantive authority to mitigate impacts disclosed through the environmental review process.

The subject project is exempt because the proposed use is considered a minor alteration of a building and does not involve any material expansion. The project includes the renovation of more than 4,000 square feet of gross floor area; however less than 30 new p.m. peak hour vehicle trips will be produced from the proposed use. The exemption is per BCC Section 22.02.032 Environmental Procedures Code.

VII. DECISION CRITERIA

20.30C.155 Shoreline Conditional Use Decision criteria. The City may approve or approve with modifications an application for a Shoreline Conditional Use Permit if:

A. The proposed use will be consistent with the policies of RCW 90.58.020 and the policies of the Bellevue Shoreline Master Program; and

Finding: The proposed use is consistent with the polices of the Shoreline Management Act and Bellevue's Shoreline Master Program. Specifically, the proposal includes the location of a new government service use within an existing building. The use can be accommodated within the existing building without increasing the building footprint or having an impact on sensitive resources within shoreline jurisdiction. The site contains existing walking paths adjacent to the Mercer Slough that provide both visual and physical access to the shoreline. Users of the proposed government service use will also have access to these pathways for water enjoyment while preserving the natural amenities and characters of the Mercer Slough.

POLICY SH-4. Limit the density and intensity of shoreline uses and activities through planning, zoning, capital improvements, and other policy and regulatory standards.
Discussion: Exceptions to shoreline uses, through the Shoreline Conditional Use process, may be considered if they meet a demonstrated need of the city and then only if they are in accordance with other shoreline policies.

POLICY SH-9. Preserve the natural amenities and resources of the shorelines in the context of existing and planned residential, recreational, and commercial land uses.

POLICY SH-18. Inland Shoreline Areas: Preserve the open character of Mercer Slough.

POLICY SH-26. Encourage public access to and along the water's edge for all development excluding individual single-family lots.

In order to clearly identify the shoreline access, the applicant shall work with the property owner to post signs adjacent to the building describing access to the pathways adjacent to the water. See Section X for condition of approval.

B. The proposed use will not interfere with the normal public use of public shorelines; and

Finding: No use of the public shorelines is proposed and no part of the project will interfere with the normal public use of the public shoreline. The proposed use will be contained within an existing building and will utilize existing underbuilding and surface parking. Visitors to the government service use will have access to the current shoreline access pathways in the Bellefield Office Park.

C. The proposed use of the site and design of the project will be compatible with other permitted uses within the area; and

Finding: Uses in the vicinity of the proposed use are a mix of office and service uses housed within a traditional office building complex. The proposed project is designed to utilize an existing office building and associated parking. No other significant site modifications are proposed that would affect the existing development and uses in the vicinity of the subject site. Parking for the proposed use will be contained in the parking designated around the building. With the exception of the limited transport of in-custodies to the Court, the use will function similar to an office use and all activities will be contained within the existing building. In-custody transfer will be accomplished through a separate entrance under the building, and away from view from other existing uses. Persons in-custody and they will be escorted by a minimum of two police support officers who will accompany them at all times. The majority of Court visitors will, however, enter through the main entrance for court cases and other court services.

D. The proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is to be located; and

Finding: Because the proposal utilizes an existing structure and does not include any exterior or site modification, there will be no adverse effects to the shoreline environment.

E. The public interest suffers no substantial detrimental effect; and

Finding: The proposed use will not have a substantial detrimental effect on the public interest because no public resources will be impacted with the establishment of the Government Service function. The use will be contained within an existing structure and utilize existing parking facilities.

F. The proposed use complies with all requirements of WAC 173-14-140; and

Finding: The proposal has been reviewed in accordance with the requirements of Bellevue's Shoreline Master Program, applicable sections of the WAC, the RCW, and other pertinent codes and policies.

G. The proposed use is harmonious and appropriate in design, character and appearance with the existing or intended character and quality of development in the immediate vicinity of the subject property and with the physical characteristics of the subject property; and

Finding: The physical characteristics of the site and immediate vicinity will not be harmed. All modifications to the building will occur within the existing building footprint and the existing quality and character of the development will be maintained. The proposal includes the reconstruction of an access ramp on the front of the existing building in order to accommodate ADA accessibility requirements. The design and character of the ramp will be in harmony with the design and appearance of the existing building while providing safe and appropriate access for users of the facility. The proposed use will not modify the existing or the intended design and character of the office park development.

H. The proposed use will be served by adequate public facilities including streets, fire protection, water, stormwater control and sanitary sewer; and

Finding: This application has been reviewed by the City's Fire, Utilities, and Transportation Departments. The project is served by adequate public facilities.

I. The proposed use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and

Finding: Uses in the vicinity of the proposed project are a mix of office and service uses. The use at its existing location, adjacent to residential development in the Surrey Downs neighborhood, received no complaints from the adjacent home owners about activities associated with the Court. During the Court's years at this site, there have been no acts of violence by those on probation. There have been only three reported escapes from the courthouse and all but one was immediately apprehended. The applicant has explained that most defendants come to the court on their own either by car or by public transportation. However, an average of 5-7 prisoners are brought to the court from the jail daily. Security precautions are taken to prevent escapes and protect the surrounding uses and community. The new court facility will provide a small secure area at grade under the building for loading and unloading of in-custodies with direct access to holding rooms. The area will be enclosed under the existing building and visibility will be limited. During the hours of Court operation (8:00am- 5:00pm) a county marshal is also at the

courthouse and Bellevue police are frequently present at the facility. The new court facility will offer enhanced security, further minimizing security risks at the proposed location. The activities of the proposed Court will be contained within the building and will not be detrimental to the uses or property in the immediate vicinity.

J. The proposed use has merit and value for the community as a whole; and

Finding: The City of Bellevue contracts for court services with King County District Court through an interlocal agreement with the City. The current court is located at 585 112th Ave SE directly across from the Bellevue Club in the Surrey Downs neighborhood of Bellevue. The Bellevue District Court provides a vital public service to the citizens of Bellevue. The “customers” or visitors to court include people addressing traffic infractions from the City of Bellevue, misdemeanor defendants, victims, witnesses, jurors, family members of those attending, court including children and professionals who provide various services to the court. Approximately 2,400 Bellevue residents are called for jury duty at the Bellevue court per year and about 450 serve as jurors. Plans to relocate the District Court have been underway for several years due to the need to create a permanent, cost-effective solution for these important public services. Additionally, the East Link routing requires the Surrey Downs facility to be vacated before construction of the rail guideway begins. Access to the existing court must be closed in connection with Sound Transit’s construction along 112th Ave SE.

The City of Bellevue conducted an extensive search of commercial properties in order to relocate the existing use in an adequate facility that met the needs of the District Court function. The City identified the subject location because it had the necessary size and floor plate to accommodate a court and probation facility, offered sufficient parking to meet operational needs, is not located in a residential area, and is located close to the existing court building and City Hall while being located on a transit route.

K. The proposed use is in accord with the Comprehensive Plan; and

Finding: The proposed project is consistent with the goals and policies of the City of Bellevue Comprehensive Plan. The City maintains and utilizes a variety of capital facilities and buildings in order to perform necessary administrative functions of the City including the District Court facility. Through the City’s capital improvement projects the City funds and plans for necessary projects like the District Court. Additionally, the project is in accord with general land use policy LU-9 “Maintain compatible use and design with the surrounding built environment when considering new development or redevelopment within an already developed area”. The use when located within the existing structure will be compatible with the area in which it will be located (ie Bellefield Office Park).

L. The proposed use complies with all other applicable criteria and standards of the Bellevue City Code.

Finding: As described in this report, the proposal meets all other applicable criteria and standards of the Bellevue City Codes. See related conditions of approval in Section X of this report.

20.30R.155. B Shoreline Substantial Development Permit Decision Criteria. The Director of the Development Services Department may approve or approve with modifications if:

1. The applicant has carried the burden of proof and produced evidence sufficient to support the conclusion that the application merits approval or approval with modifications; and
2. The applicant has demonstrated that the proposal complies with the applicable decision criteria of the Bellevue City Code; and
3. The applicant has demonstrated that the proposal is consistent with the policies and procedures of the Shoreline Management Act and the provisions of Chapter 173-14 WAC and the Master Program. In all other cases, the applicable Department Director shall deny the application.

Finding: As identified in Section III of this report the applicant has submitted project information and plans that demonstrate the proposal's compliance with the applicable City of Bellevue Codes and Standards found in LUC Section 20.25E, the Shoreline Overlay District. The applicant has carried the burden of proof and has demonstrated that the proposal is consistent with policies and procedures of the Shoreline Management Act and the Master Program.

IX. DECISION

After conducting the various administrative reviews associated with the proposal, including applicable Land Use consistency, and City Code & Standard compliance reviews, the Director does hereby APPROVE WITH CONDITIONS the Shoreline Substantial Development Permit, and Recommends approval of the Shoreline Conditional Use Permit to the Hearing Examiner subject proposal.

X. CONDITIONS OF APPROVAL:

The following conditions are imposed on the applicant under the authority referenced:

A. GENERAL CONDITIONS: The following conditions apply to all phases of

development.

1. Pesticides, Insecticides, and Fertilizers: The applicant must submit information regarding the use of pesticides, insecticides, and fertilizers in accordance with the City of Bellevue's "Environmental Best Management Practices".

Authority: Land Use Code 20.25H.220.H
Reviewer: Heidi M. Bedwell, Land Use

A. PRIOR TO BUILDING PERMIT: The following conditions are required by City Code. Unless specified otherwise below, these conditions must be complied with on plans submitted with the Building permit application:

1. PUBLIC ACCESS SIGNAGE

Prior to issuance of a building permit, the applicant shall provide land use staff with signage templates. Signs shall identify access to walking paths adjacent to the building and Mercer Slough as accessible for use by users of the Court facility. Signs shall be installed prior to building occupancy.

Authority: LUC 20.25E
Reviewer: Heidi M. Bedwell, Land Use

2. Noise Control: Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance. Requests for construction hour extension must be done in advance with submittal of a construction noise expanded exempt hours permit.

Authority: Bellevue City Code 9.18
Reviewer: Heidi M. Bedwell, Land Use



Bellevue District Court

Entry Ramp

**DAVID A. CLARK
ARCHITECTS, PLLC**

