



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

Proposal Name: Green Theory Bellevue

Proposal Address: 1940 124th Avenue NE

Proposal Description: Land Use review of an Administrative Conditional Use Permit to allow an existing marijuana retail store to expand into an adjacent tenant space and increase the floor area by more than 20 percent.

File Number: 17-125037-LA

Applicant: Robert Miller, Space Plan

Decisions Included: Administrative Conditional Use Permit
(Process II 20.30E)

Planner: Reilly Pittman, Planner

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

Director's Decision: **Approval with Conditions**
Michael A. Brennan, Director
Development Services Department

By: 
Elizabeth Stead, Land Use Director

Application Date:	September 22, 2017
Notice of Application Publication Date:	October 12, 2017
Decision Publication Date:	November 2, 2017
Appeal Deadline:	November 16, 2017

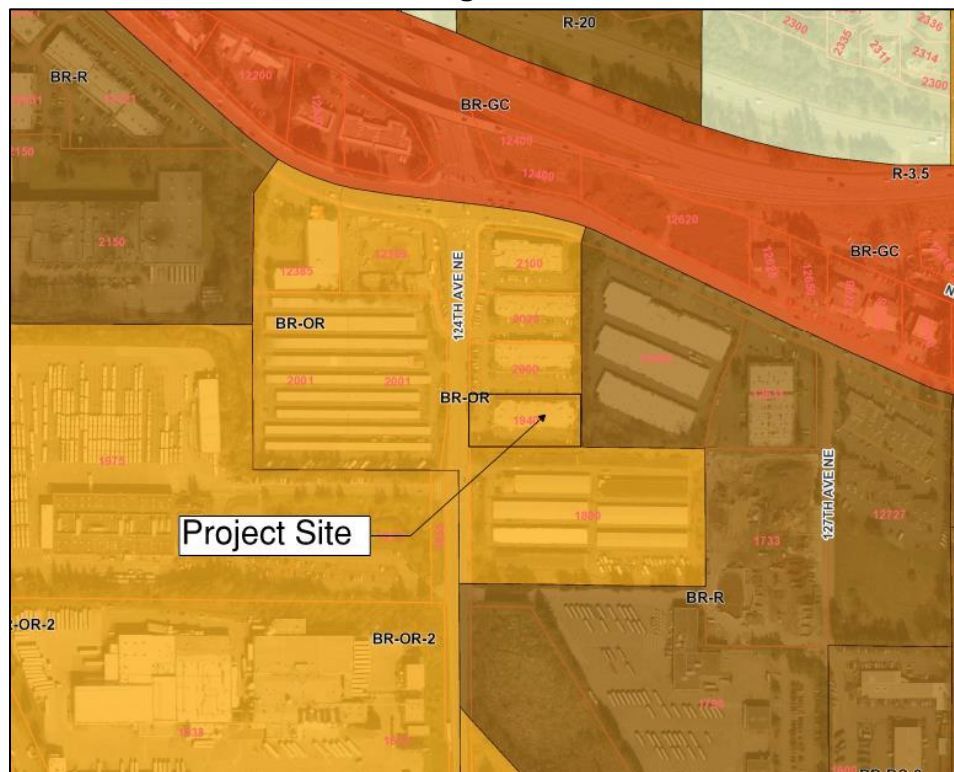
For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

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Attachments

1. Project Plans – In File
2. Application forms – In File



B. Site Description

The site has one building that historically housed light industrial and wholesale/warehouse uses. The site was rezoned as part of the BelRed Subarea plan and is now zoned to allow a much broader range of uses. See figure 2 below for general existing site conditions.

Figure 2



III. Consistency with Development Requirements:

A. Conformance with LUC 20.25D.080 and LUC 20.25D.120 – Dimensional Requirements and Parking

The proposal does not propose to alter the exterior footprint of the existing structure. Conformance with the zoning dimensional requirements for the BR-OR zone is not triggered.

B. Conformance with LUC 20.20.535 – Marijuana Uses

The proposed expansion is in conformance with the requirements of LUC 20.20.535. No separation requirements are triggered by expanding the use. The proposed increase in tenant space area does require a new Administrative Conditional Use Permit (the subject of this application).

IV. Public Notice and Comment

Application Date:	September 22, 2017
Public Notice (500 feet):	October 12, 2017
Minimum Comment Period:	October 26, 2017

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin and Seattle Times on October 12, 2017. It was mailed to property owners within 500 feet of the project site and a public notice sign was posted. One comment was received concerning RV parking and camping in the public right-of-way in the BelRed subarea. This issue predates this store and is possible due to the ample on-street parking that this area has historically possessed. The City is investigating ways to address use of the right-of-way for RV parking and camping. There is no evidence that the RV parking and camping in the ROW is as a result of the existing and proposed use and there is no code requirement applicable to the proposal that can be applied to this application that can address this concern.

V. Summary of Technical Reviews

A. Clearing and Grading

The Clearing and Grading Division reviewed the proposal and approved the application.

B. Utilities

The Utilities Department reviewed the proposal and approved the application.

C. Transportation

The Transportation Department reviewed the proposal and approved the application.

D. Fire Prevention

The Fire Department reviewed the proposal and approved the application.

VI. State Environmental Policy Act (SEPA)

The proposal is exempt from SEPA per WAC 197-11-800(1) as there is no new construction.

VII. Changes to Proposal Due to Staff Review

No changes have been required.

VIII. Decision Criteria

A. 20.30E.140 Administrative Conditional Use Permit - Decision Criteria

The Director may approve, or approve with modifications, an application for an Administrative Conditional Use Permit.

1. The administrative conditional use is consistent with the Comprehensive Plan.

Finding: The project is consistent with the Comprehensive Plan. The proposal is to expand an existing commercial retail use in a land use district that allows retail and other commercial uses and is consistent with the Bel-Red Land Use Plan map (S-BR-5). The proposal provides additional retail capacity in an area zoned for retail (LU-18).

2. **The design is compatible with and responds to the existed or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity.**

Finding: The building footprint will remain unchanged as discussed in this report. If any minor external material changes are proposed they will require a Land Use Exemption from Design Review as part of the building permit. **See Conditions of Approval in Section X.**

3. **The administrative conditional use will be served by adequate public facilities including streets, fire protection and utilities.**

Finding: The proposed expansion does not change existing service levels of public facilities to this property or surrounding properties.

4. **The administrative conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property**

Finding: The proposal is located in a zone that allows retail uses. The proposed product for sale is legal in the state, and not detrimental to the property or uses in the vicinity as all activity is required to occur in the secured building. By meeting all the locational criteria of the Land Use Code, the proposal is not adjacent to other uses that have been determined to be inappropriate for a marijuana store to locate near. Any noise from construction is required to conform to the limits on noise in BCC 9.18. **See Conditions of Approval in Section X.**

5. **The administrative conditional use complies with the applicable requirements of this code.**

Finding: As conditioned, the proposal complies with applicable requirements of the Land Use Code. Refer to section III of this report for further information on Land Use Code consistency.

IX. Conclusion and 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 subject proposal to expand an existing retail marijuana store.

X. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Janney Gwo, 425-452-6190
Utilities – BCC Title 24	Mohamed Sambou, 425-452-4853
Land Use Code- BCC Title 20	Reilly Pittman, 425-452-4350
Noise Control- BCC 9.18	Reilly Pittman, 425-452-4350
Transportation Code – BCC 14.60	Ryan Miller, 425-452-7915
Right of Way Use Permit – BCC 14.30	Tim Stever, 425-452-4294
Fire Code – BCC 23.11	Derek Landis, 425-452-4112

The following conditions are imposed under the Bellevue City Code authority referenced:

- 1. Building Permit:** Building permit 17-118409-BY is required to be completed in compliance with the applicable land use code requirements and this approval. A Land Use Exemption from Design Review will be needed if any external changes to the building are proposed.

Authority: Land Use Code 20.30E.140

Reviewer: Reilly Pittman, Development Services Department

- 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: Reilly Pittman, Development Services Department