



## Planning Commission

# TRANSMITTAL

DATE: May 20, 2015

TO: Mayor Balducci and Members of the City Council

FROM: Aaron Laing, Chair  
Members of the Bellevue Planning Commission

SUBJECT: Final Review Recommendation for 2015 **privately-initiated** site-specific Comprehensive Plan Amendment (CPA): **Public Storage 15-103770 AC**

### I. RECOMMENDATION

With this Transmittal the Planning Commission recommends by a unanimous 6-0 vote that the City Council:

- APPROVE the Public Storage site-specific Comprehensive Plan Amendment to amend the map designation on this 2.9-acre site from Office Limited Business (OLB) to Light Industrial (LI). The Commission also recommends a condition be attached to any subsequent rezone action to limit the permitted uses of the site to warehouse and storage services, consistent with the current use and the owner's representations about intended use.

This proposal satisfies the Final Review Decision Criteria for a Comprehensive Plan Amendment as set forth in the Land Use Code in Section 20.30I.150. The Planning Commission came to this recommendation through the Final Review steps in the CPA process, and after taking and hearing testimony from the CPA site's property owners.

The Commission concluded that the proposed amendment is: consistent with the Comprehensive Plan goal for the Richards Valley Subarea, to develop (and redevelop) areas designated for light industrial uses with sensitivity to the natural constraints of the sites; addresses the interests and changed needs of the entire city by accommodating light industrial uses; addresses significantly changed conditions—including inconsistencies between Plan designations and existing land uses as well as a broader set of significant changes in the area which call into question the appropriate designation for this site and area—that need to be addressed; that the site is suitable for redevelopment in this area in consideration of Environmental Element policy and with a rezone restriction to limit redevelopment to the current use; and demonstrates a public benefit by accommodating a long-time use in a manner consistent with policy and regulation.

### II. BACKGROUND

The City Council directed the application for Final Review following Threshold Review of the privately-initiated Public Storage Comprehensive Plan Amendment (CPA) on April 20, 2015.

This site and the immediate surrounding area of the Richards Valley Subarea is a mix of Office-Limited Business, Light Industrial and Multifamily-Medium land use designations and existing land uses in this area roughly between Bellefields Office Park, I-405, SE 8<sup>th</sup> Street and the Mercer Slough. In several cases the current uses are not consistent with the Comprehensive Plan land use designations. Much of these areas are also environmentally-constrained. The OLB-designated sites in this area were established in 1981.

The proposed amendment is located on 118<sup>th</sup> Ave SE, south of the SE 8<sup>th</sup> St park and ride facility. Site uses include the existing Public Storage mini-warehouse and storage facility.

The applicant's stated purpose is to "reconcile the existing zoning designation (which causes the existing use to be nonconforming) with the current and long term future use of the site, which will allow Public Storage to invest capital in aesthetic and structural improvements to the building and site and decrease impacts on the Mercer Slough."

As directed from Threshold Review the Commission considered expansion of the geographic of this proposal to include other property to the north of Public Storage. Davey Tree and a third, now vacant property that was previously used for solid waste disposal and recycling vehicle storage are on these parcels.

Although these properties currently contain light industrial-type uses, during Threshold Review commissioners acknowledged a desire to understand the potential impact on Mercer Slough of the full range of light industrial uses that could be permitted. The Commission ultimately declined to expand the proposed recommendation to include these adjacent properties, concerned that potentially allowing light industrial uses onto the larger, seven acre-plus designation that would result would then be inconsistent with Plan intent.

### **III. PUBLIC NOTICE AND COMMENT**

The application was introduced to the Planning Commission during study session on March 11, 2015. Notice of the Application was published in the Weekly Permit Bulletin on March 5, 2015, and mailed and posted as required by LUC 20.35.420.

Notice of the April 8, 2015 Threshold Review Public Hearing before the Planning Commission was published in the Weekly Permit Bulletin on March 19, 2015, and included notice sent to parties of record.

Notice of the May 13, 2015, Final Review Public Hearing before the Planning Commission was published in the Weekly Permit Bulletin on April 23, 2015, and included notice sent to parties of record.

Pursuant to the requirements of the Growth Management Act, state agencies must be given 60 days to review and comment on proposed amendments to the Comprehensive Plan. A list of the 2015 amendment to the Bellevue Comprehensive Plan was provided to state agencies on April 10, 2015, for review.

The Planning Commission made its Final Review recommendation on the proposal after considering the staff report recommendation, the proposal application, the record provided, and public testimony submitted in writing or given at the May 13, 2015 public hearing.

Public comment letters were submitted by the applicant and on behalf of the applicant by the law firm McCollough, Hill and Leary PS. The applicant's letter detailed their reasons for seeking redevelopment but noted the existing zoning, which does not allow the use, makes that infeasible. The law firm letter emphasized that the application should not be geographically expanded and that the proposal was consistent with the Comprehensive Plan and Richards Valley Subarea.

#### **IV. STATE ENVIRONMENTAL POLICY ACT**

The Environmental Coordinator for the City of Bellevue has determined that this Comprehensive Plan amendment proposal will not result in any probable, significant adverse environmental impacts. A final threshold determination of non-significance (DNS) was issued on April 23, 2015.

#### **V. REVIEW PROCESS AND APPLICATION OF DECISION CRITERIA**

The Final Review Decision Criteria for a proposed Comprehensive Plan Amendment are set forth in the Land Use Code, Section 20.30I.150. A proposal must meet all of the criteria to be recommended for approval.

This conclusion is based on the following analysis:

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

Not applicable to this proposal.

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

The proposed amendment is consistent with the Comprehensive Plan and other goals and policies of the City for urban growth and redevelopment. This includes the Goal for the Richards Valley Subarea, to develop areas designated for light industrial uses with sensitivity to the natural constraints of the sites.

The existing Richards Valley Subarea Plan acknowledges that “although the community recognizes the need for maintaining working opportunities in the Subarea, they want to ensure that the quality of the residential community and natural features (especially dense vegetation and wooded vistas) remain at a high level...” and that “A mix of light

industrial and additional residential uses is appropriate in the lower elevations of the valley”:

**POLICY S-RV-30.** Develop areas designated for light industrial uses with sensitivity to the natural constraints of the sites.

The 1981 OLB designation for these sites intended to redirect them away from their existing light industrial-type uses. This redirect was consistent with the subarea Goal; since these areas were not designated for light industrial uses, the subarea plan concluded that they could not be redeveloped with sensitivity to the natural constraints of sites.

However, since the Public Storage use on this site predates (1979) the current Comprehensive Plan designation, the Commission notes that it is the 1981 city action that created the inconsistency and that redevelopment of the Public Storage facility is likely to improve compatibility with the Mercer Slough natural area.

The Commission also notes that the Environmental Element speaks in support of such redevelopment, noting that:

*Urbanization, particularly the replacement of natural vegetation and soils with impervious surfaces like pavement and rooftops, adversely affects water resources like streams, lakes and wetlands, and results in degraded natural systems and habitats. Environmental degradation in critical areas can be minimized with a regulatory approach to urbanization that utilizes habitat protection strategies on multiple scales, from individual sites to the landscape on the watershed-scale.*

And that:

*Also, the city can facilitate efforts by property owners who want to improve degraded critical area habitat.*

**POLICY EN-17.** Establish land use regulations that limit the amount of impervious surface area in new development and redevelopment city-wide.

### **Growth Management Act**

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

### **Countywide Planning Policies**

The application is consistent with framework Countywide Planning Policies (CPP) for King County. The CPPs contemplate local solutions which are clear and unambiguous about potential environmental impact to critical areas when implementing the desired land use pattern.

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

The proposed amendment addresses the interests and changed needs of the entire city. The applicants noted that the city’s growth means that residents and businesses in denser areas are in need of close and convenient storage facilities. By accommodating warehouse uses in this area the interests of the city are addressed in Comprehensive Plan policy.

**B3. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 [below] for the definition of “significantly changed conditions”; and**

**Significantly changed conditions are defined as:** Demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent Plan map or text; where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole. *This definition applies only to Part 20.30I Amendment and Review of the Comprehensive Plan (LUC 20.50.046).*

The Richards Valley Subarea Plan originally established intent to guide appropriate land use in the vicinity of the Mercer Slough. The inconsistency between the mix of multiple Comprehensive Plan land use designations and the current uses in the area indicates that the intended uses have not been resolved in the way originally anticipated by the subarea plan.

This circumstance is also within the context of a broader set of significant changes in the area since subarea plan designations were last updated, including the expansion of I-405, development of the Mercer Slough Environmental Education Center, and development of commercial uses on nearby properties. Additionally, plans for light rail transit along the west side of the Mercer Slough area have been established.

The Threshold Review concluded that these inconsistencies between designations and existing land uses, and the broader set of significant changes in the area call into question the appropriate designation for this site and area, given the evolving and increased awareness of the environmental role of the Mercer Slough—and that it is an unanticipated consequence of the adopted plan that needs to be addressed.

**B4. If a site-specific proposed amendment, the subject property is suitable for development in general conformance with adjacent land use and the surrounding**

**development pattern, and with zoning standards under the potential zoning classifications; and**

The subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classification. That is to say, the site could redevelop under both LI and OLB designations.

The Commission notes that while redevelopment of OLB-permitted uses is technically possible on the existing Public Storage site, it does not believe it economically feasible for a new use to replace Public Storage.

The Commission acknowledges that LI would allow a different range of non-residential uses than OLB. Therefore the Commission supports direction to condition the required rezone to limit allowed LI uses to warehouse and storage services only, consistent with the current use and the owner's representations about intended use.

Using information provided by PCD about likely redevelopment of the site under the proposal, the Transportation Department estimates of trip generation concluded that an increase in trips as a result of rezoning and redevelopment under LI would not create unacceptable traffic impacts at the site's access point. A separate concurrency analysis would be required with a development application.

The Utilities Department estimated that a proposed rezone would reduce potential square footage on the site compared to office redevelopment, thus reducing anticipated water demands and sewer flows to the property. No significant impacts to the Utility Systems are anticipated.

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

The city's growth patterns embodied in the Comprehensive Plan speak to allowing uses which support the Downtown urban center growth. The applicant's site is supportive of Downtown growth and development in an economically feasible way. The proposal therefore demonstrates a public benefit and enhances the public health, safety and welfare of the city and its residents. As discussed above, the public benefit of providing storage services to the community could be expanded under the current designation.

**VI. CONCLUSION**

The Planning Commission recommends by a unanimous vote that the City Council **approve** the Public Storage site-specific Comprehensive Plan Amendment (CPA), limited to the application site, not expanding the geographic scope, and recommends conditioning the required rezone to limit allowed LI uses to warehouse and storage services only, consistent with the current use.