

McCULLOUGH HILL LEARY, PS

September 14, 2017

VIA ELECTRONIC MAIL

The Honorable Mayor John Stokes
City of Bellevue
450 110th Avenue NE
Bellevue, WA 98004
Email: council@bellevuewa.gov

RE: Old Seattle Times Building – 10777 Main Street
Request for Council-Initiated Comprehensive Plan Amendment

Dear Mayor Stokes and Councilmembers:

We write on behalf of the Surrey Building, LLC (“Owner”), who owns the Surrey Building at 10777 Main Street (“Property”) in the City of Bellevue (“City”). The Property, formerly known as the Seattle Times Building, is located on the corner of Main Street and 108th Avenue NE. *Attachment A*.

The Property is currently split zoned between Downtown-Multiple Use (“DT-MU”) and Professional Office (“PO”). *Id.* As a general principle, split zoning of a single parcel is disfavored.

Importantly, the Property is buffered to the south by an existing high-density multifamily residential zoned area. This multifamily residential zoning buffer – which is currently developed with the Avalon and Bel-Art Apartments and Main Street Duplexes – provides a graceful zoning and scale transition between the Downtown core and the single-family residential neighborhoods to the south.

For the reasons discussed below, we respectfully request that the City Council initiate the review of a Comprehensive Plan amendment to eliminate the Property’s split zones and bring the entirety of the Property into the Downtown boundary under LUC 20.30I.130.B at the September 18th meeting.

I. Background.

In March 2016, the City Council unanimously revised the downtown land use map as part of the “Early Wins” Downtown Livability ordinance to “clean-up” similarly situated split-zoned parcels on the southern portion of Downtown. *Attachment B* (Ordinance No. 6277 excerpt). These split-zoned parcels were brought into the Downtown. However, the Property was not included in this clean-up effort. We understand that the City staff reached out to the Owner, but was not able to connect to confirm their interest. Therefore, the City omitted this Property from the “Early Wins” package.

II. Request for Council-Initiated Comp Plan Amendment.

Fast forward to today, the Owner now understands (and fully supports) the Downtown Livability Initiative. The Owner is exploring redevelopment of the Property under the new Downtown Code. The split zoning between Downtown-Mixed Use and Professional Office results in a significantly reduced number of dwelling units – potentially up to 30 fewer units under a split-zoned scenario. We believe this is a missed opportunity for density, especially on a prominent Downtown corner.

In talking with the City Manager, Planning Director and Planning & Community Development staff, we have heard agreement that eliminating the Property's split zoning is common sense, especially since the City addressed other similarly situated parcels as part of last year's "Early Wins" package.

In order to achieve that outcome for the Property, a Comprehensive Plan amendment is required. The Planning Commission is scheduled to begin its evaluation of the proposed 2017 Comprehensive Plan amendments on September 27, 2017. We understand from City staff that the Planning Commission has capacity to review the Owner's proposal as part of the current amendment cycle.

We believe that the proposed "clean-up" of the Property's split zoning makes sense from a planning perspective, especially given the City Council's unanimous approval of the "Early Wins" package addressing similarly situated parcels. Moreover, the existing multifamily zoning and development to the south of the Property will remain unchanged under the proposal. As the City Council knows from driving south on 108th Avenue NE, this existing multifamily development already provides a graceful sense of transition and buffering from the Downtown into the single-family neighborhoods.

While the Owner has not finalized their redevelopment plans, the Owner shares to City's vision for Downtown as a more vibrant, livable and equitable community for the next 100 years. In that spirit, the Owner is evaluating how this proposal could further the City's adopted affordable housing goals.

First, the Owner is committed to evaluating potential participation in the City's Multifamily Tax Exemption ("MFTE") program as a component of any future redevelopment. Second, the Owner is currently engaged with the City and ARCH to explore whether some level of voluntary contribution by the Owner could help leverage the City's current affordable housing funds. In sum, the Owner is open to conditioning the City Council's approval of the initiation of the Comprehensive Plan review on either a commitment to: (1) explore MFTE participation of any future project in good faith; and/or (2) work with the City and ARCH to identify a voluntarily contribution level that could support the City's current affordable housing efforts. We recognize that these potential benefits concepts are both novel ideas. Thus, we would welcome the City Council's feedback on either.

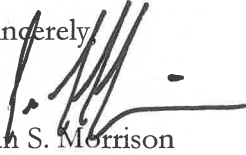
III. Conclusion.

For these reasons, we respectfully request that the City Council act at the September 18th meeting to initiate a Comprehensive Plan amendment as part of the City's 2017 amendment review cycle to clarify the Property's land use designation pursuant to LUC 20.30I.130.B.1. We understand from

City staff that City Council action by this date will be necessary to ensure that the Planning Commission has time to consider the proposal as part of its September 27th substantive review.

As always, thank you for your consideration. Please feel free to contact me with any questions.

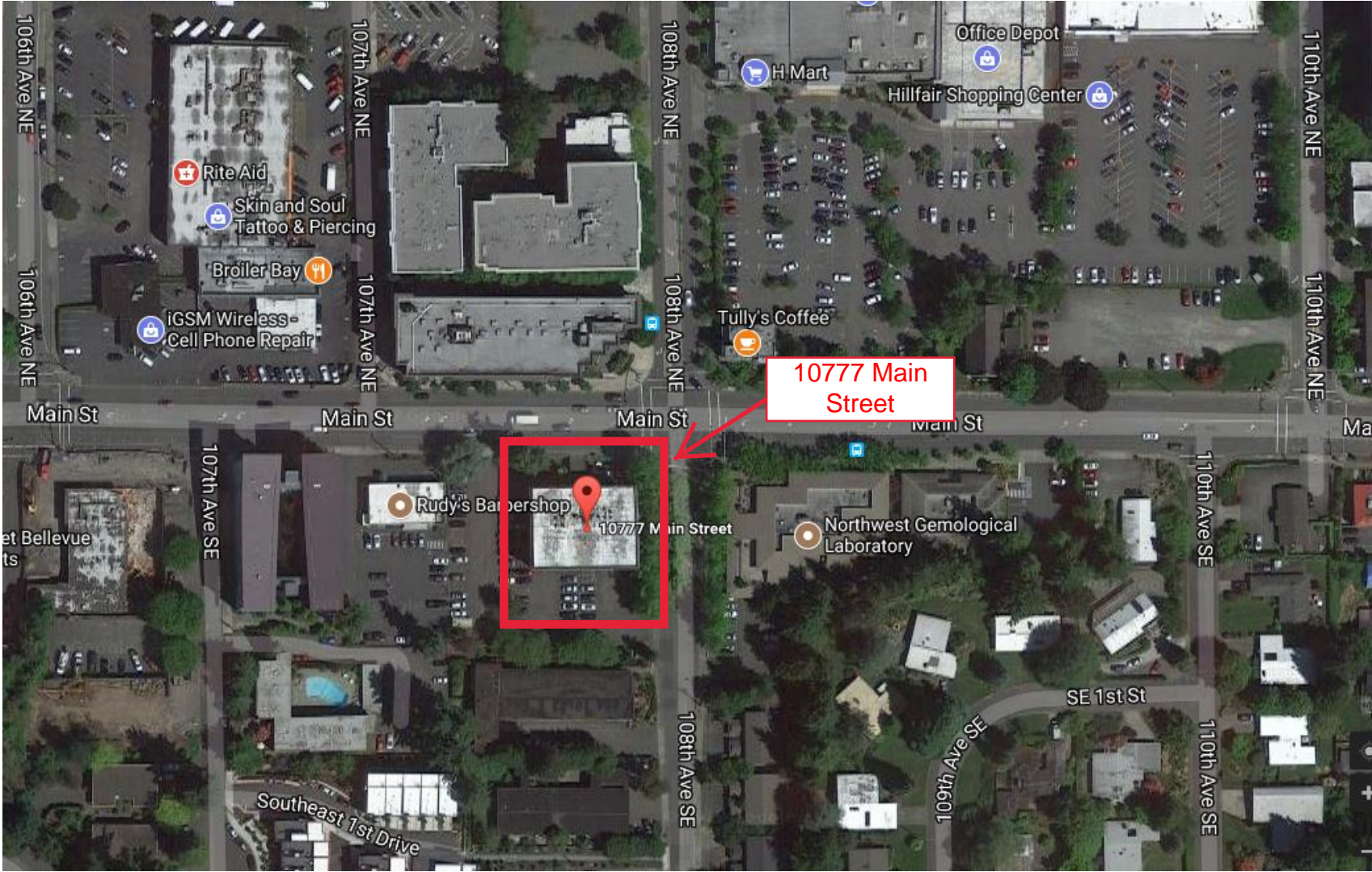
Sincerely,

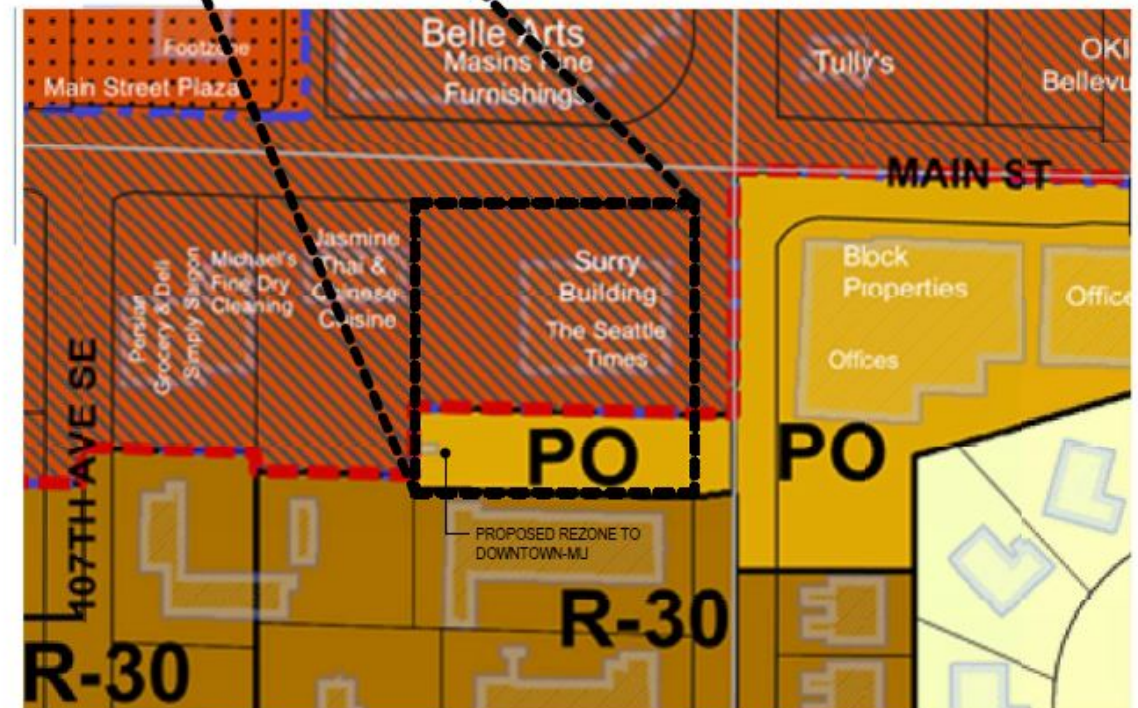
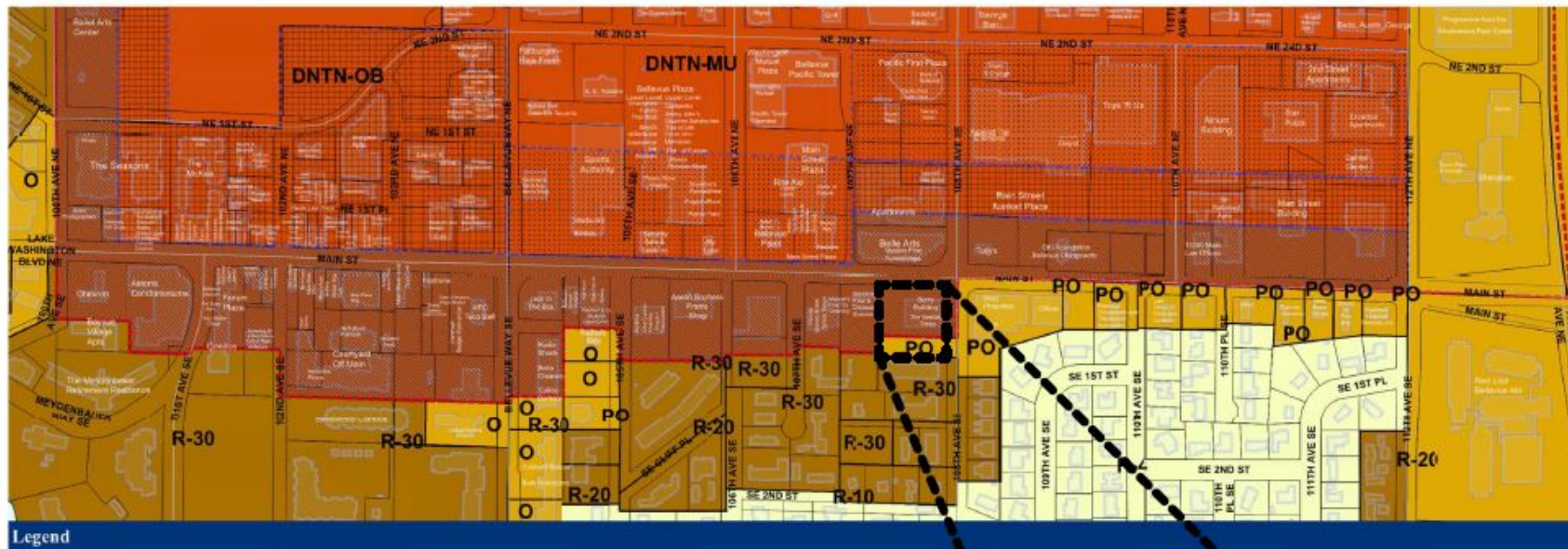
A handwritten signature in black ink, appearing to read "Ian S. Morrison". The signature is stylized with a large, sweeping "M" and a horizontal line extending to the right.

Ian S. Morrison

cc: City Council
Brad Miyake, City Manager
Mac Cummins, Planning Director

(Attachment A) - D.1





(Attachment B) - D.2
(Ordinance 6277 Excerpt)

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6277

AN ORDINANCE amending the City of Bellevue Land Use Code to advance the Downtown Livability Initiative, improve clarity and usability of the code, ensure consistency with state law, and correct inaccuracies and outdated footnotes, which includes the following amendments: deleting Downtown use charts from Section 20.10.440; amending Section 20.25A.010 (General); adding a new Section 20.25A.015 (Permitted uses); amending Sections 20.25A.030.C.2 (directional signage), 20.25A.030.C.16 (Major Pedestrian Corridor), 20.25A.030 (Major Pedestrian Corridor Diagram), 20.25A.045 (Mechanical Equipment), and 20.25A.060 (walkways and sidewalks); adding a new paragraph 20.25A.060.B (overhead weather protection); amending Sections 20.25A.060.C (through-block pedestrian connections); adding new paragraphs 20.25A.060.D (conflicts), 20.25A.060.E (Minor Modifications) and 20.25A.060 Plate A (Planter strips and tree pits); amending Sections 20.25A.060 Plate B (Tree Species Plan) and 20.25A.100.E.5 (Minor publicly accessible spaces) amending 20.50.016 (Downtown Definition) and adding a map of Downtown; amending 20.50.034 (Major Pedestrian Corridor) and adding a map of the corridor; amending Section 20.50.044 (Recycling center definition); providing for severability; and establishing an effective date.

WHEREAS, the Council Principles adopted in January 2013 and the existing vision in the Downtown Subarea Plan served as guidance for work that was accomplished by the Downtown Livability Advisory Committee (CAC); and

WHEREAS, the CAC began its work on the Downtown Livability Initiative in May 2013 including public outreach such as open houses, community meetings and posting information on a website; and

WHEREAS, the CAC identified Land Use Code amendments that would implement the vision set forth in the Downtown Subarea and the City Councils principles and issued its final report in 2014; and

WHEREAS, on May 26, 2015, the City Council directed the Planning Commission to review the Downtown Livability CAC's recommendations and provide new land use code provisions that would further the goals of the Downtown Livability Initiative; and

WHEREAS, the Planning Commission identified a list of potential early win code amendment topics that could be adopted first and confirmed the Early Win list of amendments on September 23, 2015; and

WHEREAS, the Planning Commission, as requested by Council and consistent with guiding principles provided by the City Council, has developed draft permanent regulations for consideration by the City Council; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on November 18, 2015 after providing legally required public notice; and

WHEREAS, the Planning Commission, after holding said public hearing, recommended that the City Council approve the proposed amendments; and

WHEREAS the City Council finds that the proposed amendments meet the decision criteria of LUC 20.30J.135 and are consistent with the Comprehensive Plan, enhance the public safety and welfare, and are not contrary to the best interests of the citizens and property owners of the City of Bellevue, as more completely analyzed in the Staff Report for the amendments dated November 18, 2015; now, therefore,

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, (Chapter 22.02 BCC); now therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 20.10.440, Downtown District Land Use Charts are hereby deleted.

Section 2. Section 20.25A.010 is hereby amended to add paragraph D as follows:

D. Interpretation of Land Use Code by Director

1. Director's Authority. In the case of a question as to the inclusion or exclusion of a particular proposed use in a particular use category, the Director shall have the authority to make the final determination per LUC 20.10.420.

Section 3. A new Section 20.25A.015 is hereby added as follows:

20.25A.015 Permitted uses

A. Permitted Uses

Specific categories of uses are listed in Chart 20.25A.015.D. Section C of this section explains Chart 20.25A.015.C, and describes the applicable review procedures. The use chart description and interpretation provisions of LUC 20.10.400 do not apply to the Downtown land use districts.

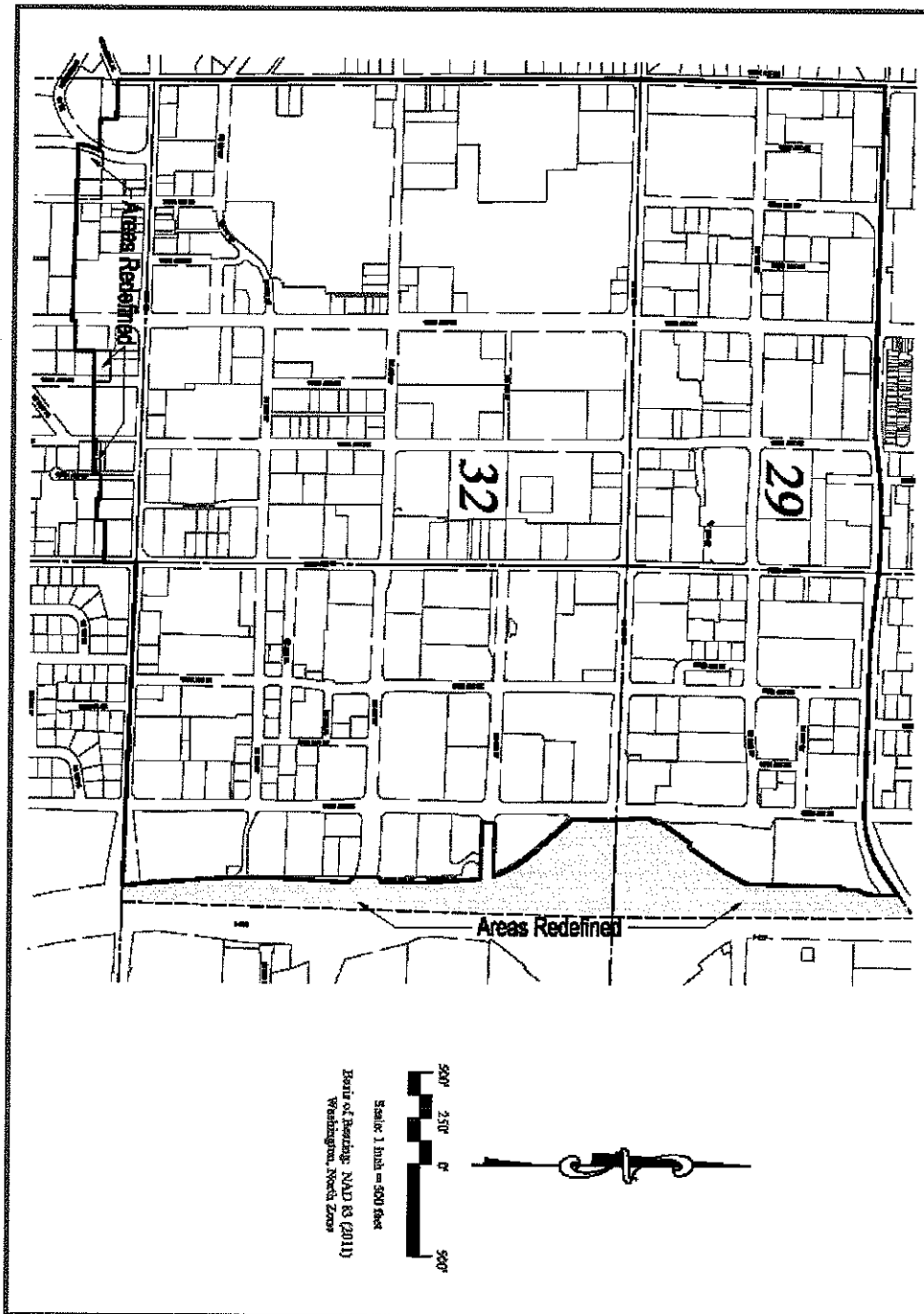
B. Prohibited Uses

The manufacturing use table has been removed from the Downtown because there are no manufacturing uses that are generally permitted in any Downtown district unless they have been specifically added to another chart such as wholesale and retail.

Section 16. Section 20.50.016 shall hereby be amended as follows:

Downtown. The area of the City located generally from I-405 on the east to 100th Avenue NE on the west and from NE 12th Street on the north to approximately Main Street on the south, specifically within the boundaries described as follows:

Beginning at the Northwest corner of the Northwest quarter of Section 32, Township 25 North, Range 5 East, W.M., also being the centerline intersection of NE 8th Street and 100th Avenue NE; thence south along the west line of said Northwest quarter and along the centerline of 100th Avenue NE to the Northwest corner of the Southwest quarter of said Section 32 and the intersection of Main Street; thence south along the west line of said Southwest quarter and the centerline of 100th Avenue SE to a point being 200 feet south of, as measured at right angles to, the north line of said Southwest quarter of Section 32; thence easterly parallel with said north line 215 feet; thence southerly parallel with the west line of said Southwest quarter 90 feet to a point on the north line of Lot 82 of Bellevue Acre and Half Acre Tracts; thence easterly along the north line of Lot 82 to the centerline of Meydenbauer Way SE; thence southwesterly along the arc of the centerline of Meydenbauer Way SE and diverging southerly along the centerline of 101st Avenue SE to a point being the intersection of the centerline with the westerly projection of the south line of Lot 50 of Bellevue Acre and Half Acre Tracts as shown on that certain Condominium (THE FORUM) recorded under V.13, P.47-48 and Amended under V.18, P.8; thence easterly along the south line of Lot 50 to the centerline of 102nd Avenue SE; thence continuing easterly along the south lines of Lots 49 and 14 of Bellevue Acre and Half Acre Tracts to the centerline of 104th Avenue SE; thence northerly along said centerline to a point being the intersection of the centerline with the westerly projection of the south line of Lot 14 of Maxwellton Braes; thence easterly along the south line of Lot 14 to the Southeast corner thereof; thence northerly along the east line of Lot 14 to the Southwest corner of Lot 57 of Maxwellton Braes; thence easterly along the south line of Lot 57 to the centerline of 105th Avenue SE; thence continuing easterly along the south lines of Lots 58 and 101 of Maxwellton Braes to the centerline of 106th Avenue SE, and also being 15 feet westerly of the west line of Lot 2 of Trinwith Addition; thence continuing easterly along the prolongation of the south lines of Lots 58 and 101 of Maxwellton Braes to the centerline of 107th Avenue SE; thence northerly along said centerline to a point being the intersection of the centerline with the westerly projection of the south line of Lot 15 of Trinwith Addition; thence easterly along the south line of Lot 15 to the Southeast thereof; thence southerly to the south line of the North 227.07 feet of the Southwest quarter of said Section 32; thence easterly along said south line to the west line of the East 230 feet of said Southwest quarter; thence northerly along said west line to the south line of the North 176.42 feet of said Southwest quarter; thence easterly along said south line to the east line of the Southwest quarter of said Section 32 also being the centerline of 108th Avenue SE; thence northerly along said centerline to the intersection of 108th Avenue SE and Main Street; thence easterly along the centerline of Main Street to its intersection with the westerly right of way margin of SR 405 as shown on WSDOT Right of Way plan set titled SR 405 S.E. 30TH ST. VIC. TO N.E. 40TH ST. VIC., Sheets 17 through 24, approved and adopted February 11, 2005; thence northerly along said westerly margin to its intersection with the easterly right of way margin of 112th Avenue NE; thence northerly along said easterly right of way margin to its intersection with the westerly right of way margin of SR 405; thence northerly along said westerly margin to its intersection with the centerline intersection of NE 12th Street; thence westerly along the centerline of NE 12th Street to its projected intersection with the west line of the Southwest quarter of Section 29 Township 25 North, Range 5 East, W.M., also being the centerline intersection of 100th Avenue NE; thence south along the west line of said Southwest quarter and along the centerline of 100th Avenue NE to the **Point of Beginning**, and there ending, all in King County, Washington.



Zoning Exhibit
Downtown Definition
Secs. 29 & 32, T.25 N., R.5 E., W.M.
King County, Washington

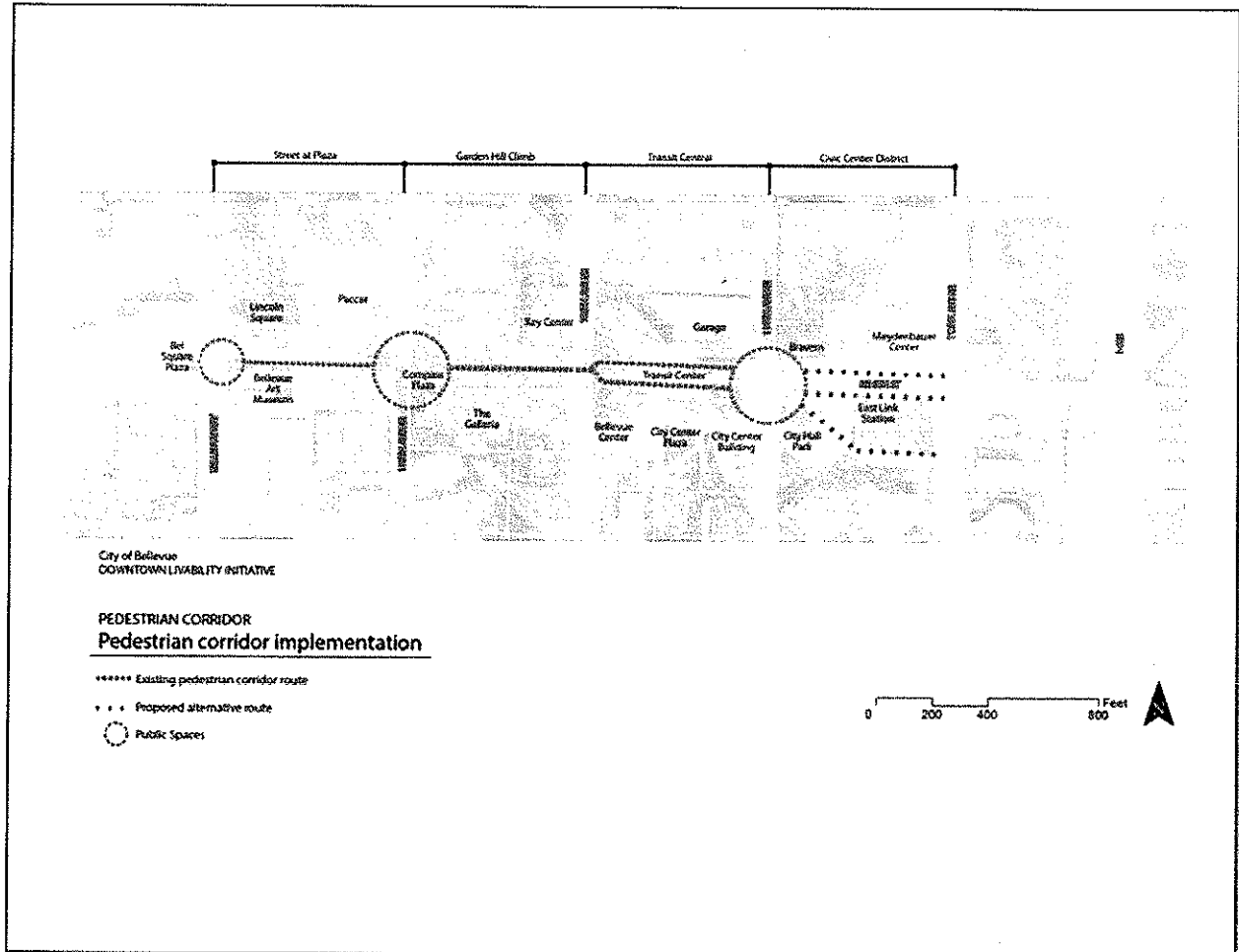


City of Bellevue
Civic Services Department

DATE	BY
10/14/2011	6/16/2011
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10/14/2011	6/16/2011
10/14/2011	6/16/2011

Section 17. Section 20.50.034 shall hereby be amended as follows:

Major Pedestrian Corridor. An alignment which is generally for exclusive pedestrian use providing a reasonably direct, but interesting pedestrian route in the immediate vicinity of NE 6th Street between 102nd Avenue NE and the east side of 112th Avenue NE as depicted in the Pedestrian Corridor Implementation Map.



Section 18. Section 20.50.044 is hereby amended as follows:
23.50.044 R definitions.

...

Recycling Center. A collection point for small refuse items, such as bottles and newspapers, located either in a container or a small structure. Size limits are provided by LUC 20.20.725.

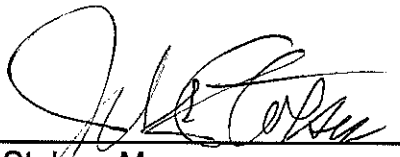
Section 19. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

ORIGINAL

Section 20. Effective Date. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Passed by the City Council this 7th day of March, 2016
and signed in authentication of its passage this 7th day of March,
2016.


(SEAL)



John Stokes, Mayor

Approved as to form:

Lori M. Riordan, City Attorney



Catherine A. Drews, Assistant City Attorney

Attest:



Kyle Stannert, Acting City Clerk

Published March 10, 2016