

**CITY COUNCIL STUDY SESSION****Main Street Apartments Rezone**

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**DIRECTION NEEDED FROM COUNCIL****INFORMATION  
ONLY**

The Main Street Apartments Rezone is a site-specific rezone (Process III) decision. Tonight's briefing is in advance of the January 22 Council meeting for consideration of the Hearing Examiner's recommendation on the application submitted by Tejal Pastakia, Pastakia LLC (Main Street Apartments Rezone) to rezone a 0.95-acre split-zoned parcel at 10777 Main Street. The requested rezone seeks to change the zoning from Downtown Mixed Use (DNTN-MU) and Professional Office (PO) to Downtown Mixed Use (DNTN-MU). Permit File No.: 18-103799-LQ.

**RECOMMENDATION**

Based upon detailed Findings and Conclusions, the Hearing Examiner recommends that the application to rezone the 0.95-acre or 41,268 square feet parcel, located at 10777 Main Street be approved. The approval of this rezone does not constitute an approval of any Land Use Code amendments, Design Review, or any other ancillary permits that may be required for the design and construction of any proposed development on the rezone site.

**BACKGROUND & ANALYSIS**

The City Council is considering the Hearing Examiner's Recommendation to approve an application submitted by Tejal Pastakia, Pastakia LLC for the Main Street Apartments Rezone. The applicant seeks a rezone of a 0.95-acre split-zoned parcel at 10777 Main Street to change from Downtown Mixed Use (DNTN-MU) and Professional Office (PO) to Downtown Mixed Use (DNTN-MU).

On October 12, 2017, the City Council approved a Comprehensive Plan Amendment (File 17-121068-AC) to change the land use designation of this site from Professional Office (PO) to Downtown Mixed-Use (DNTN-MU), thus making the proposed rezone possible. The Comprehensive Plan Amendment updated the southern downtown boundary to make it more regular and the parcel at issue became part of the Downtown Subarea.

### **Application Before Examiner**

The applicant, Tejal Pastakia, filed to rezone the parcel from Downtown Mixed Use (DNTN-MU) and Professional Office (PO) to all DNTN-MU on January 31, 2018. Notice of Application was published on March 22, 2018. Mailing, posting and publication of the application were appropriately accomplished.

A public meeting was held on April 5, 2018. There were no attendees from the public at the meeting. One member of the public requested information about the project via email and had no further questions or concerns after being provided the information. In this process, the City received no substantive comments on the proposal from members of the public.

A non-project SEPA final threshold Determination of Non-Significance (DNS) was previously issued under the associated Comprehensive Plan Amendment (17-121068-AC) on October 12, 2017. The DNS was not appealed. The scope of this proposal (rezone at issue) is the same as the previously approved Comprehensive Plan Amendment. The City issued a staff report and recommendation to the Hearing Examiner on October 4, 2018. The staff report incorporated the previous SEPA determination by reference, as allowed under WAC 197-11-600(4)(a).

Upon due notice, the Hearing Examiner held a hearing in the Bellevue City Council Chambers on October 25, 2018. Nicholas Whipple, Associate Planner, City of Bellevue, presented a staff report and testified on behalf of the City. Ian Morrison of McCullough Hill Leary, appeared on behalf of the applicant. He presented a brief statement in support of the proposal and also noted his agreement with the City's position. No public testimony was offered. The Hearing Examiner issued his Recommendation on November 6, 2018 recommending approval of the rezone application. No appeals were filed.

### **Site Characteristics**

The proposed rezone from Downtown Mixed Use (DNTN-MU) and Professional Office (PO) to all DNTN-MU will rectify the split zoning and create consistency with the Comprehensive Plan as well as the proposed southern boundary of downtown Bellevue.

The sites around the parcel at issue are zoned Downtown-Mixed Use to the north and west, R-30 to the south and Professional Office (PO) to the east. The site currently contains an existing three-story office building with underbuilding and surface parking. The site is commonly referred to as the Old Seattle Times Building and the Surrey Building.

## **POLICY & FISCAL IMPACTS**

### **Policy Impact**

Under, Part 20.35 of the Land Use Code a rezone application is a quasi-judicial Process III land use matter and therefore, requires a public meeting, a recommendation from the Land Use Director, a public hearing, a recommendation from the Hearing Examiner and a final decision by the City Council. The City Council acts as the final decisionmaker based on the record established by the Hearing Examiner and the recommendation of the Hearing Examiner.

On January 22, Council will be asked to consider whether the application for rezone complies with the Bellevue City Code and applicable Comprehensive Plan amendment. The Council can either: (1)

approve the application as recommended by the Hearing Examiner; (2) approve the application with modifications or conditions; (3) deny the application; or (4) remand the matter to the Hearing Examiner and the Director for an additional hearing limited to specific issues identified by the Council.

**Fiscal Impact**

There is no fiscal impact associated with implementing this rezone.

**OPTIONS**

N/A

**ATTACHMENTS & AVAILABLE DOCUMENTS**

- A. Hearing Examiner's Summary
- B. Vicinity and Site Maps
- C. Proposed Draft Ordinance

**AVAILABLE IN COUNCIL LIBRARY**

Hearing Examiner Report