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BEFORE THE HEARING EXAMINER FOR THE CITY OF BELLEVUE

In the Matter of the Application of)
)
PUBLIC STORAGE)
)
For a Rezone from Office-Limited Business)
(OLB) to Light Industrial (LI) for a parcel at)
1111 118th Avenue SE, Bellevue.)
_____)

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION**

FILE NO. 15-103771-LQ

SUMMARY

Recommendation. The Hearing Examiner recommends that the Bellevue City Council, subject to conditions, **APPROVE** the proposed Rezone.

Proposal. Public Storage seeks a Rezone of a 2.9-acre parcel at 1111 118th Avenue SE from Office-Limited Business (OLB) to Light Industrial (LI), to facilitate warehouse and storage uses on site.

On August 3, 2015, the Bellevue City Council approved a Comprehensive Plan Amendment (File 15-103770 AC) to change the land use designation of this site from OLB to LI. The Council required that any future rezone under the Comprehensive Plan include a provision to limit uses on the site to warehousing and storage (See Exhibit1, Staff Report Attachment 1, Ordinance 6249).

Procedure. The Applicant, Public Storage, filed for a Rezone from OLB to LI designation on January 28, 2015, and Notice of Application was published on October 29, 2015. Mailing, posting and publication of the application were appropriately accomplished.

A public meeting was held on November 12, 2015. No citizens attended the public meeting and the City received no other comments from the public (Staff Report, Exhibit 1).

The Development Services Department issued a Determination of Non-Significance (DNS) under the State Environment Policy Act on April 23, 2015 (See File 15-103770-AC) upon finding that the proposal at issue would not have a probable significant impact on the environment (Staff Report, Exhibit 1). The DNS was not appealed.

1 The City issued a staff report and a recommendation for approval of the proposed rezone
2 on November 19, 2015 (Staff Report, Exhibit 1).

3 Upon due notice, the undersigned Hearing Examiner held a hearing in the Bellevue City
4 Council Chambers on December 9, 2015. Elizabeth Stead, Associate Land Use Planner, City of
5 Bellevue, presented a staff report and testified on behalf of the City. Mitch Johnson, an employee
6 of Public Storage, presented a brief statement in support of the proposal. No public testimony
7 was offered. Hearing Office Manager Sara Gollersrud was also present at the hearing.

8 The City's Staff Report with accompanying file materials was admitted into evidence as Exhibit
9 1, and a paper copy of the City's Power Point presentation was admitted as Exhibit 2.

10 The undersigned Examiner visited the site at issue.

11 FINDINGS OF FACT

12 1. The Examiner adopts the factual matters set forth in the foregoing **SUMMARY** as
13 findings.

14 2. The Applicant, Public Storage, occupies the parcel at issue at 1111 118th Avenue SE.
15 This site is used currently for storage.

16 3. The site has an area of 2.9 acres in the Richards Valley subarea and currently contains
17 five concrete buildings that are mostly one-story, and most house individual storage units (*See*
18 *Staff Report, Exhibit 1*). One building is two stories with living quarters for the on-site manager.
19 The buildings provide approximately 11,850 square feet of mini-storage and 140 gross square
20 feet of office space, and one apartment.

21 4. The sites around the site at issue are zoned Office-Limited Business to the north; Light
22 Industrial to the south and east; and Office to the west.

23 5. The Development Services Department issued a Determination of Non-Significance
24 (DNS) under the State Environment Policy Act (SEPA) on April 23, 2015 (*See File 15-103770-*
25 *AC*) upon finding that the proposal at issue would not have a probable significant impact on the
26 environment (*Staff Report, Exhibit 1*). The DSD found no probability of significant
27 environmental impact of the proposed rezone.

28 6. The Bellevue City Council on August 23, 2015 approved the Comprehensive Plan
29 amendment and the SEPA review completed with it, and the Council changed the designation of
30 the site at issue from Office Limited-Business to Light Industrial.

1 7. If the rezone is approved, any future development for the site will be subject to project-
2 specific review and other required approvals under the Bellevue City Code.

3 8. The proposed Rezone meets all applicable requirements, as Associate City Planner Ms.
4 Stead testified credibly and as explained in the Staff Report. Further, no development proposal
5 accompanied the rezone application.

6 9. The City's Utilities Department technical staff concluded that the proposed Rezone
7 raised no utilities-related concerns (Staff Report).

8 10. The City's Transportation Department analyzed the site and indicated that further
9 review and planning for mitigation of traffic changes would depend on proposed future
10 development (Staff Report). The Department noted that volume of trips "is relatively small" and
11 that 118th Avenue SE could accommodate "additional trip volumes."

12 11. The proposed rezone will permit the applicant to operate a storage / warehouse
13 facility on the site in the Richards Valley subarea.

14 12. The current zoning designation (Office Limited-Business) does not allow storage use
15 so the rezone is required to support this use into the future to serve local needs (See Land Use
16 Policy LU-24).

17 13. The proposed rezone also supports the retention of an existing business thus aligns
18 with the Comprehensive Plan regarding maintenance of a business climate that supports retention
19 of existing businesses (See Economic Development Policy ED-1).

20 14. Any future development proposal must take into account the natural constraints of
21 this site and comply with the Bellevue Critical Areas overlay (See Richards Valley Subarea
22 Policy S-RV-33). Environmentally sensitive areas to the west of the site will be protected.

23 15. The proposed rezone will permit continued public storage services, a public benefit
24 that promotes the public welfare by fulfilling a community need. The new designation assures
25 the ability to improve the current storage services to meet evolving needs of citizens.

26 16. The proposed rezone will provide consistency between the Comprehensive Plan, as
27 amended by the City Council in August 2015, and the zoning designation. The Light Industrial
28 designation allows storage uses and is consistent with other uses surrounding the site.
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1 17. The proposed rezone also is consistent with the Comprehensive Plan and Land Use
2 Element Policies in that it allows the site to meet the changing needs of the City by expanding
3 uses and redevelopment potential for the site.

4 18. The Staff Report thoroughly analyzes the rezoning proposal in light of the criteria
5 under LUC 20.30A.140, and finds that, as conditioned, the rezone will be consistent with that
6 ordinance. Basically, as the City's Land Use Division found: the rezone proposal is consistent
7 with the Comprehensive Plan; the rezone is warranted to achieve consistency with the updated
8 Comprehensive Plan and the Land Use Code; the rezone promotes public welfare by permitting
9 the storage use of an existing business; the rezone is compatible with the surrounding area; the
10 rezone presents no materially detrimental uses in the immediate vicinity of the site; and the
11 rezone has "merit and value for the community as a whole" by permitting the site to provide a
12 "higher quality storage environment" to meet increasing community demands.

13 19. The Hearing Examiner concurs with the City's analysis and adopts the same. The
14 Staff Report is incorporated by reference herein as though fully set forth.

15 20. Any conclusion herein which may be deemed a finding is hereby adopted as such.

16 CONCLUSIONS OF LAW

17 1. The Hearing Examiner has jurisdiction over the subject matter of this proceeding.
18 The application is subject to Process III under which the Examiner makes a recommendation
19 following a public hearing and the City Council makes the final decision. LUC 20.35.015D,
20 LUC 20.35.300 *et seq.*

21 2. The proposed rezone is consistent with the decision criteria of LUC 20.30A.140 in
22 that it complies with the Comprehensive Plan under LUC 20.30A.140A, and meets the other
23 criteria including providing "value for the community as a whole" under LUC 20.30A.140E.
24 Each condition under LUC 20.30A.140 was carefully analyzed in the City's Staff Report and the
25 conclusions in that report are incorporated by reference in this recommendation.

26 3. The proposed rezone is consistent with Land Use Element Policies.

27 4. The proposal requires no physical change to the site and no redevelopment of any type,
28 and any new future uses will require compliance with the Land Use Code and other applicable
29 ordinances, regulations and legal provisions.
30

1 5. As conditioned, the proposed rezone is consistent with SEPA and with the decision
2 criteria for a rezone. WAC 197-11-355; LUC 20.30A.140.

3 6. The requested rezone should be approved.

4 7. Any finding herein which may be deemed a conclusion is hereby adopted as such.

5 **CONDITIONS**

6 1. Only warehousing and storage are allowed uses for the site.

7 2. Development or redevelopment is subject to Design Review approval.

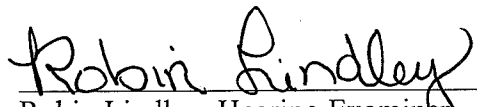

8 3. The Applicant must comply with all City ordinances and all other applicable law and
9 regulations in all operations at the site, particularly the uses consistent with the provisions
10 of this Recommendation and the findings noted in the Staff Report of the Land Use
11 Division.

12 4. Any future redevelopment or other physical changes to the site must comply with
13 applicable Land Use Code requirements.
14

15 **RECOMMENDATION**

16 The Hearing Examiner recommends that the City Council **APPROVE** of the Rezone
17 application subject to the conditions set forth above.

18 DONE this 22nd day of December 2015.

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20 
21 Robin Lindley, Hearing Examiner 

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24 **NOTICE OF RIGHT TO APPEAL**

25 **RIGHT TO APPEAL-TIME LIMIT**

26 A person who submitted written comments to the Director prior to the hearing, or
27 submitted written comments or made oral comments during the hearing on this matter, may
28 appeal the recommendation of the Hearing Examiner to the Bellevue City Council by filing a
29 written appeal statement of the Findings of Fact or Conclusion being appealed, and paying any
30 appeal fee, no later than 14 calendar days following date that the recommendation was mailed.
The appeal must be received by the City Clerk by **5:00 p.m. Thursday, January 7, 2016.**

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TRANSCRIPT OF HEARING-PAYMENT OF COST

An appeal of the Hearing Examiner's decision requires the preparation of a transcript of the hearing before the Hearing Examiner. Therefore, the request for appeal must be accompanied by an initial deposit of \$100. Should the actual cost be less the amount of the deposit, any credit due shall be reimbursed to the appellant. Should the cost for transcript preparation be more than the deposit, the appellant will be additionally charged.

WAIVER OF TRANSCRIPTION FEE

Upon request, the City Clerk will waive transcription fees upon submission by an appellant of the following documentation: a) an affidavit stating that the appellant's net financial worth does not exceed \$20,000; b) an affidavit stating that the appellant's annual income does not exceed \$5,200; c) a brief statement of the issues sought to be reviewed; d) a designation of those parts of the record the party thinks are necessary for review; e) a statement that review is sought in good faith.

CITY COUNCIL CONSIDERATION

Unless appealed, this matter has tentatively been schedule to go before the City Council **Tuesday, January 19th at 6:00 pm** for discussion, and **February 1, 2016 at 8:00 pm** for legislation. After Thursday, January 7, 2016, interested persons may contact the Hearing Examiner's Office at (425) 452-6934 to find out whether an appeal has been filed.