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**BEFORE THE HEARING EXAMINER FOR THE CITY OF BELLEVUE**

In the Matter of the Application for  
**SAFEGARD SELF STORAGE**

**DSD File No.: 21-102751-LQ**

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

For a Rezone of a 6.4-Acre Site, Currently  
Zoned Office (O) to Community Business  
(CB) located at 1015 164<sup>th</sup> Avenue NE

**SUMMARY**

1. Recommendation. The Hearing Examiner recommends approval of the rezone.
2. Request. Tia Fergusson requests a rezone of the 6.4-acre site that currently comprises Safeguard Self Storage. The zoning would change from Office (O) to Community Business (CB). The rezone would make the zoning consistent with a previously approved Comprehensive Plan Amendment which changed the underlying land use from Office to Community Business. The rezone is not connected with any specific project.
3. Procedure. Notice of the application was published in the City of Bellevue weekly permit bulletin on February 11, 2021. Signs were posted on that date at two locations on the project site. A public meeting was held on February 18, 2021. No public comments were received. The Hearing Examiner’s hearing was held via ZOOM conference on October 21, 2021. The Department was represented by Reilly Pittman, Planning Manager. The applicant was represented by Larry Martin of Davis Wright Tremaine, LLP. There was no public testimony.

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**CITY OF BELLEVUE  
450 – 110th Avenue NE  
P. O. Box 90012  
Bellevue, WA 98009-9012**

1 4. Contents of the Record: The record consists of Exhibit C-1, DSD Staff Report; Exhibit  
2 C-2, City's DSD file no: 20-102751-LQ (pages 1 through 132); Exhibit C-3, City's Power-  
3 Point Presentation (Reilly Pittman). The record also includes the audio recording of the virtual  
4 public hearing held October 21, 2021 at 6:00 p.m.

5 **FINDINGS OF FACT**

6 1. The factual matters set forth in the foregoing **SUMMARY** are adopted by the Examiner  
7 as findings.

8 2. The subject property is currently the site of Safeguard Self-Storage. It is currently zoned  
9 Office (O). The site is comprised of five separate parcels, totaling 6.4 acres.

10 3. The rezone would change the site's zoning to Community Business (CB). This would  
11 make the zoning consistent with a Comprehensive Plan Amendment adopted December 14,  
12 2020.

13 4. There is no project or development proposed with this rezone. The change would make  
14 residential and mixed-use development possible.

15 5. The property is located east of the Crossroads Shopping Center. It is adjacent to  
16 Crossroads Park on the south and west. To the north is multi-family housing. To the  
17 immediate east is a Salvation Army center. Further east is a residential neighborhood.

18 6. The site is flat and mostly covered with paving. There are several storage buildings and  
19 parking areas. There are no critical areas. Access is from the east via an easement from 164<sup>th</sup>  
20 Ave. N.E. To the north is a private street, NE 11<sup>th</sup> Street.

21 7. A portion of the property is within 300 feet of R-30 zoning to the north, meaning that  
22 transition rules will apply there.

23 8. The application was filed on January 30, 2020. Notice of the application was made on  
24 February 11, 2021. No public comments were received. The Hearing Examiner's public  
25 hearing was held on October 21, 2021, via ZOOM conference. There was no public  
testimony.

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1 9. Compliance with the State Environmental Policy Act (SEPA) was achieved through a  
2 non-project final threshold determination (DNS) issued October 8, 2020, (File No.: 20-  
3 102660-AC) in connection with the Comprehensive Plan Amendment that changed the land  
4 use from Office (O) to Community Business (CB).

5 10. The Staff reviewed the application for consistency with the Land Use Code's decision  
6 criteria for a rezone and determined that the proposal is consistent with the criteria. The  
7 Hearing Examiner concurs with this analysis and adopts the same. The Staff Report is by this  
8 reference incorporated herein as though fully set forth.

9 11. Any conclusion herein which may be deemed a finding is hereby adopted as such.

### 10 CONCLUSIONS OF LAW

11 1. The Hearing Examiner has jurisdiction over this proceeding. It is a Process III decision  
12 in which the Examiner make a recommendation for final action by the City Council. LUC  
13 20.35.015(D), 20.35.337.

14 2. The requirements of SEPA have been met.

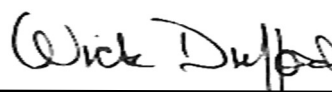
15 3. The proposal meets the criteria for approval of a site-specific rezone. LUC  
16 20.30A.140. The rezone is warranted in order to achieve consistency with the Comprehensive  
17 Plan.

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

### 19 RECOMMENDATION

20 The requested rezoned should be **APPROVED** with the condition that the rezone does not  
21 constitute an approval of any Land Use Code amendments, land use entitlement review, or  
22 any other ancillary permits that may be required for the design and construction of any  
23 proposed development on the rezone site.

24 **DONE**, this 29th day of October, 2021.

25 

Wick Dufford, Hearing Examiner

10/29/21

**CITY OF BELLEVUE**  
**450 – 110th Avenue NE**  
**P. O. Box 90012**  
**Bellevue, WA 98009-9012**

**NOTICE OF RIGHT TO APPEAL**  
(Pursuant to Resolution No. 9473)

**RIGHT TO APPEAL-TIME LIMIT**

Persons and entities identified in Land Use Code (LUC) 20.35.350, may appeal the recommendation of the Hearing Examiner to the Bellevue City Council by filing a written statement of the Findings of Fact or Conclusions of Law which are being appealed, and paying a fee, if any, as established by ordinance or resolution, no later than 14 calendar days following the date that the recommendation was mailed. The written statement must be filed together with an appeal notification form, available from the City Clerk. The written statement of appeal, the appeal notification form, and the appeal fee, if any, must be received by the City Clerk no later than **5:00 p.m. on Friday, November 12, 2021.**

**TRANSCRIPT OF HEARING-PAYMENT OF COST**

An appeal of the Hearing Examiner's recommendation requires the preparation of a transcript of the hearing before the Hearing Examiner. Within thirty (30) days of the decision which is appealed from, the appellant shall order from the City Clerk, on a form provided by the Clerk, a full transcript of the hearing before the Hearing Examiner. At the time the order for transcription is placed, the appellant shall post security in the amount of One Hundred Dollars (\$100.00) for each hearing hour to be transcribed. If appellant fails to post security, the appeal shall be considered abandoned.

Additional requirements and procedures concerning appeals filed with the Council are found at Resolution 9473 and in the City of Bellevue Land Use Code.

**CITY COUNCIL CONSIDERATION**

Unless appealed, this matter has tentatively been scheduled to go before the City Council on **Monday, November 22, 2021 at 6:00 p.m.** for consideration, and **Monday, December 6, 2021 at 6:00 p.m.** for final action. After (appeal deadline) **Friday, November 12, 2021**, interested persons may contact the Hearing Examiner's Office at (425) 452-6934 to find out whether an appeal has been filed.