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BEFORE THE HEARING EXAMINER FOR THE CITY OF BELLEVUE

In the Matter of an Application for a Site-Specific Rezone

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION

MAIN STREET REZONE

FILE NO.: 18-103799-LQ

To Change Split-Zoned Site at 10777 Main Street to a Single Designation of Downtown Mixed Use (DNTN-MU)

SUMMARY

- 1. **Recommendation.** The application should be approved.
- 2. **Request.** Tejal Pastakia, Pastakia LLC, seeks a site-specific rezone of an existing .95-acre parcel at 10777 Main Street. The property, containing the old Seattle Times Building, is currently split-zoned with the front (north) side being zoned Downtown Mixed-Use (DNTN-MU) and the rear being zoned Professional Office (PO). A Comprehensive Plan Amendment changed the land use designation of the site, making the entire parcel part of the downtown subarea. The rezone will make the zoning of the entire site DNTN-MU, consistent with the Comprehensive Plan.
- 3. **Procedure.** The application was filed on January 31, 2018. Public notice was made on March 22, 2018. A public meeting was held on April 5, 2018. There were no attendees at the meeting. No public comments were received.

FINDINGS OF FACT

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

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

1 2. The parcel at 10777 Main Street is currently developed with a three-story office
2 building with basement and surface parking. The building is commonly referred to as the Old
3 Seattle Times Building.

4 3. On October 12, 2017, the City Council approved a Comprehensive Plan Amendment
5 (File #17-121068-AC) making the southern boundary of the downtown more regular. The
6 southern portion of the parcel at 10777 Main Street was changed on the plan map from
7 Professional Office to Downtown Mixed Use.

8 4. The subject proceeding seeks simply to make the site zoning consistent with the
9 Comprehensive Plan. The proposal is to eliminate the Professional Office (PO) zoning and make
10 zoning of the entire parcel Downtown Mixed Use (DNTN-MU). Such consistency of plan and
11 zoning is required by the Growth Management Act.

12 5. The size of the subject parcel is 0.95 acres. This size was given in the application and
13 verified as correct by Staff in a post-hearing submission incorporated into the record. The 0.88
14 figure given in the Staff Report is incorrect.

15 6. A non-project final threshold determination under the State Environmental Policy Act
16 (SEPA) was issued for the site in connection with the associated Comprehensive Plan
17 Amendment. A Determination of Non-Significance (DNS) for the current proposal was issued
18 on October 12, 2017, incorporating the previous environmental determination by reference. See
19 WAC 197-11-600(4)(a)

20 6. Technical reviews by City departments disclosed no physical impact from this
21 proposal.

22 7. Notice of Application was published on March 22, 2018 and mailed to nearby
23 property owners and posted. A public meeting was held at Bellevue City Hall on April 5, 2018.
24 No substantive public comments were received. There were no attendees at the public meeting.

25 8. The Staff Report discloses the City's analysis of the consistency of this request with
the applicable criteria for decision. The Staff determined that the proposal is consistent with the
Comprehensive Plan and with other approval criteria. The Hearing Examiner concurs with this
analysis and adopts the same. The Staff Report is by this reference incorporated herein as
though fully set forth.

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

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CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction to conduct a hearing in this matter. LUC 20.35.300. It is a Process III decision in which the final decision is made by the City Council. LUC 20.35.015.

2. The requirements of SEPA have been met.

3. The proposal meets the applicable rezone decision criteria. LUC 20.30A.140.

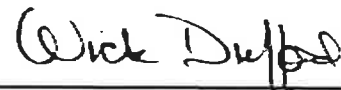
4. Approval of this rezone does not constitute an approval of any Land Use Code amendments, Design Review, or any other ancillary permits that maybe required for the design and construction of any proposed redevelopment of the rezone site.

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

RECOMMENDATION

The Hearing Examiner recommends that the proposed Main Street Rezone from Professional Office (PO) to Downtown Mixed-Use (DNTN-MU) be approved.

DONE, this 6th day of November, 2018.



Wick Dufford, Hearing Examiner

NOTICE OF RIGHT TO APPEAL

(Pursuant to Resolution No. 9473)

RIGHT TO APPEAL-TIME LIMIT

A person who submitted written comments to the Director prior to the hearing, or submitted written comments or made oral comments during the hearing on this matter, 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

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1 paying an appeal fee, if any, as established by ordinance or resolution, no later than 14 calendar
2 days following the date that the recommendation was mailed. The appeal must be received by
3 the City Clerk by **5:00 p.m. on Tuesday, November 20, 2018.**

4 **CITY COUNCIL CONSIDERATION**

5 Unless appealed, this matter has tentatively been scheduled to go before the City Council
6 on **Monday, January 14, 2019 at 6:00 pm** for discussion, and **Tuesday, January 22, 2019 at**
7 **8:00 pm** for legislation. After **Tuesday, November 20, 2018**, interested persons may contact the
8 Hearing Examiner's Office at (425) 452-6934 to find out whether an appeal has been filed.
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AFFIDAVIT OF SERVICE

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

Karen Hohu, being first duly sworn upon oath, deposes and states:

In the Matter of Main Street Rezone, on the 6th day of November, 2018, I served a copy of:

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION

BY ELECTRONIC SERVICE – EMAIL by electronically mailing a true and correct copy thereof through the City of Bellevue’s electronic mail system to the email address(es) set forth below:

nwhipple@bellevuewa.gov
imorrison@mhseattle.com

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Executed at Bellevue, Washington on this 6th day of November, 2018.

Karen Hohu

Karen Hohu
Hearing Examiner Program Coordinator

Subscribed and sworn this 6th day of November, 2018



Karin Roberts

Notary Public in and for the State of Washington, residing at Sammamish, WA
My appointment expires: 02/01/2022

Application, Petition or Case:

Main Street Apartments—Rezone

File No.: 18-103799-LQ