

**City of Seattle**  
**COMPREHENSIVE PLAN AMENDMENT APPLICATION – 2011-2012**

Use this application to propose a change in the policies, future land use map, appendices, or other components of the adopted City of Seattle Comprehensive Plan. Applications are due to the Seattle City Council no later than **5:00 p.m. on May 16th** for consideration in the next annual review cycle. Any proposals received after May 16th will be considered in the review process for the following year.

(Please Print or Type)

Date: **May 11, 2011**

Applicant: **1290 Broadway REIT, LLC d/b/a Block at Ballard II, LLC**

Contact person (if not the applicant): **Bob Beebe**

Mailing Address: **11225 SE 6<sup>th</sup> Street, Suite 215**

Email: [bbeebe@kginvestment.com](mailto:bbeebe@kginvestment.com)

City: **Bellevue** State: **WA** Zip: **98004** Phone: **425-688-3910**

Name of general area, location, or site that would be affected by this proposed change in text (attach additional sheets if necessary)

**Please see attached property list (Attachment B) and maps (Attachments C and D) for locations that would be affected by the proposed Comprehensive Plan FLUM change.**

If the application is approved for further consideration by the City Council, the applicant may be required to submit a State Environmental Policy Act (SEPA) checklist.

Acceptance of this application does not guarantee final approval.

Applicant  
Signature:                     *Robert Beebe*                    

Date:           5-12-11          

Attachment A

## **REQUIRED QUESTIONNAIRE: Comprehensive Plan Amendment Application**

Please answer the following questions in text and attach them to the application. Supporting maps or graphics may be included. Please answer all questions separately and reference the question number in your answer. The Council will consider an application incomplete unless all the questions are answered. When proposing an amendment, you must show that a change to the Comprehensive Plan is required.

1. Provide a detailed description of the proposed amendment and a clear statement of what the proposed amendment is intended to accomplish. Include the name(s) of the Comprehensive Plan Element(s) (Land Use, Transportation, etc) you propose to amend.

a. If the amendment is to an existing Comprehensive Plan goal or policy, and you have specific language you would like to be considered, please show proposed amendments in "line in/line out" format with text to be added indicated by underlining, and text to be deleted indicated with ~~strikeouts~~.

b. If the proposed amendment would also require a change to the Seattle Municipal Code (SMC), please indicate the SMC section(s) needing amendment. If you have specific language you would like to be considered, please show proposed edits to the SMC in "line in/line out" format as described above.

c. If the amendment is to the Future Land Use Map, please provide a map that clearly outlines the area proposed to be changed.

**The properties that are the subject of this amendment application are currently designated "Industrial" by the Comprehensive Plan, and are located within the Ballard/Interbay Manufacturing/Industrial Center ("BINMIC"). The proposed amendment would designate the properties "Mixed Use/Commercial" in the Comprehensive Plan Future Land Use Map and would remove these properties from the BINMIC. Please see the maps in Attachment B (current comprehensive plan designations) and Attachment C (proposed comprehensive plan designations). The proposed amendment is a simple change to the FLUM, and does not propose a change to the text of the Comprehensive Plan.**

2. Describe how the issue is currently addressed in the Comprehensive Plan. If the issue is not adequately addressed, describe the need for it.

**The Comprehensive Plan FLUM currently designates the properties as Industrial, and locates them within the BINMIC. These properties are not in industrial use, and are not likely ever to be in industrial use. The properties are therefore not appropriate for designation as industrial, nor appropriate for**

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**location within the BINMIC. The change is needed to create consistency between land uses and the Comprehensive Plan.**

3. Describe why the proposed change meets the criteria adopted in Resolution 30662 for considering an amendment to the Comprehensive Plan. The criteria are listed at the end of this application form. Is a Comprehensive Plan amendment the best means for meeting the identified public need? What other options are there for meeting the identified public need?

**Please see below. The most effective way to preserve the integrity of the BINMIC is to remove those properties with existing and long-term incompatible uses from the MIC. No other options, other than a FLUM change, exist to cure the inconsistency of the existing, long-term uses with the MIC policies.**

4. What do you anticipate will be the impacts caused by the change in text, including the geographic area affected and the issues presented? Why will the proposed change result in a net benefit to the community?

**The FLUM change would ultimately result in a rezoning of the properties to a zone consistent with the Comprehensive Plan, the FLUM designation for which is proposed to be Mixed Use/Commercial. Rezones would occur based on the locational criteria for the underlying zone. It would result in a reduction of the areas presently in commercial uses that are included in the BINMIC, consistent with MIC policies in the Seattle Comprehensive Plan, in PSRC VISION 2040, and in the King County Countywide Planning Policies. The proposed change will result in a net benefit to the community because it will render the Comprehensive Plan/zoning more conforming to the actual existing conditions, and will create more opportunities for the further development of an existing, established commercial corridor on 15<sup>th</sup> Avenue NW.**

5. How would the proposed change comply with the community vision statements, goals, objectives, and policies of the Comprehensive Plan? Please include any data, research, or reasoning that supports the proposed amendments.

**The properties are currently in commercial and/or retail use. This is inconsistent with the Seattle Comprehensive Plan, PSRC VISION 2040, and King County Countywide Planning Policies for MICs. The redesignation of these properties to Mixed Use/Commercial, thereby removing the properties from the MIC, would create more consistency with the following policies:**

#### **Seattle Citywide Land Use Policies**

**Discussion: The FLUM is a graphic representation of the future of Seattle. It displays where different types of development are planned to occur...FLUM amendments will generally only be considered for significant changes to the intended function of a large area.**

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**LU1: Use the goals and policies included in this Plan to identify on the FLUM the general locations where broad categories of land uses are preferred.**

**LU2: Generally, FLUM amendments will be required only when significant changes to the intended function of a large area are proposed.**

**LU4: Ensure that there will continue to be room for the growth targeted for an area when considering changes that could reduce the capacity for jobs or housing.**

*Response:* The area proposed for amendment includes 12 parcels and should therefore be considered large enough to warrant a FLUM change. The currently existing uses on these parcels are not and will not be industrial in nature and should therefore be redesignated in order to make them more consistent with the Comprehensive Plan and its policies.

### **Seattle Location-Specific Land Use Policies**

**UV12: Manufacturing/Industrial centers are intended to maintain viable industrial activity and promote industrial development.**

*Response:* The properties located in the amendment area are not in industrial use and have no realistic prospect of converting to industrial use. To maintain the viability of the BINMIC as an industrial area, these sites should be excluded from the BINMIC. The non-industrial uses existing on these properties include:

- Ballard Blocks I development, approximately 131,000 s.f. of intensive retail and parking uses that include Trader Joe's, LA Fitness, Counterburger, and other similar non-industrial uses.
- Permitted Ballard Blocks II development, an approximately 270,000 s.f. entitled development with intensive office and retail uses.
- PATH office building, approximately 90,000 s.f. office building constructed in 1991.
- Mars Hill Church, an approximately 40,000 s.f. church opened in this location in 2003
- Haight Roofing Company, an approximately 5,000 s.f. office building
- Stoneway Hardware, a retail store that sells plumbing supplies, electrical supplies, painting supplies, housewares, and lawn and garden supplies.
- Les Schwab Tires, an approximately 3,200 s.f. retail store
- Louie's Chinese Restaurant, an approximately 7,500 s.f. restaurant with associated parking area.

**UVG22: Ensure that adequate accessible industrial land remains available to promote a diversified employment base and sustain Seattle's contribution to regional high-wage job growth.**

*Response:* The proposed amendment does nothing to impact the existing uses on the property, which are non-industrial and already not contributing to the regional industrial land base. The amendment would take 8.7 acres out of the BINMIC that are not well-suited for inclusion in the BINMIC per Comprehensive Plan criteria (see below).

**UVG23: Promote the use of industrial land for industrial purposes.**

**UVG24: Encourage economic activity and development in Seattle's industrial areas by supporting the retention and expansion of existing industrial businesses and by providing opportunities for the creation of new businesses consistent with the character of industrial areas.**

*Response:* The properties are non-industrial and therefore do not require support related to industrial businesses.

**UV23: Strive to retain and expand existing manufacturing and industrial activity.**

**Designate as manufacturing/industrial centers areas that are generally consistent with the following criteria and relevant CPPs:**

**1. Zoning that promotes manufacturing, industrial, and advanced technology uses and discourages uses that are not compatible with industrial uses.**

*Response:* While the existing zoning may discourage incompatible uses, uses exist on all of the properties that are incompatible with industrial uses. Such uses include high-intensity retail and commercial development, which are specifically called out as incompatible with industrial uses. In addition, these incompatible uses will remain for decades to come. There is effectively no likelihood that industrial uses will be located on these properties in the future.

**2. Buffers protecting adjacent, less intensive land uses from the impacts associated with the industrial activity in these areas (such buffers shall be provided generally by maintaining existing buffers, including existing industrial buffer zones).**

*Response:* Currently, the properties are actually located *within* the BINMIC, creating zero buffer between these commercial/retail properties and the industrial core.

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**3. Sufficient zoned capacity to accommodate a minimum of 10,000 jobs.**

Response: Following removal of these properties from the BINMIC, the BINMIC will continue to have zoned capacity to accommodate a minimum of 10,000 jobs.

**4. Large, assembled parcels suitable for industrial activity.**

Response: Several of the properties included in the proposal are not large enough for industrial activity. The properties that are large enough for industrial activity are already in use or entitled as large scale commercial/retail uses that are incompatible with industrial activity. These incompatible developments represent tens of millions of dollars in capital investment and will therefore remain for decades.

**5. Relatively flat terrain allowing efficient industrial processes.**

Response: The terrain is relatively flat; however, the parcels are not in industrial use, as mentioned.

**6. Reasonable access to the regional highway, rail, air and/or waterway system for the movement of goods.**

Response: The properties lack connection to rail or water transportation systems, and are not adjacent to a regional highway system. The properties are located adjacent to 15<sup>th</sup> Avenue NW, which is designated as a freight corridor, but has developed into a mixed use/commercial/retail corridor north of the Ballard Bridge. Several major bus lines serve 15<sup>th</sup> Avenue NW, and the street is targeted for Rapid Ride bus service intended to serve the commercial and residential needs of Ballard and Northwest Seattle.

**UV23: Maintain land that is uniquely accessible to water, rail, and regional highways for continued industrial use.**

Response: See response to UV23.6 above.

**UV24: Limit in MICs those commercial or residential uses that are unrelated to the industrial function, that occur at intensities posing short- and long-term conflicts for industrial uses, or that threaten to convert significant amounts of industrial land to non-industrial uses.**

Response: The properties in the proposal are already in long-term use as intensive commercial/retail activities that may create short and long term conflicts for industrial uses. These uses will be located on the properties for

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decades. Removing these properties/uses from the BINMIC will better protect the long-term integrity and industrial function of the BINMIC.

### **Seattle BINMIC Policies**

**BI-P1: Accept growth target of at least 3800 new jobs for the BINMIC by 2014.**

**BI-P2: Preserve land in the BINMIC for industrial activities such as manufacturing, warehousing, marine uses, transportation, utilities, construction and services to businesses.**

**BI-P3: Retain existing businesses within the BINMIC and promote their expansion.**

**BI-P4: Attract new businesses to the BINMIC.**

**BI-P5: Recognize the industrial businesses in the BINMIC have the right to enjoy the lawful and beneficial uses of their property.**

**BI-P8: Maintain the BINMIC as an industrial area and work for ways that subareas within the BINMIC can be better utilized for marine/fishing, high tech, or small manufacturing industrial activities.**

**BI-P12: Within the BINMIC, water-dependent and industrial uses shall be the highest priority use.**

*Response:* The properties in the proposal are no longer consistent with the BINMIC neighborhood plan policies. The properties in the proposal are being used as intensive commercial and retail activities that will create short-and long-term conflicts with industrial uses. The uses located in these properties will be located there for decades, thereby reducing the amount of new industrial businesses that could be attracted to the area. In addition, several of the parcels are not large parcels well-suited to industrial uses. The largest parcels consist of a major office building, a large church, and two very large commercial/retail buildings. Practically speaking, these parcels will not ever be available for industrial use. Finally, the parcels are neither water-dependent nor are they industrial. The Industrial Lands Background Report completed in 2007 identifies that access to the water is one of the main reasons for industrial uses to be located in the BINMIC; these parcels have no access to the water. The uses are not consistent with the BINMIC and no longer belong in the BINMIC. Removing these properties/uses from the BINMIC will better protect the long-term integrity and industrial function of the BINMIC.

### **Seattle Mixed-Use Commercial Area Policies.**

**LUG17: Create strong and successful commercial and mixed-use areas that encourage business creation, expansion and vitality by allowing for a mix of**

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**business activities, while maintaining compatibility with the neighborhood-serving character of business districts, and the character of surrounding areas.**

**LUG18: Support the development and maintenance of areas with a wide range of characters and functions that provide for the employment, service, retail and housing needs of Seattle's existing and future population.**

**LU103: Prioritize the preservation, improvement, and expansion of existing commercial areas over the creation of new business districts.**

**LU105: Designate as mixed-use commercial areas, existing areas that provide locations for accommodating the employment, service, retail and housing need of Seattle's existing and future population. Allow for a wide range in the character and function of individual areas consistent with the urban village strategy.**

**LU106: Provide a range of commercial zone classifications, which provide different mixes and intensities of activity, varying scales of development, varying degrees of residential or commercial orientation, and varying degrees of pedestrian or auto orientation and relationship to surrounding areas depending on their role in the urban village strategy and community goals as voiced in adopted neighborhood plans.**

*Response:* The proposed properties are consistent with the Mixed Use/Commercial policies in the comprehensive plan. The properties are currently in commercial use, and would therefore not constitute an expansion of a commercial area. Redesignation to Mixed Use/Commercial on the FLUM will help support the development of these commercial uses, and will further support the current development of the 15<sup>th</sup> Avenue corridor north of the Ballard Bridge into an attractive corridor. In addition, any subsequent rezones would require compliance with the locational criteria for the chosen zones, which would allow for determination of the appropriate type of mixed use/commercial zoning based on each property's characteristics.

### **PSRC VISION 2040 policies**

**MICs are primarily locations of more intense employment and are typically not appropriate for housing. VISION 2040 calls for the recognition and preservation of existing centers of intensive manufacturing and industrial activity and the provision of infrastructure and services necessary to support these areas. These centers are important employment locations that serve both current and long-term economic objectives. VISION 2040 discourages non-supportive land uses in MICs, such as retail or non-related offices.**

**MPP-Ec-19: Maximize the use of existing designated MICs by focusing appropriate types and amounts of employment growth in these areas and by protecting them from incompatible adjacent uses.**

*Response:* The properties are located within an existing MIC. PSRC policies require the preservation of existing industrial activity; however, these properties are not in industrial use, and do not serve long-term industrial economic objectives. The properties are developed with non-supportive land uses (retail, office), and are incompatible with MIC policies. The incompatible commercial uses within the MIC will remain for decades; to preserve the integrity and industrial nature of the MIC, and to preserve the consistency of the properties with the Comprehensive Plan, the properties should be removed from the BINMIC.

6. Is there public support for this proposed text amendments (i.e. have you conducted community meetings, etc.)? Note: The City will provide a public participation process, public notice, and environmental review for all applications.

*Response:* Community meetings have not yet been conducted as part of this proposal.

**Criteria for Comprehensive Plan Amendment Selection (from Resolution 30662)**

The following criteria will be used in determining which proposed Comprehensive Plan amendments will be given further consideration:

**A. The amendment or policy is appropriate for the Comprehensive Plan because:**

- The amendment is not appropriate as a regulatory measure, and warrants a Comprehensive Plan amendment;
- The amendment is not better addressed as a budgetary or programmatic decision;
- The amendment is not better addressed through another planning process, such as neighborhood planning; or
- The Growth Management Act (GMA) mandates the amendment as part of the 10-year update.

*Response:* The amendment is a change to the FLUM and thus requires a Comprehensive Plan amendment.

**B. The amendment is legal - the amendment meets existing state and local laws.**

*Response:* The amendment is legal. It creates consistency between the existing uses on the properties and with the Comprehensive Plan. The change is consistent with VISION 2040 policies related to MICs, and to the Seattle Comprehensive Plan

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policies related to MICs and specifically to the BINMIC, which states that the BINMIC should be protected from incompatible uses.

**C. It is practical to consider the amendment because:**

- The timing of the amendment is appropriate and Council will have sufficient information necessary to make an informed decision;
- City staff will be able to conduct sufficient analysis and to develop policy and any related development regulations within the available time frame;
- The proposed amendment is consistent with the overall vision of the Comprehensive Plan and well-established Comprehensive Plan policy, or the Mayor or Council is interested in significantly changing existing policy;
- The amendment has not been recently rejected; and
- If the proposed change is to neighborhood plan policies, there has been a neighborhood review process to develop the proposal, or a neighborhood review process can be conducted prior to final Council consideration of the amendment.

Response: The Council will have sufficient information necessary to make an informed decision because the uses on the properties are existing and are incompatible with the BINMIC. The policy developed in the Comprehensive Plan to protect the BINMIC from incompatible uses exists; no further analysis should be required. The amendment does not change neighborhood plan policies, but merely changes the FLUM.

KG INVESTMENTS/BALLARD PROPERTY

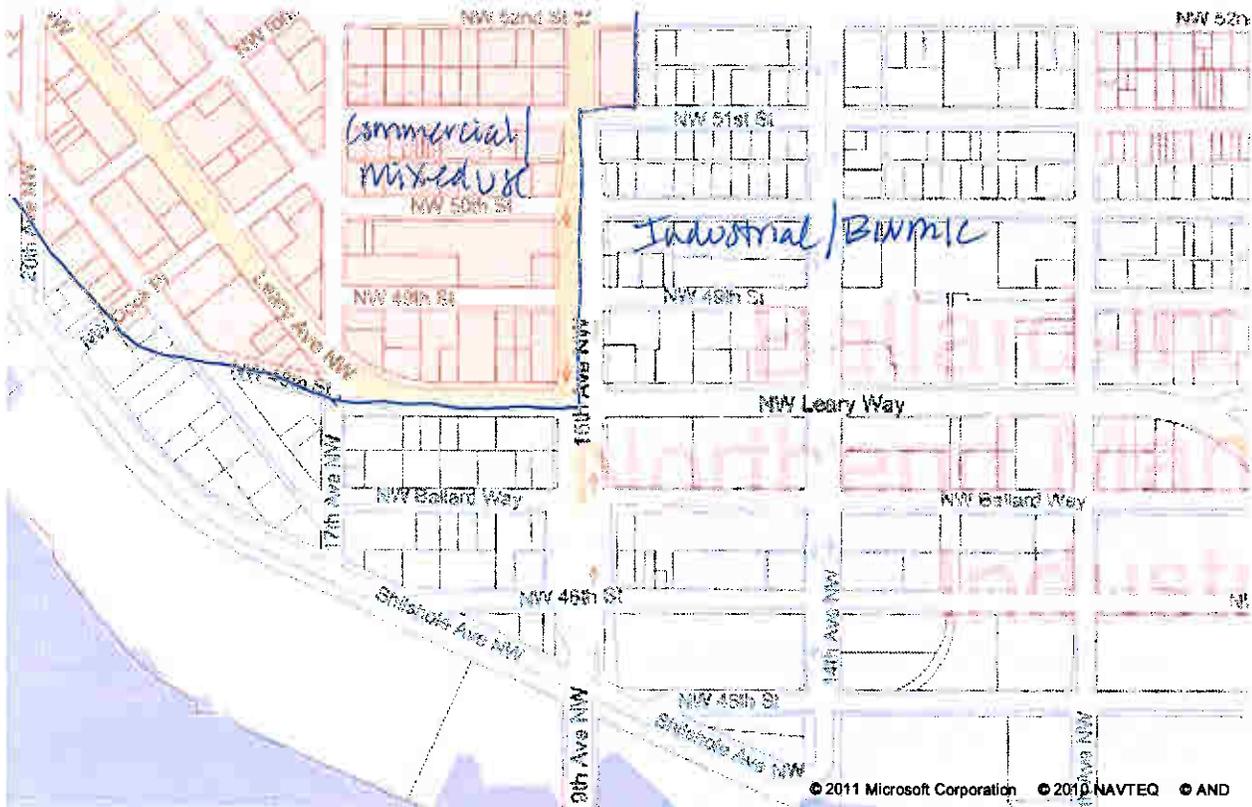
# on map	Tax parcel number	Site address	Property Name	Owner	Contact information	Present Use
1	276830-2690	1455 NW Leary Way	Path Building	Hanover Investments LLC	<p>Property tax bill address: P.O. Box 865 Bellevue, WA 98009</p> <p>◆Registered agent of Hanover Investments LLC is Lee Hwang located at property address. ◆Lee David Hwang is owner of Hanover Investments LLC: - Formerly practiced law at Morrison &amp; Foerster, went to Harvard Law School. San Francisco phone number: 415-272-0511 - He is Founder/Executive Director of "The Quality of Life Foundation" in San Francisco, Phone: 415-437-9200</p> <p>◆McCullough Hill Leary will contact</p>	office building; basement parking
2	276830-2590	1401 NW Leary Way	Mars Hill Church	Mars Hill Fellowship		Church with Sunday school; office building
3	276830-2480	1450 NW Leary Way	Diesel Engines Inc. [no such entity or Dept. of Revenue registration]	A. H. Powers and Joan Powers, husband and wife	<p>Property tax bill address: 5800 40th Avenue West Seattle, WA 98199</p> <p>◆Albert H. Powers has business at above location - "AH Powers Co". Phone: 206-283-9996 ◆Also found residence listing: 3906 W. Hooker Street, Seattle, WA 98199 Phone: 206-284-8859</p>	garage, service repair
4	276830-2575	1440 NW Leary Way	Auto Service	Elizabeth E. Moser	<p>Property tax bill address: 4630 Lawton Lane West Seattle, WA 98199</p> <p>◆Above address is probably Elizabeth Moser's residence. Phone: 206-282-0229</p>	garage, service repair

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# on map	Tax parcel number	Site address	Property Name	Owner	Contact information	Present Use
5 & 6	276830-2475 (5)  276830-1870 (6)	4810 15th Ave NW (5)  1437 NW 50th Street (6)	Haight Roofing	LAH, LLC	Property tax bill address: 18351 8th Avenue NW Shoreline, WA 98177 ◆Shelleen A. Haight is Manager of owner, LAH, LLC. Above address is probably Ms. Haight's residence. Phone: 206-546-1329 ◆Registered Agent of LAH, LLC: LPSL Corporate Services, 1420 5th Ave, #4100, Seattle, WA 98101 (Lane Powell)	Property 5: office building; retail store; storage warehouse  Property 6: storage warehouse; office buildings
7 & 8	276830-1960 (7)  276830-1965 (8)	1460 NW 49th Street (7)  1462 NW 49th Street (8)	Haight Roofing	Haight Roofing Company, Inc. [inactive since Jan. 2011]	Property tax bill address: 4910 15th Avenue NW Seattle, WA 98107 ◆ Shelleen A. Haight is President, Secretary & Treasurer of Haight Roofing Company -- See # 5 & 6 above for contact information.	Property 7: parking  Property 8: vacant (industrial)
9	276830-1975	1464 NW 49th Street	Michael's Automotive Marine [Dept. of Revenue says this business closed 1991]	Michael R. Moi and Estate of Sherry D. Moi	Property tax bill address: 4900 15th Avenue NW Seattle, WA 98107 (appears to be alternative address to 1464 NW 49th Street) ◆Found residence listing for Michael R. Moi: 3843 26th Avenue West Seattle, WA 98199 Phone: 206-285-7955	storage warehouse; garage/service repair; office

# on map	Tax parcel number	Site address	Property Name	Owner	Contact information	Present Use
10	276830-1860	5000 15th Avenue NW	Les Schwab Tire	Thomas J. and Ann Louise Mulholland, Trustees under Thomas and Ann Mulholland Living Trust dated September 9, 1996	Property tax bill address: 5000 15th Avenue NW Seattle, WA 98107 ♦Found residence listing for Tom and Ann Louise Mulholland: 2318 N. 172nd Street Seattle, WA 98133 Phone: 206-361-6814 [ <i>&amp; possibly also 206-364-6851</i> ]	garage, service repair
11	276830-1865	5000 15th Avenue NW	Les Schwab Tire	John P. Petrie and Donna P. Millard, Tenants in Common	Property tax bill address: 5013 15th Avenue NW Seattle, WA 98107 ♦Found listing for above address for John Petrie and Donna Millard Phone: 206-789-4470 ♦Above tax bill address is for another parcel also owned by John Petrie and Donna Millard (tax parcel 276770-1750) located kitty corner across 15th Ave. from site address. This parcel has Mac's Upholstery (address 5011 15th Avenue NW) and an apartment.	tire store
12	276830-1755	5020 15th Avenue NW	parking	Laurence T. Louie	Property tax bill address: Louie's Ltd. 149 NW 144th Street Seattle, WA 98177 ♦Found residence listing for Laurence T. Louie at above address. Phone: 206-367-6407 ♦Louie's Ltd. operates under dba "Louis's Cuisine of China". 5100 15th Avenue NW Seattle, WA 98107 Phone: 206-782-8855	parking

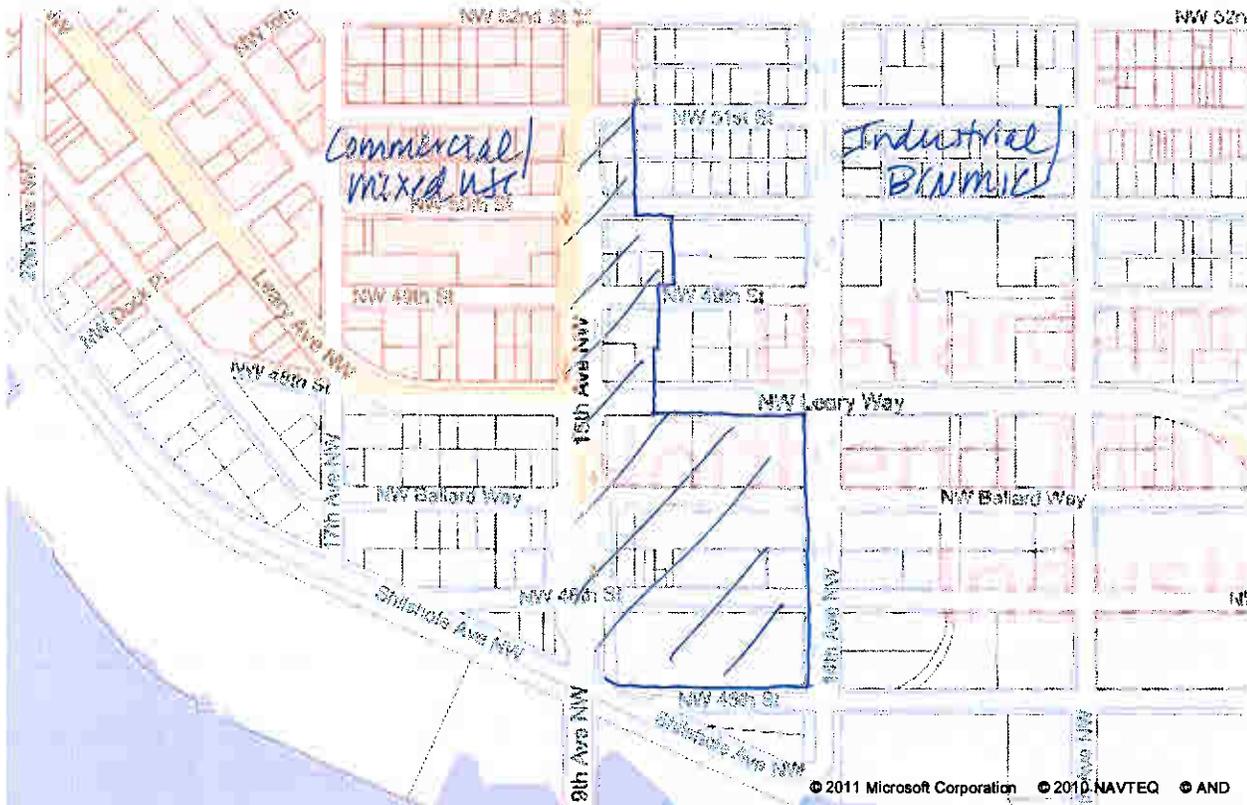




**Displaying layers:**  
Urban Villages  
Parcels

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*Attachment C - Existing Comprehensive Plan Designations*



**Displaying layers:**  
 Urban Villages  
 Parcels

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*[Handwritten]*  - proposed commercial/mixed use

*[Handwritten]* Attachment D proposed Comprehensive Plan Designations.