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BEFORE THE HEARING EXAMINER FOR THE CITY OF BELLEVUE

In the Matter of the Rezone Application of

DSD File No.: 21-104464-LQ

Glendale Country Club

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

For a Rezone of a Portion of the Glendale
Country Club from R-1 (Single-Family
Residential) to R-10 (Multi-Family
Residential) at 13440 Main Street
Bellevue WA

SUMMARY

Recommendation. The Hearing Examiner recommends that the Bellevue City Council, subject to the condition contained at the end of this recommendation, **APPROVE** the proposed Rezone.

Proposal. The applicant, Brenda Barnes, an architect with Clark Barnes firm, Seattle, seeks a Rezone of a 3.35-acre site at the Glendale Country Club, 13440 Main Street, from R-1 (Single-Family Residential) to R-10 (Multi-Family Residential) consistent with the Comprehensive Plan Amendment (20-103772-AC), which modified the Comprehensive Plan designation of the property from Single Family-Low Density to Multi-Family Medium Density.

The amendment was adopted in 2020 by the Bellevue City Council with Ordinance 6559 and by the East Bellevue Community Council with Resolution 583 (See Ordinance and Resolution at Exhibit C-1, Staff Report Attachment).

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

1 **Procedure.** This rezone application is subject to Process III review under which the
2 Examiner makes a recommendation following a public hearing and the City Council makes the
3 final decision (Land Use Code (LUC) 20.35.015D, LUC 20.35.300 *et seq.*).

4 The proposal is within the jurisdictional boundaries of the East Bellevue Community
5 Council. After the City Council makes a decision on the project, the East Bellevue Community
6 Council will review the decision of the City Council pursuant to LUC 20.35.450(A).

7 On March 2, 2021, the applicant submitted the Rezone application at issue. The City
8 Development Services Department issued notices on the rezone request at issue on April 29,
9 2021 and then re-noticed the request on September 2, 2021 to properly notify all appropriate
10 neighboring residents of the site as required under Land Use Code (LUC 20.35.320).

11 The City held public meetings on May 4, 2021 and again on September 8, 2021. These
12 events were courtesy hearings for the East Bellevue Community Council (EBCC). Public and
13 EBCC council member comments favored the rezone request and recommended approval of the
14 Rezone request.

15 Prior to the November 18, 2021 Examiner hearing, a resident of the area at issue, Curt
16 Johnson, emailed the hearing examiner's office to express his concerns about traffic dangers
17 around the site of the proposed rezone. His concerns are noted and will be addressed when and if
18 any project on the property site is proposed. No project is proposed at this time. (See Exhibit P-
19 1)

20 The Development Services Department issued a Determination of Non-Significance
21 (DNS) under the State Environment Policy Act (SEPA) on October 8, 2020 (File 20-102772-AC)
22 on the relevant Comprehensive Plan Amendment and found that the amendment would not have
23 a probable significant impact on the environment (See Staff Report, Exhibit C-1). The DNS was
24 not appealed.

25 On October 28, 2021, the City issued a staff report and a recommendation for approval of
the proposed Rezone (Staff Report, Exhibit C-1).

 Upon due notice, the undersigned Hearing Examiner convened a hearing using Zoom
technology on November 18, 2021. Reilly Pittman, Acting Environmental Planning Manager,
City of Bellevue, presented a staff report and testified on behalf of the City.

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1 Attorney Jessica Roe of McCullough, Hill, Leary, PS, appeared on behalf of the applicant
2 Brenda Barnes and presented testimony in support of the rezone. Clint Whitney, manager of the
3 Glendale Country Club and Mike Swenson, the applicant's transportation expert also presented
4 testimony in support of the rezone. In addition, Brian Whiteside, a member of the public, offered
5 testimony in favor of the rezone application.

6 Hearing Examiner Program Coordinator Karen Hohu was also present at the hearing and
7 created an audio recording of the proceeding.

8 **Contents of the Record.** The City's Staff Report with accompanying file materials was
9 admitted into evidence as Exhibit C-1, and a copy of the City's Power Point presentation was
10 admitted as Exhibit C-2. The applicant's presentation was admitted as Exhibit A-1, and written
11 comments from the public were admitted as Exhibit P-1.

12 **FINDINGS OF FACT**

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

15 2. The Applicant for the proposed rezone, Brenda Barnes, is an architect and partner
16 with the Clark Barnes firm in Seattle.

17 3. The site of the proposed rezone is a 3.35-acre section in the northeast corner of the
18 Glendale Country Club (GCC), a golf course located at 13440 Main Street in the Wilburton
19 Subarea of Bellevue. This proposed rezone site is adjacent to NE 8th Street.

20 4. Through an associated boundary line adjustment (File No.: 21-102813-LW), the
21 boundaries of the Glendale parcels will be modified such that the proposed rezone area of the
22 northeast corner of the Glendale site becomes one of the two parcels that make up the site and
23 can be rezoned separate from the other parcel.

24 5. The City credibly described the Glendale Country Club site as follows: "The site is
25 mostly vegetated with lawn and trees that comprise the golf course. There is a central clubhouse
and office complex with associated parking. The site generally slopes downward from the east
toward the west where Kelsey Creek is located. Kelsey Creek is a Type-F stream found along the
western boundary of the property. There are areas of steep slope critical area adjacent to the
stream and elsewhere on the Glendale property. There are wetlands and buffers in vicinity of the
proposed rezone location. The site has frontage on NE 8th St. but access to the site and parking

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1 lot is obtained from Main Street on the east boundary of the Glendale site.” (See Staff Report at
2 Exhibit C-1).

3 6. The Glendale Country Club is surrounded by residentially zoned property. The
4 requested rezone location in the northeast corner of the GCC property is adjacent to properties
5 zoned R-2.5 to the north, R-1, R-2.5 and R-30 to the east. This rezone site would be surrounded
6 by the rest of the Glendale property to the west and south, which will remain zoned R-1. (The
7 property east of the rezone and owned by the Neighborhood Church is a flag lot-shaped parcel
8 and is split zoned with most of the lot zoned R-2.5 but with an access strip that connects to NE
9 8th Street that is zoned R-1. This access strip separates the proposed rezone location on the
10 Glendale property from the adjacent property that is zoned R-30. See Exhibit C-1).

11 7. As the City noted in its Staff Report, Exhibit C-1, the underlying land use
12 designation was changed only for the requested rezone site at the northeast corner of the GCC
13 property by an amendment of the City’s Comprehensive Plan map from Single Family Low
14 Density (SF-L) to Multi Family Medium Density (MF-M). This location is adjacent to City Park
15 Highland-Glendale property to the north, across NE 8th Street that has a land use of Parks and
16 Single-Family Medium Density. There are condominium residences to the east adjacent to NE
17 8th Street with a land use of Multi Family High Density. Properties south of the multifamily
18 property are developed with a church and single-family residences with a land use of Single-
19 Family Medium Density.

20 8. If the Rezone is approved, any future development for the site will be subject to
21 project-specific review and other required approvals under the Bellevue City Code. The concerns
22 of the public, such as those expressed by local resident Curt Johnson (Exhibit P-1), will be
23 considered if and when development is proposed. The City also specified future considerations in
24 its Staff Report at Exhibit C-1: “The rezoned site is subject to the requirements and all applicable
25 zoning standards in Land Use Code Title 20 and any requirements on specific uses that may be
proposed. The rezoned site is within 300 feet of property that is single-family zoned and is
subject to the requirements of the Transition Overlay Area in LUC 20.25B. The location of the
proposed rezone is in vicinity of wetland and is impacted by wetland buffers. Future
development will be subject to requirements of the City’s Critical Area Ordinance LUC 20.25H.

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1 Future unit density is subject to the density calculation in LUC 20.25H.045 for sites within
2 critical areas and buffers.”

3 9. The proposed Rezone meets all applicable Comprehensive Plan and land use
4 requirements, as Reilly Pittman, Acting Environmental Planning Manager, City of Bellevue,
5 testified credibly, and as also explained in the Staff Report (Exhibit C-1). Further, the testimony
6 in favor of the Rezone from the applicant Ms. Barnes, as well as her supporting witnesses, Mr.
7 Swenson and Mr. Whitney, was credible and consistent with the documentary evidence.

8 10. The City’s Utilities Department technical staff concluded that existing services
9 provided sufficient capacity for this site and suggested no utilities-related conditions for the site
10 (Staff Report, Exhibit C-1). All impacts associated with a specific project to develop the site will
11 be reviewed and mitigation required as part of the review of any future application proposing
12 development of this site.

13 11. The City’s Transportation Department analyzed the site and found that development
14 of the site would result in “some additional vehicle trips” and did not expect “significant traffic
15 or transportation impact.” Any future development proposal shall include transportation review.

16 12. The proposed Rezone aligns with the Comprehensive Plan and policies regarding
17 regional growth, new residential development, and density patterns consistent with land use
18 policies and Wilburton Subarea policies (See Land Use Policies LU-6, LU-15 and LU-16, as
19 well as S-WI-19 and S-WI-22, at Staff Report, Page 10, Exhibit C-1).

20 13. The proposed Rezone will promote the public welfare by fulfilling community needs
21 and will not require new public facilities or services. The new designation assures that the
22 current site may meet the evolving needs of citizens.

23 14. The proposed Rezone will provide consistency between the Comprehensive Plan, as
24 amended by the City Council, and the zoning designation. In addition, the Rezone is consistent
25 with land use policies regarding residential and commercial uses.

15. The proposed Rezone will not be a material detriment to the uses or property in its
vicinity. The Rezone will allow multi-family uses at a density similar to that of adjacent
properties.

16. The Rezone will add value to the community by providing new opportunities for
residences consistent with the character of the neighborhood and the Comprehensive Plan.

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1 17. The Staff Report thoroughly analyzes the rezoning proposal in light of the criteria
2 under LUC 20.30A.140 and finds that the Rezone will be consistent with that ordinance.
3 Basically, as the City’s Land Use Division found: the Rezone proposal is consistent with the
4 Comprehensive Plan; the Rezone is warranted to achieve consistency with the updated
5 Comprehensive Plan and the Land Use Code; the Rezone promotes the public welfare; the
6 Rezone is compatible with the surrounding area; the Rezone presents no materially detrimental
7 uses in the immediate vicinity of the site; and the Rezone has “merit and value for the
8 community as a whole” by addressing community needs.

9 18. The Hearing Examiner concurs with the City’s analysis and adopts the same. The
10 Staff Report is incorporated by reference herein as though fully set forth.

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

12 **CONCLUSIONS OF LAW**

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

17 2. The proposed Rezone is consistent with the decision criteria of LUC 20.30A.140 in
18 that it complies with the Comprehensive Plan under LUC 20.30A.140A and meets the other
19 criteria including providing “value for the community as a whole” under LUC 20.30A.140E.
20 Each condition under LUC 20.30A.140 was carefully analyzed in the City’s Staff Report and the
21 conclusions in that report are incorporated by reference in this recommendation.

22 3. The proposed Rezone is consistent with Land Use Elements and Wilburton Subarea
23 Policies.

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

5. As conditioned, the proposed Rezone is consistent with the State Environmental
Policy Act and with the decisional criteria for a Rezone. WAC 197-11-355; LUC 20.30A.140.

6. The requested Rezone should be approved.

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

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1 **CONDITION OF APPROVAL**

2 This recommendation does not constitute approval of any Land Use Code amendments,
3 entitlement review, or any other ancillary permits that may be required for the design and
4 construction of any proposed development on the rezone site. LUC 20.30A.

5 **RECOMMENDATION**

6 The Hearing Examiner recommends that the City Council **APPROVE** the Rezone
7 application subject to the condition set forth above.

8 DONE this 30th day of November, 2021.

9 
10 _____
11 Robin Lindley, Hearing Examiner

12 **NOTICE OF RIGHT TO APPEAL**

13 (Pursuant to Resolution No. 9473)

14 **RIGHT TO APPEAL-TIME LIMIT**

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

23 **TRANSCRIPT OF HEARING-PAYMENT OF COST**

24 An appeal of the Hearing Examiner’s recommendation requires the preparation of a
25 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

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1 (\$100.00) for each hearing hour to be transcribed. If appellant fails to post security, the appeal
shall be considered abandoned.

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

4 **CITY COUNCIL CONSIDERATION**

5 Unless appealed, this matter has tentatively been scheduled to go before the City Council
6 on **Tuesday, January 18, 2022 at 6:00 pm** for consideration, and **Monday, February 7, 2022**
7 **at 6:00 pm** for final action. After (appeal deadline) **Tuesday, December 14, 2021**, interested
persons may contact the Hearing Examiner's Office at (425) 452-6934 to find out whether an
appeal has been filed.