

ORIGINAL

City Council Approved August 6, 2007  
Vote: 6-1 with Councilmember Balducci  
Opposed

0956-ORD  
07/25/07

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5757

AN ORDINANCE approving the rezone application of John H. Hancock and Earl E. Muren, Jr. to rezone four parcels, 3.77 acres, from R-1 to R-3.5 for property located at 1801, 1809, 1905, and 1911 156<sup>th</sup> Ave. SE.

WHEREAS, John H. Hancock and Earl E. Muren, Jr. filed an application to rezone four parcels, 3.77 acres, from R-1 to R-3.5 for property located at 1801, 1809, 1905, and 1911 156<sup>th</sup> Ave. SE; and

WHEREAS, on June 28, 2007, a public hearing was held before the Hearing Examiner for the City of Bellevue pursuant to notice as required by law; and

WHEREAS, on July 11, 2007, the Hearing Examiner recommended approval of the rezone application and made and entered findings of fact and conclusions based thereon in support of that recommendation, and no timely appeal thereof has been filed; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner and has determined that the public use and interest will be served by approving the rezone of said property to R-3.5, and that the criteria of Land Use Code Section 20.30A.140 have been satisfied; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Code; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council adopts the findings of fact and conclusions based thereon, made and entered by the Hearing Examiner in support of the recommendation to the City Council with regard to the hereinafter described property as set forth in "Findings of Fact, Conclusions of Law, and Recommendation in the Matter of the Application of John H. Hancock and Earl E. Muren, Jr. for the HANCOCK/MUREN REZONE To rezone 3.77 acres from R-1 to R-3.5 for property located at 1801, 1809, 1905, and 1911 156<sup>th</sup> Ave., SE".

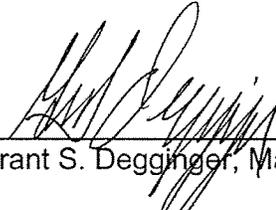
Section 2. The property described below is hereby rezoned from R-1 to R-3.5.

That portion of the Southeast quarter of the Northeast quarter of the Southwest quarter of Section 2, Township 24 North, Range 5 East, W.M., in King County, Washington, lying East of Spiritwood Addition No. 2, as recorded in Volume 59 of Plats, Page 9.

Section 3. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

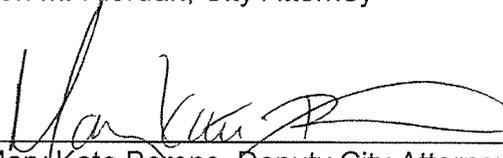
Passed by the City Council this 6<sup>th</sup> day of August, 2007  
and signed in authentication of its passage this 6<sup>th</sup> day of August,  
2007.

(SEAL)

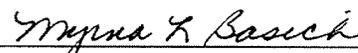
  
\_\_\_\_\_  
Grant S. Degginger, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

  
\_\_\_\_\_  
Mary Kate Berens, Deputy City Attorney

Attest:

  
\_\_\_\_\_  
Myrna L. Basich, City Clerk

Published August 9, 2007



# MEMORANDUM

DATE: August 21, 2007  
TO: Chair Bell, Members of the East Bellevue Community Council  
FROM: Matthews Jackson, Senior Planner, PCD, 452-2729  
SUBJECT: Hancock/Muren Rezone, File No. 06-102787 LQ

Pursuant to Bellevue Land Use Code (LUC) Section 20.35.450, the East Bellevue Community Council will hold a public hearing on the Hancock/Muren Rezone.

On August 6, 2007 the Bellevue City Council adopted Ordinance No. 5757 rezoning four parcels, 3.77 acres, from R-1 to R-3.5 for property located at 1801, 1809, 1905, and 1911 156<sup>th</sup> Ave SE. This rezone was previously presented to the EBCC at a courtesy hearing on May 1, 2007.

Ordinance No. 5757 is not effective within the East Bellevue Community Council area until the EBCC either approves the ordinance, or fails to act to disapprove the ordinance within 60 days following its enactment by the City Council.

## **BACKGROUND**

A Comprehensive Plan Amendment associated with the properties under this rezone application was approved by the City Council on April 2, 2007. The Comprehensive Plan Land Use Map Designation was amended from Single Family Low Density to Single Family Medium Density. A public hearing before the Hearing Examiner was held on June 28, 2007 at 7:00 p.m. in the Bellevue City Hall Council Chambers. No members of the public attended or testified during the hearing. On July 11, 2007, the Hearing Examiner issued Findings of Fact, Conclusions of Law and a Recommendation that the application be approved without conditions. The deadline for filing an appeal of the Examiner's Recommendation was July 25, 2007. No appeals were filed.

## **DESCRIPTION OF SITE AND CONTEXT**

The project site consists of four existing lots located on 156th Avenue S.E. The rezone area is approximately 3.77 acres and located in the Southeast Bellevue subarea. The northernmost of the four lots contains a wetland whose Critical Areas regulation would affect site development capacity. Although untyped on the subject site, the wetland likely is characteristic of the previously-typed portion of the same wetland that lies to the north. This adjacent wetland has been typed as a Category IV wetland, and applying the same typing to the wetland area on the

subject site would likely result in a 40-foot buffer. This in turn would make the area of the wetland and buffer about six-tenths of an acre.

The surrounding zoning is as follows:

North: R-1.8 (One single family lot and a City owned Park property)  
South: R-5  
East: R-1 (City owned Park property)  
West: R-5

### **APPLICABLE DECISION CRITERIA**

The Director may approve or approve with modifications an application for a Rezone if the decision criteria listed in LUC Section 20.30A.140 can be met.

#### **A. The rezone is consistent with the Comprehensive Plan; and**

The subject site is located within the Southeast Bellevue Subarea of the Comprehensive Plan. Following is a summary of relevant Comprehensive Plan policies.

##### **Land Use Element Policies:**

**Policy LU-5.** Ensure enough properly zoned land to provide for Bellevue's share of the regionally adopted demand forecasts for residential, commercial, and industrial uses for the next 20 years.

**Policy LU-9.** Maintain compatible use and design with the surrounding built environment when considering new development or redevelopment within an already developed area.

**Finding:** The proposal is consistent with the Land Use Element Policies. The rezone will allow the city to continue incremental increases in density that are compatible with existing neighborhoods, of similar design and function, and supports Bellevue's commitment to accommodate regional growth.

##### **Housing Element Policies:**

**Policy HO-17.** Encourage infill development on vacant or under-utilized sites that have adequate urban services and ensure that the infill is compatible with the surrounding neighborhoods.

**Finding:** A basic development capacity analysis done by staff indicates that the proposed rezone could potentially provide 9 additional units beyond the existing zoning. Although a small increase, the project site has immediate access to urban services and will be of a similar use type to that in surrounding neighborhoods.

#### **B. The rezone bears a substantial relation to the public health, safety, or welfare; and**

The rezone proposal promotes the public welfare by permitting additional infill housing that is close to employment centers and urban services. The development will not require new public facilities because there is capacity within the transportation network, the utility system, and other public services such as fire, police to accommodate additional development. The subject parcels

can provide for an appropriate level of increased density in a manner that is compatible with the neighborhood character and protective of the ecological functions of the nearby Lake Hills Greenbelt.

**C. The rezone is warranted in order to achieve consistency with the Comprehensive Plan or because of a need for additional property in the proposed land use district classification or because the proposed zoning classification is appropriate for reasonable development of the subject property; and**

A rezone is warranted to achieve consistency with the Comprehensive Plan. In April 2007 the City Council amended the Comprehensive Plan designation of the sit from Single Family Low to Single Family Medium. Approval of the rezone will provide consistency between the Comprehensive Plan land use map designation and zoning designation.

**D. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and**

Development under the proposed R-3.5 zoning is consistent and compatible with the surrounding residential neighborhoods and achieves many of the City's goals and policies as described in this report.

**E. The rezone has merit and value for the community as a whole.**

Forecasts predict that Bellevue will continue to attract new jobs and this will consequently result in increased need for housing. Increasing the housing supply in close proximity to existing services is important to reduce the number of and length of vehicle trips and provides for increased choice in home selection. Infill development lowers the public cost of extending expensive infrastructure improvements to areas that are not currently devoid of urban development.

#### **Attachments**

Ordinance No. 5757  
Land Use Staff Report





**City of Bellevue  
Department of Planning and Community Development  
Land Use Division Staff Report**

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Proposal Name: **Hancock/Muren Rezone**

Proposal Address: 1801, 1805, 1905, and 1911 156<sup>th</sup> Ave SE

Proposal Description: Application for a Rezone to change the zoning on 3.77 acres from R-1 to R-3.5 in order to facilitate future single family residential development.

File Number: **06-102787 LQ**

Applicant: John H. Hancock and Earl E. Muren Jr.

Decisions Included: Rezone (Process III)

Planner: Matthews Jackson, Senior Planner

State Environmental Policy Act  
Threshold Determination: **Determination of Non-Significance (DNS)**

*(Current proposal scope is the same as the previously approved Comprehensive Plan Amendment and is relying upon the DNS issued on December 28, 2006. See File #06-102786 AC.)*

Director's Recommendation: **Approval with Conditions**

Carol W. Stelling for  
Matthew A. Terry,  
Director, Dept. of Planning & Community Development

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Bulletin Publication Date: June 14, 2007  
Public Hearing Date: June 28, 2007

For information on how to appeal a proposal, visit the Permit Center at City Hall or call (425) 452-6800. Appeal of the Decision must be received in the City Clerk's Office by 5 PM on the date noted for appeal of the decision.

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**I. PROPOSAL DESCRIPTION**

The applicant requests to rezone 3.77 acres from R-1 to R-3.5 in order to facilitate future single family residential subdivision and construction. On April 2, 2007, the City Council approved a Comprehensive Plan Amendment (File # 06-102786 AC) to change the land use designation of the site from Single Family Low to Single Family Medium, making the proposed rezone possible.

**Required Land Use Approvals**

Rezoning is a Process III decision (LUC 20.35.300), which are quasi-judicial decisions made by the City Council. Decision criteria and decision criteria compliance is discussed in Section VIII. The Hearing Examiner holds a public hearing and takes testimony from the public on the proposal and recommends an action to the City Council. Then, the City Council makes a final decision based on the record established by the Hearing Examiner. Because the site is located within the jurisdictional area of the East Bellevue Community Council (EBCC), the City Council ordinance will be transmitted to the EBCC for final approval or disapproval.

**II. SITE DESCRIPTION AND CONTEXT**

**Background**

**Existing Site Conditions:** The project site consists of four existing lots located on 156th Avenue S.E. The rezone area is approximately 3.77 acres and located in the Southeast Bellevue subarea. The site is also located within the jurisdiction of the East Bellevue Community Council who will have final review after City Council action. The northernmost of the four lots contains a wetland whose Critical Areas regulation would affect site development capacity. Although untyped on the subject site, the wetland likely is characteristic of the previously-typed portion of the same wetland that lies to the north.

This adjacent wetland has been typed as a Category IV wetland, and applying the same typing to the wetland area on the subject site would likely result in a 40-foot buffer. This in turn would make the area of the wetland and buffer about six-tenths of an acre.

The surrounding zoning is as follows:

<b>North:</b>	R-1.8 (One single family lot and a City owned Park property)
<b>South:</b>	R-5
<b>East:</b>	R-1 (City owned Park property)
<b>West:</b>	R-5

**III. CONSISTENCY WITH LAND USE CODE/ZONING REQUIREMENTS**

**A. General Provisions of Land Use Code**

The site can be developed in conformance with the general provisions of the Land Use Code. A detailed discussion of applicable Land Use Code elements is included below.

**Statistical Data**

<b>BASIC INFORMATION</b>		
Zoning	Existing R-1	Proposed R-3.5
ITEM	REQ'D/ALLOWED	REQ'D/ALLOWED
Min. Lot Area	35,000 sq. ft.	10,000 sq. ft.
Dwellings/acre	1	3.5
Lot Coverage	35%	35%
Building Setbacks (front, back, side, 2 side)	35/25/5/20	20/25/5/15
Building Height	30 Feet	30 Feet

If this site is developed under the Planned Unit Development (PUD) process, the dimensional requirements can be modified if the proposal meets PUD decision criteria pursuant to LUC 20.30D.150.

**B. Special District Requirements**

The following special district requirements apply to development of the site.

**Critical Area Overlay District (LUC 20.25H)**

As discussed above, the development site likely contains a protected Category IV wetland. This environmental feature is considered a Critical Area pursuant to LUC 20.25H. Any proposed development on the property will have to maintain applicable primary and structure setbacks pursuant to the requirements listed in LUC 20.25H.090. The permitted density on the site is governed by the density/intensity calculation described in 20.25H.045 in the LUC. A partial density credit will be given for the portion of the site that is considered Critical Areas.

The density calculation for sites with critical areas is calculated with the following formula:

$$[(DU/acre)(Buildable area in acres) + (DU/acre)(Total critical area and critical area buffer in acres)(Development factor)] = \text{Maximum dwelling unit potential}$$

The development factor is the percentage of the site that does not contain critical area or critical area buffer.

**IV. STATE ENVIRONMENTAL POLICY ACT**

A non-project SEPA final threshold determination was previously issued for this site under the associated approved Comprehensive Plan Amendment, File #06-102786 AC. The Environmental Coordinator for the City of Bellevue determined at that time that the proposal would not result in any probable, significant adverse environmental impacts, therefore, a Determination of Nonsignificance (DNS) was issued on December 28, 2006. The current Rezone proposal is relying upon the previous SEPA determination, as allowed under WAC 197-11-600(4)(a)).

Additional environmental review will be required with a subdivision or PUD application or other development proposal that is not categorically exempt from SEPA requirements.

**V. SUMMARY OF TECHNICAL REVIEWS**

**A. Utilities Review**

Utilities Department technical staff confirms that there is sufficient capacity in existing utilities to provide service to this site, and there are no utilities related concerns regarding the proposed Rezone.

**B. Transportation Department Review**

A fully developed site under the proposed Single Family-Medium designation would generate approximately 9 new net pm peak trips (Thirteen new trips minus 4 existing Plan capacity trips). This is based on the 2.5 units per acre density increase on the 3.77 acres. Development at this threshold does not trigger Traffic Standards Code mitigation requirements. The additional dwelling units are also not projected to create impacts on the level of service in the mobility management areas (MMA). The Transportation Department recommends approval of this proposed rezone.

**VI. PUBLIC COMMENT AND RESPONSE**

*Application Date:* January 31, 2006  
*Public Notice (500 feet):* January 18, 2007 (Includes sign installation at the site)  
*Public Meeting Date:* January 24, 2007  
*East Bellevue CC Meeting:* May 1, 2007

Notice of Application was published in the City of Bellevue's *Land Use Bulletin* and the *King County Journal* on June 20, 2006. It was mailed to property owners within 500 feet of the project site and a Public Information Sign was installed on the project site on the same day. A public meeting was held on January 24, 2007. One citizen who attended the meeting had questions regarding the proposed rezone. The citizen submitted an email including his comments following the conclusion of the public meeting. Comments and staff responses are noted below:

**Comment:** If the Hancock/Muren properties are developed to their highest density under R-3.5, with significant trees removed, the area will no longer complement the existing

area. The significant trees in the vicinity have been used for perches by red tailed hawks and the significant trees on the Hancock/Muren properties play a part in their habitat.

**Response:** City of Bellevue tree retention requirements are not effected by the proposed rezone. All subdivision proposals in all single family residential zoning districts (with the exception of the R-1 zoning district in the Bridle Trails subarea) are required to retain a minimum of 15% of the diameter inches of significant trees. A significant tree is one that is 8 inches or greater in diameter at 4 foot height. This standard applies regardless of whether the site is rezoned to R-3.5 or remains at R-1.

Red-tailed hawks are designated as a species of local importance in the Land Use Code section 20.25H. If habitat associated with species of local importance will be impacted by a proposal, the proposal shall implement the wildlife management plan developed by the Department of Fish and Wildlife for such species. An assessment of the need for compliance with a management plan would be done with a specific development proposal, and no proposals are currently under review.

**B. Comments from the East Bellevue Community Council (EBCC)**

The EBCC provided verbal comments to City staff at their May 1, 2007 public hearing. Following are those comments along with a response:

**Comment:** The Single Family Medium Comprehensive Plan land use designation allows for both R-2.5 and R-3.5 zoning designations. Historically, East Bellevue has tried to maintain a lower density where possible.

**Response:** While it is true that the Single Family Medium designation can be implemented with both R-2.5 and R-3.5 zoning, the applicant requested R-3.5 land use designation is appropriate for this proposal. The City of Bellevue Lake Hills greenbelt and the wetland area and a single lot to the north are zoned R-1 and R-1.8 respectively. All the single family residential development in the immediate vicinity is zoned R-5. The proposed density at R-3.5 is complementary to with the development pattern in the area and supported by the availability of urban levels of service.

**VII. CHANGES TO THE PROPOSAL DUE TO STAFF REVIEW**

None

**VIII. APPLICABLE DECISION CRITERIA**

The Director may approve or approve with modifications an application for a Rezone if the decision criteria listed in LUC Section 20.30A.140 can be met.

**A. The rezone is consistent with the Comprehensive Plan; and**

The subject site is located within the Southeast Bellevue Subarea of the Comprehensive Plan.

Following is a summary of relevant Comprehensive Plan policies.

**Land Use Element Policies:**

**Policy LU-5.** Ensure enough properly zoned land to provide for Bellevue's share of the regionally adopted demand forecasts for residential, commercial, and industrial uses for the next 20 years.

**Policy LU-9.** Maintain compatible use and design with the surrounding built environment when considering new development or redevelopment within an already developed area.

**Finding:** The proposal is consistent with the Land Use Element Policies. The rezone will allow the city to continue incremental increases in density that are compatible with existing neighborhoods, of similar design and function, and supports Bellevue's commitment to accommodate regional growth.

**Housing Element Policies:**

**Policy HO-17.** Encourage infill development on vacant or under-utilized sites that have adequate urban services and ensure that the infill is compatible with the surrounding neighborhoods.

**Finding:** A basic development capacity analysis done by staff indicates that the proposed rezone could potentially provide 9 additional units beyond the existing zoning. Although a small increase, the project site has immediate access to urban services and will be of a similar use type to that in surrounding neighborhoods.

**B. The rezone bears a substantial relation to the public health, safety, or welfare; and**

The rezone proposal promotes the public welfare by permitting additional infill housing that is close to employment centers and urban services. The development will not require new public facilities because there is capacity within the transportation network, the utility system, and other public services such as fire, police to accommodate additional development. The subject parcels can provide for an appropriate level of increased density in a manner that is compatible with the neighborhood character and protective of the ecological functions of the nearby Lake Hills Greenbelt.

**C. The rezone is warranted in order to achieve consistency with the Comprehensive Plan or because of a need for additional property in the proposed land use district classification or because the proposed zoning classification is appropriate for reasonable development of the subject property; and**

A rezone is warranted to achieve consistency with the Comprehensive Plan. In April 2007 the City Council amended the Comprehensive Plan designation of the sit from Single Family Low to Single Family Medium. Approval of the rezone will provide consistency between the Comprehensive Plan land use map designation and zoning designation.

**D. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and**

Development under the proposed R-3.5 zoning is consistent and compatible with the surrounding residential neighborhoods and achieves many of the City's goals and policies as described in this report.

**E. The rezone has merit and value for the community as a whole.**

Forecasts predict that Bellevue will continue to attract new jobs and this will consequently result in increased need for housing. Increasing the housing supply in close proximity to existing services is important to reduce the number of and length of vehicle trips and provides for increased choice in home selection. Infill development lowers the public cost of extending expensive infrastructure improvements to areas that are not currently devoid of urban development.

**IX. RECOMMENDATION OF THE DIRECTOR**

After conducting the various reviews associated with this proposal, including applicable Land Use consistency, SEPA, and City Code and Standard compliance reviews, the Director of Planning and Community Development does hereby **RECOMMEND APPROVAL** of the Hancock/Muren rezone proposal.

**X. CONDITIONS OF APPROVAL**

None

**Attachments**

- A. Zoning Map**
- B. Vicinity Map**
- C. SEPA Threshold Determination of Non-significance dated December 28, 2006**

**CITY COUNCIL AGENDA MEMORANDUM**

**SUBJECT**

The application of **John H. Hancock and Earl E Muren Jr.** to rezone 3.77 acres from R-1 to R-3.5 for future single family residential development for property located at 1801, 1809, 1905, and 1911 - 156<sup>th</sup> Avenue SE. File No. #06-102787-LQ.

**FISCAL IMPACT**

None of Record.

**STAFF CONTACT**

Gordon Crandall, Hearing Examiner – 452-6935

**POLICY CONSIDERATION**

Whether the application complies with the Bellevue City Code and applicable decision criteria.

**BACKGROUND**

For background information, please review the attached Hearing Examiner's Summary.

**EFFECTIVE DATE**

Any Ordinance concerning this application will be transmitted to the East Bellevue Community Council for final approval or disapproval.

**OPTIONS**

1. Approve the application as recommended by the Hearing Examiner.
2. Approve the application with additions or modifications.
3. Deny the application.
4. Remand the matter.

**RECOMMENDATION**

Move to adopt the Hearing Examiner's Findings and Recommendation.

## SUMMARY

The City Council is considering the Hearing Examiner's Recommendation concerning the application of **John H. Hancock and Earl E. Muren, Jr.** to rezone four parcels, 3.77 acres, of land on 156<sup>th</sup> Avenue SE from R-1 to R-3.5 in the jurisdiction of the East Bellevue Community Council. The properties are addressed as 1801, 1809, 1905, and 1911 – 156<sup>th</sup> Avenue SE. The rezone is requested in order to facilitate future single family residential subdivision and construction.

On April 2, 2007, the City Council approved a Comprehensive Plan Amendment (#06-102786 AC) to change the land use designation of the site from Single Family-Low to Single Family-Medium, making the proposed rezone possible.

### 1. BACKGROUND

As mentioned above, a Comprehensive Plan amendment was approved on April 2, 2007. A SEPA determination of Nonsignificance (DNS) was made in connection with the Comprehensive Plan amendment. This DNS serves the rezone application as well.

The hearing before the Examiner was noticed by the Department of Planning and Community Development (DPCD) to be held on June 28, 2007 at 7:00 p.m.

### 2. APPLICATION BEFORE EXAMINER

The public hearing before the Examiner was held as noticed on June 28, 2007 at 7:00 p.m. in the Bellevue City Hall Council Chambers. No members of the public attended or testified at the hearing. No written comments were received. At the hearing, Matthews Jackson, Senior Planner, presented the City's Land Use Division Staff Report. Earl E. Muren appeared for Applicants. No one else appeared at the hearing. No written comments were received.

On July 11, 2007, the Hearing Examiner issued Findings of Fact, Conclusions of Law and a Recommendation that the application be approved without conditions. The deadline for filing an appeal of the Examiner's Recommendation was July 25, 2007. No appeals were filed.

### 3. SITE CHARACTERISTICS

The project site consists of four existing lots located on 156<sup>th</sup> Avenue SE. The rezone area is approximately 3.77 acres and located in the Southeast Bellevue subarea. The site is also located within the jurisdiction of the East Bellevue Community Council who will have final review after City Council action.

The northernmost of the four lots contains a wetland whose Critical Areas regulation would affect site development capacity. Although untyped on the subject site, the wetland likely is characteristic of the previously-typed portion of the same wetland that lies to the north. This adjacent wetland has been typed as a Category IV wetland, and applying the same typing to the wetland area on the subject site would likely result in a 40-foot buffer. This in turn would make the area of the wetland and buffer about six-tenths of an acre.

The surrounding zoning is as follows:

**North:** R-1.8 (one SF lot and a City owned park project)

**South:** R-5

**East:** R-1 (City owned park property)

**West:** R-5

#### **4. COMMENTS**

As referenced in Section 2 above, no public testimony was received.

#### **5. HEARING EXAMINER RECOMMENDATION**

The Hearing Examiner concurs with the DPCD and recommends that the proposed rezone be **APPROVED**.

#### **6. COMMUNITY COUNCIL REVIEW**

Because the sites are located within the jurisdictional area of the East Bellevue Community Council (EBCC), any City Council ordinance will be transmitted to the EBCC for final approval or disapproval.





## 266

East Bellevue Community Council  
Summary Minutes October 3, 2006

Mr. Eder moved to appoint Steve Kasner to Position 3 on the East Bellevue Community Council. Mr. Seal seconded the motion, which carried by a vote of 3-0.

Chair Bell opened the floor to nominations for Position 5.

Mr. Seal moved to appoint Ross Gooding to Position 5 on the East Bellevue Community Council. Mr. Eder seconded the motion, which carried by a vote of 3-0.

Chair Bell declared a short break to install Mr. Kasner as Councilmember.

The Clerk Pro Tempore administered the oath of office to Mr. Kasner. [Mr. Gooding was not present.]

The meeting resumed at 6:42 p.m.

Chair Bell welcomed Mr. Kasner, who took a seat at the Council table.

#### 4. APPROVAL OF AGENDA

Mr. Eder added Agenda Item 10(b), Lake Hills Shopping Center, as a placeholder agenda item.

Mr. Eder moved to approve the agenda, as amended. Mr. Kasner seconded the motion, which carried by a vote of 4-0.

#### 5. COURTESY PUBLIC HEARING

##### (a) Hancock/Muren Comprehensive Plan Amendment

Chair Bell explained that a courtesy public hearing provides an early opportunity for the Community Council and the public to be briefed on upcoming land use matters. The Council and the public are invited to provide input to the Planning Commission as they work toward a recommendation for the City Council.

Nicholas Matz, Senior Planner, explained that the Hancock/Muren Comprehensive Plan Amendment (CPA) is one of four site-specific CPAs proposed this year. He introduced Mr. Hancock and Mr. Muren present in the audience.

Mr. Matz said the CPA will be discussed by the Planning Commission in November. He noted that the memo on page 3 of the meeting packet should refer to the East Bellevue Subarea instead of the Southeast Subarea. The application proposes changing map designations at 1801, 1805, 1905 and 1911 156<sup>th</sup> Avenue SE from SF-L (Single Family-Low) to SF-M (Single Family-Medium) on this four-acre, four-lot site. If the CPA is adopted, rezoning could allow up to 3.5 dwelling units per acre. The site is bordered by both SF-L and SF-H (5 units per acre) zoning.

Chair Bell opened the public hearing. No one came forward to comment.

Mr. Eder moved to close the public hearing. Mr. Seal seconded the motion, which carried by a vote of 4-0.

Responding to Mr. Seal, Mr. Matz said approximately one-third of the northern most lot contains wetlands. Mr. Matz noted large sewer lines under the site as well. In further response, Mr. Matz said the applicant submitted a separate letter asking the City to vacate the SE 18<sup>th</sup> Street trail easement.

Responding to Mr. Eder, Mr. Matz clarified that the CPA represents a legislative action to amend the Comprehensive Plan. It affects the potential overall density of the site, but does not represent a permit for any development at that point. In further response, Mr. Matz said the CPA process is starting now in order to allow full review and adoption of all CPA proposals by the end of the year.

Responding to Mr. Kasner, Mr. Matz said each parcel now has a house on it. The City has not received a subdivision application at this time and cannot accept any applications unless and until the CPA is approved. If redevelopment occurs, it is likely the current houses will be removed and replaced with different housing units.

Mr. Matz said staff has not yet formulated a recommendation regarding the CPA for the Planning Commission. He speculated that staff will support the proposal. However, staff has concerns about the trail easement, wetlands, and the potential intensity of future development.

Mr. Seal questioned the safety of cars backing out onto 156<sup>th</sup> Avenue and whether the City could regulate this type of access. Mr. Matz said the City cannot dictate that access not involve backing out, but the City can encourage access that is as safe as possible.

Mr. Hancock noted that the applicants are seeking zoning of R-3.5 (3.5 units per acre), in contrast to surrounding zoning of R-5. Responding to Mr. Bell, he said there are four houses and two driveways currently on the site.

Responding to Mr. Bell, Mr. Hancock said the four lots were platted by King County at least more than 27 years ago.

Responding to Mr. Bell, Mr. Matz said the CPA presents an opportunity to increase the density of a low density area, which is beneficial in providing housing as long as the environment is protected. In further response, Mr. Matz clarified that staff is careful to not adopt CPAs just to add housing. The City is meeting its housing targets to remain consistent with the state Growth Management Act. Mr. Matz feels, however, that the proposal presents no adverse impacts to the neighborhood.

Chair Bell commented that the proposal appears to be consistent with the Comprehensive Plan in terms of compatibility with adjacent land uses.

Responding to Mr. Bell, Mr. Matz said new critical areas regulations could affect the density of development on the site. However, he does not think the wetland is large enough for it to be treated substantially different than under current regulations. Mr. Muren noted that the large sewer line runs primarily under the wetland.

Responding to Mr. Bell, Mr. Matz said if the CPA is approved, density on the site could be 2.5 or 3.5 units per acre. Staff is using the potentially most intense level of density, 3.5, in its analysis at this point.

Mr. Hancock explained that he plans to sell the land because the taxes have become a burden. This CPA will protect against possible future requests for higher density development.

Responding to Mr. Bell, Mr. Matz said the applicants have submitted a rezone application, but this will not be reviewed or addressed by the City until and unless the CPA is approved.

Chair Bell commented that the proposal appears to be consistent with all six CPA criteria.

Following additional questions of clarification, Chair Bell noted general Council support for the proposal.

Mr. Kasner asked staff to convey to the Planning Commission the Council's concerns regarding the wetland and access to the pedestrian trail easement.

Chair Bell thanked staff and the applicants for their participation.

6. **RESOLUTIONS**

Chair Bell suggested preparing a resolution recognizing and commending Mr. Keefe's extensive public service in Bellevue.

7. **REPORTS OF CITY COUNCIL, BOARDS, AND COMMISSIONS:** None.

8. **DEPARTMENT REPORTS**

- (a) Robinswood Synthetic Fields Update

Chair Bell referred Council to the memo from staff on page 7 of the meeting packet providing an update on the Robinswood synthetic fields project. The project is partially funded and additional funds will be requested for the 2007-2008 budget cycle.

9. **COMMITTEE REPORTS:** None.