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

Proposal Name:	**Wilburton Gateway Rezone**
Proposal Address:	12311, 12321, 12331 NE 8th St., and 718 123rd Ave NE
Proposal Description:	Application to rezone 1.9 acres from the existing R-10 and R-3.5 zoning designations to R-15.
File Number:	**06-102602 LQ**
Applicant:	Hossein Khorram, Milano Town Homes, LLC
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 #06-102601 AC.)***
Director's Recommendation:	**Approval with Conditions**

Carol V Helland for

Matthew A. Terry,
Director, Dept. of Planning & Community Development

Bulletin Publication Date: July 5, 2007
Public Hearing Date: July 19, 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.

I. PROPOSAL DESCRIPTION

The applicant requests to rezone 1.9 acres from the existing R-10 and R-3.5 zoning designations to R-15. On April 2, 2007, the City Council approved a Comprehensive Plan Amendment (File # 06-102601 AC) to change the designation of the site from Single Family Medium Density and Multifamily Low Density to Multifamily Medium Density, making the proposed rezone possible.

Required Land Use Approvals.

A change from the R-3.5 and R-10 zoning districts to an R-15 designation requires a Process III decision (LUC 20.35.300), which is a quasi-judicial decision 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 decision based on the record established by the Hearing Examiner.

II. SITE DESCRIPTION AND CONTEXT

Background

Existing Site Conditions: The project site is located on NE 8th and 123rd Ave NE. The site is bounded on the north by NE 8th Street, the west by 123rd Ave NE, the east by 124th Ave NE, and the south by the two existing single family residences. The 1.9 acre site contains five parcels three of which are vacant and the remaining two contain single family residential structures.

The surrounding zoning is as follows:

North: Office and Professional Office (across NE 8th)
South: R-3.5
East: R-10
West: Professional Office and R-10

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

BASIC INFORMATION			
Zoning	Existing R-3.5	Existing R-10	Proposed R-15
ITEM	**REQ'D/ALLOWED**	**REQ'D/ALLOWED**	**REQ'D/ALLOWED**
Min. Lot Area	10,000 sq. ft.	8,500 sq. ft.	8,500
Dwellings/acre	3.5	10	15
Lot Coverage	35%	35%	35%
Building Setbacks (front, back, side, 2 side)	20/25/5/15	20/25/5/15	20/25/5/15
Building Height	30 Feet	30 Feet	30 Feet

Because the site is located adjacent to a single family zoning district (R-3.5) to the south, the site will also be subject to LUC Section 20.25B (Transition Area Design District overlay).

B. Special District Requirements

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

Transition Area Design District Overlay (LUC 20.25B)

The Transition Area Design District provides a buffer between a residential land use district and a land use district which permits development of higher intensity. Where multifamily development is planned adjacent to single-family residential uses or commercial development is planned adjacent to residential uses, such development should incorporate elements in the site design and building design to soften its impact and to result in a compatible transition.

Subsequent development of the project will require compliance with transition area site, design, and landscape requirements. These requirements are intended to mitigate any potential impacts of the more intense development on the single family development. For example, where the project site is adjacent to the single family properties to the south receiving transition, a densely planted 20 foot linear landscape buffer will be required. Transition area requirements are implemented through the administrative Design Review process pursuant to LUC 20.30.F.

IV. STATE ENVIRONMENTAL POLICY ACT

A non-project SEPA threshold determination was previously issued for this site under the associated Comprehensive Plan Amendment, File #06-102601 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 Design Review or other development proposal that is not categorically exempt from SEPA requirements.

V. SUMMARY OF TECHNICAL REVIEWS

Transportation Department

The Transportation Department has completed its review of the Wilburton Gateway Rezone application and have the following comments:

1. Total increase in pm peak hour trips resulting from this rezone will be 14. The two nearest system intersections (#35: 124th Avenue NE & NE 8th Street as well as #233: 120th Avenue NE & NE 8th Street) have capacity to accommodate the potential increase in trips. The rezone area currently generates 2 pm peak hour trips though the City's traffic model has assigned 7 trips within its border. This is due to the fact that if the area was built out at its current zoning, a total of 7 pm peak hour trips would be generated.

2. Any future development of the area will need to incorporate the following:

   a) Full frontage improvements along the east side of 123rd Avenue NE.
   b) Access on NE 8th shall be discouraged by the Transportation Dept.
   c) All existing easements currently located within the boundaries of the rezone area shall not be affected by the rezone action.

VI. PUBLIC COMMENT AND RESPONSE

Application Date:	January 26, 2006
Public Notice (500 feet):	January 18, 2007 (Includes sign installation at the site)
Public Meeting Date:	January 24, 2007

Notice of Application was published in the City of Bellevue's *Weekly Permit Bulletin* and the *Seattle Times* on January 18, 2007. 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. Staff has received one email comment regarding this proposal. Many citizens were actively involved in the preceding Comprehensive Plan Amendment process. Comments and staff responses are noted below:

Comment: I propose that the rezone be granted to R-15 only on the properties along NE 8th Street and the two R-3.5 parcels to the south should be zoned R-10 as a zoning buffer to the R-3.5 to the south of the Hossein's property. This would allow a total of about 22 units in place of the 28 units requested.

Response: This topic was discussed and considered during the Comprehensive Plan Amendment (CPA) process. The Planning Commission was asked to consider changing the Comprehensive Plan land use map designation of the three lots on NE 8th Street to Multifamily Medium Density and the designation on the two southern lots to Multifamily Low Density. This would have allowed a rezone to either R-15 or R-20 on the NE 8th Street lots, and R-10 on the southern lots. Analysis presented during that review resulted in a Multifamily Medium Density designation on all lots with a maximum zoning potential of R-15.

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 properties are located in the Wilburton/NE 8th Street Subarea of the Comprehensive Plan. Many of the policies in the subarea plan are focused on protecting residential neighborhoods from increased commercial development and traffic. The multifamily zoning districts located between the commercial areas and single family neighborhoods provides a transition between uses of different intensities. As noted below, the rezone will also achieve consistency between the recently amended Comprehensive Plan land use designation and zoning as required by the Washington State Growth Management Act (GMA).

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 existing zoning would support approximately 14 dwelling units if developed to its full potential. Twelve of these units would be multifamily and two would be single family residential. If the proposed R-15 zoning were to be implemented fully, 28 multifamily dwelling units could be created. This results in a net increase of 14 units over the existing R-1 zoning. The project site has immediate access to urban services and will be of a compatible use type to that in surrounding neighborhoods and commercial areas.

Wilburton/NE 8th Street Subarea Policies:
Policy S-WI-1. Protect residential areas from impacts of other uses by maintaining the current boundaries between residential and non-residential uses.

Policy S-WI-14. Enhance the cohesiveness of established single family and multifamily residential areas.

Finding: The intent of this rezone proposal is to enable a more coherent site design for future development by extending the multifamily designation further south. The additional depth and space increases the likelihood of a successful multifamily site design. Quality multifamily development will reduce pressure to convert the residential properties to a non-residential use and will provide a transition between the single family neighborhoods and existing and expected commercial development.

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 surrounding area has seen significant development and has received significant transportation and infrastructure improvements to support urban development. 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.

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 site from Single Family Medium Density and Multifamily Low Density to Multifamily Medium Density. 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-15 zoning is consistent and compatible with the surrounding commercial development and 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 now 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 Wilburton Gateway rezone.

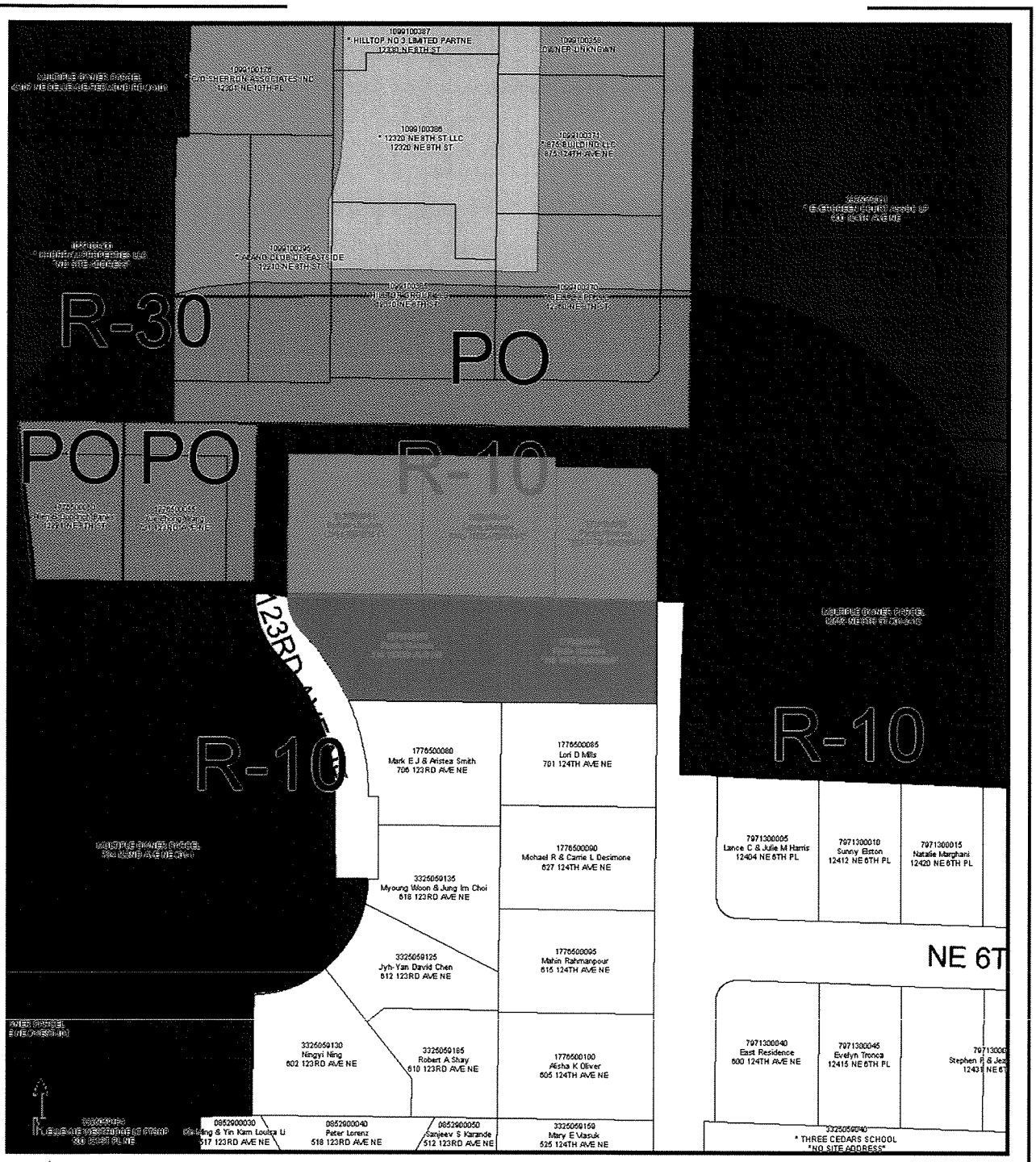
X. CONDITIONS OF APPROVAL

None

Attachments

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

ATTACHMENT A



Zoning

Wilburton Gateway Rezone

City of Bellevue
Information Technology
Geographic Information Services
June 28, 2007

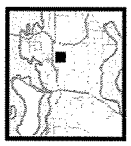
- Single Family
- Multi Family
- Office
- Commercial
- Light Industrial
- Evergreen HighLands
- Institutional

Design Districts
- Subdistrict A
- Subdistrict B
- Subdistrict C
- Downtown Core

- SingleFamily Transition Zone
- Multi Family Transition Zone

This map is derived from the Bellevue Geographic Information System and designed for City staff use.
It is not guaranteed accurate.

If you have specific questions concerning information contained on this map please contact the department shown.



VICINITY MAP

ATTACHMENT B

Vicinity Map

Wilburton Gateway Rezone

Site
Park
School

VICINITY MAP

City of Bellevue
Information Technology
Geographic Information Services
June 28, 2007

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ATTACHMENT C

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
ENVIRONMENTAL COORDINATOR
450 110th Ave NE., P.O. BOX 90012
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT:	**City of Bellevue**
LOCATION OF PROPOSAL:	**N/A**
DESCRIPTION OF PROPOSAL:	**2006 Annual Amendments to the Comprehensive Plan, including a Work Program and proposed amendments to the Bellevue Comprehensive Plan for purposes of RCW 36.70A.130, assuring that the Plan continues to comply with the requirements of the GMA and including consideration of emerging local and regional needs, changes to state and federal laws, Bellevue's progress towards meeting GMA Goals, and whether the Plan is internally consistent.**
FILE NUMBER(S):	**06-102601 AC, 06-102653 AC, 06-102786 AC, 06-116158 AC, 03-100826 AC and 06-133379 AD, and 05-114492 AC and 06-133381 AD**

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division. This information is available to the public on request.

☒ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

☐ This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project), or if the DNS was procured by misrepresentation or lack of material disclosure.

This DNS is only appealable as part of the City's action on the amendment to the Land Use Code. In order to comply with requirements of SEPA and the State of Washington Growth Management Act for coordination of hearings, any appeal of the SEPA threshold determination herein will be considered by the Growth Management Hearings Board along with an appeal of the City Council's action. See LUC 20.35.250C.

Carol V Helland
Environmental Coordinator

12/28/06
Date

OTHERS TO RECEIVE THIS DOCUMENT:
State Department of Fish and Wildlife
U.S. Army Corps of Engineers
Attorney General
King County
Muckleshoot Indian Tribe

City of Bellevue
Department of Community Development
State Environmental Policy Act Threshold Determination

Proposal Name: 2006 Annual Amendments to the Comprehensive Plan – Site-specific map change to the Wilburton (Wilburton Gateway) Subarea Plan map

Proposal Address: 12311, 12321, 12331 NE 8th St., and 718 123rd Ave SE

Proposal Description: A map change of 1.9 acres from SF-M (Single Family-Medium) and MF-L (Multifamily-Low) to MF-M (Multifamily-Medium). The applicant has proposed an R-15 (15 dwelling units/acre) density limit

File Number: 06-102601 AC

Applicant: Milano Townhomes LLC

Decisions Included: SEPA Threshold Determination

Planner: Nicholas Matz, 425 452-5371

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

Carol J Helland

Carol Helland,
Environmental Coordinator

Bulletin Publication Date: December 28, 2006

Appeal Deadline: An appeal shall be filed together with an appeal of the underlying Process IV action. The appeal shall be by petition to the Growth Management Hearings Board and shall be filed within the 60-day time period set forth in RCW 36.70A.290.

For information on how to appeal a proposal, visit the Permit Center at City Hall or call (425) 452-6864.