



**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**

  
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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

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

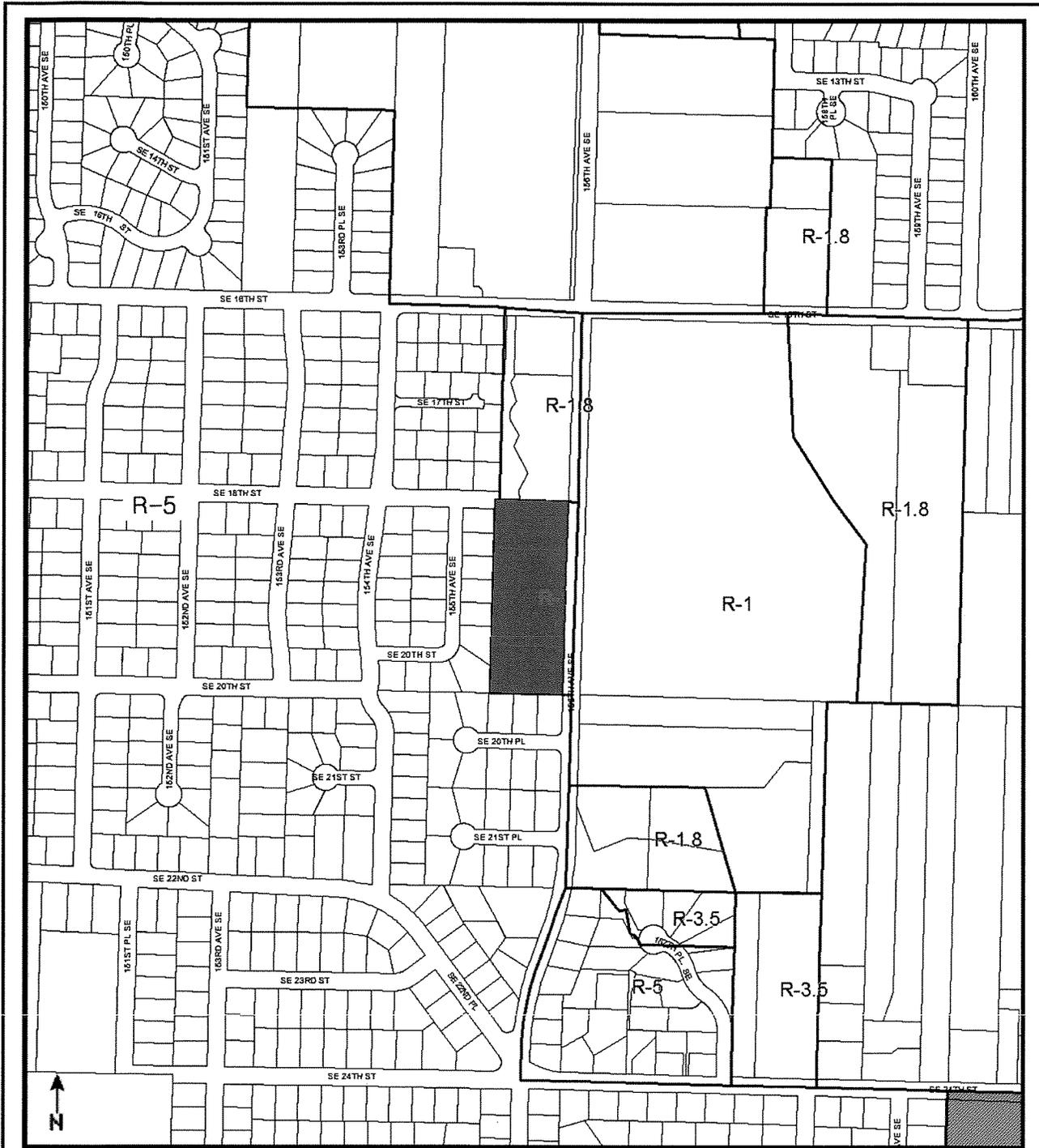
After conducting the various reviews associated with this proposal, including applicable Land Use consistency, SEPA, and City Code and Standard compliance reviews, the Director of Planning and Community Development does hereby **RECOMMEND APPROVAL** of the Hancock/Muren rezone proposal.

**X. CONDITIONS OF APPROVAL**

None

**Attachments**

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



City of Bellevue  
 Information Technology  
 Geographic Information Services  
 June 08, 2007

Zoning  
**Hancock/Muren Rezone**

- |                     |                               |
|---------------------|-------------------------------|
| Single Family       | Subdistrict A                 |
| Multi Family        | Subdistrict B                 |
| Office              | Subdistrict C                 |
| Commercial          | Downtown Core                 |
| Light Industrial    | Single Family Transition Zone |
| Evergreen Highlands | Multi Family Transition Zone  |
| Institutional       |                               |

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





DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
 ENVIRONMENTAL COORDINATOR  
 450 110<sup>th</sup> 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. Holland  
 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**

Created on 3/26/2004 1:37 PM PCD Page 1 12/21/2006

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Proposal Name: 2006 Annual Amendments to the Comprehensive Plan – Site-specific map change to the Southeast Bellevue (Hancock/Muren) Subarea Plan maps

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

Proposal Description: A map change of 4 acres from SF-L (Single Family-Low) to SF-M (Single Family-Medium)

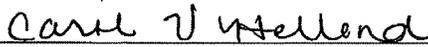
File Number: 06-102786 AC

Applicant: John Hancock

Decisions Included: SEPA Threshold Determination

Planner: Nicholas Matz, 425 452-5371

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

  
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Carol Helland,  
Environmental Coordinator

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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.

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