



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

Proposal Name: **Bellewood Apartments Rezone**

Proposal Address: 148 102nd Ave SE

Proposal Description: Application to rezone .27 acres from Office zoning designation to R-30, Multifamily Residential.

File Number: **06-116640 LQ**

Applicant: Holly Smith, Polygon Homes

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 #06-116158 AC.)

Director's Recommendation: **Approval**

Case V. Hellenand for
Matthew A. Terry,
Director, Dept. of Planning & Community Development

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.

I. PROPOSAL DESCRIPTION

The applicant proposes to rezone a portion of a single parcel which contains two zoning designations. Approximately 12,049 square feet (23%) of the 63,227 square foot site is located in the Office zoning district. The remaining 51,178 square feet (77%) are located in the R-30 zoning district. The proposal is to rezone .27 acres of the existing Office zoning designation to R-30 in order to permit the entire site to be redeveloped with multifamily residences at a density of up to 30 units per acre. On April 2, 2007, the City Council approved a Comprehensive Plan Amendment (File # 06-116158 AC) to change the land use designation of the Office zoned portion of the site from Office to Multifamily-High Density, 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.

II. SITE DESCRIPTION AND CONTEXT

Background

Existing Site Conditions: The project site is located at 148 102nd Ave SE in the Southwest Bellevue subarea. The total area of the subject parcel is 1.73 acres, however, only .27 acres of the site is included in the Rezone request. The site is currently developed with 32 multifamily residential units in three buildings. The buildings were constructed in 1957 and include approximately 24,620 square feet of gross floor area. Meydenbauer Creek is located south and east of the proposed project. Areas of slope exceeding 40% are located near the boundary of the development leading to the creek. A portion of the top of slope critical area buffer is located on the subject property.

The surrounding zoning is as follows:

North:	Downtown-Old Bellevue
South:	R-30
East:	Office
West:	R-30

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 Office	Proposed R-30
ITEM	REQ'D/ALLOWED	REQ'D/ALLOWED
Min. Lot Area	n/a	8,500
Dwellings/acre	20	30
Lot Coverage	35%	35%
Building Setbacks (front, back, side, 2 side)	30/25/20/40	20/25/5/15
Building Height	30 Feet	40 Feet

B. Special District Requirements

The following special district requirements apply to development of the site. Construction plans for the demolition of the existing structures and construction of a new 40 unit multifamily residential structure were submitted prior to approval of the new critical areas ordinance. Therefore, this project is vested to the 1987 sensitive areas ordinance in effect at the time the plans were considered complete. The applicant has also received Conditional Use Permit approval in order to use more than 50% of the Office zoned portion of the site for residential purposes. The applicant pursued this request in order to move forward with plan review pending the outcome of this Rezone request.

Sensitive Area Overlay District (LUC 20.25H)

The development site contains a small area of protected slope primary setback in the southeast corner of the site associated with protected slopes off-site. This environmental feature is considered to be a Protected Area pursuant to LUC 20.25H.070.4.b. The applicant requested and received modification of protected area status in order to reduce the required primary and structure setbacks for the top of a slope exceeding 40%. A primary setback of 10 feet and an additional structure setback of 15 feet is approved with the construction permits. Approval of the modifications was allowed based on information included in the geotechnical engineering study and existing site disturbance.

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 #06-116158 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)).

A project level environmental review was completed with the previously discussed Conditional Use Permit approval. A DNS was issued for the construction of new multifamily units on November 2, 2006. No additional environmental review will be required to complete the current proposal.

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

The proposal to change the zoning from Office (O) to Multifamily Residential (R-30) is expected to reduce p.m. peak period traffic. No traffic impacts are expected. The Transportation Department recommends approval of this proposed rezone.

VI. PUBLIC COMMENT AND RESPONSE

Application Date: June 20, 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 *Land Use Bulletin* and the *King County Journal* 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. No citizens in attendance at the meeting had concerns regarding the proposal. No public comments were received prior to completion of this staff report.

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 site is located within the Southwest Bellevue Subarea of the Comprehensive Plan.

Following is a summary of relevant Comprehensive Plan policies.

Land Use Element Policies:

Policy LU-4. Encourage new residential development to achieve a substantial portion of the maximum density allowed on the net buildable acreage.

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 site to maximize residential density in an area with a high demand for housing.

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: The proposal will increase the maximum density potential on the site from 40 to 43. The existing site is underdeveloped with 32 units. Urban levels of service are available to the site and future development at the maximum density is consistent and compatible with surrounding development.

Southwest Bellevue Subarea Policies:

General Land Use:

S-SW-1. Support the existing land use patterns and densities as shown on the Land Use Plan Map (Figure S-SW.1) with the maintenance of capital facilities and services.

Finding: The proposal is consistent with the Southwest Bellevue Subarea Plan which designates the site MF-H, Multifamily High Density on the land use map.

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 proposal will not require new public facilities because there is capacity within the transportation network, the utility system, and other public services such as fire and 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 Office zoned portion of the site from Office to Multifamily High 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-30 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

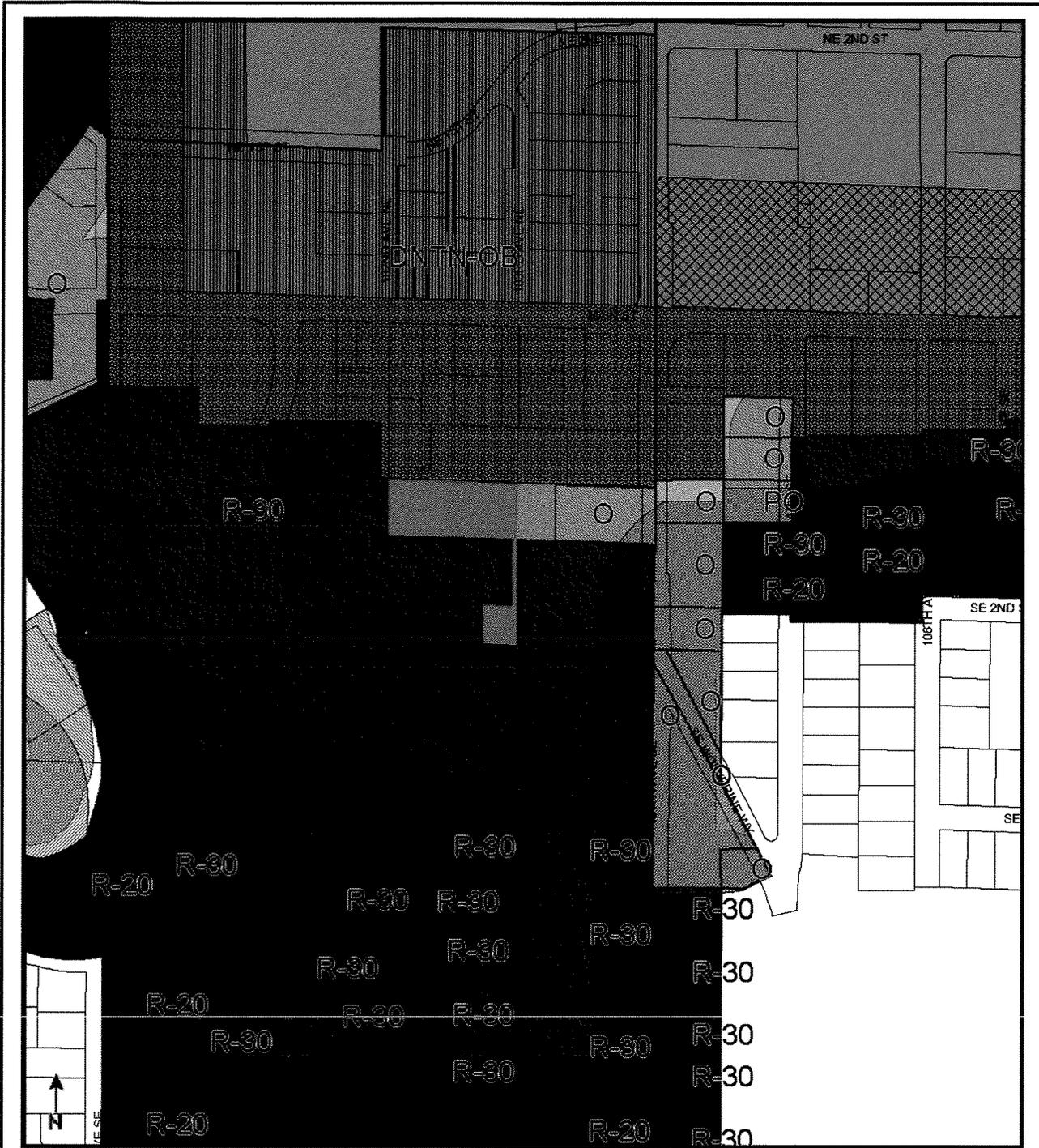
After conducting the various reviews associated with this proposal, including applicable Land Use consistency, SEPA, and City Code and Standard compliance reviews, the Director of Planning and Community Development does hereby **RECOMMEND APPROVAL** of the Bellewood Apartments Rezone.

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
Bellewood Rezone

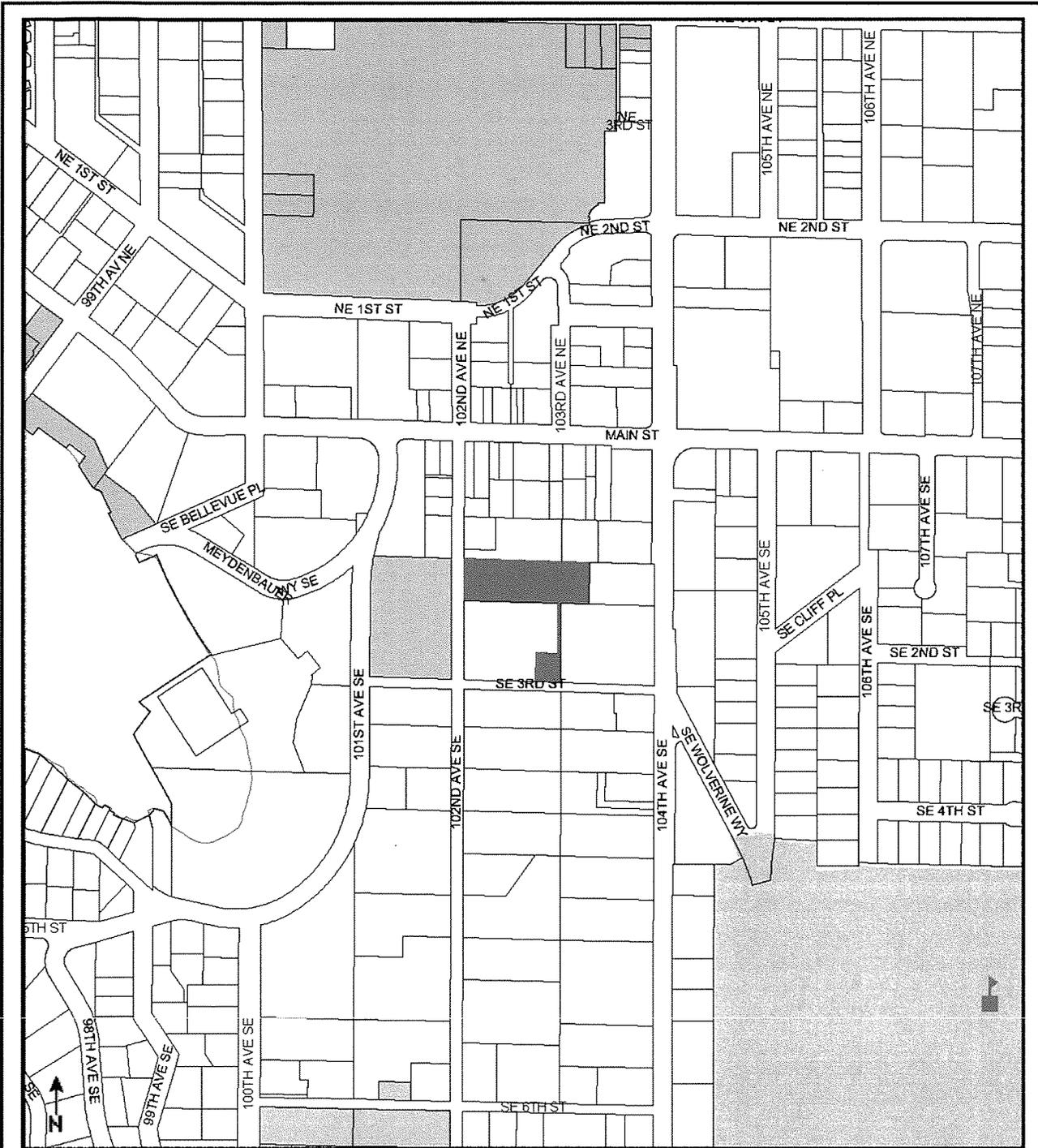
- | | |
|---------------------|-------------------------------|
| Single Family | Subdistrict A |
| Multi Family | Subdistrict B |
| Office | Subdistrict C |
| Commercial | Downtown Core |
| Light Industrial | Single Family Transition Zone |
| Evergreen Highlands | Multi Family Transition Zone |
| Institutional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

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



Vicinity Map
Bellewood Rezone



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

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- Site
- Park
- School



VICINITY MAP



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

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Proposal Name: 2005 Annual Amendments to the Comprehensive Plan – Site-specific map changes to the Southwest Bellevue (Bellewood Apartments) Subarea Plan map

Proposal Address: 148 102nd Ave SE

Proposal Description: A map change of .27 acres from O (Office) to MF-H (Multifamily-High)

File Number: 06-116158 AC

Applicant: Polygon Northwest

Decisions Included: SEPA Threshold Determination

Planner: Nicholas Matz, 425 452-5371

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

Carol V 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.
