



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
ENVIRONMENTAL COORDINATOR  
450 100<sup>th</sup> Ave NE., P.O. BOX 90012  
BELLEVUE, WA 98009-9012

## DETERMINATION OF NON-SIGNIFICANCE

**PROPONENT:** Investment Group of Kirkland

**LOCATION OF PROPOSAL:** 12627 SE Coal Creek Parkway

### NAME & DESCRIPTION OF PROPOSAL:

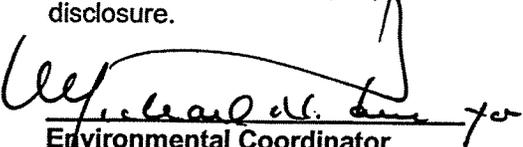
Application for the rezone of a 4.79 acre lot from R-2.5 to R-20. The site's comprehensive plan designation has already been changed from single-family medium density to multi-family medium density. The site contains steep slopes, two type-N streams and a three isolated wetland areas of various categories.

**FILE NUMBER:** 07-142729-LQ

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 of the Department of Planning & Community Development. This information is available to the public on request.

- There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on March 16, 2006.
- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on April 3, 2008.
- 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 is also subject to appeal. A written appeal must be filed in the City Clerk's Office 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This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information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.

  
\_\_\_\_\_  
Environmental Coordinator

3/20/2008  
Date

### OTHERS TO RECEIVE THIS DOCUMENT:

State Department of Fish and Wildlife  
State Department of Ecology,  
Army Corps of Engineers  
Attorney General  
Muckleshoot Indian Tribe



City of Bellevue  
Department of Planning and Community Development  
Development Services Staff Report

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**Proposal Name:** Coal Creek Rezone

**Proposal Address:** 12627 Coal Creek Parkway SE

**Proposal Description:** This is an application for a site-specific rezone of a 4.79 acre property from R-2.5 to R-20.

**File Number:** 07-142729-LQ

**Applicant:** Investment Group of Kirkland

**Decisions Included:** Rezone (Process III. LUC 20.30A)

**Planner:** Kevin LeClair, Senior Land Use Planner

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

*Carol V. Helland*

Carol V. Helland, Environmental Coordinator  
Department of Planning and Community Development

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

*Carol V. Helland For*

Matthew A. Terry, Director  
Department of Planning and Community Development

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Application Date: 11/16/2007  
Notice of Application Publication Date: 1/10/2008  
Decision Publication Date: 3/20/2008  
Project/SEPA Appeal Deadline: 4/3/2008

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For information on how to appeal a proposal, visit Service First at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

**I. Proposal Description:**

The applicant requests a site-specific rezone of a 4.79 acre parcel from the existing R-2.5 zoning designation to R-20. On December 11, 1998, the City Council approved a Comprehensive Plan Amendment (File # 98-1164) to change the designation of the site from Single-family Medium Density (SF-M) to Multi-family Medium Density (MF-M), making the proposed rezone possible.

**Required Land Use Approvals**

A change from the R-2.5 zoning district to the R-20 designation requires a Process III decision (LUC 20.35.300), which is a quasi-judicial decision made by the City Council. 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:**

The address of the property is 12627 Coal Creek Parkway SE. The property is located on the southwest side of Coal Creek Parkway SE, adjacent to the intersection of Coal Creek Parkway and Factoria Boulevard SE. The property is located in the south ½ of the northwest ¼ of the southeast ¼ of Section 16, Township 24, Range 5 East, Willamette Meridian. The property is located in the Newport Hills Subarea, but is immediately adjacent to and functions as part of the Factoria Subarea due to its separation from the balance of the Newport Hills Subarea by Coal Creek Natural Area.

The property is bounded on the north by Coal Creek Parkway and on the east, south and west by privately-owned properties. The surrounding zoning is as follows (see Figure 1 below):

- **North:** R-5 (across Coal Creek Parkway SE, with Newport High School)
- **South:** R-1
- **East:** R-5 (across Coal Creek Parkway SE, with Newport Covenant Church)
- **West:** R-20 & R-2.5

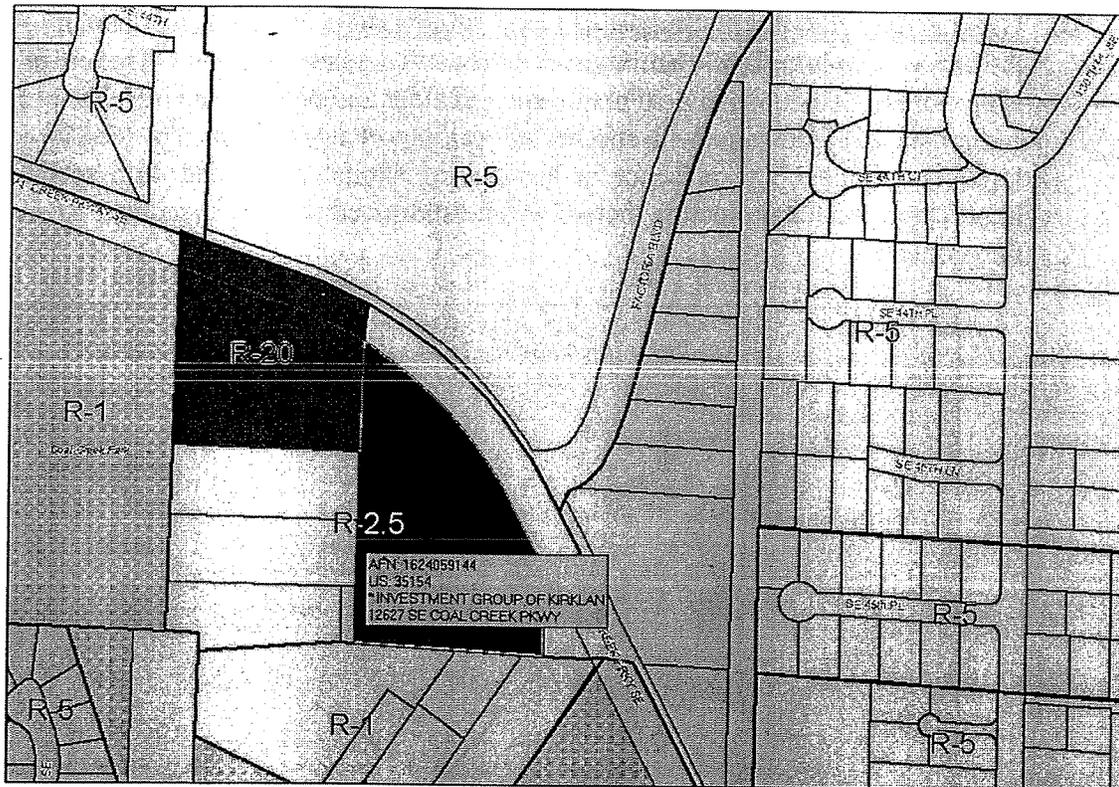


Figure 1

III. **Critical Areas on Property** (see Figure 2):

The property contains several areas that have been designated as critical areas by the Bellevue Land Use Code (LUC) 20.25H. These include:

- A. **Geologic Hazard Area – Steep Slopes:** The project area contains 4 distinct areas meeting the definition of critical area steep slopes. The larger of the 4 areas in the northwest corner of the property appear heavily modified due to the residential construction in the same area. The other three steep slope areas, clustered in the southeast corner of the property, are less-disturbed and contain significant native vegetation.
- B. **Streams:** The main stream flowing diagonally from northeast to southwest across the property originates for water flowing from a culvert at the base of the wall adjacent to Coal Creek Parkway SE. This begins in an eroded, deep, steep-sided ditch, then flattens to become more braided as it passes in and out of blackberry thickets. The second stream flowing onto the property from the south originates from the hillside off the property.
- C. **Wetlands:** The property contains three areas classified as wetlands. The largest of the three is a 8,862 square feet, Category III wetland in the southeast corner of the property. The second wetland is a 6,228 square feet, Category IV wetland in the middle of the property. The third wetland areas is 1,882 square feet in size, which is less than the minimum size of 2,500 square feet and therefore not regulated.

- D. **Habitat Associated with Species of Local Importance:** Wetland and riparian vegetation in the project area is currently a mixture of native and nonnative species. Tree cover on the site is mixture of deciduous bigleaf maple and red alder and conifer species. The property may contain habitat associated with species of local importance as defined by the City of Bellevue Land Use Code. The presence or absence of habitat associated with species of local importance and the protection thereof will be addressed during subsequent development of the property.

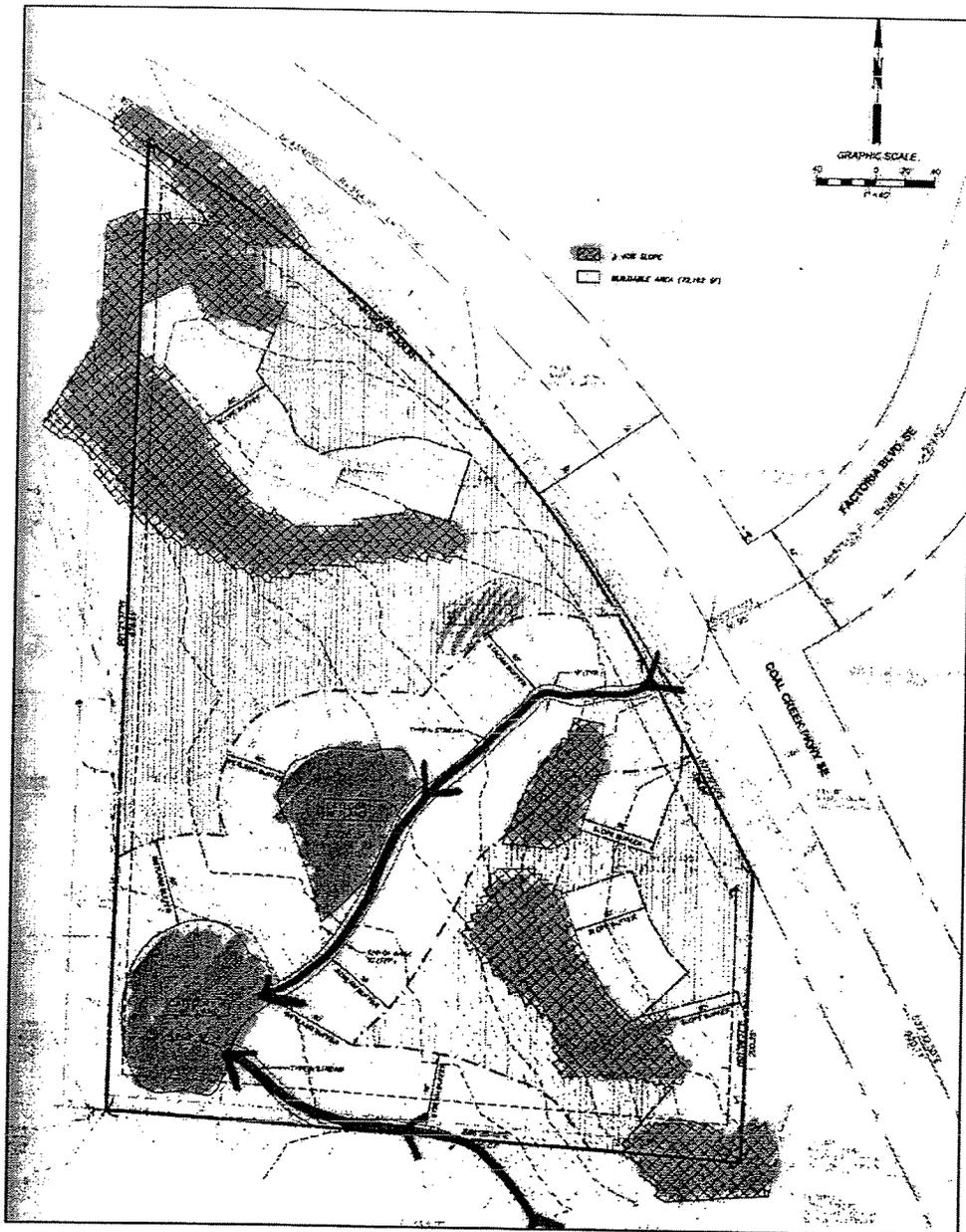


Figure 2

**IV. Consistency with Land Use Code Requirements (BCC Title 20):**

**A. Zoning District Dimensional Requirements (LUC 20.20.010):**

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.

Zoning (Comp. Plan Designation)	Existing R-2.5 (SF-M)	<b>Proposed R-20 (MF-M)</b>	Alternatively R-15 (MF-M)
<b>ITEM</b>	<b>REQ'D/ALLOWED</b>	<b>REQ'D/ALLOWED</b>	<b>REQ'D/ALLOWED</b>
Min. Lot Area	13,500 sq. ft.	8,500 sq. ft.	8,500
Dwellings/acre	2.5	20	15
Lot Coverage	35%	35%	35%
Impervious Surface	50%	80%	80%
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-1.8 and R 2.5) to the west and south, respectively, 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 Design District development standards. These are intended to buffer a residential land use district and a land use district which permits development of higher intensity. Such development shall incorporate elements in the site design and building design to soften its impact and result in a compatible transition. Transition area requirements are implemented through the administrative Design Review process pursuant to LUC 20.30.F.

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

The City of Bellevue Land Use Code 20.25H.025 designates streams, wetlands, geologic

hazard areas, and habitat associated with species of local importance as Critical Areas affected by this project regulated under the purview of LUC 20.25H.

The Critical Areas Overlay District is a mechanism by which the City recognizes the existence of natural conditions which affect the use and development of property. Through it, the City designates and classifies ecologically sensitive and hazard areas and imposes regulations on the use and development of affected property in order to protect the functions and values of these areas and the public health, safety and welfare, and to allow the reasonable use of private property.

The maximum density allowed for a site in the Critical Areas Overlay District is equal to the number of dwelling units per acre as specified in LUC 20.20.010, times the buildable area in acres, plus the dwelling units per acre times the total area of critical area and critical area buffer in acres times the development factor derived from subsection D of LUC 20.25H.045.

The following is a comparison of the number of potential dwelling units possible for the two land use zoning districts available in the multi-family medium-density comprehensive plan designation for the site.

R-20 Proposed	R-15
$[(20 \text{ du/ac}) (1.65 \text{ ac}) + (20 \text{ du/ac}) (3.14 \text{ ac}) (.34)] =$ <b>54 potential dwelling units</b>	$[(15 \text{ du/ac}) (1.65 \text{ ac}) + (15 \text{ du/ac}) (3.14 \text{ ac}) (.34)] =$ <b>40 potential dwelling units</b>

**V. Summary of Technical Reviews**

- A. Utilities:** Water, sewer and storm drainage facilities are available to serve the property. Water and sewer connection charges will be applied with development. They are based on property area and front footage and will not change with the rezone.
- B. Transportation:** The Transportation Department's determination is based on recent information from the applicant's title company stating that the applicant has no right to use the private road known as 125<sup>th</sup> Avenue, nor any other easement to the west of the site. The single house now on the property accesses Coal Creek Parkway via a narrow driveway approximately 125 feet west of the intersection with Factoria Boulevard. In order for the applicant to develop the site with up to approximately 54 multi-family dwelling units under the proposed rezone, improved access to Coal Creek Parkway would be required. Such improved access could be via a driveway connection at the signalized intersection with Factoria Boulevard or via a driveway located an appropriate distance to the east or west of that intersection.

Access via a connection to the signalized intersection would require a detailed engineering study of the intersection and signal system at the time of development application. Necessary improvements to the intersection and signal system would involve installation of some new signal heads, wiring, loop detectors, and other signal

equipment, probably including a new signal pole. Some existing signal equipment might require relocation. Some channelization revisions (lane markings) would be required.

Access via a driveway located an appropriate distance to the east or west of the signalized intersection will likely require the prohibition of left turns in or out of the new driveway. In addition, a new driveway on the south side of that intersection would require relatively expensive earthwork and drainage treatment, due to existing slopes. This would likely be less expensive than revising the intersection and signal system as described above, but it would be less convenient for residents of the site.

Rezoning are non-project actions that do not directly create traffic impacts or need for operational improvements. However, the redevelopment of the site as contemplated by this rezoning is anticipated to create traffic impacts that will require potential costly, complex traffic improvements to the adjacent arterial streets. A detailed traffic engineering analysis will be required as a component of any development proposal.

## VI. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes are expected to mitigate potential environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

**Earth:** Soils in the property are classified as Norma Sandy Loam per the United States Department of Agriculture Natural Resource Conservation Service mapping. The steepest slopes on the site are in excess of 40% in grade. This proposal does not include any construction, it is a non-project action. Clearing and grading requirements and best management practices will be required to mitigate for potential impacts that may be sustained during subsequent development activities on the site.

**Water:** There are three wetlands on the site and two streams. According to the City of Bellevue's geographic information system there is no floodplain on the property. The proposed rezoning is a non-project action and therefore will not result in any detriment to the existing wetlands or streams on the property. Requirements and best management practices pertaining to temporary erosion and sedimentation controls and utility infrastructure will be required to mitigate for potential impacts that may be sustained during subsequent development activities on the site.

**Animals:** There are no known threatened or endangered animal species on the property. The property may contain habitat associated with species of local importance as defined by the City of Bellevue Land Use Code. The proposed non-project action will have no

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detrimental effect on the habitat on the property. Subsequent development on the property will be regulated by the City of Bellevue Land Use Code and subsequent SEPA threshold determinations regarding the significance of potential impacts and required mitigation measures.

**Plants:** The property is characterized as typical of a "Westside Lowland Conifer-Hardwood Forest." The site is not known to contain any threatened, endangered or rare plant species. The site does contain a mixture of native and non-native plant species. The proposal, as a non-project action, does not include the removal or alteration of any of the vegetation on the site. Subsequent development will result in the removal of vegetation as well as required plantings along the development right-of-way and as in the critical area buffers on the site.

## VII. Public Notice and Comment

Application Date:	November 16, 2007
Public Notice (500 feet):	January 10, 2008
Minimum Comment Period:	January 24, 2008

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on January 10, 2008. It was mailed to property owners within 500 feet of the project site. A request for more information was received from one party, Karen Walter of the Muckleshoot Indian Tribe Fisheries Division. The applicant prepared a written response to her questions and no further comments were received. The questions and responses are included in the project file.

A public meeting was held on January 17, 2008. The applicant, their consultant and real estate agent attended along with a City staff person. No members of the public attended or submitted comments at or for the public meeting.

## VIII. Decision Criteria

The proposal, as conditioned below, meets the applicable regulations and decision criteria for a Critical Areas Land Use Permit pursuant to LUC Section 20.30P and the Shoreline Substantial Development Permit pursuant to LUC Section 20.30C.

### A. Rezone Decision Criteria (LUC 20.30A)

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

The subject property is located in the Newport Hills Subarea of the Comprehensive Plan, yet functions as if it is a part of the Factoria Subarea. Policies from the Comprehensive Plan and each of the subarea plans that are complementary to the proposal are discussed.

The current issues in the Newport Hills Subarea involve revitalizing commercial districts, protecting residential neighborhoods, addressing transportation issues, providing pedestrian linkages and preserving and acquiring natural areas for wildlife and recreation.

The Factoria Subarea plan is focused on preserving and maintaining a natural setting for residential areas and managing changes in commercial areas that are cohesive, compatible and accessible.

Following is a summary of relevant 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-2.** Promote quality, community-friendly multi-family development, through features such as enhanced open space and pedestrian connectivity.

**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 development density intensity calculation indicates that the proposed zoning would support approximately 54 dwelling units if redeveloped to its maximum capacity. These dwelling units would be likely be condominiums or apartments. This development type would be conducive to a walkable community that can access the high-school, shopping center and employment center of Factoria.

**Newport Hills Subarea Policies:**

**Policy S-NH-5d.** Utilize the Critical Areas Overlay District regulations (Land Use Code Part 20.25H) in effect at the adoption of land use designations to determine the maximum number of dwellings to be developed on the sites.

**Policy S-NH-8.** Protect significant trees and environmentally-sensitive areas (steep slopes, riparian corridors, and wetlands) in accordance with the provisions of the Land Use Code.

**Finding:** The intent of this rezone is to better utilize a parcel of property that is currently identified in the comprehensive plan as multi-family medium density, yet the zoning is

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still in the single-family medium density category. Quality multifamily development will reduce pressure to convert the adjacent residential properties to a multi-family density and provide a transition between the multi-family development and the existing natural area open space. The existing Critical Areas Ordinance will guide the development intensity on the property to ensure protection of the most-sensitive features on the site.

**Factoria Subarea Policies:**

**Policy S-FA-3.** Maintain land use densities that will not create vehicular congestion that exceeds adopted level of service standards.

**Policy S-FA-4.** Encourage in-fill development and redevelopment in a manner that is compatible with surrounding uses and meets adopted design guidelines.

**Policy S-FA-29.** Utilize vegetation, sensitive site planning and superior building design to integrate multi-family and commercial development with nearby single-family neighborhoods.

**Finding:** The proposed rezone locates appropriate land use densities immediately adjacent to schools, churches and employment centers with the intent of creating a pedestrian-friendly community that will not exacerbate vehicular congestion. The anticipated development of the site will share access along the driveway/road at 125<sup>th</sup> Ave SE. If this is not possible because an inability to obtain the required legal easement on the private road at 125<sup>th</sup> Ave SE, then the anticipated development would potentially upgrade the intersection of Factoria Boulevard and Coal Creek Parkway to a four-way intersection. The difference in development potential between R-15 and R-20 land use zoning districts does not result in a significant difference in the traffic demands on the existing transportation infrastructure.

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

**Finding:** Designating this site as multifamily provides a public benefit and enhances the public health, safety, and welfare of the city and its residents because it balances the impacts of mixing uses within a Subarea. The rezone proposal promotes the public welfare by permitting additional infill housing that is close to employment centers and urban services. The greater surrounding area has seen significant development and has received transportation and infrastructure improvements to support urban development. Future impacts related to development of the site can be adequately mitigated by City of Bellevue codes and standards.

**3. 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**

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**property; and**

**Finding:** A rezone is warranted to achieve consistency with the Comprehensive Plan. In December 1998 the City Council amended the Comprehensive Plan designation of this property from Single Family-Medium to Multifamily Medium Density. The effect of this change has been to leave the Coal Creek property with an inappropriate zoning designation in light of the new Comprehensive Plan designation and in reference to the existing development surrounding it. The proposed R-20 zoning designation is consistent with the Multifamily Medium Comprehensive Plan designation approved by the Council in December 1998.

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

**Finding:** Development under the proposed R-20 zoning is consistent and compatible with the adjacent R-20 multifamily (Windsong Condos) and achieves many of the City's goals and policies as described in this application. All applicable codes and standards will be met with subsequent development in order to maintain consistent and quality development in the vicinity.

Under the proposed zoning of R-20 the subject site would be located in a Transition Area Design District, due to the adjacent R-2.5 zoning. As such, the site will be subject to Design Review after it is rezoned. The requirements of the Code resulting from the surrounding zoning will ensure that any development on the parcel remains compatible with surrounding residential areas.

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

**Finding:** Forecasts predict that Bellevue will continue to attract new jobs driving an 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.

**IX. Conclusion and Decision**

After conducting the various administrative reviews associated with this non-project action (rezone), including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of Planning and Community Development does hereby **RECOMMEND APPROVAL** of the proposal for a site-specific rezone of the 4.79 acre property at 12627 Coal Creek Parkway SE, from R-2.5 to R-20.

In accordance with LUC 20.30A, following Hearing Examiner recommendation and City Council approval of the rezone of property, the City shall amend the zoning map of the City to reflect the change in land use district. The City shall also indicate on the zoning map the

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number of the ordinance adopting the change. The City Council's adoption of the ordinance will go into effect 5 days following.

#### **X. Conditions of Approval**

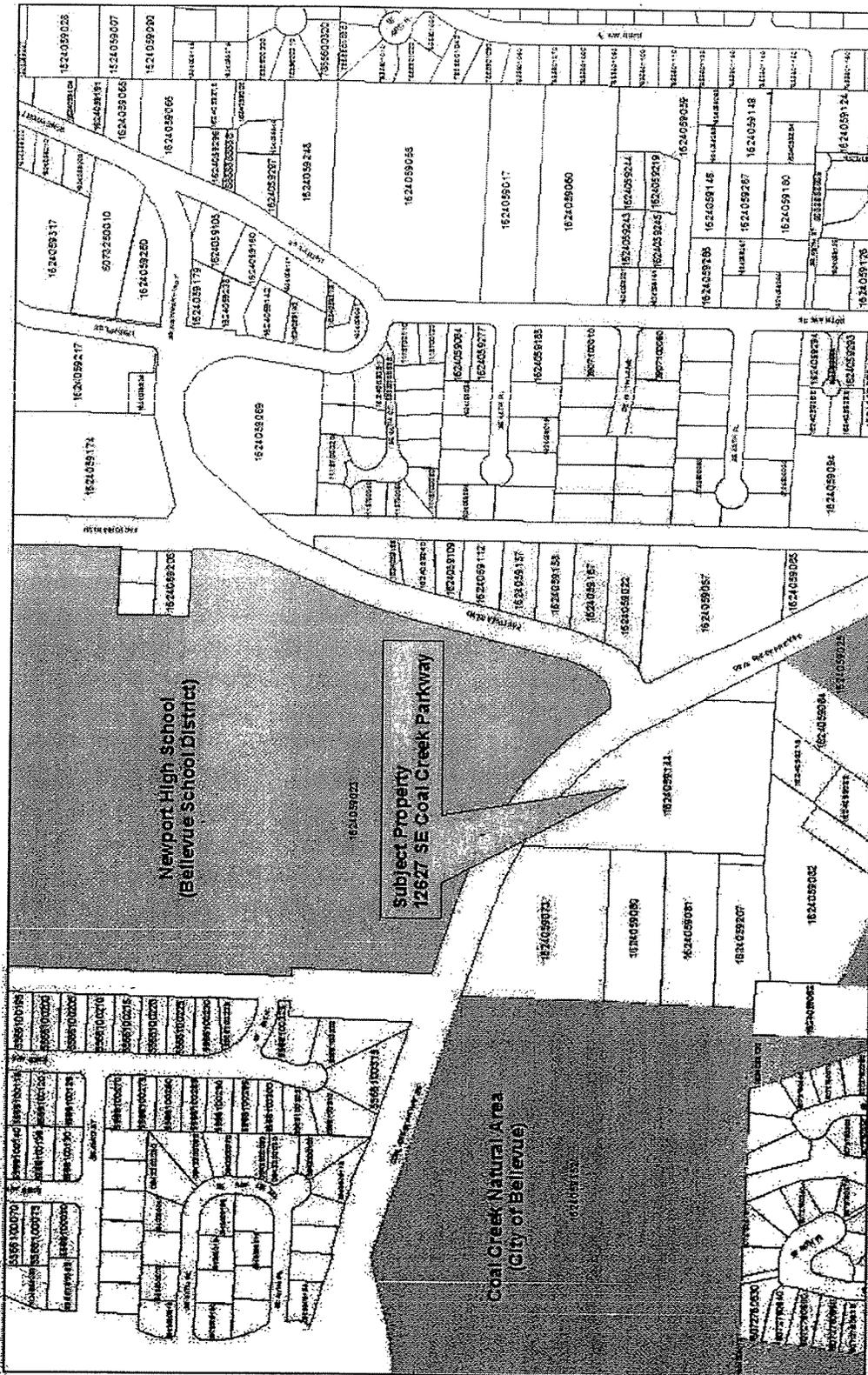
**Preapplication Conference Critical Areas Document Submittal:** As a submittal requirement of the Preapplication Conference related to the subsequent development of the property, the property owner, or applicant, shall submit all relevant critical areas documentation related to the site. This information may include, but not be limited to: stream reports, wetland delineation and assessments, geotechnical reports, and habitat assessments.

Authority: LUC 20.30A & LUC 20.30P  
Reviewer: Kevin LeClair, Senior Land Use Planner

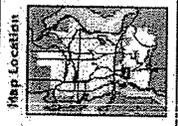
#### **XI. Attachments:**

1. Vicinity Map
  2. Comprehensive Plan Amendment Staff Report – Olson – 12627 Coal Creek Parkway SE (CPA 98-1164)
  2. Environmental Checklist- In File
  3. Project Submittals and Support Materials - In File
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# ATTACHMENT 1 – Vicinity Map



This map is a general representation of the City of Bellevue's jurisdiction and does not constitute a warranty of any kind. The City of Bellevue is not responsible for any errors or omissions on this map. The City of Bellevue is not responsible for any actions taken based on this map. The City of Bellevue is not responsible for any damages or losses resulting from the use of this map. The City of Bellevue is not responsible for any actions taken based on this map. The City of Bellevue is not responsible for any damages or losses resulting from the use of this map.



**Vicinity Map**  
**Permit # 07-142729-LQ**  
**Coal Creek Rezone**  
**12627 SE Coal Creek Parkway**

**City of Bellevue**  
 Planning & Community  
 Development Department  
 801 Date: 12/21/2007

1"=300' Feet