



DEVELOPMENT SERVICES DEPARTMENT
 ENVIRONMENTAL COORDINATOR
 450 110th Ave. NE
 BELLEVUE, WA 98004

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Patrick Mullaney, Foster Pepper PLLC
LOCATION OF PROPOSAL: 2501 148th Ave. SE
DESCRIPTION OF PROPOSAL: Application to change the zoning of 5.54 acres from R-15 (15 units per acre) to R-20 (20 units per acre). The applicant requests the rezone to bring the property into conformance with the existing built residential density (under prior King County regulations) which is 19.5 units per acre. There are no plans for development.

FILE NUMBER: 09-108001-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 _____.
- 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 **October 29, 2009.**
- 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This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information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.

Carole V. Hellend
 Environmental Coordinator

October 15, 2009
 Date

OTHERS TO RECEIVE THIS DOCUMENT:
 State Department of Fish and Wildlife
 State Department of Ecology, Shoreline Planner N.W. Region
 Army Corps of Engineers
 Attorney General
 Muckleshoot Indian Tribe

CSO
10/15/09

City of Bellevue Submittal Requirements 27a

ENVIRONMENTAL CHECKLIST

4/18/02

If you need assistance in completing the checklist or have any questions regarding the environmental review process, please visit or call the Permit Center (425-452-6864) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4). Our TTY number is 425-452-4636.

BACKGROUND INFORMATION

Property Owner: G.W. Williams Company
3190 Clearview Way San Mateo, CA 94402

Proponent:

Contact Person: Patrick Mullaney, Foster Pepper Attorney for G.W. Williams Company
(If different from the owner. All questions and correspondence will be directed to the individual listed.)

Address: 1111 Third Avenue, Suite 3400, Seattle, WA 98101

Phone: 206-447-2815 mullp@foster.com

Proposal Title: Already known as The Carrington Apartment Complex.

Proposal Location: 2501 148th Avenue, SE Bellevue
(Street address and nearest cross street or intersection) Provide a legal description if available.

Please attach an 8 1/2" x 11" vicinity map that accurately locates the proposal site. See attached map.

Give an accurate, brief description of the proposal's scope and nature:

1. General description: Request a rezone to correct a technical deficiency in the City zoning code.
2. Acreage of site: ~~5.0987~~ 5,54A
3. Number of dwelling units/buildings to be demolished: None.
4. Number of dwelling units/buildings to be constructed: None.
5. Square footage of buildings to be demolished: None.
6. Square footage of buildings to be constructed: None.
7. Quantity of earth movement (in cubic yards): None.
8. Proposed land use: Not applicable.
9. Design features, including building height, number of stories and proposed exterior materials:
10. Other Not applicable.

RECEIVED
MAR 26 2009
PERMIT PROCESSING



Estimated date of completion of the proposal or timing of phasing:

None .

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No .

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None .

Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. List dates applied for and file numbers, if known.

No .

List any government approvals or permits that will be needed for your proposal, if known. If permits have been applied for, list application date and file numbers, if known.

None .

Please provide one or more of the following exhibits, if applicable to your proposal.
(Please check appropriate box(es) for exhibits submitted with your proposal):

- Land Use Reclassification (rezone) Map of existing and proposed zoning
- Preliminary Plat or Planned Unit Development
Preliminary plat map
- Clearing & Grading Permit
Plan of existing and proposed grading
Development plans
- Building Permit (or Design Review)
Site plan
Clearing & grading plan
- Shoreline Management Permit
Site plan

A. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site: Flat Rolling Hilly Steep slopes Mountains Other

b. What is the steepest slope on the site (approximate percent slope)?

Not applicable.

*under 15%
slope*

c. What general types of soil are found on the site (for example, clay, sand, gravel, peat, and muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

Not applicable.



d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Not applicable.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

Not applicable.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Not applicable.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not applicable.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Not applicable.

2. AIR

a. What types of emissions to the air would result from the proposal (i.e. dust, automobile odors, and industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Not applicable.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not applicable.

c. Proposed measures to reduce or control emissions or other impacts to the air, if any:

Not applicable.

3. WATER

a. Surface

(1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If

appropriate, state what stream or river it flows into.

Not applicable.

- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If Yes, please describe and attach available plans.

Not applicable.

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable.

- (4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Not applicable.

- (5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Not applicable.

- (6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Not applicable.

b. Ground

- (1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description.

Not applicable.

- (2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.) Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Not applicable.

c. Water Runoff (Including storm water)

(1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable.

(2) Could waste materials enter ground or surface waters? If so, generally describe.

Not applicable.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

Not applicable.

4. Plants

a. Check or circle types of vegetation found on the site:

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

typical ornamental plantings for multi-family complex in Bellevue

b. What kind and amount of vegetation will be removed or altered?

None .

c. List threatened or endangered species known to be on or near the site.

None .

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

None .



5. ANIMALS

a. Check or circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

- Birds: hawk, heron, eagle, songbirds, other:
- Mammals: deer, bear, elk, beaver, other:
- Fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

c. Is the site part of a migration route? If so, explain.

d. Proposed measures to preserve or enhance wildlife, if any:

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy need? Describe whether it will be used for heating, manufacturing, etc.

No change.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

c. What kinds of energy conservation features are included in the plans of the proposal? List other proposed measures to reduce or control energy impacts, if any:

None.

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

No.

(1) Describe special emergency services that might be required.

None.

(2) Proposed measures to reduce or control environmental health hazards, if any.

None.



b. Noise

- (1) What types of noise exist in the area which may affect your project (for example, traffic, equipment, operation, other)?

Not applicable.

- (2) What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example, traffic, construction, operation, other)? Indicate what hours noise would come from the site.

No change at this time.

- (3) Proposed measures to reduce or control noise impacts, if any:

None.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?

The property is the current Carrington Apartment complex.

- b. Has the site been used for agriculture? If so, describe.

No.

- c. Describe any structures on the site.

The apartment complex was built in 1969 and having Buildings A-I, 56 one(1)bedroom apartments and 52 two(2)bedroom apartments.

- d. Will any structures be demolished? If so, what?

No.

- e. What is the current zoning classification of the site?

R-15 Multi-Family Residential District.

- f. What is the current comprehensive plan designation of the site?

Eastgate subarea of the Bellevue Comprehensive Plan.

- g. If applicable, what is the current shoreline master program designation of the site?

Not applicable.

- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

None ~~known~~.

No

- i. Approximately how many people would reside or work in the completed project?

Not applicable.

- j. Approximately how many people would the completed project displace?

None.

- k. Proposed measures to avoid or reduce displacement impacts, if any:

Not applicable.

→ Multi-family Medium Density



- i. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

None proposed.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Not applicable.

No development plans.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Not applicable.

No development plans.

- c. Proposed measures to reduce or control housing impacts, if any:

Not applicable.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable.

- b. What views in the immediate vicinity would be altered or obstructed?

No views obstructed.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

None proposed.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Not applicable.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

Not applicable.



- c. What existing off-site sources of light or glare may affect your proposal?
Not applicable.
- d. Proposed measures to reduce or control light or glare impacts, if any:
No proposed measures.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?
Not applicable.
- b. Would the proposed project displace any existing recreational uses? If so, describe.
No.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:
No proposed measures.

13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
No.
- b. Generally describe any landmarks or evidence of historic, archeological, scientific, or cultural importance known to be on or next to the site.
None.
- c. Proposed measures to reduce or control impacts, if any:
None.

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.
148th Avenue S.E. and SE 24th Street and 145th Pl, SE Bellevue
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
A transit stop is located on SE 24th Street and along on 148th Ave SE.
- c. How many parking spaces would be completed project have? How many would the project eliminate?
Current parking stalls is 211, including seven (7) handicap parking
- d. ~~Will the proposal~~ ^{Will the proposal} require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).
Not applicable. No change in existing access is proposed.
- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
Not applicable.

166 existing stalls on site.



f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

Not applicable.

g. Proposed measures to reduce or control transportation impacts, if any:

No proposed measures.

15. Public Services

a. Would the project result in an increased need for the public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

No.

b. Proposed measures to reduce or control direct impacts on public services, if any.

None.

16. Utilities

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

Same as when apartments were built in 1969.

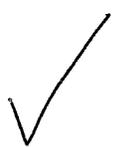
b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

None.

Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature.....
Date Submitted.....



SUPPLEMENTAL SHEET FOR NONPROJECT ACTION
Continuation of the Environmental Checklist

4/18/02

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment (see Environmental Checklist, B. Environmental Elements). When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms. If you have any questions, please contact the Development Services reviewer in the Permit Center (425-452-6864) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4). Our TTY number is 425-452-4636.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

See attached ~~rezone~~ narrative.

Not applicable

Proposed measures to avoid or reduce such increases are:

Not applicable

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

No impact.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

None.

3. How would the proposal be likely to deplete energy or natural resources?

No impact.

Proposed measures to protect or conserve energy or natural resources are:

None.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection--such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

No impact.

Proposed measures to protect such resources or to avoid or reduce impacts are:

None.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

No impact.

Proposed measures to avoid or reduce shoreline and land use impacts are:

None.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

No increase anticipated.

Proposed measures to reduce or respond to such demand(s) are:

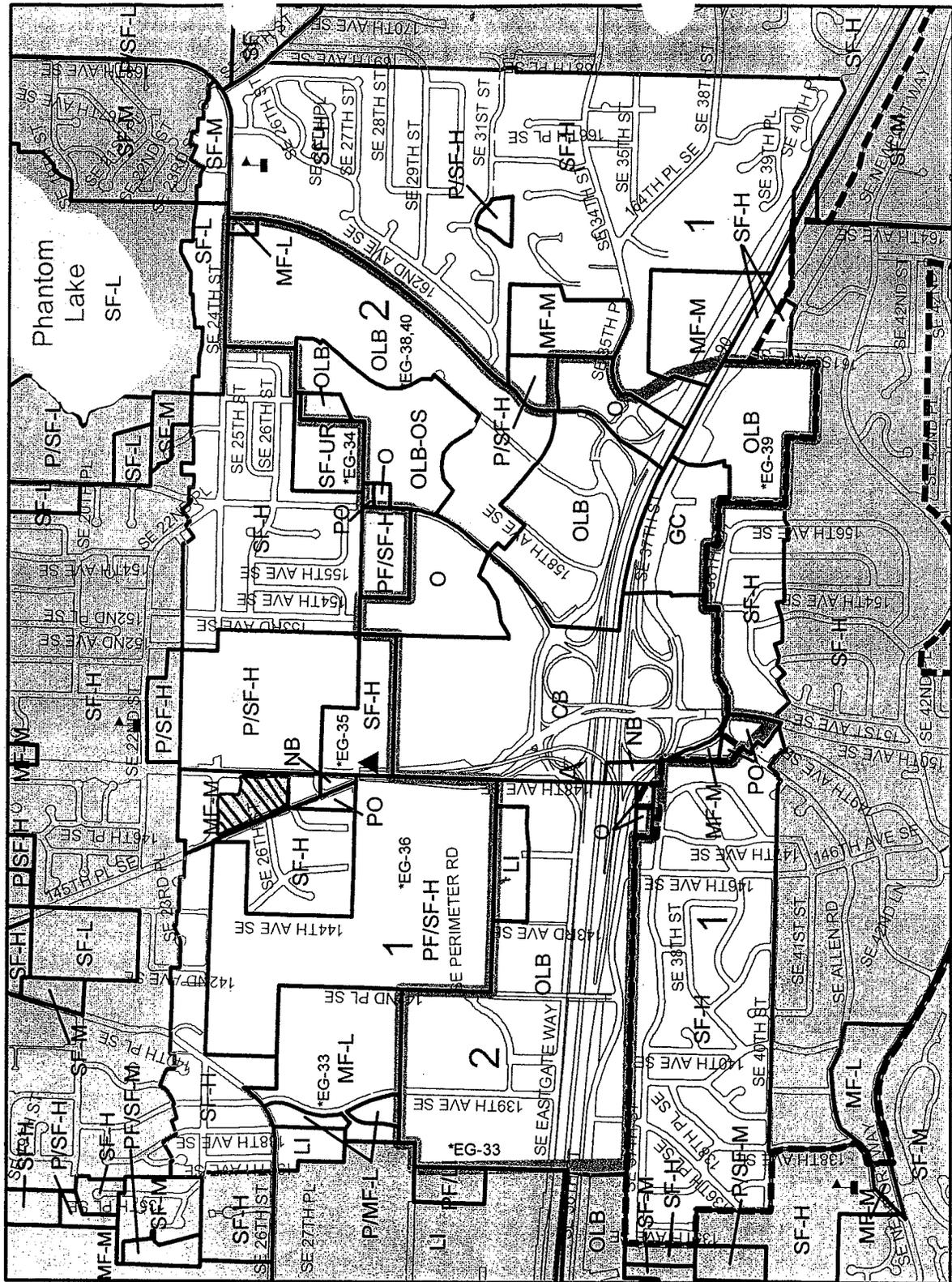
None.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

No conflict identified

*See attached
Eastgate Subarea map,
rezone criteria by
applicant, & legal
docs.*





 Subject Property

**FIGURE S-EG.1
Eastgate Land Use Plan**

- SF Single Family
- MF Multi Family
- L Low Density
- M Medium Density
- H High Density
- UR Urban Residential

- PO Professional Office
- O Office
- OLB Office, Limited Business
- OLB-OS Office, Open Space
- NB Neighborhood Business
- CB Community Business

- GC General Commercial
- LI Light Industrial
- PF Public Facility
- P Park

-  Fire Stations
-  Public Schools
-  Planning Districts
-  Bellevue City Limits (6/2004)
-  Lakes



Carrington Pre-Application Conference
Rezone Narrative
March 10, 2009

The owner requests this rezone to correct a technical deficiency in the City zoning code. When the Property was first improved, it was in unincorporated King County and zoned R-20. The City of Bellevue annexed the Property and designated it R-15. Thus, the Property is legally nonconforming with respect to residential density, which under Bellevue City Code means the owner could not rebuild in the event of a casualty exceeding 75% of the value of the improvements. The purpose of the rezone is not to increase the allowable density on the site, but rather to provide assurances to the tenants that their homes would be rebuilt in the event of a loss.

A. The rezone is consistent with the Comprehensive Plan

The Comprehensive Plan map demonstrates that the Property is located within the Multifamily-medium density designation, allowing up to 20 du/acre. The current density on the Property is 19.5 du/acre. The Comprehensive Plan encourages locating higher density development in the Eastgate/Factoria area, particularly at the intersection of 148th Ave. NE and I-90. *See Land Use Elements, at 34.* The Property is located only blocks from that intersection.

The Eastgate Subarea plan reflects an interest in protecting Eastgate single-family neighborhoods from multifamily encroachment. Allowing the rezone on a property that is already developed to the requested higher density and that is located in an already-existing multifamily district fronting a major arterial would not increase encroachment on single-family neighborhoods.

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

The requested density is consistent with the City's comprehensive plan. Moreover, providing assurance to the tenants of the apartment complex that their homes would be rebuilt in the event of a total loss is also substantially related to the public welfare.

C. The rezone is warranted because the proposed zoning classification is appropriate for reasonable development of the subject property

The Property is located on 148th Ave SE, a major arterial in Eastgate. It has the capacity to handle densities of 20 du/acre and does so currently. The owner requests the zoning change simply to protect his residents in the event of a total loss.

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

The property is already built out, and its legally nonconforming density does not currently have a detrimental impact on the neighborhood. The change would simply allow reconstruction in the event of a total casualty.

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

If the rezone is not granted and the improvements suffer a casualty loss, the owner will not be able to reconstruct the improvements. This would mean that the residents of between 25 and 33 dwelling units in the Property could permanently lose their homes, producing a significant negative impact on the surrounding community. Rezoning the property to allow 20 du/acre would render the current use conforming, which would mean the owner could rebuild in the event of a loss. This mitigates the potential harm to the surrounding community and to the residents of the apartments.

F. Additional Issues

One issue that may be appropriate for the pre-application conference is the possible encroachment of some of the property's parking spaces on the right-of-way for 145th Place SE. Notes 5 and 6 of the enclosed survey indicate that a 12-foot strip of property along 145th Place SE was deeded by quit-claim to the County in 1968. The issues to be addressed are: (1) what is the extent of the 145th Place SE right-of-way; (2) is there any encroachment by parking spaces for the Carrington Apartments; and, if so (3) is there a street use permit, vacation process, or other mechanism available to address the potential encroachment?

Thank you for your review of this proposal.

17-358
a 11

QUIT CLAIM DEED

THE GRANTOR herein, RICHARD E. LANG, being the owner of the property hereinafter described as his separate estate, for the consideration of One Dollar (\$1.00) and other consideration and also of benefits to accrue to him by reason of laying out and establishing a public road through his property, and which is hereinafter described, conveys, releases, and quit claims to the County of King, State of Washington, for use of the Public forever, as a public road and highway, all interest in the following described real estate, viz:

The northerly 30 feet and the westerly 12 feet and the easterly 17 feet of that portion of the northeast quarter of the northeast quarter of Section 10, Township 24 North, Range 5 E.W.M., lying east of New Castle Road revision (also known as 145th Place Southeast) in King County, Washington.

together with the right to make all necessary slopes for cuts and fills upon the abutting property and on each side of said described right-of-way, in conformity with standard plans and specifications for highway purposes, and to the same extent and purpose as if the rights herein granted had been acquired by condemnation proceedings under Eminent Domain statutes of the State of Washington, situated in the County of King, State of Washington.

DATED this 11th day of December, 1967.

Richard E. Lang

STATE OF WASHINGTON)
COUNTY OF KING) ss.

On the 11th day of December, 1967, before me, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally came RICHARD E. LANG, to me known to be the individual described in and who executed the within instrument and acknowledged to me that he signed and sealed the same as his free and voluntary act and deed for the uses and purpose therein mentioned.

WITNESS my hand and official seal the day and year first above written.



Albert J. [Name]
NOTARY PUBLIC in and for the State of Washington, residing at Seattle.

Filed for Record Nov 17 1967 10 AM
Recorder of King County, Washington



Richard E. Lang
208 Central Bldg.

6304626

Planning P 67-1115 R/CAR

5047 262

QUIT-CLAIM DEED

R/W 378

#120

12/16/68
5304626

The grantor herein RICHARD E. LANG

for the consideration of One (\$1.00) Dollars

and also of benefits to accrue to by reason of laying out and establishing a public road through property, and which is hereinafter described, convey, release, and quit-claims to the County of King State of Washington, for use of

the Public forever, as a public road and highway, all interest in the following described real estate, viz.:
The Westerly 12 ft. and 's Easterly 17 ft. of that portion of the North 12 ft. of the S.E. 1/4 of the N.E. 1/4 of the N.E. 1/4 lying Easterly of Newcastle Rd. (also known as 145th Place S.E.) All in Section 10, Twp. 24 N.R. 5 E.W.M. Containing .01 Acres more or less.
R/W 145th Place S.E. Also 148th Ave. S.E.
together with the right to make all necessary slopes for cuts and fills upon the abutting property, and on each side of said described right-of-way, in conformity with standard plans and specifications for highway purposes; and to the same extent and purpose as if the rights herein granted had been acquired by condemnation proceedings under Eminent Domain statutes of the State of Washington.

situated in the County of King State of Washington.

Dated this 29th day of January A.D. 1968

WITNESS:
Richard E. Lang

STATE OF WASHINGTON
COUNTY OF KING

On the 29th day of January 19 68, before me, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally came RICHARD E. LANG to me known to be the individual described in and who executed the within instrument and acknowledged to me that he signed and sealed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year first above written.
Albert G. ...
Notary Public in and for the State of Washington, residing at Seattle.



QUIT-CLAIM DEED

FROM
TO
COUNTY OF

FILED FOR RECORD AT REQUEST OF
1968 FEB 10 10 50
RECORDED VOL. ...
COUNTY OF ...





**City of Bellevue
Development Services Department
Land Use Staff Report**

PROPOSAL NAME: The Carrington Apartments Rezone

PROPOSAL ADDRESS: 2501 148th Ave. SE

PROPOSAL DESCRIPTION: Application to change the zoning of 5.54 acres from R-15 (15 units per acre) to R-20 (20 units per acre). The applicant requests the rezone to bring the property into conformance with the existing built residential density (under prior King County regulations) which is 19.5 units per acre. There are no plans for development.

FILE NUMBER: 09-108001-LQ

APPLICANT: Patrick Mullaney, Foster Pepper PLLC

DECISION REQUEST: Rezone (Process III) East Bellevue Community Council

PLANNER: Carol Saari, Senior Planner *CSaari*

STATE ENVIRONMENTAL POLICY ACT (SEPA): Determination of Non-Significance (DNS)

Carol V. Helland

Carol V. Helland, Environmental Coordinator
Development Services Department

DIRECTOR'S

RECOMMENDATION: Approval with no conditions
Michael A. Brennan, Director
Development Services Department

By: *Carol V. Helland*

Carol V. Helland, Land Use Director

Notice of Application: April 30, 2009
Notice of Recommendation: October 15, 2009
Deadline for Appeal of DNS: October 29, 2009 at 5 p.m.
Public Hearing Date: October 29, 2009 at 7 p.m.

For information on how to appeal a proposal, visit the Development Services Center 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 Clerk's Office by 5 p.m. on the date noted for appeal of the decision.

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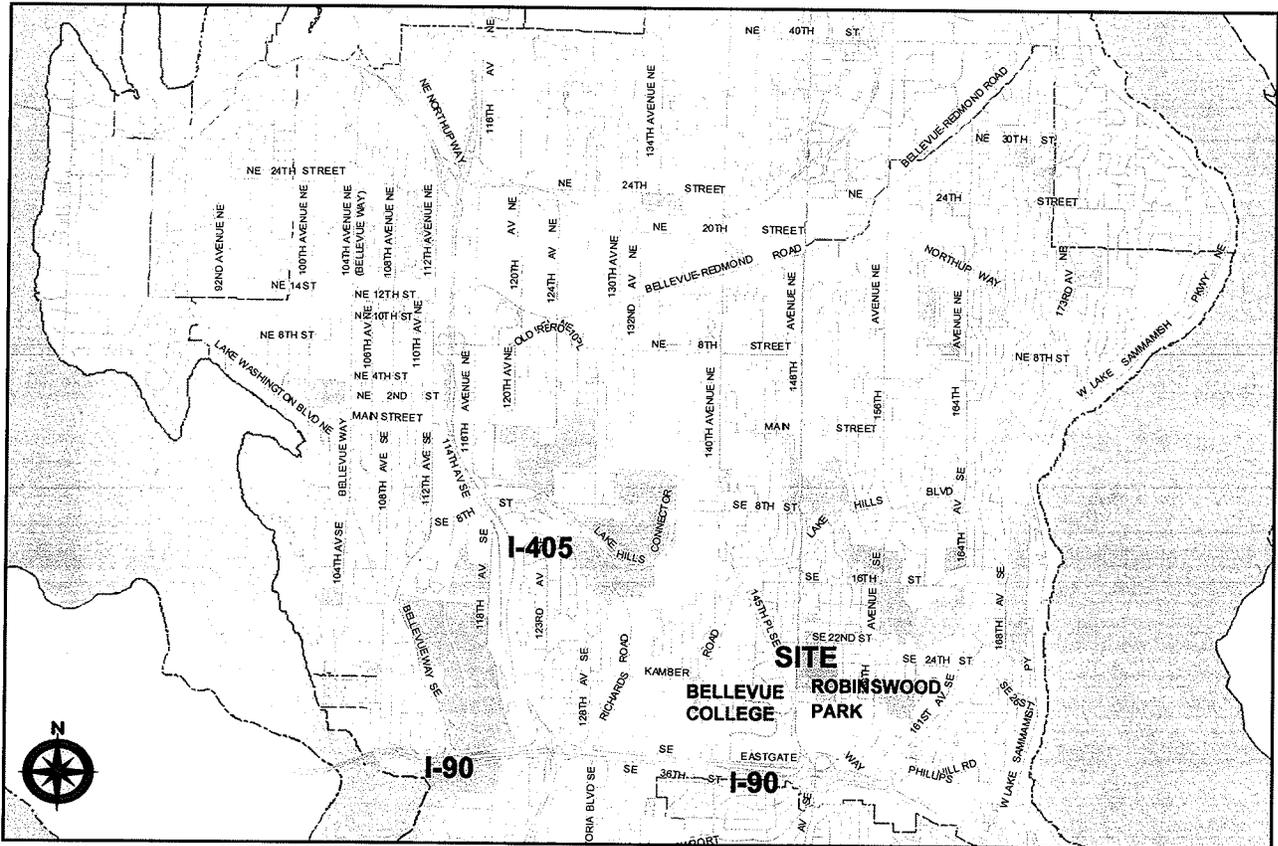
Attachments: Eastgate Subarea Map
Photographs

I. REQUEST/PROPOSAL DESCRIPTION

The applicant requests approval to rezone 5.54 acres from R-15 (15 units per acre) to R-20 (20 units per acre). The applicant requests the rezone to bring the property into conformance with the existing built residential density (under prior King County regulations) which is 19.5 units per acre. There are no current development plans.

There are currently 108 units onsite, built in 1969 under King County jurisdiction. This is a legal non-conforming residential density. In the event that there is a fire loss over 75% of the value of the improvements,¹ the applicant would like to rebuild at the same number of apartment units as currently exists. Under the current zoning of R-15, this would not be possible since the property has 19.5 units per acre. A rezone to R-20 would bring the current improvements of 108 units into conformance.

VICINITY MAP



¹ Land Use Code 20.20.560.C.2

Nonconforming Site: Upon the restoration of a structure demolished by fire, explosion or other unforeseen circumstances to greater than 75 percent of its replacement value on a nonconforming site, the site shall be brought into conformance with existing Land Use Code requirements.

Required Land Use Approvals

This application is a proposed rezone which is a Process III application per LUC 20.25.300-.365. Process III requires a courtesy hearing with East Bellevue Community Council, a Hearing Examiner hearing with recommendation, City Council decision and East Bellevue Community Council approval.

II. SITE DESCRIPTION, ZONING AND LAND USE CONTEXT

A. Site Description

The rezone area is one parcel approximately 5 acres in size. There are 108 existing multi-family units on the site within 12 buildings (2-story). The site contains parking, a tennis court, carports, landscaping and trash receptacles. It is a flat site (under 15% slope). There are no critical areas onsite.

AERIAL PHOTOGRPAH



SITE AERIAL PHOTOGRAPH

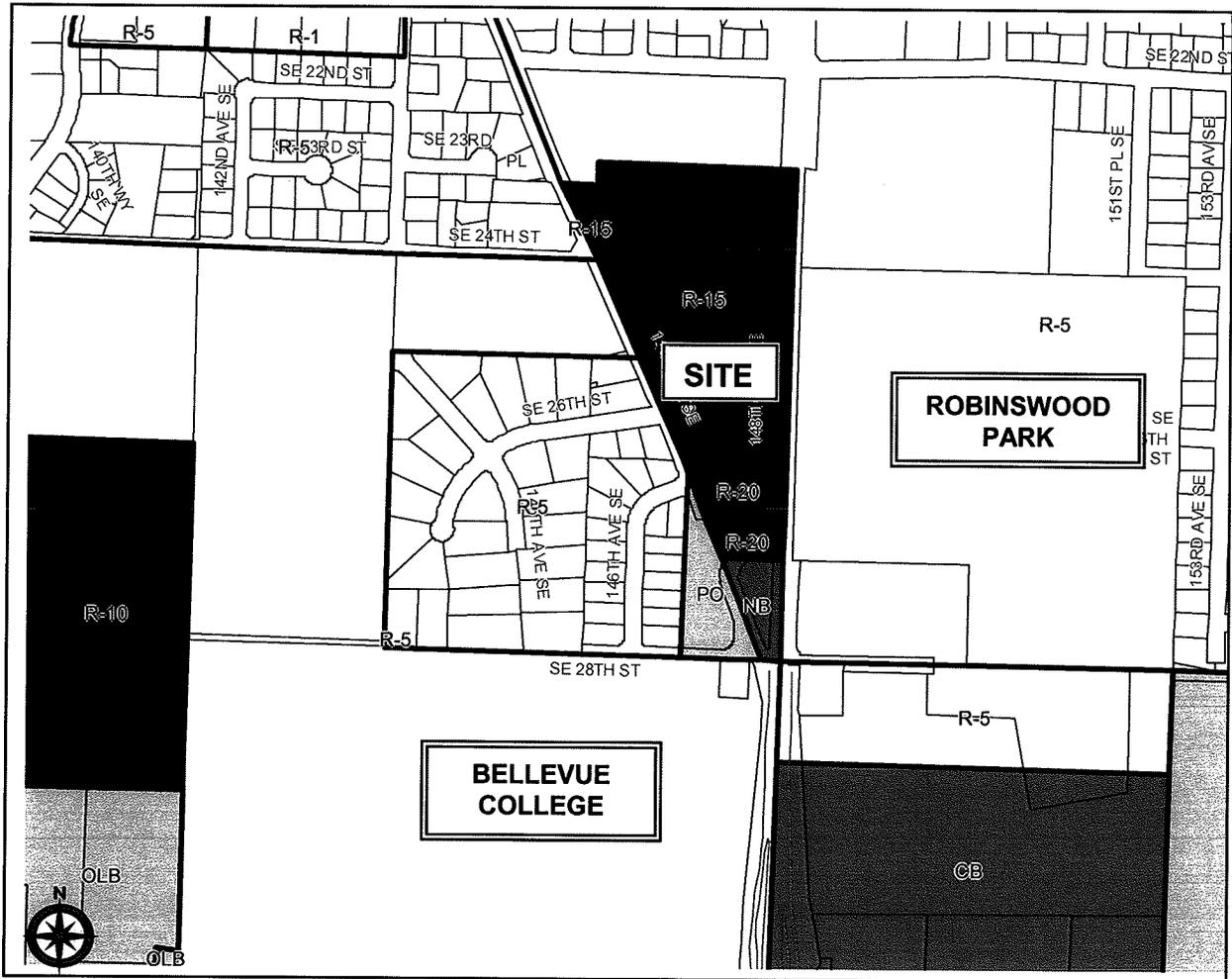


B. Context and Zoning

The property is currently zoned R-15. It is located across the street (148th Ave. SE) from Robinswood Park (zoned R-5), approximately 700 feet north of the main Bellevue College campus (zoned R-5), approximately 900 feet north of the LDS Temple (zoned R-5), and approximately ½ mile north of Interstate 90. Multi-family development is located adjacent to the north and south (zoned R-20). Single family development is located to the west (zoned R-5). Also located in the vicinity are two more churches, a private religious school, a fire station and gasoline/food mart sales (zoned R-5, PO and NB). This neighborhood area has remained stable over the past 20 years. In the past few years, there was construction of one new church (Champions Centre) adjacent to Bellevue College. Property owners in this area show a priority for maintaining their properties.

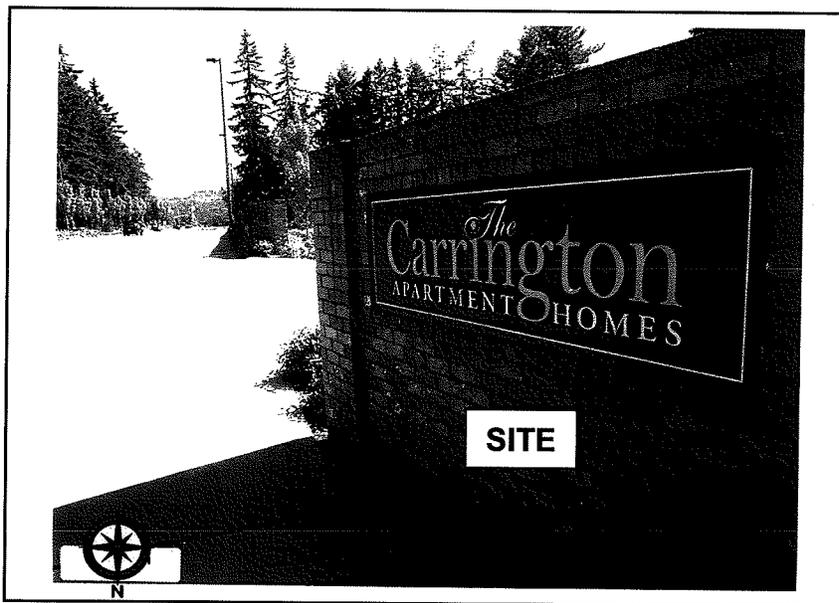
See attached photographs.

EXISTING ZONING MAP

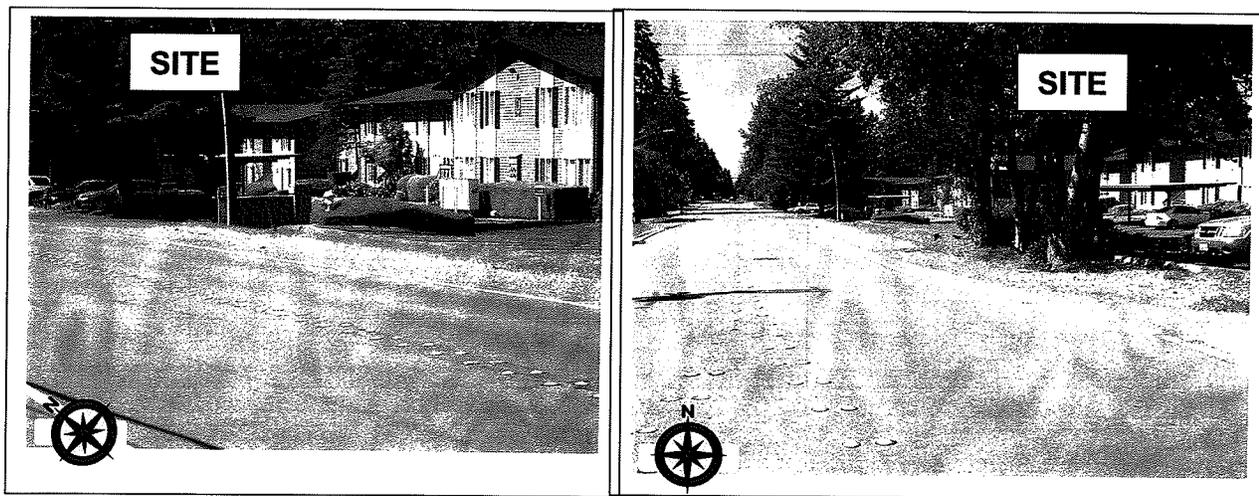


ZONING MAP LEGEND	
R-1	Single family 1 unit per acre
R-5	Single family 5 units per acre
R-10	Multi-family 10 units per acre
R-15	Multi-family 15 units per acre
R-20	Multi-family 20 units per acre
PO	Professional Office
NB	Neighborhood Business
CB	Community Business
OLB	Office Limited Business

PHOTOGRAPHS



Looking at the site from the east



Looking at the site from the west

III. CONSISTENCY WITH LAND USE CODE/ ZONING REQUIREMENTS

General Provisions of the Land Use Code/Zoning Requirements

The apartment complex was constructed in 1969. Permits were reviewed/approved under King County regulations, prior to annexation to the City of Bellevue. The City of Bellevue annexed the property on March 13, 1969. The site is considered legal non-conforming with regard to residential density, perimeter landscaping and parking stall location. The existing multi-family residential use is an allowed land use in both the R-15 and R-20 zoning districts.

Nonconforming Site

Since the existing density of 19.5 units per acre is above the R-15 maximum residential density of 15 units per acre, the site is considered nonconforming. The site is then subject to the Nonconforming section of the Land Use Code 20.20.560.C.2:

Land Use Code 20.20.560.C.2: Nonconforming Site: Upon the restoration of a structure demolished by fire, explosion or other unforeseen circumstances to greater than 75 percent of its replacement value on a nonconforming site, the site shall be brought into conformance with existing Land Use Code requirements.

The owner proposes the rezone to have the site be considered conforming at R-20 zoning, rather than nonconforming at R-15 zoning.

IV. PUBLIC NOTICE AND COMMENT

Application Date: March 19, 2009
Notice of Application: April 30, 2009
Public Notice Sign: April 30, 2009
Public Meeting at City Hall: May 20, 2009
Courtesy Hearing with the East Bellevue Community Council: June 2, 2009
Minimum Comment Period: June 16, 2009

Notice of Application was published in the City of Bellevue's Weekly Permit Bulletin and the Seattle Times on April 30, 2009. It was mailed to property owners within 500 feet of the project site and 3 two-sided Public Information Signs were installed on the project site on the same day. A public meeting was held at City Hall on May 20, 2009. A courtesy hearing was held with the East Bellevue Community Council on June 2, 2009. No members of the public attended either meeting. As of writing this staff report, there are no parties of record. No emails or letters have been received.

V. TECHNICAL REVIEW

A. Utility Department

The Utilities Department has no concerns with the rezone application.

B. Transportation Department

Please see comments under Section VI SEPA.

VI. STATE ENVIRONMENTAL POLICY ACT (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements, with incorporation by reference of:

- The *2009-2020 Transportation Facilities Plan Final Environmental Impact Statement* (TFP EIS) updated March 2009.

This document is available in the Development Services Records Room, Bellevue City Hall, 450 110th Ave NE.

An Environmental Checklist and Supplemental Sheet for a Nonproject Action have been reviewed and the annotated checklist is available for public viewing in the project file at City Hall. Adverse impacts which are less than significant are usually subject to City Codes or Standards which are intended to mitigate those impacts. Where such impacts and regulatory items correspond, further documentation is not necessary. For other adverse impacts which are less than significant, Bellevue City Code Sec. 22.02.140 provides substantive authority to mitigate impacts disclosed through the environmental review process.

A. Transportation Analysis

The long-term impacts of development projected to occur in the City by 2020 have been addressed in the City's Transportation Facilities Plan EIS. The impacts of growth which are projected to occur within the City by 2020 are evaluated on the roadway network assuming that all the transportation improvement projects proposed in the City's current Transportation Facilities Plan are in place. The Transportation Facilities Plan EIS divides the City into several Mobility Management Areas (MMAs) for analysis purposes. This development allows for the future addition of 3 multifamily units if the zoning is changed from R-15 to R-20 for this site. The Carrington Apartments rezone lies within the Eastgate Subarea MMA # 10, which has a 2020 total growth projection of 100 additional multifamily units. Therefore, the volume of proposed development is within the assumptions of the Transportation Facilities Plan EIS.

The Carrington Apartment rezone proposes a change in zoning from R-15 to R-20. Potential trips increase has been calculated for the maximum build out for both zoning scenarios. The proposed rezone allows for an increase of 3 multifamily units for this site.

**Table 1
 Transportation Analysis**

Type of Zoning	R-15 Current	R-20
Number of multifamily units in maximum build scenario*	108 units current site development	111
PM peak hour trip rate for multifamily development	0.51 per multifamily unit	0.51 per multifamily unit
PM peak hour trips in maximum build scenario	55	57
Increase of PM peak hour trips in maximum build scenario		2

* Current zoning allows for a maximum of 83 units in the R-15 zone for this site. However, the site has 108 units since it was developed under King County regulations prior to annexation.

The maximum build scenario with the zoning change from R-15 with the current development to R-20 is estimated to increase PM peak hour trips by 2. The area wide average level of service (LOS) in the Eastgate Subarea (MMA 10) is well below the adopted standard LOS D. All the system intersections located in this area are operating within their respective LOS standards. The addition of 2 new PM peak hour trips is not expected to have a significant impact on the LOS of the Eastgate subarea.

B. Land Use Code Analysis

The Land Use analysis covers maximum number of units at maximum density and available parking onsite at maximum build-out.

**Table 2
 Land Use Code Analysis**

Type of Zoning	R-15	R-20	Comments
Existing units onsite	108 units	NA	Existing 19.5 units per acre in the R-15 zoning district.
Number of multifamily units in maximum build scenario	Existing 108 units	5.54 acres x 20 units per acre = 111 units	Increase of 3 units with rezone to R-20
Land Use Code: Parking stalls (based upon ratio of number of bedrooms/unit).	150 stalls required for existing development	150 stalls required for existing development + 5 for 3 additional potential units (111-108) = 155 stalls.	See LUC 20.20.590
Number of existing stalls available for existing development.	166 stalls	166 stalls	Project will meet parking code with rezone to R-20 since 166 stalls is over the LUC requirement of 155 stalls.

In summary, there is adequate parking onsite for the development under the R-20 zoning designation on this 5.54 acre site.

VII. DECISION CRITERIA

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

A. The rezone is consistent with the Comprehensive Plan.

The proposed rezone to R-20 (20 units per acre) is consistent with the Eastgate Subarea Comprehensive Plan map designation of Multi-Family Medium density. See attached map.

The following is a summary of relevant Comprehensive Plan policies:

POLICY S-EG-8. Limit multifamily housing to locations accessible directly from arterials, as depicted on the Land Use Plan (*Figure S-EG.1*).

Finding: The proposal will continue the existing multi-family use onsite. This use is depicted on the Land Use Plan for the Eastgate Subarea (*Figure S-EG.1*), attached.

POLICY S-EG-11. Encourage more opportunities for affordable housing in the Subarea by maintaining and rehabilitating existing housing stock.

Finding: While this development is not specifically identified as affordable housing, it does provide an option for those persons looking for lower rents than those rents in higher rent districts, such as the downtown.

POLICY HO-30. Encourage preservation, maintenance, and improvements to existing affordable housing.

Finding: As noted above, while not identified as affordable housing, the proposed rezone will bring the property into conformance with the residential density and thus may encourage the property owner to maintain and provide improvements to the property.

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.

Finding: The proposed rezone will bring this multi-family property into zoning conformance. The rezone supports the above policy by providing multi-family zoned property that has a density consistent with the proposed R-20 zoning designation.

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

The rezone proposal promotes the public health, safety and welfare by providing multi-family units in Bellevue. The approval of the rezone will provide assurance to the tenants of the apartment complex that their homes would be rebuilt in the event of a total loss. See Section III regarding discussion on legal non-conforming status.

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.

The proposed rezone would bring the current residential density into zoning conformance and would allow reconstruction in the event of a total casualty. The proposed rezone to R-20 is appropriate for the existing development of the subject property.

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

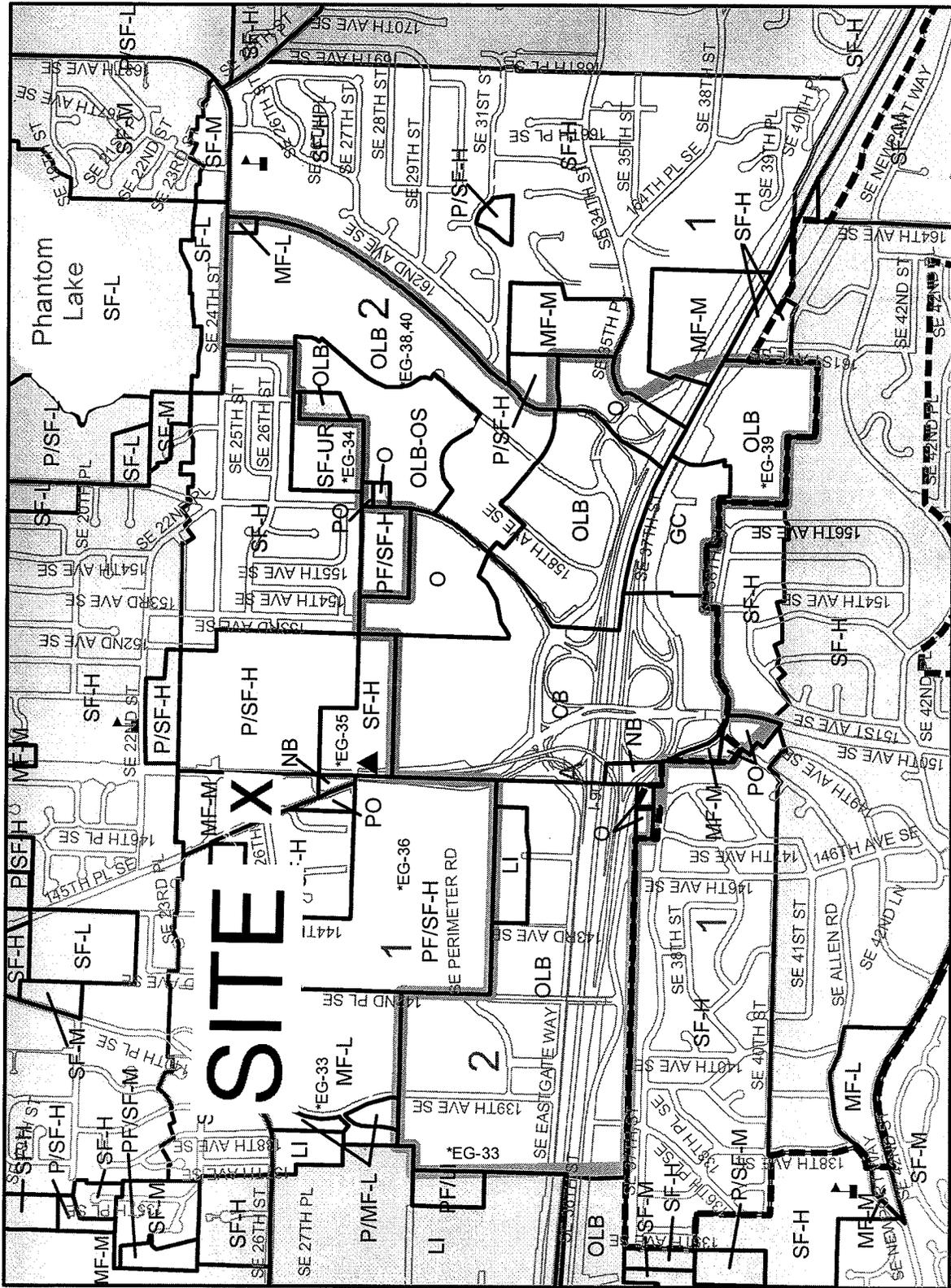
The property is developed at 19.5 units per acre in the R-15 zoning district (15 units per acre). Thus, it is considered a legal non-conforming residential density. Since 1969, the property has been at this residential density and it has not had a detrimental impact on the neighborhood.

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

The proposed rezone has merit and value for the community as a whole by bringing this legal non-conforming residential density into zoning conformance. Rezoning the property to allow 20 units per acre would render the current use as conforming, which would mean the owner could rebuild the 108 existing in the event of a catastrophic loss of over 75% (i.e. fire). This mitigates the potential loss of 25 units (those over the R-15 density: $108 - 83 = 25$ units) which would displace approximately 25-33 residents.

VIII. RECOMMENDATION

After conducting the various administrative reviews associated with the proposal, including applicable Land Use consistency, SEPA, and City Code and Standard compliance reviews, the Director does hereby **RECOMMEND APPROVAL** (with no conditions) of the Carrington Apartments rezone proposal.



Eastgate Land Use Plan



- SF Single Family
- MF Multi Family
- L Low Density
- M Medium Density
- H High Density
- UR Urban Residential

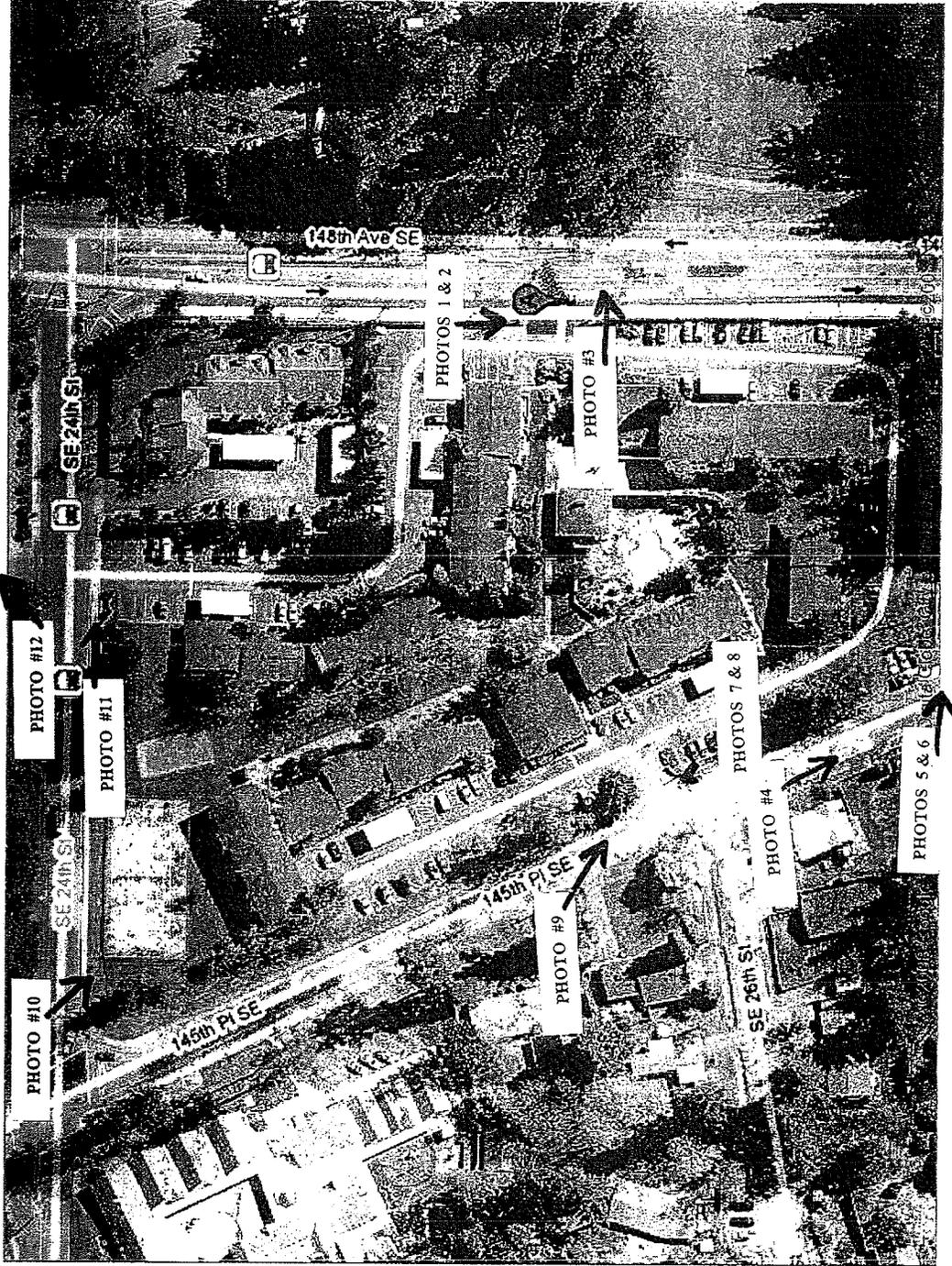
- PO Professional Office
- O Office
- OLB Office, Limited Business
- OLB-OS Office, Open Space
- NB Neighborhood Business
- CB Community Business

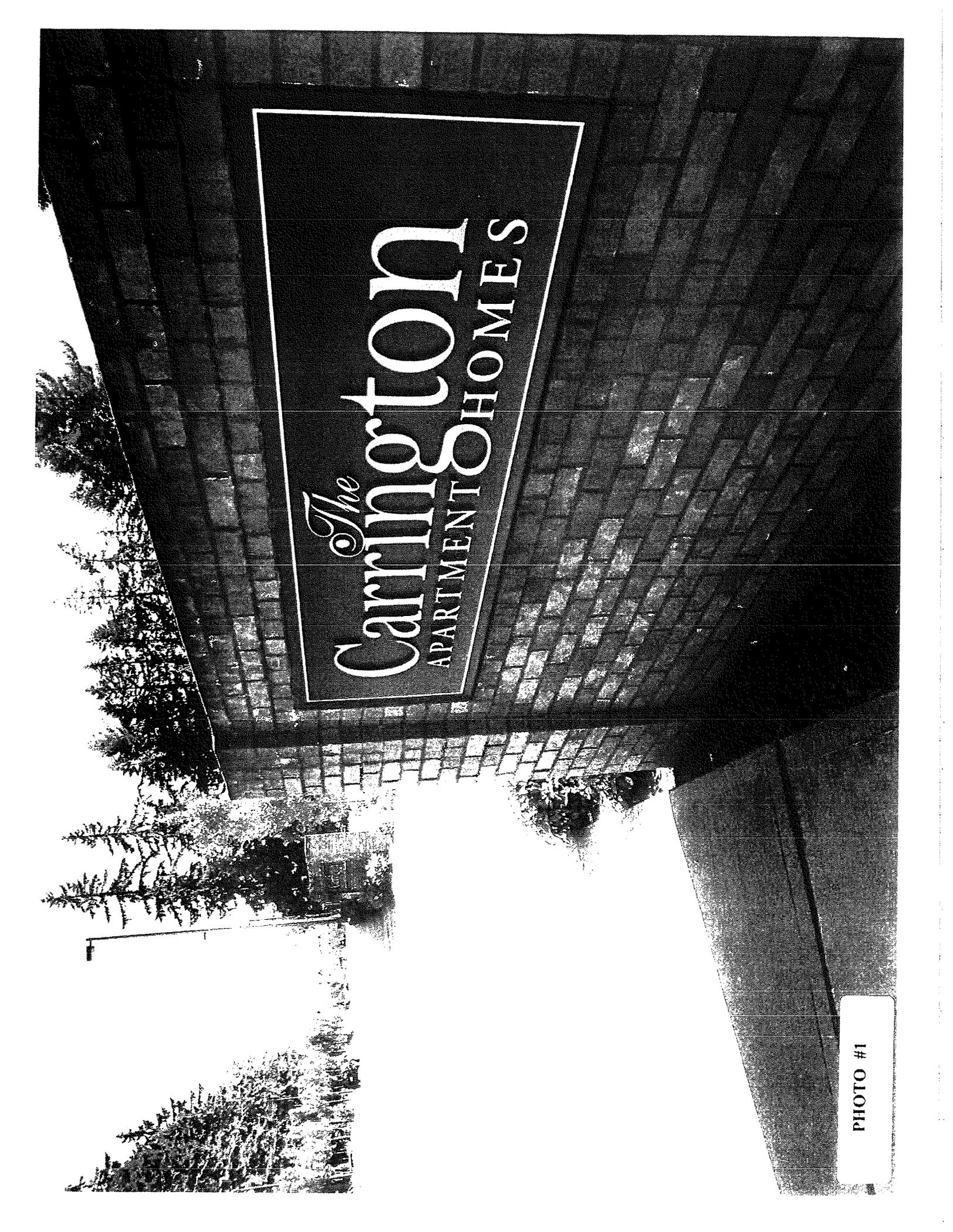
- GC General Commercial
- LI Light Industrial
- PF Public Facility
- P Park

- Fire Stations
- Public Schools
- Planning Districts
- Bellevue City Limits (6/2005)
- Lakes

Google
Maps

Address 2501 148th Ave SE
Bellevue, WA 98007





The Carrington
APARTMENT HOMES

PHOTO #1



PHOTO #2

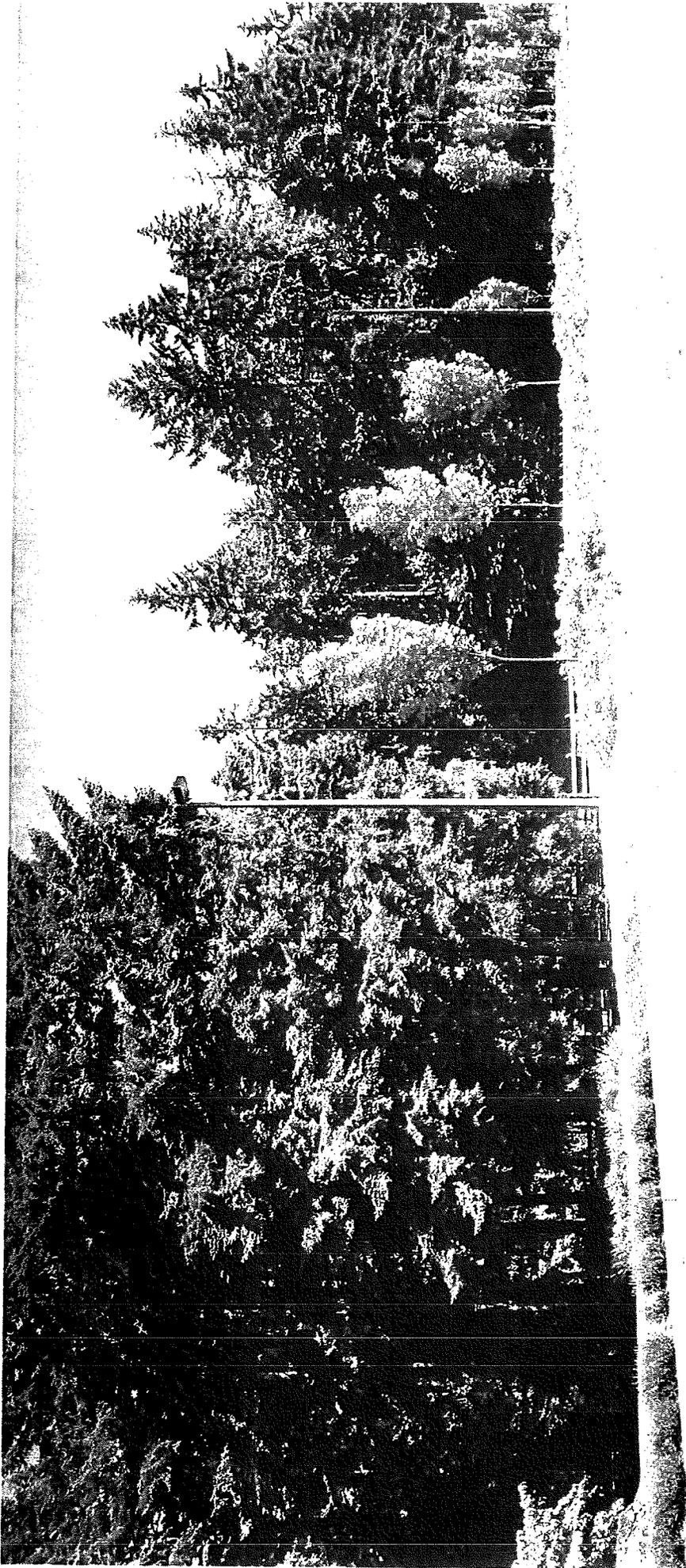


PHOTO #3

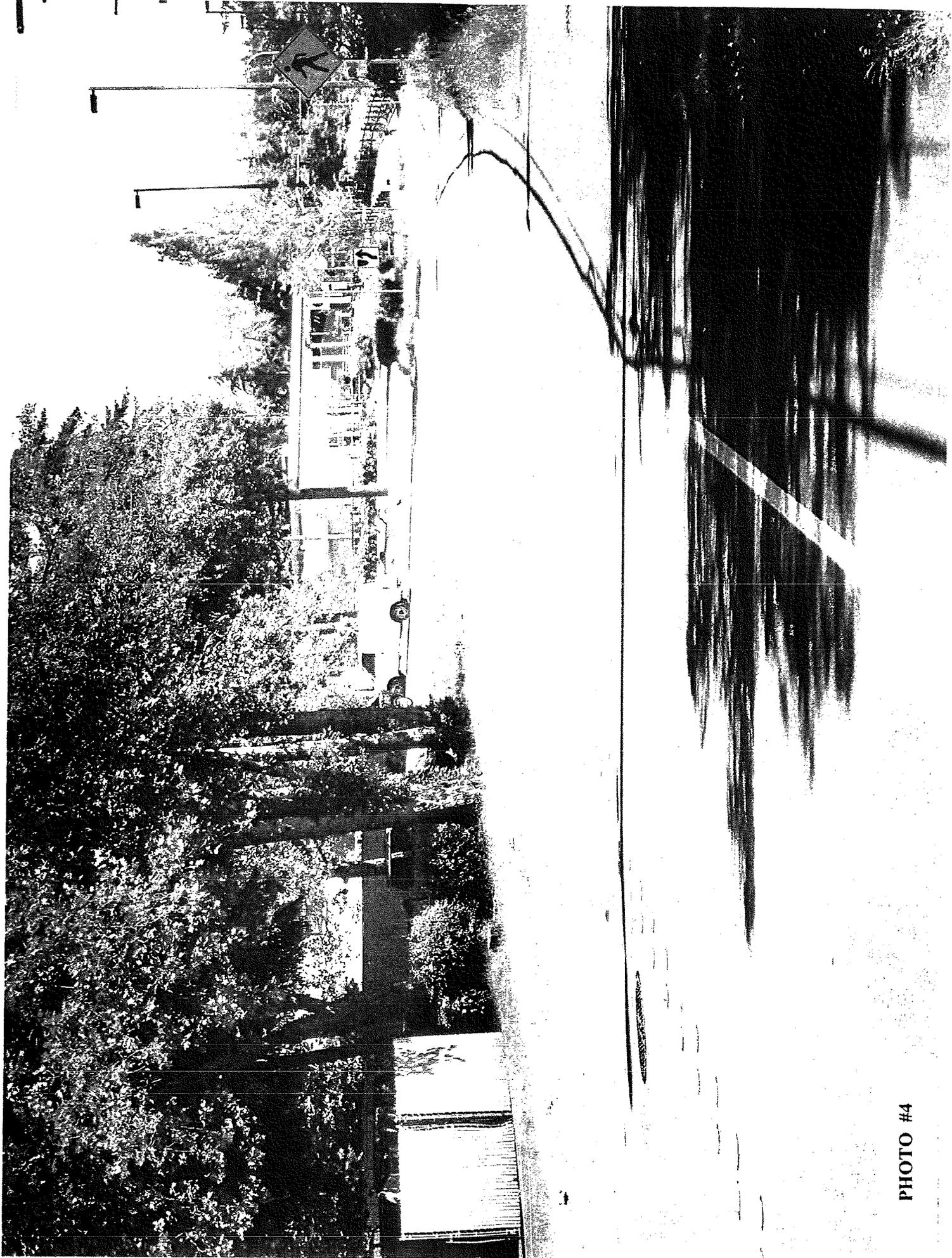


PHOTO #4

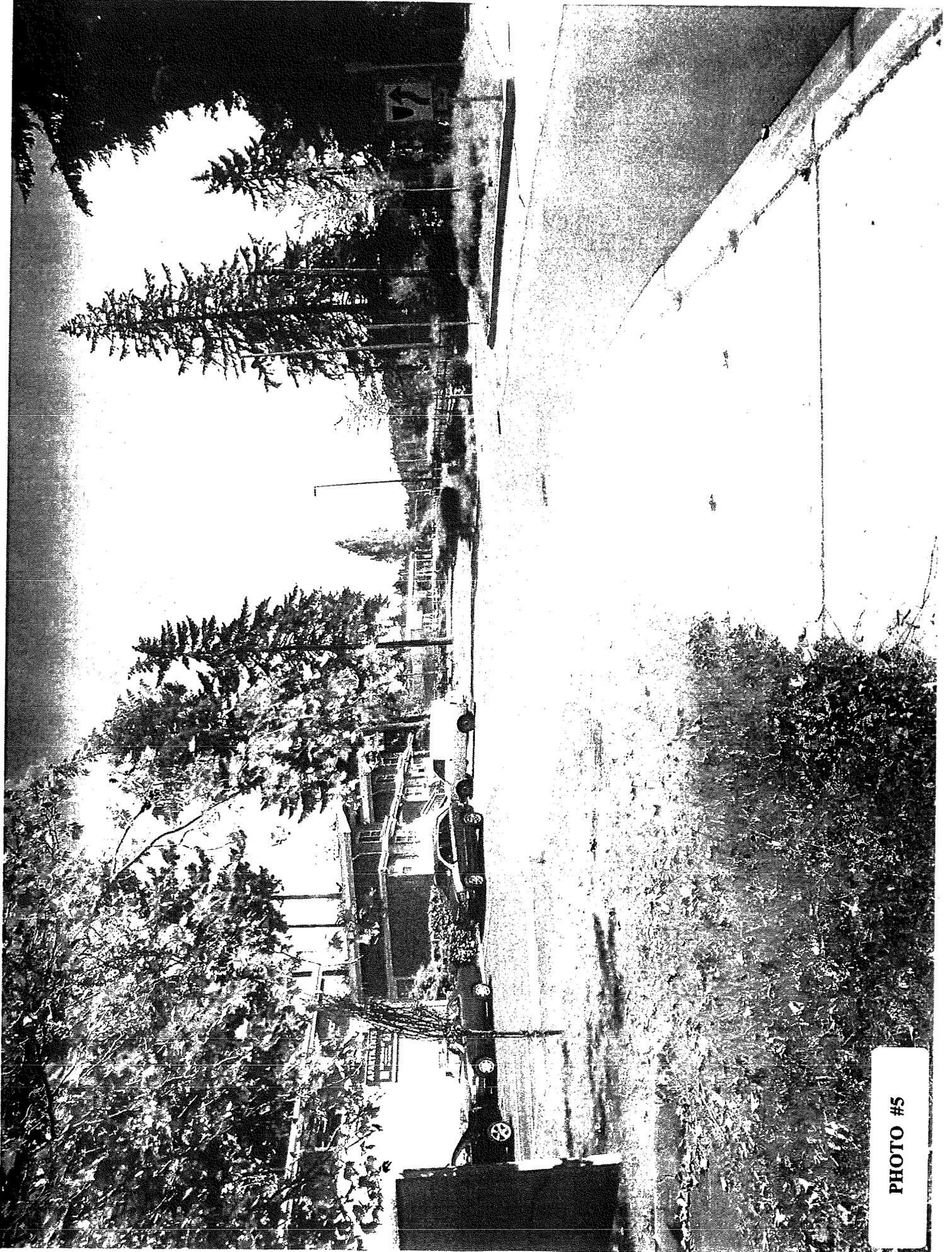


PHOTO #5



PHOTO #6

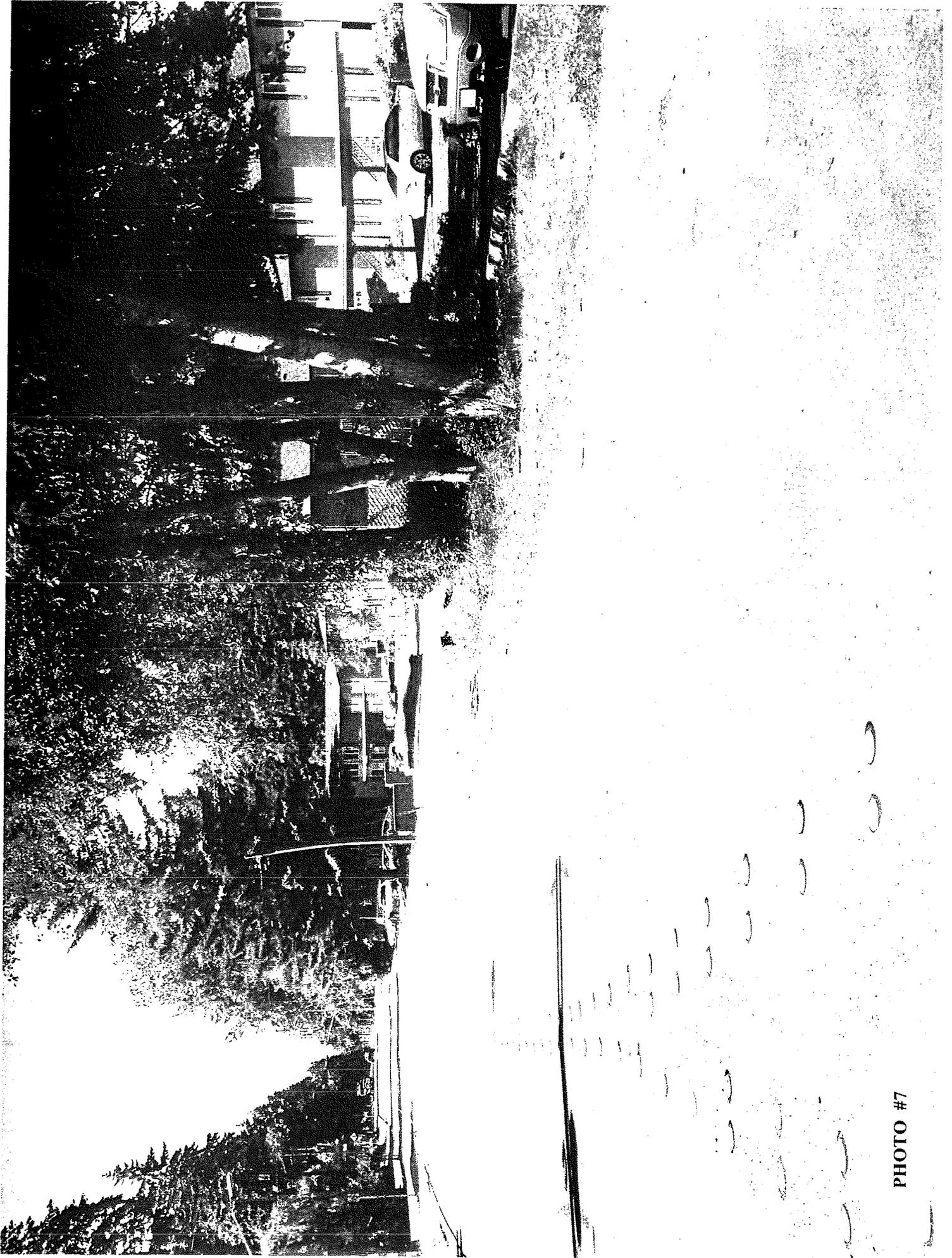


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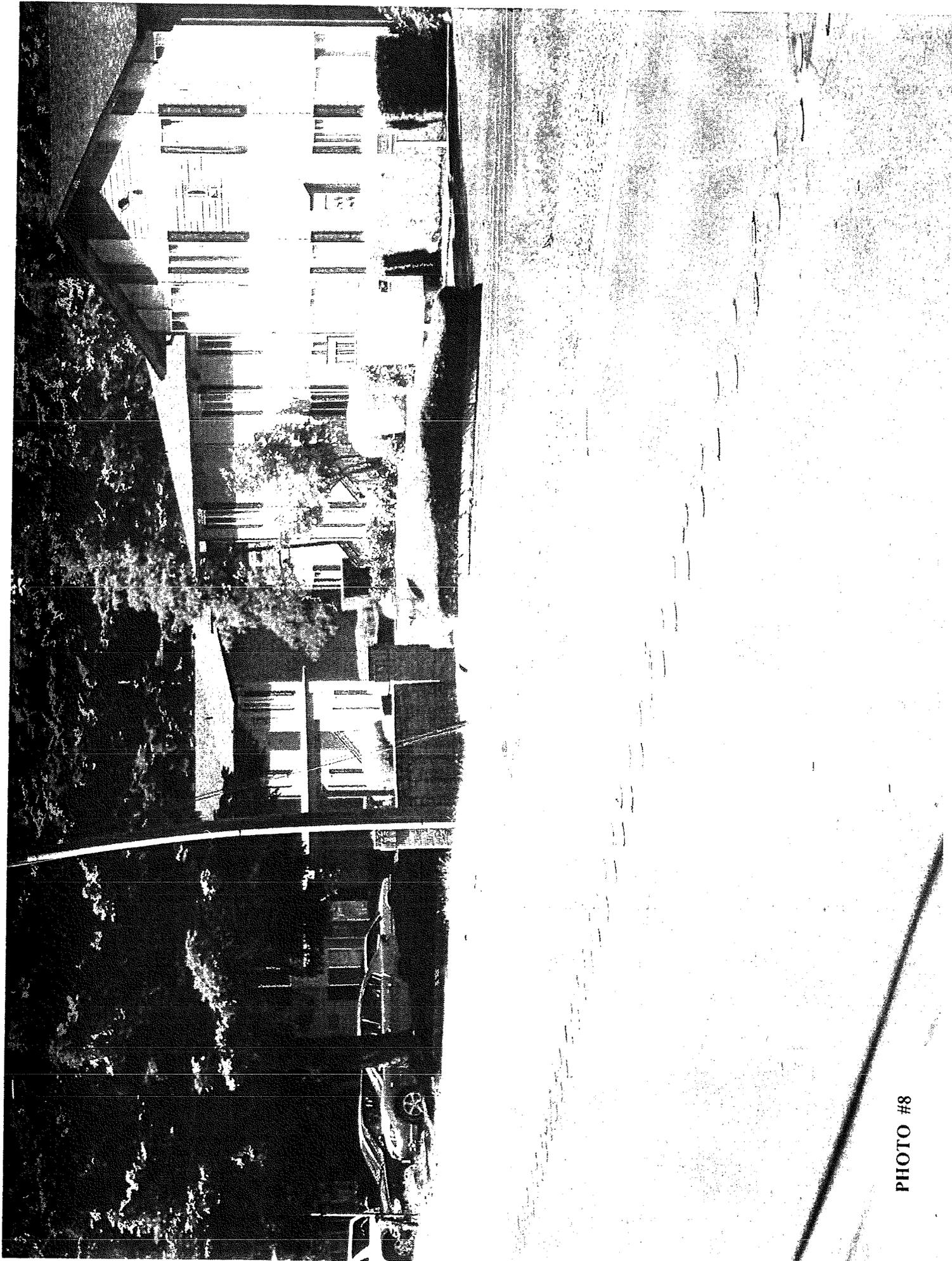


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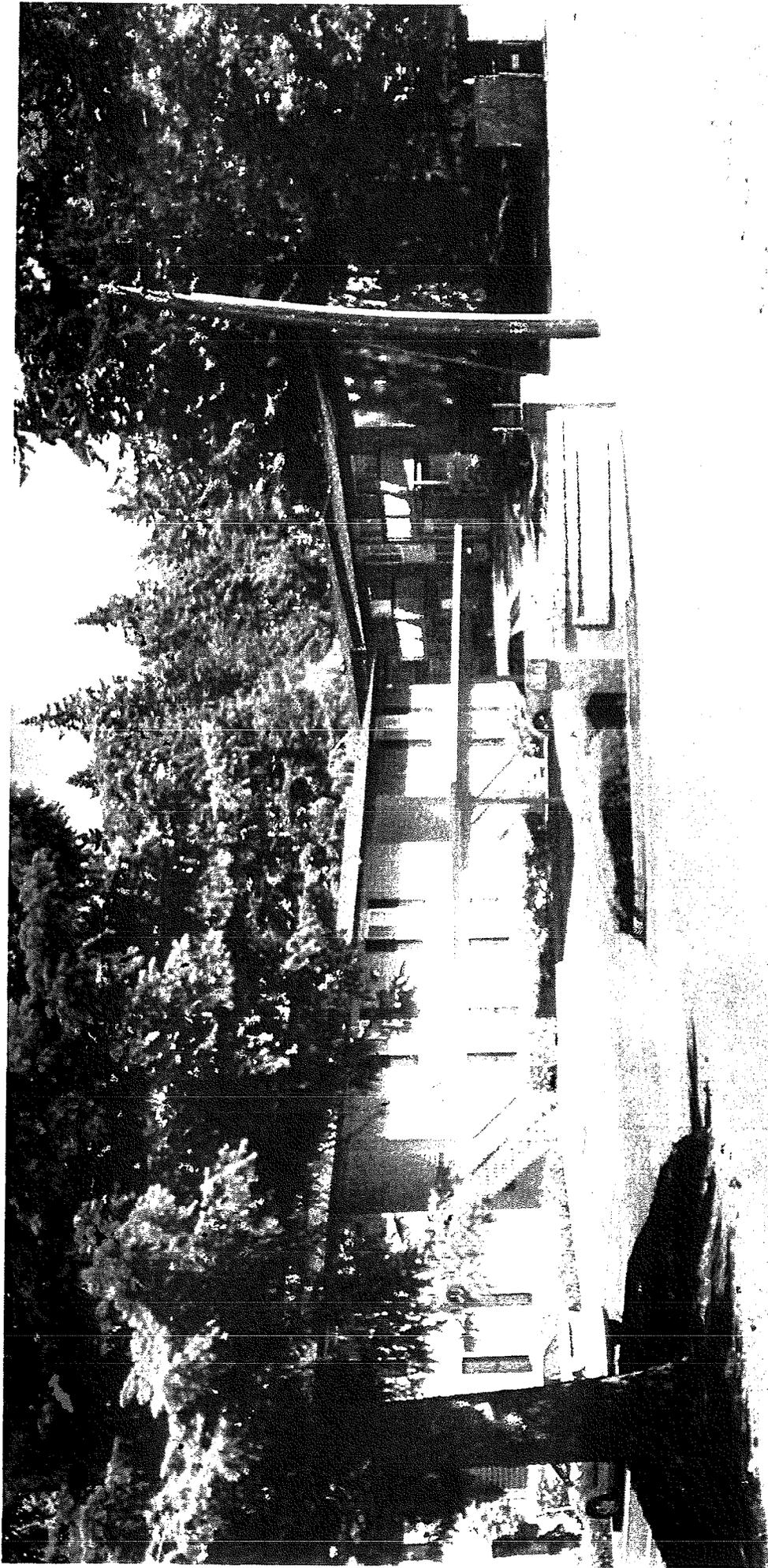


PHOTO #9

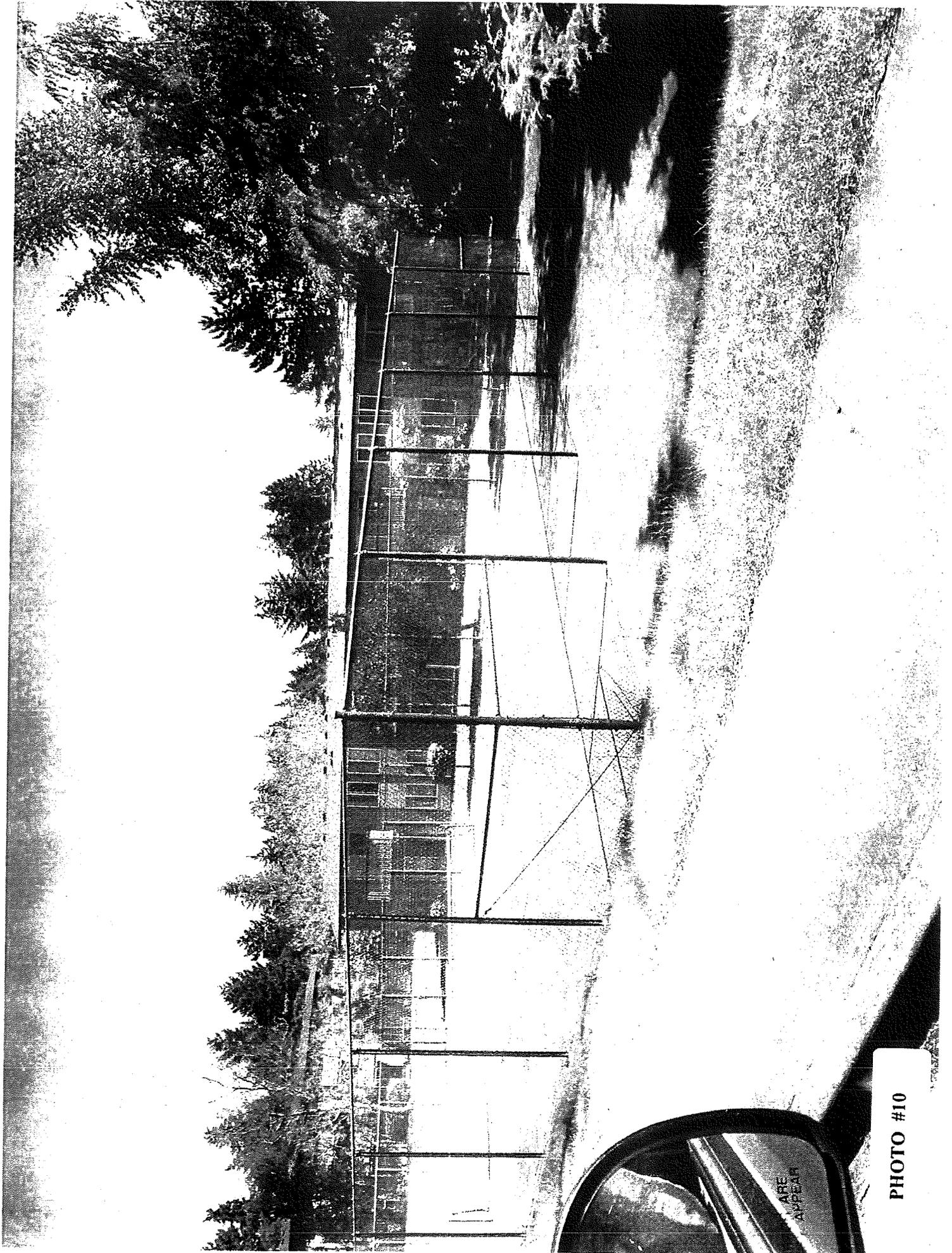


PHOTO #10

ARE
APPEAR

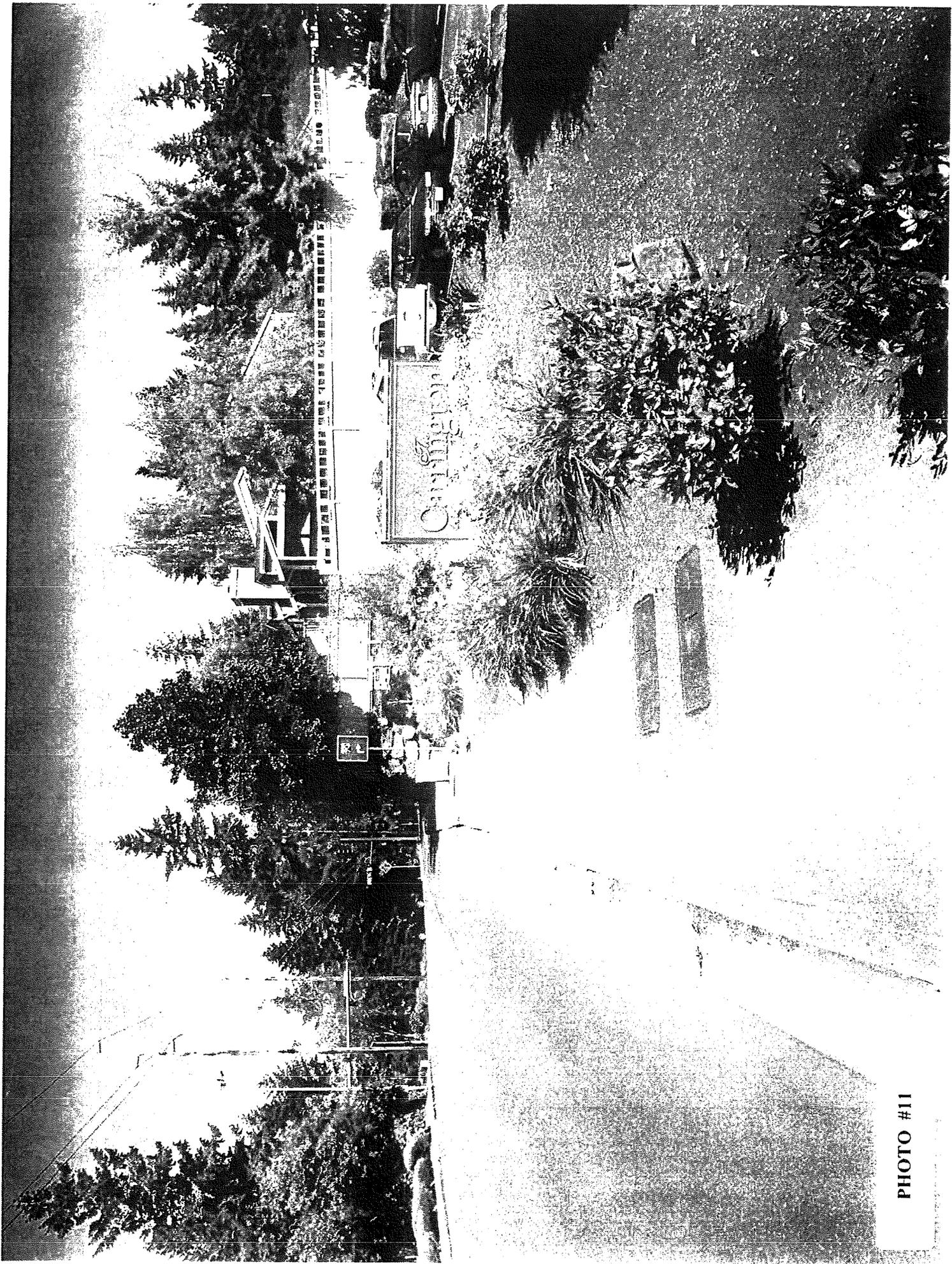


PHOTO #11

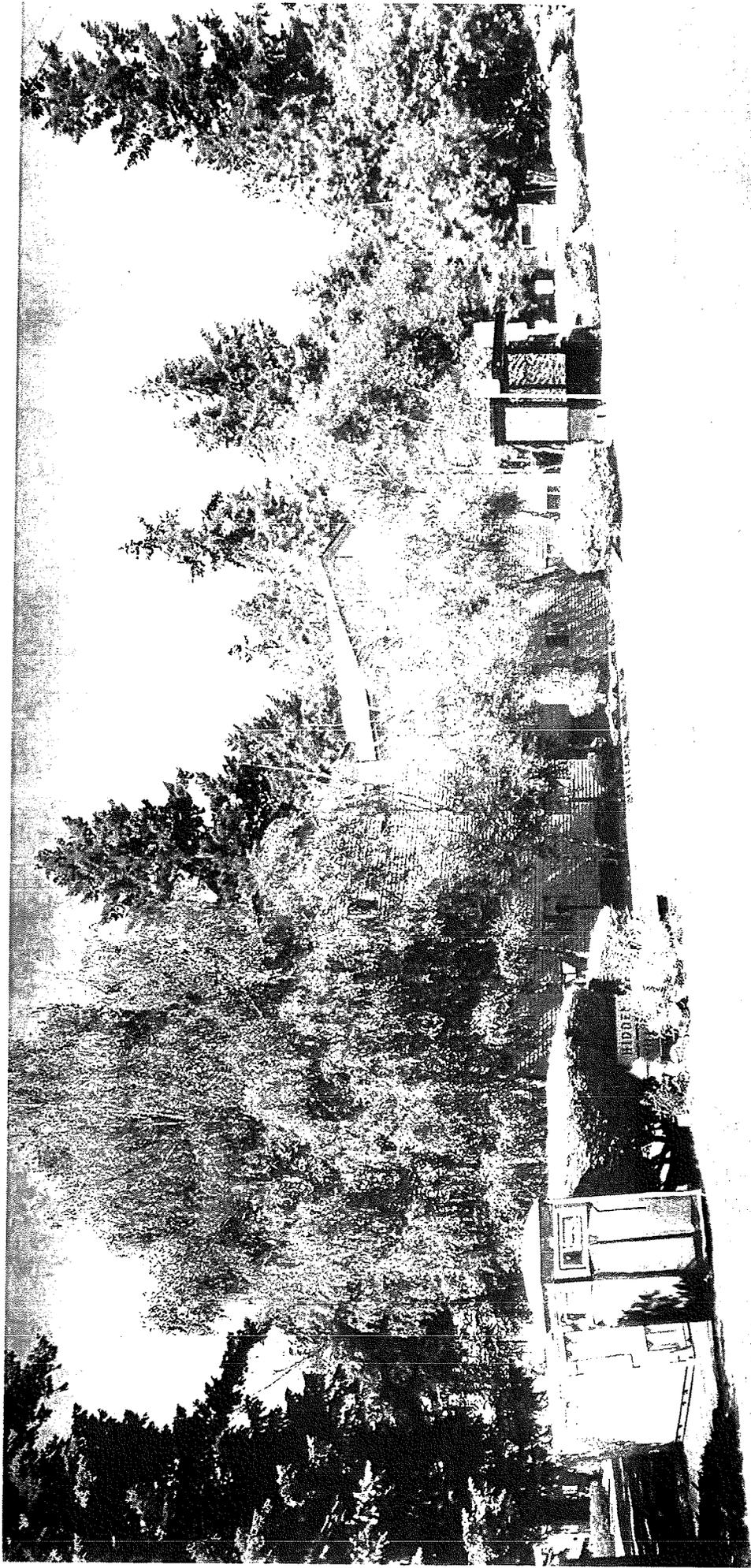


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