

SUMMARY

The City Council is considering the Hearing Examiner's Recommendation to approve an application submitted by Jeff Peterson of Toll Brothers, WA, LP, (Toll WA) for The Flats at 15th Place Rezone. Toll WA seeks a rezone of a single parcel located at 15516 NE 15th PL from Community Business (CB) to Multi-Family Residential (R-30) to be consistent with the City of Bellevue Comprehensive Plan. The application is Permit File No. 17-125912-LQ.

1. BACKGROUND ON APPLICATION

On April 2, 2007, the Bellevue City Council approved a Comprehensive Plan Amendment (File 05-114492-AC) to change the land use designation of this site from Community Business (CB) to Multi-Family High (MF-H), thus making the proposed rezone possible. The Comprehensive Plan Amendment updated the Crossroads Subarea.

Toll WA filed for a rezone from Community Business to Multi-Family Residential (R-30) for the parcel at issue on October 12, 2017. Notice of Application was published on November 2, 2017. Mailing, posting and publication of the application were appropriately accomplished.

A public meeting was held on November 21, 2017. No citizens attended the meeting and one person submitted comments. The comment focused on the impact the proposed rezone would have on the neighboring property to the immediate east of the subject property. Due to the fact that the change in zoning will create transition area requirements between the two parcels, the rezone will increase the setback and landscaping requirements along the western property line of the neighboring property when it is redeveloped, along with additional tree retention requirements.

The Development Services Department issued a Determination of Non-Significance (DNS) under the State Environment Policy Act on October 25, 2018, upon finding that the proposal at issue would not have any probable significant adverse impact on the environment. The DNS was not appealed. The City issued a staff report and a recommendation for approval of the proposed rezone on October 25, 2018.

2. PROCEEDING BEFORE EXAMINER

Upon due notice, the Hearing Examiner held a public hearing and received testimony under oath in the Bellevue City Council Chambers on November 8, 2018. Leah Chulsky, Associate Land Use Planner, City of Bellevue, presented a staff report and testified on behalf of the City. Brent Carson, of Van Ness Feldman appeared on behalf of the applicant, Toll Brothers, WA LP and presented a brief statement in support of the proposal. Alex Sidles of Bricklin & Newman testified on behalf of the adjacent property

owner, Kasar Investments in opposition of the application. Four (4) members of the public offered testimony.

The Hearing Examiner issued her Recommendation on November 26, 2018, recommending approval of the rezone application. A Motion for Clarification was filed on November 30, 2018 by Matt McFarland, on behalf of the City. The Hearing Examiner issued her Order on the Motion for Clarification on December 5, 2018, addressing paragraph 10 of the Findings of Fact section in the Recommendation. A timely appeal of the Recommendation was filed on December 18, 2018 by Alex Sidles, on behalf of the adjacent property owner, Kasar Investments.

3. SITE CHARACTERISTICS

The parcel at issue is currently zoned as Commercial Business (CB) and is located in the Crossroad subarea. It is 24,750 square feet and is developed as a parking lot. The subject property is surrounded by existing multi-family development to the north and west and commercial development to the east and south. The subject property is relatively flat and does not contain any critical areas.

The proposed rezone from Commercial Business (CB) to Multi-Family Residential (R-30) will create consistency with the Comprehensive Plan Amendment to the Crossroads Subarea.

4. COMMENTS

As referenced in Section 2 above, public testimony was received.

5. HEARING EXAMINER RECOMMENDATION

Based upon detailed Findings and Conclusions, the Hearing Examiner recommends that the application to rezone a parcel of 24,750 square feet located at 15516 NE 15th PL be **APPROVED**, with the understanding that approval of this rezone does not constitute approval of any Land Use Code amendments, project specific SEPA review, building permit approval or any other ancillary permits that may be required for the construction of any proposed redevelopment on the rezone site.