

## **SUMMARY**

The City Council is considering the Hearing Examiner's Recommendation to approve an application submitted by Sunset North, LLC for the Sunset North Lot 10 Rezone. The applicant seeks a rezone of a 7.2-acre site located at 3002 139<sup>th</sup> Avenue S.E. from Office Limited Business (OLB) to Eastgate Transit Oriented Development (EG-TOD) and clarification and/or modification regarding the applicability of Concomitant Zoning Agreements associated with the property. The application Permit File No. is 18-127169-LQ.

### **1. BACKGROUND ON APPLICATION**

On July 29, 2015, the Bellevue City Council adopted a Comprehensive Plan Amendment (Ord. 6250) to change the land use designation from Office Limited Business (OLB) to Eastgate Transit-Oriented Development (EG-TOD) or Office Limited Business (OLB).

On November 13, 2018, Sunset North, LLC applied for a rezone of a single parcel located at 3002 139<sup>th</sup> Avenue SE from Office Limited Business (OLB) to Eastgate Transit Oriented Development (EG-TOD). Notice of Application was published on December 13, 2018. Mailing, posting and publication of the application were appropriately accomplished. In September of 2019, MMP Lot 10, LLC purchased the subject property at 3002 139<sup>th</sup> Avenue SE from the original applicant.

A public meeting was held on January 15, 2019. Comments were received by the City during the review of the project. The Development Services Department (DSD) summarized and responded to categories of comments in the department staff report. Some of the general categories of comments include future construction, existing traffic conditions and potential traffic impacts of the rezone.

The State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS), previously issued for the Comprehensive Plan Amendment (CPA) on February 12, 2015, (File # 12-127970-AC) regarding the site, is being adopted by the Department for the current rezone proposal.

In 1989, the 7.2-acres that are the subject of this rezone, were part of an 82.5-acre rezone to OLB and R-10, which laid the groundwork for development of the Sunset Ridge I-90 Corporate Center in three phases, pursuant to a Master Plan. The instant rezone is within the second phase, which called for the construction of attached residential dwelling units. A number of Concomitant Zoning Agreements (CZA's) covering this phase were adopted.

The Department issued their recommendation of approval on the Rezone application on May 13, 2021. Public noticing was also accomplished on May 13, 2021.

## **2. PROCEEDING BEFORE EXAMINER**

Upon due notice, the Hearing Examiner held a public hearing and received testimony under oath via Zoom Webinar on June 3, 2021. At the hearing, Drew Folsom, Associate Land Use Planner, City of Bellevue, presented a staff report and testified on behalf of the City. Katie Kendall of McCullough Hill Leary, PS, appeared on behalf of the applicant and testified in support of the proposal. No members of the public attended or spoke at the public hearing.

The Hearing Examiner's Office received a written comment on the proposal from the applicant, which has been included in the record.

## **3. SITE CHARACTERISTICS**

The Sunset North Lot 10 site is approximately 7.2-acres and is within the Eastgate subarea. The subject site is located at 3002 39<sup>th</sup> Avenue S.E. It is north of S.E. 32<sup>nd</sup> Street. Currently the site is undeveloped except for retaining walls and a gravel driveway located in the southern area of the site. The southern area of the property slopes significantly downward from east to west. Steep slopes are present in the western portion of this area. The vegetation within the disturbed area is grass and shrubs. The remainder of the property is heavily vegetated with trees and shrubs. The northern area of the property has a mapped type N stream, a Category-II wetland, as well as potential unmapped and untyped streams. Steep slopes are located in multiple locations on site. No development or disturbance of the property is associated with this rezone.

The proposed rezone from Office Limited Business 2 (OLB 2) to Eastgate Transit Oriented Development (EG-TOD) will create consistency with the property's Land Use District Designation and the Comprehensive Plan Designation.

## **4. COMMENTS**

As referenced in Section 2 above, no public testimony was provided at the public hearing and one (1) written comment was received before the conclusion of the public hearing.

## **5. HEARING EXAMINER RECOMMENDATION**

Based upon detailed Findings and Conclusions, the Hearing Examiner recommends that the application to rezone the 7.2-acre site, located at 3002 139<sup>th</sup> Avenue S.E. be approved, subject to the imposed conditions of approval recommended by the Department.

The Hearing Examiner issued his Recommendation on June 11, 2021, recommending approval of the rezone application. No appeals were filed.