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**BEFORE THE HEARING EXAMINER FOR THE CITY OF BELLEVUE**

In the Matter of an Application for )  
The Rezone of 4.3 Acres from R-2.5 )  
To R-20 to be Consistent with )  
Comprehensive Plan. )  
**ST. LUKE’S LUTHERAN CHURCH** )  
Between NE 29<sup>th</sup> Street and NE 32<sup>nd</sup> Place )  
At 3030 Bellevue Way )  
\_\_\_\_\_)

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND RECOMMENDATION**

**File No. 15-103697 LQ**

**SUMMARY**

- 1. Recommendation.** The requested rezone should be approved.
- 2. Request.** To change the zoning of the 4.3 acres at 3030 Bellevue Way from R-2.5 to R-20 to be consistent with a Comprehensive Plan Amendment adopted August 3, 2015 (Amendment 15-103696 AC; Ordinance 6248). The property is the site of St. Luke’s Lutheran Church. No specific project has been proposed, but the intention is eventually to construct multi-family dwelling units that will provide affordable housing.
- 3. Procedure.** On August 3, 2015, passage of Ordinance 6248 amended the Comprehensive Plan to increase the density for the subject property on the North Bellevue Subarea Plan map from Single Family Medium (SF-M) to Multifamily-Medium (MF-M). Thereafter, application for rezone was made. Notice of the rezone proposal was published on September 10, 2015, and required mailing and posting were accomplished that same day. A public meeting was held September 30, 2015. There were 13 attendees. Questions were asked about future development plans. A general overview of potential development was given. No one had questions about the rezone. A non-project Determination of Non-Significance (DNS) under the State Environmental Policy Act (SEPA), issued in connection with the Comprehensive Plan amendment, is being used for this rezone action as well. A project level review will be made after receipt of a specific request for development of the site.

12/3/2015

1 **FINDINGS OF FACT**

2 1. The factual matters set forth in the foregoing Summary are adopted by the Examiner  
3 as findings.

4 2. The property has for many years served as the site for St. Luke’s Lutheran Church.  
5 There are two parcels: 202505-9158 and 202505-9188. Currently the church is surrounding by  
6 landscaping and associated parking. The eastern portion of the site contains undisturbed steep  
7 slopes and streams/wetlands. Future development will need to conform to Critical Areas  
8 requirements in regard to setbacks and allowed uses.

9 3. The property, located on the east side of Bellevue Way NE, is currently within a  
10 single-family R-2.5 land use district. The neighborhood across the street to the west is also  
11 zoned R-2.5. The property to the north and south is zoned R-20 and has been developed with  
12 multi-family complexes. To the northeast a small portion of the property borders an OLB  
13 (Office/Limited Business) land use district. The rest of the east side is zoned R-20.

14 4. The instant rezone was requested by the church in order to allow affordable multi-  
15 family dwelling units to be constructed on the site in the near future by Imagine Housing.

16 5. The rezone supports Comprehensive Plan Policy S-NB-12 by enabling housing for a  
17 broader cross-section of the community. It is also in accord with Housing Element policies that  
18 encourage infill and increased opportunity for affordable housing.

19 6. The idea of building this kind of housing on the site is expressive of the church’s long-  
20 term commitment to helping people in need find a decent place to live. In the past, the church  
21 has twice sponsored a tent city on its property.

22 7. The underlying Comprehensive Plan change here was a part of the 2015 Annual  
23 Comprehensive Plan amendments. The rezone is to accomplish zoning consistency with the  
24 Comprehensive Plan.

25 8. According to the Staff analysis, the type of development contemplated under the new  
26 zoning can be accomplished on this property, consistent with the Land Use Code. The existing  
27 infrastructure, including streets, appears to be adequate to support the probable level of  
28 development.

29 9. The criteria for approval of a rezone are set forth at LUC 20.30A.140, as follows:

30 A. The rezone is consistent with the Comprehensive Plan; and

- B. The rezone bears a substantial relation to the public health, safety, or welfare; and;
- 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
- D. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property.
- E. The rezone has merit and value for the community as a whole.

10. The Staff Report analyzes the proposed rezone in light of the above criteria and finds that the proposal is consistent with them. The Hearing Examiner concurs with this analysis and adopts the same. The Staff Report is by this reference incorporated herein as though fully set forth.

11. Six members of the public testified at the public hearing. All favored providing additional affordable housing. However, concern was expressed over the setbacks and potential height of any new development. A request was made to retain the setbacks and height limit of the R-2.5 zone. The Examiner does not think that a condition requiring such limits needs to be reflected in this rezone action, but urges that such considerations be weighed in the processing of any project specific proposal that may be made. A mistake on the sign posted on site regarding this rezone was pointed out, but the Examiner determines that the error was harmless.

12. Any conclusion herein which may be deemed a finding is hereby adopted as such.

### CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the subject matter. It is a Process III proceeding in which the Examiner, after hearing, makes a recommendation. The final decision is by the City Council. LUC 20.35.015(D)(1); LUC 20.35.300.

2. The requirements of SEPA have been met.

3. The proposed rezone meets the applicable decision criteria of LUC 20.30A.140.

4. The proposed rezone implements the requirement of the Growth Management Act for consistency between zoning and the Comprehensive Plan.

5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

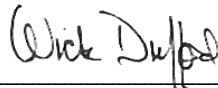
1 **RECOMMENDATION**

2 The proposed rezone of the St. Luke’s Lutheran Church property at 3030 Bellevue Way  
3 NE (File No: 15-1033697 LQ) should be approved with the following condition:

4 **1. Authority**

5 Approval of this rezone does not constitute an approval of any Land Use  
6 Code permits, Design Review for a specific residential density, or any  
7 other ancillary permits that may be required for the design and construction  
8 of any proposed development of the rezone site.

9 **DONE**, this 3rd day of December, 2015

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14 Wick Dufford, Hearing Examiner

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17 **NOTICE OF RIGHT TO APPEAL**

18 (Pursuant to Resolution No. 5097)

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20 **RIGHT TO APPEAL-TIME LIMIT**

21 A person who submitted written comments to the Director prior to the hearing, or  
22 submitted written comments or made oral comments during the hearing on this matter, may  
23 appeal the recommendation of the Hearing Examiner to the Bellevue City Council by filing a  
24 written appeal statement of the Findings of Fact or Conclusion being appealed, and paying any  
25 appeal fee, no later than 14 calendar days following date that the recommendation was mailed.  
26 The appeal must be received by the City Clerk by **5:00 p.m. on Thursday, December 17, 2015.**

27  
28 **TRANSCRIPT OF HEARING-PAYMENT OF COST**

29 An appeal of the Hearing Examiner’s decision requires the preparation of a transcript of  
30 the hearing before the Hearing Examiner. Therefore, the request for appeal must be  
accompanied by an initial deposit of \$100 per recording hour. Should the actual cost be less the

12/3/2015

1 amount of the deposit, any credit due shall be reimbursed to the appellant. Should the cost for  
2 transcript preparation be more than the deposit, the appellant will be additionally charged.

3 **WAIVER OF TRANSCRIPTION FEE**

4       Upon request, the City Clerk will waive transcription fees upon submission by an  
5 appellant of the following documentation: a) an affidavit stating that the appellant's net financial  
6 worth does not exceed \$20,000; b) an affidavit stating that the appellant's annual income does  
7 not exceed \$5,200; c) a brief statement of the issues sought to be reviewed; d) a designation of  
8 those parts of the record the party thinks are necessary for review; e) a statement that review is  
9 sought in good faith.

10 **CITY COUNCIL CONSIDERATION**

11       Unless appealed, this matter has tentatively been schedule to go before the City Council  
12 on **Tuesday, January 19, 2016 at 6:00 pm** for discussion, and **Monday, February 1, 2015 at**  
13 **8:00 pm** for legislation. After **Thursday, December 17, 2015**, interested persons may contact  
14 the Hearing Examiner's Office at (425) 452-6934 to find out whether an appeal has been filed.  
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