



# MEMORANDUM

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DATE: January 22, 2009

TO: Chair Orrico and Members of the Planning Commission

FROM: Paul Inghram, AICP, Comprehensive Planning Manager  
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Sally Nichols, Associate Planner,  
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SUBJECT: Factoria Land Use Code Amendments

- Courter Honda Land Use Code Amendment (08-136448-AD)
- SFO Factoria Land Use Code Amendment (08-136447-AD)

Two Land Use Code amendments for the Factoria area will be presented to the Planning Commission on January 28 for public hearing. This includes an amendment addressing retail auto sales near the location of Honda Auto Center and an amendment modifying the allowed building floor area ratio (FAR) in the area north of Factoria Mall.

Staff will ask for the Commission to deliberate and make recommendations to the Council following the public hearings.

## **BACKGROUND**

The two proposed Land Use Code amendments stem directly from 2007 Comprehensive Plan amendments reviewed by the Planning Commission and adopted by the City Council through Ordinance Nos. 5798 and 5799.

The amendment addressing retail auto sales is based on a request from Courter Enterprises, the owner of Honda Auto Center, to make retail auto sales an allowed use at the Honda site and the neighboring property to the west. The Honda site is zoned OLB (Office Limited Business) and, generally, retail auto sales are not permitted in the OLB zoning district. At this location, retail auto sales is currently a legal, non-conforming use, which impacts Honda's ability to maintain financing for site improvements and expansion. Retail auto sales are allowed in the portion of OLB along "Auto Row" (that is, 116th Avenue NE south of NE 8th Street) and the proposed amendment would expand the allowed OLB area to include the area at the Honda site. This is consistent with the Courter Enterprises Comprehensive Plan amendment adopted in Ordinance No. 5798.

The second amendment will increase the allowed FAR for the office development area north of Factoria Mall to 0.75 and is based on a request from SRO, the property owner. SRO seeks to have a sufficient ability to allow redevelopment of the Factoria Cinemas site. The current F2 and O zoning in the subject area allow for 0.6 and 0.5 FAR, respectively. This increase in the FAR is consistent with the SRO Factoria Comprehensive Plan amendment adopted in Ordinance No. 5799.

**RECOMMENDATION**

Staff recommends that the Planning Commission hold a public hearing for each of the amendments, deliberate and make a recommendation to the City Council.

As detailed in the staff reports that follow this memorandum, staff recommends adoption of both amendments.



**Planning/Development Services Staff Report**

DATE: January 8, 2009

TO: Chair Orrico and Members of the Bellevue Planning Commission

FROM: Sally Nichols, Associate Planner, 452-2727  
spnichols@bellevuewa.gov  
Paul Inghram, Comprehensive Planning Manager, 452-4070  
pinghram@bellevuewa.gov

SUBJECT: Courter Honda Land Use Code Amendments (08-136448-AD),  
January 28, 2009, Public Hearing

**I. INTRODUCTION**

This memorandum presents the report and recommendation of the Development Services Department and Planning and Community Development Department on proposed Land Use Code (LUC) amendments to implement the 2007 Courter Honda Comprehensive Plan amendment, adopted in February, 2008. A copy of the proposed LUC language is included in Section III of this report and as Attachment A.

A public hearing is scheduled for January 28, 2009, with the Planning Commission. Following the public hearing and consideration of public comments, staff recommends that the Planning Commission make a recommendation to the City Council regarding adoption of the proposed Code amendments.

**II. BACKGROUND**

The private Courter Enterprises Comprehensive Plan Amendment (CPA) sought to eliminate the nonconforming use status of the Honda Auto Center in Factoria under its existing OLB designation. This was because retail auto sales are not currently allowed in OLB zoning districts except along "Auto Row" at 116<sup>th</sup> Ave. In response, a Comprehensive Plan amendment was adopted on February 25, 2008, to include Policy S-FA-26.5 of the Factoria Subarea Plan to broaden the allowance of retail auto sales to also include the OLB area of Honda Auto Center along SE 36th Street, west of the ravine located at about 133rd Avenue SE and east of the Newport Corporate Campus located at 132nd Avenue SE.

To implement the adopted Comprehensive Plan amendment, staff crafted a draft Land Use Code amendment modifying the chart LUC 20.10.440 - Uses in Land Use Districts.

**III. PROPOSAL**

The proposed Land Use Code amendment would:

Implement policy direction in Policy S-FA-26.5 of the Factoria Subarea Plan by amending Note (6) of the Uses in Land Use Districts Chart at LUC 20.10.440:

**LUC 20.10.440 - Wholesale and Retail Use Chart (Note 6)**

- (6) Retail auto sales are permitted ~~on the west side of 116<sup>th</sup> Avenue NE between NE 8<sup>th</sup> Street and the SE 8<sup>th</sup> Street off-ramp from northbound I-405 only~~; only in the following locations:
- a. The west side of 116<sup>th</sup> Avenue NE between NE 8<sup>th</sup> Street and the SE 8<sup>th</sup> Street off-ramp from northbound I-405; and
  - b. Along SE 36<sup>th</sup> Street west of the ravine located at the approximate alignment of 133<sup>rd</sup> Avenue SE and east of 132<sup>nd</sup> Avenue SE.

A copy of the proposed LUCA language, including the proposed revisions in underline/strikeout format, is included in Section III of this report and as Attachment A.

**IV. STATE ENVIRONMENTAL POLICY ACT**

The Environmental Coordinator for the City of Bellevue has determined that this proposal will not result in any probable, significant, adverse environmental impacts. A final threshold determination of non-significance (DNS) was issued January 8, 2009. The DNS is attached as Attachment B.

**V. PUBLIC NOTICE AND COMMENT**

The Courter Honda LUCA was introduced at a study session with the Planning Commission on December 10, 2008. During that study session, the Planning Commission gave staff direction to proceed to a public hearing on the proposed amendment. Notice of the Application was published in the Weekly Permit Bulletin on December 18, 2008. Notice of the Public Hearing before the Planning Commission, the staff recommendation, and the SEPA threshold determination was published in the Weekly Permit Bulletin on January 8, 2009.

Pursuant to the requirements of the state Growth Management Act, copies of the draft Land Use Code amendment were provided to the state Community Trade and Economic Development Department (CTED) on December 30, 2008 for review. No comment letters were received by DSD prior to the release of this staff report. Comments received after release of the staff report will be forwarded to the Planning Commission prior to the public hearing.

**VI. APPLICABLE DECISION CRITERIA - LAND USE CODE PART 20.30J**

The decision criteria for an amendment to the text of the Land Use Code are set forth in the Land Use Code, Section 20.30J.135. The Planning Commission may recommend the City Council approve or approve with modifications an amendment to the text of the Land Use Code if:

**A. The amendment is consistent with the Comprehensive Plan; and**

The Courter Honda Land Use Code Amendment is proposed as a result of 2007 Comprehensive Plan Amendment (CPA) actions for **Courter Honda CPA**. The CPA was adopted by the City Council on February 25, 2008, through Ordinance No. 5798.

The CPA created new Factoria Subarea policy directing that retail auto sales be considered appropriate in the area where the Honda Auto Center retail auto dealership is located:

**Factoria Subarea Plan**

**Policy S-FA-26.5:** Retail auto sales are appropriate in OLB districts along SE 36<sup>th</sup> Street west of the ravine located at about 133<sup>rd</sup> Ave SE and east of the Newport Corporate Campus located at 132<sup>nd</sup> Ave SE.

**B. The amendment enhances the public health, safety or welfare; and**

The private Courter Enterprises CPA sought to eliminate the nonconforming use status of the Honda Auto Center in Factoria under its existing OLB designation. This was because retail auto sales are not currently allowed in OLB zoning districts except along Auto Row at 116<sup>th</sup> Ave. The proposed Land Use Code amendment enhances the public health, safety and welfare by implementing adopted Comprehensive Plan policy amending the designation for this site to provide the public with the continued benefit of convenient access to auto sales consistent with the city's overall policies and standards for public health, safety and welfare of the city and its residents.

**C. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.**

This amendment is not contrary to those best interests, as it proposes an amendment that is consistent with the land use vision expressed in the Factoria Subarea Plan and the economic development and land use strategy expressed in the general elements of the Comprehensive Plan. This LUCA would implement policy in the Factoria Subarea to make regulations similar to those that exist in the Wilburton/NE 8<sup>th</sup> Street Subarea to support retail auto sales.

**VII. STAFF RECOMMENDATION**

Staff recommends approval of the Courter Honda LUCA as drafted in Attachment A and transmittal of the Ordinance to the City Council for final approval.

Attachments:

- A. Proposed LUCA Language
- B. Final DNS published on January 8, 2009

## Attachment A

### LUC 20.10.440 - Wholesale and Retail Use Chart (Note 6)

- (6) Retail auto sales are permitted ~~on the west side of 116<sup>th</sup> Avenue NE between NE 8<sup>th</sup> Street and the SE 8<sup>th</sup> Street off-ramp from northbound I-405 only.~~ only in the following locations:
- a. The west side of 116<sup>th</sup> Avenue NE between NE 8<sup>th</sup> Street and the SE 8<sup>th</sup> Street off-ramp from northbound I-405; and
  - b. Along SE 36<sup>th</sup> Street west of the ravine located at the approximate alignment of 133<sup>rd</sup> Avenue SE and east of 132<sup>nd</sup> Avenue SE.

Attachment B



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
ENVIRONMENTAL COORDINATOR  
11511 MAIN ST., P.O. BOX 90012  
BELLEVUE, WA 98009-9012

**DETERMINATION OF NON-SIGNIFICANCE**

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**PROPONENT:** City of Bellevue

**LOCATION OF PROPOSAL:** Factoria Subarea

**DESCRIPTION OF PROPOSAL:** Implement policy direction in Policy S-FA-26.5 of the Factoria Subarea Plan by amending the Land Use Districts Chart in LUC 20.10.440 to broaden the allowance of retail auto sales from 116<sup>th</sup> Avenue to include the OLB area of Honda Auto Center along SE 36<sup>th</sup> Street, west of the ravine located at about 133<sup>rd</sup> Avenue SE and east of the Newport Corporate Campus located at 132<sup>nd</sup> Avenue SE.

**FILE NUMBER:** 08-136448-AD

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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 Land Use Division. This information is available to the public on request.

- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.
- 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 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.

This DNS is only appealable as part of the City's action on the amendment to the Land Use Code. In order to comply with requirements of SEPA and the State of Washington Growth Management Act for coordination of hearings, any appeal of the SEPA threshold determination herein will be considered by the Growth Management Hearings Board along with an appeal of the City Council's action. See LUC 20.35.250C.

Carol Vitelland  
Environmental Coordinator

January 8, 2009  
Date

OTHERS TO RECEIVE THIS DOCUMENT:

State Department of Fish and Wildlife  
U.S. Army Corps of Engineers  
Attorney General  
King County  
Muckleshoot Indian Tribe