

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

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 116th Avenue to 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.

FILE NUMBER: 08-136448-AD

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This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information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



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 116th 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 116th Avenue NE between NE 8th Street and the SE 8th Street off-ramp from northbound I-405 only~~; only in the following locations:
- a. The west side of 116th Avenue NE between NE 8th Street and the SE 8th Street off-ramp from northbound I-405; and
 - b. Along SE 36th Street west of the ravine located at the approximate alignment of 133rd Avenue SE and east of 132nd 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 36th Street west of the ravine located at about 133rd Ave SE and east of the Newport Corporate Campus located at 132nd 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 116th 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 8th 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 116th Avenue NE between NE 8th Street and the SE 8th Street off-ramp from northbound I-405 only.~~ only in the following locations:
- a. The west side of 116th Avenue NE between NE 8th Street and the SE 8th Street off-ramp from northbound I-405; and
 - b. Along SE 36th Street west of the ravine located at the approximate alignment of 133rd Avenue SE and east of 132nd Avenue SE.

M. J. [Signature] 1-7-09

City of Bellevue Submittal Requirements	27a
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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: Courter Enterprises, LLC

Proponent: Courter Enterprises, LLC

Contact Person: James S. Fitzgerald of Livengood, Fitzgerald & Alskog, PLLC
(If different from the owner. All questions and correspondence will be directed to the individual listed.)

Address: P.O. Box 908, Kirkland, WA 98083-0908

Phone: (425) 822-9281 ext. 328 (Voice); (425) 828-0908 (fax)

Proposal Title: Courter Enterprises Comprehensive Plan Amendment Request **COURTER HONDA**

Proposal Location: 13291 S.E. 36th St., Bellevue, WA 98006 **FACTORIA SUBALFA**
(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.

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

1. General description: ~~Non-site specific comprehensive plan amendment.~~ **AMENDMENT TO THE LAND USE CODE**
2. Acreage of site: Unknown as to total area of proposed change.
3. Number of dwelling units/buildings to be demolished: 0
4. Number of dwelling units/buildings to be constructed: 0
5. Square footage of buildings to be demolished: 0
6. Square footage of buildings to be constructed: 0
7. Quantity of earth movement (in cubic yards): 0
8. Proposed land use: Allowing retail auto sales and leasing in OLB zone south of I-90 and west of 148th Ave. S.E. (or at least west of 138th Ave. S.E., if extended).
9. Design features, including building height, number of stories and proposed exterior materials: N/A
10. Other **LAND USE CODE AMENDMENT AS A RESULT OF COMPREHENSIVE PLAN AMENDMENT**

ORDINANCE # 5798, 2/28/08

M. J. [Signature]

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

N/A

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

If the ~~Comprehensive Plan Amendment~~ and land use code ^{IS} ~~are~~ amended, retail auto sales may be conducted on a parcel adjacent to Bellevue Honda.

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

N/A

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)? Unknown

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. Unknown

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

Unknown

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

N/A

NONE

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

N/A

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

N/A

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

N/A

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.

N/A

NONE

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

N/A

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

N/A

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.

N/A

- (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.

N/A

- (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.

N/A

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

N/A

NO

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

N/A

- (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.

N/A

NO

b. Ground

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

N/A

- (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.

N/A

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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.

N/A

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

N/A

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

N/A

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

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

N/A

NONE

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

N/A

SALMON USE OF SUNSET CREEK

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

N/A

NONE

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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: other
- Mammals: deer, bear, elk, beaver, other: other
- Fish: bass, salmon, trout, herring, shellfish, other: salmon trout

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

N/A

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c. is the site part of a migration route? if so, explain.

N/A

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

N/A

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.

N/A

NONE

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

N/A

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:

N/A

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.

NONE

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

N/A

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

N/A

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b. Noise

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

N/A

NONE

- (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.

N/A

NONE

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

N/A

8. Land and Shoreline Use

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

Retail auto sales and office; residential to the south.

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

N/A

NO

- c. Describe any structures on the site.

Offices and retail structures

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

N/A

NONE

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

OLB

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

Office and limited business

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

N/A

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

Unknown, but portions of general vicinity may have this classification. ~~STEPA~~

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

N/A

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

N/A

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

N/A

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

N/A

9. Housing

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

N/A

NONE

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

N/A

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

N/A

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?

N/A

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

N/A

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

N/A

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? NONE

N/A

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

N/A

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c. What existing off-site sources of light or glare may affect your proposal?

N/A

d. Proposed measures to reduce or control light or glare impacts, if any:

N/A

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

NONE

N/A

b. Would the proposed project displace any existing recreational uses? If so, describe.

N/A

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

N/A

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.

NONE

N/A

b. Generally describe any landmarks or evidence of historic, archeological, scientific, or cultural importance known to be on or next to the site.

NONE

N/A

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

N/A

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.

S.E. 36th St.; 132nd Ave. S.E.

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Yes.

c. How many parking spaces would be completed project have? How many would the project eliminate?

N/A

d. 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).

No.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

N/A

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

N/A

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

N/A

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.

N/A



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

N/A

16. Utilities

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

All utilities are available in the area.

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.

N/A

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..... *James S. Fitzgerald*
James S. Fitzgerald, Agent for Applicant
Date Submitted January 30, 2007

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?

The proposal would not materially increase any of these items in view of existing uses of the properties in the area.

Proposed measures to avoid or reduce such increases are:

N/A

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

It would not affect plants, animals, fish, or marine life.

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

N/A

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

It would not likely deplete energy or natural resources.

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

N/A



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 effect.

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

N/A

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?

It would encourage land use compatible with existing uses in the vicinity.

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

None deemed necessary.

NONE ANTICIPATED

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

No such impact is expected.

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

N/A

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

No such conflicts known.

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