



DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
450 110TH AVENUE NE
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT:

Barbara Nystrom, Columbia West Properties

LOCATION OF PROPOSAL:

13133 Bel-Red Road, Bellevue, WA

DESCRIPTION OF PROPOSAL:

Application for an administrative conditional use permit to operate a motor vehicle licensing office.

FILE NUMBER: 10-121393-LA

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 the Development Services Section. This information is available to the public on request.

- There is no comment period for this DNS
- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on _____.
- This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment 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This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information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.



Environmental Coordinator

8-11-11

Date

OTHERS TO RECEIVE THIS DOCUMENT:

- State Department of Fish and Wildlife
- State Department of Ecology, Shoreline Planner N.W. Region
- Army Corps of Engineers
- Attorney General
- Muckleshoot Indian Tribe



**City of Bellevue
Development Services Department
Land Use Staff Report**

Proposal Name: Department of Licensing
Proposal Address: 13133 Bel-Red Road
Proposal Description: Application for administrative conditional use permit to operate a motor vehicle licensing office.
File Number: 10-121393-LA
Planner: Mike Upston, AICP, Senior Planner
Applicant: Barbara Nystrom, Columbia West Properties
Decision Included: Administrative Conditional Use Permit (Process II, Land Use Code 20.30E)

State Environmental Policy Act Threshold Determination: **Determination of Non-Significance (DNS)**

Carol V. Helland
Carol V. Helland, Environmental Coordinator
Development Services Department

Director's Decision: **Approval with Conditions**
Michael A. Brennan, Director
Development Services Department

By: Carol V. Helland
Carol V. Helland, Land Use Director
Development Services Department

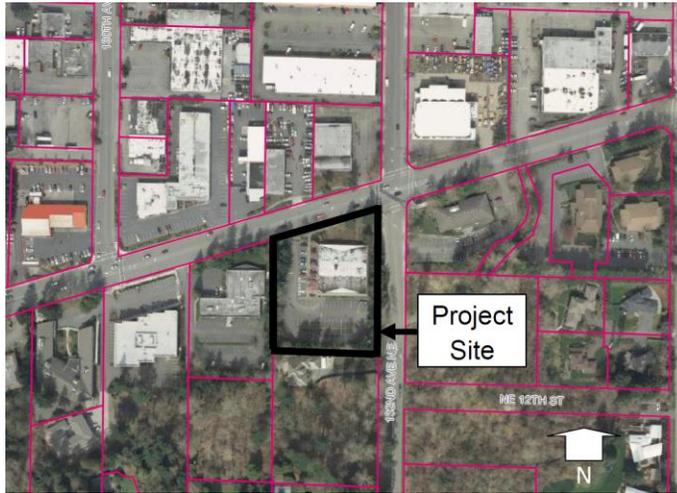
Application Date: 9/1/10
Public Notice: 12/16/10
Minimum Comment Period: 12/30/10
Decision Publication Date: 8/11/11
Appeal Deadline: 9/1/11

For information on how to appeal a proposal, visit Development Services at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must be received in the City Clerk's Office by 5 PM on the date noted for appeal of the decision.

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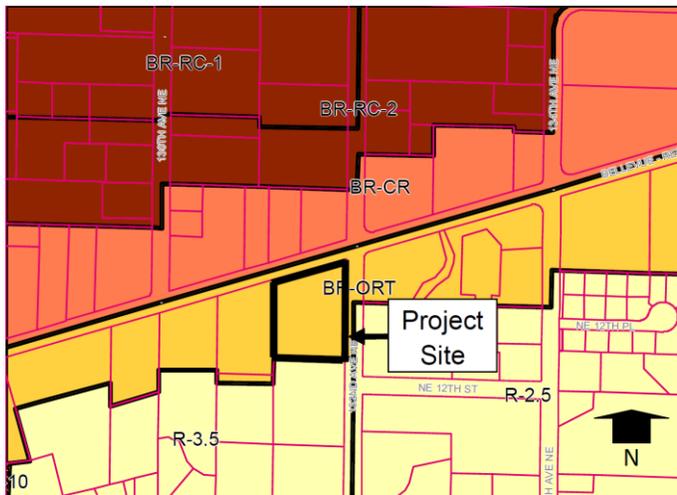
I. Request/Proposal Description



The purpose of this administrative conditional use permit approval request is to allow the Washington State Department of Licensing (DOL) to operate an office at 13133 Bel-Red Road on the corner of Bel-Red Road and 132nd Avenue NE (see map to the left). All of the typical functions of a DOL office are provided at this Bellevue location, with the exception of drive testing for which appointments are no longer taken here.

DOL began operating at this location in the Fall of 2009. They were subsequently notified by the City that an administrative conditional use permit approval was required by the Land Use Code (LUC) to legally operate the *Governmental Services* use on a permanent basis there (LUC 20.25D.070, Services – Bel Red Districts). The administrative conditional use permit application was received on September 1, 2010.

II. Site Description, Zoning and Land Use Context



The DOL office lies within a band of property running along the south side of Bel-Red Road zoned Bel-Red – Office/ Residential Transition (BR-ORT, see map to the left). This band of transitional zoning divides the Wilburton residential neighborhood to the south from the more intensively used commercial area to the north. The other properties within this band of BR-ORT zoning primarily consist of office buildings.

The band of Bel-Red – Commercial Residential (BR-CR) along the north side of Bel-Red Road is developed with a mix of retail furniture, carpet, and flooring stores, along with auto repair shops and strip commercial centers. The Bel-Red – Residential Commercial Node (BR-RC-1, 2 & 3) land use districts further north are currently developed with a wide variety of retail, service commercial, and light industrial uses.

III. Consistency with Land Use Code Requirements

A. Use

Uses are regulated by LUC 20.25D.070 (Land Use Charts) and LUC 20.20 (General Development Requirements).

Governmental Service uses require an administrative conditional use permit within the Bel-Red - Office/Residential Transition (BR-ORT) land use district. The purpose of the administrative conditional use permit is to provide a formal process for analyzing compatibility, identifying the impacts associated with this use (such as parking) and ensuring that they can be adequately mitigated. The administrative conditional use permit review process concludes with a decision by the Development Services Department Director, along with a SEPA determination by the Department's Environmental Coordinator.

B. Dimensional Requirements & Development Standards

All applicable dimensional requirements and development standards of the Land Use Code (LUC 20.20 and LUC 20.25D) are met.

"Governmental Services" is an unspecified use in the Land Use Code's *Parking Standards* chart (LUC 20.25D.120.B.2); a standard minimum parking requirement is not specified. For uses that are not specified, LUC 20.25D.120.H.1 - 3 offers three options for analyzing parking demand, summarized as follows:

- 1) Documentation supplied by applicant regarding parking demand for the proposed use; or
- 2) Evidence in available planning and technical studies relating to the proposed use; or
- 3) Required parking for the proposed use as determined by other comparable jurisdictions.

Option 1 was utilized for determining the necessary parking supply at the Bel Red Road location. The results of the parking demand analysis are contained in the *Department of Licensing Traffic and Parking Assessment*, dated November 19, 2010 (hereto referred to as "the report"). The report summarized the demand associated with the licensing facility, concluded that peak parking demand (110 stalls) exceeded supply (80 stalls) by approximately 30 stalls (14 customer stalls and 16 employee stalls), and recommended a variety of strategies for improving the situation including leasing off-site parking and modifying certain operations. A copy of the report is contained in the project file available for view at the Records Office in City Hall.

Specific changes made to resolve the initial parking deficiencies are discussed in detail in Section IV below.

IV. Public Notice & Comment

Application Date: September 1, 2010
Application Completeness Date: November 19, 2010
Notice of Application Posted: December 16, 2010
Public Notice Signs installed: December 16, 2010
Minimum Public Comment Period ended: December 30, 2010
Notice of Decision: August 11, 2011
Appeal Deadline: August 25, 2011

Surrounding property owners were mailed notice of the proposal in *The Weekly Permit Bulletin* on December 16, 2010, and two public information signs were installed that same day, one facing Bel-Red Road and the other facing 132nd Avenue NE. While the minimum public comment period for this application ended on December 30, 2010, the City accepted written comments until this report was completed. Written comments were received from twelve people, all between December 2010 and March 2011. Following is a summary of the concerns expressed and how they have been resolved.

DOL patrons parking along the 132nd Avenue NE shoulder south of Bel-Red Road: This was occurring largely because DOL patrons perceived the on-site parking area as full when they arrived, so they would seek parking off-site including along the 132nd Avenue NE roadway shoulder. This was viewed as a nuisance by nearby residents because cars parked along the west side of the roadway blocked the striped walking surface, because mud was accumulating on the street from cars exiting the unimproved shoulder, and because people who parked along the roadway were reportedly leaving litter there. In addition to these concerns, the City was wary about disturbance to the unimproved shoulder along the east side of the roadway, including destruction of vegetation and critical area buffers. The City was also concerned about the potential impact of parked cars and the sudden increase in activity to the adjacent wetland and Goff Creek which runs along the east side of 132nd Avenue NE and crosses under it just north of NE 10th Place.

Resolutions:

- 1) More parking was created on-site. Drive testing at this location was recently discontinued, freeing up the five former drive test waiting area parking stalls and six parallel test parking stalls for regular parking; an increase of 11 regular stalls.
- 2) DOL obtained additional parking off-site. 15 stalls within the neighboring surface parking lot at 13201 Bel-Red Road are now reserved for DOL use under a lease agreement until 9/1/14. Since the agreement does not provide this parking in perpetuity, a related condition of approval is included in Section IX of this report to address potential future parking capacity issues, and allows the City to modify or revoke its approval of this application if parking issues cannot be resolved to the City's satisfaction.
- 3) On December 14, 2009, the City Council approved Ordinance 5923 declaring street parking illegal for approximately 500 feet south of the DOL location along the west side of 132nd Avenue NE. Then on January 19, 2010, Ordinance 5929 was approved declaring street parking illegal on the east side of 132nd Avenue NE for approximately the same distance. *No Parking*

Anytime signs were then installed and parking along this segment of the roadway has essentially ceased.

- 4) DOL initiated policy changes affecting its licensing facility operations which have resulted in a decrease in customers visiting the office. These changes include internet-based and mail-in services, as well as requiring proof of residency in Washington State, which eliminates non-residents from coming to the facility to get a Washington driver's license.
- 5) The greeter station inside the DOL office was expanded to handle more customer transactions that are quick turn-around. This has resulted in quicker customer vehicle turn-over in the parking lot.

Increased traffic along 132nd Avenue NE south of Bel-Red Road: Residents south of the DOL site complained that they were experiencing an increase in traffic resulting from DOL patrons turning right out of the parking lot onto the roadway and heading south into the neighborhood.

Resolution: A sign marking *No Right Turn* from the driveway onto 132nd Avenue NE has been installed. This has resulted in a significant decrease in the number of vehicles turning south into the adjacent residential neighborhood.

Driver training and testing appeared to be occurring repeatedly in certain areas: The City received correspondence from residents in various areas citing repeated training and testing, which they felt was an unfair burden and unsafe in residential areas. This comment was particularly directed at the intersections of NE 14 Street & 140th Avenue NE, and NE 14th Street & 143rd Avenue NE. This was likely a combination of driver training schools educating new drivers regarding DOL testing expectations and DOL conducting drive tests.

Resolution: Legislation was passed by the State earlier this year allowing drive testing to be conducted by private drive testing schools. This means that drive test patrons may now choose from a wide variety of drive testing schools in addition to any DOL office, except the Bellevue location. As of June 2011 drive test appointments are no longer being offered at the Bellevue DOL; testing from this location is expected to be completely phased out within a few months. The decision to discontinue drive testing at the Bellevue location was in response to the challenges described in this report regarding parking availability and neighborhood disruptions created by related traffic. DOL has informed the City that they expect the drive test appointments scheduled previous to the discontinuance to be completed within the next six months, and a condition of approval is included in Section IX of this report requiring all drive testing to cease by December 31, 2011.

Driving students pose a potential hazard to other drivers, pedestrians, and property: The City received multiple written comments from nearby residents who claimed they had witnessed hazardous driving by student drivers within their neighborhood. Claims were that drivers were backing around intersections, backing onto sidewalks and private yards, running into curbs, and hindering pedestrians and children playing in the neighborhood streets. Similar to the comment above, this comment too was particularly directed at the intersections of NE 14 Street & 140th Avenue NE, and NE 14th Street & 143rd Avenue NE.

Resolution: As described above, legislation was passed by the State earlier this year allowing drive testing to be conducted by private drive testing schools. Further, DOL has asked the schools to conduct testing in a dispersed, random manner across the City rather than using the same area(s) and routes repeatedly. The result so far is that neighborhoods bear a more equitable amount of traffic from driver training and testing, and the City has received no complaints since April 2011. In addition, a condition of approval is included in Section IX of this report requiring all drive testing from this location to cease by December 31, 2011.

All of the concerns summarized above have been adequately resolved. The Transportation Department performed three site observations during June and early July and confirmed that the changes described above have sufficiently mitigated the traffic and parking impacts experienced during DOL's initial months of operation. Further, the City has received no further complaints from nearby residents since the above mitigation was implemented.

The public comments and associated correspondence is available for viewing within the City's project file at the Records Office in City Hall.

V. Technical Review

A. Transportation

The site benefits from two driveway locations: one off Bel-Red Road and another off 132nd Avenue NE, and no changes are proposed to site access. Both driveways are adequate with respect to width and sight distance.

As discussed in Section IV above, a sign has been posted at the driveway located on 132nd Avenue NE to restrict right turn exiting movements, with the intention to discourage cut-through traffic and roadside parking within the neighborhood to the south.

Street frontage adjacent to the site is satisfactory and therefore no additional improvements are needed.

See Sub-sections VI.1 through VI.3 below for additional transportation information, as well as Section IX of this report for Transportation related Conditions of Approval.

B. Clearing & Grading, Building, Fire, and Utilities

City reviewers within these Divisions and Departments have no comments or requirements for this Administrative Conditional Use Permit.

VI. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold

determination under the State Environmental Policy Act (SEPA) requirements, with incorporation by reference of the *2009-2020 Transportation Facilities Plan Final Environmental Impact Statement* (TFP EIS) updated November 2009. This document is available in the project file at the Development Services Department Records Room in City Hall. Transportation-related impacts associated with this project are consistent with the potential projected impacts analyzed in the TFP EIS.

This section of the staff report is an addendum to the adopted EIS referenced above. Adverse impacts which are less than significant are usually subject to City Code or Standards which are intended to mitigate those impacts. Where such impacts and regulatory items correspond, further documentation is not necessary. For other adverse impacts which are less than significant, Bellevue City Code Section 22.02.140 provides substantive authority to mitigate impacts disclosed through the environmental review process. A discussion of the impacts is noted below. These impacts will be mitigated through exercise of Code authority as well as through project-specific conditions of approval, contained in Section IX of this report. The SEPA Checklist is available for viewing in the project file at the City Hall Records Room.

Transportation

1. Long-Term Impacts and Mitigation

The long-term impacts of development projected to occur in the City by 2020 have been addressed in the City's *Transportation Facilities Plan EIS*. The impacts of growth which are projected to occur within the City by 2020 are evaluated on the roadway network assuming that all the transportation improvement projects proposed in the City's current *Transportation Facilities Plan* are in place.

The *Transportation Facilities Plan EIS* divides the City into several Mobility Management Areas (MMAs) for analysis purposes. The Department of Licensing office lies within MMA # 12 (Bel-Red Northrup), which has a 2020 total growth projection of 3,305,252 square feet of office use and 85,000 square feet of government institution use. Both land use types (office use and government institution) are noted here due to the fact that the City's *Final Environmental Impact Statement 2009 – 2020 Transportation Facilities* does not contain a land use category specific for "Vehicle Licensing" by a government entity.

Due to the large growth projections for both categories (office use and government institution) the Transportation Department finds that the proposed development is within the assumptions of the *Transportation Facilities Plan EIS*.

2. Mid-Range Impacts and Mitigation

A. Concurrency

Project impacts anticipated to occur in the next six years are assessed through a concurrency analysis. The Traffic Standards Code (BCC 14.10) requires that development proposals generating 30 or more p.m. peak hour

trips undergo a traffic impact analysis to determine if the concurrency requirements of the State Growth Management Act are maintained.

To determine accurate p.m. peak trip generation data, a transportation consultant was hired to perform field counts at the site. Traffic counts were conducted Tuesday and Wednesday during the first and third weeks of October (respectively) to obtain the most conservative data feasible (schools in session, fair weather conditions, etc.) From the counts it was found that the site generated approximately 148 new p.m. peak hour trips. Peak hour for DOL usage was from 4pm to 5pm. Using this data city staff distributed and then assigned project-generated trips to the street network using the City's EMME-2 travel forecasting model with the current Capital Investment Program network. By adding the expected project-generated trips to the traffic volumes in the model, the area average levels of service were determined. To create a baseline condition for comparison, the levels of service were also determined using traffic volumes without the project-generated trips. In this project analysis, 13 system intersections received 20 or more p.m. peak hour trips but neither the maximum area-average levels of service nor the congestion allowances were exceeded as a result of traffic generated from this proposal. Therefore, the proposal passes the concurrency test.

The rules of concurrency reservation are outlined in the Traffic Standards Code Director's Rules, updated May 23, 2001. A concurrency determination is issued on the date of issuance of the land use decision. This project complies with the Traffic Standards Code and therefore received a Certificate of Concurrency which can be found in the City's project file available for viewing at the Development Services Department's Records Office in City Hall.

B. Bel-Red/Overlake Transportation Study

This project is located within the area described within the Bel-Red/Overlake Transportation Study (BROTS). Per the associated inter-local agreement between the cities of Bellevue and Redmond, p.m. peak hour generation from the site was analyzed to determine if any system intersection within the border of Redmond would receive ten or more p.m. peak hour trips. It was found that this project did not result in ten or more new trips at any such intersection.

3. Short-Term Operational Impacts and Mitigation

The short term operational impacts of this proposal were analyzed in order to recommend mitigation if necessary. These impacts included traffic operations conditions during the a.m. and p.m. peak hours. Issues that were analyzed included impacts to adjacent streets and intersections due to overflow parking and driver license testing. The results of the short-term traffic analysis are published in the *Department of Licensing Traffic and Parking Assessment*, November 19, 2010, by TranspoGroup. The study is included in the City's project

file available for viewing at the Development Services Department's Records Office in City Hall.

The traffic study and field observations by City staff found that traffic impacts to the adjacent streets were negligible. This is because the site has adequate spacing to accommodate entering and exiting queues within the property as well as having two driveways on different streets (Bel-Red Road and 132nd Avenue NE). It was observed that patrons tended to enter the site from Bel-Red Road and exit to 132nd Avenue NE (as opposed to exiting back onto Bel-Red Road). This pattern helps greatly in avoiding unsafe driveway operations at the site's Bel-Red Road access driveway and congestion on site. See the graphic to the right.



This pattern is based on the services offered and operations currently at the DOL office. Since any significant expansion or change of services at the site may result in a negative impact to the surrounding traffic, a condition of approval is included in Section IX of this report stating that any change of operations at the DOL office resulting in expansion of services is required to be reviewed and approved by the City prior to implementation.

VII. Decision Criteria

The Director may approve, or approve with modifications, an application for an Administrative Conditional Use Permit if:

A. The administrative conditional use is consistent with the Comprehensive Plan.

The Bel-Red Office - Residential Transition (BR-ORT) Comprehensive Plan designation and the Bel Red Subarea Plan generally support governmental services as a land use. Following are some of the policies which support the proposed use, along with brief discussion.

Pertinent Bel Red Subarea policies

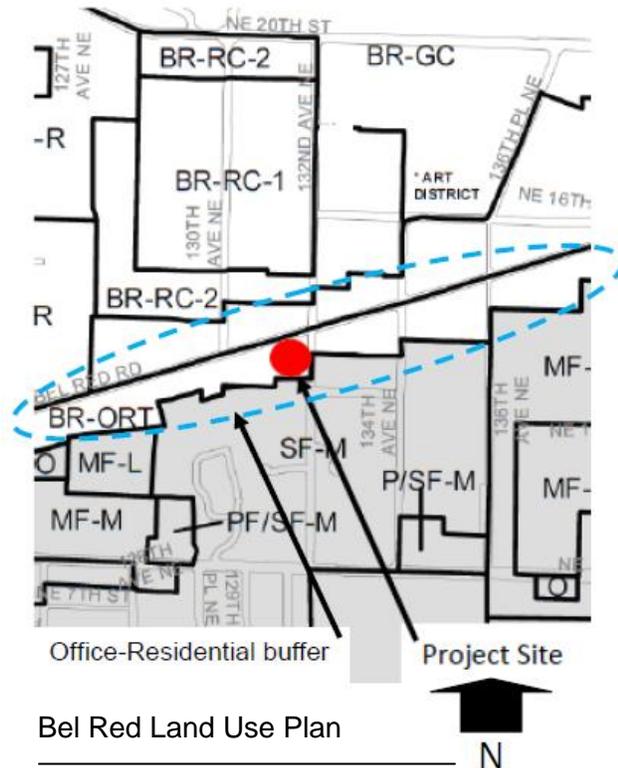
Policy S-BR-3. *Reduce and mitigate environmental and transportation spillover impacts of new development, and work to continually enhance environmental conditions in the area, through a combination of development regulations and incentives, public investments, and other public and private strategies.*

Policy S-BR-5. *Develop land uses consistent with the Bel-Red Land Use Plan map.*

Policy S-BR-8. *Encourage mixed use development, promoting opportunities to live, work, shop, and recreate within close proximity.*
Policy S-BR-75. *Develop and implement strategies to minimize neighborhood cut-through traffic associated with Bel-Red development. Monitor the outcomes of these efforts and make adjustments as needed to ensure their effectiveness.*
Policy S-BR-93. *Provide for a mix of office and housing in this area, with low intensity buildings of one or two stories serving as an appropriate buffer between the uses north of Bel-Red Road and the single-family residential neighborhoods to the south. While office should remain a focus, housing in this area is also a suitable transition use.*

The DOL office is consistent with the above policies. The governmental services use is consistent with the Bel Red Land Use Plan which calls for a variety of land uses intended to serve as a buffer between the uses north of Bel Red Road and the single family neighborhood south of Bel Red Road (see map to the right). Further, consistent with the land uses envisioned here, this DOL office provides a critical governmental service to the community, providing residents with access to necessary vehicle licensing and associated services.

Transportation spillover and cut-through traffic have been dealt with in a variety of ways. These include providing adequate parking on-site with additional leased parking at a neighboring property, as well as by prohibiting parking along 132nd Avenue NE, limiting traffic movements from the site to minimize DOL-related traffic on 132nd Avenue NE within the residential neighborhood to the south, and implementing operational changes geared toward reducing vehicle trips to this location. These are described in further detail in Section IV above.

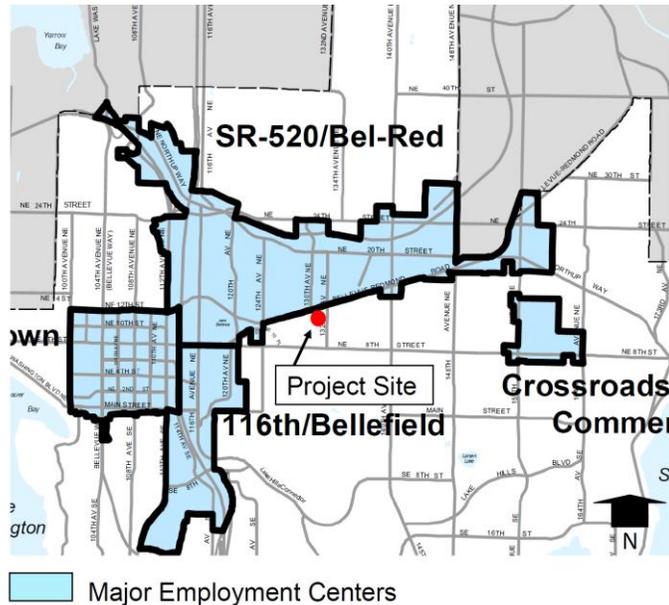


Pertinent Land Use Element policies

Policy LU-8. *Ensure that commercial land uses are contained within carefully delineated areas.*
Policy LU-9. *Maintain compatible use and design with the surrounding built environment when considering new development or redevelopment within an already developed area.*
Policy LU-10. *Access high-traffic generating land uses from arterials whenever possible. If this is not possible, provide mitigation to address access impacts.*

Policy LU-13. *Reduce the regional consumption of undeveloped land by facilitating redevelopment of existing developed land when appropriate.*
Policy LU-22. *Protect residential areas from the impacts of non-residential uses of a scale not appropriate to the neighborhood.*

The vehicle licensing office is consistent with these policies since it is located within an area zoned for commercial uses and makes new use of an existing building, thereby reducing the regional demand on undeveloped land. In addition, reuse of the office building retains the existing scale of this residential-commercial transition area, thereby protecting the neighborhood to the south from the impacts of non-residential uses of a



scale which may be too intensive. Also, primary vehicular access is from Bel Red Road, a major arterial which shoulders most of the traffic generated by this use, thereby minimizing traffic along 132nd Avenue NE within the single family neighborhood to the south. Further, the licensing office is a particularly compatible use with the developed areas to the north, west, and east; the location is proximate to four of the City's major employment centers (Downtown, SR-520/Bel-Red, 116th/Bellefield, and the Crossroads Community Commercial Area – see map above), providing those who work there with the convenience of being able to schedule a nearby visit to DOL around their work day.

Pertinent Transportation Element policies

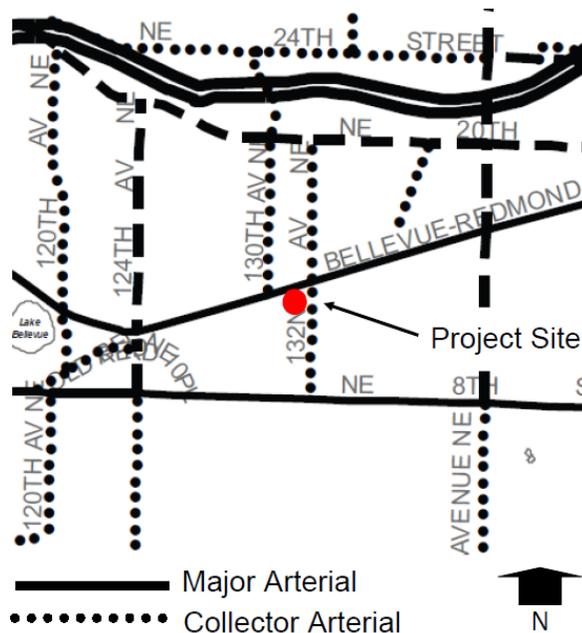
Policy TR-38. *Require mitigation to provide safety and site access, and to mitigate neighborhood impacts as needed to address the effects of development.*

Policy TR-48. *Minimize the amount of through-traffic on local streets in residential areas.*

Policy TR-115. *Preserve the safety of residential streets and the livability of residential neighborhoods by discouraging non-local traffic on streets classified as local.*

Policy TR-119. *Minimize spillover parking from commercial areas, parks, and other facilities encroaching on residential neighborhoods, through residential parking zones and other measures.*

As discussed above and in more detail in Section IV of this report, mitigation measures for neighborhood traffic impacts created by the vehicle licensing office have been provided. This includes traffic control signs which limit vehicles leaving the parking lot at 132nd Avenue NE to a left turn only, away from the residential neighborhood and toward Bel Red Road, the major arterial for this area (see map to the right). It also includes parking management which makes efficient use of the on-site parking area as well as providing additional off-site parking. Finally, operational changes now in place are



directed at reducing the number of vehicle trips overall, as well as minimizing the amount of traffic and spillover parking on local streets. These operational changes include more internet-based services, new facilities created to provide quicker turn-around times for some on-site services, and new legislation recently passed allowing drive tests to be conducted by private driving schools throughout the City rather than solely by DOL from this location.

B. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity.

This criterion does not apply since DOL is simply using the existing building, with no exterior changes to the building or site.

C. The administrative conditional use will be served by adequate public facilities including streets, fire protection, and utilities.

All required public services and facilities are available to the site.

D. The administrative conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property.

The vehicle licensing office will not be materially detrimental to uses or property in its immediate vicinity. As introduced in Sub-section III.A.2 and discussed in Sub-section IV, the City will take appropriate action if future parking or traffic concerns arise. A condition of approval is included in Section IX of this report citing City authority to modify this approval if the use has been intensified, changed or modified so as to significantly impact surrounding land uses, or to revoke this approval if the approval was obtained by misrepresentation or the permit is being exercised contrary to the terms of this approval.

E. The administrative conditional use complies with the applicable requirements of the Land Use Code.

As discussed in Section III above, the proposal complies with all applicable Land Use Code requirements.

VIII. Decision

After conducting the various administrative reviews associated with this proposal, including applicable land use consistency, SEPA, and City Code and Standard compliance reviews, the Development Services Department Director does hereby APPROVE the proposal subject to the following conditions:

IX. Conditions of Approval

1. Off-Site Parking

Since DOL's use of 15 stalls within the neighboring surface parking lot at 13201 Bel Red Road is provided under a lease agreement that ends 9/30/14, the City retains the right to require this and/or other off-site parking to be secured with another lease agreement if it's determined at any time that DOL's on-site parking needs are not being adequately met. Should DOL opt not to extend the lease beyond 9/30/14, the City requires that a parking study be provided showing whether additional parking beyond that which can be provided on site is necessary or not. If it is determined by the City that additional parking is still necessary, then DOL must secure it or risk enforcement including modifying or revoking approval of this application. As an alternative to securing additional parking, DOL may opt to change/reduce the services offered at this location thereby reducing parking demand.

Reviewer: Mike Upston, (425) 452-2970

Authority: LUC 20.25D.120.C and LUC 20.30E.165 & 170

2. Drive Testing

All drive testing at this location shall cease by December 31, 2011.

Reviewer: Mike Upston, (425) 452-2970

Authority: LUC 20.30E.140.D, LUC 20.30E.170.B.2

3. Modification or Revocation

The City may modify its approval of this application if it finds that the use has been intensified, changed or modified so as to significantly impact surrounding land uses. Further, the City may revoke its approval subject to finding that the approval was obtained by misrepresentation or if the permit is being exercised contrary to the terms of this approval.

Reviewer: Mike Upston, (425) 452-2970

Authority: LUC 20.30E.140.D, LUC 20.30E.170.A & B.2,3