



DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
P.O. BOX 90012
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Trimark Property Group

LOCATION OF PROPOSAL: 5157 Lakemont Blvd SE

DESCRIPTION OF PROPOSAL: Rezone an existing parcel to remove use restrictions specific to an existing site in the General Commercial Land Use district.

FILE NUMBER: 11-113742-LQ

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 November 3, 2011.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information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

10-19-11
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



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

Proposal Name: Lakemont Chevron

Proposal Address: 5157 Lakemont Blvd. SE

Proposal Description: The applicant requests a Rezone to remove use restrictions specific to 5157 Lakemont Boulevard SE located in the General Commercial (GC) zoning district.

File Number: 11-113742-LQ

Applicant: Al Jawani

Decisions Included: Rezone
(Process III LUC 20.30P)

Planner: Leah Chulsky, Assistant Land Use Planner

**State Environmental Policy Act
Threshold Determination:** **Determination of Non Significance**

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

Application Date: May 6, 2011
Notice of Application Publication Date: June 23, 2011
Decision Publication Date: October 20, 2011
Project Appeal Deadline: November 3, 2011

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's Clerk's Office by 5 PM on the date noted for appeal of the decision.

I. PROPOSAL DESCRIPTION

The applicant is proposing to rezone a single parcel within the General Commercial (GC) zoning district to remove use restrictions put in place at the time of annexation into the City of Bellevue. The zoning conditions of Ordinance #4059 requiring development to comply with Neighborhood Business (NB) dimensional and sign requirements are not being removed.

Required Land Use Approvals

Rezoning is a Process III decision (LUC 20.35.300), which are quasi-judicial decisions made by the City Council. Decision criteria and decision criteria compliance is discussed in Section VIII. The Hearing Examiner holds a public hearing and takes testimony from the public on the proposal and recommends an action to the City Council. Then, the City Council makes a final decision based on the record established by the Hearing Examiner.

II. SITE DESCRIPTION AND CONTEXT

Background: The City adopted Ordinance 4059 (attached) on October 2, 1989 amending the previously adopted zoning regulations of Ordinances 3840 and 4044 (attached). Ordinance 4059 limited the permitted uses on the subject parcel to: "Gasoline Service Stations, Finance/Insurance/Real Estate Services, Childcare, Auto Repair and Washing, Professional Services, Religious Activities, Lodges, Charitable and Social Service organizations, Highway and Street Right-of-Way, Local Utility System, Accessory Parking, Public/Private Park." Food (retail), such as a convenience store, was not an allowed use pursuant to the list of allowed uses in Ordinance 4059. Permitted subordinate uses are listed in the Ordinance and are limited to those specifically identified, and food (retail) was not identified as an allowed subordinate use. As the definition of Gas Station in Land Use Code (LUC) 20.50.022 did not include a convenience store component, a limited number of accessory sale items were allowed within the definition of service station without considering the use a convenience store. A drive thru espresso window was allowed as the sale of coffee was considered a "normal" use at a service station. A subsequent Land Use Code Interpretation limited the items that could be sold at a service station to: soft drinks (pre-packaged), tobacco products, candy bars, gum, mints, individually packaged snack cakes, motor products, bulk propane, batteries, snack sized chips, nuts and seeds, pre-packed meat snacks, Tums, aspirin, chapstick, maps, promotional products, coffee, hot chocolate and tea. These were all considered to be traditional items sold at a gas station that did not have a convenience store use component. The size of the retail component was limited to 400 square feet.

Existing Site Conditions: The site is 71,717 square feet and is roughly triangular in shape with 618 feet of frontage along Lakemont Blvd. SE. The site is bounded to the east by Lakemont Blvd. SE, on the west by Lewis Creek, and the north by a 1.5 acre parcel zoned Office (O) which is currently being developed as a church.

III. CONSISTENCY WITH LAND USE CODE/ZONING REQUIREMENTS

A. General Provisions of Land Use Code

The site was developed in conformance with the general provisions of the Land Use Code at the time of construction. No redevelopment is proposed or approved under this application. Any future redevelopment is required to comply with all applicable Land Use Code requirements and additional requirements of Ordinance 4059 not altered under this application.

IV. STATE ENVIRONMENTAL POLICY ACT

An Environmental Checklist and Supplemental Sheet for Non-project Action have been reviewed and the annotated checklists are available for public viewing in the project file at City Hall. Adverse impacts which are less than significant are usually subject to City Codes 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 Sec. 22.02.140 provides substantive authority to mitigate impacts disclosed through the environmental review process. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

The threshold determination is appealable to the Hearing Examiner within 14 days. In order to comply with the requirements of SEPA and the State Growth Management Act for coordination of hearings, any appeal of the SEPA threshold determination will be considered by the Examiner at the same hearing as the rezone. A final decision on any SEPA appeal would be issued by the Hearing Examiner and included in the report along with the Examiner's recommendation to the City Council on the rezone.

If the rezone is approved, any future redevelopment proposed for this site would be subject to Design Review (Process II action, refer to Land Use Code), project-specific SEPA review, and subsequent construction permit approvals.

V. SUMMARY OF TECHNICAL REVIEWS

A. Utilities Review

Utilities Department technical staff confirms that there is sufficient capacity in existing utilities to provide service to this site, and there are no utilities related concerns regarding the proposed rezone.

B. Transportation Department Review

The existing gasoline service station on the site was approved by the city as a service station only, with a limited list of retail items that were allowed to be sold in conjunction with the service station use. (See Section II above for the list of retail items.) However,

documents in the file for the original approval in 1999 show that the Transportation Department analyzed trip generation for the original project as a service station/convenience market, not as a service station only. Apparently, the Transportation Department at that time concluded that the list of allowed retail items was sufficient to make the development operate as a service station/convenience market for trip generation purposes, rather than a stand alone service station.

Trip generation is the basis for determining transportation mitigation requirements, including impact fees, for a new development. For a service station/convenience market, trip generation is based on vehicle fueling positions. The number of vehicle fueling positions (eight) has not changed at this site since the original trip generation estimate, and it would not change under the proposed rezone. Since the basis for estimating trip generation under the proposed rezone has not changed from the original analysis, additional transportation mitigation is not warranted. In addition, standard street frontage improvements already exist for the site's frontage on Lakemont Blvd SE. Therefore, the Transportation Department has recommended no Conditions of Approval for the proposed rezone, 11-113742-LQ.

VI. PUBLIC COMMENT AND RESPONSE

Application Date: May 6, 2011
Public Notice (500 feet): June 23, 2011 (Includes sign installation at the site)
Public Meeting Date: July 6, 2011

Notice of Application was published in the City of Bellevue's *Weekly Permit Bulletin* and the *Seattle Times* on June 23, 2011. It was mailed to property owners within 500 feet of the project site and a Public Information Sign was installed on the project site on the same day. A public meeting was held on July 6, 2011. No citizens attended the meeting. The City received the four comments:

1. Night lighting requirements should remain:

Response: Approval of the proposed rezone will only affect the allowed uses. All other zoning design requirements will remain.

2. Two comments generally opposed to any changes:

Response: Approval of the proposed rezone would align the allowed uses to be the same as any parcel zoned GC within the City. Since the adoption of Ordinance the neighborhood has changed and there is a desire within the community to have a convenience store similar to others throughout the City. All other applicable code requirements such as parking would remain the same and the range of possible uses on the site will be limited due to its size, environmental constraints, and site context.

3. The Neighborhood needs a convenience store with more items particularly when Thriftway is closed:

Response: Approval of the proposed rezone will allow the convenience store to better serve the changing needs of the neighborhood.

VII. CHANGES TO THE PROPOSAL DUE TO STAFF REVIEW

None

VIII. APPLICABLE DECISION CRITERIA

The Director may approve or approve with modifications an application for a Rezone if the decision criteria listed in LUC Section 20.30A.140 can be met.

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

The site is located within the Newcastle Subarea of the Comprehensive Plan.

Land Use Element Policies:

Policy LU-8. Ensure that commercial land uses are contained within carefully delineated areas.

Policy LU-20. Promote maintenance and establishment of small-scale activity areas within neighborhoods that encourage the pedestrian patronage and provide informal opportunities for residents to meet.

Policy LU-31. Encourage and foster economic development in areas designated for commercial uses.

Finding: The proposal is consistent with the Land Use Element Policies. The rezone will allow the site to meet the changing needs of the surrounding neighborhood by expanding retail items and uses within walking distance to many of the homes in the neighborhood.

Newcastle Subarea Policies:

Commercial:

S-NC-22. Small scale neighborhood retail facilities to serve the daily needs of subarea residents are appropriate within the Subarea. Any proposal for such an area should minimize impacts to adjacent residents and natural features and should locate adjacent to principal and/or minor arterials.

Finding: The proposal is consistent with the Newcastle Subarea Plan by expanding the allowed retail within an existing retail complex. The existing site is located adjacent to Lakemont Blvd SE and has already been built out.

B. The rezone bears a substantial relation to the public health, safety, or welfare; and

Finding: The rezone proposal promotes the public welfare by permitting additional convenience retail uses within an existing commercial center. The surrounding area has already been developed and has received significant transportation and infrastructure improvements to support commercial uses. The proposal will not require new public facilities because there is capacity within the transportation network, the utility system, and other public services such as fire and police to accommodate the proposed rezone.

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

Finding: A rezone is warranted to achieve consistency with the Comprehensive Plan and Land Use Code. The proposal does not change the zoning designation but will more closely align the allowed uses on the site to those allowed within GC throughout the City consistent with neighborhood demand for this modestly expanded use. See related condition of approval in Section X.

D. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and

Finding: The rezone will not be materially detrimental to the surrounding uses or properties. No redevelopment is proposed at this time and any future changes to the site will require Design Review approval. The rezone is consistent and compatible with the surrounding residential neighborhoods and achieves many of the City's goals and policies as described in this report.

E. The rezone has merit and value for the community as a whole.

Finding: The rezone will allow for consistency between the zoning designation and allowed uses. The proposal will benefit the community by increasing commercial options within an existing retail center which already services the surrounding community. Increasing the uses in close proximity to existing services is important to reduce the number and length of vehicle trips. Infill development lowers the public cost of extending expensive infrastructure improvements to areas that are currently devoid of urban development.

IX. RECOMMENDATION OF THE DIRECTOR

After conducting the various reviews associated with this proposal, including applicable Land Use consistency, SEPA, and City Code and Standard compliance reviews, the Development Services Director does hereby **RECOMMEND APPROVAL** of the Lakemont Chevron Rezone.

X. CONDITIONS OF APPROVAL

- 1. Scope of Rezone:** The scope of this rezone is limited to GC uses only. Zoning requirements of Ordinance 4059 requiring development to comply with NB standards remain in effect.

Authority: Land Use Code, 20.30A.140.C
Reviewer: Leah Chulsky, Development Services Department

Attachments

- A. Zoning Map**
- B. Vicinity Map**
- C. Ordinances**
- D. SEPA DNS**