



DEVELOPMENT SERVICES DEPARTMENT  
ENVIRONMENTAL COORDINATOR  
11511 MAIN ST., P.O. BOX 90012  
BELLEVUE, WA 98009-9012

## DETERMINATION OF NON-SIGNIFICANCE

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**PROPONENT:** Bellevue 116<sup>th</sup> Avenue Rezone

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**LOCATION OF PROPOSAL:** 316 116<sup>th</sup> Avenue NE

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### DESCRIPTION OF PROPOSAL:

Proposal to rezone property in the Wilburton/NE 8<sup>th</sup> Street subarea from GC (General Commercial) to CB (Community Business).

### FILE NUMBERS:

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 Land Use Division of the Development Services Department. This information is available to the public on request.

- There is no comment period for this 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 5:00 p.m. on \_\_\_\_\_.
- 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 July 31, 2014.
- 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 is also subject to appeal. A written appeal must be filed in the City Clerk's Office 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This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information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.

Carol V. Heiland  
Environmental Coordinator

7/17/14  
Date

### OTHERS TO RECEIVE THIS DOCUMENT:

State Department of Fish and Wildlife  
State Department of Ecology,  
Attorney General

*Sally Nichols  
July 8, 2014*

**ENVIRONMENTAL CHECKLIST**

4/11/2013

If you need assistance in completing the checklist or have any questions regarding the environmental review process, please visit or call Development Services (425-452-6800) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4). Assistance for the hearing impaired: Dial 711 (Telecommunications Relay Service).

**BACKGROUND INFORMATION**

Property Owner: Bellevue 116th Ave LLC ✓

Proponent: Same ✓

Contact Person: John C. McCullough ✓

(If different from the owner. All questions and correspondence will be directed to the individual listed.)

Address: 701 Fifth Ave, Suite 6600, Seattle WA ✓

Phone: 206-812-3388 ✓

Proposal Title: Bellevue 116th North Parcel Rezone ✓

Proposal Location: 316 and 400 116th Ave NE; Parcels 3325059151, 3325059012 (see attached parcel map) ✓  
(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: Rezone of property from GC to CB ✓ *Allowed per conditions of Comp Plan Policy 5-W1-3*
2. Acreage of site: 3.15 ✓
3. Number of dwelling units/buildings to be demolished: 0 ✓ *abandoned bldg w/ rezone*
4. Number of dwelling units/buildings to be constructed: 0 *w/ rezone*
5. Square footage of buildings to be demolished: No demolition is proposed with this rezone (see #9) ✓  
*Future development of site would involve demo of abandoned car dealership bldg ✓*
6. Square footage of buildings to be constructed: No construction is proposed with this rezone (see #9)
7. Quantity of earth movement (in cubic yards): No earth movement is proposed with this rezone (see #9) ✓
8. Proposed land use: Existing land use (auto showroom) to remain pending future development ✓  
*CB land uses allowed - LUC 20.10.020*
9. Design features, including building height, number of stories and proposed exterior materials: ✓  
This is a nonproject rezone. The applicant is in the concept design stage for a future retail project (see 14-128228 DC). SEPA review of this future development project will occur when its features are sufficiently definite.
10. Other *Any development will require necessary approvals & permit. ✓  
All development w/in CB will require Design Review.*

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

Rezone estimated to be complete in mid-2014. *W/ Council Approval in Oct., 2014*

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

The applicant is in the concept design stage for a future retail project (see 14-128228 DC). *Project-specific* SEPA review of this future development project will occur when its features are sufficiently definite.

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

Phase I Environmental Assessment, SCS Engineers (Sep. 2005, Apr. 2006, Jul. 2009), Shaw Environmental (Jul. 2007, Aug. 2007, Sep. 2007)

Phase II Environmental Assessment, Shaw Environmental (Aug. 2007, Sep. 2007)

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.

The applicant is in the concept design stage for a future retail project (see 14-128228 DC). *and pre-application conference July 14 - DB)*

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. ✓

Rezone

Retail development that may be proposed in the future would require additional permits, including design review and construction permits (see 14-128228 DC).

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: *← and →*  Flat  Rolling  Hilly  Steep slopes  Mountains  Other ✓

b. What is the steepest slope on the site (approximate percent slope)? ✓  
40%+. The site includes grade changes across the site and a steep slope on the eastern boundary. *along BNEP corridor*

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.

Alderwood gravelly sandy loam. Alderwood is statewide significant farmland but the property is developed.

*SW*

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. ✓  
 No.  
*Full geological report geotechnical report will be submitted w/ and development applications. Not req'd per this rezone. Reports for surrounding projects (incl NE 4th St.) show no instability. No history either.*
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill. ✓  
 None proposed with this rezone. The applicant is in the concept design stage for a future retail project (see 14-128228 DC). SEPA review of this future development project will occur when its features are sufficiently definite.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. ✓  
 No. *Erosion may occur w/ redevelopment. Regulated per BCC 23.76*
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? ✓  
 No change to impervious surface coverage is proposed with this rezone. The applicant is in the concept design stage for a future retail project (see 14-128228 DC). SEPA review of this future development project
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: ✓ *future to develop will meet LLC 20.20.010.*  
 None required.  
*Project reviewed under project-specific SEPA. Will comply w/ all applicable codes & std's.*

## 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. ✓  
 None. No new development is proposed with this rezone. The applicant is in the concept design stage for a future retail project (see 14-128228 DC). SEPA review of this future development project will occur when its features are sufficiently definite. *Will be further review under project-specific SEPA review*
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. ✓  
 None known. Off-site sources of emissions are automobiles. *review*
- c. Proposed measures to reduce or control emissions or other impacts to the air, if any: ✓  
 None required.

### 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. ✓

Sturdevant Creek runs north-south approximately 500 feet from the western edge of the property. This creek runs year-round and connects to Mercer Slough and Lake Bellevue. There is a wetland approximately 550 feet from the southwest corner of the site.

- (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. ✓

No.

- (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. ✓

None.

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

No.

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

No.

- (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. ✓

No.

#### b. Ground

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

No.

*Project-specific water withdrawal and/or discharge review w/ any proposed development*

- (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. ✓

None.

*Existing development served by local sewer & water facilities. utilities.*

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. ✓

No changes to stormwater runoff are proposed with this rezone. The applicant is in the concept design stage for a future retail project (see 14-128228 DC). SEPA review of this future development project will occur when its features are sufficiently definite. *project specific SEPA*

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

No. No development is proposed with this rezone. The applicant is in the concept design stage for a future retail project (see 14-128228 DC). SEPA review of this future development project will occur when its features are sufficiently definite. *project-specific SEPA*

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

None required.

*no develop.  
proposed w/ rezone*

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 Urban landscaping *Blackberry on steep slope*

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

None. No development is proposed with this rezone. The applicant is in the concept design stage for a future retail project (see 14-128228 DC). SEPA review of this future development project will occur when its features are sufficiently definite.

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

None. This is urban developed property.

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

None. No development is proposed with this rezone. The applicant is in the concept design stage for a future retail project (see 14-128228 DC). SEPA review of this future development project will occur when its features are sufficiently definite. ✓

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:

Mammals: deer, bear, elk, beaver, other:

Fish: bass, salmon, trout, herring, shellfish, other:

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

None

c. Is the site part of a migration route? If so, explain. ✓

No

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

None required. This is a developed urban property with limited urban wildlife.

*Pacific Flyway -  
entire Puget Sound  
region ✓*

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. ✓

None. No development is proposed with this rezone. See prior discussion of 14-128228 DC. ✓

*all utilities  
available ✓*

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

No

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: ✓

None required.

*Future develop-  
applicant will be  
asked to consider  
vehicle charging  
stations ✓*

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. ✓

None. No development is proposed with this rezone. The applicant is in the concept design stage for a future retail project (see 14-128228 DC). SEPA review of this future development project will occur when its features are sufficiently definite.

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

None.

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

None required.

b. Noise

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

Traffic noise.

*aw*

- (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. ✓

None. No development is proposed with this rezone. The applicant is in the concept design stage for a future retail project (see 14-128228 DC). SEPA review of this future development project will occur when its features are sufficiently definite.

- (3) Proposed measures to reduce or control noise impacts, if any: ✓  
None required.

Noise regulated per  
BCC 9.18

## 8. Land and Shoreline Use

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

The current use of the property is for an auto showroom. ✓ and surface parking lots ✓

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

Unknown. The property is currently a developed urban property.

- c. Describe any structures on the site. ✓

An auto showroom. ✓  
abandoned

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

None. No demolition is proposed with this rezone. See prior discussion of 14-128228 DC.

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

GC (general commercial)

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

GC/CB (General comm./Community Business)

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

Not applicable.

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

The property includes a steep slope. 20.25 H. def.

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

No development is proposed with this rezone application. The applicant is in the concept design stage for a future retail project (see 14-128228 DC). SEPA review will occur when features are sufficiently definite.

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

None.

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

None required.

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

The Comprehensive Plan designation is GC/CB. The Comprehensive Plan contemplates that the zoning will change to CB as NE 4th Street is extended. This is underway.

7  
and rights to build  
entire NE 4th st. extension  
are secured. S-W-3

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. ✓  
None.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. ✓  
None.
- c. Proposed measures to reduce or control housing impacts, if any: ✓  
None required.

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?  
No development is proposed with this rezone application. See prior discussion of 14-128228 DC. ✓ ↘
- b. What views in the immediate vicinity would be altered or obstructed? ✓  
None.
- c. Proposed measures to reduce or control aesthetic impacts, if any: ✓  
None required. See prior discussion of 14-128228 DC.

*Any project w/in CB will be required to go thru Design Review. 14-130983 - AP WCA would allow retail greater than 100,000 SF & taller ht. only <sup>to 75'</sup> w/ develop agreement that includes design guidelines.*

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? ✓  
No development is proposed with this rezone application. See prior discussion of 14-128228 DC.
- b. Could light or glare from the finished project be a safety hazard or interfere with views? ✓  
No development is proposed with this rezone application. The applicant is in the concept design stage for a future retail project (see 14-128228 DC). SEPA review of this future development project will occur when its features are sufficiently definite.
- c. What existing off-site sources of light or glare may affect your proposal? ✓  
None. Lights in the area come from adjacent development and cars.
- d. Proposed measures to reduce or control light or glare impacts, if any: ✓  
None required.

*w/ future development*

*all exterior fixtures will be required to have cut-off shields.*

## 12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? ✓  
A proposed bicycle/pedestrian trail is planned within the abandoned BNSF corridor adjacent to the east property line.
- b. Would the proposed project displace any existing recreational uses? If so, describe. ✓  
No.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: ✓  
None required.

*Future development w/ need to include connections to BNSF trail.*

## 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 known.
- b. Generally describe any landmarks or evidence of historic, archeological, scientific, or cultural importance known to be on or next to the site. ✓  
None known.
- c. Proposed measures to reduce or control impacts, if any: ✓  
None required.

## 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. ✓  
The site is served by 116th Avenue NE, NE 4th Street and the Highway 405 on/off ramp.
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop? ✓  
Yes. Bus routes are located at 116th, 2 bus stops are located at 116th Ave NE and NE 2nd Place.
- c. How many parking spaces would be completed project have? How many would the project eliminate? ✓  
No development is proposed with this rezone application. See prior discussion of 14-128228 DC.
- 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 development is proposed with this rezone application. See prior discussion of 14-128228 DC.
- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. ✓  
No development is proposed with this rezone application. The applicant is in the concept design stage for a future retail project (see 14-128228 DC). SEPA review of this future development project will occur when its features are sufficiently definite.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur. ✓  
No development is proposed with this rezone application. See prior discussion of 14-128228 DC.
- g. Proposed measures to reduce or control transportation impacts, if any: ✓  
None required. The applicant is in the concept design stage for a future retail project (see 14-128228 DC). SEPA review of this future development project will occur when its features are sufficiently definite.

*Project-specific*

*Impacts from future develop reviewed under Design Review & project-specific SEPAs.*

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. ✓

No. No development is proposed with this rezone application. The applicant is in the concept design stage for a future retail project (see 14-128228 DC). SEPA review of this future development project will occur when its features are sufficiently definite. *Reviewed under Design Review.*

- b. Proposed measures to reduce or control direct impacts on public services, if any. ✓  
None required.

16. Utilities

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

All except septic.

- 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. ✓

No development is proposed with this rezone application. The applicant is in the concept design stage for a future retail project (see 14-128228 DC). SEPA review of this future development project will occur when its features are sufficiently definite.

*Utilities has determined thru rezone review that there will be sewer capacity for future development of site*

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..... *Steven Kramer* .....  
Date Submitted..... *4/2/14* .....

*NS*

**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 visit or call Development Services (425-452-6800) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4). Assistance for the hearing impaired: Dial 711 (Telecommunications Relay Service).

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 is not likely to increase these items. The proposal is the rezone from one commercial zone (GC) to another (CB) with no new development proposed. The applicant is in the concept design stage for a future retail project (see 14-128228 DC). SEPA review of this future project will occur when its feature are sufficiently definite.

Proposed measures to avoid or reduce such increases are:

None required.

*no development proposed*

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

The proposal is not likely to affect these items. The proposal is the rezone from one commercial zone (GC) to another (CB) with no new development proposed. The applicant is in the concept design stage for a future retail project (see 14-128228 DC). SEPA review of this future project will occur when its feature are sufficiently definite.

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

None required.

*Rezone will permit diff. use than GC, but is generally the same as GC zoning. Both commercial land use districts*

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

The proposal is not likely to deplete these items. The proposal is the rezone from one commercial zone (GC) to another (CB) with no new development proposed. The applicant is in the concept design stage for a future retail project (see 14-128228 DC). SEPA review of this future project will occur when its feature are sufficiently definite.

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

None required.

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?

The proposal is not likely to affect these items. The proposal is the rezone from one commercial zone (GC) to another (CB) with no new development proposed. The applicant is in the concept design stage for a future retail project (see 14-128228 DC). SEPA review of this future project will occur when its feature are sufficiently definite.

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

None required.

*LUC 20.25 H. 120*

*Project - specific impacts to steep slope reviewed under CALUP (Critical Area Land Use Permit), & SEPA - reviewed as part of*

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? *Des. Review.*

The proposal is consistent with the comprehensive plan. The Comprehensive Plan designation is GC/CB. The Comprehensive Plan contemplates that the zoning will change to CB as NE 4th Street is extended. This is underway. The property is not in the shoreline area. ✓

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

None required.

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

The proposal is not likely to affect these items. The proposal is the rezone from one commercial zone (GC) to another (CB) with no new development proposed. The applicant is in the concept design stage for a future retail project (see 14-128228 DC). SEPA review of this future project will occur when its feature are sufficiently definite.

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

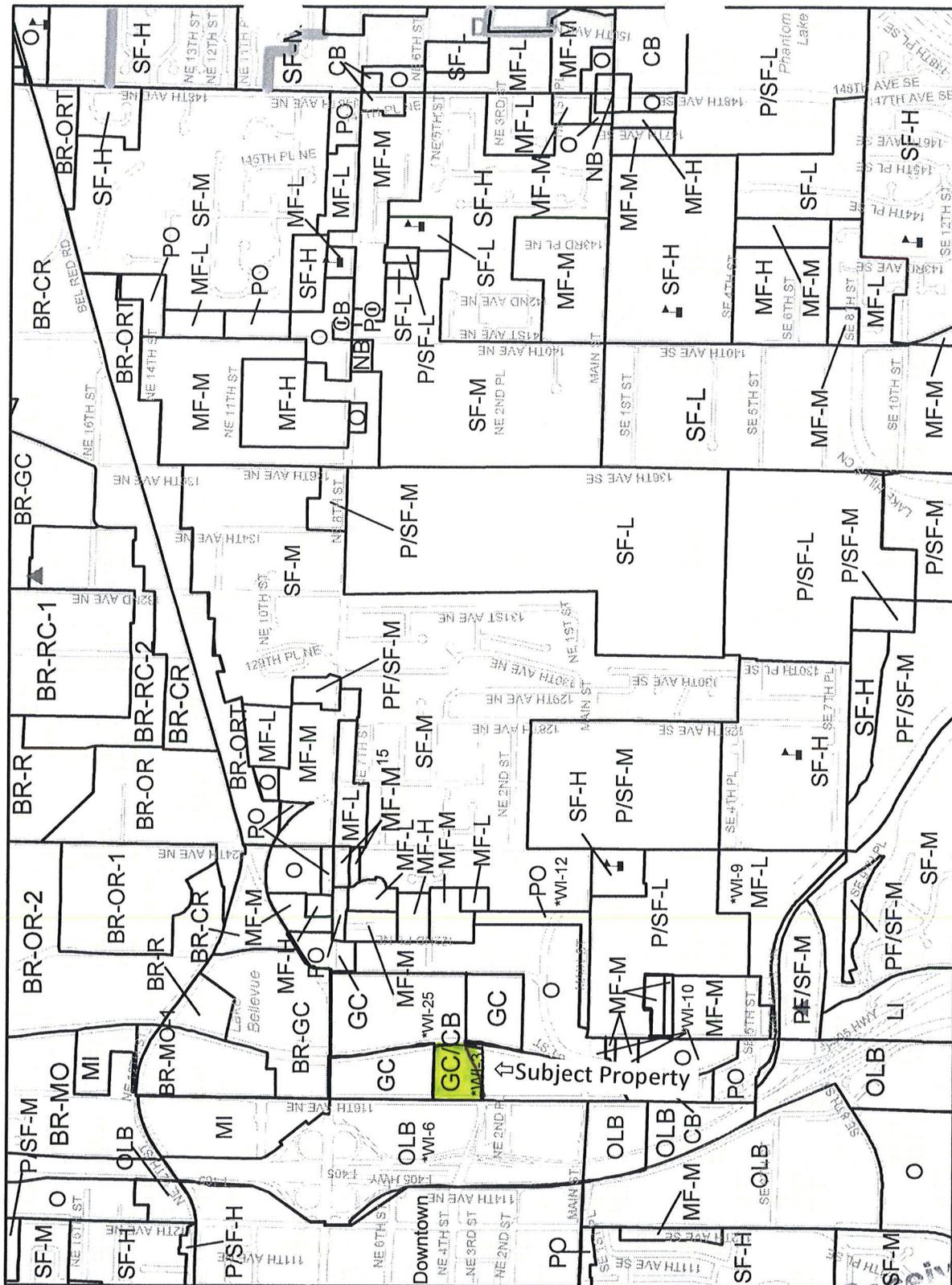
None required.

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

No conflicts are identified.

*Rezone anticipated in  
the Comp. Plan 5-W1-3.  
Future development will require  
project-specific SEPA review.*





**FIGURE S-WI.1  
Wilburton/NE8th Land Use Plan**

- SF Single Family
- MF Multi Family
- L Low Density
- M Medium Density
- H High Density
- UR Urban Residential

- PO Professional Office
- O Office
- OLB Office, Limited Business
- OLB-OS Office, Open Space
- NB Neighborhood Business
- CB Community Business

- GC General Commercial
- LI Light Industrial
- PF Public Facility
- P Park

- <sup>15</sup>R-15 density limit
- ▲ Fire Stations
- ▤ Public Schools
- ▭ Planning Districts
- ▭ Bellevue City Limits (2008)
- Lakes

Received  
 APR 2014  
 Permit Processing  
 City of Bellevue



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

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Proposal Name: 116<sup>th</sup> Avenue Rezone  
Proposal Address: 316 116<sup>th</sup> Avenue NE  
Proposal Description: Application to change the zoning on a 3.15- acre site in the Wilburton/NE 8<sup>th</sup> Street subarea site from GC (General Commercial) to CB (Community Business).  
File Number: 14-128488-LQ  
Applicant: John McCullough, McCullough Hill PS  
Decisions Included: Process III, Rezone and Process II, SEPA  
Planner: Sally Nichols  
State Environmental Policy Act Threshold Determination: **Determination of Non-Significance**

*Carol V. Helland*

\_\_\_\_\_  
Carol V. Helland  
Environmental Coordinator

Director's Recommendation: **Approval with Conditions**

*Carol V. Helland*

\_\_\_\_\_  
Carol V. Helland, Land Use Director  
Development Services Department

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Notice of Application: May 1, 2014  
Notice of Recommendation: July 17, 2014  
Deadline for Appeal of DNS: July 31, 2014  
Public Hearing Date: September 11, 2014

For information on how to appeal a proposal, visit the Development Services Center at City Hall or call (425) 452-6864. 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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Attachment A: Legal Description

## I. PROPOSAL DESCRIPTION

The applicant, Bellevue 116<sup>th</sup> Avenue LLC, is requesting a rezone for a 3.15 acre site to change the land use district designation from GC (General Commercial) to CB (Community Business).

### A. Reason for the Proposal/Background

The rezone is being requested in order to allow for more intensive retail and service uses in the Wilburton/NE 8<sup>th</sup> Street subarea, as anticipated by policies in the Wilburton/NE 8<sup>th</sup> Street Subarea section of the Comprehensive Plan. Comprehensive Plan Policies S-WI-2 and S-WI-3 anticipated growth in the Wilburton Subarea “west of 120<sup>th</sup> Avenue NE between NE 8<sup>th</sup> and about NE 4<sup>th</sup> Streets, and on the east side of 116<sup>th</sup> Avenue from about NE 4<sup>th</sup> to SE 1<sup>st</sup> Streets.” This future growth should support the long term development of this area as a “retail village” that will be an “inviting, attractive, and pedestrian friendly retail area comprised of a mixture of community-oriented and neighborhood-oriented retail and residential uses.” This proposal lies within the area designated as a “retail village”

#### Vicinity Map/Aerial View



#### Background:

In addition to expressing the vision of a “retail village,” Comprehensive Plan Policies S-WI-2 and S-WI-3 also recognized that rezoning from GC to CB is appropriate to support this vision. Furthermore, Policy S-WI-3 states that transportation improvements need to take place that would support the anticipated “retail village” development before any

rezone can be considered. 120<sup>th</sup> Avenue NE is currently being upgraded to provide improved north-south access between the Wilburton, Downtown, and Bel-Red subareas. However, the key transportation improvement germane to this specific rezone application is the NE 4<sup>th</sup> Street extension, which will run from 116<sup>th</sup> Avenue NE to 120<sup>th</sup> Avenue NE (CIP PW0R-160). Phase 1 of this project, which will build the roadway from 116<sup>th</sup> Avenue NE to the BNSF railway corridor, is currently under construction, with an anticipated completion date of November 2014. An agreement between the City and the underlying property owner that secured the rights to construct Phase 2 was finalized on May 19, 2014. Thus, the transportation requirements in Comprehensive Plan Policy S-WI-3 have been fulfilled and it is appropriate to move forward with a rezone of this site from GC to CB.

A rezone of the site directly south of this proposal that runs along the southern edge of the NE 4<sup>th</sup> Street right-of-way was recently approved by City Council action on July 14, 2014 via Ordinance 6168 and rezone file #13-130500-LQ. Although the Bellevue 116<sup>th</sup> Avenue, LLC proposal involves rezoning property from GC to CB in roughly the same location within the Wilburton Subarea, the two rezones could not be processed at the same time because of timing issues associated with securing the settlement agreement for Phase 2 of the NE 4<sup>th</sup> Street extension. However, together they will provide consistency along 116<sup>th</sup> Avenue and will allow for redevelopment along this major arterial with CB uses to realize the vision of a “retail village.”

## **B. Required Land Use Approvals**

Rezone: Rezones are subject to a Process III review procedure (Land Use Code 20.35.300) that require a quasi-judicial decision made by the City Council. Decision criteria and decision criteria compliance are discussed in Section VIII of this report. The Hearing Examiner holds a public hearing and takes testimony from the public on the proposal and recommends an action to the City Council. The City Council will then make a final decision based on the record established by the Hearing Examiner.

SEPA: The environmental determination made under the State Environmental Policy Act (SEPA), and documented in this report, is not a development-specific review, nor is it intended to be a planned action. The environmental review is phased under WAC 197-11-060(5); more detailed project-specific environmental review will be conducted as part of the subsequent Land Uses review, when applicable, if this rezone application is approved. Environmental determinations require a Process II review and are issued by the Environmental Coordinator, with an opportunity to appeal to the Hearing Examiner. In order to comply with SEPA requirements, as well as the State of Washington Growth Management Act for coordination of hearings, any appeal of the SEPA threshold determination herein will be considered by the Examiner at the public hearing on the Rezone action. Only parties who have submitted written comment during the review period for this rezone and associated SEPA review are allowed to file an appeal of the SEPA threshold determination. The final decision on any SEPA appeal would be issued by the Hearing Examiner and included in the report at the same time as the Examiner's recommendation on the rezone is transmitted to the City Council.

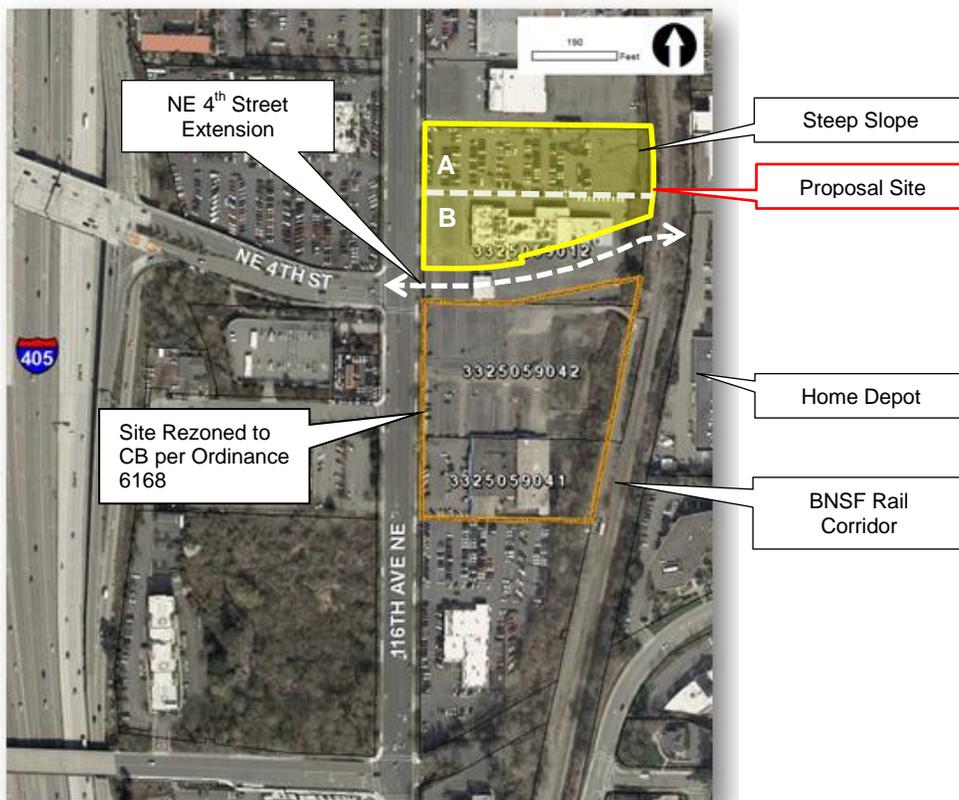
## II. SITE DESCRIPTION, ZONING, & LAND USE CONTEXT

### A. Site Description

The site is located on the northeast corner of 116<sup>th</sup> Avenue NE and the NE 4<sup>th</sup> Street extension currently under construction. Both streets are classified as major arterials. The proposed rezone site is within the Wilburton/NE 8<sup>th</sup> Street subarea.

The subject site is approximately 3.15 acres and is comprised of two parcels. Parcel A, the northern parcel (King County Recording #3329099151) and Parcel B (King County Recording #3326069012). Parcel B is bisected by the NE 4<sup>th</sup> Street extension and only the part of Parcel B that is north of the NE 4<sup>th</sup> Street extension right-of-way is included in this rezone. The small sliver of this parcel that south of the NE 4<sup>th</sup> Street right-of-way is part of the site that recently was rezoned from GC to CB, with an approval by the City Council on July 14, 2014 via Ordinance 6168.

#### Vicinity Map



Currently, the rezone site is occupied by an abandoned auto dealership building and large surface parking lot. The eastern portion of the site is adjacent to the BNSF railroad corridor and tracks, which will become a public access trail in the future. There is also an existing steep slope critical area in this location below the rail corridor that is vegetated with a few trees and noxious weeds – predominantly blackberries.

Construction of Phase I of the NE 4<sup>th</sup> Street extension along the southern property line is underway with an expected completion date in November 2014.

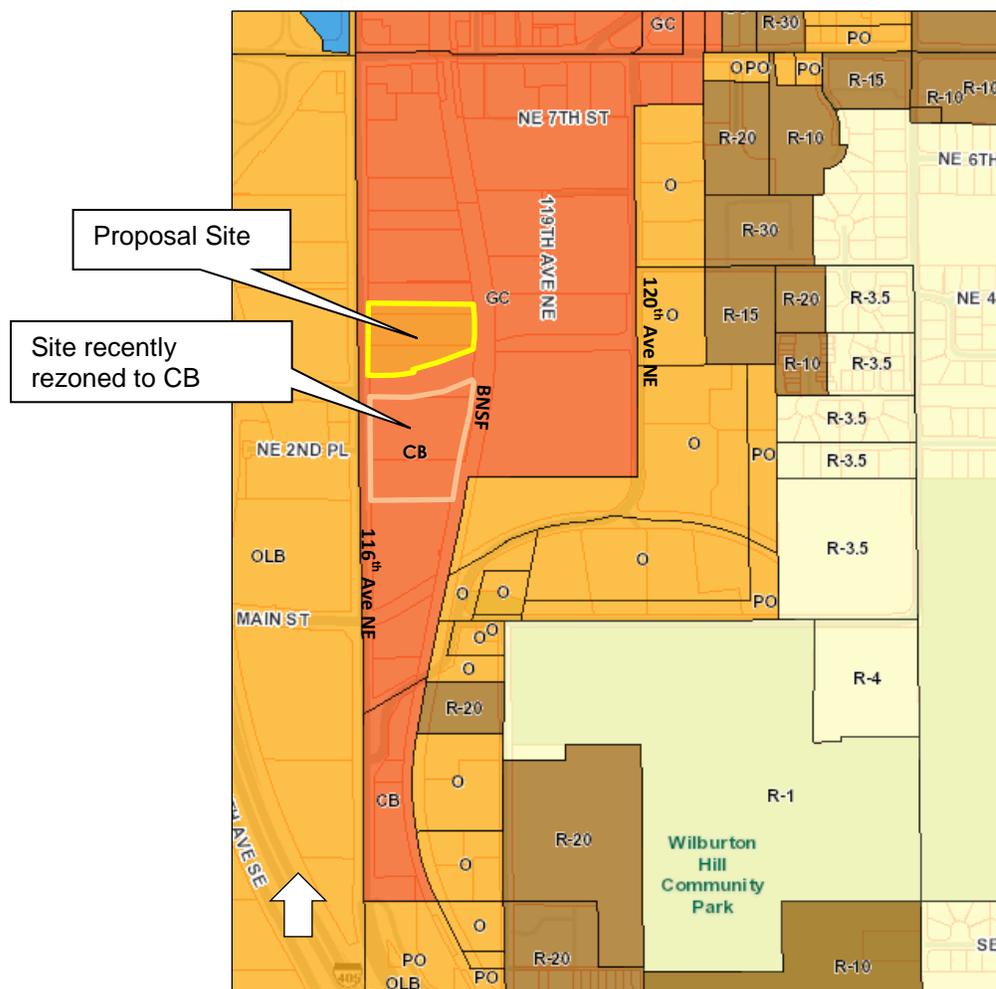
### C. Context and Zoning

Land Use District/Zoning: The property is currently within the GC (General Commercial) land use district, and is adjacent to the OLB (Office and Limited Business) land use district to the west across 116<sup>th</sup> Avenue NE.

The surrounding zoning and land use is as follows:

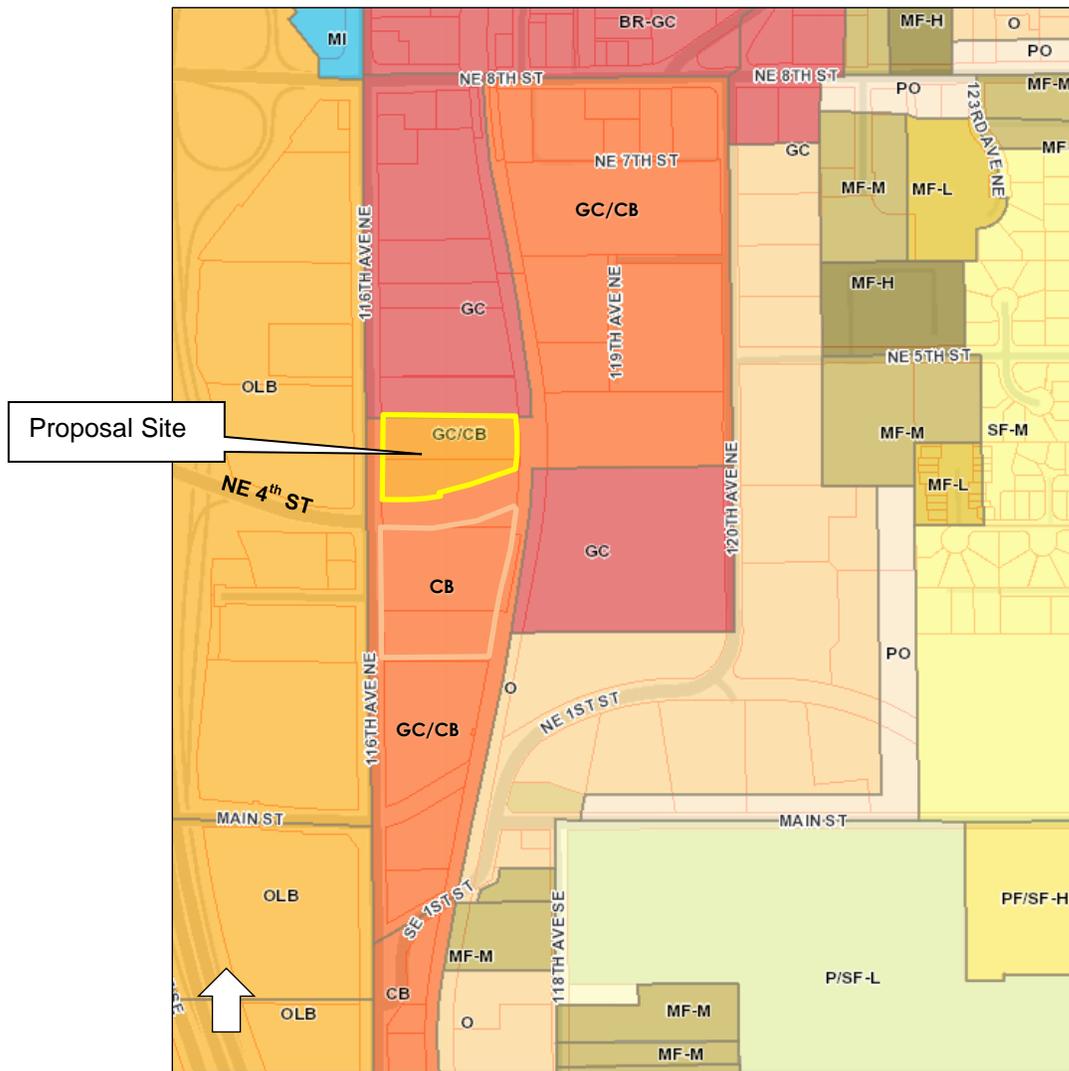
- South: CB - Phase 1 of NE 4<sup>th</sup> Street (under construction) and vacant auto dealership on the south side of the NE 4<sup>th</sup> Street extension
- North: GC - auto dealership and associated surface parking lots
- West: OLB – Ford auto dealership across 116<sup>th</sup> Avenue NE to the west
- East: GC - BNSF railway corridor and tracks, Home Depot and Best Buy retail center.

#### Zoning Map



Comprehensive Plan: This site is designated currently as GC/CB in the Comprehensive Plan. This GC/CB designation forms the area that is referred to as the “retail village” area in the Wilburton/NE 8<sup>th</sup> Street Subarea section of the Comprehensive Plan.

**Comprehensive Plan Designation**



**III. CONSISTENCY WITH LAND USE CODE/ ZONING REQUIREMENTS**

**A. General Provisions of the Land Use Code**

**1. Dimensional Requirements**

The site can be developed in conformance with the general provisions of the Land Use Code. A listing of applicable Land Use Code elements for both the GC and CB land use districts is provided below:

Zoning	Existing GC	Proposed CB
ITEM	REQUIRED/ALLOWED	REQUIRED/ALLOWED
Min. Lot Area	7,200 SF	4,700 SF
Lot Coverage	40%	40%
Maximum Impervious Surface	85%	85%
Building Setbacks Front Side(s) Rear	15 FT 0 FT* 0 FT*	0 FT 0 FT* 0 FT*
	*landscape buffers are required	*landscape buffers are required
Building Height	30 FT from average finish grade	45 FT from average existing grade** **May be increased to 75 feet west of the BNSF corridor per Land Use Code Amendment 6169

**IV. PUBLIC NOTICE AND COMMENT**

Application Date: April 2, 2014  
 Notice of Application: May 1, 2014  
 Public Notice Sign: May 1, 2014  
 Minimum Comment Period: May 15, 2014  
 Public Meeting: June 3, 2014 at 6:30 p.m. at City Hall

Notice of Application was published in the City of Bellevue’s Weekly Permit Bulletin and the Seattle Times on April 3, 2014. It was mailed to taxpayers and occupants within 500 feet of the project site and a two-sided Public Information Sign was installed on the project site on the same day. A public meeting was held on June 3, 2014. There were two attendees. Neither of the attendees had any comments regarding the rezone specifically. The applicant presented the conceptual designs for development of this site. Questions were focused on design issues and the construction schedule of the NE 4<sup>th</sup> Street extension. The design of the development and response to any design-related questions will be addressed during the Design Review approval process that will be required to develop the 116<sup>th</sup> Avenue site under the CB zoning.

**V. TECHNICAL REVIEW**

**A. Utility Department**

The 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 conditions regarding the proposed Rezone.

## **B. Transportation Department**

The City of Bellevue Transportation Department has reviewed and recommends approval of rezone application 14-128488-LQ with the understanding that the approval is a non-project action, and does not constitute or imply approval of specific design details for any transportation-related improvements. Review will occur under a subsequent Design Review application, with associated construction permits and project-specific traffic impact analysis and settlement agreements between the City and all permit applicants located adjacent to the City's NE 4<sup>th</sup> Street extension project (CIP PW-R-160). Review will include the items listed below:

1. Specific design and implementation of transportation-related improvements per the City's NE 4<sup>th</sup> Street extension project.
2. Specific design and installation of standard street frontage improvements, including new access points, sidewalk improvements, street trees, street lights, and utility undergrounding,
3. Design of the site's internal circulation pattern, driveway locations, and driveway throat design, especially as they affect traffic operations on adjacent city right of way.
4. Transportation Management Program requirements.

## **VI. STATE ENVIRONMENTAL POLICY ACT**

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal (see Environmental Checklist in the project file at City Hall Records Office). Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements with the incorporation by reference of the 2013-2024 Transportation Facilities Plan Final Environmental Impact Statement (TFP EIS), adopted August, 2013 (available in the Records Office at City Hall). This document analyzes the transportation and air quality impacts of the City's Traffic Task Force recommendations to meet the Comprehensive Plan, Transportation Element, and Mobility Management goals.

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.

If the rezone is approved, any future redevelopment proposed for this site would be subject to Design Review (Process II action – refer to LUC 20.35.200), project-specific SEPA review, and subsequent construction permit approvals.

## **Transportation:**

### Long-Term Transportation Impacts and Mitigation

The long-term impacts of all development projected to occur in the City by 2024 have been addressed in the City's Transportation Facilities Plan EIS. The impacts of growth projected to occur by 2024 are evaluated on the roadway network assuming that all the transportation improvement projects proposed in the City's current Transportation Facilities Plan (TFP) are in place. The Transportation Facilities Plan EIS divides the City into Mobility Management Areas (MMA) for analysis purposes. The proposed rezone lies within MMA # 4 (Wilburton Area), which has a 2024 total growth projection of 186,916 square feet of new retail space and 428,342 square feet of new office space.

### Mid-Range Impacts and Mitigation

For most development proposals, traffic impacts anticipated to occur in the next six years are evaluated through a concurrency analysis under the Traffic Standards Code (BCC 14.10). However, under BCC 14.10.020.A, concurrency analysis does not apply to site-specific rezones. Hence, this proposal will not be subjected to concurrency analysis until a Design Review application or building permit application is submitted. At that time, the concurrency testing requirements currently in effect will apply.

### Short-Term Operational Impacts and Mitigation

A rezone by itself does not generate traffic nor create short-term transportation impacts. However, redevelopment of the site in compliance with the rezone will require analysis of short-term transportation impacts prior to Design Review approval. Specific engineering details, identification of transportation mitigation, and conditions of approval for the site's redevelopment will be resolved during future Design Review and construction permit phases. Mitigation requirements are likely to include items such as those listed above by the Transportation Department.

## **VII. CHANGES TO PROPOSAL DUE TO CITY REVIEW**

There were no changes as a result of City review.

## **VIII. DECISION CRITERIA**

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

### **A. The rezone is consistent with the Comprehensive Plan:**

The following is a summary of relevant Comprehensive Plan policies:

#### Land Use Element Policies:

***Policy LU-5:** Ensure enough properly zoned land to provide for Bellevue's share of the regionally adopted demand forecasts for residential, commercial, and industrial uses for the next 20 years.*

**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-12:** *Retain land availability for specific commercial uses which are important to the community.*

**Policy LU-13:** *Reduce the regional consumption of undeveloped land by facilitating redevelopment of existing developed land when appropriate.*

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

**Policy LU-32:** *Maintain commercial areas outside the Downtown which can provide additional business opportunities and serve other parts of the community.*

**Policy LU-33:** *Monitor trends in Bellevue's job centers and consider land use changes, if needed, to maintain the vitality of these centers.*

**Finding:** The proposal is consistent with the Land Use Element Policies above. The rezone supports Bellevue's commitment to accommodate regional growth and provide opportunities for economic development.

#### **Wilburton/NE 8<sup>th</sup> Street Subarea Policies:**

**Policy S-WI-1:** *Protect residential areas from impacts of other uses by maintaining the current boundaries between residential and non-residential areas.*

**Policy S-WI-2:** *Support the provision of commercial services in Wilburton that complement Downtown such as large retail and auto sales; mixed use opportunities, and services that provide convenient shopping for the adjacent neighborhoods. Implement this through zoning and development regulations.*

*Discussion: The Wilburton/NE 8<sup>th</sup> Street subarea includes a variety of commercial areas.*

*The eastern portion of the subarea includes small commercial sites that primarily serve the immediate neighborhood.*

*The western portion of the subarea includes more intense commercial areas between 116<sup>th</sup> and 120<sup>th</sup> Avenues and near Lake Bellevue that serve the broader community. Some of these areas may be ready for redevelopment into new commercial or mixed uses.*

*The area west of the BNSF corridor is appropriate for auto and motorcycle sales, large retail uses, office and hotel uses.*

*The vision for the area on the west side of 120<sup>th</sup> Avenue, between NE 8<sup>th</sup> Street and the existing Home Depot property is for the development of a “retail village” this is an inviting, attractive, and pedestrian friendly retail area comprised of a mixture of community-oriented and neighborhood-oriented retail and residential uses.*

**Policy S-WI-3:** *Support the long term development of a “retail village” in the commercial area on the west side of 120<sup>th</sup> Avenue to provide a transition from more intense commercial areas to the west and the residential area to the east. Designate the area west of 120<sup>th</sup> Avenue NE between NE 8<sup>th</sup> and about NE 4<sup>th</sup> Streets General Commercial/Community Business (GC/CB). Without access improvements, the area remains appropriate for General Commercial uses. As NE 4<sup>th</sup> Street (East Bellevue Transportation Plan project #582) is extended to increase access to the area, Community Business uses are appropriate.*

*Discussion: The intent is to increase transportation capacity as redevelopment occurs. It is recognized that the complexity of construction and property ownership may require phasing of the street project. Phasing may be accepted through a development agreement that assures adequate right of way and timely completion of the entire connection.*

**Finding:** The proposed rezone is a response to these specific policies. Future development on the site that will be allowed as a result of this rezone will provide convenient shopping and services for adjacent neighborhoods. The rezone is appropriate at this time because the rights to construct both Phase 1 and 2 of the NE 4<sup>th</sup> Street extension have been secured by the City and the construction of Phase 1, which will directly provide access to the proposal site, is well underway and scheduled for completion in November 2014. **Refer to Condition of Approval regarding rezone effectiveness date in Section X of this report.**

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

**Finding:** The development will not require new public facilities; there is capacity within the transportation network, the utility system, and other public services such as fire and police to accommodate additional development. The subject parcel can provide for an appropriate level of increased density and help facilitate redevelopment on other properties in a manner that is compatible with the character of the existing and proposed development within the designated “retail village” commercial area in the Wilburton/NE 8<sup>th</sup> Street Subarea.

**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.**

**Finding:** This rezone is warranted to achieve consistency with the Comprehensive Plan – particularly the policies of the Wilburton/NE 8<sup>th</sup> Street Subarea. In addition, this rezone will also provide consistency with the recent rezone of the site directly south of the NE 4<sup>th</sup>

Street extension from GC to CB via Ordinance 6168. The two proposals sites together create an area of CB zoning along 116<sup>th</sup> Avenue NE that most likely will be a catalyst to attract community business uses on adjacent underutilized sites and in doing so, facilitate development consistent with the Comprehensive Plan's vision for a 'retail village' in this area.

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

**Finding:** The existing development on the site is an abandoned auto dealership and associated surface parking lot. The site is in poor condition. The rezone will provide an opportunity for redevelopment with community businesses (retail and service) that will support the development vision of the 'retail village' identified in the Wilburton/NE 8<sup>th</sup> Street Subarea policies in the Comprehensive Plan. A rezone to CB will allow redevelopment of this site to provide new services and amenities currently not available to the adjacent neighborhoods. Amenities will include the development of pedestrian-oriented streetscapes and pedestrian connections with surrounding neighborhoods. CB zoning will also most likely provide a catalyst for redevelopment this site and adjacent underutilized properties, thereby helping to fulfill the vision of the Comprehensive Plan.

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

**Finding:** Per the Comprehensive Plan policies for the Wilburton/NE 8<sup>th</sup> Street subarea, retail and mixed-use developments that complement Downtown are desired features within the existing GC/CB Comprehensive Plan designation. Rezoning the site from GC to CB will allow a greater mix of these uses, which will in turn add value to the community by providing convenient shopping and services for the residential neighborhoods in both the Wilburton and Downtown subareas. New development will also provide the opportunity to re-vitalize underutilized and abandoned sites along 116<sup>th</sup> Avenue NE and to create amenities including pedestrian connections with surrounding neighborhoods.

**IX. RECOMMENDATION**

After conducting the various administrative reviews associated with the proposal, including applicable Land Use consistency, SEPA and City Code & Standard compliance reviews, the Director does hereby **RECOMMEND APPROVAL WITH CONDITIONS** of the Bellevue 116<sup>th</sup> Avenue, LLC rezone proposal.

**X. CONDITION OF APPROVAL**

**1. Authority**

Approval of this rezone does not constitute an approval of any Land Use Code amendments, Design Review, or any other ancillary permits that may be required for the design and construction of any proposed development on the rezone site.

AUTHORITY: LUC 20.30A  
REVIEWER: Sally Nichols, Land Use

## Attachment A – Legal Description of Site

### Metes and Bounds Description

THE SOUTH 392.95 FEET OF THE NORTH 785.95 FEET OF THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, LYING WEST OF THE NORTHERN PACIFIC RAILWAY RIGHT OF WAY AND LYING NORTH OF THE NORTH LINE OF FUTURE NE 4<sup>TH</sup> STREET AS CONDEMNED BY THE CITY OF BELLEVUE PURSUANT TO CONDEMNATION PROCEEDINGS FILED IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 12-2-19166-2 SEA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION;  
THENCE SOUTH 0°19'43" WEST ALONG THE WEST LINE OF SAID SECTION 821.00 FEET;  
THENCE SOUTH 89°19'26" EAST 50.00 FEET TO THE EAST MARGIN OF STATE HIGHWAY 2-A (116TH AVENUE NORTHEAST) AND THE TRUE POINT OF BEGINNING;  
THENCE SOUTH 0°19'43" WEST ALONG SAID EAST MARGIN 817.89 FEET;  
THENCE SOUTH 89°26'52" EAST 467.89 FEET TO THE WESTERLY MARGIN OF THE NORTHERN PACIFIC RAILWAY RIGHT OF WAY;  
THENCE NORTHERLY ALONG SAID WESTERLY MARGIN TO A POINT SOUTH 89°19'26"EAST FROM THE TRUE POINT OF BEGINNING;  
THENCE NORTH 89°19'26" WEST 442.63 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 137210 SQUARE FEET OR 3.150 ACRES MORE OR LESS