City of Bellevue

Post Office Box 90012 ▪ Bellevue, Washington ▪ 98009 9012

NOTICE OF ACTION - SEPA THRESHOLD DETERMINATION AND LAND USE APPROVAL

Project Name: Best Buy Store Modification and Parking Garage Construction

File Number: 14-109111-LM

Project Address: 457 120th Ave NE

Date of Application: January 15, 2014

Completeness Date: January 17, 2014

Notice of Application Date: January 23, 2014

Action Taken: SEPA Threshold DNS and Land Use Approval was issued on March 20, 2014

Project Applicant: Brendon Stuckey, Development Manager, Best Buy, 612-291-7541

City of Bellevue Project Planner: David Pyle – (425)452-2973 / dpyle@bellevuewa.gov

Description of Action: Notice is given under SEPA, RCW 43.21C.080, that the City of Bellevue Environmental Coordinator has issued a final SEPA Threshold Determination and Land Use Approval in support of the Best Buy store modification and parking garage construction. The project SEPA Threshold Determination and Land Use Approval was issued on March 20, 2014 subject to a 14 day appeal period. No appeals were filed with the City on this decision.

Project Description: Modification of the Best Buy store and site to accommodate the City of Bellevue NE 4th Street extension between 116th Ave NE and 120th Ave NE. The project includes the following actions as necessary to preserve store operations and accommodate the City's road project in the following order: 1) Property boundary adjustment to the north of the existing building. 2) Expansion to the north side of the retail building by adding 9,964 square feet of new retail space. 3) Demolition of a portion of the south side of the retail building through removal of 11,021 square feet of retail space. 4) Shifting of the retail floor space into the new building retail area. 5)Establishment of temporary parking in the area of demolition and the future right of way and in a portion of the adjacent rail right of way by paving and striping per the requirements of temporary parking plans submitted with the right of way permit to be issued for this project. 6) Construction of a new single story parking garage on the eastern portion of the site in area currently dedicated to parking to accommodate up to 226 vehicles. 7) Establishment of new site landscaping, including approval of landscaping through the Alternative Landscape Option allowing modifications to perimeter, parking lot and required total percentage of landscaping. 8) Vacation and demolition of area to be used for construction of the City's NE 4th Street extension. The proposal includes installation and relocation of utilities and infrastructure as necessary to accommodate site modifications. Best Buy operations will be modified with this project to include restricted off hour use of the new NE 4th Street roadway for backing of delivery and service trucks at the store delivery point in the southwest corner of the property. After modification the final retail store structure is proposed to be 45,520 square feet and the parking deck is proposed to be 32,800 square feet. The project will require approximately 2,000 cubic yards of cut and fill.

Appeal Deadline: In accordance with RCW 43.21C.080(2)(a) any challenge or judicial appeals regarding this SEPA Threshold Determination of Non-significance and Land Use Decision shall be commenced by Monday May 5, 2014 at 5 PM.

Michael N. Paine for
Environmental Coordinator

04/04/2014
Date

DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
450 110th Ave NE
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Brendon Stuckey, Best Buy Stores

LOCATION OF PROPOSAL: 457 120th Ave NE

DESCRIPTION OF PROPOSAL: City of Bellevue Development Services Department Land Use Approval and issuance of a SEPA Threshold Determination of Non-Significance for modification of the Best Buy store and site to accommodate the City of Bellevue NE 4th Street extension between 116th Ave NE and 120th Ave NE.

FILE NUMBERS: 14-109111-LM **PLANNER:** David Pyle

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 **4/3/2014**

☐ 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 5:00 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating 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 **3/20/2014**
Date

OTHERS TO RECEIVE THIS DOCUMENT:

☐ State Department of Fish and Wildlife / Stewart.Reinbold@dfw.gov; Christa.Heller@dfw.wa.gov;
☐ State Department of Ecology, Shoreline Planner N.W. Region / Jobu461@ecy.wa.gov; sepaunit@ecy.wa.gov
☐ Army Corps of Engineers Susan.M.Powell@nws02.usace.army.mil
☐ Attorney General ecyolyef@atg.wa.gov
☐ Muckleshoot Indian Tribe Karen.Walter@muckleshoot.nsn.us; Fisheries.fileroom@muckleshoot.nsn.us

City of Bellevue
Development Services Department
Land Use Staff Report

Proposal Name:	Best Buy Store Modification and Parking Garage Construction
Proposal Address:	457 120th Ave NE
Proposal Description:	City of Bellevue Development Services Department Land Use Approval and issuance of a SEPA Threshold Determination of Non-Significance for modification of the Best Buy store and site to accommodate the City of Bellevue NE 4th Street extension between 116th Ave NE and 120th Ave NE.
File Number:	14-109111-LM
Proponent: **Contact:**	Brendon Stuckey, Best Buy Stores (612)291-7541
Planner:	David Pyle, Planner
State Environmental Policy Act Threshold Determination:	**Determination of Non-Significance** Carol V. Helland, Environmental Coordinator Development Services Department

Application Date:	January 15, 2014
Notice of Application Date:	January 23, 2014
SEPA Comment Period Deadline:	February 6, 2014
SEPA Threshold Determination:	March 20, 2014
SEPA Appeal Deadline:	April 3, 2014

For information on how to appeal a proposal, visit Development Services Center 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

Land Use Approval and issuance of a SEPA Threshold Determination of Non-Significance for modification of the Best Buy store and site to accommodate the City of Bellevue NE 4th Street extension between 116th Ave NE and 120th Ave NE. The project site plans are attached to this decision as Attachment 1 and are incorporated by reference.

The project includes the following actions as necessary to preserve store operations and accommodate the City's road project in the following order:

1) Property boundary adjustment to the north of the existing building.

2) Expansion to the north side of the retail building by adding 9,964 square feet of new retail space.

3) Demolition of a portion of the south side of the retail building through removal of 11,021 square feet of retail space.

4) Shifting of the retail floor space into the new building retail area.

5) Establishment of temporary parking in the area of demolition and the future right of way and in a portion of the adjacent rail right of way by paving and striping per the requirements of temporary parking plans submitted with the right of way permit to be issued for this project.

6) Construction of a new single story parking garage on the eastern portion of the site in area currently dedicated to parking to accommodate up to 226 vehicles.

7) Establishment of new site landscaping, including approval of landscaping through the Alternative Landscape Option allowing modifications to perimeter, parking lot and required total percentage of landscaping.

8) Vacation and demolition of area to be used for construction of the City's NE 4th Street extension.

The proposal includes installation and relocation of utilities and infrastructure as necessary to accommodate site modifications. Best Buy operations will be modified with this project to include restricted off hour use of the new NE 4th Street roadway for backing of delivery and service trucks at the store delivery point in the southwest corner of the property. After modification the final retail store structure is proposed to be 45,520 square feet and the parking deck is proposed to be 32,800 square feet. The project will require approximately 2,000 cubic yards of cut and fill.

Site Plans Incorporated by Reference
The project site plans submitted with this application for SEPA review are hereby incorporated by reference as Attachment 1 and are approved by the Land Use Division. Project plan approval is subject to construction permit issuance and demonstration of compliance with applicable City codes. Land Use approval of project site plans does not limit authority of other City of Bellevue Development Services Department divisions to implement City codes through construction permit review.

Alternative Landscape Option
The applicant is proposing use of the Alternative Landscape Option as outlined in LUC 20.20.520.J. A landscape plan demonstrating compliance with the approval criteria has been submitted and is included as Attachment 2 to this staff report. Staff have reviewed this proposal and have approved the landscape plan as submitted.

Parking Exceeding the Maximum
The applicant is proposing parking exceeding the maximum in accordance with LUC 20.20.590.G and has provided a parking analysis supporting the proposal. In response, the Land Use Director has approved parking supply in support of the retail use of up to 226 vehicles. The project parking analysis is included as Attachment 3 to this staff report. This approval for parking exceeding the maximum is attached to the Best Buy (tenant) occupancy of the building and site. If the tenant vacates the property the parking supply (ratio) shall be in accordance with LUC 20.20.590.F.

Transportation Issues
The applicant has requested delivery access from the new (to be completed) NE 4th Street roadway. The new roadway and delivery driveway configuration cannot accommodate delivery truck turnaround. To provide the needed access, the City of Bellevue Transportation Department has worked with the applicant to develop a conditional off-hour delivery plan that allows delivery trucks to reverse into the delivery driveway. A site plan demonstrating delivery access is included as Attachment 4. A list of delivery access restrictions are included as conditions of approval in section IV of this staff report. This approval for delivery access off of NE 4th Street is attached to the Best Buy (tenant) occupancy of the building and site. If the tenant vacates the property and a new tenant moves into the space, the new tenant is subject to standard Transportation Department restrictions on delivery access.

II. Public Notice and Comment

Application for project SEPA review was submitted on January 15, 2014. Following initial review of project documentation submitted, a notice of application and intent to issue DNS under the SEPA Optional Process was issued in the January 23, 2014 in the City Permit Bulletin, and an initial comment period held open for 14 days. Comments were collected and a detailed review of environmental documentation completed.

Noticing for SEPA review has been completed as follows:

Application Date:	January 15, 2014
Notice of Application Date:	January 23, 2014
SEPA Comment Period Deadline:	February 6, 2014

This Notice of SEPA Threshold Determination was published in the City of Bellevue weekly permit bulletin on March 20, 2014. There is a 14 day appeal period ending on April 3, 2014.

In response to the City's Weekly Permit Bulletin notice of application and notice of intent to issue DNS under the SEPA Optional DNS process only one comment was received from the adjacent property owner Home Depot (letter included as Attachment 6). The comment focused on two issues:

- The proposed construction of a parking deck is prohibited by easement. The City

has determined that this is a Civil issue to be addressed through private negotiation and settlement between the property owners.

- The proposed construction activity (store modifications and parking deck construction) will impact customer access to the Home Depot store and displace Home Depot parking. In response to this concern the City is requiring, as part of the project's Clearing and Grading (site work) permit and Right of Way (street) use permit, a temporary parking plan to implemented during construction for each phase of the project. The applicant is required to demonstrate how they will accommodate the need for overflow parking during construction.

III. Environmental Review

SEPA Checklist/SEPA Threshold Determination
The applicant has provided a complete SEPA checklist (Attachment 6) supported by detailed analysis for review in demonstrating the no significant adverse environmental impact. Staff have reviewed the Plan, the checklist, and supporting documentation and have determined that, for the proposed action, environmental review indicates no probability of significant adverse environmental impacts provided that applicable city codes and standards are implemented. Therefore, issuance of a Determination of Non-Significance pursuant to WAC 197-11-340 and Bellevue City Code 22.02.034 is appropriate.

Mitigation Measures
The lead agency has determined that the requirements for environmental mitigation have been adequately addressed in the development regulations and comprehensive plans adopted by the City and in other applicable local, state or federal laws or rules. The City's Comprehensive Plan, Land Use Code, Clearing and Grading Code, Stormwater Code, and Transportation Code include provisions designed to avoid and minimize environmental impacts through design. When impacts are unavoidable, specific mitigation is prescribed by applicable codes and designed to offset impacts. Consequently, no specific SEPA mitigation measures are required for this Threshold Determination.

IV. Conditions of Approval

The following conditions of approval are incorporated into this decision:

1) **Limitations on Parking Exceeding the Maximum** – The Land Use Director has approved parking supply in support of the retail use of up to 226 parking stalls. This approval for parking exceeding the maximum is attached to the Best Buy (tenant) occupancy of the building and site. If the tenant vacates the property the parking supply (ratio) shall be in accordance with LUC 20.20.590.F.

2) **Limitations on Delivery Access off NE 4th Street** – Delivery access from (future) NE 4th Street is approved subject to the following limitations and in accordance with the delivery access site plan included as Attachment 4:

    1. Truck deliveries are restricted to the hours of 9:00 p.m. to 6:00 a.m., seven days a week.
    2. Delivery vehicles will proceed westbound on NE 4th St to the inside westbound lane adjacent to the Best Buy loading dock driveway and will then

back into the driveway.

3. Two flaggers are required to stop traffic in the two westbound lanes prior to the delivery truck backing into the driveway. The flaggers must have current, valid Washington State Traffic Control flagger cards, and must be wearing required personal protective equipment such as high visibility safety apparel and headwear meeting current standards.
4. The City and Best Buy will complete a joint assessment of backing operations six months after issuance of Certificate of Occupancy and on an on-going basis as needed thereafter. Assessment results or unforeseen issues may require further hour restrictions or other measures.
5. If a signalized u-turn and/or pedestrian crossing is installed at the adjacent former BNSF right of way, a reassessment of these requirements will be conducted to identify any safety impacts which may occur as a result of the new operational circumstances.
6. Any proposal for change in tenancy (vacation by Best Buy and occupancy by a new tenant) at this location will trigger a review of these requirements and possible modifications.

3) **Temporary Parking Plan Required** - The applicant shall develop and submit a temporary parking plan for implementation during construction for each phase of the project. As part of the plan, the applicant is required to demonstrate how they will accommodate the need for overflow parking during construction. The temporary parking plan shall be submitted for review and approval with the project Right-of-Way permit applicant and Clearing and Grading Permit application. Permits to proceed with construction will not be approved and issued until the temporary parking plan has been accepted and approved by the Transportation Department.

4) **Installation of Landscaping Required** – The landscape plans submitted by the applicant are approved under the Alternative Landscape Option as outlined in LUC 20.20.520.J. Landscaping for the project shall be installed in accordance with the approved plans included as Attachment 2 to this staff report. Prior to issuance of Clearing and Grading permit, the applicant shall submit a landscape installation security device in the form of an agreement to install and maintain landscaping and a financial security device (bond or assignment of savings) guaranteeing landscape installation in accordance with the approved landscape plans.