



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
ENVIRONMENTAL COORDINATOR
450 – 110th Avenue NE, P.O. BOX 90012
BELLEVUE, WA 98009-9012

OPTIONAL DETERMINATION OF NON-SIGNIFICANCE (DNS) NOTICE MATERIALS

The attached materials are being sent to you pursuant to the requirements for the Optional DNS Process (WAC 197-11-355). A DNS on the attached proposal is likely. This may be the only opportunity to comment on environmental impacts of the proposal. Mitigation measures from standard codes will apply. Project review may require mitigation regardless of whether an EIS is prepared. A copy of the subsequent threshold determination for this proposal may be obtained upon request.

File No. 06-123848 AD
Project Name/Address: 2006 Clean-up LUCA
Planner/Phone: Lesa Hutnak/452-4863
Minimum Comment Period: November 23, 2006, 5:00pm

Materials included in this Notice:

- Blue Bulletin
- Checklist
- Vicinity Map
- Plans
- Other: Staff Report

**CITY OF BELLEVUE
ENVIRONMENTAL CHECKLIST
(Integrated SEPA/GMA Process)**

A. BACKGROUND INFORMATION

PROPOSAL TITLE: 2006 Clean-up LUCA (File No. 06-123848 AD)

PROPERTY OWNERS' NAME: N/A; applies City-wide

PROPOSAL LOCATION (street address and nearest cross street or intersection as well as a legal description if available): This is an amendment to the Land Use Code (LUC) that applies City-wide

PROPONENT'S NAME: City of Bellevue, Department of Planning and Community Development

CONTACT PERSON'S NAME: Lesa Hutnak, Legal Planner

CONTACT PERSON'S ADDRESS: Department of Planning and Community Development
City of Bellevue
P.O. Box 90012
Bellevue, WA 98009-9012

CONTACT PERSON'S PHONE: 425-452-4863

BRIEF DESCRIPTION OF THE PROPOSAL'S SCOPE AND NATURE:

1. **General description:** The proposal is to amend the LUC to eliminate out-dated cross references, correct conflicting provisions and inadvertent errors in the code, ensure use of terms consistently throughout the code and other minor, non-substantive changes. The affected sections are anticipated to be (additional sections may be impacted upon further review and cross referencing):
 - LUC sections 20.10.020, 20.10.440, 20.20.005, and 20.20.010 -- The Institutional District (I) was previously changed to the Medical Institution District (MI). However, a number of the references to the Institutional District were not changed to reflect the new name. Amendments contained in these sections would correct the outdated references.
 - LUC section 20.20.440 Note 21 -- The reference to 47 C.F.R. 1400 in LUC section 20.20.440 Note 21 (Uses in land use districts – Transportation and Utilities) is a typographical error. An amendment to this section substitutes the correct reference to 47 C.F.R. 1.4000.

- LUC 20.20.010 -- In May of this year, City Council adopted Ordinance No. 5673, increasing the maximum allowed lot coverage within the Factoria Land Use District 3 (F3) from 35 to 40 percent. Subsequently City Council adopted Ordinance No. 5683 as part of the Critical Areas ordinances, which inadvertently repealed the increase in F3 lot coverage. An amendment to LUC 20.20.010 reinstates the previously approved amendment.
- LUC sections 20.20.590.K.10, 20.25A.050.F, 20.25A.110.A.4, and 20.50.010 -- The requirements for accessibility (the Barrier Free Code) are contained and imposed through the building code. Therefore, it is unnecessary to include such requirements in the LUC. The proposed amendments contained in these sections would remove references to the Barrier Free Code from the LUC.
- LUC 20.25A.020.A.2 -- The definition of "Gross Square Feet Per Floor" in LUC 20.25A.020.A.2 is currently inconsistent with all other definitions of gross floor area contained in the Code. All other references to gross floor area indicate that this calculation **excludes** openings in the floor plate. However the definition in 20.25A.020.A.2 states that these opening are **included**. This is an error in the code. The amendment to LUC 20.25A.020.A.2 corrects this error, resolving the inconsistency.
- 20.25A.020.B.1.c -- The amendment contained in this section increases the maximum height of buildings for which the Director of PDC may allow exceptions to certain dimensional requirements. This amendment is necessary to maintain consistency with the International Building Code.
- LUC 20.25A.020.B.4.a -- This section includes language describing the criteria for obtaining and exception to the height requirements in downtown districts. This language was intended to apply to the Perimeter Design District as well. The amendment to this section revises the language in LUC 20.25A.090.D.2 (the Perimeter Design District dimensional requirements) to include these criteria.
- LUC 20.35.015.E -- In January of this year, City Council adopted Ordinance No. 5650, deleting the term Annual Docket Adoption from LUC 20.35.015.E. Subsequently City Council adopted Ordinance No. 5683 as part of the Critical Areas ordinances, which inadvertently retained the term. An amendment to this section reinstates the previously approved language.
- LUC 20.45B.260.A -- The language contained in LUC 20.45B.260.A was intended to prohibit boundary line adjustments from **creating** new non-conforming lot dimensions, as well as merely **increasing** non-conforming dimensions. State law prohibits both of these outcomes. However, the intent of this provision is not clearly stated in the current LUC language. The amendment to this section clarifies this intent, bringing the LUC in line with state law and current practice.

2. **Site acreage:** Applies City-wide.

3. **Number of dwelling units/buildings to be demolished:** N/A
4. **Number of dwelling units/buildings to be constructed:** N/A
5. **Square footage of buildings to be demolished:** N/A
6. **Square footage of buildings to be constructed:** N/A
7. **Quantity of earth movement (in cubic yards):** N/A
8. **Proposed land use:** The proposed amendment is non-substantive in nature and does not impact proposed or current land uses.
9. **Design features, including building height, number of stories and proposed exterior materials:** N/A
10. **Other:** N/A

Proposed timing or schedule (including phasing, if applicable):

A Planning Commission public hearing is anticipated in December 2006, with City Council action in January of 2007.

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

If the proposal is adopted by the City Council, future proposals will be subject to the amendments.

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

None known

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.

Should the proposed amendments be adopted, they will apply to all current and future applications for development in the City, consistent with the City's vesting rules.

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.

Ordinance adoption by the City Council.

B. Environmental Elements

No discussion of the individual Environmental Elements is required for GMA actions per WAC 197-11-235.3.b.

C. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (do not use this sheet for project actions)

SUMMARY

Project Summary: The proposal is to amend the LUC to eliminate out-dated cross references, correct conflicting provisions and inadvertent errors in the code, ensure use of terms consistently throughout the code and other minor, non-substantive changes.

Environmental Summary per WAC 197-11-235(3)(b):

State the proposal's objectives: The proposal's objective is to increase clarity in the LUC, and make it easier to use and understand.

Specify the purpose and need to which the proposal is responding: Application of the code over time has demonstrated inconsistencies, conflicting provisions, and outdated provisions that should be fixed to improve the quality of the code.

State the major conclusions, significant areas of controversy and uncertainty: The changes are non-substantive in nature. Controversy and uncertainty are not anticipated.

State the issues to be resolved, including the environmental choices to be made among alternative courses of action: Alternative courses of action are limited to the no action alternative, which involves not amending the code at all. Due to the minor nature of these changes, the environmental impacts of the two courses of action are not substantially different.

State the impacts of the proposal, including any significant adverse impacts that cannot be mitigated: The proposal is a nonproject action to amend the LUC. There are no significant adverse impacts resulting from that action. The changes are minor and non-substantive in character. Any specific proposal to construct new development within the City affected by the amendments will be subject to the new provisions.

Describe any proposed mitigation measures and their effectiveness: No specific development is being approved with this proposal. No significant environmental impacts have been identified, therefore no mitigation measures are proposed. Future development under the provisions of the regulation will be subject to SEPA review, as well as to the City's existing development regulations.

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 proposed code amendment will not increase the potential impacts to water, air and earth resources or noise production. Any development will be subject to the City's standard development and other regulations.

Proposed measures to avoid or reduce such increases are: N/A

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

The proposed code amendment will not increase the potential impacts to plants and animals.

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

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

No adverse impacts to energy or natural resources are anticipated.

Proposed measures to project or conserve energy and natural resources are: N/A

4. **How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

The proposal will not directly affect any environmentally sensitive areas.

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

5. **How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

No land use or shorelines impacts are anticipated due to the non-substantive nature of the changes.

Proposed measures to avoid or reduce shoreline and land use impacts are: N/A.

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

None of the proposed amendments are likely to change the demands on the transportation system.

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

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

No conflicts are known or anticipated.

- D. 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 Jesa Hutnab

Date Submitted Nov. 3, 2006