DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
ENVIRONMENTAL COORDINATOR
11511 MAIN ST., 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. | 08-112681 AD |
| Project Name/Address: | Neighborhood Livability Phase II LUCA |
| Planner: | Matthews Jackson |
| Phone Number: | 425-452-2729 |
| **Minimum Comment Period:** | **April 9, 2009; 5 p.m.** |

Materials included in this Notice:

- [x] Blue Bulletin
- [x] Checklist
- [ ] Vicinity Map
- [ ] Plans
- [ ] Other:

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

## A. BACKGROUND INFORMATION

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**PROPOSAL TITLE:** Phase II – Neighborhood Livability Land Use Code Amendment (LUCA) and Bellevue City Code Amendment

**PROPERTY OWNERS' NAME:** City-wide

**PROPOSAL LOCATION** Applies to residential land use districts within the City of Bellevue.

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

**CONTACT PERSON'S NAME:** Catherine Drews, Legal Planner

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

**CONTACT PERSON'S PHONE:** 425-452-6134

**BRIEF DESCRIPTION OF THE PROPOSAL'S SCOPE AND NATURE:**

1. **General description:** Phase II amendments to the Land Use Code relating to neighborhood character, specifically including amendments to the siting requirements for mechanical equipment in residential land use districts; establishment of special development standards for homes exceeding a size threshold to mitigate impacts to privacy and access to light; and increase of minimum tree retention requirements for short plats and subdivisions from 15% to 30%.

   Phase II amendments to the Bellevue City Code relating to neighborhood character, specifically including amendments to allowed construction noise hours for new single-family development and remodels; adding a new chapter to Title 9 of the Bellevue City Code establishing maintenance standards for vacant residences and abandoned construction sites in single-family residential districts; and reducing the duration of single-family residential building permits from three to two years.

2. **Site acreage:** Applies to property located in residential land use districts within the City of Bellevue.

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:** Future land use within single family residential land use districts will not be modified by this proposal.

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):**

Final action on the proposal by the City Council is anticipated in June 2009.

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

This is the second and final phase of the Neighborhood Livability Land Use Code and Bellevue City Code Amendments.

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

N/A

**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.**

It is unlikely that any pending governmental approvals located in single family districts may be affected by the proposed regulations. If any proposals are affected, the extent is depended on vested dates and applicability of the proposed regulations.

**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.**

Phase II Neighborhood Livability LUCA (08-112681 AD)
Phase II Neighborhood Livability Bellevue City Code Amendment (09-107262 AB)

Adoption of ordinance relating to proposed regulations by the Bellevue 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: Phase II amendments to the Land Use Code relating to neighborhood character, specifically including amendments to the siting requirements for mechanical equipment in residential land use districts, establishment of special development standards for homes exceeding a size threshold to mitigate impacts to privacy and access to light, and increase of minimum tree retention requirements for short plats and subdivisions from 15% to 30%.

Phase II amendments to the Bellevue City Code relating to neighborhood character, specifically including amendments to allowed construction noise hours for new single-family development and remodels; adding a new chapter to Title 9 of the Bellevue City Code establishing maintenance standards for vacant residences and abandoned construction sites in single-family residential districts; and reducing the duration of single-family residential building permits from three to two years.

Environmental Summary per WAC 197-11-235(3)(b):
State the proposal's objectives: The proposal relates to elements of neighborhood character, which includes focus on measures to address size, scale, noise, and privacy issues, as well as measures to address the loss of significant trees with short plats and subdivisions.

Specify the purpose and need to which the proposal is responding: The proposal's purpose is to address areas of neighborhood concerns as expressed to the City during outreach efforts as a part of the Neighborhood Livability Action Agenda.

State the major conclusions, significant areas of controversy and uncertainty: The proposal includes three primary amendments to the land use as follows:

1. **Increase tree retention for short plats and subdivisions.** Require 30 percent retention of diameter inches of significant trees in new short plats and subdivisions – an increase from the current 15 percent retention requirement.

2. **Reduce mechanical equipment impacts.** Require new single family homes and homes adding more than 1,000 square feet to locate HVAC in the back yard or, if HVAC units are located in the side yard, require sound screening and prohibit placement within the minimum side setback.

3. **Protect neighbors' privacy and access to sunlight by establishing special development standards for homes exceeding a size threshold.** Calculate gross Floor Area Ratio (FAR) for new single family homes in existing neighborhoods. For projects exceeding the FAR threshold of 0.5, establish the following additional requirements:

   a. Establish minimum setbacks of 7.5 feet on both sides; AND,

   b. Incorporate EITHER daylight plane standards OR second story stepbacks.

   c. Apply the above rules to new single family homes in existing neighborhoods and existing single family homes adding more than 20 percent of gross floor area. Provide exemption for single lots in new subdivisions where the character of the neighborhood is just being established.

Further exempt building projects that can demonstrate lack of impact on adjacent properties (due to the fact that neighboring properties are already built to dimensions which would exceed these standards).

The proposal also includes three primary amendments to the Bellevue City Code as follows:

1. **Reduce evening construction hours for remodels.** Establish construction noise hours for remodels and additions as 7 a.m. to 8 p.m. on weekdays, and 9 a.m. to 8 p.m. on Saturdays and Sundays (previously 7 a.m.-10 p.m. and 9 a.m.- 10 p.m.)

2. **Limit impacts of vacant or abandoned homes and construction sites.** Establish property maintenance standards specifically applicable to abandoned building sites and vacated houses; enforce on a complaint basis.

3. **Reduce building permit lifespan from three years to two years for single-family residential construction.**

This proposal may prove to be controversial to those property owners or developers that do not favor new development regulations or increased tree retention with short plats and subdivisions. The Planning Commission may consider additional restrictions on single family dwelling unit maximum building height and/or maximum building façade height.

<u>State the issues to be resolved, including the environmental choices to be made among alternative courses of action</u>: Alternative courses of action include: amend the LUC to further restrict maximum building height and building façade which may have unintended impacts on architectural character; amend the LUC to restrict the placement of any mechanical equipment in the side yard in any single family land use district which may be a financial burden to those not undertaking new construction or substantial improvements; amend the LUC to establish a maximum FAR for all single family residential land use districts which would regulate all new development which is inconsistent with stated goal of a targeted approach to regulate only those structures that create impacts on neighboring properties; a final no action alternative, which would result in no amendments to the LUC.

Alternative course of action for the Bellevue City Code amendments include a no action alternative which would result in no amendments to the City Code. In terms of environmental impacts, the five alternatives are not significantly different.

State the impacts of the proposal, including any significant adverse impacts that cannot be mitigated: The proposal is a nonproject action. Accordingly, there are no significant adverse impacts resulting from this proposal.

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 shall be subject to the City's development regulations, which will ensure that potential impacts allowed under the proposal, if any, are not significant.

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 amendments will not increase the potential impacts to water, air and earth resources or noise production.

   **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 proposal will not increase the potential impacts to plants and animals. With specific regard to plants, the proposed amendment to require retention of 30% of the diameter inches of significant trees in short plats and subdivisions will enhance the city's ability to retain trees and potential wildlife habitat.

   **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 affect any environmentally sensitive areas or areas designated for governmental protection.

   **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?**

The proposal will not affect any shoreline areas. The same shoreline overlay regulations will continue to apply to development and redevelopment in single family residential land use districts.

**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?**

The proposal will not increase demands on transportation or public services and utilities.

**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** _____

**Date Submitted** 03/23/09