



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. 10-124743 AD
Project Name/Address: Nonconforming Lot Building Height LUCA
Planner: Matthews Jackson
Phone Number: 425-452-2729

Minimum Comment Period: November 12, 2010; 5 p.m.

Materials included in this Notice:

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

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

A. BACKGROUND INFORMATION

PROPOSAL TITLE: Nonconforming Lot Building Height Land Use Code Amendment

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): Applies to all land use districts City-wide

PROPOSER'S NAME: City of Bellevue, Development Services Department

CONTACT PERSON'S NAME: Matthews Jackson, Planning Manager

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

CONTACT PERSON'S PHONE: 425-452-2729

BRIEF DESCRIPTION OF THE PROPOSAL'S SCOPE AND NATURE:

1. **General description:** The proposal is to amend the Land Use Code to modify the language of LUC 20.20.070.B so that the Variance process pursuant to LUC 20.30G may be used to modify the height restriction on lots failing to meet 70% of the minimum lot size of the underlying land use district.
2. **Site acreage:** Applies to all property in the City
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:** This proposal does not modify permitted 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 public hearing on the proposal is anticipated in December of 2010. City Council final action on the proposal will follow that public hearing.

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

No

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

SEPA checklist, environmental analysis and threshold determination for this proposed Land Use Code Amendment.

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.

No. Future development applications on some nonconforming lots may be affected.

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: Land Use Code (LUC) Section 20.20.070 contains regulations that govern lots that are nonconforming as to area, street frontage, width or depth. These regulations describe when an individual nonconforming lot may be used for a building site. Section B of LUC 20.20.070 further restricts maximum building height on a lot failing to meet 70 percent of the area, width or depth requirements of the land use district in which it is located, and variances from this height restriction are specifically prohibited. The proposal is to amend the Land Use Code to modify the language of LUC 20.20.070.B so that the Variance process pursuant to LUC 20.30G may be used to modify the height restriction on lots failing to meet 70% of the minimum lot size of the underlying land use district.

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

State the proposal's objectives: The objective of the LUCA is to allow for the reasonable development of nonconforming lots consistent with neighborhood character code amendments that were adopted last year and individual site conditions.

Specify the purpose and need to which the proposal is responding: In recent years, staff has assisted several property owners in navigating the code requirements applicable to lots that have an area less than 70 percent of the minimum lot area of the underlying zoning district. In most cases, application of the current regulations has resulted in such severe height restrictions on already constrained lots that redevelopment projects are entirely abandoned.

State the major conclusions, significant areas of controversy and uncertainty: Little controversy exists related to this proposal. The variance process would allow consideration of height restrictions pursuant to specific decision criteria.

State the issues to be resolved, including the environmental choices to be made among alternative courses of action: Alternative courses of action include: not amending the LUC to allow the use of the variance process for nonconforming lots less than 70% of the minimum lot size of the underlying land use district; amend the LUC to remove the height restriction on lots less than 70% the size of the minimum allowed in the underlying land use district. In terms of environmental impacts, the two 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 to modify the LUC to allow the use of the variance process to consider modification of the height restriction on lots that are less than 70% the size of the minimum lot size in the underlying land use district. There are no significant adverse impacts resulting from that action.

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.

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. The same critical areas requirements will apply to development and uses under the proposed amendment as apply today.

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 could allow additional building height for existing nonconforming lots that are less than 70% of the minimum lot size of the underlying land use district. The proposal would not encourage land or shoreline uses that are incompatible with existing plans as no changes in use are proposed.

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 could allow additional building height for existing nonconforming lots that are less than 70% of the minimum lot size of the underlying land use district. The proposal would not encourage land or shoreline uses that are incompatible with existing plans as no changes in use are proposed.

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 proposed amendment to the Land Use Code is not anticipated to affect demands on transportation or public services and utilities as no changes to use are proposed.

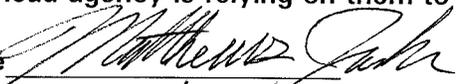
Proposed measures to reduce or respond to such demand(s) are: N/A

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

10/26/10