



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

Proposal Name: Darrow Residence

Proposal Address: 6242 Hazelwood Lane SE

Proposal Description: Approval of a Critical Areas Land Use Permit to construct a new single family residence on a vacant lot. The proposal includes a request to modify the toe-of-slope steep slope structure setback to minimum distance of 15 feet. A prior identical application (File #12-121725-LO) was approved in 2013, however the approval expired before the applicant commenced with the development activity.

File Number: 15-121003-LO

Applicant: Floyd and Sandra Darrow

Decisions Included: Critical Areas Land Use Permit
(Process II. LUC 20.30G & 20.30P)

Planner: Heidi M. Bedwell, Planner

**State Environmental Policy Act
Threshold Determination:** Exempt per WAC 197-11-800

Director's Decision: Approval with Conditions


Carol V. Helland, Land Use Director
Development Services Department

Critical Areas Application Date:	August 13, 2012
Notice of Application Publication Date:	September 17, 2015
Decision Publication Date:	March 24, 2016
Project Appeal Deadline:	April 7, 2016

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.

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1. Development Plans
2. Geotechnical Letter

I. Proposal Description

The applicant is requesting a Critical Areas Land Use Permit to modify the toe-of-slope steep slope structure setback to minimum distance of 15 feet.

The Land Use Code allows for modifications of critical areas structure setbacks if the performance standards for each critical area are addressed and the decision criteria in LUC 20.25H.255.A and LUC 20.30P are met.

The property is currently considered as undeveloped as the home that previously occupied the site was demolished without permit and, although permit for reconstruction was issued, the home was not fully reconstructed. Reconstruction of the house was originally permitted under city permit number 03-109011-BR. Construction got as far as completion of the new foundation when the owners abandoned the project. The permits subsequently expired before the project was completed.

Following permit expiration the code was revised and the home design, including the recently constructed foundation, was no longer permissible under new code requirements that restricted height and setback. The existing foundation remains and will be used to construct the new home. With expiration, the original permit for home construction is no longer valid and the foundation as constructed is not “vested” to old standards.

In 2012, another application was filed requesting approval of the toe of slope structure setback modification. The applicant failed to submit a building permit within one year of the date of issuance of the critical areas decision therefore the approval expired. In order to receive approval the application was required to apply for a new critical areas permit to again evaluate the proposal to modify the toe of slope structure setback. This application meets that requirement and the request is evaluated below.

II. Site Description, Zoning, Land Use and Critical Areas

A. Site Description

The property is located at 6242 Hazelwood Lane SE. At its midpoint the property is approximately 70 feet wide by 57 feet deep, with a total area of 4,150 square feet. The eastern boundary of the property is adjacent to a shared access drive and the edge of the BNSF Railroad right-of-way. The western boundary of the property contains a concrete bulkhead wall adjacent to Lake Washington. Both properties north and south of the property are single-family residential properties.

Generally, the site slopes down from the shared access easement toward the water with a total elevation change of 8 feet. There is very little landscaping on the property and the area east of the bulkhead between the house foundation and the water is a maintained mowed grassy area. The area to the east of the foundation is an established paved shared access driveway.



Figure 1: Site Aerial

B. Zoning

The property is zoned R-5. The property is also within the Critical Areas Overlay District and Shoreline Overlay District.

C. Land Use Context

Hazelwood Lane SE is a dead-end private road/access easement that services 22 total residences, which is seen locally as the neighborhood in which the Darrow property is located.

As one gains entrance to Hazelwood Lane SE there is a split in the roadway 4 houses north of the Darrow residence, with one fork heading north and the other fork heading south. There are 15 residential properties located to the north and 7 residential properties to the south. The properties to the north are relative narrow with a standard width of approximately 40 feet. Each of the 15 homes constructed in the north portion of the neighborhood are located within 10 to 15 feet of the access easement, with side yard setbacks of 5 and 10 feet and a rear yard setbacks of 25 to 30 feet. About six of the homes are developed as three-story structures, with two stories facing the street, and three facing the water.

The Darrow property is at the southern end of the south fork of Hazelwood Lane. The access easement serves five other properties before passing the subject property and then serves one additional residence to the south. Aside from the Darrow site, all of the properties accessed off the shared driveway easement are developed with single-family residences.

The property to the south of the Darrow site is across the city boundary, located in King County, and is developed with a 2,520 square foot single-family residence on 1,410

square foot piece of land.

The subject property sits below a steep, forested slope that contains the BNSF Railroad right-of-way. Above and east of the railroad corridor there is more slope leading up to a multi-use path. Above and further east is the western edge of the Interstate-405. The total elevation change from the highway down to the property is approximately 65 feet. The only way to view the neighborhood is from either Lake Washington or from Hazelwood Lane. There are no homes uphill of the Darrow site and no views will be impacted.

D. Critical Areas Functions and Values

i. Geologic Hazard Areas

Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided (WAC 365-190).

Steep slopes may serve several other functions and possess other values for the City and its residents. Several of Bellevue's remaining large blocks of forest are located in steep slope areas, providing habitat for a variety of wildlife species and important linkages between habitat areas in the City. These steep slope areas also act as conduits for groundwater, which drains from hillsides to provides a water source for the City's wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a "green" backdrop for urbanized areas enhancing property values and buffering urban development.

ii. Shorelines

Shorelines provide a variety of functions including shade, temperature control, water purification, woody debris recruitment, channel, bank and beach erosion, sediment delivery, and terrestrial-based food supply (Gregory et al. 1991; Naiman et al. 1993; Spence et al. 1996).

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements (LUC 20.20.010):

The site is located in the R-5 zoning district.

B. Critical Areas Requirements LUC 20.25H:

Geologic Hazards

20.25H.125 Performance standards for landslide hazards and steep slopes

The applicant is not proposing any development or construction within the critical area

or critical area buffer. The applicant's geotechnical engineer has evaluated the slope and the proposed construction and recommends that the structure can safely be located within 15 feet of the toe of the steep slope without risk. No modification to the slope or top of slope buffer is proposed or allowed as part of this permit.

Shorelines

20.25E.080.Q Performance Standards for Residential Development

The residential development regulations of the shoreline overlay district are being met. The proposal contains no proposal to modify the vegetation along the shoreline. The 25-foot buffer will be left untouched. No other structures or ancillary facilities are proposed.

C. Consistency with Critical Areas Report LUC 20.25.230.

The applicant supplied a complete critical areas report in support of the proposed steep slope structure setback of 15 feet. The report met the minimum requirements in LUC 20.25H.250, and contained supporting information from a qualified geotechnical engineer that evaluated the steep slope critical area. Critical Areas Report Criteria for Steep Slope Critical Area Structure Setback reductions were met.

IV. Public Notice and Comment

Application Date:	August 18, 2015
Public Notice (500 feet):	September 17, 2015
Minimum Comment Period:	October 1, 2015

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on September 17, 2015. It was mailed to property owners within 500 feet of the project site. No comments have been received from the public as of the writing of this staff report.

V. Summary of Technical Reviews

Clearing and Grading:

The Clearing and Grading Division of the Development Services Department has reviewed the proposed development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development.

VI. State Environmental Policy Act (SEPA)

The proposal is categorically exempt from SEPA review per WAC 197-11-800 for minor new construction of a single-family residence.

VII. Decision Criteria

A. Critical Areas Report Decision Criteria- General Criteria LUC 20.25H.255

The Director may approve, or approve with modifications, the proposed modification

where the applicant demonstrates:

1. The modifications and performance standards included in the proposal lead to levels of protection of critical area functions and values at least as protective as application of the regulations and standards of this code;

Finding: The modification of the steep slope critical area structure setback is at least as protective of the critical area functions and values because the shared private driveway crosses the site between the slope and the proposed home location.

2. Adequate resources to ensure completion of any required mitigation and monitoring efforts;

Finding: This is a proposal to reduce a steep slope structure setback. No mitigation is required and no resources are needed aside from retention of the minimum 15 foot setback recommended by the geotechnical engineer of record.

3. The modifications and performance standards included in the proposal are not detrimental to the functions and values of critical area and critical area buffers off-site; and

Finding: This is a proposal to reduce a steep slope structure setback. No impact to functions is expected. No mitigation is required.

4. The resulting development is compatible with other uses and development in the same land use district.

Finding: The resulting development of a single-family residential structure on the property is compatible with the other single-family residential structures in the neighborhood surrounding the subject property.

B. Critical Areas Land Use Permit Decision Criteria 20.30P

The Director may approve or approve with modifications an application for a critical areas land use permit if:

1. The proposal obtains all other permits required by the Land Use Code;

Finding: The applicant is required to obtain a single-family residential building permit for the construction of the proposed residence.

2. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer;

Finding: The proposal is standard design and construction techniques for residential development. The construction techniques, along with required clearing and grading development standards will ensure the least impact on the steep slope critical area. In addition, the applicant shall implement all of the recommendations provided by the

Supplemental Geotechnical Letter prepared by Anthony Coyne, Otto Rosenau and Associates, Inc. dated January 25, 2016.

3. The proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable, and ;

Finding: With exception of the requested modifications to the steep slope critical area structure setback, the proposal is incorporating the other applicable performance standards of Part 20.25H. This is a proposal to reduce a steep slope structure setback. No impact to functions is expected.

4. The proposal will be served by adequate public facilities including street, fire protection, and utilities; and;

Finding: The property is currently served by adequate public facilities. Nothing in the proposal will increase the need for public facilities on the property.

5. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210; and

Finding: This is a proposal to reduce a steep slope structure setback. No impact to functions is expected. No mitigation is required. The applicant shall submit a hold harmless agreement prior to the issuance of the building permit.

6. The proposal complies with other applicable requirements of this code.

Finding: As discussed in Section III and V of this report, the proposal complies with all other applicable requirements of the Land Use Code.

VIII. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions the Critical Areas Land Use Permit to modify a toe of slope structure setback to construct a new house.** Approval of the Critical Areas Land Use Permit does not constitute a permit for construction. A building permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.

Note- Expiration of Approval: In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a Clearing and Grading Permit or other necessary development permits within one year of the effective date of the approval.

IX. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and

Ordinances including but not limited to:

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Land Use Code- BCC 20.25H	Heidi M. Bedwell, 425-452-4862
Noise Control- BCC 9.18	Heidi M. Bedwell, 425-452-4862

The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

1. **Geotechnical Recommendations and Inspection:** The project shall be constructed incorporating the recommendations described by the Geotechnical Engineer of record. The Engineer shall verify implementation of the recommended procedures and practices in the geotechnical report Attachment 2. A report verifying implementation and inspection shall be submitted to Heidi Bedwell at *hbedwell@bellevuewa.gov* or to the address below:

Environmental Planning Manager
Development Services Department
City of Bellevue
PO Box 90012
Bellevue, WA 98009-9012

Authority: Land Use Code 20.30P.140
Reviewer: Heidi M. Bedwell, Development Services Department

2. **Hold Harmless Agreement:** Prior to building permit approval, the applicant or property owner shall submit a hold harmless agreement releasing the City of Bellevue from any and all liability associated with site development. The agreement must meet city requirements and must be reviewed by the City Attorney's Office for formal approval.

Authority: Land Use Code 20.30P.170
Reviewer: Heidi M. Bedwell, Development Services Department

3. **Rainy Season restrictions:** Due to the proximity to Lake Washington, no clearing and grading activity may occur during the rainy season, which is defined as October 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A,
Reviewer: Savina Uzunow, Clearing and Grading

4. **Noise Control:** Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited on Sundays or legal

holidays unless expanded hours of operation are specifically authorized in advance. Requests for construction hour extension must be done in advance with submittal of a construction noise expanded exempt hours permit.

Authority: Bellevue City Code 9.18
Reviewer: Heidi M. Bedwell, Land Use

LEGAL DESCRIPTION

LOTS 33 AND 34, BLOCK A, C.D. HILLMAN'S LAKE WASHINGTON GARDEN OF EDEN ADDITION TO SEATTLE, DIVISION NUMBER 3, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE 81, IN KING COUNTY, WASHINGTON;

TOGETHER WITH SECOND CLASS SHORELANDS IN FRONT OF SAID LOTS, EXCEPT THAT PORTION THEREOF, IF ANY LYING WITHIN THE RIGHT OF WAY OF THE NORTHERN PACIFIC RAILWAY COMPANY.

BEARING MERIDIAN

A BEARING OF N01°40'59"E ON THE CENTERLINE OF 116TH AVENUE S.E., PER RECORD OF SURVEY AS RECORDED IN BOOK 199 OF SURVEYS, PAGE 27, RECORDS OF KING COUNTY, WA.

VERTICAL DATUM

CITY OF BELLEVUE BENCH MARK NO. 127
(NAVD 88) (VISITED 12/28/2011)

FOUND COB BRASS CAP, LOCATED IN CONC WALK WEST OF HAZELWOOD LANE NORTH OF HOUSE #6208.

ELEVATION ON CAP = 46.42'

SURVEYOR'S NOTES

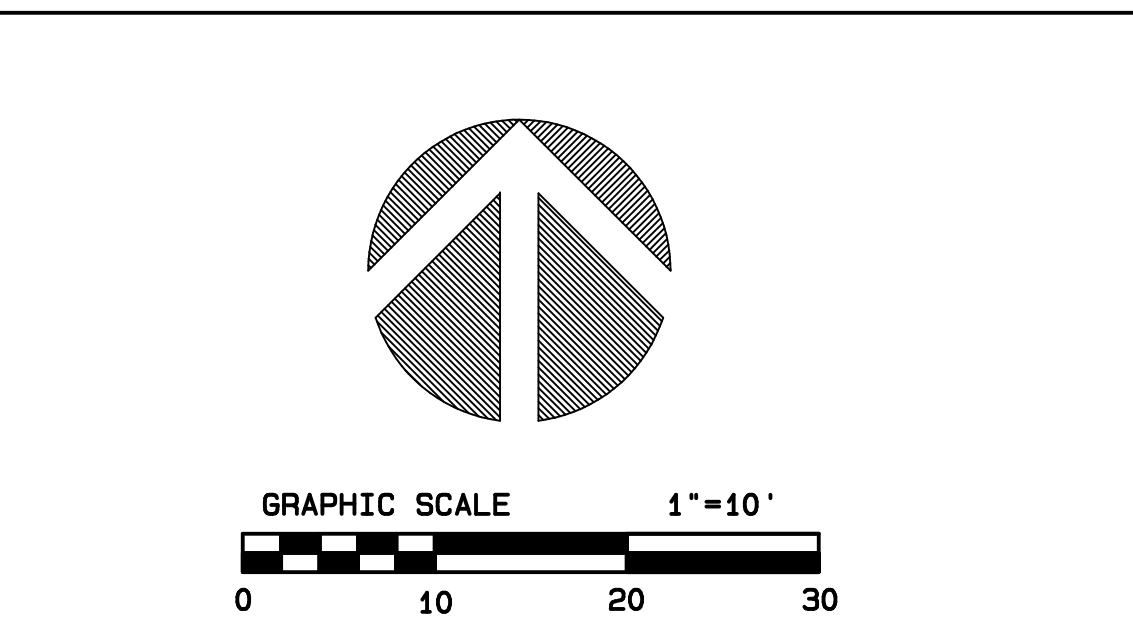
- 1) THE TOPOGRAPHIC SURVEY SHOWN HEREON WAS PERFORMED IN DECEMBER OF 2011. THE FIELD DATA WAS COLLECTED AND RECORDED ON MAGNETIC MEDIA THROUGH AN ELECTRONIC THEODOLITE. THE DATA FILE IS ARCHIVED ON DISC OR CD. WRITTEN FIELD NOTES MAY NOT EXIST. CONTOURS ARE SHOWN FOR CONVIENCE ONLY. DESIGN SHOULD RELY ON SPOT ELEVATIONS.
- 2) SUBJECT PROPERTY TAX PARCEL NO. 3343302130.
- 3) SUBJECT PROPERTY UPLAND AREA PER THIS SURVEY IS 4,099 SQ.FT. +/- UPLAND AREA DETERMINED TO THE ORDINARY HIGH WATER MARK.
- 4) A TITLE REPORT WAS NOT FURNISHED AND THEREFORE, EASEMENTS IF ANY, ARE NOT SHOWN ON THIS MAP.

METHOD OF SURVEY

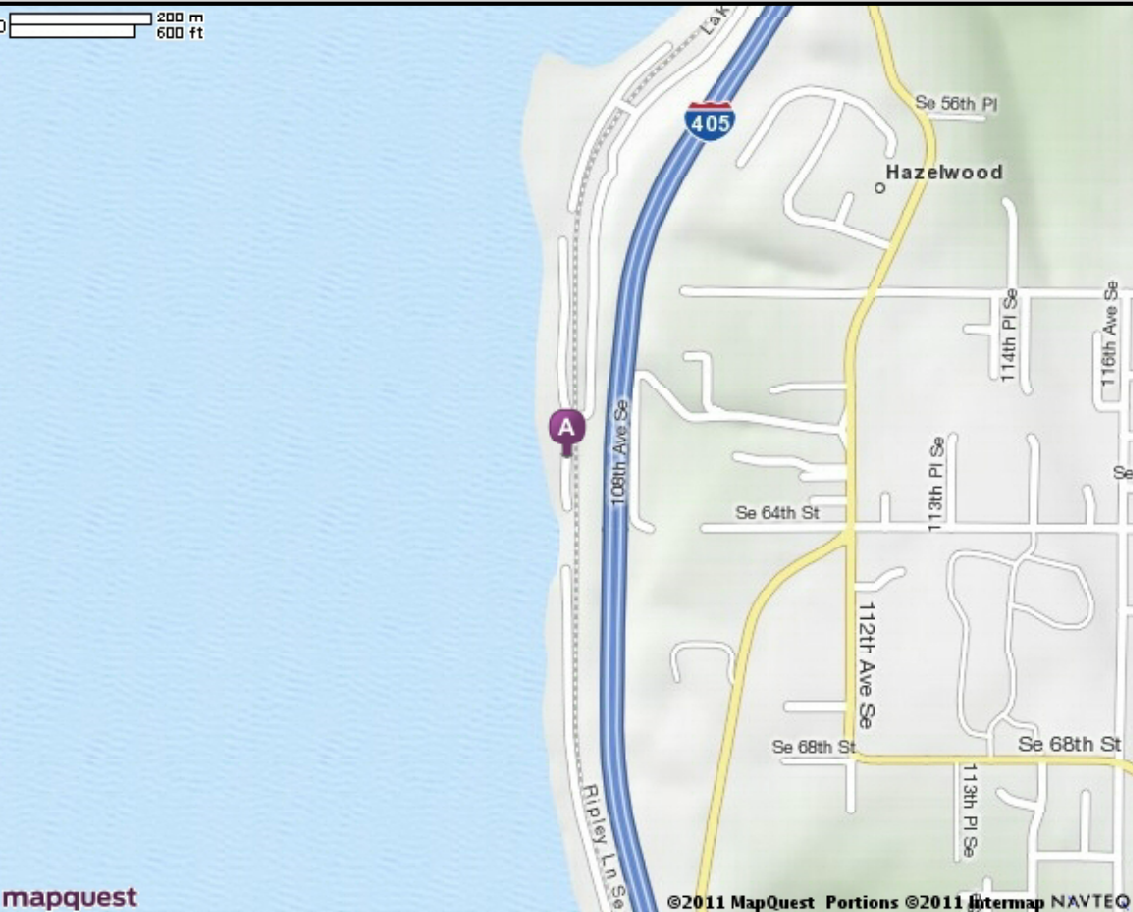
INSTRUMENTATION FOR THIS SURVEY WAS A LEICA ELECTRONIC DISTANCE MEASURING UNIT. PROCEDURES USED IN THIS SURVEY WERE DIRECT AND REVERSE ANGLES, NO CORRECTION NECESSARY. MEETS KING COUNTY AND STATE STANDARDS SET BY WAC 332-130-090.

LEGEND

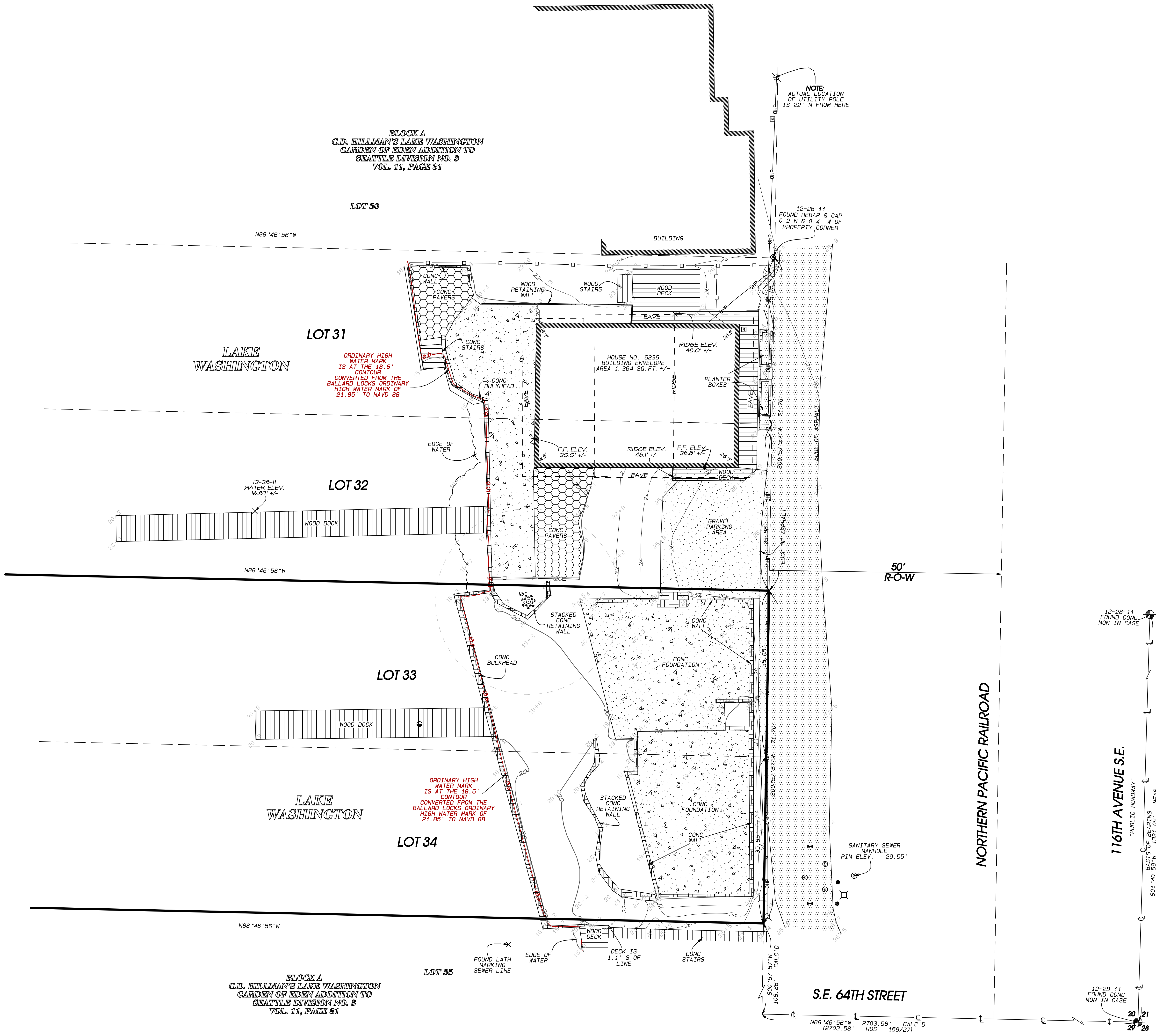
- | | |
|----------------------------|---------------------------------|
| FOUND MONUMENT AS NOTED | CONC SURFACE |
| FOUND PK NAIL AS NOTED | STAIRS |
| FOUND REBAR & CAP AS NOTED | DECK |
| BOLLARD | GRAVEL SURFACE |
| UTILITY POLE | CONC CONCRETE |
| SANITARY SEWER MANHOLE | R-O-W RIGHT-OF-WAY |
| * FINISHED FLOOR ELEVATION | () RECORD AS NOTED |
| SPOT ELEVATION | |
| X WATER METER | BUILDING LINE |
| FIRE HYDRANT | CENTERLINE OF ROAD |
| WATER VALVE | OHP OVERHEAD WIRES |
| ELECTRIC VAULT | EAVES |
| SIDE SEWER CLEAN OUT | WOOD FENCE |
| ASPHALT SURFACE | EDGE OF WATER |
| RET. WALL | CEDAR TREE (NOT SHOWN TO SCALE) |
| PAVERS SURFACE | TRUNK DIA SHOWN IN INCHES |



VICINITY MAP N.T.S.

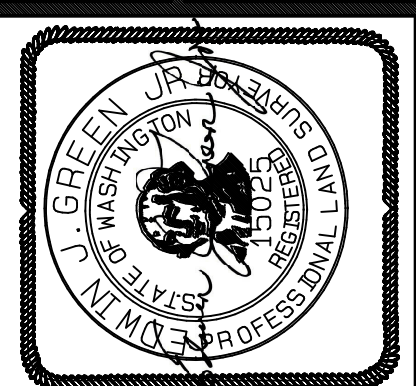


TOPOGRAPHIC & BOUNDARY SURVEY



TOPOGRAPHIC & BOUNDARY SURVEY
SE 1/4 OF THE SW 1/4 OF SEC. 20, TWP. 24N., RGE. 5E.,
CITY OF BELLEVUE, KING COUNTY, WA.

DARROW PROPERTY
XXXX HAZELWOOD LANE
BELLEVUE, WA. 98006



GeoDimensions
GeoDimensions, Inc., 10801 Main Street, Suite 102, Bellevue, WA 98004
phone 425.458.4488 support@geodimensions.net
www.geodimensions.net

JOB NUMBER: 11644
DATE: 01/09/2012
DRAFTED BY: V.L.J.
CHECKED BY: E.J.G.
SCALE: 1" = 10'
REVISION HISTORY

SHEET NUMBER
1 OF 1



OTTO ROSENAU & ASSOCIATES, INC.

Geotechnical Engineering, Construction Inspection & Materials Testing

6747 M. L. King Way South, Seattle, Washington 98118-3216 USA
Tel: (206) 725-4600 • Toll Free: (888) OTTO-4-US • Fax: (206) 723-2221
WBE W2F5913684 • WABO Registered Agency • Website: www.ottorosenau.com

January 25, 2016

City of Bellevue
Development Services Department
450 110th Ave NE, Bellevue, WA 98004

Re: Darrow Residence
6242 Hazelwood Lane Southeast
Bellevue, Washington
King County Tax Parcel No.: 334330-2130
ORA Project Number 12-0277

SUPPLEMENTAL LETTER

CITY OF BELLEVUE PROJECT NUMBER: 15-121003-LO Hazelwood Lane SE

Otto Rosenau and Associates, Inc. (ORA) had previously completed an evaluation of the steep slope area located just offsite and east of the project site. The findings of that the letter were presented in our letter titled "Limited Geotechnical Slope Evaluation, Darrow Residence, 6242 Hazelwood Lane Southeast, Bellevue, Washington", dated June 19, 2012. We understand that the railroad embankment was in active service until about 2008. We further understand that the area is currently part of the Eastside Rail Corridor and is owned by King County Parks Department. Based on review comments provided by the City of Bellevue, we understand that the structure setback of the proposed single family residence extends into the former railroad right-of-way.

We completed a follow-up site visit on November 20, 2015 to evaluate the current conditions at the site since the time of our earlier report in June 2012. We did not observe any substantial change in the condition of the steep slopes that would indicate the presence of an unstable slope condition at this location. A vegetative cover is present on the steep slopes and consists primarily of English ivy and Himalayan blackberry, with occasional deciduous trees

We also did not observe any indication of distress of the existing below-grade foundation walls located adjacent to the west side of Hazelwood Lane SE that would lead us to believe that they have been overloaded by past slope movement, or by adjacent vehicle traffic surcharges.

We recommend that the following precautions be taken during the course of construction and to protect the stability of the roadway and adjacent steep slope areas.

1. The removal of the any existing foundation walls oriented parallel (north-south) and adjacent to Hazelwood Lane should not be attempted unless the excavation is fully shored.
2. The removal of any existing foundation walls oriented perpendicular (east-west) to Hazelwood Lane should not be attempted unless adequate bracing or shoring is provided. The configuration of the foundation walls and their foundations is unknown at this time, and the foundation walls that are oriented perpendicular to Hazelwood Lane may be providing a substantial amount of lateral restraint for the foundation walls oriented parallel to Hazelwood Lane.
3. Any shoring or bracing should be designed by a structural engineer. ORA can provide an estimate for lateral earth pressures and traffic surcharge loads for the design of a shoring system upon request.
4. No disturbance of the offsite, steep slope area should be permitted.
5. The geotechnical engineer should observe the installation of any shoring to ensure the recommendations are being correctly implemented, and shall provide updated recommendations as conditions dictate.

Based on our observations and provided that our recommendations are fully implemented during construction as described above, it is our opinion that the slopes are adequately stable so as not to have the potential to cause harm to structures downslope, and that construction downslope of the steep slope area will not have an adverse impact on the slope itself.

If you have any questions, please contact us.

Sincerely,
OTTO ROSENAU & ASSOCIATES, INC.

Anthony Coyne

Anthony Coyne, P.E.
Geotechnical Engineer

