



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

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**Proposal Name:** Beddoe Residence

**Proposal Address:** 9449 Lake Washington Blvd NE

**Proposal Description:** Application for Critical Areas Land Use Permit approval to reconfigure the existing lake-facing deck associated with the single-family dwelling. Included in this proposal is a reconfiguration and reduction of concrete walkways and native landscape planting within the shoreline buffer and structure setback. The proposal is supported by a shoreline mitigation plan and critical areas report. This proposal is a reissuance of a previously-granted Critical Areas Land Use Permit (14-125970-LO)

**File Number:** 16-129863-LO

**Applicant:** Dan Brevick, Gordan Construction

**Decisions Included** Critical Areas Land Use Permit  
(Process II. 20.30P)

**Planner:** David Wong, Land Use Planner

**State Environmental Policy Act  
Threshold Determination:** Exempt

**Director's Decision:**

**Approval with Conditions**

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Carol V. Helland, Land Use Director  
Development Services Department

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**Application Date:** April 12, 2016  
**Notice of Application Date:** May 5, 2016  
**Decision Publication Date:** July 28, 2016  
**Project Appeal Deadline:** August 11, 2016

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For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. 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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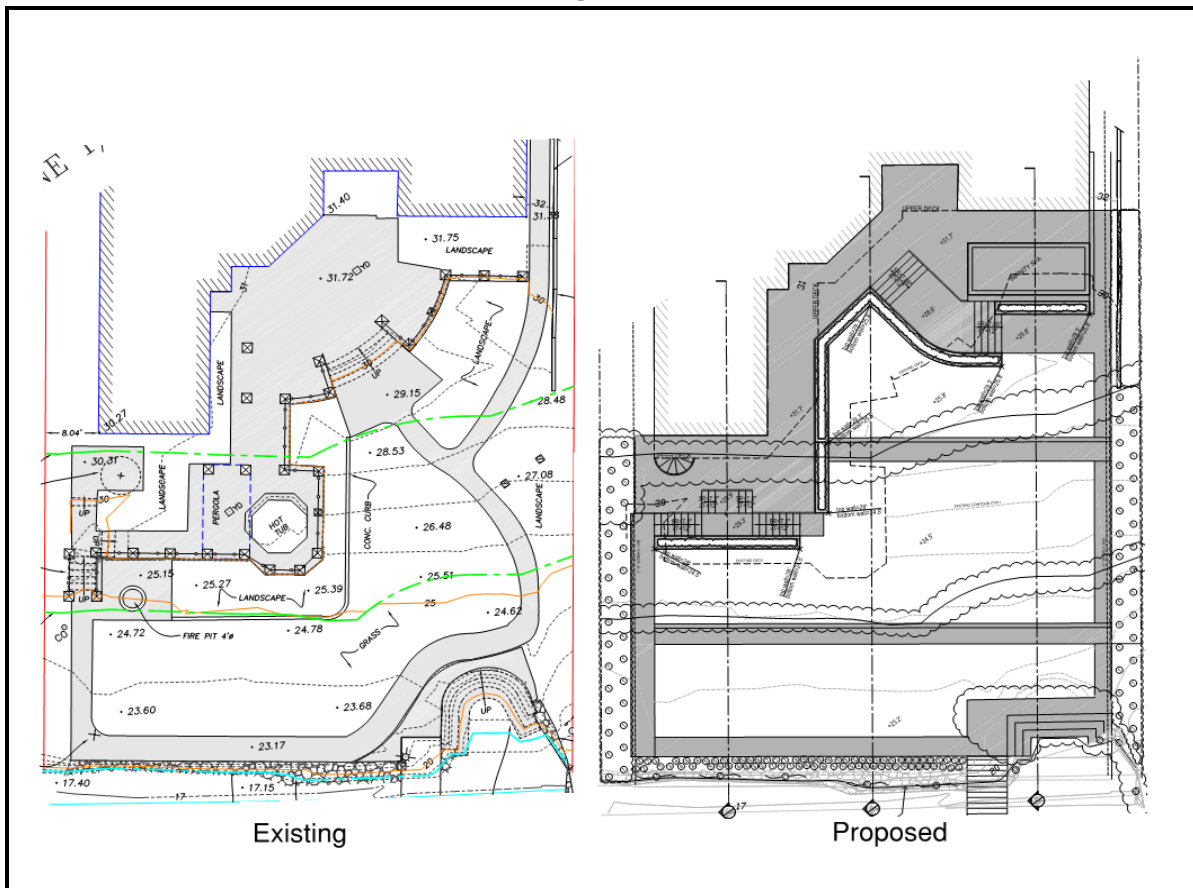
## Attachments

1. Site Plan – Enclosed
2. Critical Areas Report, Mitigation, and Monitoring – In File
3. Property Survey – In File
4. Application Forms and Materials – In File

## I. Proposal Description

The applicant proposes to demolish and reconfigure a lake-facing deck on the western portion of the existing single-family dwelling. The proposed reconfiguration represents a reduction in lot coverage of approximately 337 square feet within the shoreline structure setback. This proposal also includes the reconfiguration (no net increase) of impervious surface within the shoreline buffer, coupled with an associated reduction of 173 square feet within the shoreline structure setback. For mitigation, approximately 667 square feet of native vegetation is proposed within the shoreline buffer and structure setback. The proposal requires a Critical Areas Land Use Permit due to work taking place within the shoreline buffer and shoreline structure setback. See Figure 1 for demolition and hardscape reconfiguration.

Figure 1



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

### A. Site Description

The project site is located at 9449 Lake Washington Blvd NE in the North Bellevue subarea of the City. This single-family low to medium density residential neighborhood is characterized by lake front property along Meydenbauer Bay in Lake Washington. Other single-family zoned property is adjacent to the west and east of the site. Street frontage on Lake Washington Blvd NE is to the north and Lake Washington is to the south. The site

contains an existing 6,490 square-foot single-family residential structure that was constructed in 1999. See Figure 2 for existing site condition.

**Figure 2**



### **B. Zoning**

The property and adjacent properties are zoned R-1.8, single-family residential. The properties opposite Lake Washington Blvd NE from the subject site are zoned R-3.5, single-

family residential. The proposed development is allowed in this zone.

### **C. Land Use Context**

The property has a Comprehensive Plan Land Use Designation of SF-L (Single-Family Low Density).

### **D. Critical Areas On-Site and Regulations**

#### **i. 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).

Shorelines provide a wide variety of functions related to aquatic and riparian habitat, flood control and water quality, economic resources, and recreation, among others. Each function is a product of physical, chemical, and biological processes at work within the overall landscape. In lakes, these processes take place within an integrated system (ecosystem) of coupled aquatic and riparian habitats (Schindler and Scheuerell 2002). Hence, it is important to have an ecosystem approach which incorporates an understanding of shoreline functions and values.

### **III. Consistency with Land Use Code Requirements:**

#### **A. Zoning District Dimensional Requirements:**

The proposal meets the R-1.8 zoning dimensional requirements found in LUC 20.20.010. Lot coverage (16% proposed; 35% max. allowed) and impervious surface (38% proposed; 50% max. allowed) will not exceed the allowable amounts described in LUC Section 20.20.010.

#### **B. Critical Areas Requirements LUC 20.25H:**

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes performance standards and procedures that apply to development on any site which contains in whole or in part any portion designated as critical area, critical area buffer or structure setback from a critical area or buffer. The site is also located within the Shoreline Overlay District and is also subject to the requirements in LUC 20.25E. The performance standards found in LUC 20.25E as specified in the table below are applicable:

<b>Critical Area</b>	<b>Shorelines</b>
<b>Performance Standards</b>	20.25E.080.Q

**i. Consistency With LUC 20.25E.080.Q**

**Residential Development Regulations** – For purposes of this section, accessory structures shall include swimming pools, tennis courts, spas, greenhouses and similar facilities.

- 1. No boat, houseboat or watercraft moored seaward of the ordinary high water mark shall be used as a permanent residence.**

No proposal to use a boat as a residence is included in this approval.

- 2. All structures, accessory buildings and ancillary facilities, other than those related to water use (such as moorage) shall be located outside of the shoreline critical area and shoreline critical area buffer, except stairs, handrails, and a trail or path providing access to the shoreline. The requirements of this subsection may be modified through a critical areas report, LUC 20.25H.230.**

The existing single-family residence, deck, and concrete walkway were constructed within the shoreline structure setback prior to the 2006 defining of the 25-foot shoreline buffer and 25-foot shoreline structure setback. Approximately 558 square feet of the existing deck and 774 square feet of impervious surface were constructed within the shoreline structure setback. 20 square feet of the existing deck currently exists within the shoreline buffer. The proposal includes a reduction of 19 square feet of deck area within the shoreline buffer and 337 square feet within the shoreline structure setback. A 622 square foot concrete walkway also currently exists within the shoreline buffer. This walkway will be reconfigured and represent no net change in total impervious surface coverage. The walkway is located adjacent to the bulkhead and is meant to provide access to the existing pier. The proposed reconfiguring of the deck and walkway are disturbing the shoreline setback and buffer through a critical areas report as allowed subject to requirements in LUC 20.25H.

- 3. Fences essentially parallel with the shoreline are not permitted within critical area buffer or critical area structure setback.**

No new fences are proposed as part of this approval.

- 4. Maximum building height in those areas of the Shoreline Overlay District which are zoned for residential uses shall be 35 feet, except in land use districts where more restrictive height limitations exist.**

Proposed structures comply with the 35 foot height limit on residential uses in the shoreline jurisdiction.

- 5. All residential development shall be accompanied by a plan indicating methods for preserving shoreline vegetation and control of erosion during and following construction as required by City of Bellevue clearing and grading regulations, Chapter 23.76 BCC, and the Comprehensive Plan.**

The only existing vegetation adjacent to the shoreline of this property is a mixture of ornamental shrubs and non-native grasses. 667 square feet of mitigation planting will be installed which will provide vegetation within the shoreline buffer and structure setback.

#### **IV. Public Notice and Comment**

Application Date:	April 12, 2016
Public Notice (500 feet):	May 5, 2016
Minimum Comment Period:	May 19, 2016

The Notice of Application for this project was published the City of Bellevue weekly permit bulletin and Seattle Times on May 5, 2016. It was mailed to property owners within 500 feet of the project site. No comments were received prior to the Notice of Decision.

#### **V. Summary of Technical Reviews**

##### **A. Clearing and Grading**

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

#### **VI. Changes to Proposal Due to Staff Review**

No changes were requested by staff.

#### **VII. Decision Criteria**

##### **A. 20.25H.255.A Critical Areas Report Decision Criteria**

**The director may approve, or approve with modifications, the proposed modification where the applicant demonstrates:**

- 1. The modifications and performances 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;**

Per page 6 of the critical areas report, the existing shoreline buffer and setback have low to non-existent levels of function for the for shade, beneficial nutrient sources, wood debris recruitment, sediment and pollution control, bank stability, human access control, and general habitat suitability. The existing buffer conditions, as described on page 4 of the critical areas report consist of "lawn and a 4-foot wide at-grade concrete walkway." The existing 622 square foot concrete walkway and stairs within the buffer will be reconfigured to facilitate a native landscape area adjacent to the existing bulkhead. 435 square feet of the total 667 square feet of native will be installed within the shoreline buffer, replacing ornamental lawn and sections of the existing walkway. The planting will improve the shoreline buffer function above what previously existed by reducing the total impervious surface coverage and replacing non-native grasses with native species recommended in the City of Bellevue Critical Areas Handbook.

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

Mitigation planting plan is required and found with the critical areas report. The planting will be maintained and monitored for a period of at least five years. A maintenance surety will be required based on the submitted cost estimate. The surety will be released after a final inspection by Land Use staff that finds the project has met the performance standards:

Goal: Create a well-established native habitat area.

Performance Standard: 100% survival of all vegetation after the first year of installation and no greater than 10% coverage of invasive plants in the designated planting areas. Following first year, standards will be based on percent survival, coverage of native plants, and invasive plant establishment.

An annual monitoring report shall be submitted to Land Use staff which documents the mitigation success in meeting the performance standards above, any maintenance activities, and any replanting or replacement of plants that occurs. See Conditions of Approval in Section IX of this report.

**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**

The modifications and performance measures in this proposal are not detrimental to the functions and values of the shoreline.

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

The residential development is compatible with the other residential uses in this land use district.

**B. 20.30P.140 Critical Area Land Use Permit Decision Criteria – Decision Criteria**

**The Director may approve, or approve with modifications an application for a Critical Area Land Use Permit if:**

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

Finding: The applicant must obtain a Single-Family Building Permit or Clearing & Grading Permit before beginning any work. See Conditions of Approval in Section IX of this report.

**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 consistent with required performance standards for projects in the shoreline overlay district. The resulting development will improve stormwater quality and provide vegetation in the shoreline buffer which is an improvement over the existing condition.



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

Finding: As discussed in Section III of this report, the applicable performance standards are being met.

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

Finding: The proposed home will not affect public services or facilities above the current demand created by the existing house.

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

Finding: A mitigation plan consistent with LUC 20.25H.210 has been submitted to plant 667 square feet of new mitigation planting on the property and is Attachment 2 of this report.

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

Finding: As discussed in 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 modification of the shoreline structure setback and disturbance of the buffer from Lake Washington.

**Approval of this Critical Areas Land Use Permit does not constitute a permit for construction. A building permit, clear and grade permit, and/or utility 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 building 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 Title 20	David Wong, 425-452-4282

Noise Control- BCC 9.18	David Wong, 425-452-4282
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**The following conditions are imposed under the Bellevue City Code authority referenced:**

- 1. Building or Clearing & Grading Permit Required:** Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. Application for a Single-Family Building Permit or other required permits must be submitted and approved. Plans submitted as part of a permit application shall be consistent with the activity under this approval.

Authority: Land Use Code 20.30P.140  
Reviewer: David Wong, Land Use

- 2. Maintenance and Monitoring:** The following monitoring plan is required for the maintenance and monitoring of the mitigation planting associated with this approval. Annual monitoring reports are required to be prepared by a qualified professional and submitted to the Environmental Planning Manager. The reports shall include photos of the planting areas to document their growth over time. The reports shall also discuss the progress on meeting the performance standards, any maintenance, or replacement of vegetation. Per the submitted critical areas report the objectives and performance standards for the mitigation planting are below.

Year 1 (from date of plant installation)

- 100% survival of all installed plants and/or replanting in following dormant season to reestablish 100%
- Less than or equal to 10% coverage of planting area by invasive species or non-native/ornamental vegetation

Year 2 (from date of plant installation)

- At least 90% survival of all installed material
- Less than or equal to 10% coverage of planting area by invasive species or non-native/ornamental vegetation

Year 3, 4, & 5 (from date of plant installation)

- At least 80% survival of all installed material
- At least 35% coverage of the planting area by native species following year 3.
- At least 50% coverage of the planting area by native species following year 4.
- At least 70% coverage of the planting area by native species following year 5.
- Less than or equal to 10% coverage of planting area by invasive species or non-native/ornamental vegetation

The reports, along with a copy of the planting plan, can be sent to David Wong at [dwong@bellevuewa.gov](mailto:dwong@bellevuewa.gov) or to the address below:

Environmental Planning Manager  
Development Services Department  
City of Bellevue

PO Box 90012  
Bellevue, WA 98009-9012

- 3. Planting Cost Estimate:** A cost estimate for the proposed plant installation and 5 years of maintenance and monitoring must be submitted prior to building permit issuance.

Authority: Land Use Code 20.30P.140  
Reviewer: David Wong, Land Use

- 4. Maintenance Surety:** A maintenance surety, based on the cost estimate above is required which is 100 percent of the total cost for 5 years of maintenance and monitoring or the cost of the plants. The maintenance surety is required prior to building permit or clearing and grading permit issuance.

Authority: Land Use Code 20.30P.140  
Reviewer: David Wong, Land Use

- 5. Land Use Inspection:** Following installation of planting the applicant shall contact Land Use staff to inspect the planting area. At the end of 5 years inspection by Land Use staff is required to release the maintenance surety. Staff will need to find that the plants are in a healthy and growing condition and the mitigation plan is successful per the established performance standards in the monitoring plan. Monitoring may end in year 3 if the planting is inspected and found to be sufficiently established and meets the performance standards. Throughout the monitoring period Land Use staff has the right to enter the property to inspect the planting.

Authority: Land Use Code 20.30P.140  
Reviewer: David Wong, Land Use

**6. As-Built Landscape Plan:**

Following installation and Land Use inspection, the applicant shall submit an as-built landscape plan to Environmental Planning Manager. Plans can be submitted 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: David Wong, Land Use

- 7. 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: David Wong, Land Use

7. **Hold Harmless Agreement:** The applicant shall submit a hold harmless agreement in a form approved by the City Attorney which releases the City from liability for any damage arising from the location of improvements within a critical area buffer in accordance with LUC 20.30P.170. The hold harmless agreement is required to be recorded with King County prior to building or clearing and grading permit issuance. Staff will provide the applicant with the hold harmless form.

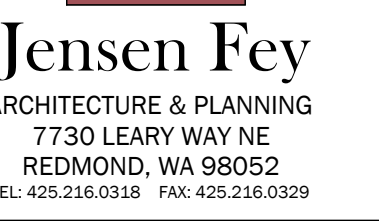
Authority: Land Use Code 20.30P.140  
Reviewer: David Wong, Land Use





 **GROUND PLAN**  
scale : 1/4" = 1'-0"

DRAWN BY:	WCC
CHECK:	DF
NOTES:	CHECK PLOT
PLOT DATE:	02/05/14
JOB NO:	1214



GROUND PLAN

A102

F: SHEETS