



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

Proposal Name: Patrick Residence

Proposal Address: 79 Cascade Key

Proposal Description: Application for a Critical Areas Land Use Permit to modify the 25-foot shoreline buffer and structure setback for expansion of an existing deck, hot tub, and fireplace pad. Minor work in the shoreline buffer is proposed to replace and expand a walkway and install vegetation.

File Number: 16-136631-LO


Applicant: Todd Patrick

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

Planner: Drew Folsom, Land Use Planner

**State Environmental Policy Act
Threshold Determination:** Exempt Per WAC 197-11-800(1)

Director's Decision: **Approval with Conditions**
Michael A. Brennan, Director
Development Services Department

By: 
Carol V. Helland, Land Use Director

Application Date: June 30, 2016
Notice of Application Date: August 11, 2016
Decision Publication Date: December 22, 2016
Project Appeal Deadline: January 5, 2017

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 plan dated June, 2016 – In File

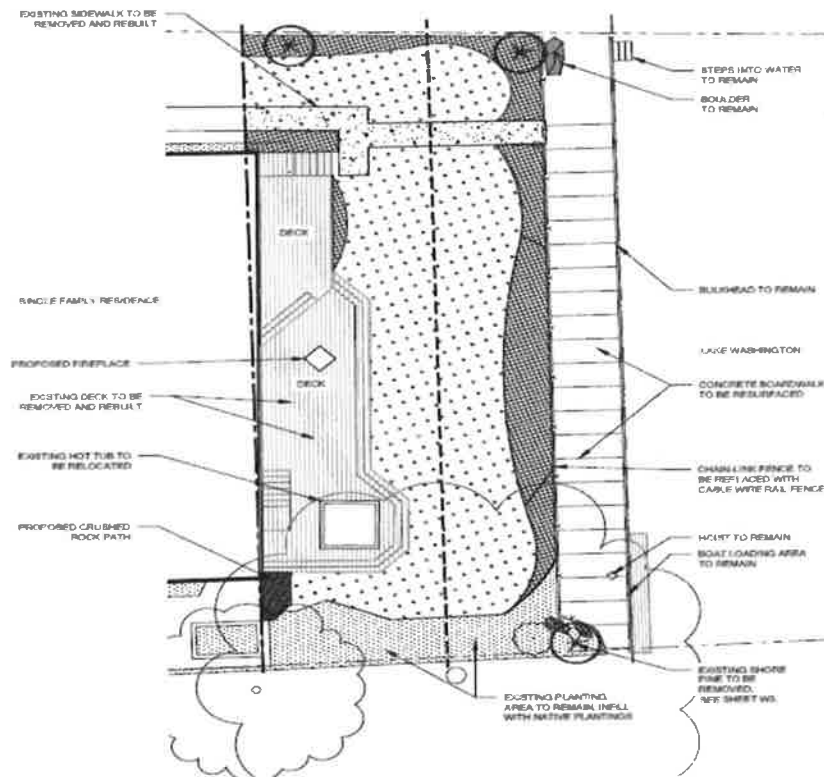
I. Proposal Description

The applicant proposes to demolish and reconstruct an expanded deck within the shoreline structure setback. The proposed deck will include the relocation of an existing hot tub and the construction of a 9-square foot fireplace. The hot tub and fireplace will be impervious surfaces; the remaining deck area will be pervious. The project proposes to remove and replace impervious surfaces and improvements primarily within the 25-foot shoreline structure setback; but also includes the removal, replacement, and expansion of a walkway in the 25-foot shoreline buffer; and resurfacing of the existing concrete walkway next to the shoreline. All work is within a maintained yard with little native vegetation and low ecological function and value as determined by the Critical Areas Report prepared by the Watershed Company dated June, 2016. The proposed impacts are as follows:

- 970 square feet of impervious surface currently exists within the shoreline buffer. 30 square feet of impervious surface in the buffer will be removed and replaced with 60 square feet of pervious surface to increase the existing walkway width from 2 feet to 4 feet. An existing chain link fence within the shoreline buffer will be removed and replaced with a cable wire rail fence.
- 84 square feet of impervious surfaces within the 25-foot shoreline setback will be replaced with a 122 square foot pervious surface area. The existing pervious deck located within the shoreline structure setback will be enlarged from 597 square feet to 941 square feet. The new deck will include a relocated hot tub and a 9-square foot impervious fireplace.
- The combined impervious surface within the shoreline buffer and structure setback will be decreased by 114 square feet.
- 432 square feet of lawn within the shoreline buffer area is proposed to be converted to an area of native vegetation along the shoreline; an additional 68 square feet will be converted within the structure setback.

A Critical Areas Land Use Permit is required because of the expansion of the deck and hard surface predominately within the shoreline structure setback, and the removal of vegetation within the shoreline buffer. These impacts are mitigated with the planting of 500 square feet of native vegetation. **See Figure 1 below for project site plan and Attachment 2 for Critical Areas Report**

Figure 1



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

A. Site Description

The project site is located at 79 Cascade Key in the Factoria subarea and is located in a single-family residential neighborhood. The neighborhood is characterized by a series of canals that are directly connected to Lake Washington (a shoreline of the state and regulated as a critical area). Other single-family zoned property is adjacent to the site. Street frontage on Cascade Key is to the west and a canal is to the east. The house was constructed in the 1960s and predates the Shoreline Management Act. The site has several existing significant trees located in the front and side yards. The rear yard area, within the shoreline buffer and structure setback is predominately maintained lawn, deck, or hard surfaced walkways. A non-significant shore pine located in the shoreline buffer, in poor health, is proposed to be removed and replaced with native trees. See Figure 2 for existing site condition.

Figure 2



B. Zoning

The property and surrounding properties are zoned R-2.5, a single-family residential zoning district. The proposed development is allowed in this zone.

C. Land Use Context

The property has a Comprehensive Plan Land Use Designation of SF-M (Single-Family Medium Density) and the subject proposal and existing zoning is in compliance with the Comprehensive Plan.

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-2.5 zoning dimensional requirements found in LUC 20.20.010. Total hardscape coverage on the site is proposed at approximately 61 percent with impervious coverage stated to be 48 percent. Impervious and hard Surface coverage may be required to be verified by survey as part of the building permit inspection process.

See Conditions of Approval in Section IX of this report.

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:

Critical Area	Shorelines
Performance Standards	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 or the structure as a residence is included in this proposal.

- 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 impervious walkways in the shoreline buffer are proposed to be removed and replaced with pervious walkways; and expanded by 30 feet to provide access to the shoreline. The proposed walkway maintains access to the walkway along the bulkhead to access the boat.

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

The existing non-conforming chain link fence will be replaced with a cable wire fence providing improved wildlife access to the shoreline and proposed native vegetation areas within the shoreline buffer.

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 lawn currently and a small, unhealthy shore pine proposed to be removed within the buffer in the area. Mitigation planting totaling 500 square feet of planting is proposed to be installed along the shoreline and structure setback to provide the improvement of ecological function and values required under the critical areas report process.

IV. Public Notice and Comment

Application Date:	June 30, 2016
Public Notice (500 feet):	August 11, 2016
Minimum Comment Period:	August 25, 2016

The Notice of Application for this project was published the City of Bellevue weekly permit bulletin and Seattle Times on August 11, 2016. It was mailed to property owners within 500 feet of the project site. Comments were received regarding the health of an existing, non-significant, shore pine and the proposed replacement tree selection of shore pine and mountain hemlock.

City Response: The health of the existing shore pine has likely been compromised by root restriction due to proximity to the bulkhead, compaction caused by the placement of large ornamental boulders, and shade intolerance. While mountain hemlock naturally occurs at higher elevations, it is commonly used as a landscaping tree in the Puget Sound lowlands and is often recommended in lowland gardens. Healthy mountain hemlocks were observed on site and in the surrounding area. The required mitigation will involve installation of two

evergreen trees and a Pacific Dogwood. The proposed evergreen trees will be one shore pine and one mountain hemlock. The hemlock will be placed in near proximity to the removed shore pine where a slower growing, shade tolerant, tree is appropriate. The shore pine will be placed in an area with less shade and root constriction. **See Conditions of approval in Section IX.**

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 to the plan were requested.

VII. Decision Criteria

A. 20.25H.255.B Critical Areas Report Decision Criteria

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 existing shoreline buffer has very low functional value and predominately consists of maintained lawn and hardscape. The proposal will add 500 square feet of native vegetation within the shoreline buffer and structure setback. The proposed native vegetation will help to filter stormwater and will provide an increase in on-site habitat potential. In addition, the proposed fence will have larger openings that will increase access for small mammals over the existing chain link fence.

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

Finding: The applicant will be required to provide a performance assurance device for the required mitigation measures associated with the proposed development within the shoreline buffer and structure setback. **See Conditions of Approval in Section IX.**

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: The functions and values of the critical areas and critical area buffers on adjacent properties will be unaffected by the actions in the proposal. As discussed in Section III of this report, the applicable performance standards of LUC Section 20.25H are being met.

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

Finding: The proposed project is to replace and expand a deck, and walkway; and plant native vegetation. These uses are compatible with the surrounding residential development permitted in the same 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: A building permit application and any other required permit shall be issued for development to begin. **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 existing walkway in the shoreline buffer is proposed to be removed and replaced with a pervious walkway. Overall impervious surface coverage in the buffer will be reduced by 30 square feet. The proposed walkway maintains access to the walkway along the bulkhead. The resulting development will improve stormwater quality and provide vegetation in the shoreline buffer which is an improvement over the existing condition. **See Conditions of Approval in Section IX of this report.**

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 proposal 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 and is Attachment 2 of this report. A cost estimate for the planting will be required and a planting plan that shows all plants to be installed as required by this decision. Part of the permit inspection process will include an inspection by Land Use staff to ensure the planting is installed. **See Conditions of Approval in Section IX.**

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 the canal of 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	Drew Folsom, 425-452-4441
Noise Control- BCC 9.18	Drew Folsom, 425-452-4441

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

1. **Building Permit Required:** Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. A building permit and any other construction permit is required. Plans submitted as part of the permit application shall be consistent with the plans reviewed for this approval.

Authority: Land Use Code 20.30P.140
Reviewer: Drew Folsom, Development Services Department

2. **Mitigation Plan:** As part of building permit submittal the applicant shall submit the proposed enhancement plan, which includes mitigation for impacts to the site associated with the expansion of a deck in the structure setback. Any modification of this plan needs to be reviewed by the Development Services Department.

Authority: Land Use Code 20.25H.220
Reviewer: Drew Folsom, Development Services Department

3. **Performance Assurance Device** In order to ensure adequate resources are available to implement the required landscape on the slope, a performance assurance device in an amount equal to 100% of the cost of labor and materials for the landscape installation shall be held until successful installation is verified by the City of Bellevue at which time the performance assurance device will be released to the applicant.

Authority: Land Use Code 20.25H.220
Reviewer: Drew Folsom, Development Services Department

4. **Maintenance Assurance Device** In order to ensure the required landscape restoration successfully establishes on the slope, a maintenance assurance device in an amount equal to 25% of the cost of labor and materials for the landscape installation shall be held for a period of three years from the date of successful installation. The maintenance assurance device will be released to the applicant upon receipt of documentation of reporting successful establishment in compliance with the performance standards.

Authority: Land Use Code 20.25H.220
Reviewer: Drew Folsom, Development Services Department

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.

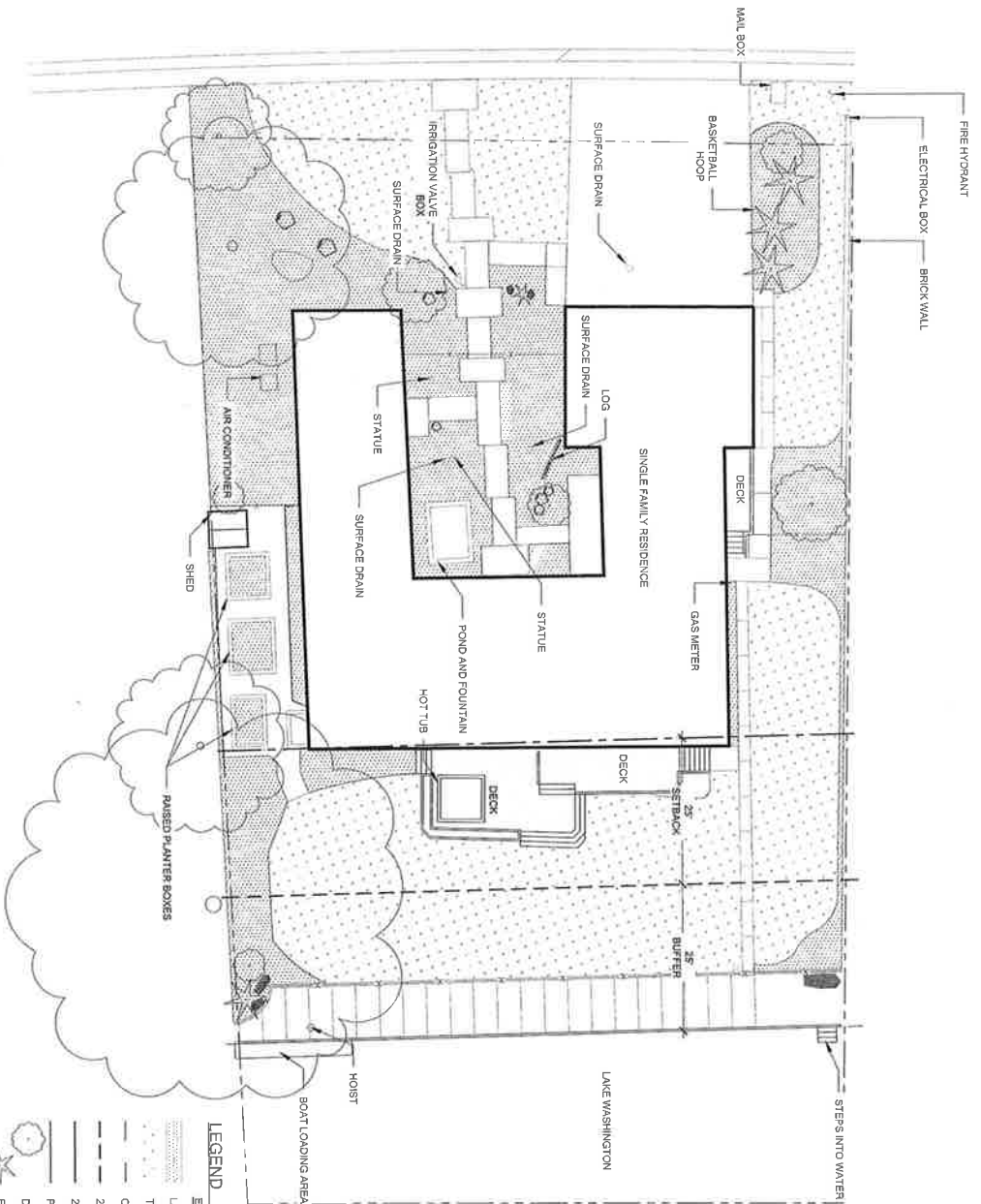
Authority: Land Use Code 20.30P.140
Reviewer: Drew Folsom, Development Services Department

- 6. Maintenance and Monitoring:** The submitted monitoring plan included in Attachment 2 is required to be implemented. Annual monitoring reports are required to be submitted to Land Use staff. Monitoring reports should be mailed to:

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

Authority: Land Use Code 20.25H.220
Reviewer: Drew Folsom, Development Services Department

THE PATRICK RESIDENCE



LEGEND

EXISTING FEATURES

LANDSCAPE BED

TURF

OHWM (AT FACE OF BULKHEAD)

25' SHORELINE BUFFER

25' SHORELINE SETBACK

PROPERTY LINE

DECIDUOUS TREE

EVERGREEN TREE

SHEET INDEX

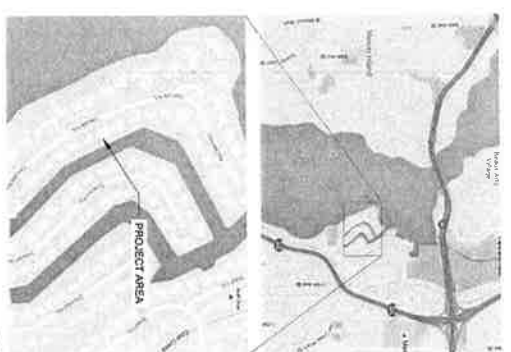
1. EXISTING CONDITIONS
2. PROPOSED SITE PLAN
3. IMPACT ASSESSMENT AND MITIGATION PLAN
4. NOTES
5. PLANT INSTALLATION DETAILS AND NOTES

NOTES

1. NO SURVEY RECEIVED ALL EXISTING SITE FEATURES ARE APPROXIMATE



VICINITY MAPS



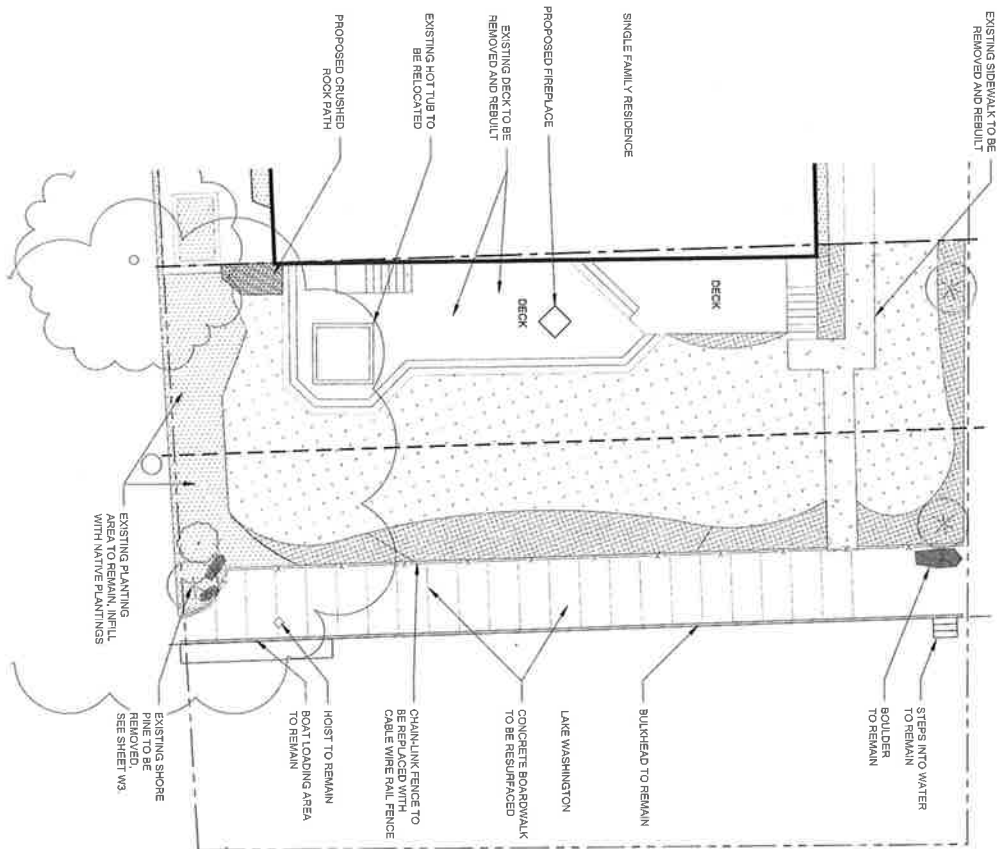
PATRICK RESIDENCE
LANDSCAPE PLAN
PREPARED FOR TODD AND ROANNE PATRICK
PARCEL #6072800205
79 CASCADE KEY
BELLEVUE, WA 98006

THE WATERSHED COMPANY
750 Sixth Street South
Kirkland WA 98033
1-800-822-5242
www.watershedco.com
Science & Design

SUBMITTALS & REVISIONS

DATE	DESCRIPTION	BY	REVISION
06-10-06	PERMIT SET	AR	1
06-10-06	PERMIT SET	AR	2

SHEET SIZE:
ORIGINAL PLANS 22" x 34"
SCALE: AS SHOWN
PROJECT MANAGER: AR
DESIGNED: LV/AR
CHECKED: AR/KS
JOB NUMBER: 160318
SHEET NUMBER: W1 OF 5



PROPOSED FEATURES

-
- LANDSCAPE BED (840 SF)
- TURF (2,097 SF)
- TREE (3 BA)
- DECK (84 SF)
- CONCRETE WALK (180 SF)
- WITHIN SHORELINE BUFFER = 63 SF
- WITHIN SHORELINE SETBACK = 130 SF
- WITHIN SHORELINE BUFFER = 63 SF
- CRUSHED ROCK PATH (WITHIN SHORELINE SETBACK = 30 SF)

1

- THREES
CORNU NUTTALLI / EDDIES WHITE WONDER
EDDIES WHITE WONDER DOGWOOD
PINUS CONTORTA /
SHORE PINE
TSUGA WERTENSIANA /
MOUNTAIN HEMLOCK

- SHRUBS**
- MAHONIA NERVOSA /
CASCADE MAHONIA
RIBES SANGUINEUM /
RED-FLowering CURRANT
ROSA NUTKANNA /
NODATA ROSE
SYMPHORICARPOS ALBUS /
SNOWBERRY
VACCINIUM OVALIFOLIUM /
OVAL-LEAF BLUEBERRY
VACCINIUM OVATUM /
EVERGREEN HUCKLEBERRY
- GROUNDCOVER & PERENNIAL MAT FORMING PLANTS**
- RHIZOPHYLLIS VIVIPARA /
RACTOSTAPHYLOS VIVAURSII /
LUNNEDRUP

- ARNICA MONTANA /
 BLENNIUM SPICATUM /
 SEA THURP /
 DEER FERN /
 DESCHAMPSIA CESPITOSA /
 TUFTED HARRARPA /
 ERYTHRONIUM OREGONUM /
 OREGON FANLILY /
 FRAGRARY CHLOEISIS /
 COASTAL STRAWBERRY /
 GAULTHERIA SHALLOM /
 SALAL /
 IRIS TENAX /
 OREGON IRIS /
 OXALIS OREGANA /
 WOOD SORREL /
 POLYSTICHUM MUNITUM /
 WESTERN SHORSTERN /
 XEROPHYLLUM TILIAK /
 BERGAMASS /

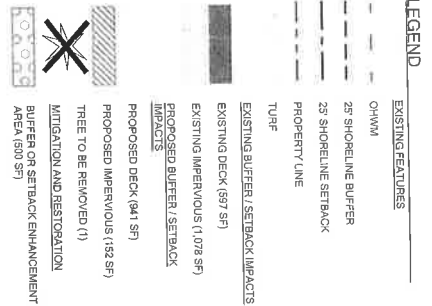
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SHEET SIZE:
ORIGINAL PLAN IS 22" x 34"
SCALE ACCORDINGLY.

PROJECT MANAGER: AR
DESIGNED: LV / AR
DRAFTED: LV
CHECKED: AR / KE
JOB NUMBER:
160318

SHEET NUMBER:
W2 OF 5

PATRICK RESIDENCE
LANDSCAPE PLAN
PREPARED FOR TODD AND ROANNE PATRICK
PARCEL #6072800205
79 CASCADE KEY
BELLEVUE, WA 98006



NOES

1. DECK TO BE CONSTRUCTED WITH MIN. 8" SPACING BETWEEN DECKING BOARDS SO AS TO BE IMPERVIOUS UNDER BELLEVUE LUC 20 20 460 D/1)
2. CONCRETE PAD FOR HOT TUB NOT INCLUDED IN IMPERVIOUS NET CHANGE CALCULATIONS DUE TO NO NET IMPACT CHANGE.
3. TREE PROPOSED FOR REMOVAL IS (1) SHORE PINE AND NON-SIGNIFICANT PER BELLEVUE LUC 20 50 046 S.

[illegible]

SHEET SIZE: 11" x 17"
ORIGINAL PLANS BY: "A"
SCALE: AS SHOWN
PROJECT MANAGER: AR
DESIGNED: LV/AR
DRAFTED: LV
CHECKED: AR/KB
JOB NUMBER: 160318
SHEET NUMBER: W3 OF 5

PATRICK RESIDENCE
LANDSCAPE PLAN
PREPARED FOR TODD AND ROANNE PATRICK
PARCEL #6072800205
79 CASCADE KEY
BELLEVUE, WA 98006

