City of Bellevue

Development Services Department
Land Use Staff Report

Proposal Name:	Godsey Residence Remodel Critical Areas Land Use Permit
Proposal Address:	643 154th Ave SE, Bellevue, WA 98008
Proposal Description:	The applicant requests a Critical Areas Land Use permit in order to construct an addition to an existing single-family residence, a portion of which lies within the critical area structure setback of a Category I wetland. Approximately 92 square feet of the 480 square foot addition would be located within the critical area structure setback.
File Number:	08-113661-LO
Applicant:	Bridget Smith
Decisions Included:	Critical Areas Land Use Permit (Process II. LUC 20.30P)
Planner:	Carol L. Orr, Land Use Planner
State Environmental Policy Act Threshold Determination:	**Exempt per WAC 197-11-800(6)(a)**
Director's Decision:	**Approval with Conditions** Mike Brennan, Director Development Services Department

Application Date:	6/27/2008
Notice of Application Publication Date:	8/7/2008
Decision Publication Date:	9/18/2008
Project/SEPA Appeal Deadline:	Not Applicable

For information on how to appeal a proposal, visit Development Services 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.

I. Background

A. Project Description:

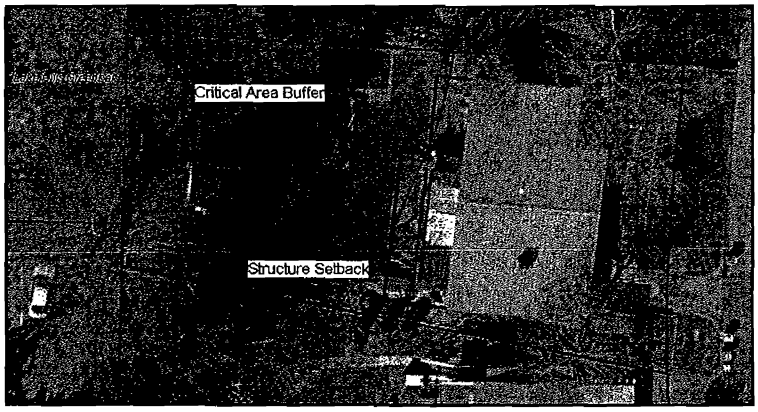
The applicant is proposing to remodel an existing single-family residence by adding 480 square feet of footprint, 92 square feet of which will intrude into the wetland structure setback. The existing home has a rear deck extending 12 feet beyond the exterior rear wall of the home. An existing patio extends an additional eight feet beyond the deck. At it's closest point, the existing home is approximately 9 feet from the edge of the critical area structure setback. The proposed expansion of the dining room will result in the new exterior wall extending 6 feet into the critical area structure setback, at it's greatest depth. The expansion of the dining room adjacent to the existing kitchen is an allowed use per LUC 20.25H.055.C.3.n as the purpose of the expansion is to serve a function that is an essential component of a single-family residence.

B. Site Description:

The property, shown below, is located at 643 154th Ave SE (King County Parcel # 4039400150). The site is located in the South-East Bellevue Comprehensive Plan Subarea and the West Lake Hills Neighborhood Enhancement Program area. The zoning of the property is R-5 and the Comprehensive Plan designation is single-family high density.

The property is accessed from 154th Ave SE. The property is bounded on the west by the Lake Hills Greenbelt, which contains a large Category I wetland and a Shoreline designated stream. The critical area buffer and structure setbacks cross the property in an arc from southwest to northeast. Properties to the north, south and east are developed as single family residences. (See attachment 1 – Vicinity Map).

The single-family residence is situated at the east side of the lot. The existing house is completely outside of the critical area buffer and critical area structure setback. The west portion of the lot is developed as lawn, a mixture of ornamental plantings and a raised bed vegetable garden.



C. Need For Improvement:

The existing home has a relatively small kitchen and does not have a dining room. A dining room was deemed to be an essential component of a single family residence, the location of which was dictated by the location of the existing kitchen. Locating the dining room elsewhere on site, or within the existing structure was deemed to be not feasible.

II. Critical Areas and Critical Area Buffers

A. Wetland – Category I:

A large wetland exists immediately to the west of the site. Based on the habitat score from a previous wetland assessment done by the City of Bellevue for the Lake Hills Greenbelt, the wetland was classified as Category I. Category I wetlands require a 110 foot critical area buffer and a 20 foot critical area structure setback. City of Bellevue staff located the edge of the wetland using aerial photography, GIS data from a previous wetland assessment, and a site visit. The edge of the wetland occurs approximately 49 feet from the west property line of the site. No portion of the existing home, or the proposed addition will intrude into the critical area buffer. The applicant is proposing to expand the single- family primary structure a total of 92 square feet into the 20-foot critical area structure setback.

All of the development proposed occurs in areas which have already been permanently disturbed either by the structure, such as the deck, or by impervious surfaces, such as the patio. As these areas are already impervious, the impacts of additional work in this area to the critical area will be negligible.

III. State Environmental Policy Act (SEPA)

As no disturbance to the critical area or the critical area buffer is proposed as part of this project, this permit has been deemed categorically exempt from SEPA as outlined at BCC 22.02.045. An environmental checklist was not required.

A. Earth and Water:

The grades on this property are predominantly level, with a swath of 16% grade at the approximate midpoint of the property. In this area there is a 4 foot vertical rise over a distance of 24 feet. The underlying soils are classified as Arents Alderwood material, a gravelly, sandy loam.

The project is proposing to expand the single family residence in an area of the property permanently disturbed by patio and deck footings. The proposed project avoids all disturbance to the critical area buffer, and retains all of the significant trees on the site.

The implementation of standard erosion control measures will prevent any significant environmental impact to the earth or water resources. The best management practices required in Chapter 23.76 BCC are adequate to mitigate any expected impacts. See Conditions of Approval in Section X.

B. Plants and Animals:

The adjacent wetland contains a variety of habitat types. The vegetation on the property consists predominantly of lawn, with some ornamental plantings as well as a few raised bed vegetable gardens. No species of local importance are known to inhabit this site. There will be no adverse impacts on wildlife as the project is not proposing any disturbance within the critical area buffer nearest the wetland and no habitat associated with species of local importance will be removed.

C. Noise:

The site is adjacent to single family uses whose residents are most sensitive to noise impacts in the evening and on the weekends. Noise impacts will be minimized by limiting work hours as specified in the City of Bellevue Noise Control Code, BCC 9.18. See Conditions of Approval in Section X.

IV. Consistency with Land Use Code Requirements

A. Critical Areas Requirements:

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes standards and procedures that apply to development on any site which contains in whole or in part any portion designated as critical area or critical area buffer. The Critical Areas Overlay District is a mechanism by which the City recognizes the existence of natural conditions which affect the use and development of a property. Through this section of the Land Use Code, the city imposes regulations on the use and development of affected property to protect the functions and values of these areas and the public health, safety and welfare, and to allow reasonable use of private property.

The property under proposal contains several areas designated as critical areas and critical area buffers. Based on the proposed project elements and their intersection with the critical areas on the site, there are a set of specific performance standards that apply. These performance standards are identified in the table below:

Critical Area	**Wetland**
Performance Standards	20.25H.055.C.3.n 20.20.025.C.5

V. Consistency With Land Use Code Performance Standards:

A. Consistency With LUC 20.25H.055.C.3.n – Expansion of Existing Single-Family Primary Structure into Critical Area Buffer and Critical Area Structure Setback:

City staff have interpreted, based on existing site conditions, that expansion of the structure for the creation of a dining room meets the criteria in this section of the Land Use Code. The applicant has demonstrated that expansion of the single-family primary structure is for an essential component of the single-family residence (dining room) due to it's required proximity to the kitchen. It has also been demonstrated that the location of the dining room is not feasible elsewhere on the site.

The kitchen exists on the west side of the house, 32 feet from the edge of the wetland critical area buffer. The cost of relocating the kitchen and necessary power and plumbing would be prohibitively expensive, so the proposal was made to locate the new dining room adjacent to the kitchen to reduce costs. All of the expansion of the structure to enlarge the kitchen and create the dining room occurs in areas already covered by patio or second story decks. The expansion of the structure out over the existing deck and patio will improve the functionality of the kitchen. Expanding the house in any other direction will not yield the necessary functionality.

B. Consistency with LUC 20.20.025.C.5 – Expansion of a Minor Building Element into a Critical Area Structure Setback:

Minor building elements may extend into a critical area structure setback if it is above ground level and if vegetation is maintained in a healthy condition. The proposed second story deck on the northwest side of the home extends into the critical area setback 30 square feet. The area beneath this deck is to be undeveloped, and the vegetation beneath it maintained. As the deck is on the second story, the vegetation will receive ample solar access during the normal growing season.

VI. 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. See conditions of approval in Section X.

VII. Public Notice and Comment

Application Date:	June 27, 2008
Public Notice (500 feet):	August 7, 2008
Minimum Comment Period (2 weeks):	August 21, 2008

The Notice of Application for this project was published in the Seattle Times and the City of Bellevue weekly permit bulletin on August 7, 2008. It was mailed to property owners within 500 feet of the project site. No comments were received as of the writing of this staff report.

VIII. Decision Criteria

The proposal, as conditioned below, meets the applicable regulations and decision criteria for a Critical Areas Land Use Permit pursuant to LUC 20.30P.

A. Critical Areas Land Use Permit Decision Criteria (LUC 20.30P)

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

Finding: The proposed project must apply for and receive approval of a Single-Family Addition Building permit (BR) prior to implementation of the project.; See conditions of approval in Section X.

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 proposed work will not occur within either the critical area or the critical area buffer. Minor disturbance of the critical area structure setback to allow the expansion is not anticipated to impact the critical area or critical area buffer.

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

Finding: The proposed project incorporates all of the applicable performance standards specified in LUC 20.25H. They are addressed in detail in Section V above for the critical areas present within the project area.

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

Finding: The proposed single-family residence is currently served by adequate public facilities.

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

Finding: A mitigation and/or restoration plan is not required as there will be no disturbance within the critical area or the critical area buffer. The majority of the work proposed by this permit occurs outside of critical area structure setback. Only 92 square feet of the expansion will occur within the critical area structure setback.

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

Finding: The applicant submitted documentation consistent with the requirement to demonstrate compliance with the requirements of LUC 20.30P, 20.25H and 20.20.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of Planning and Community Development does hereby **approve with conditions** the proposal to construct a 92 square foot expansion of an existing single-family residence into a wetland critical area structure setback.

Note- Expiration of Approval: In accordance with LUC 20.30P.150, a Critical Areas Land Use Permit 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.

X. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Tom McFarlane, 425-452-5207
Land Use Code- BCC 20.25H	Carol L. Orr, 425-452-2896
Noise Control- BCC 9.18	Carol L. Orr, 425-452-2896

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

A. **Rainy Season Restrictions:** Due to the adjacent wetland and the Shoreline regulated stream within it, no clearing and grading activity may occur during the rainy season, which is defined as November 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: Tom McFarlane, Development Services Department

B. **Building Permit:** Prior to initiation of any work on the existing residence the applicant must apply for and obtain approval of a Single-Family Addition Building Permit from the City of Bellevue.

Authority: Land Use Code 20.30P.140
Reviewer: Carol L. Orr, Development Services Department

C. **Noise related to Construction:** Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7:00 a.m. and 10:00 p.m. Monday through Friday, 9:00 a.m. and 10:00 p.m. on weekends. Operation of heavy equipment is limited to 7:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. and 6:00 p.m. on Saturday. No work is permitted on legal holidays.

Authority: Bellevue City Code 9.18
Reviewer: Carol L. Orr, Development Services Department

XI. Attachments:

1. Vicinity Map
2. Site Plan- In File