



**To:** Mr. Ralph Guditz  
P.O. Box 7133  
Bellevue, WA 98008

**RE:** Revision to approved Shoreline Substantial Development Permit for Widgeon Condominiums

**Project Number:** City of Bellevue **03-101406 WG**

**Project Location:** 3929 179<sup>th</sup> Lane SE, Bellevue on Lake Sammamish

**Revised Project Description:** Applicant has requested a minor revision to a previously approved Shoreline Substantial Development Permit to increase the height and ground area coverage of approved development on the site. As allowed by Land Use Code section 20.30R.190, an applicant may increase the height and ground area coverage of approved structures by up to 10 percent from the provisions of the original permit provided neither the maximum height nor lot coverage is exceeded. In this case, the ground area coverage is being increased to 4139 square feet from the previously approved 3,763 square feet. The height of both buildings is likewise being increased; Building A will go to 35 feet (the shoreline maximum) and building B to 32 feet, but neither building will exceed the allowed 10 percent increase. (The prior permit was for construction of six residential condominium units in two buildings. Because it is located in the West Lake Sammamish Annexation Area, the prior permitting was completed in keeping with an existing interlocal agreement between King County and the City of Bellevue. This revision to the prior approved permit is being reviewed by the City of Bellevue only.)

**Changes Made to Project Design:** This minor revision involves slight increases in over ground coverage and height. In addition, the proposed grading will be altered slightly and the buildings will incorporate automated stackable parking. In all other aspects, the project is unaltered.

**Revised Plans:** This Shoreline Substantial Development Permit Revision has been approved using drawings labeled Exhibit A and dated 07/02/2006 to establish the baseline from which the increases were calculated. (The proposed changes are outlined on the Schematic site plan and dated August 29, 2006. The previously approved plans were recreated and more accurately dimensioned using AutoCAD. This was done because the original plans, while drawn to scale, were not completely dimensioned and the irregular modulations and absence of dimensioning on some wall planes made calculation of the original square footage difficult to determine. As a consequence, the approved ground area coverage was determined to be 3,763 square feet not the 3,493 as stated on the original plans. Exhibit A represents the recreated building plans with the compartmentalized area calculations that allow accurate determination of the previously approved development. The proposed additions were compared to this recalculated area and found to be in compliance with the City of Bellevue Land Use Code section 20.30R.190

**Decision Criteria:**

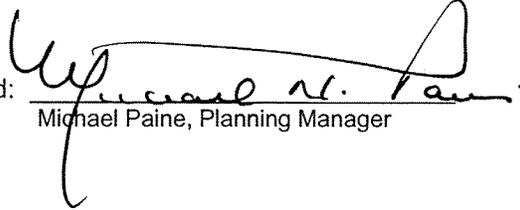
1. *The applicant has carried the burden of proof and produced evidence sufficient to support the conclusion that application merits approval or approval with modifications.*

Based on the evidence presented in Exhibit A, the revised plan set and other documentation in the file, the applicant has demonstrated that the requested square footage of over ground coverage and additional height is within the required 10 percent limit for a Minor Revision as outlined at LUC 20.30R.190.B.

2. *The applicant has demonstrated that proposal complies with the applicable decision criteria of the Bellevue City Code.*

As previously outlined in the approved staff report, the applicant demonstrated compliance with all applicable criteria of the State Shoreline Management Act and the provisions of the King County Shoreline Master Program and Comprehensive Plan. King County staff then made a recommendation to the City of Bellevue under the terms of the Interlocal Agreement between the City and the County and the City issued the Shoreline permit. This revision meets all relevant criteria of the Bellevue City Code.

Date: 3/22/07

Signed:   
Michael Paine, Planning Manager

**Note:** This approval does not authorize construction to begin. All other required local, state or federal permits must be obtained before construction can begin. Building permits and other ancillary permits are under review at King County

CC: Department of Ecology, Joe Burcar, 3190 160<sup>th</sup> Avenue SE, Bellevue, WA 98008-5452

Attachments: Shoreline Substantial Development Permit Staff Report dated 09/16/03  
Exhibit A: Area for Calculations  
Exhibit B: Memo explaining Area Calculations  
Revised Plan set dated August 29, 2006

**WIDGEON CONDOMINIUMS  
GUDITZ PROPERTY**

Date: January 8, 2007

By: Aaron Mollick

Re: Revision to Shoreline Permit; COB #03-101406

Clarification for measurement technique

Project Address: 3929 – 179<sup>th</sup> Lane SE  
Bellevue, WA 98008

Requested by: Michael Paine/ Dept. of Planning & Community Development

Response by: Aaron Mollick/ Stuart Silk Commercial, LLC  
Phone: 206.728.9500 Fax: 206.448.1337

**Note: See Exhibit "A" for graphics of narrative below.**

Explanation of measurement technique by Stuart Silk Commercial, LLC for previously approved Nash, Jones, & Anderson Widgeon Condominium site development plan drawing C2 of C6 revision dated 4-19-02 and stamped date Nov. 11, 2003 for Shoreline permit COB #03-101406:

The previous site development plan illustrating proposed building A and building B is drawn to scale with some included dimensioning. Because the building shapes have irregular modulations and all wall planes are not dimensioned on the plan, it is difficult to determine the exact ground area coverage of the buildings. By electronically re-drafting the drawing with AutoCAD, using the previously provided dimensions and scaling, the proposed building plans can be re-created with greater accuracy than scaling alone and areas can be accurately calculated.

Exhibit A is the re-created building plans with compartmentalized area calculations to assist with an accurate determination for the previously approved building areas. The building areas were computer using a calculation function in the AutoCAD program. The total previously approved proposed ground area coverage was 3,763 square feet, not 3,494 square feet as incorrectly numerically stated.

**END**



City of Bellevue  
 Department of Planning & Community Development  
 P.O. Box 90012, Bellevue, WA 98009-9012  
 (425) 452-6864 Fax (425) 452-5225

**Shoreline Management Act of 1971**  
**Permit for Shoreline Management Substantial**  
**Development**  
**Conditional Use and/or Variance**

Application No. King County L00SH016; City of Bellevue # 03-101406 WG

Date Received February 13, 2003

Approved / Date 09/16/03  
 Denied / Date \_\_\_\_\_

Type of Action:

- Substantial Development Permit
- Conditional Use Permit
- Variance Permit

**Pursuant to Chapter 90.58 RCW, a permit is hereby granted to:** Raph Guditz, P.O. Box 7133, Bellevue, WA 98008-1133

**To undertake the following development:** Construct a 6-unit residential condominium in two buildings with on-site parking. The two buildings combined will contain a total of 9,528 square feet. Parking is under building. Demolition of existing residential structures is included in this permit. (This project is located in West Lake Sammamish Annexation Area and is subject to the *Interlocal Agreement Between King County and the City of Bellevue Relating to the Processing of Building Permits and Land Use Applications*. Consequently, this application was noticed and reviewed by King County according to its codes and requirements under which the application was vested. The Decision to approve or deny, or approve with conditions is being made by the City of Bellevue based on a recommendation from King County.)

**upon the following property:** 3920 179<sup>th</sup> Lane SE

within Lake Sammamish and/or its associated wetlands. The project will be located \_\_\_\_\_ within Shorelines of Statewide Significance (RCW 90.58.030). The project will be located within a Shoreline Overlay (Urban Environment) designation. The following master program provisions are applicable to this development: See attached staff report

**Development pursuant to this permit shall be undertaken in accordance with the following terms and conditions:**  
 See conditions starting on page 6 of the attached staff report.

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof.

Construction pursuant to this permit, or substantial progress toward construction, must be undertaken within two years of the date of final approval. This permit shall expire five years from the date of local approval.

Construction pursuant to this permit will not begin or is not authorized until twenty-one (21) days from the date of filing, as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one (21) days from the date of such filing have terminated; except as provided in RCW 90.58.140(5) (A) (B) (C).

09/25/03  
 Date 09/25/03

Michael N. Davis  
 City of Bellevue, Land Use Division

CC: Attorney General, Department of Ecology, Northwest Region

Dept. of Fish and Wildlife, c/o Dent. of Ecology, 3190 160th Ave SE, Bellevue. WA 98008-5452 attn: Stewart Rienbolt



LAND USE SERVICES DIVISION  
Department of Development and Environmental Services  
900 Oakesdale Avenue Southwest  
Renton, WA 98055-1219  
(206) 296-6640

**Shoreline Substantial Development Report and Recommendation**  
**To the City of Bellevue**

Date of Transmittal: July 31, 2003

**SUBJECT:**

File No: L00SH016

Applicant: Ralph Guditz  
PO Box 7133,  
Bellevue, WA 98008-1133

Project Location: The project is located at 3929-179<sup>th</sup> Lane SE, Bellevue, WA. Also described as being in the NE ¼ of the NE ¼ of Section 13, Township 24 North, Range 05 East, W.M., King County WA.

Project Proposal: Construction of 6-residential condominiums in two buildings with on-site parking. The two buildings will contain a total of 9,528 square feet. Building "A" contains 3 condominiums with 3 floors over average grade parking. Building "B" is located between Building "A" and Lake Sammamish and contains 3 condominiums with 2 stories over average grade parking. Also demolition of the existing residential structures on site.

Zoning: Split zoning on the property has been identified as zone R-24 extending from the western property line approximately 50-feet with the remaining approximately 25-feet as zone R-6.

Request: Shoreline Substantial Development Permit.

Waterbody: Lake Sammamish

Shoreline Designation: Urban Environment

Shoreline Statewide Significance: Yes. [RCW 90.58.030]

BACKGROUND:

Prior to the issuance of this report and decision, the complete written record contained in the subject file was reviewed. The record includes the applicant's submittal, notification forms, pertinent information included by staff, and all correspondence and comments in response to the proposal.

FINDINGS:

1. On March 14, 2001 this property was annexed into the City of Bellevue as part of the West Lake Sammamish Area. An Interlocal Agreement Between King County And The City of Bellevue Relating To Processing Of Building Permits And Land Use Applications was filed with the City Clerk's Office of Bellevue on April 18, 2001.

- " 3. Pre-annexation Land Use Permit Applications Filed with King County.*

  - 1.1 Except as otherwise provided for herein, the County shall continue to review on behalf of the City all vested land use permit applications filed with the County before the effective date of annexation that involve property within the Annexation Area. Review by the County shall occur in accordance with the regulations to which the applications are vested. Any decisions regarding whether or when an application has vested shall be made by the City.*
  - 1.2 For those vested land use applications that do not require a public hearing prior to issuance, the County will continue to process such applications and shall make a report and recommendation to the City's Director of Planning and Community Development based upon the regulations under which the applications are vested. Any decisions to approve, deny, or approve with conditions such applications shall be made by the City's Director of Planning and Community Development and will be processed pursuant to the City's applicable land use review and appeal procedures (Chapter 20.35 BCC)."*

The shoreline substantial development permit was filed with DDES on October 6, 2000 and determined complete on October 26, 2000.

2. The criteria for authorizing Substantial Development Permits (SDP) as set forth in King County Code (KCC) 25.04.010 are incorporated into the findings by this reference. The shoreline substantial development permit is being sought in order to construct six condominiums within the shoreline management jurisdiction.

3. The purpose of the SDP request is to obtain consistency with the Shoreline Management Act of 1971 (RCW 90.58) and the King County Shoreline Management Master Program (KCSMP).
4. King County Department of Development and Environmental Services (DDES), having lead agency status determined that this proposal is categorically exempt from the State Environmental Protection Act (SEPA) review [KCC 20.44.040(1)(a)].
5. The shoreline designation is the Urban Environment. Current uses within the urban environment include multi-family housing and single-family residences. Recreational uses can be found on the adjacent water body of Lake Sammamish.
6. The underlying zoning for the property consists of two zones. Starting from the western property line extending 50 feet is the zoning classification R-24. The remaining 25 feet of the property to the eastern property line is the zoning classification of R-6. The appropriate zoning and application was determined during the review of the Building Permit File No. B00L1479.

The density for the property was determined by KCC 21A.12 to be 6 units. Further analysis of the density for this property is contained in the Building Permit File No. B00L1479.

7. Development proposed will maintain the required 50-setback from the Ordinary High Water Mark (OHWM) of Lake Sammamish. The proposed Buildings A & B are both shown on the site plans (Exhibit G-3b) as being within shoreline jurisdiction and will be under the maximum 35-foot height allowed within the shoreline environment. The maximum number of units reviewed for this permit is six (6) units and shall not be exceeded.
8. Access to the condominiums will be from West Lake Sammamish Parkway via a private road. The current easement for access measures 55-feet in width and contains a 10-foot wide paved road. Under the Building Permit File No. B00L1479, the applicant will be required to upgrade the paved portion of the easement to a total of 22-feet of paved roadway for ingress/egress that meets King County Road Standards.
9. The project will not affect existing public use of the shoreline or adjacent waters, as there is currently no public access located at this point along Lake Sammamish. The property currently shares dock access to the lake with the adjacent property to the east. The SDP application reviewed by DDES did not show any new piers, moorage or launching facilities that would be an accessory to the multifamily development.
10. Sensitive areas and wildlife concerns identified on the site include the 100-year Floodplain associated with Lake Sammamish, Seismic Hazard, Class 2 Stream

running east adjacent to the access road and Bald Eagle Habitat. The sensitive areas mentioned above have been identified and reviewed to KCC 21A.24 standards under Building Permit File No. B00L1479 and will not adversely impact the proposed project.

Comments:

Concerning the 100-year floodplain associated with Lake Sammamish, all development shall be required to occur upland of the floodplain elevation 33.0 feet (NGVD Datum) pursuant to the Shoreline Code KCC 25.16.030 (H) (1) (a).

*Senior Ecologist, "The applicant will be buffer averaging for their proposed road widening activities. Road expansion will occur on the west side of the existing paved road and will, therefore, not encroach any farther into the Class 2P, 50-foot stream buffer. The widening activities will result in the disturbance of 1,500 square feet of vegetated stream buffer that occurs on the west side of the road. Buffer averaging will be completed at a 1:1 ratio and will be consistent with the buffer averaging provision identified in KCC 21A.24.360(B). To be consistent with this code provision, the applicant will also provide 1,000 square feet of mitigation plantings on the east side of the road in a previously disturbed area (largely unvegetated)."*

*Senior Ecologist, "The parcel is identified as a bald eagle foraging habitat. Therefore, the applicant must keep all evergreen trees greater than 24 inches in diameter and at least 50% of pre-clearing or pre-construction conifer stand, with tree diameter distributions representative of the original stand. This applies to all activities within 250 horizontal feet of the shoreline or on top of a high bank bordering a shoreline."*

*Environmental Scientist-Geologist, related there were no concerns regarding geological issues for the shoreline review. All geological concerns would be addressed during the building permit review (B00L1479).*

11. The following documents were submitted in consideration of the Widgeon Condos under Building Permit File No. B00L1479:

Stream Buffer & Shoreline Mitigation Plan, Kvam Aquatic Sciences, October 31, 2002 with addendum produced on February 6, 2003.

Subsurface Exploration and Geotechnical Engineering Evaluation, RZA, INC., Geotechnical & Environmental Consultants, August 5, 1991.

COMMENTS: Both documents were reviewed to KCC 21A.24 standards under Building Permit File No. B00L1479.

12. Approximately 53.2% of the site will be covered with impervious surfaces after construction activities are completed or 7,889 square feet (Exhibit G-3b).
13. Appropriate erosion and sedimentation controls will be required for the project meeting current King County Surface Water Design Manual standards. Best management practices pursuant to the King County Surface Water Design Manual will be utilized during the construction of this project to reduce and control erosion impacts.
14. A temporary erosion and sedimentation control plan has been proposed to protect Lake Sammamish and the Class 2 Stream adjacent to the access road under the Building Permit File No. B00L1479.

COMMENTS:

*The temporary erosion and sedimentation control plan will be reviewed under Building Permit File No. B00L1479.*

15. Approval of a King County Building Permit File No. B00L1479 is required prior to commencement of construction.
16. KCC 20.20.060 (E) Notice of Application.
  - 1) A Land Use Action sign was posted at 3929-179<sup>th</sup> Lane SE, Bellevue, WA, giving notice of the pending application.
  - 2) Notice of the project's application was sent to the surrounding property owners of record within 500 feet of the proposed project on November 9, 2000, as taken from the King County Assessor's records.
  - 3) Notice of this application was published in the Seattle Times on October 30, 2000 and the Eastside Journal on November 9, 2000.
17. King County DDES received a considerable number of comments from nearby neighbors and the City of Bellevue as part of the 30-day public comment period required for Shoreline Management Substantial Development Permits. The comments related to:
  - Split Zoning on the Property
  - Wildlife Concerns
  - Sensitive Area Concerns
  - Traffic Impacts
  - Landscaping Issues
  - Adjacent Zoning in the City of Bellevue

CONCLUSIONS:

1. The application and supporting documentation for the SDP provide a sufficient level of information from which to establish conditions to ensure that the proposed project will be compatible with the surrounding environment and meet the goals and regulations of the SMA/KCSMP.
2. Provided the conditions listed below are implemented, granting of this SDP will comply with the SMA, as well as the KCSMP.

RECOMMENDATION:

APPROVE Shoreline Substantial Development Permit No. L00SH016, subject to the following conditions:

1. Nothing in this permit shall be construed as excusing the applicant from compliance with any federal, state, or local statutes, ordinances, or regulations applicable to this project other than the permit requirements of the Shoreline Management Act of 1971.
2. This permit may be rescinded pursuant to Section 14(7) of the Shoreline Management Act of 1971 in the event the permittee fails to comply with any conditions thereof.
3. Construction pursuant to this permit may not begin or be authorized until twenty-one (21) days from the date of filing the final order of King County with the Department of Ecology or the Attorney General; or until all review proceedings initiated within twenty-one (21) days from the date of such filing have been terminated.
4. TIME REQUIREMENTS OF THE PERMIT (WAC 173-27-090). The following requirements shall apply to all permits.
  - a. Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of the master program and the act, local government may adopt appropriate time limits as a part of action on a substantial development permit and local government, with the approval of the department, may adopt appropriate time limits as a part of action on a conditional use or variance permit: "Good cause based on the requirements and circumstances of the project," shall mean that the time limits established are reasonably related to the time actually necessary to perform the development on the ground and complete the project that is being permitted, and/or are necessary for the protection of shoreline resources.
  - b. Where neither local government nor the department include specific provisions establishing time limits on a permit as a part of action on the permit, the following time limits shall apply:

- i. Construction shall be commenced or, where no construction is involved, the use or activity shall be commenced within two years of the effective date of a shoreline permit. Provided, that local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and the department.
- ii. Authorization to conduct development activities shall terminate five years after the effective date of a shoreline permit. Provided, that local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and the department.
- iii. The effective date of a shoreline permit shall be the date of the last action required on the shoreline permit and all other government permits and approvals that authorize the development to proceed, including all administrative and legal actions on any such permit or approval. It is the responsibility of the applicant to inform the local government of the pendency of other permit applications filed with agencies other than the local government and of any related administrative and legal actions on any permit or approval. If no notice of the pendency of other permits or approvals is given to the local government prior to the date established by the shoreline permit or the provisions of this section, the expiration of a permit shall be based on the shoreline permit.
- iv. When permit approval is based on conditions, such conditions shall be satisfied prior to occupancy or use of a structure or prior to commencement of a nonstructural activity: *Provided*, That an alternative compliance limit may be specified in the permit.
- v. Revisions to permits under WAC 173-27-100 may be authorized after original permit authorization has expired under subsection (2) of this section: *Provided*, That this procedure shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.
- vi. Local government shall notify the department in writing of any change to the effective date of a permit, as authorized by this section, with an explanation of the basis for approval of the

change. Any change to the time limits of a permit other than those authorized by this section shall require a new permit application.

5. Construction shall occur in conformance to the plans and information received by King County on March 24, 2003 (Exhibit G-3b), and any additional information pursuant to Building Permit File No. B00L1479.
6. Copies of other approved state and federal permits from the Department of Fish and Wildlife (HPA), Department of Ecology (Water Quality Standards Modification), and National Pollutant Discharge Elimination System (NPDES), if necessary, shall be submitted to DDES - Shorelines prior to construction.
7. Any subsequent changes to the approved shoreline plans may require the applicant to obtain a new shoreline permit for a revision to this shoreline permit pursuant to WAC 173-27-100.
8. During construction, the applicant must use materials and construction methods, which prevent toxic materials, petrochemicals, and other pollutants from entering adjacent surface waters.
9. The parcel is identified as a bald eagle foraging habitat. Therefore, the applicant must keep all evergreen trees greater than 24 inches in diameter and at least 50% of pre-clearing or pre-construction conifer stand, with tree diameter distributions representative of the original stand. This applies to all activities within 250 horizontal feet of the shoreline or on top of a high bank bordering a shoreline.
10. Through the building permit process, the precise limits of clearing and grading shall be established.
11. Prior to construction, silt fences and straw bales shall be placed, as appropriate, along the perimeter of the construction zone.
11. Through the building permit process, the applicant shall comply with all water quality standards of the current King County Surface Water Design Manual during and after construction.
12. Through the building permit process, the applicant shall comply with all protection provisions of KCC 21A 24, and conditions brought forth through the Sensitive Areas Review.
13. Erosion controls and Best Management Practices (BMPs) shall be implemented and maintained to prevent uncontrolled discharge from entering adjacent surface waters.

14. All manmade debris from the project within the construction zone shall be removed and disposed of at a location licensed for such disposal.
15. A copy of the approved shoreline plans and any necessary revisions shall be kept on-site at all times during construction.

**ATTACHMENT A**  
**Parties and Persons of Interest**

Ralph Guditz, (Applicant)  
PO Box 7133,  
Bellevue, WA 98008-1133

Aramburu Law Offices (POR)  
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Robert Hunt, (POR)  
4165-178<sup>th</sup> Lane SE, Apt. 207,  
Bellevue, WA 98008-5992

Brad & Linda Kelleran (POR)  
4200 West Lake Sammamish Parkway, SE  
Bellevue, WA 98008

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3921-179<sup>th</sup> Lane SE,  
Bellevue, WA 98008

Andrew Ko, (POR)  
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Bellevue, WA 98008

Jim & Leslie Kramer, (POR)  
17840 SE 40<sup>th</sup> Place,  
Bellevue, WA 98008

Jeff & Cheryl Kylo, (POR)  
3925-179<sup>th</sup> Lane SE,  
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Bellevue, WA 98008

Nancy Talley, (POR)  
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Bellevue, WA 98008

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City of Bellevue,  
Utilities Department  
Attn. Scott Taylor  
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Elena Olinares, Engineer, Site Engineering & Planning Section, Building Services Division, DDES  
Pam Dhanapal, Supervisor, Building Plan Review Section, Building Services Division, DDES  
Jim Chan, Supervising Engineer, Site Engineering & Planning Section, Building Services Division, DDES  
Bill Mudd, Deputy Fire Marshall, Fire Engineering, Building Services, DDES  
Nancy Hopkins, Planner II, Site Engineering & Planning Section, Building Services Division, DDES  
Ron Ainslie, Site Development Specialist, Site Development Services, Land Use Services Division, DDES  
Cindy Callan, Commercial Plan Review Engineer II, Impact Review & Data Analysis Unit, DDES  
Bill Kerschke, Senior Ecologist, Site Development Services, Land Use Services Division, DDES  
Todd Hurley, Earth Scientist, Site Development Services, Land Use Services Division, DDES  
Chad Tibbits, Planner II, Current Planning Section, Land Use Services Division, DDES  
Mark Mitchell, Shoreline Administrator, Current Planning Section, Land Use Services Division, DDES