



City of Bellevue
Department of Planning and Community Development
Development Services Staff Report

Proposal Name: Kaplan Residence

Proposal Address: 3819 165th PL SE

Proposal Description: The applicant is proposing to expand into a critical area buffer from the top of a critical slope in order to add a 296 square foot sunroom to an existing single family residence. The proposal includes restoration of 500 square feet of maintained lawn with native vegetation within the critical area buffer to mitigate for the impacts of the residential addition.

File Number: 06-133189-LO

Applicant: Stacy Bottorff, Sun Spaces

Decisions Included: Critical Areas Land Use Permit (Process II. LUC 20.25H.145)

Planner: Leah Hyatt, Assistant Planner

State Environmental Policy Act Threshold Determination: Exempt

Director's Decision: Approval with Conditions



Matthew A. Terry
Director of Department of Planning and
Community Development

Application Date: 11/7/06
Decision Publication Date: 12/28/06
Project Appeal Deadline: 1/11/07

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. Project Description

The applicant is requesting approval of a Critical Areas Land Use Permit to expand an existing single family residence into the 50 foot buffer from the top of a critical slope. The applicant is proposing a 296 square foot addition for a sunroom room off of the kitchen. The sunroom is intended to provide additional dining area adjacent to the existing kitchen. This type of use could not be accommodated in a different location of the house. The expansion will disturb area already maintained as lawn and landscaping. The sunroom will consist of a slightly above grade aluminum paneled structure supported on a foundation system consisting of cylindrical CIP concrete piers of varying diameters. The proposed addition will be 21.5 feet long and extend out from the existing residential structure approximately 12.5 feet.

An analysis of this site was completed by HWA Geo Sciences Inc., dated October 30, 2006. The report analyzed the proposal and all probable impacts to the critical slope in accordance with the requirements of Land Use Code (LUC) Section 20.25H. As part of the assessment, HWA performed a review of the pertinent geological maps, conducted a site reconnaissance to observe local topographic features, and excavated three shallow borings to delineate the site soil conditions within the footprint of the proposed addition. No groundwater seeps or surface water erosions were seen on site and the existing house showed no apparent signs of settlement or foundation distress. There were no distinct signs of recent or past movement on the hill slope and the upper surface soils were found to be medium dense, at shallow depth when probed with a three foot long, half inch diameter steel T-handled bar. The report concluded the proposed expansion into the critical area buffer will still result in sufficient undisturbed area to act as a buffer to the critical slope along with the proposed mitigation. See discussion in Sections III and VIII of this report for analysis of critical area report decision criteria.

II. Site Description and Context

The existing home occupies approximately 2,370 square feet in the southwest corner of the 19,950 square foot lot located at 3819 165th PL SE. In addition, a 350 square foot deck greater than 30 inches in height is located along the eastside of the house. The site is located within the Eastgate Subarea with a Comprehensive Plan Designation of Single-Family High. The house is set into a slope inclined gently to the northeast at about 8% or less in grade. A distinct break in slope is located approximately 21 feet from the existing residence on the east side of the property and extends to about 35 feet on the west side of the property. The slope averages 60 percent in grade and is well vegetated with native undergrowth, coniferous and deciduous trees. The top of slope critical area buffer has been maintained as lawn. One significant Douglas fir is located within the buffer and is not proposed to be removed with this request. Other properties in the immediate vicinity are developed with residences within the critical area buffer from the top of slope.

III. Consistency with Land Use Code and Zoning Requirements

A. Zoning District Dimensional Requirements:

The lot is located within the R-5 zoning district. The dimensional requirements for this zoning district are as follows:

ZONING INFORMATION		
Zoning District	R-5	
Gross Site Area	19,950 Square Feet	
ITEM	REQ'D/ALLOWED	COMMENTS
Minimum Lot Area	7,200 Square Feet	
Maximum Building Height	30 Feet	
Minimum Lot Coverage For Structures	35%	
Building Setbacks		
Front Yard	20 Feet	
Rear Yard	20 Feet	
Min. Side Yard	5 Feet	
2 Side Yard	15 Feet	
Access Easement	10 Feet	

B. Critical Areas

Land Use Code section 20.25H.120 designates steep slopes of 40 percent or more that have a rise of at least 10 feet and exceed 1,000 square feet in area as critical areas. The proposed expansion is an allowed activity and shall meet the requirements of 20.25H.055.C which established performance standards for expansions of existing single-family primary structures into critical area buffers, and LUC Section 20.25H.125 which established performance standards for geological hazard areas.

LUC Section 20.25H.055.C.3.n.i – Where allowed, expansions into the critical area buffer and critical area structure setback shall be limited as follows:

- A. The expansion shall be along the existing building line parallel to the edge of the critical area, unless such expansion is not feasible. Only when such expansion is not feasible may expansion encroach further into the critical area buffer and critical area structure setback.

Finding: Due to the location of the existing kitchen and the desire to add dining space, it is not feasible to expand along the existing line parallel to the edge of the critical area. The proposed sunroom will be

connected to the kitchen via an existing sliding glass door. In order to locate the sunroom on the side of the residence parallel to the critical area, the applicant would need to renovate their entire kitchen including relocation of existing plumbing and electrical, as well as cutting a new entry point.

- B. Expansions shall be the minimum necessary to achieve the intended functions of the expansion, but in no event may the footprint of the expansion within the critical area buffer and critical area structure setback exceed 500 square feet over the life of the structure.

Finding: The proposed 296 square foot sunroom addition achieves the desired additional functional dining area without exceeding 500 square feet.

- C. Areas of new permanent disturbance and all areas of temporary disturbance within the critical area buffer shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC Section 20.25H.210.

Finding: Proposed mitigation for the expansion shall restore 500 square feet of critical area buffer currently maintained as lawn with native vegetation. The proposed restoration will likely provide an increase in slope stability, improved stormwater infiltration, and more appropriate wildlife habitat within the critical area buffer area than is currently provided by the lawn area. The plan shall include a minimum of 9 trees (Douglas Fir or Red Alder) spaced at 15 feet on center, 14 native shrubs (Oceanspray, Beaked Hazelnut or Snowberry) 5 feet on center and 16 mixed groundcover/perennials (Sword Fern, Kinnikinnick and Fireweed). **See Conditions of Approval in Section VIII of this report regarding foundation requirements.**

LUC Section 20.25H.055.C.3.n.ii – For purposes of this section, expansion outside of the critical area buffer and critical area structure setback shall be considered not feasible only when, considering the function to be served by the expansion and the existing structure’s layout and infrastructure (including plumbing, drainage and electrical systems):

- A. Expansion away from the critical area buffer and critical area buffer area structure setback within the buildable area of the site will not realize the intended functions of the expansion; and
- B. Expansion away from the critical area buffer and critical area structure setback including into non-critical area setbacks modified pursuant to LUC 20.25H.040, will not realize the intended functions of the

expansion; and

- C. Expansion upwards to the maximum building height of the underlying land use district, within the existing footprint, or together with expansions permitted under subsections (ii)(A) and (B) above, will not realize the intended functions of the expansion.

Finding: The sunroom is intended to be used as additional dining space and is appropriately placed adjacent to the kitchen. Expansion away from the critical area buffer is not feasible because of the location of the existing kitchen, and expansion into the non-critical area structure setback areas as allowed under LUC 20.25H.040 would not achieve the desired goal. Further, additional building height is not feasible to achieve the desired function as kitchen and dining areas are typically located at the same floor level.

LUC Section 20.25H.125 – Performance Standards – Landslide Hazards and Steep Slopes. In addition to generally applicable performance standards set forth in LUC 20.25H.060 and 20.25H.070, development within a landslide hazard or steep slope critical area or the critical area buffers of such hazards shall incorporate the following additional performance standards in design of the development, as applicable. The requirements for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function.

- A. Structures and improvements shall minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to the existing topography;

Finding: The area of the proposed addition has an existing grade of less than 6 percent based on the analysis from a geotechnical report prepared by HWA Geo Sciences Inc., dated October 30, 2006. The foundation will consist of pier foundations that will extend a minimum of one foot into the dense to very dense glacial support which will mitigate expected impacts to and equal level that would exist without disturbing the buffer.

The proposal minimizes the alteration of natural contours and grading, provides interception of new roof run-off, uses below grade foundations instead of shallow foundations and retained fill and incorporates the BMP's approved by the City of Bellevue for use during construction and site restoration.

- B. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;

Finding: Based on the findings of the Critical Areas Assessment Report by HWA Geo Sciences Inc., the proposed addition will not impact local stability to any significant degree. The addition will not modify the steep slope portion of the hillside and not significant vegetation will be impacted with this proposal..

- C. The proposed development shall not result in a greater risk or a need for increased buffers on neighboring properties;

Finding: The stability of adjacent critical areas will not be negatively impacted as a result of the expansion. The adjacent single-family residences are all constructed within the critical area buffer, and the proposed expansion will still maintain a buffer greater than that which is existing on neighboring properties.

- D. The use of retaining walls that allow maintenance of existing natural slope area is preferred over graded artificial slopes where graded slopes would result in increased disturbance as compared to use of retaining walls; and

Finding: No grading outside of the expansion is proposed. No rockeries or retaining walls are proposed and part in parcel of the expansion.

- E. Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer.

Finding: The proposed expansion is the minimum necessary to achieve a functional space. There will be no patio off of the proposed expansion, the impervious surface will be limited to the area of expansion only.

- F. Where change in grade outside the building footprint is necessary, the site retention system should be stepped and regrading should be designed to minimize topographic modification. On slopes in excess of 40 percent, grading for yard area may be disallowed where inconsistent with the criteria;

Finding: No grading is proposed outside of the building footprint.

- G. Building foundation walls shall be utilized as retaining walls rather than rockeries or retaining structures built separately and away from

the building wherever feasible. Freestanding retaining devices are only permitted when they cannot be designed as structural elements of the building foundation.

Finding: No separate rockeries or retaining walls are proposed.

- H. On slopes in excess of 40 percent, use of pole type construction which conforms to existing topography is required where feasible. If pole-type construction is not technically feasible, the structure must be tiered to conform to the existing topography and minimize topographic modification;

Finding: The expansion is proposed within the buffer and will use pier foundations. There will be no disturbance of the critical slope.

- I. On slopes in excess of 40 percent, piled deck support structures are required where technically feasible for parking or garages over fill based construction types;

Finding: This standard is not applicable to this application since no grading of slopes in excess of 40 percent is proposed.

- J. Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC Section 25.25H.210.

Finding: The applicant shall restore 500 square feet of critical area buffer with native vegetation to mitigate disturbance associated with the proposed sunroom addition. The existing buffer area and the proposed location of the expansion are currently maintained as lawn. The proposed restoration will likely provide an increase in slope stability, improved stormwater infiltration, and more appropriate wildlife habitat within the critical area buffer area than is currently provided by the lawn area. The plan shall include a minimum of 9 trees (Douglas Fir or Red Alder) spaced at 15 feet on center, 14 native shrubs (Oceanspray, Beaked Hazelnut or Snowberry) 5 feet on center and 16 mixed groundcover/perennials (Sword Fern, Kinnikinnick and Fireweed). Impacts will be mitigated by application of best management practices for temporary erosion and sedimentation controls and rainy season restrictions on clearing and grading. **See Conditions of Approval in Section VIII of this report regarding restoration plan.**

IV. Summary of Technical Reviews

A. Clearing and Grading:

The Clearing and Grading Division of the Planning and Community Development 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 concurred with the findings within the Geotechnical Report.

V. Public Notice and Comment

Application Date:	November 7, 2006
Public Notice (500 feet):	November 30, 2006
Minimum Comment Period:	December 14, 2006

The Notice of Application for this project was published in the King County Journal and the City of Bellevue Land Use Bulletin on November 30, 2006. It was mailed to property owners within 500 feet of the project site. No public comments were received.

VI. Decision Criteria

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

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

Finding: The applicant must obtain a single-family remodel building permit for the sunroom and a clearing and grading permit for the restoration work.

B. 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 expansion will be build on pier foundations and does not include any grading outside of the building footprint. No additional rockeries or retaining walls are required to support the expansion. **See Conditions of Approval in Section VIII of this report foundation requirements.**

C. 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 proposal meets the performance standards of LUC Section 20.25H.055 for expansion into a critical area buffer and LUC Section 20.25H.120 for areas of geological hazards.

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

Finding: The proposed expansion will not impact the existing service level.

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

Finding: As proposed mitigation for the expansion the applicant shall restore 500 square feet of buffer area with native vegetation. The existing buffer area and the proposed location of the expansion are currently maintained as lawn. The proposed restoration will likely provide an increase in slope stability, improved stormwater infiltration, and more appropriate wildlife habitat within the critical area buffer area than is currently provided by the lawn. The plan shall include a minimum of 9 trees (Douglas Fir or Red Alder) spaced at 15 feet on center, 14 native shrubs (Oceanspray, Beaked Hazelnut or Snowberry) 5 feet on center and 16 mixed groundcover/perennials (Sword Fern, Kinnikinnick and Fireweed). A Landscape Maintenance Device will be required to be submitted prior to the issuance of any associated permits. **See Conditions of Approval in Section VIII of this report regarding restoration plan.**

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

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

VII. 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 Planning and Community Development does hereby **approve with conditions** the proposed expansion into the critical area buffer.

A Critical Areas Land Use Permit setback modification automatically expires and is void if the applicant fails to file for a Building Permit or other necessary development permit within one year of the effective date of the approval.

VIII. 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	Tom McFarlane, 425-452-5207
Land Use Code- BCC Title 20.25H	Leah Hyatt, 425-452-6834
Noise Control- BCC 9.18	Leah Hyatt, 425-452-6834

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

- 1. Pier Foundation Requirement:** A foundation plan showing pier foundations which extend a minimum of 1 foot. into the dense to very dense, glacial till is required to be submitted and approved by the City of Bellevue Building Division prior to the issuance of any building permit.

Authority: Land Use Code 20.25H.125
Reviewer: Leah Hyatt, Planning and Community Development Department

- 2. Restoration Plan:** A restoration plan for 500 square feet adjacent to the top of slope is required to be submitted and approved by the City of Bellevue prior to the issuance of any building permit. The plan shall include a minimum of 9 trees (Douglas Fir or Red Alder) spaced at 15 feet on center, 14 native shrubs (Oceanspray, Beaked Hazelnut or Snowberry) 5 feet on center and 16 mixed groundcover/perennials (Sword Fern, Kinnikinnick and Fireweed).

Authority: Land Use Code 20.25H.125
Reviewer: Leah Hyatt, Planning and Community Development Department

- 3. Rainy Season restrictions:** Due to the proximity to a steep slope, 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 Department of Planning and Community Development. 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, Planning and Community Development Department

- 4. Landscape Maintenance Security:** The applicant must submit a combined Landscape Installation and Maintenance Security in the amount of 100 percent of the costs of buffer restoration, including labor, materials. The security may be released

after the vegetation has successfully been installed and maintained for a period of one year.

Authority: Land Use Code 20.25H.125

Reviewer: Leah Hyatt, Planning and Community Development Department

5. **Noise Control:** The proposal will be subject to normal construction hours of 7 am to 10 pm Monday through Saturday except for Federal holidays and as further defined by the Bellevue City Code. Upon written request to PCD, work hours may be extended to 10 pm if the criteria for extension of work hours as stated in BCC 9.18 can be met. Use of heavy equipment will be prohibited outside of normal construction hours.

Authority: Bellevue City Code 9.18

Reviewer: Leah Hyatt, Planning and Community Development Department

X. Attachments:

1. Vicinity zoning map
2. Site context map
3. Site Plan
4. Critical Areas Report

Kaplan

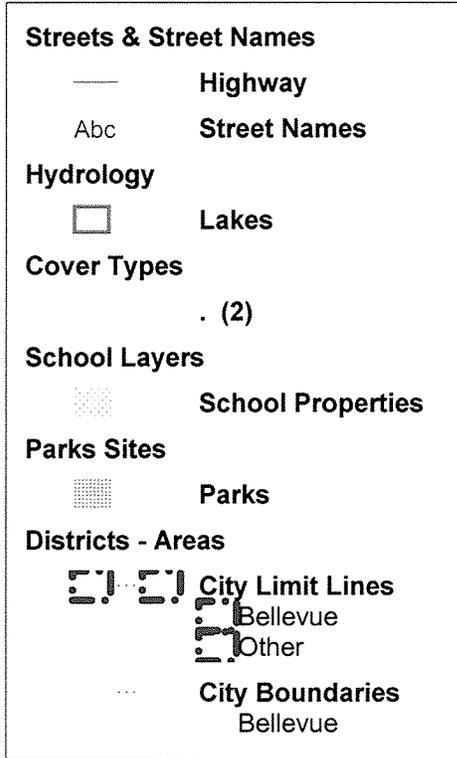
ATTACHMENT 1

Streets & Street Names	
—	Highway
Abc	Street Names
Hydrology	
□	Lakes
Cover Types	
.	(2)
School Layers	
•••••	School Properties
Parks Sites	
•••••	Parks
Districts - Areas	
⌈⌋	City Limit Lines
⌈⌋	Bellevue
⌈⌋	Other
⋯	City Boundaries
⋯	Bellevue

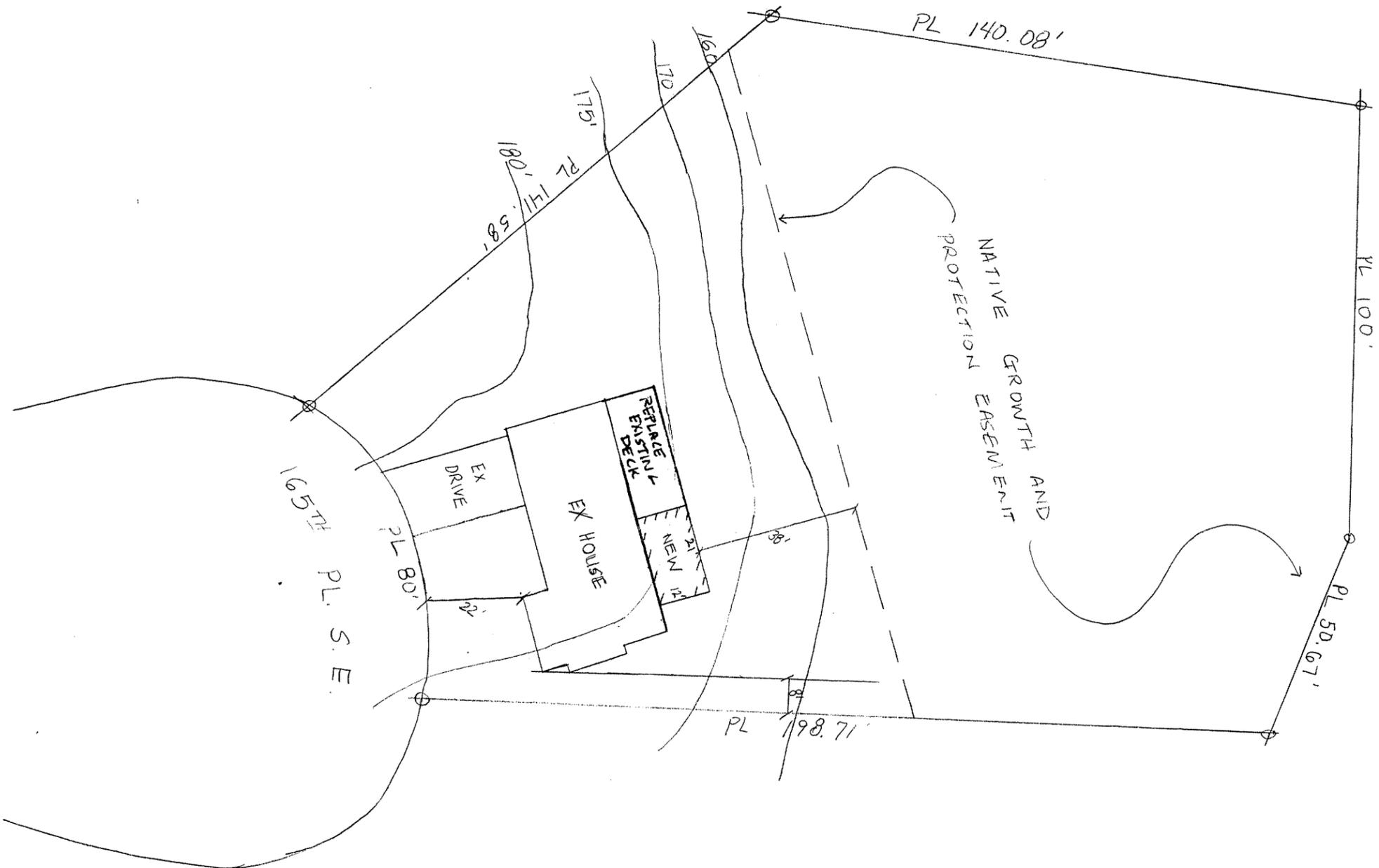


Kaplan

ATTACHMENT 2



ATTACHMENT 3



OWNER	KAPLAN, DMITRY
ADDRESS	3819 165TH PL SE, 98008
APN #	3459300110
LEGAL	11 HORIZON EAST
ZONE	R-5
SCALE	1" = 30'

RECEIVED

NOV 07 2006

Permit Processing

