City of Bellevue
Development Services Department
Land Use Staff Report

Proposal Name:	Newport Vista
Proposal Address:	12010 SE 32nd Street (Henry Bock Road)
Proposal Description:	The project proposes the construction of offices and storage space. The parcel is in a multi-family transition zone adjacent to a R-20 zoned condominium complex. The proposal requests the elimination of a portion of degraded steep slope critical area from regulated status, along with the associated buffers.
File Number:	07-142852-LD & 07-142850-LO
Applicant:	**Newport Shores Vista LLC**
Decisions Included:	Design Review and Critical Areas Land Use Permit (Process II. LUC 20.30F and 20.30P)
Planner:	Kevin LeClair, Senior Land Use Planner
State Environmental Policy Act Threshold Determination:	**Determination of Non-Significance** Carol V. Helland Carol V. Helland, Environmental Coordinator Development Services Department
Director's Decision:	**Approval with Conditions** Carol V. Helland Carol V. Helland, Land Use Director Development Services Department

Application Date:	9/27/2007
Notice of Application Publication Date:	10/18/2007
Decision Publication Date:	7/31/2008
Project/SEPA Appeal Deadline:	8/14/2008

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.

DEPARTMENT OF DEVELOPMENT SERVICES
ENVIRONMENTAL COORDINATOR
450 100th Ave NE., P.O. BOX 90012
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Newport Shores Vista LLC

LOCATION OF PROPOSAL: 12012 SE 32nd Street (Henry Bock Road)

NAME & DESCRIPTION OF PROPOSAL: Newport Vista

Application for the proposed demolition of an existing, single-family structure, previously converted to construction office space and a detached garage/shop structure, to build a two-story structure with warehouse storage units on the first floor and office space on the second floor. The redevelopment proposal includes the removal of a portion of low-quality steep slope area from critical area status and the reduction of the critical area buffer to minimum distance of 20 feet in order make way for the proposed commercial structure.

FILE NUMBER: 07-142850-LO & 07-142852-LD

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Department of Planning & Community Development. This information is available to the public on request.

☐ There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on March 16, 2006.

X This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on August 14, 2008.

☐ This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project): or if the DNS was procured by misrepresentation or lack of material disclosure.

Carol V Helland — **Environmental Coordinator**

7-31-08 — **Date**

OTHERS TO RECEIVE THIS DOCUMENT:
State Department of Fish and Wildlife
State Department of Ecology,
Army Corps of Engineers
Attorney General
Muckleshoot Indian Tribe

TABLE OF CONTENTS

SECTION		PAGE
I.	Background	3
II.	Critical Area On Property	5
III.	State Environmental Policy Act	6
IV.	Consistency with Land Use Code	8
V.	Summary of Technical Reviews	13
VI.	Public Notice and Comment	15
VII.	Decision Criteria	15
VIII.	Conclusion and Decision	20
IX.	Conditions of Approval	21
X.	Attachments	28
Attachment 1 – Vicinity Map		29

I. Background

A. Project Description

The applicant proposes to demolish an existing, single-family structure, previously converted to construction office space and a detached garage/shop structure, to build a two-story structure with warehouse storage units on the first floor and office space on the second floor.

The property, zoned Light Industrial (LI), is adjacent to an R-20 multi-family residential zone. Therefore the property is within the 150-foot multi-family transition overlay district and subject to design review.

The redevelopment proposal includes the removal of a portion of low-quality steep slope area from critical area status and the reduction of the critical area buffer to minimum distance of 20 feet in order make way for the proposed commercial structure.

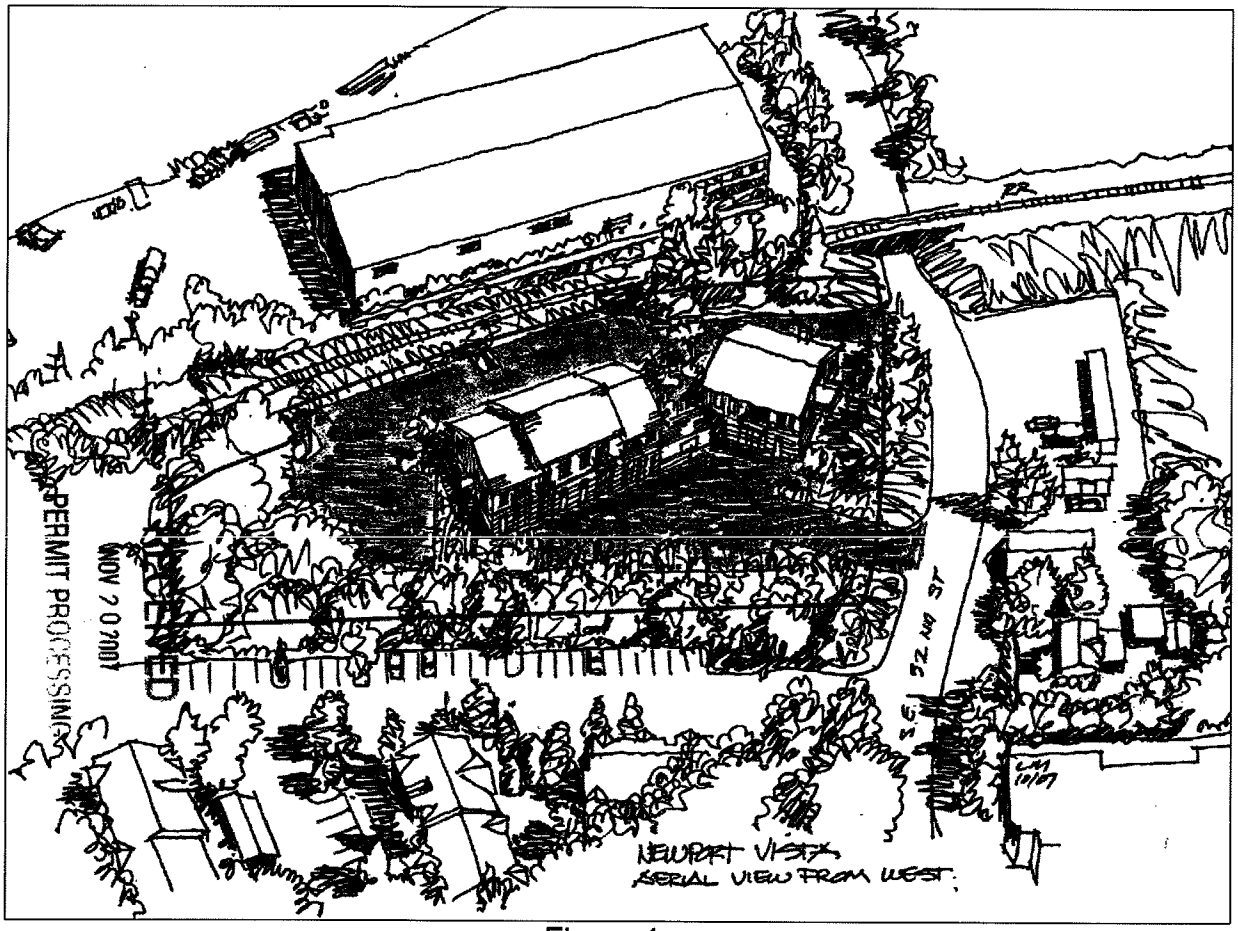


Figure 1

B. Site Description

The property, shown below in Figure 2, is located at 12010 SE 32nd Street (Henry Bock Road) (King County Parcel # 0924059149). The property is in the Richards Valley Comprehensive Plan Subarea and the West Bellevue Neighborhood Enhancement Program area. The site is in the LI land use zoning district and is designated light industrial in the Comprehensive Plan.

The irregularly shaped property encompasses approximately 47,800 square feet and is oriented with its long axis running north-south 300 feet. The property is 195 feet wide on its southern end and 115 feet wide at the north end.

Access to the property is from SE 32nd Street along the property's southern boundary. A circular driveway connects to the street at the southwest and southeast corners of the property. There is some limited parking on the east and west side of the existing primary structure. A driveway spur continues past the primary structure to an accessory structure and fenced-in parking area on the north half of the property.

The adjacent property to the west and north is zoned R-20 and contains a condominium complex. The property abuts railroad right-of-way to the east and the public road right-of-way to the south.

The existing primary structure is situated on the southern half of the property. To the north of the primary structure and for much of the western property line there is a steep slope area with a elevation change in excess of 10 feet and a land area in excess of 1,000 square feet. Two flights of stairs ascend the steep slope area to the northern parking area and garage/shop accessory structure. The parking area is used as secure facility for storage of vehicles and materials.

The vegetation on the site is mixture of significant conifer and deciduous trees, native and ornamental shrubs and large patches of exotic ground covers and grasses. The steep slope area proposed for removal of critical area status is dominated by invasive species and debris.

C. Need for Modification

As stated above, the presence of the critical area steep slope in the center of the property effectively bisects the property into northern and southern halves. In order to facilitate the construction of the proposed office and storage space in a manner that provides for the majority of the parking on the east side of the structure and away from the R-20 multi-family district the removal of the steep slope area is required. The removal of the steep slope, along with the articulation of the façade of the building soften the building form, make it more compatible with the surrounding land use. Furthermore, when the regulatory buffers are applied, without modification, the structures would have to be so far east on the property that access would be limited to

the west side of the building. This would require putting additional parking and driveways on the west side of the buildings, where landscaping and restoration activities are currently planned.

Figure 2

II. Critical Area on the Property

A. Geologic Hazard Area - Steep Slopes

A submitted topographic survey showed a regulated geologic hazard area –steep slope on the property. The total elevation difference is 12 feet in grade change. The steep slope area continues off of the property to the neighboring properties to the west, exceeding 1,000 square feet in area. Steep slope critical areas are afforded a 50-foot critical area buffer, measured from the top-of-slope, and a 75-foot structure, measured from the toe-of-slope.

The applicant is proposing to remove a low-quality portion of the steep slope area in the

center of the property in order to make way for the construction of a commercial structure and reduce the critical area buffer to a minimum distance of 20 feet.

A geotechnical evaluation was prepared for the applicant by Earth Solutions NW, LLC. Four test pits were dug to investigate the subsurface conditions in the area of the proposed development. Observations by the geotechnical engineer and engineering geologist indicate the site is underlain primarily by approximately three to six feet of fill and native soil, transitioning to advance outwash sand deposits. Groundwater seepage was not observed.

The geotechnical report found that the steep slope area southwest of the garage/shop on the property is likely "man-made" and was created during the prior site development. This is the same slope that is proposed for removal from critical area status.

The geotechnical engineer stated, "the impact of the proposed development on the steep slopes will be negligible, except for the man-made slope that will be removed." It was their professional opinion that the impacts to the critical areas from the proposed development are equivalent to a project constructed on the site with the standard regulatory buffers and setbacks.

III. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes are expected to mitigate potential environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

A. Earth and Water

The property contains slopes from 5% in grade to slopes in excess of 40% in grade. The underlying soils are generally advance outwash sands. The soil are of the Alderwood series. The soils present severe erosion hazard. The City's temporary erosion and sedimentation control best management practices will be adequate in controlling erosion on the site during development activities.

There were no surface or groundwater resources identified on the property.

B. Animals

The property and the Washington Department of Fish and Wildlife Priority Species and Habitats maps were analyzed by a wetland ecologist to determine the presence of any critical habitat resources or evidence of threatened or endangered species. The

property does not contain any surface water sources or vegetation that would serve as significant habitat for any species of local importance. The nearest habitat resource, the Mercer Slough nature park, is approximately 400 feet west of the property, but there is no surface water or vegetation corridor connection. The Mercer Slough will not be adversely affected by the development of the property.

Impacts from the proposed development will be minimized through the protection of the significant trees outside of the areas of disturbance.

C. Plants

Vegetation on the property is located mainly on the north and west boundaries. The trees consist of red alder, big-leaf maple, Douglas-fir, and western red cedar. The shrubs include Oregon grape, vine maple, and Himalayan blackberry.

Impacts from the proposed development will be minimized through the protection of the significant trees outside of the areas of disturbance. Furthermore, the site will be enhanced through the removal of invasive, non-native species and the installation of desirable plantings.

D. Noise

The site is adjacent to a multi-family use 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.

E. Transportation Impacts and Mitigation

Long Term

The long-term impacts of development projected to occur in the City by 2017 have been addressed in the City's Transportation Facilities Plan EIS. The impacts of growth which are projected to occur within the City by 2017 are evaluated on the roadway network assuming that all the transportation improvement projects proposed in the City's current Transportation Facilities Plan are in place. The Transportation Facilities Plan EIS divides the City into several Mobility Management Areas (MMAs) for analysis purposes. Newport Vista lies within MMA # 7, which has a 2017 total growth projection of 13,180 square feet of office and 36,424 square feet of industrial land uses. This development proposes demolishing 1,800 square feet of office and 1,420 square feet of light industrial land uses and constructing two new buildings having a total area of 2,500 square feet office and 13,400 square feet of light industrial use. Hence, this redevelopment project proposes a net increase of 700 square feet of office space and 6,780 square feet of light industrial land use. Therefore, the volume of proposed development is within the assumptions of the Transportation Facilities Plan EIS.

Traffic impact fees are used by the City to fund street improvement projects to alleviate traffic congestion caused by the cumulative impacts of development throughout the

City. Payment of the transportation impact fee, as required by BCC 22.16, contributes to the financing of transportation improvement projects in the current adopted Transportation Facilities Plan, and is considered to be adequate mitigation of long-term traffic impacts. Fee payment is required at the time of building permit issuance.

Mid-Range
Project impacts anticipated to occur in the next six years are assessed through a concurrency analysis. The Traffic Standards Code (BCC 14.10) requires that development proposals generating 30 or more p.m. peak hour trips undergo a traffic impact analysis to determine if the concurrency requirements of the State Growth Management Act are maintained.

This development will generate approximately 11 net new p.m. peak hour trips and hence concurrency testing was not required for the development. The 11 new p.m. peak hour trips will not have a significant impact on the traffic in the area.

Short Term Operational Impacts and Mitigation
City staff analyzed the short term operational impacts of this proposal in order to recommend mitigation if necessary. These impacts included traffic operations conditions during the peak hours. The 11 new p.m. peak hour trips generated by the development will not impact the traffic operations on SE 32nd street which is a dead end street with 15 mph speed limit near the project site.

IV. Consistency with Land Use Code (LUC)

A. Zoning District Dimensional Requirements (LUC 20.20)
The property is located in the LI Land Use Zoning district. The general dimensional requirements for the property are as follows:

DIMENSIONAL STANDARD	Minimum Required	Proposed
Front Yard Setback	15'	15'
Rear Yard Setback	Landscape per LUC 20.20.520 requires 20' of landscape.	20' of landscape.
Side Yard Setback (2 Side Yards)	Landscape per LUC 20.20.520 Requires 8 feet of Landscape along property line equal to 2,157 square feet.	Proposed landscaping consistent with Alternative Landscape Option. Structure is setback 41' from west property line and 34' from east property line.**
Building Height	30' and up to 45' with bonuses	32'-8"
Lot Coverage*	50%	33%
Impervious Surface	85%	69%

* Lot coverage is calculated after subtracting all critical areas and critical area stream

buffers. (LUC 20.20.010, footnote (13)).
** The Transition Overlay District requires 20 feet of landscaping along interior property lines when they provide transition to an abutting land use district of lesser intensity. (LUC 20.25B.040.B)

B. Approved Uses in Light-Industrial Zoning District (LUC 20.10.440)
The applicant is proposing a mixture of construction offices, storage and leased storage space for the proposed structure. These uses are considered contract construction services and warehouse and storage services and are permitted uses within the Light-Industrial land use zoning district.

Other uses within the proposed structures may or may not be permitted in the underlying land use zone. Any change to the use within the proposed structure will require a land use exemption review to ensure conformance with the approved uses in the land use district and consequent parking requirements.

C. Parking Requirements (LUC 20.20.590)
The applicant is proposing contract construction services for 7,260 square feet and warehouse storage for 7,660 square feet. Based on the square footage of the proposed uses at the property the applicant is required to provide a minimum of 39 stalls with no maximum to accommodate the two primary uses at the site. The proposal include the provision of 46 stalls, which is consistent with the parking requirements for the proposed uses.

D. Transition Area Design District (LUC 20.25B)
The Transition Area Design District is intended to provide a buffer between a residential land use district and a land use district which permits development of higher intensity. Where commercial development is planned adjacent to residential uses, such development should incorporate elements in the site design and building design to soften its impact and result in a compatible transition.

The property is zoned Light Industrial and is adjacent to an R-20 land use district. Therefore, all of the property within 150 feet of the property zoned R-20 is subject to the design guidelines in LUC 20.25B.

1. Development Standards (20.25B.040)
Building Height – The basic height for a building in the LI zone is 30 feet without bonuses, with a maximum of 45 feet allowed with bonuses. The project is proposing a pitched roof and no mechanical equipment on the roof, therefore the allowed height for the structure is 40 feet from the average existing grade. The applicant is proposing a building height of 32 feet-8 inches, as shown in Figure 2 below.

Setbacks – The primary structure is required to be setback 15 feet from the front

property line, 30 feet from the side property line that is providing transition and 8 feet from the side property line that is not providing transition. The applicant is proposing to place the structure 15 feet from the front property line, 41 feet from the side property line providing transition and 34 feet from the side property line not providing transition.

Landscaping, Open Space and Buffers – The transition overlay requires 20 feet of landscape buffer along all of the property lines providing transition. This represents the west and north property lines. The proposal includes to 20 feet or more of landscape buffering along the west and north property lines, in addition to preserving all of the significant trees within the landscape buffer.

The project is required to have a 10 foot landscape buffer on the front, or south, property line, which is exceeded by a minimum of 5 feet for the entire length of the frontage.

The eastern property line is required to contain an 8 foot wide strip of landscaping, which equates to 2,157 square feet of landscaping. The applicant is proposing to use an alternative landscape option. Pursuant to LUC 20.20.520.J., the proposal includes 624 square feet of landscaping along the east property, with an additional 5,958 square feet on the site interior. The proposal represents an equal or better result than which would be achieved by strict application of the code, because it places the landscaping on the interior and in the front of the property, as opposed to along the east property line adjacent to the undeveloped railroad corridor. The proposed landscaping meets the intent of the landscaping development standards for a property in the transition overlay district. The proposal is requesting reduction in the amount of required perimeter landscaping along the eastern property line, which better accommodates the existing physical condition on the site and improves the buffering capabilities of the west property line.

Site Design Standards – The surface parking on the property closest to the multi-family district is located at the top of a steep slope area approximately 12 feet above the parking area on the multi-family property. The area is also densely vegetated with trees and shrubs, which will be augmented with additional plantings to increase buffering.

The site features will be integrated into the architectural design of the proposed structure so they are consistent with the development standards of the transition overlay district.

Mechanical Equipment – The mechanical equipment will be enclosed within a utility room connected architecturally between the north and south wings of the proposed LI structure.

Refuse Containers – The refuse containers are proposed to be enclosed in a four-sided enclosure with one side being a solid metal gate to facilitate screening, security and access. The size of the refuse container area is proposed to be 100 square feet, which exceeds the required 37.5 square feet required based on the building use square footages. Prior to receiving a Building Permit, the applicant must provide a letter from the refuse hauler indicating that the refuse and recycling container facilities are adequate.

Signs – The project is proposing a single 5 feet by 5 feet, stained concrete monument sign with 6-inch Helvetica lettering. The applicant is proposing to locate the sign in the Right-of-Way outside of the portion of the property subject to the transition overlay district. This will require approval from the City of Bellevue Transportation Department. If the sign is relocated onto the property it will require the applicant apply for and receive a sign permit, prior to installation. The size and design of the signage is consistent with the development standards and the sign code (BCC 22B.10). See conditions of approval in Section IX.

2. Design Guidelines (20.25B.050)

Site Design Guidelines – The property must be accessed via SE 32nd Street. SE 32nd Street is also used for access to the multi-family property adjacent to the property.

The loading and refuse collection areas are proposed to be on the side of the property adjacent to the multi-family district. The refuse collection area must be relocated to the east side of the build opposite the multi-family district receiving transition. See conditions of approval in Section IX.

The design of the proposed structures retains a majority of the significant trees on the site to soften any impact to the adjacent residential land use.

The use of existing and proposed vegetation, topographic relief and building design the proposed development is compatible with the existing, adjacent residential development.

Building Design Guidelines – The building surface facing the residential land use district will be clad with materials that are compatible with the surrounding uses. The tones are hues of brown and tan with a mixture of stucco, concrete and wood. The roofing will be a composite, three-tab shingle typical of residential construction.

The proposed development has broken the structure into two wings connected by a utility room that serves to reduce the effective mass and bulk of the building.

The roof will be pitched in order to enhance compatibility with the adjacent residential area.

E. Critical Areas Overlay District (LUC 20.25H)

The City of Bellevue Land Use Code Critical Areas Overlay District 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 critical area steep slope 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. The performance standards enumerated in LUC 20.25H.125, as applicable, for geologic hazard areas have been evaluated and are discussed briefly below. The proposal's consistency with the decision criteria for a Critical Areas Land Use Permit and a Critical Areas Report is discussed in detail in Section VII.

1. Consistency with Steep Slope Performance Standards (LUC 20.25H.125)

The structure is being place in the approximate center of the site, which necessitates the modification of a portion of a steep slope area. The steep slope being modified was determined by the applicant's geotechnical engineer to be artificially created during prior development on the property. The modification of this artificially created steep slope area allows for the heavily vegetated steep slope areas on the property to be protected from disturbance. The modification of this slope and the placement of the structure in the proposed location will not increase the risk or need for increased buffers on adjacent properties.

There will be one artificially created steep slope on the property to the north of the north wing of the proposed structure. This steep slope area will be contoured into the natural slope and then planted with a native plants. In order to minimize the amount of grading on the site, there will be impervious surface parking areas in the top of slope buffer area. The run off from these areas will be directed away from the steep slope areas to an on-site storm retention system.

The proposed planting plan for the areas of permanent disturbance of the steep slope areas will adequately improve the quality and function of the remaining steep slope areas, because the quality of the steep slope area to be removed is in such poor condition.

V. Summary of Technical Reviews

A. Clearing and Grading:

The Clear and Grade Reviewer reviewed the plans and materials submitted for this project and determined that clearing and grading portion of this land use application can be approved. The future Clearing and Grading Permit application for this development must comply with City of Bellevue Clearing and Grading Code (BCC 23.76). See conditions of approval in Section IX.

B. Utilities:

Bellevue Utilities has reviewed and approved the Design Review application. There is no implied approvals of the utility engineering. All water, sewer & storm drainage design review, plan approval and field inspection shall be done through the Utility Developer Extension Agreement process, water application process, side sewer permit(s) and or storm drainage connection permits.

Utility deemed this submittal complete. All of the Utility issues will be addressed in the combined (SS, SD, W) UE permit.

C. Transportation:

The Transportation Department has reviewed and approved the Design Review application. The Transportation Department has the following comments pertaining to the Design Review proposal. See conditions of approval in Section IX.

Site Access

Access to the proposed project will be provided from SE 32nd Street via two driveways. The two driveways shall be designed to meet the City of Bellevue driveway slope requirements, i.e. slope not exceeding 10% for the first 20 feet from the public street and slope not exceeding 15% afterwards. The minimum width of commercial driveway is 26 feet. Note that on-street loading will not be allowed.

The speed limit along SE 32nd Street at the project location is 15mph (lower than the City standard speed limit of 25 mph on local streets) and SE 32nd Street is a dead end street. The City specifies a sight distance of 250 feet for commercial driveways leading to streets with speed limit of 25 mph. The Transportation department has determined that the measured sight distance of 80 feet is sufficient on the dead end street

Street Frontage Improvements

Street frontage improvements on SE 32nd Street are not required to be installed by the developer since there are no existing frontage improvements adjacent to the site. No fixed objects, including fire hydrants, trees, and streetlight poles, are allowed within ten feet of a driveway edge, defined as Point A in standard drawing Dev-6. Fixed objects are defined as anything with breakaway characteristics stronger than a 4-inch by 4-inch wooden post.

Holiday Construction & Traffic Restrictions
From November 15th to January 5th, construction activities such as hauling and lane closures will be allowed only between the hours of 10:00 p.m. and 6:00 a.m. due to holiday traffic. The dates and times of these restrictions are subject to change. The applicant shall contact the Transportation Department Right-of-Way Section to confirm the specifics of this restriction prior to applying for a Right-of-Way Use Permit, which is issued directly by the Transportation Department.

Use of the Right of Way During Construction
Applicants often request use of the right of way and of pedestrian easements for materials storage, construction trailers, hauling routes, fencing, barricades, loading and unloading and other temporary uses as well as for construction of utilities and street improvements. A Right of Way Use Permit for such activities must be acquired prior to issuance of any construction permit including demolition permit. Sidewalks may not be closed except as specifically allowed by a Right of Way Use Permit.

Pavement Restoration
The City of Bellevue has established the Trench Restoration Program to provide developers with guidance as to the extent of resurfacing required when a street has been damaged by trenching or other activities. Under the Trench Restoration Program, every street in the City of Bellevue has been examined and placed in one of three categories based on the street's condition and the period of time since it has last been resurfaced. These three categories are, "No Street Cuts Permitted", "Overlay Required", and "Standard Trench Restoration". Each category has different trench restoration requirements associated with it. Damage to the street can be mitigated by placing an asphalt overlay well beyond the limits of the trench walls to produce a more durable surface without the unsightly piecemeal look that often comes with small strip patching.

SE 32nd Street is classified by the pavement manager as overlay required. Hence, any work involving pavement disturbance on SE 32nd Street will require pavement overlay restoration.

D. Fire:
The Fire Department has reviewed and approved the Design Review application. The subsequent building permit application will be reviewed by the Fire Department to ensure conformance with the applicable regulations contained in Bellevue City Code and International Fire Code. See conditions of approval in Section IX.

VI. Public Notice and Comment

Application Date:	November 20, 2007
Public Notice (500 feet):	December 20, 2007
Minimum Comment Period:	January 3, 2008

The Notice of Application for this project was published in the King County Journal and the City of Bellevue weekly permit bulletin on December 20, 2007. A sign was placed in the Right-of-Way adjacent to the property on December 20, 2007. It was mailed to property owners within 500 feet of the project site. No comments were received.

VII. Decision Criteria

The proposal, as conditioned below, meets the applicable regulations and decision criteria for an approval of modification of a geologic hazard critical area pursuant to LUC 20.25H.145, a Critical Areas Report pursuant to LUC 20.25H.255.B, a Critical Areas Land Use Permit pursuant to LUC 20.30P and a Design Review pursuant to 20.30F.

A. Critical Areas Report – Approval of Modification (20.25H.145)

1. Will not increase the threat of the geologic hazard to adjacent properties over conditions that would exist if the provisions of this part were not modified;

Finding: A Geotechnical Engineering Study was prepared by Earth Solutions NW, LLC and signed by Principal and Professional Engineer, Kyle R. Campell (WA Reg. # 27674) on October 31, 2007. According this study, the proposed modification to the steep slope area in the center of property will not increase the threat of hazards to adjacent properties over existing conditions.

2. Will not adversely impact other critical areas;

Finding: There are no other critical areas present in the immediate vicinity of the project area. Therefore, the proposed modification will not adversely impact other critical areas.

3. Is designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than would exist if the provisions of this part were not modified;

Finding: By following the best management practices and construction recommendations presented in the Geotechnical Engineering Study prepared by Earth Solutions NW, LLC, any hazard that may have existed if the provisions of this

part were not modified will be mitigated to level equal to or less than would have existed.

4. Is certified as safe as designed under anticipated conditions by a qualified engineer or geologist, licensed in the state of Washington;

Finding: The proposal was certified as safe by Geotechnical Engineering Study prepared by Earth Solutions NW, LLC and Professional Engineer, Kyle R. Campell (WA Reg. # 27674).

5. The applicant provides a geotechnical report prepared by a qualified professional demonstrating that modification of the critical area or critical area buffer will have no adverse impact on stability of any adjacent slopes, and will not impact stability of any existing structures. ...;

Finding: A Geotechnical Engineering Study was prepared by Earth Solutions NW, LLC and signed by Principal and Professional Engineer, Kyle R. Campell (WA Reg. # 27674) on October 31, 2007. According this study, the proposed modification to the steep slope area in the center of property will have no adverse impact on stability of any adjacent slopes. The existing structures on the property will be removed as part of the proposed development.

6. Any modification complies with recommendations of the geotechnical support with respect to best management practices, construction techniques or other recommendations; and

Finding: The Geotechnical Engineering Study presents a series of general and specific recommendations for best management practices and construction techniques. The recommendations will be noted and followed in the construction phase of the project. See conditions of approval in Section IX.

7. The proposed modification to the critical area or critical area buffer with any associated mitigation does not significantly impact habitat associated with species of local importance, or such habitat that could reasonably be expected to exist during the anticipated life of the development proposal if the area were regulated under this part.

Finding: The attached Critical Areas Study and Habitat Assessment prepared by Talasea Consultants, Inc. on February 22, 2008 states that the property is not likely to contain any habitat associated with species of local concern. The majority of the significant trees on the property, and all those within the steep slope area on the property are to be retained. Therefore, it is expected that the habitat values of the property will not be adversely impacted over the anticipated life of the proposed

development.

B. Critical Areas Report Decision Criteria (20.25H.255.B)

1. The proposal includes plans for restoration of degraded critical area or critical area buffer functions which demonstrate a net gain in overall critical area or critical area buffer functions;

Finding: The proposal is requesting removal of approximately 1,200 square feet of low quality, artificially created steep slope area from status, which will be mitigated by supplementing the existing steep slope areas to remain with additional native plantings and landscape buffer plantings in an additional 2,500 square feet of area. This will result in a net gain the critical area and buffer function.

2. The proposal includes plans for restoration of degraded critical area or critical area buffer functions which demonstrate a net gain in the most important critical area or critical area buffer function to the ecosystem in which they exist;

Finding: The proposal preserves the most important critical areas on the property. This area is heavily vegetated and primarily provides habitat for insects and birds and some small mammals. The proposal calls for the removal of invasive species in this area and planting of additional native species, which will result in a net gain to the ecosystem and critical area functions. See conditions of approval in Section IX.

3. The proposal includes a net gain in stormwater quality function by the critical area buffer or by elements of the development proposal outside of the reduced regulated critical area buffer;

Finding: Through redevelopment of this site and the upgrading of the landscaping and stormwater facilities the proposal results in a net gain in the stormwater quality function of the areas outside of the critical areas.

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

Finding: As a condition of approval of the subsequent building permit, a performance bond will be held by the City for a period of 3-years to ensure adequate survival of the plantings installed as mitigation for the removal of the steep slope areas. See conditions of approval in Section IX.

5. 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 removal of the regulated steep slope area and reduction of the steep slope buffers on the property do not increase the risk or need for increased buffers on adjacent properties. Additionally, the functions and values of steep slopes off-site will continue to provide the same functions and values as existed prior to the proposed development.

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

Finding: The proposal is located within the Light Industrial land use district, as well as the Transition Overlay District. The property is located a short way up a dead-end street in a low-density, light industrial area. The proposed structure with associated parking and landscaping provides for a greater level of buffer landscaping and architectural treatment than required by this code. The proposals architectural and landscape elements will enhance its quality and ensure is appearance and overall fit in the neighborhood meets the intent and character of the other use in the same land use district.

C. 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 has either applied for and will be applying for the following City of Bellevue Permits prior to implementation of the project: Right of Way Use (TD), and Major Project Building permit (BB), a Clearing and Grading Permit (GD), a Developer Extension Agreement (UE) and a Sign Permit (SB).

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 project's use of the best available construction design and development techniques results in the least impact to the critical area and critical areas buffer on the site and does not increase the risk or need for increased buffers on adjacent properties. See conditions of approval in Section IX.

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 discussed in Section IV 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: Bellevue Utilities, Transportation, and Fire Departments have reviewed the proposal and have determined it has adequate service by public facilities.

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

Finding: The Critical Areas Report prepared by the applicant's consultant for the are consistent with the requirements of LUC 20.25H.210, including the requirements for mitigation sequencing (LUC 20.25H.215) and project details, timing of work, and monitoring (LUC 20.25H.220.B)

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 20.20, 20.25B, 20.25H, 20.30F and 20.30P. See discussion above.

D. Design Review Decision Criteria (20.30F.145)

1. The proposal is consistent with the Comprehensive Plan; and

Finding: The property is located in the Richards Valley Subarea of the Comprehensive Plan. In addition, it is in the Factoria/Eastgate employment center shown in Figure LU.1 of the Comprehensive Plan. The proposed use of the property is a mixture of the warehouse-communication-tranportation-utility business sector, which represents a key and growing source of employment in this area.

2. The proposal complies with the applicable requirements of the code; and

Finding: The proposal has been reviewed for and is consistent with the general requirements of the land use code and other applicable codes of the City of Bellevue. Through subsequent required permit submittals the proposed development will require more stringent review of specific sections of the Bellevue City Code. The proposal may be modified slightly to conform to the other titles in the code, but the overall intent and scope of this Design Review must be maintained.

3. The proposal addresses all applicable design guidelines or criteria of this

Code in a manner which fulfills their purpose and intent;

Finding: See Section IV above for a discussion of how the proposed development meets the applicable design guidelines and development standards for a property in the Light Industrial land use district providing transition to a multi-family residential area.

4. The proposal is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and

Finding: The property located a short way up a dead-end street in a low-density, light industrial area. The proposed structure with associated parking and landscaping provides for a greater level of buffer landscaping and architectural treatment than required by this code. The proposals architectural and landscape elements will enhance its quality and ensure is appearance and overall fit in the neighborhood meets the intent and character of the area.

5. The proposal will be served by adequate public facilities including streets, fire protection, and utilities.

Finding: Bellevue Utilities, Transportation, and Fire Departments have reviewed the proposal and have determined it has adequate service by public facilities.

VIII. 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 does hereby **approve with conditions** the proposal to demolish a single-family residence previously converted to office space and redevelop with offices and storage spaces on an approximately 1-acre parcel zoned Light Industrial in a multi-family transition zone adjacent to a R-20 zoned condominium complex, and eliminate a portion of a steep slope critical area from regulated status and reduce the associated buffers to a minimum of 20 feet.

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

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Janney Gwo, 425-452-6190
Land Use Code- BCC 20.25H	Kevin LeClair, 425-452-2928
Noise Control- BCC 9.18	Kevin LeClair, 425-452-2928
Transportation Code- BCC 14.60	Rohini Nair, 425-452-2569
Right-of-Way Use- BCC 14.30	Jon Regalia, 425-452-4599
Fire Code- BCC 23.11	Adrian K. Jones, 425-452-6032

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

A. General Conditions

1. Holiday Construction and Traffic Restrictions: Construction activities such as hauling and lane closures between November 15th and January 5th will be allowed only between the hours of 10:00 pm and 6:00 am due to holiday traffic. The Transportation Department will be monitoring traffic and may modify this moratorium accordingly.

Authority: BCC 14.30.060
Reviewer: Jon Regalia, Transportation Department

2. Provisions for Loading: The property owner shall provide an off-street loading space which can access a public street. After construction is complete, on-street loading and unloading will not be permitted.

Authority: LUC 20.20.590.K.4
Reviewer: Jon Regalia, Transportation Department

B. Land Use Reviewer Conditions

1. Restoration for Areas of Temporary Disturbance: A restoration plan for all areas of temporary disturbance shall be submitted for review and approval by the City of Bellevue prior to the issuance of the Building Permit.

Authority: LUC 20.25H.220.H
Reviewer: Kevin LeClair, Land Use

2. Performance Standards & Monitoring Required: As part of the required Building Permit application, the applicant must submit a monitoring plan that identifies how all areas of temporary disturbance that have been restored will be monitored for a period of 3 years following the installation of restoration measures.

Within the planting areas, container grown plants shall demonstrate 100% survival by the end of year 1; and 80% survival by the end of year 2, with additional planting if these standards are not met. At the end of year 3, native vegetation cover will equal or exceed 50%. Native volunteer species can be included in overall percent cover calculations.

Weedy cover shall not exceed 15 % in any year of the monitoring period.

Authority: LUC 20.25H.220.H
Reviewer: Kevin LeClair, Land Use

3. Performance Assurance Device: To assure all restoration and mitigation actions required by this permit are satisfactorily complete and successfully established, the applicant shall, prior to approval their Building Permit, submit a Performance Assurance Device to the City in an amount equivalent to 50% of the value of the installed landscape materials approved on the restoration and mitigation plan.

Authority: LUC 20.25H.220.F
Reviewer: Kevin LeClair, Land Use

4. Geotechnical Inspection Letter: The geotechnical engineering recommendation contained in the Geotechnical Engineering Study are required to be followed. To ensure the compliance with those recommendations, a letter from the same or similarly qualified geotechnical engineer shall be submitted to accompany the subsequent clearing and grading permit and building permit.

Authority: LUC 20.25H.145.D and .F
Reviewer: Kevin LeClair, Land Use

5. Relocate Recycling and Solid Waste Collection Area: Show on the subsequent building permit plans the relocation of the recycling and solid waste collection areas to the east side of the building, away from an abutting residential district of a lower intensity, but not in a front yard setback.

Authority: LUC 20.25B.050.A.2
Reviewer: Kevin LeClair, Land Use

6. Recycling and Solid Waste Collection Area Location Approval: Prior to

approval of the Building Permit the applicant shall provide the City with a letter from the refuse and recycling hauler indicating that the recycling and solid waste collection area is adequate and accessible.

Authority: LUC 20.20.725
Reviewer: Kevin LeClair, Land Use

7. Sign Permit Required: Prior to approval of the Building Permit, a sign plan package in compliance with the Sign Code shall be submitted to the Permit Center for review and approval as an application for a Sign Permit with Land Use Exemption from Design Review.

Authority: BCC 22B.10
Reviewer: Kevin LeClair, Land Use

8. Noise Control: The proposal will be subject to normal construction hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Upon written request, 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.

Authority: BCC 9.18
Reviewer: Kevin LeClair, Land Use

B. Clear and Grade Reviewer Conditions

1. 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. 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: BCC 23.76.093.A
Reviewer: Janney Gwo, Clear and Grade

2. Clearing Limits and Temporary Erosion and Sedimentation Control: Proposed clearing limits and temporary erosion and sedimentation control measures must be delineated in preparation for preconstruction inspection by clearing and grading and land use staff and certified in the field to be in conformity with this approval.

Authority: BCC 23.76.060 and 23.76.090
Reviewer: Janney Gwo, Clear and Grade

3. Surface Water Quality: Adjacent and downstream properties, storm drain inlets and the downstream natural and built drainage system shall be protected from sediment deposition using BMPs described in the clearing and grading development standards. If protection is inadequate and deposition occurs on adjoining property or public right-of-way or the drainage system, the permittee shall immediately remove the deposited sediment and restore the affected area to the original conditions.

Authority: BCC 23.76.090
Reviewer: Janney Gwo, Clear and Grade

C. Transportation Reviewer Conditions

1. Right-Of-Way Use Permit: Prior to issuance of any construction or clearing and grading permit, the applicant shall secure applicable right-of-way use permits from the City's Transportation Department, which may include:

- Designated truck hauling routes.
- Truck loading/unloading activities.
- Location of construction fences.
- Hours of construction and hauling.
- Requirements for leasing of right of way or pedestrian easements.
- Provisions for street sweeping, excavation and construction.
- Location of construction signing and pedestrian detour routes.
- All other construction activities as they affect the public street system.

In addition, the applicant shall submit for review and approval a plan for providing access during construction of this project. Access shall be provided at all times during the construction process, except when specific construction activities such as shoring, foundation work, and construction of frontage improvements prevents access. General materials storage and contractor convenience are not reasons for preventing access.

The applicant shall secure sufficient off-street parking for construction workers before the issuance of a clearing and grading, building, a foundation or demolition permit.

Authority: BCC 11.70 & 14.30
Reviewer: Jon Regalia, Transportation

2. Civil Engineering Plans – Transportation: Civil engineering plans produced by a qualified engineer must be approved by the Transportation Department prior to issuance of the clearing and grading permit. The design of all transportation improvements must be in conformance with the requirements of the Americans with

Disabilities Act, the Transportation Development Code, the provisions of the Transportation Department Design Manual, and specific requirements stated elsewhere in this document. All relevant standard drawings from the Transportation Department Design Manual shall be copied exactly into the final engineering plans. Specific requirements for the engineering plans include, but are not limited to:

- Sight distance. (Show the required sight triangles and include any sight obstructions, including those off-site.)
- Location of fixed objects in the sidewalk or near the driveway approach.
- Note on the plans regarding the type of pavement restoration needed for any pavement disturbance. Note on plans shall also say that the details of pavement restoration will be as per the specifications in the right of way use permit and that the Transportation Inspector has the right to amend pavement restoration requirements at any time during construction and review until final approval by the building inspector."

Authority: BCC 14.60; Transportation Department Design Manual
Reviewer: Rohini Nair, Transportation

3. Transportation Impact Fee: Payment of the traffic impact fee will be required at the time of Building Permit issuance. The site is located in traffic impact fee area 7. In area 7, the traffic impact fee rate for office is $2.28 per gross square feet, for light industrial is $0.61 per gross square feet, and for storage is $0.29 per gross square feet. Impact fee credit is given for the existing land use at the site. The impact fee is estimated to be $6,730.20. This fee is subject to change and the fee schedule in effect at the time of Building Permit issuance will be applicable.

Authority: BCC 22.16
Reviewer: Rohini Nair, Transportation

4. Building and Site Plans – Transportation: Building plans, landscaping plans, and architectural site plans must accommodate on-site traffic markings and signs and driveway design as specified in the engineering plans. Building plans, landscaping plans, and architectural site plans must comply with sight distance requirements, as shown on the engineering plans.

Authority: BCC 14.60.060, 110, 120, 150, 180, 181, 190, 240, 241
Reviewer: Rohini Nair, Transportation

5. Transportation Improvements: Prior to issuance of any certificate of occupancy, all transportation improvements must be constructed by the applicant and accepted by the City Inspector. All existing street light and traffic signal apparatus affected by this development must be relocated as necessary. Transformers and utility vaults to serve the building shall be placed inside the

building or below grade, to the extent feasible. Bonding or other types of assurance devices will not be accepted in lieu of construction. Specific requirements are detailed below.

Miscellaneous:
- City standards for driveway widths range from 26 to 30 feet for local streets.
- Landings on sloping approaches are not to exceed a 10% slope for a distance of 20 feet approaching the street. Driveway grades must be designed to prevent vehicles from bottoming out due to abrupt changes in grade.
- Vehicle sight distance must be provided at the entrances to the site. Sight distance triangles must be shown at all driveway locations and must consider all fixed objects and mature landscape vegetation. Vertical as well as horizontal line of sight must be considered when checking for sight distance.

Authority: BCC 14.60.090, 110, 120, 150, 181, 200, 210, 240, 241; and Transportation Department Design Manual Section 5.
Reviewer: Rohini Nair, Transportation

6. Pavement Restoration: Prior to issuance of any certificate of occupancy, pavement restoration associated with street frontage improvements or to repair damaged street surfaces shall be provided as follows:

SE 32nd Street: Based on this street's condition, it is classified with the City's overlay program as "Overlay Required". Street cutting is permitted only with extraordinary pavement restoration. Pavement restoration requirements include grind and overlay. The extent and details of the pavement restoration needed will be specified in the right of way use permit..

Authority: BCC 14.60. 250; Design Manual Design Standard #21
Reviewer: Jon Regalia, Transportation

D. Fire Reviewer Conditions

1. Fire Sprinklers: Prior to issuance of the Building Permit, the applicant must demonstrate the provision of automatic fire sprinklers in both buildings designed per NFPA 13.

Authority: International Fire Code (IFC) 903
Reviewer: Adrian Jones, Fire

2. Fire Connection: Prior to issuance of the Building Permit, the applicant must demonstrate the provision of a Fire Department Connection at an approved location.

Authority: IFC 903
Reviewer: Adrian Jones, Fire

3. Fire Alarm Notification System: Prior to issuance of the Building Permit, the applicant must demonstrate the provision of a Fire Alarm Notification system throughout the building.

Authority: Bellevue Amendment 23.11
Reviewer: Adrian Jones, Fire

4. Detention Vaults and Pipes: Detention vaults and pipes in the roadway shall be capable of supporting fire apparatus with a gross weight of 64,000 lbs. (rear axle=48,000 lbs and front axle=19,000 lbs) and shall support the weight of the ladder truck outrigger which is 45,000 lbs over an 18 inch square.

Authority: BDI 11/90
Reviewer: Adrian Jones, Fire

5. Fire Hydrant: Prior to issuance of the Certificate of Occupancy, the applicant must provide a fire hydrant at an approved location on the same side of the road and within 50 feet of the Fire Department Connection.

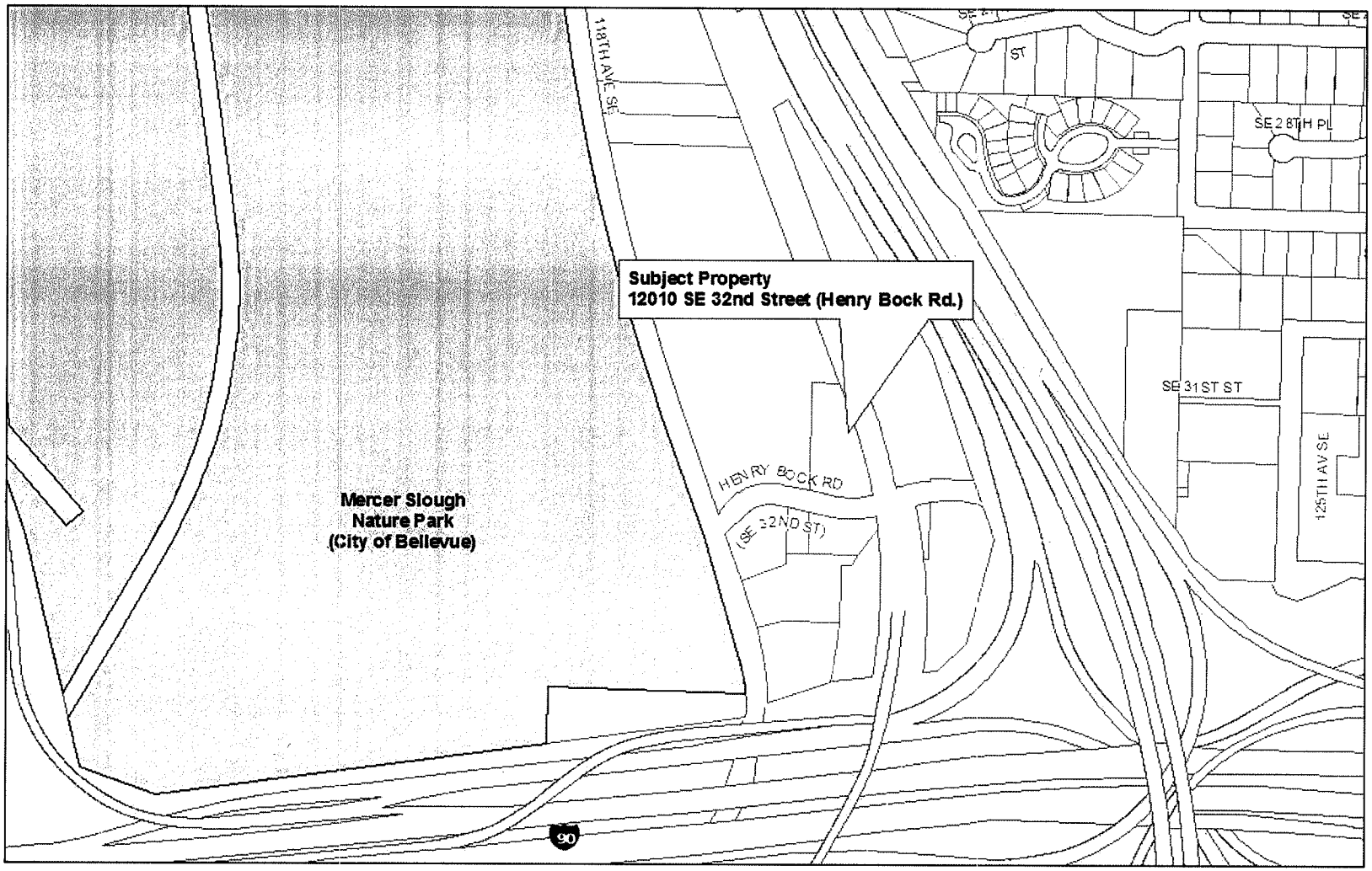
Authority: IFC 508 & Bellevue Fire Department Design Standards
Reviewer: Adrian Jones

6. Demolition: Demolition and construction shall conform to the requirements of International Fire Code Chapter 14

Authority: IFC Chapter 14
Reviewer: Adrian Jones

X. Attachments:

1. Vicinity Map
2. Environmental Checklist- In File
3. Site Plan- In File
4. Performance Standards Narrative- In File
5. Geotechnical Engineering Study- In File
6. Critical Area Study and Habitat Assessment- In File
7. Material Samples for Structure Exterior- In File



= 363 feet

City of Bellevue
Planning & Community
Development Department

Plot Date: 12/13/2007

NORTH

Vicinity Map
Permit # 07-142850-LO & 07-142852-LD
Newport Vista Development

Map Location

This map is a graphic representation derived from the City of Bellevue Geographic Information System. It was designed and intended for City of Bellevue staff use only. It is not guaranteed as survey accuracy. This map is based on the best information available on the date shown on this map. Any reproduction or sale of this map, or portions thereof, is prohibited without express written authorization by the City of Bellevue.

NOTE: If you have specific questions concerning information contained on this map, please contact the specialising department as shown on this map.

This material is owned and copyrighted by the City of Bellevue.

Attachment 1 – Vicinity Map