



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

Proposal Name: Dolan Residence Remodel –
Critical Areas Land Use Permit

Proposal Address: 18130 SE 41st Lane, Bellevue, WA 98008

Proposal Description: The project proposes an “allowed use” expansion of 152 square feet of a single-family residence into a steep slope critical area buffer and removal of a 132 square foot, non-conforming greenhouse structure.

File Number: 08-112846-LO

Applicant: Sharon Dolan

Decisions Included: Critical Areas Land Use Permit
(Process II. LUC 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
Department of Planning & Community Development

Director’s Decision: **Approval with Conditions**

Carol V. Helland for
Matthew A. Terry, Director
Department of Planning & Community Development

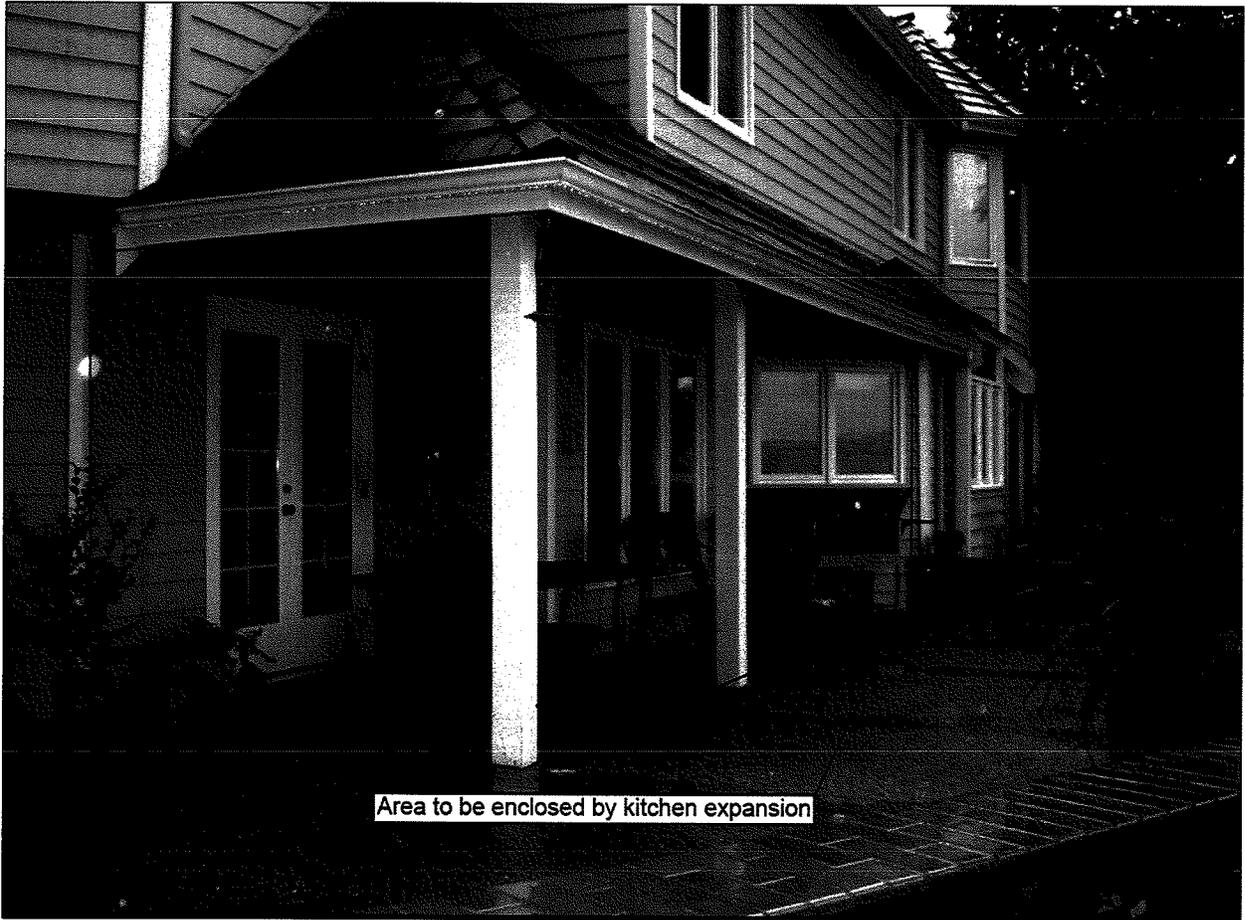
Application Date:	<u>3/18/2008</u>
Notice of Application Publication Date:	<u>4/10/2008</u>
Decision Publication Date:	<u>6/12/2008</u>
Project/SEPA Appeal Deadline:	<u>6/26/2008</u>

For information on how to appeal a proposal, visit Development Services at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must be received in the City’s Clerk’s Office by 5 PM on the date noted for appeal of the decision.

I. Background

A. Project Description:

The applicant is proposing to remodel the existing single-family residence by enclosing 152 square feet of covered patio area with an expanded kitchen and to remove a 132 square feet greenhouse structure from the patio area and replace it with patio.



The exterior wall of the kitchen is currently 32 feet from the top of a steep slope critical area. The proposed expansion of the kitchen will result in the new exterior wall being as close as 27 feet from the top-of-slope. The expansion of a single-family residence is an "allowed use" per LUC 20.25H.055.



B. Site Description:

The property, shown below, is located at 18130 SE 41st Lane (King County Parcel # 1824069071). The property is in the Newcastle Comprehensive Plan Subarea and the Sammamish/East Lake Hills Neighborhood Enhancement Program area. The zoning of the property is R-5 and the Comprehensive Plan designation is single-family high density.

The property is accessed from SE 41st Lane, a private drive off of 181st Ave SE approximately 640 feet north of West Lake Sammamish Parkway. The property is bounded on the north by the shoreline of Lake Sammamish and on the south, east and west by other single-family properties. The eastern property boundary is also shared with the eastern boundary line of the City of Bellevue, adjacent to the City of Issaquah. (See attachment 1 – Vicinity Map).

The single-family residence is situated north of a circular driveway. The existing house is 32 feet north of the top-of-slope of the geologic hazard area steep slope at its closest point. On the north side of the house, there is a regulated steep slope critical area with

a meandering gravel path that leads to a guest cottage and the shoreline of Lake Sammamish.

Figure 1 – Dolan Property, 18130 SE 41st Lane



The guest cottage at the bottom of the slope is within the 75-foot toe-of-slope structure setback for steep slopes and approximately 50 feet from the ordinary high water mark

of Lake Sammamish. No modifications are proposed at this time to this structure; therefore the existing proposal does not require a review for conformance to the Land Use Code. If the structure is found to be non-conforming, it may continue without coming into compliance with the Land Use Code. However, compliance may be required, in whole or in part, when changes to the structure are proposed.

II. Critical Areas and Critical Area Buffers

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 of the slope is greater than 10 feet. The steep slope area continues off of the property to the neighboring properties to the east and west, exceeding 1,000 square feet in area. Geologic hazard – 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 expand the single-family primary structure a total of 152 square feet into the 50-foot critical area buffer at the top-of-slope.

A geotechnical evaluation was prepared for the applicant by Geotech Consultants, Inc. The geotechnical engineer and engineering geologist indicates the “proposed project will not adversely affect the stability of the steep slope.”

B. Shoreline Overlay District:

The submitted boundary and topographic survey illustrates that the northern boundary of the property is adjacent to Lake Sammamish. Lake Sammamish is within the regulatory jurisdiction of the Shoreline Overlay District in LUC 20.25E. The Shoreline Overlay District applies to all lands extending landward for 200 feet in all directions as measured on the horizontal plane from the OHWM. The property is considered developed, and therefore the first 25 feet landward of the OHWM is afforded a critical area buffer and the second 25 feet is afforded a structure setback.

The existing single-family structure and proposed expansion is outside of the shoreline jurisdictional area and is exempt from the requirement to obtain a Shoreline Substantial Development Permit. The proposal still adheres to the performance standards set forth in LUC 20.25E.080.B and 20.25E.080.Q.

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 grades on property range from nearly level to in excess of 40% in grade. There is 68 vertical feet of elevation drop from SE 41st Lane to the shore of Lake Sammamish. The underlying soils are dense, glacially-compressed silt.

The project is proposing to expand the single-family residence in an area of the property permanently disturbed by patio and roof footings. The proposed project avoids disturbance to the steep slopes and retains all of the significant trees on the steep slope.

The geotechnical report states that "the dense, native silt that underlies the area will be adequate to support the new addition using conventional foundations." The implementation of standard erosion control measures will prevent any significant environmental impact to the earth or water. The best management practices required in Chapter 23.76 BCC are adequate to mitigate any expected impacts.

See Conditions of Approval in Section X.

B. Animals:

The property contains a variety of habitat types. The property is adjacent to Lake Sammamish and contains several large conifers. Nearshore habitats of Lake Sammamish are primary rearing and residence areas for juvenile chinook, coho, sockeye and kokanee salmon. Puget Sound chinook are listed as threatened under the federal Endangered Species Act (ESA), while coho are candidates for listing. These two species are addressed in greater detail below.

There will no adverse impacts on wildlife as the project is not proposing the removal of any significant trees or work in Lake Sammamish.

C. Plants:

The vegetation on the property consists of several large conifers and a mix of native and non-native shrubs. There are some lawn areas to the north of the existing single-family structure and adjacent to the guest cottage in the lakeshore area.

No significant vegetation will be disturbed or altered as a part of the proposed project.

D. Noise:

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

See Conditions of Approval in Section X.

IV. Consistency with Land Use Code Requirements

A. Critical Areas Requirements:

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

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

Critical Area	Geologic Hazard - Steep Slope	Shoreline
Performance Standards	20.25H.055.C.3.n 20.25H.125	20.25H.055.C.3.n 20.25E.080.B 20.25E.080.Q

V. Consistency With Land Use Code Performance Standards:

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

The applicant has demonstrated that expansion of the single-family primary structure is for an essential component of the single-family residence (kitchen), and is not feasible outside of the critical area buffer.

The kitchen exists on the north side of the house, 32 feet from the top-of-slope of a geologic hazard critical area – steep slope. The cost of relocating the kitchen and necessary power and plumbing would be prohibitively expensive. The homeowner intends to remain in the home as she ages and is proposing a remodel of the existing

ground-level den to create a bedroom space on the ground floor for mobility purposes. The remodel of the den will encroach on the kitchen space. The expansion of the kitchen area out under the existing covered area of the patio will preserve the functionality of the kitchen. Expanding the house in any other direction will not yield the necessary functionality.

B. Consistency with LUC 20.25H.125 – Performance Standards – Landslide Hazards and Steep Slopes:

The expansion is designed to avoid any disturbance to the natural contours of the slopes. The expansion will utilize conventional foundation on a portion of the site that is already permanently disturbed and will avoid the steep slope area. The structures and improvements are being sited to avoid the removal of significant desirable vegetation. The submitted geotechnical analysis of the proposed development finds that there shall be no greater risk or need for increased buffers on neighboring properties. All of the natural and artificial slopes on the property will be maintained in their current configuration. The design of the expansion and appurtenances does not alter the amount of impervious surface within the critical area and critical area buffer. No grade changes outside of the building footprint are proposed. No rockeries or retaining structures are proposed in order to adjust grades for the building foundation. The building will be founded on the bearing substrate beneath the artificially placed fill soils on the site.

C. Consistency with LUC 20.25E.080.B – Shorelines – General Regulations Applicable to All Land Use Districts and Activities:

The property is adjacent to Lake Sammamish and the proposed project area is outside the jurisdictional areas of the Shoreline Overlay District. The project is exempt from the requirements to obtain a Shoreline Substantial Development Permit pursuant to LUC 20.25E.050.G. The project is required to meet the general regulations applicable to all land use districts and activities in the Shoreline Overlay District.

D. Consistency With LUC 20.25E.080.Q – Shorelines – Residential Development Regulations:

The existing single-family structure and the proposed expansion are outside of the shoreline critical area and shoreline critical area buffer.

VI. 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.

VII. Public Notice and Comment

Application Date:	March 18, 2008
Public Notice (500 feet):	April 10, 2008
Minimum Comment Period (2 weeks):	April 24, 2008

The Notice of Application for this project was published in the King County Journal and the City of Bellevue weekly permit bulletin. It was mailed to property owners within 500 feet of the project site. No comments were received.

VIII. Decision Criteria

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

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

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

Finding: The proposed project must apply for and receive the following City of Bellevue Building Permit prior to implementation of the project. Single-Family Addition Building permit (BR).

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 submitted geotechnical evaluation describes the project's potential impact on the critical area and describes the use of the best available construction design and development techniques to minimize both permanent and temporary impacts on critical areas and their buffers.

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

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

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

Finding: The proposed single-family residence will be served by adequate public facilities.

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

Finding: The project is proposing to permanently enclose a small portion of the existing patio area on the north side of the house for the expansion of the kitchen. The removal of the greenhouse structure from the patio area will result in temporary disturbance, which will be restored to a patio area consistent with the adjacent exposed aggregate and brickwork patio. No temporary or permanent disturbance that warrants a mitigation and restoration plan is occurring.

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

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

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of Planning and Community Development does hereby **approve with conditions** the proposal for an "allowed use" expansion of 152 square feet of a single-family residence into a geologic hazard area - steep slope critical area buffer and removal of a 132 square feet, non-conforming greenhouse structure.

Note- Expiration of Approval: In accordance with LUC 20.30P.150, a Critical Areas Land Use Permit is void if the applicant fails to file for a Building Permit or other necessary development permits within one year of the effective date of the approval.

X. Conditions of Approval

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

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Tom McFarlane, 425-452-5207
Land Use Code- BCC 20.25H	Kevin LeClair, 425-452-2928

Noise Control- BCC 9.18	Kevin LeClair, 425-452-2928
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The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

A. 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 & Community Development Department

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

Authority: Land Use Code 20.30P.140

Reviewer: Kevin LeClair, Planning and Community Development Department

XI. Attachments:

1. Vicinity Map
2. Site Plan- In File
3. Geotechnical Evaluation Letter - In File

Attachment 1

Vicinity Map - Critical Area Land Use Permit # 08-112846-LO

Dolan Residence - 18130 SE 41st Lane, Bellevue

