



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
 ENVIRONMENTAL COORDINATOR
 11511 MAIN ST., P.O. BOX 90012
 BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Jeff and Bonnie Geers

LOCATION OF PROPOSAL: 1096 W Lake Sammamish

NAME & DESCRIPTION OF PROPOSAL: Geers Driveway and Garage Construction

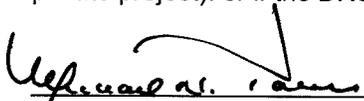
Application for a Shoreline Substantial Development Permit with an embedded Critical Area Land Use Permit to allow the construction of a driveway and an approximately 420 square foot garage on a steep slope.

FILE NUMBER: 08-116129-WG

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.
- 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 _____.
- 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This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information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.



 Environmental Coordinator

8/13/2008
 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



City of Bellevue
 Development Services Department
 P.O. Box 90012, Bellevue, WA 98009-9012
 (425) 452-6800 Fax (425) 452-5225

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

Application No. 08-116129-WG

Date Received 5/23/2008

Approved / Date 8/14/2008
 Denied / Date _____

Type of Action:

- Substantial Development Permit
- Conditional Use Permit
- Variance Permit

Pursuant to Chapter 90.58 RCW, a permit is hereby granted to: **Jeff and Bonnie Geers**

to undertake the following development:

All work associated with the construction of a driveway and garage and restoration of native plants.

upon the following property: 1096 W Lake Sammamish

within Lake Sammamish

and/or its associated wetlands. The project will be located within Shorelines of Statewide Significance (RCW 90.58.030). The project will be located within a Shoreline Overlay District designation. The following master program provisions are applicable to this development:

- Land Use Code(LUC) Section 20.25E.080(B)General Regulations Applicable to all Land Use Districts & Activities:
- LUC Section 20.25E.080 (N) Moorage Regulations; LUC Section 20.30R.155 Shoreline Substantial Development Permit
- Bellevue Comprehensive Plan, Shoreline Management Program Element, Policy SH-13 and SH-50

Development pursuant to this permit shall be undertaken in accordance with the following terms and conditions:

Conditions of Approval (Land Use Division)

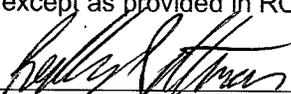
This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter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

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof. Construction pursuant to this permit, or substantial progress toward construction, must be undertaken within two years of the date of final approval. This permit shall expire five years from the date of local approval.

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

August 14, 2008

Date


 City of Bellevue, Land Use Division

CC: Attorney General, Department of Ecology, Northwest Region
 Dept. of Fish and Wildlife, 1775 12th Ave. NW Suite 201 Issaquah, WA 98027
 DOE, Joe Burcar, 3190 160th Avenue SE, Bellevue, WA 98008-5452



**City of Bellevue
Development Services Department
Land Use Staff Report**

Proposal Name: Geers Driveway and Garage Construction

Proposal Address: 1096 W Lake Sammamish Pkwy. NE

Proposal Description: Application for a Shoreline Substantial Development Permit with an embedded Critical Area Land Use Permit to allow the construction of a driveway and an approximately 420 square foot garage on a steep slope.

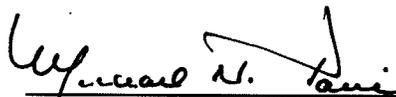
File Number: 08-116129-WG

Applicant: Jeff and Bonnie Geers, Property Owners

Decisions Included: Shoreline Substantial Development Permit (Process II, LUC 20.30R)
Critical Areas Land Use Permit (Process II, LUC 20.30P)

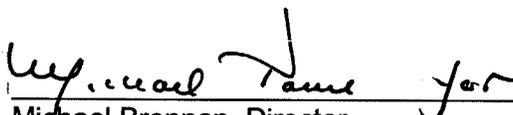
Planner: Reilly Pittman, Associate Planner

State Environmental Policy Act Threshold Determination: **Determination of Non-Significance**



Michael Paine, Environmental Coordinator
Development Services Department

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



Michael Brennan, Director
Development Services Department

Application Date: 5/23/08
Notice of Application Publication Date: 7/10/08
Decision Publication Date: 8/14/08
Project/SEPA Appeal Deadline: 9/4/08

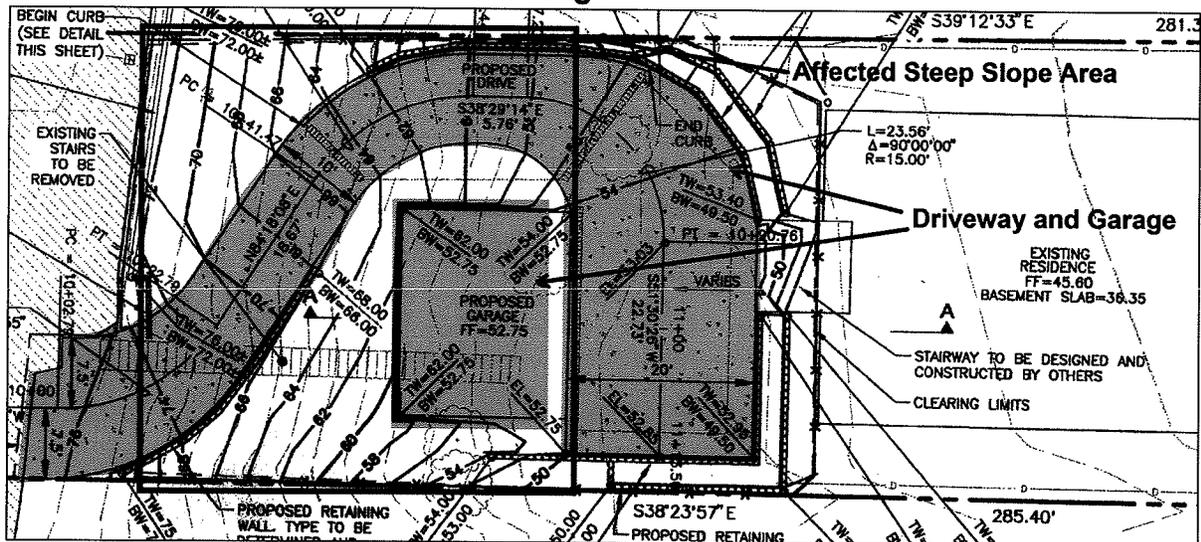
For information on how to appeal a proposal, visit Development Services at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision 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 project is a Shoreline Substantial Development Permit (SSDP) with an embedded Critical Area Land Use Permit (CALUP) to allow the construction of a driveway and a garage within a steep slope critical area. The proposed work is within 200 feet of the Ordinary High Water Mark of Lake Sammamish and will have over 250 cubic yards of earthwork, thus requiring the SSDP per LUC 20.25E.050.G. A Critical Area Land Use Permit (CALUP) is required as the project includes a new driveway down a steep slope from an existing access easement to provide vehicular access closer to the existing residence. A driveway within a steep slope critical area is an allowed use per LUC 20.25H.055 and given the slopes on-site there is no other feasible alternative for driveway placement. However, a new garage is also proposed in the steep slope critical area, which requires a critical area report associated with the CALUP for staff to consider the proposal. See figure 1 below. As mitigation for the allowance to construct the garage in the critical area, restoration planting is proposed on the remaining uncovered portions of the slopes.

Figure 1



B. Site Description

The project site is located at 1096 W Lake Sammamish Pkwy. NE in the SW quadrant of Section 30, Township 25 North, Range 6 East. The site and adjacent properties are zoned single-family residential, R-2.5. The neighborhood is bounded by W Lake Sammamish Pkwy. to the north and Lake Sammamish to the south. The site slopes down steeply toward Lake Sammamish from a private drive that serves the neighborhood. There is an

existing single-family residence located at the bottom of the steep slopes. Currently, the only access and egress to the existing residence is by use of a stairway which runs from the residence up the steep slopes to the private drive. Vehicle parking for the residence is achieved by parking along the private drive immediately adjacent to the top of the stairway. The private drive provides the subject site as well as the rest of the neighborhood access to W Lake Sammamish Parkway and crosses the subject site twice as there is a switchback on the adjacent parcel to the southwest.

Figure 2



The proposed work is within the Shoreline Overlay District of Lake Washington and is subject to a Shoreline Substantial Development Permit as LUC 20.25E.050.G exempts up to 250 cubic yards of earthwork before a shoreline permit is required. The work proposed requires 300 cubic yard of fill, thus a shoreline permit is needed. In addition to being subject to the Shoreline Overlay District the project is also subject to the requirements of the Critical Area Overlay District as the affected work area is a within steep slope critical area.

II. Need for Modification

The applicant is requesting City approval of the construction of a driveway and a garage. The proposed driveway is an allowed use within a critical area or critical area buffer per LUC 20.25H.055. A critical area report is required in order to modify the steep slope critical area and allow the garage to be located at its proposed location within the critical area. A critical area report must demonstrate that the expected critical area functions and values are not present and that by

allowing the proposed garage the critical area would be improved.

The habitat assessment within the critical area report states that the hillside provides minimal habitat value as it is only vegetated with shrubs and invasive plants such as Himalayan Blackberry as seen in Figure 3 below.

Figure 3



There is also currently a stairway which runs down the slope which further degrades any habitat potential. Based on review of the project the potential functions and values provided by a slope are not present on this site as its vegetation consists primarily of invasive species. Allowing the garage to be placed at the proposed location at the bottom of the steep slopes will allow a portion of the steep slopes to remain relatively natural. The garage will also support the steep slopes as it is being incorporated into the retention system of the hillside. In addition the remaining portions of the hillside which are not

devoted to driveway or garage are to be landscaped with natives species consisting of trees, shrubs, and ground cover which will enhance any habitat potential that remains in this pre-developed single-family neighborhood. The planted vegetation will also aid in controlling stormwater runoff once the plants are established. Given that the proposed location of the garage within the steep slope critical area is not going to degrade any functions or values and that the outcome of the work will make the site no worse if not better, staff

supports the proposed alteration of the steep slopes on this site to allow the garage.

III. Critical Areas in Project Area

A. Steep Slope Critical Areas

Geologic Hazard Areas (GHAs) are defined by the City of Bellevue Land Use Code as: those areas with slopes of 40 percent or more that have a rise of at least 10 feet and exceed 1,000 square feet in area. The subject steep slopes are located on the northern portion of the site and slope down to Lake Sammamish. The area affected by the proposed driveway and garage construction is within this steep slope critical area.

B. Shorelines

The Shoreline Overlay District encompasses Lake Sammamish and lands lying 200 feet landward of the Ordinary High Water Mark. The proposed work area is within 200 feet of the Ordinary High Water Mark and is subject to requirements of the Shoreline Overlay District.

IV. 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

The soils in the project area consist of glacial and non-glacial sand and silt, overlaid by loose silty sands with traces of gravel, top soil, and organic debris. There is no indication of soil movement on the site, however, due to the presence of steep slopes and colluvial material the Subsurface Exploration, Geologic Hazard, and Geotechnical Engineer Report prepared by Associated Earth Sciences Inc. proposes mitigation measures to ensure slope stability.

The project will require approximately 300 cubic yards of structural fill in order to construct the driveway and garage within the steep slope area. A Temporary Erosion and Sedimentation Control Plan has been prepared for the project as required by City codes. Overall the project will result in 2,500 square feet of new impervious surface.

B. Air

Any air quality impacts will be temporary as a result of construction machinery. Standard methods of reducing impacts to air quality will be utilized and include keeping all heavy equipment and hand tools in good operating condition.

C. Water

The project area is 75 feet away from Lake Sammamish and requires a Shoreline Substantial Development Permit and is subject to Shoreline Overlay District requirements in LUC 20.25E. The permanent runoff that will be created by the new impervious surface will be collected by drains and tie into the existing collection systems associated with the existing residence that drains to Lake Sammamish. A drainage plan has been prepared for the site. No water quality treatment is proposed, but may be required by other departments as part of the review of future permits.

D. Plants

The steep slope area primarily consists of non-native shrubs and invasive species such as Himalayan blackberry and ivy along with grass. Once the proposed construction is complete the open steep slopes are proposed to be restored with native trees, shrubs, and groundcover through a restoration plan.

E. Animals

Puget Sound Chinook Salmon are listed as Threatened under the federal Endangered Species Act and are a species found in Lake Sammamish which is adjacent to the site.

F. Noise

The project will create short-term increases in noise associated with construction equipment. The standards in LUC 9.18 will control noise generated. See Conditions of Approval in Section XI of this report.

V. Consistency with Land Use Code Requirements

A. Zoning District Dimensional Requirements

The site is zoned R-2.5. The proposed detached garage and any retaining wall over 48 inches in height will require a building permit review which will ensure any structures meet the zoning requirements. The new impervious surface that is being created as a result of the driveway and garage construction will not cause the site to exceed the impervious limit of 50 percent as seen in the table below.

Area Description	Area in Square Feet
Lot Area	13,550
Existing Imp. Coverage	4,202
Proposed Driveway and Garage	2,675
Total Impervious Surface Proposed	6,702
Impervious Coverage Allowed (50%)	6,775

B. Critical Area Requirements

The Critical Areas Overlay District (LUC 20.25H) establishes regulations on the use and development of property affected by critical areas to protect the functions and values of these areas, the public health, safety and welfare, and to allow reasonable use of private property. The project area is also within the Shoreline Overlay District of Lake Sammamish which has performance standards for uses within 200 feet of a shoreline. The proposed work requires a Shoreline Substantial Development Permit per LUC 20.25E.050.G as the proposed appurtenances to the existing single-family residence require 300 cubic yards of fill to construct the driveway and garage. The proposed work is outside of the shoreline critical area and critical area buffer, but must still meet any applicable performance standards required by the Shoreline Overlay District in addition to those required by the Critical Areas Overlay District which can be found in the table below:

Critical Area	Performance Standards
Shorelines	20.25E.080.G
Steep Slopes	20.25H.055.C.2
	20.25H.125
	20.25H.230

The modification of a Critical Area is prohibited unless the proposal is identified as an allowed use or a provision for modification exists. The applicant is requesting City approval to allow for the construction of a driveway and a garage. The proposed driveway is an allowed use within a critical area or critical area buffer per LUC 20.25H.055 and is subject to the requirements identified in LUC 20.25H.055.C.2 and LUC 20.25H.125. The garage is a use which requires a critical area report to demonstrate that the expected critical area functions and values are not present and that by allowing the proposed garage the critical area would be improved. Therefore, the garage is subject to LUC 20.25H.125 for standards specific to steep slope critical and the requirements of LUC 20.25H.230 for critical area reports.

VI. Consistency With Land Use Code Shoreline Performance Standards

A. LUC 20.25E.080.G – Clearing and Grading Regulations

- 1. All clearing, grading, excavating, and fill in the Shoreline Overlay District shall comply with the provisions of Chapter 23.76 BCC, now or as hereafter amended.**

Future permits required for the construction of the driveway and garage will be reviewed by the Clear and Grade Department to ensure conformance with Chapter 23.76 BCC. See Conditions of Approval in Section XI of this report.

- 2. No clearing, grading, excavating, or fill shall be allowed within the shoreline critical area or shoreline critical area buffer except as permitted by this Part 20.25E, or in association with activities allowed under Part 20.25H. LUC.**

The proposed work requires a Shoreline Substantial Development Permit per LUC 20.25E.050.G. In addition the project is subject to the applicable performance standards in LUC 20.25H and requires a Critical Area Land Use Permit to be approved.

- 3. Wherever the City determines that the act or intended act of clearing, grading, excavation or fill has become or will constitute a hazard to life or limb, or endangers property, or adversely affects**

the safety, use of, or stability of a public way, drainage channel or natural stream corridor, including siltation and sedimentation therein, the owner of the property upon which the clearing, excavation or fill is located or other person or agent in the City shall, within the period specified therein, terminate such clearing, grading, excavation, embankment or fill, or eliminate the same from the development plan, or modify the plans, as may be required so as to eliminate the hazard and be in conformance with the requirements of this Code.

The project will be subject to review and inspection. If after approval the project deviates from the proposed plans the applicant will be required to revise their approved plans to show the changes or will be change the work done to match what was approved.

B. Consistency With LUC 20.25H.125

In addition to generally applicable performance standards set forth in LUC 20.25H.055, 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 requirement 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 existing topography;**

In order to establish an accessible grade of 30 percent the use of structural fill will be required. The proposed garage is being designed so that the western wall of the garage serves as a retaining wall for the slope with the garage partially cut into the slope to increase stability. Proposed retaining walls are tiered where possible.

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

The location and design of the driveway in the steep slope is the only feasible location that creates a driveway grade that is vehicle accessible. The garage is being constructed toward the bottom of the slope where

the slope begins to flatten out, making the garage structure avoid the steepest slopes on the site.

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

This project will not result in greater risk or a need for increase buffers on neighboring properties. As noted in follow-up comments to the geotechnical report, the geotechnical expert has stated that any impacts will be mitigated as a result of the proposed work. The proposed plans indicate that there will be retaining walls placed in the vicinity of the property lines. When structures are placed within proximity of property lines, an as-built survey is required to ensure that the structures meet any required setbacks and to ensure structures and their infrastructure are entirely located on the subject property. See Conditions of Approval in Section XI of this report.

d. The use of retaining walls that allow the 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 wall;

Retaining walls are proposed to support the driveway. In addition the western wall of the proposed garage is serving as a retaining wall of the slope. The walls are needed in order to establish an accessible driveway grade.

e. Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer;

This proposal is below the 50 percent impervious surface limitations identified above in Section V. However, the stated amount of total impervious surface on the site after the construction of the driveway and garage is within one percent of the maximum surface coverage allowed. Given that the stated surface coverage is within such close proximity to the allowed maximum an as-built survey will be required to demonstrate the maximum impervious surface coverage is not exceeded. As the work is being done on a steep slope the use of pervious materials that allow water to flow through into the ground are not feasible, but were considered by the applicant. See Conditions of Approval in Section XI of

this report.

- 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 this criteria;**

Stepped retaining walls are proposed in order to transition the slope down to the existing residence as well as transition to the slope of the adjacent properties. The garage is proposed to be cut into the hillside in an effort to reduce alteration of the natural slope as the garage will act as a retaining wall.

- 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;**

The proposed garage is being utilized to retain the natural slope contour. The western wall of the garage will be a retaining wall in addition to providing enclosure of the structure. The garage is being cut into the hillside which the code promotes in order to preserve natural topography.

- h. On slopes in excess of 40 percent, use of pole-type construction which conforms to the 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 to minimize topographic modification;**

To construct the garage using pole-type construction would require placing the garage at the top of the slope adjacent to the existing private drive. The garage would be required to have a 10-foot setback from the drive which would cause the garage to be placed over the steepest slopes on the site. Given that the goal of the proposed driveway is to provide vehicle access down the slope to the residence, placement of the garage near the bottom of the slope adjacent to the driveway is the most logical choice.

- 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;**

See response to G above.

- 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 20.25H.210.**

A Temporary Erosion Sedimentation Control Plan has been submitted. A conceptual landscape restoration plan has also been submitted to restore an area next to the driveway expansion, see Attachment 1. The future clear and grade permit submittal must include a cost estimate to be used in determining the amount of the assignment of savings financial security device that will be required prior to permit issuance. The assignment of savings shall be at least 100 percent of the cost of plants. See Conditions of Approval in Section XI of this report.

B. Consistency With the purpose of LUC 20.25H.230:

The critical areas report is intended to provide flexibility for sites where the expected critical area functions and values are not present due to degraded conditions or other unique site characteristics, or for proposals providing unique design or protection of critical area functions and values not anticipated by this part. Generally, the critical areas report must demonstrate that the proposal with the requested modifications leads to equivalent or better protection of critical area functions and values than would result from the application of the standard requirements. This is a proposal to construct a driveway and garage within a steep slope critical area. The driveway is an allowed use in a critical area per LUC 20.25H.055; however the garage can only be approved through a critical area report. The applicant has obtained the services of a qualified geotechnical engineering company to study the site and document the observed conditions. Staff has reviewed the following documents:

- Geotechnical report dated May 15, 2008 prepared by Associated Earth Sciences Inc.
- Geotechnical Addendum letter dated July 8, 2008 prepared by Associated Earth Sciences Inc.

- Critical Area Report dated May 19, 2008 prepared by Jeff and Bonnie Geers, Applicants and Property Owners
- Conceptual Landscape Restoration Plan dated March 29, 2008 prepared by ESM Consulting Engineers

These documents indicate that the proposed garage is appropriate for this site due to lack of existing ecological or habitat benefit. The existing slope is covered by grass and invasive plants. Construction of the garage within the steep slope critical area is feasible if the recommendations in the geotech report and follow-up letter are followed. The construction of the driveway will affect the hillside to the point that the slopes no longer are a hazard or a critical area. The construction of the garage will help to stabilize the slope through incorporating the garage into the slope retention system. The unaffected areas of the hillside will be restored with native plants that over time will reduce the amount of stormwater runoff from those areas that discharge to Lake Sammamish.

As a result, the critical area report and geotechnical information demonstrate that the expected functions and values of a steep slope are not present due to previous development surrounding the site and lack of vegetation for any habitat. The placement of the garage will protect the steep slopes from failure due to its incorporation into the retention system of the hillside, as a result allowing the natural topography to remain mostly intact.

VII. Public Notice and Comment

Application Date:	May 23, 2008
Public Notice (500 feet):	July 10, 2008
Minimum Comment Period:	August 11, 2008

The Notice of Application for this project was published in the Seattle Times and the City of Bellevue weekly permit bulletin on July 10, 2008. It was mailed to property owners within 500 feet of the project site. No comments on the project were received.

VIII. 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.

IX. Decision Criteria

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

Modifications to geological hazard critical areas and critical area buffers shall only be approved if the Director determines that the modification:

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

The applicant has submitted a geotechnical report and supplemental review of the site and slope area prepared by Associated Earth Sciences Inc. that addresses slope stability and identifies construction practices and structure design that will help limit the potential for increased hazard associated with this slope.

- 2. Will not adversely impact other critical areas;**

Only the steep slope critical area is proposed to be impacted. No work is proposed that will impact Lake Sammamish.

- 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;**

The Geotechnical Engineer of record has concluded that any impacts as a result of the proposed work will be mitigated if the recommendations in the geotechnical report are followed. Copies of the project geotechnical evaluations are available in the project file.

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

The applicant has submitted a geotechnical report and addendum letter of the site and slope area prepared by Associated Earth Sciences Inc.

that address slope stability and identifies construction practices and structure design that will help limit the potential for increased hazard associated with this slope. The geotechnical engineer concluded that any potential impacts to adjacent properties "will be mitigated if the recommendations in the geotechnical report are followed" (see page 2 of geotechnical addendum letter).

- 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 impacts on stability of any adjacent slopes, and will not impact stability of any existing structures;**

The applicant has submitted a geotechnical report of the site and slope area prepared by Associated Earth Sciences Inc. that addresses slope stability and identifies construction practices and structure design that will help limit the potential for increased hazard associated with this slope.

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

The applicant has submitted a geotechnical report of the site and slope area prepared by Associated Earth Sciences Inc. that addresses slope stability and identifies construction practices and structure design that will help limit the potential for increased hazard associated with this slope.

- 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.**

The applicant provided a letter from the Washington State Department of Fish and Wildlife stating that no species of concern were in the vicinity of the project. In addition the critical area report contained a habitat assessment that indicated the project is not impacting any

vegetation meeting the definition of habitat as the hillside vegetation consists of grass and invasive plants.

B. 20.25H.255 Decision Criteria – Proposals to Reduce Regulated Critical Area Buffer

The Director may approve, or approve with modifications, a proposal to reduce the regulated critical area buffer on a site where the applicant demonstrates:

- 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;**

The Conceptual Landscape Restoration Plan proposes to restore the vegetation on the hillside in the areas left undisturbed by the driveway and garage. These areas are currently dominated by invasive weeds. The property will gain an increase in structural and biological diversity in the form of additional plantings, a net increase of trees will result on the property, which cumulatively result in an increase in wildlife habitat value and water quality functions. Further, the area proposed for reduction is already low in value, as it is partially developed and/or dominated by invasive weeds. As a result, the project will result in an increase in ecological value to the property over what is existing. See Conditions of Approval in Section XI of this report.

- 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 functions to the ecosystem in which they exist;**

The critical area to be modified is a steep slope that exists within a pre-developed residential neighborhood. The vegetation on the slope consists of ground cover and invasive plants which provide minimal habitat. In addition, this slope is disturbed by a private drive which crosses the slope twice, a stairway, and by existing development which isolates the site, all of which reduces the potential for habitat. Any gains in functions will be an improvement in the water quality function provided by the new plants installed as part of the restoration plan. The additional plant material binds soil and absorbs nutrients in the water before they will reach Lake Sammamish which is the most important

critical area in the vicinity of the site.

- 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;**

The proposal will result in a net gain in stormwater quality function as the mitigation planting will slow and retain stormwater more efficiently than the existing invasive species. The project will be subject to the City's existing stormwater regulations.

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

An assurance device to ensure completion and survival of the restoration planting will be required as a condition of approval. In addition, upon completion of the project the geotechnical expert will be required to verify that their recommendations in the geotechnical report were followed and that the project is built as planned. See Conditions of Approval in Section XI of this report.

- 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**

As a result of the implementation of the restoration plan, there will be an improvement to the functions and values of the steep slope critical area or buffers. Any potential that the this isolated property may still have to provide habitat functions and values will be increased as a result of the planting.

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

The resulting development would be a driveway and a garage to serve a single-family residence. This is compatible with the other uses in the land use district in which the property is located.

C. 20.30P.140 Critical Area Land Use Permit Decision Criteria – Decision Criteria

The Director may approve, or approve with modifications an application for a Critical Area Land Use Permit if:

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

The applicant must obtain a clear and grade permit and a building permit before beginning any work. Other permits may be required as determined during review. See Conditions of Approval in Section XI of this report.

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;

The proposed construction will allow the steep slopes to be stabilized to the point of not being considered critical areas. The construction proposed will allow the least amount of impact to the slope, however the allowed driveway use will make a large portion of the slope impervious surface. The remaining undisturbed portion of the steep slope will be restored with native vegetation.

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

As discussed in Section V of this report, the proposal meets the performance standards of LUC 20.25E.080.G and LUC 20.25H.125. The proposal also meets the Critical Areas Report decision criteria in LUC 20.25H.255.A required for proposals within a critical area.

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

The proposed driveway will also have an adjacent stairway to allow emergency personnel to access the residence from the private drive on the top of the slope. The proposed development will not increase the need for public services or facilities. See Conditions of Approval in

Section XI of this report.

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

This proposed mitigation is to restore the hillside with native vegetation and remove existing invasive plants. A Land Use final inspection will be required on the building permit associated with this work for the garage. See Conditions of Approval in Section XI of this report.

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

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

D. LUC 20.30R.155.B Shoreline Substantial Development Permit – Decision Criteria

The Director may approve, or approve with modifications if:

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

The applicant has demonstrated through the critical area report and geotechnical review that the construction of the driveway and garage can be mitigated for through the use of retaining walls and landscaping. No work is occurring within the shoreline critical area.

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

The proposal complies with all applicable decision criteria as found in this report.

- 3. The applicant has demonstrated that the proposal is consistent with the policies and procedures of the Shoreline Management Act and the provisions of Chapter 173-14 WAC and the Master Program.**

The proposal complies with the policies of the Shoreline Management Act and Chapter 173-14 WAC of the Master Program.

X. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of Planning and Community Development does hereby **approve with conditions** the proposal to construct a driveway and garage within the steep slope critical area located at 1096 W Lake Sammamish Pkwy. **Approval of this Shoreline Substantial Development Permit and Critical Areas Land Use Permit does not constitute a permit for construction. Clear and Grade and Building permits are required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

Note- Expiration of Approval: In accordance with LUC 20.30R.175, the Shoreline Substantial Development Permit automatically expires and is void if the applicant fails to file for a Clearing and Grading Permit or other necessary development permit and fails to make substantial progress towards completion of the project within two years of the effective date of the Shoreline Substantial Development Permit unless the applicant has received an extension for the Shoreline Substantial Development Permit pursuant to LUC 20.30R.180.

In accordance with LUC 20.30P.150, the Critical Areas Land Use Permit the project automatically expires 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.

XI. 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	Reilly Pittman, 425-452-4350
Noise Control- BCC 9.18	Reilly Pittman, 425-452-2973

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

1. Obtain Permits

The applicant shall obtain all required Clear and Grade and Building permits.

Authority: BCC 23.10 and 23.76
Reviewer: Tom McFarlane, Development Services Department

2. Stairway Access

The new driveway will still be too steep to allow emergency vehicles to drive down to the residence at the bottom of the slope. As a result emergency crews will need to walk down to the residence with all of their gear and equipment including gurneys/stretchers if necessary. A stairway access shall be provided on-site from the private drive down to existing residence in order to ensure emergency personnel can access the residence in time of inclement weather. The stairway shall be shown on the site plan required for future permits.

Authority: Land Use Code 20.30P.140
Reviewer: Reilly Pittman, Development Services Department

3. Mitigation Inspection

In order to ensure approved mitigation is installed, a Land Use inspection will be required for the building permit associated with the garage. Plants shall be installed prior to Land Use inspection.

Authority: Land Use Code 20.25H.220
Reviewer: Reilly Pittman, Development Services Department

4. As-Built Survey

In order to verify that all structures and their supporting elements are entirely located on the subject property and to ensure the final amount of impervious surface coverage is under the maximum coverage allowed by the code an as-built survey will be required to be submitted. The survey shall be submitted prior to the required land use inspection.

Authority: Land Use Code Title 20
Reviewer: Reilly Pittman, Development Services Department

5. Assignment of Savings Financial Security Device:

A complete assignment of savings financial security device in the amount of 100 percent of the cost of plants must be submitted prior to clear and grade permit issuance for maintenance of the planting. Release of the assignment of savings can occur after three years, provided an inspection

of the planting by Planning Staff finds the plants in a healthy and growing condition.

Authority: Land Use Code 20.25H.220.F
Reviewer: Reilly Pittman, Development Services Department

7. Geotechnical Confirmation:

The geotechnical expert shall provide a follow-up letter testifying that the driveway and garage were constructed per the plans and recommendations provided in the geotech report and addendum letter. The letter shall be submitted prior to Land Use inspection of the project.

Authority: Land Use Code 20.25H.145
Reviewer: Reilly Pittman, Development Services Department

8. Hold Harmless Agreement:

The applicant shall sign a hold harmless agreement in a form approved by the City Attorney which releases the City from liability for any damage arising from the location of improvements within the steep slope critical area in accordance with LUC 20.30P.170.

Authority: Land Use Code 20.30P.170
Reviewer: Reilly Pittman, Development Services Department

9. 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, Development Services Department

10. Noise Control

Noise related to construction is exempt from the provisions of BCC 9.18 between the 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. Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance. Requests for construction hour extension must be done in advance with submittal of a construction noise expanded exempt hours permit.

Authority: Bellevue City Code 9.18

Reviewer: Reilly Pittman, Development Services Department

XII. Attachments:

1. Critical Area Report and Habitat Assessment– In file
2. Conceptual Landscape Restoration Plan – Attachment 1
3. Geotech Report and Supplemental Information – In File
4. TESC Plan – In File
5. Environmental Checklist – In File
6. Plans – In File

