



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

Proposal Name: King County Metro East Bus Base

Proposal Address: 1975 124th Ave NE

Proposal Description: The applicant requests a Critical Areas Land Use Permit to construct a 3 foot tall block wall at the toe of a steep slope critical area. The modification is necessary in order to locate new electrical podiums for portable electric heaters for bus maintenance.

File Number: 14-144291-LO

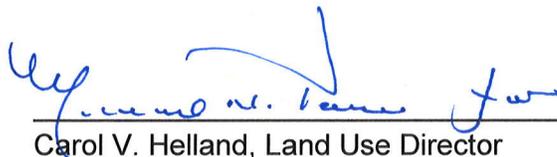
Applicant: Jennifer Ash, King County Metro Transit

Decisions Included: Critical Areas Land Use Permit
(Process II. LUC 20.30P)

Planner: Heidi M. Bedwell, Planner

**State Environmental Policy Act
Threshold Determination:** Exempt

Director's Decision: Approval with Conditions



Carol V. Helland, Land Use Director
Development Services Department

Application Date: November 17, 2014
Notice of Application Publication Date: December 18, 2014
Decision Publication Date: February 26, 2015
Project Appeal Deadline: March 12, 2015

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. 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.

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Attachments

1. Project Plans
2. Geotechnical Report (see file)

I. Proposal Description

The applicant is requesting a Critical Areas Land Use Permit in order to construct a 3 foot tall block wall at the toe of a steep slope critical area. The modification is necessary in order to locate new electrical podiums for portable electric heaters for bus maintenance.

Land Use Code (LUC) 20.25H.120 prescribes a 75-foot critical area structure setback from the toe of a steep slope critical area. The request is to reduce the prescribed setback to allow for the construction of a block wall 110 feet in length at the toe of the steep slope. LUC 20.25H.140 allows for the modification of a critical area structure setback through a critical areas report. The critical areas report is a mechanism by which certain LUC requirements may be modified for a specific proposal.

The critical areas report is intended to provide flexibility for sites where the expected critical areas functions and values are not present due to degraded conditions. The steep slope on the property is degraded in function and value because it lacks the vegetative structural diversity found in higher-quality habitat areas. The stability of the slopes have been assessed by a qualified professional and the placement of a wall at the toe of the slope as designed has been deemed sufficient to protect development from geologic hazards.

II. Site Description, Zoning, Land Use and Critical Areas



Looking east from site entrance on 120th Ave NE

A. Site Description

The subject property is owned by King County Metro and used as the East Base for Metro's bus operations. The site is developed with a bus service building including surface bus parking and maintenance areas. The total site area is 16.47 acres fronting on 120th Ave NE to the west and 124th Ave NE on the easterly side of the property. Surface parking for the bus fleet and employee vehicles surround the base maintenance building in approximately the middle of the site.

2006), is a major cause of native species local extinctions (Czech et al 2000), and is likely to become the primary cause of extinctions in the coming century (Marzluff et al. 2001a). Cities are typically located along rivers, on coastlines, or near large bodies of water. The associated floodplains and riparian systems make up a relatively small percentage of land cover in the western United States, yet they provide habitat for rich wildlife communities (Knopf et al. 1988), which in turn provide a source for urban habitat patches or reserves. Consequently, urban areas can support rich wildlife communities. In fact, species richness peaks for some groups, including songbirds, at an intermediate level of development (Blair 1999, Marzluff 2005). Protected wild areas alone cannot be depended on to conserve wildlife species. Impacts from catastrophic events, environmental changes, and evolutionary processes (genetic drift, inbreeding, colonization) can be magnified when a taxonomic group or unit is confined to a specific area, and no one area or group of areas is likely to support the biological processes necessary to maintain biodiversity over a range of geographic scales (Shaughnessy and O'Neil 2001). As well, typological approaches to taxonomy or the use of indicators present the risk that evolutionary potential will be lost when depending on reserves for preservation (Rojas 2007). Urban habitat is a vital link in the process of wildlife conservation in the U.S.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The site is located in the BR-OR-2 zoning district. The plans submitted generally demonstrate conformance with these standards. However as part of the subject building permit the applicant will be required to comply with all applicable Land Use Code standards prior to City approval.

B. Critical Areas Requirements LUC 20.25H: Consistency with Land Use Code Critical Areas Performance Standards for landslide hazards and steep slopes 20.25H.125

The project is subject to the compliance with steep slope performance standards found in LUC 20.25H.

- 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;
- Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;
- The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;
- 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;
- Development shall be designed to minimize impervious surfaces within the critical

area and critical area buffer;

- 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;
- 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;
- 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.

Response: No alteration of the slopes is proposed. The proposed wall is located at the toe of the steep slope and within an area adjacent to existing paving and primarily consisting of a grass slope. No new impervious surface is designed in the critical area. See discussion below regarding mitigation and restoration plan. **See Conditions of Approval in Section IX of this report.**

C. Consistency with Critical Areas Report LUC 20.25.230.

The application includes a copy of the site plans for the proposal and a topographic survey. In addition, a critical areas report and associated geotechnical report prepared by HWA Geosciences Inc, on August 11, 2014 were submitted with the application. These reports include an analysis of the site's geological characteristics and the proposed project. The report includes an analysis of the stability the slopes on the site. Existing and post development slope stability was evaluated using City of Bellevue reporting requirements. The minimum calculated factors of safety all exceed the minimum values specified by the City of Bellevue. Additionally, post-development factors of safety are equal or higher than the factors of safety calculated for the existing site conditions.

The report recommends the use of modular blocks for the wall construction. The modular block will function primarily to protect the slope against erosion and sloughing rather than retain the slope. The wall design presented provides for support of the granular backfill used for drainage behind the wall.

No native or significant vegetation will be removed within the steep slope. The project will be conditioned to incorporate the recommendations for design and construction of the block wall. **See Conditions of Approval in Section IX of this report.**

IV. Public Notice and Comment

Application Date:	November 17, 2014
Public Notice (500 feet):	December 18, 2014
Minimum Comment Period:	January 5, 2015

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on December 18, 2014. It was mailed to property owners within 500 feet of the project site. No comments have been received from the public as of the writing of this staff report.

V. Summary of Technical Reviews

Clearing and Grading:

The Clearing and Grading Division of the Development Services Department has reviewed the proposed development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development.

VI. State Environmental Policy Act (SEPA)

The proposal is for the reduction of a toe of slope structure setback for the purposes of constructing a block wall on the property. The proposed work is entirely outside of the areas defined as "Critical Areas" by BCC 22.02.045.

VII. Decision Criteria

D. Critical Areas Report Decision Criteria- General Criteria LUC 20.25H.255

The Director may approve, or approve with modifications, the proposed modification where the applicant demonstrates:

1. The modifications and performance standards included in the proposal lead to levels of protection of critical area functions and values at least as protective as application of the regulations and standards of this code;

Finding: The performance standards related to steep slopes are being met by this proposal as no critical area or critical area buffer is proposed to be modified. As reviewed in Section III above, the project complies with all required performance standards. As mitigation for any temporary disturbance the applicant has prepared a planting plan to install native vegetation behind the proposed wall.

2. Adequate resources to ensure completion of any required mitigation and monitoring efforts;

Finding: The mitigation planting is sufficient as proposed. The planting is required to be monitored for five years, which may be discontinued after three years if the planting is inspected by Land Use staff who finds it is successfully established. Staff inspection of the planting is required after installation and to end the monitoring. Monitoring may be done by the property owner which requires an annual report submitted to Land Use staff. **See Conditions of Approval in Section IX of this report.**

3. 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: No significant impact to the steep slope critical area or its buffer will be

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

Finding: There will be no change in land use as a result of the proposed project. The use is will continue to be compatible with existing uses in the vicinity in the same land use district.

Critical Areas Land Use Permit Decision Criteria 20.30P

The Director may approve or approve with modifications an application for a critical areas land use permit if:

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

Finding: The proposal will be required to obtain a clearing and grading permit for the construction of the block wall. **See Conditions of Approval in Section IX 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;

Finding: The applicant has used the best available design and development techniques to design the block wall. The design constitutes the minimum necessary while still fulfilling the project purpose. Permanent steep slope impacts have been avoided and structural encroachment into the slope has been minimized. Development techniques as suggested by the HWA Geosciences, Inc in their report, coupled with the planting of native vegetation in the steep slope area will result in the least possible impact on the critical area and critical area buffer.

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

Finding: As discussed in Section III of this report, the applicable performance standards of LUC Section 20.25H are being met.

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

Finding: The proposed activity will not impact public facilities.

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

Finding: The applicant has agreed to a restoration plan on the steep slope behind the proposed wall with the installation of native plants. A final mitigation plan must be included with application for clearing and grading permit. The proposed planting will be monitored for 5 years. **See Conditions of Approval in Section IX of this report.**

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

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

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 of the Development Services Department does hereby **approve with conditions** the proposal to construct a block wall within the structure setback from a steep slope.

Note- Expiration of Approval: In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a Clearing and Grading 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:

<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	Heidi M. Bedwell, 425-452-4862
Noise Control- BCC 9.18	Heidi M. Bedwell, 425-452-4862

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

- 1. Clearing and Grading Permit:** Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. A clearing and grading permit and any other associated development permits are required. Plans submitted as part of any

permit application shall be consistent with the activity permitted under this approval.

Authority: Land Use Code 20.30P.140

Reviewer: Heidi M. Bedwell, Development Services Department

- 2. Approved Modification:** This decision approves the toe of slope structure modification to construct a block wall as identified in the project site plans (**Attachment 1**) with mitigation. This approval does not allow future structures or improvements to be located without future review and approval of a Critical Areas Land Use Permit. Geotechnical evaluation may be required for any future development on the property.

Authority: Land Use Code 20.30P.140

Reviewer: Heidi M. Bedwell, Development Services Department

- 3. Mitigation Planting Area:** The modification of the geologic hazard critical area structure setback requires planting to mitigate the approved block wall construction. The applicant shall submit a final planting plan as part of the clearing and grading permit which is consistent with the requirements in this report. Temporary irrigation shall be installed to assure successful plant establishment and health.

Authority: Land Use Code 20.30P.140; 20.25H.220

Reviewer: Heidi M. Bedwell, Development Services Department

- 4. Maintenance and Monitoring:** The planting area shall be maintained and monitored for 5 years as required by LUC 20.25H.220. Annual monitoring reports are to be submitted to Land Use each of the five years. Photos from selected photo points will be included in the monitoring reports to document the planting. Annual monitoring reports are to be submitted to the Development Services Department Land Use Division at the end of the growing season by no later than November 30 for each year monitored. The reports, along with a copy of the planting plan, can be sent to Heidi Bedwell at hbedwell@bellevuewa.gov or to the address below:

Environmental Planning Manager
Development Services Department
City of Bellevue
PO Box 90012
Bellevue, WA 98009-9012

Authority: Land Use Code 20.30P.140; 20.25H.220

Reviewer: Heidi M. Bedwell, Development Services Department

- 5. 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: Heidi M. Bedwell, Development Services Department

- 6. Rainy Season Restrictions:** Due to the proximity to Lake Sammamish and the site's steep slopes, no clearing and grading activity may occur during the rainy season, which is defined as October 1 through April 30 without written authorization of the Development Services Department. 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.

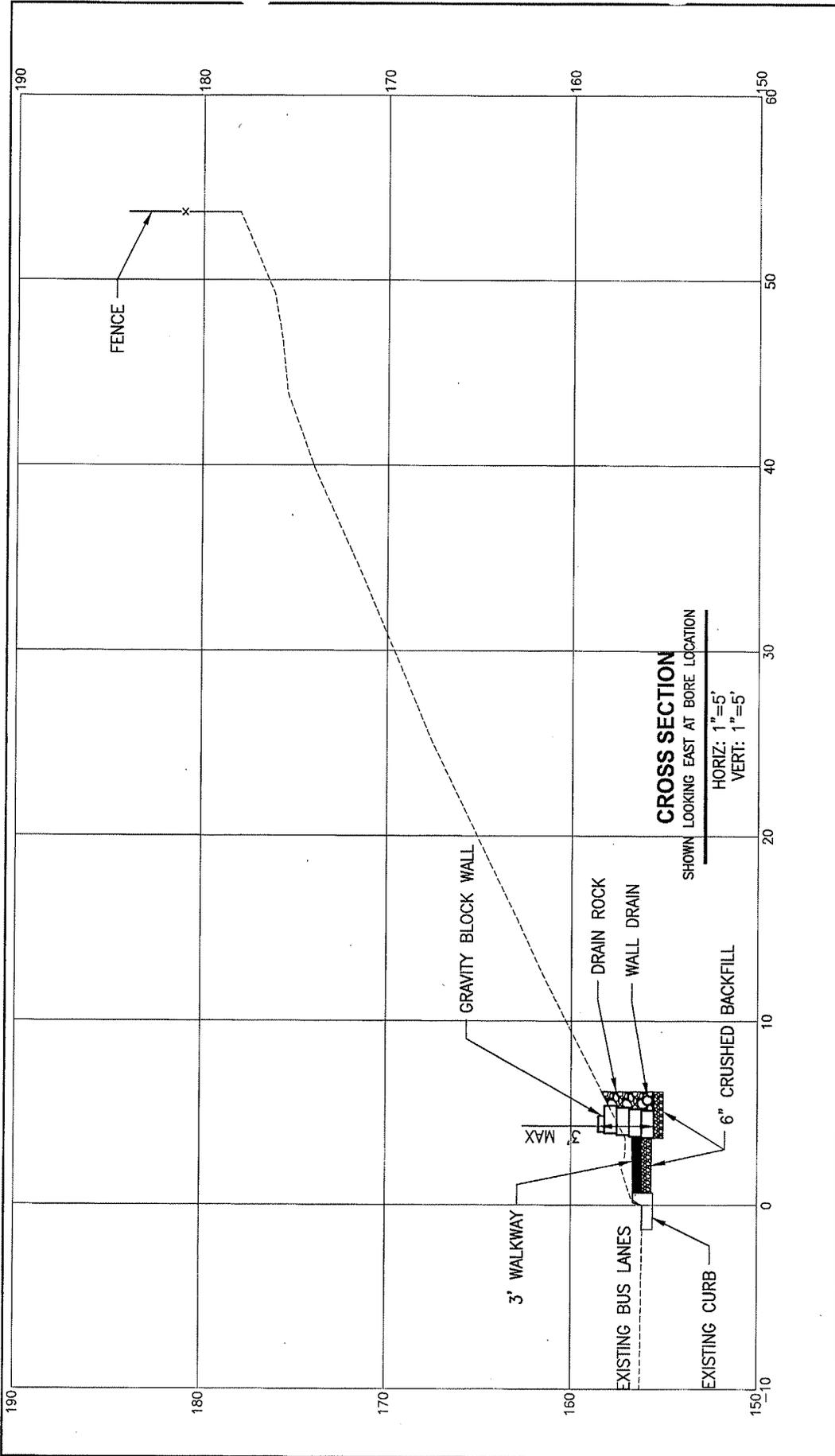
Authority: Bellevue City Code 23.76.093.A,

Reviewer: Tom McFarlane, Development Services Department

- 7. Storm Water Pollution Prevention Plan:** To ensure contaminated stormwater or construction-related runoff does not pollute adjacent surface water, a construction stormwater pollution prevention plan (CSWPPP) is required. The CSWPPP outline should be generally consistent with the SWPPP requirements of the National Pollutant Discharge Elimination System (NPDES) General Storm water Permit for Construction Activities.

Authority: Clearing and Grading Code BCC 23.76

Reviewer: Tom McFarlane, Development Services Department



SITE PLAN, MITIGATION

