City of Bellevue
Development Services Department
Land Use Staff Report

Proposal Name:	Lipscomb Residence
Proposal Address:	101 Cascade Key
Proposal Description:	Application for a Critical Areas Land Use Permit to modify the 25-foot shoreline setback for construction of a new patio, hot tub, and landscaping improvements associated with a demo and rebuild of an existing house. Minor work in the shoreline buffer is proposed to replace a walkway, remove impervious surface, and install vegetation along the shoreline bulkhead.
File Number:	16-123429-LO
Applicant:	Bryan Krannitz, Krannitz Gehl Architects
Decisions Included	Critical Areas Land Use Permit (Process II. 20.30P)
Planner:	Reilly Pittman, Land Use Planner
State Environmental Policy Act Threshold Determination:	**Exempt Per WAC 197-11-800(1)**
Director's Decision:	**Approval with Conditions** Michael A. Brennan, Director Development Services Department By: _____ Carol V. Helland, Land Use Director

Application Date:	January 25, 2016
Notice of Application Date:	February 18, 2016
Decision Publication Date:	April 14, 2016
Project Appeal Deadline:	April 28, 2016

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. Site Plan – Enclosed
2. Critical Areas Report, Mitigation, and Monitoring plan dated January 25, 2016 – In File
3. Property Survey – In File
4. Application Forms and Materials, 1964 aerial photo, project narrative – In File

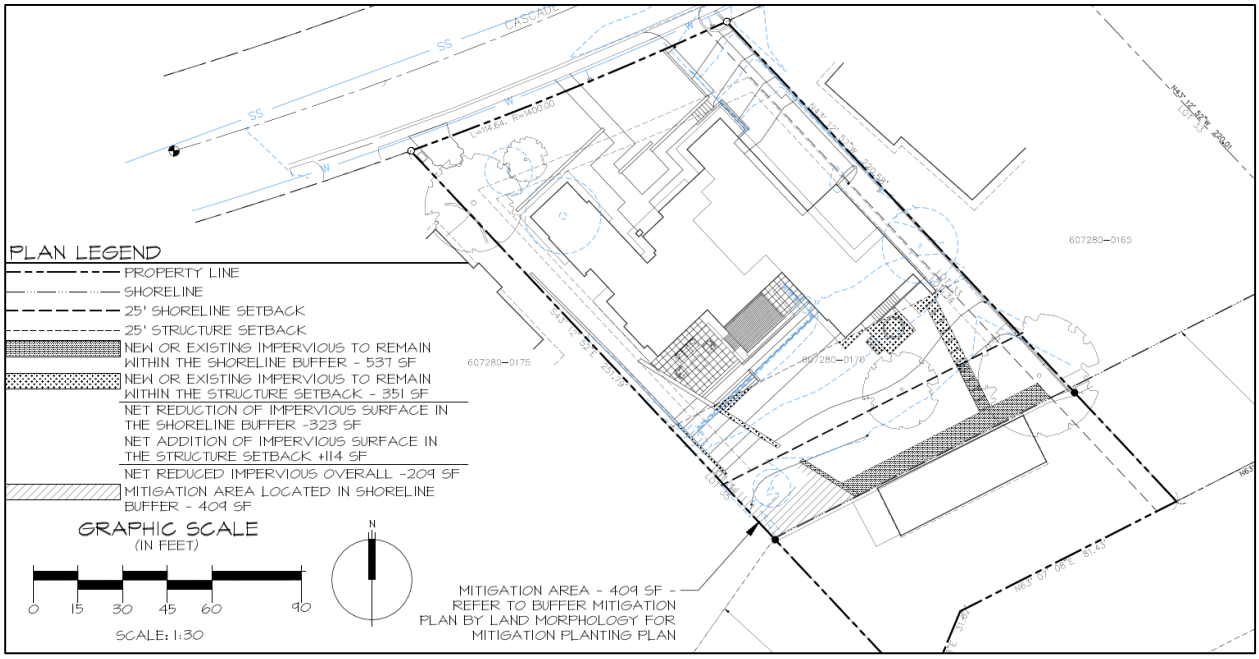
I. Proposal Description

The applicant proposes to demolish and reconstruct a single-family residence. The project proposes to remove and replace impervious surfaces and improvements primarily within the 25-foot shoreline setback but also includes some removal and replacement of a walkway in the 25-foot shoreline buffer and replacement of walls and landscaping features. All work is within a maintained yard with no native vegetation and low ecological function and value as determined by the project biologist. The proposed impacts are as follows:

- 860 square feet of impervious surface currently exists within the shoreline buffer. 323 square feet of impervious surface in the buffer will be removed to replace the existing walkway with a pervious walkway.
- 237 square feet of impervious surfaces are currently within the 25-foot shoreline setback. The new residence is located outside of the setback and buffer but proposes to increase hardscape in the structure setback by 114 square feet. Improvements in the setback include a hot tub, walkway, fencing, and walls to maintain existing grades and create a planting area.
- The combined impervious surface within the shoreline buffer and structure setback will be reduced by 209 square feet.
- 409 square feet of lawn within the shoreline buffer area is proposed to be converted to a area of native vegetation along the shoreline.

See Figure 1 below for project site plan and Attachment 2 for Critical Areas Report

Figure 1



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

A. Site Description

The project site is located at 101 Cascade Key in the Factoria subarea of the City. This single-

family residential neighborhood is characterized by the canals that lead to Lake Washington. Other single-family zoned property is adjacent to the site. Street frontage on Cascade Key is to the north and a canal is to the south. The house and nonconforming boathouse structure on the canal was constructed in the early 1960s and predates the Shoreline Management Act. See Figure 2 for existing site condition.

Figure 2

B. Zoning

The property and surrounding properties are zoned R-2.5, single-family residential. The

proposed development is allowed in this zone.

C. Land Use Context

The property has a Comprehensive Plan Land Use Designation of SF-M (Single-Family Medium Density).

D. Critical Areas On-Site and Regulations

i. Shorelines

Shorelines provide a variety of functions including shade, temperature control, water purification, woody debris recruitment, channel, bank and beach erosion, sediment delivery, and terrestrial-based food supply (Gregory et al. 1991; Naiman et al. 1993; Spence et al.1996).

Shorelines provide a wide variety of functions related to aquatic and riparian habitat, flood control and water quality, economic resources, and recreation, among others. Each function is a product of physical, chemical, and biological processes at work within the overall landscape. In lakes, these processes take place within an integrated system (ecosystem) of coupled aquatic and riparian habitats (Schindler and Scheuerell 2002). Hence, it is important to have an ecosystem approach which incorporates an understanding of shoreline functions and values.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The proposal generally meets the R-2.5 zoning dimensional requirements found in LUC 20.20.010. Total hardscape coverage on the site is proposed at 49.6 percent with impervious coverage stated to be 45.8 percent. Pervious pavement and systems are proposed to be employed to meet the 50 percent maximum limit on impervious surface. Surface coverage may be required to be verified by survey as part of the building permit inspection process.

Walls are proposed within the side and rear structure setbacks. Any portion of the wall which serves as earth retention is required to be 30 inches or less in height. If the wall serves as a fence there is no height limit except in the front setback. The building permit for the house will need to show the walls and their proposed heights. Wall heights are required to be verified as part of the building permit review. **See Conditions of Approval in Section IX of this report.**

Tree removal is proposed on the submitted plans which show the property meets the minimum retention requirements of 30 percent. One tree in excess of the 30 percent required is proposed to be relocated from the side yard to be just outside the outer edge of the shoreline buffer. Arborist verification that this is a viable proposal and provision for monitoring of this relocated tree is required to be submitted under the future building permit. **See Conditions of Approval in Section IX of this report.**

B. Critical Areas Requirements LUC 20.25H:

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes performance standards and procedures that apply to development on any site which contains in whole or in part any portion designated as critical area, critical area buffer or structure setback from a critical area or buffer. The site is also located within the Shoreline Overlay District and is also subject to the requirements in LUC 20.25E. The performance standards found in LUC 20.25E as specified in the table below are applicable:

Critical Area	**Shorelines**
Performance Standards	20.25E.080.Q

i. Consistency With LUC 20.25E.080.Q

Residential Development Regulations. For purposes of this section, accessory structures shall include swimming pools, tennis courts, spas, greenhouses and similar facilities.

1. **No boat, houseboat or watercraft moored seaward of the ordinary high water mark shall be used as a permanent residence.**
   A boathouse exists along the shoreline of this property and predates the adoption of the City's Shoreline Master Plan. This structure is legally nonconforming and can continue to be maintained as allowed in LUC 20.25E. No proposal to use a boat or the structure as a residence is included in this proposal.

2. **All structures, accessory buildings and ancillary facilities, other than those related to water use (such as moorage) shall be located outside of the shoreline critical area and shoreline critical area buffer, except stairs, handrails, and a trail or path providing access to the shoreline. The requirements of this subsection may be modified through a critical areas report, LUC 20.25H.230.**
   The existing walkways in the shoreline buffer are proposed to be removed and replaced with a pervious walkway. Overall impervious surface coverage in the buffer will be reduced by 323 square feet. The proposed walkway maintains access to the walkway along the bulkhead to access the boat.

3. **Fences essentially parallel with the shoreline are not permitted within critical area buffer or critical area structure setback.**
   No parallel fences are proposed as part of this approval.

4. **Maximum building height in those areas of the Shoreline Overlay District which are zoned for residential uses shall be 35 feet, except in land use districts where more restrictive height limitations exist.**
   Proposed structures comply with the 35 foot height limit on residential uses in the shoreline jurisdiction.

5. **All residential development shall be accompanied by a plan indicating methods for preserving shoreline vegetation and control of erosion during and following construction as required by City of Bellevue clearing and grading regulations, Chapter 23.76 BCC, and the Comprehensive Plan.**
   The only existing vegetation adjacent to the shoreline of this property is lawn currently. A small ornamental tree is proposed to be removed within the buffer in the area of the proposed mitigation planting. Another existing tree onsite is proposed to be relocated into the shoreline setback. 409 square feet of mitigation planting is proposed to be installed along the shoreline to provide the improvement of ecological function and values required under the critical areas report process.

IV. Public Notice and Comment

Application Date:	January 25, 2016
Public Notice (500 feet):	February 25, 2016
Minimum Comment Period:	March 10, 2016

The Notice of Application for this project was published the City of Bellevue weekly permit bulletin and Seattle Times on February 25, 2016. It was mailed to property owners within 500 feet of the project site. No comments were received.

V. Summary of Technical Reviews

A. Clearing and Grading

The Clearing and Grading Division of the Development Services 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 has approved the application.

VI. Changes to Proposal Due to Staff Review

No changes to the plan were requested.

VII. Decision Criteria

A. 20.25H.255.B Critical Areas Report Decision Criteria

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;**
   Per page 2 of the critical areas report, the existing shoreline buffer has “very low functional value” as it lacks vegetation that would provide “shade, temperature control, water purification, woody debris recruitment…” etc. 323 square feet of impervious surface is proposed to be removed from buffer and 409 square feet of buffer planting installed in an area that was previously concrete. The planting will improve the

shoreline buffer function above what previously existed by extending "over the bulkhead" to "create some overhead cover while contributing detritus and other desirable allochthonous inputs in to the aquatic environment." The pervious walkway will increase stormwater functions by allowing "infiltration and pollutant removal" before water reaches the lake.

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;**
   Reduction of impervious surface and establishing native vegetation in the shoreline buffer will improve habitat and stormwater functions which are the most important on this shoreline property.

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;**
   Stormwater quality will be improved by the reduction of impervious surface along the bulkhead, the use of pervious surfaces and the installation of mitigation planting.

4. **Adequate resources to ensure completion of any required restoration, mitigation and monitoring efforts;**
   Mitigation planting is required and found with the critical areas report as attachment 2. The planting will be maintained and monitored for a period of at least five years. The monitoring may be discontinued in year 3 if all of the performance standards are found to be met. A maintenance surety will be required based on the submitted cost estimate. The surety will be released after a final inspection by Land Use staff that finds the project has met the performance standards of

   - **Objective A**: Increase the structural and plant species diversity within the mitigation area.

     Performance Standard: Following every monitoring event for a period of five years (or three years if the site is meeting all performance standards and the City grants early sign-off), the mitigation areas will contain a total of at least 5 native plant species. In addition, there will be 100% survival of all woody planted species throughout the mitigation area at the end of the first year of planting. Following Year 1, success will be based on an 80% survival rate or similar number of recolonized native woody plants.

   - **Objective B**: Limit the amount of invasive and exotic species within the mitigation area.

     Performance Standard: After construction and following every monitoring event for a period of five years (or three years if the site is meeting all performance standards and the City grants early sign-off), exotic and invasive plant species will be

maintained at levels below 10% total cover in the designated mitigation area. Invasive species include, but are not limited to, Himalayan and evergreen blackberry, Japanese knotweed, and English ivy.

An annual monitoring report shall be submitted to Land Use staff which documents the mitigation success in meeting the performance standards above, any maintenance activities, and any replanting or replacement of plants that occurs. The mitigation and monitoring plan can be found in the Critical Areas Report which is Attachment 2. This maintenance and monitoring is required to extend to the relocated tree in the shoreline setback. **See Conditions of Approval in Section IX 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**
   The modifications and performance measures in this proposal are not detrimental to the functions and values of the shoreline.

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

B. 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;**
   Finding: A building permit application and any other required permit shall be issued for construction to begin. **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 proposal is consistent with required performance standards for projects in the shoreline overlay district. The resulting development will improve stormwater quality and provide vegetation in the shoreline buffer which is an improvement over the existing condition.

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 are being met.

4. **The proposal will be served by adequate public facilities including street, fire protection, and utilities; and;**
   Finding: The proposed home will not affect public services or facilities above the

current demand created by the existing house.

5. **The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210; and**
   Finding: A mitigation plan consistent with LUC 20.25H.210 has been submitted and is Attachment 2 of this report.

6. **The proposal complies with other applicable requirements of this code.**
   Finding: As discussed in 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, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the modification of the shoreline structure setback and disturbance of the buffer from the canal of Lake Washington.

Approval of this Critical Areas Land Use Permit does not constitute a permit for construction. A building permit, clear and grade permit, and/or utility permit is 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 20.30P.150 a Critical Areas Land Use Permit 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.

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	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 authority referenced:

1. **Building Permit Required:** Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. A building permit and any other construction permit is required. Plans submitted as part of the permit application shall be consistent with the plans reviewed for this approval.

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

2. **Retaining Wall Height:** Any retaining walls within a setback are required to be 30 inches or less in height.

   Authority: Land Use Code 20.20.025
   Reviewer: Reilly Pittman, Development Services Department

3. **Tree Relocation:** Arborist verification to confirm viability of the proposed relocation of a tree into the shoreline setback/shoreline buffer is required prior to building permit approval. Maintenance and monitoring of the relocated tree is required as part of the mitigation monitoring.

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

4. **Maintenance and Monitoring:** The submitted monitoring plan included in Attachment 2 is required to be implemented. Annual monitoring reports are required to be submitted to Land Use staff. Monitoring reports should be mailed to:

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

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

5. **Maintenance Surety:** A maintenance surety is required to be submitted based on 100 percent of the cost estimated for a qualified specialist to maintain and monitor the planting area. The maintenance surety is required prior to building permit issuance.

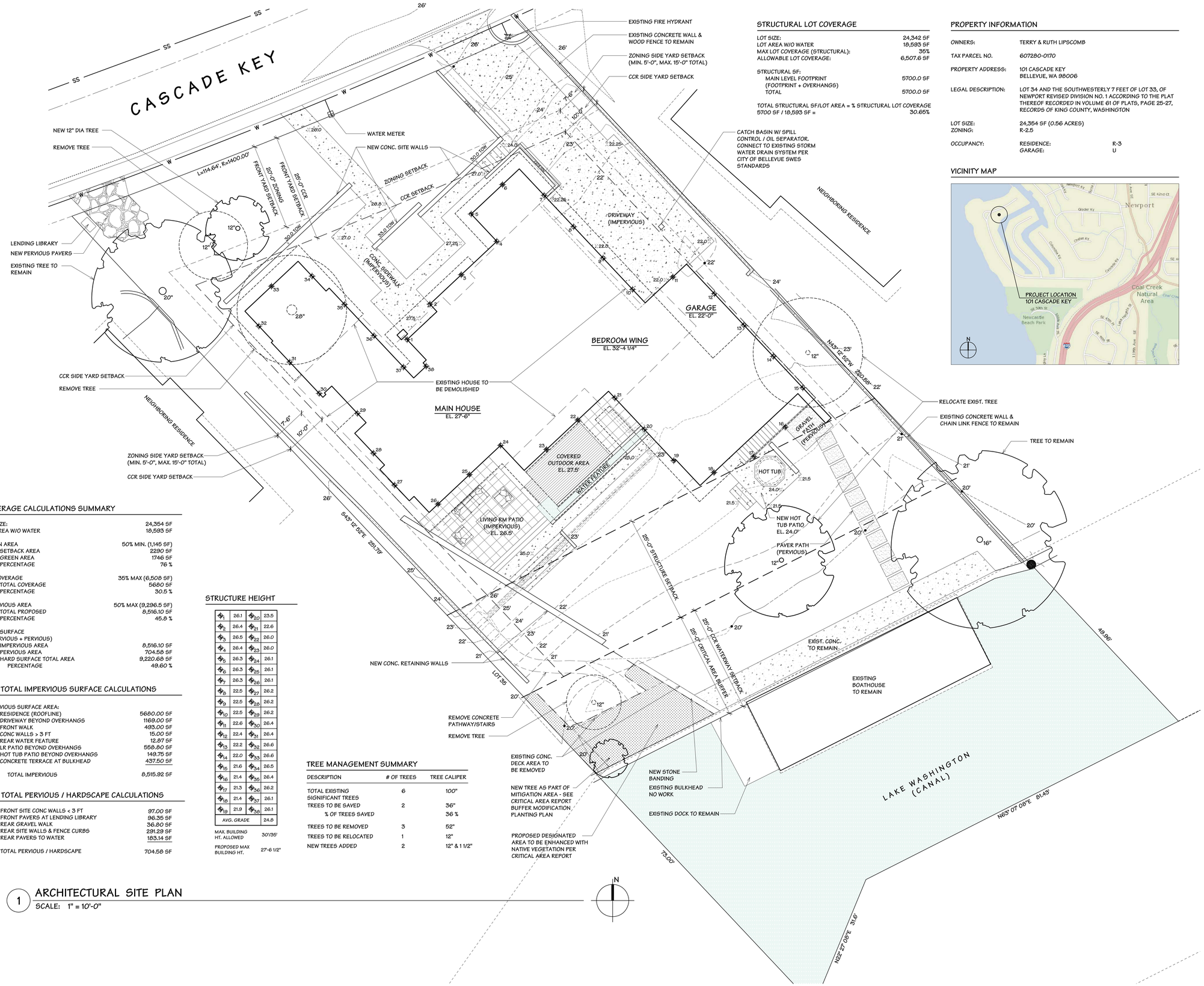
   Authority: Land Use Code 20.30P.140
   Reviewer: Reilly Pittman, Development Services Department

6. **Land Use Inspection:** Following installation of planting the applicant shall contact Land Use staff to inspect the planting area. At the end of 5 years inspection by Land Use staff is required to release the maintenance surety. Staff will need to find that the plants are in a healthy and growing condition and the mitigation plan is successful per the established performance standards in the monitoring plan. Monitoring may end in year 3 if the planting is inspected and found to be sufficiently established and meets the performance standards. Throughout the monitoring period Land Use staff has the right to enter the property to inspect the planting.

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

7. **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



STRUCTURAL LOT COVERAGE

LOT SIZE:	24,342 SF
LOT AREA W/O WATER	18,593 SF
MAX LOT COVERAGE (STRUCTURAL):	35%
ALLOWABLE LOT COVERAGE:	6,507.6 SF
STRUCTURAL SF:	
MAIN LEVEL FOOTPRINT	5700.0 SF
(FOOTPRINT + OVERHANGS)	
TOTAL	5700.0 SF

TOTAL STRUCTURAL SF/LOT AREA = % STRUCTURAL LOT COVERAGE
5700 SF / 18,593 SF = 30.65%

PROPERTY INFORMATION

OWNERS:	TERRY & RUTH LIPSCOMB	
TAX PARCEL NO.	607280-0170	
PROPERTY ADDRESS:	101 CASCADE KEY BELLEVUE, WA 98006	
LEGAL DESCRIPTION:	LOT 34 AND THE SOUTHWESTERLY 7 FEET OF LOT 33, OF NEWPORT REVISED DIVISION NO. 1 ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 61 OF PLATS, PAGE 25-27, RECORDS OF KING COUNTY, WASHINGTON	
LOT SIZE:	24,354 SF (0.56 ACRES)	
ZONING:	R-2.5	
OCCUPANCY:	RESIDENCE:	R-3
	GARAGE:	U

VICINITY MAP

KRANNITZ GEHL ARCHITECTS
765 N.E. Northlake Way
Seattle, WA 98105
(206) 547-8233
(206) 547-8219 Fax
www.krannitzgehl.com

LIPSCOMB RESIDENCE
101 CASCADE KEY
BELLEVUE, WASHINGTON 98006

COVERAGE CALCULATIONS SUMMARY

LOT SIZE:	24,354 SF
LOT AREA W/O WATER	18,593 SF
GREEN AREA	50% MIN. (1,145 SF)
SETBACK AREA	2290 SF
GREEN AREA	1746 SF
PERCENTAGE	76 %
LOT COVERAGE	35% MAX (6,508 SF)
TOTAL COVERAGE	5680 SF
PERCENTAGE	30.5 %
IMPERVIOUS AREA	50% MAX (9,296.5 SF)
TOTAL PROPOSED	8,516.10 SF
PERCENTAGE	45.8 %
HARD SURFACE (IMPERVIOUS + PERVIOUS)	
IMPERVIOUS AREA	8,516.10 SF
PERVIOUS AREA	704.58 SF
HARD SURFACE TOTAL AREA	9,220.68 SF
PERCENTAGE	49.60 %

SITE TOTAL IMPERVIOUS SURFACE CALCULATIONS

IMPERVIOUS SURFACE AREA:	
RESIDENCE (ROOFLINE)	5680.00 SF
DRIVEWAY BEYOND OVERHANGS	1169.00 SF
FRONT WALK	493.00 SF
CONC WALLS > 3 FT	15.00 SF
REAR WATER FEATURE	12.87 SF
LR PATIO BEYOND OVERHANGS	558.80 SF
HOT TUB PATIO BEYOND OVERHANGS	149.75 SF
CONCRETE TERRACE AT BULKHEAD	437.50 SF
TOTAL IMPERVIOUS	8,515.92 SF

SITE TOTAL PERVIOUS / HARDSCAPE CALCULATIONS

FRONT SITE CONC WALLS < 3 FT	97.00 SF
FRONT PAVERS AT LENDING LIBRARY	96.35 SF
REAR GRAVEL WALK	36.80 SF
REAR SITE WALLS & FENCE CURBS	291.29 SF
REAR PAVERS TO WATER	183.14 SF
TOTAL PERVIOUS / HARDSCAPE	704.58 SF

STRUCTURE HEIGHT

Φ_1	26.1	Φ_{20}	23.5
Φ_2	26.4	Φ_{21}	22.6
Φ_3	26.5	Φ_{22}	26.0
Φ_4	26.4	Φ_{23}	26.0
Φ_5	26.3	Φ_{24}	26.1
Φ_6	26.3	Φ_{25}	26.1
Φ_7	26.3	Φ_{26}	26.1
Φ_8	22.5	Φ_{27}	26.2
Φ_9	22.5	Φ_{28}	26.2
Φ_{10}	22.5	Φ_{29}	26.2
Φ_{11}	22.6	Φ_{30}	26.4
Φ_{12}	22.4	Φ_{31}	26.4
Φ_{13}	22.2	Φ_{32}	26.6
Φ_{14}	22.0	Φ_{33}	26.6
Φ_{15}	21.6	Φ_{34}	26.5
Φ_{16}	21.4	Φ_{35}	26.4
Φ_{17}	21.3	Φ_{36}	26.2
Φ_{18}	21.4	Φ_{37}	26.1
Φ_{19}	21.9	Φ_{38}	26.1
AVG. GRADE			24.8

MAX. BUILDING HT. ALLOWED	30'/35'
PROPOSED MAX BUILDING HT.	27'-6 1/2"

TREE MANAGEMENT SUMMARY

DESCRIPTION	# OF TREES	TREE CALIPER
TOTAL EXISTING SIGNIFICANT TREES	6	100"
TREES TO BE SAVED	2	36"
% OF TREES SAVED		36 %
TREES TO BE REMOVED	3	52"
TREES TO BE RELOCATED	1	12"
NEW TREES ADDED	2	12" & 1 1/2"

1 ARCHITECTURAL SITE PLAN
SCALE: 1" = 10'-0"

Number	Date	By	Description of Revisions
	LAND USE SUBMITTAL		01/25/16
	SD PRICING SET		01/15/16

Sheet Title
SITE PLAN

Scale AS NOTED
Designed KGA Drawn KGA
Date 01/25/2016 Checked KGA
Approved Job Number

Sheet Number
A0.1