



DEVELOPMENT SERVICES DEPARTMENT  
 ENVIRONMENTAL COORDINATOR  
 11511 MAIN ST., P.O. BOX 90012  
 BELLEVUE, WA 98009-9012

## DETERMINATION OF NON-SIGNIFICANCE

**PROPONENT:** Joel Glass, Design Guild Homes

**LOCATION OF PROPOSAL:** 806 W Lake Sammamish Parkway SE

**NAME & DESCRIPTION OF PROPOSAL:** Rykowski Garage

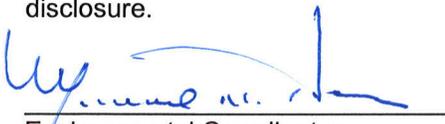
Proposal to construct a 633 square-foot detached garage with living space that will modify a steep slope critical area and buffer.

**FILE NUMBER:** 12-116932-LO and 12-116933-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 Development Services Department. 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 \_\_\_\_\_.
- 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 11/1/12.
- 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This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information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

10/18/2010  
 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. 12-116933-WG

Date Received 6/22/2012

Approved / Date 10/18/2012  
 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: **Joel Glass, Design Guild Homes**

to undertake the following development:

Construction of a 633 square-foot detached garage with living space associated with an existing single-family residence.

upon the following property: **806 W Lake Sammamish Parkway SE**

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
- 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).

October 18, 2012

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, Dave Radabaugh, 3190 160<sup>th</sup> Avenue SE, Bellevue, WA 98008-5452



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

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**Proposal Name:** Rykowski Garage

**Proposal Address:** 806 W Lake Sammamish Parkway SE

**Proposal Description:** Application for a Critical Areas Land Use Permit and Shoreline Substantial Development Permit to construct a 633 square-foot detached garage with finished living space that will modify a steep slope critical area and required slope setback. The project is within 200 feet of Lake Sammamish.

**File Number:** 12-116932-LO and 12-116933-WG

**Applicant:** Joel Glass, Design Guild Homes

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

**Planner:** Reilly Pittman, Land Use Planner

**State Environmental Policy Act  
Threshold Determination:**

Determination of Non-Significance

  
\_\_\_\_\_  
Carol V. Helland, Environmental Coordinator  
Development Services Department

**Director's Decision:**

Approval with Conditions  
Michael A. Brennan, Director  
Development Services Department

By:   
\_\_\_\_\_  
Carol V. Helland, Land Use Director

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**Application Date:** June 22, 2012  
**Complete Application Date:** July 25, 2012  
**Notice of Application Date:** July 26, 2012  
**Decision Publication Date:** October 18, 2012  
**SEPA Appeal Deadline:** November 1, 2012 (14-days from publication date)  
**Substantial Development Permit Appeal:** November 8, 2012 (21-days from publication date)

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For information on how to appeal a project proposal, visit the Permit Center at City Hall or call 425-452-6800. Appeal of the SEPA Threshold Determination must be made to the City of Bellevue City Clerk's Office by 5 p.m. on the date noted above for SEPA appeal deadline. Appeal of the Shoreline Substantial Development Permit must be made to the Washington State Shoreline Hearings Board (contact the project planner for more information on how to file an appeal with the Shoreline Hearings Board).

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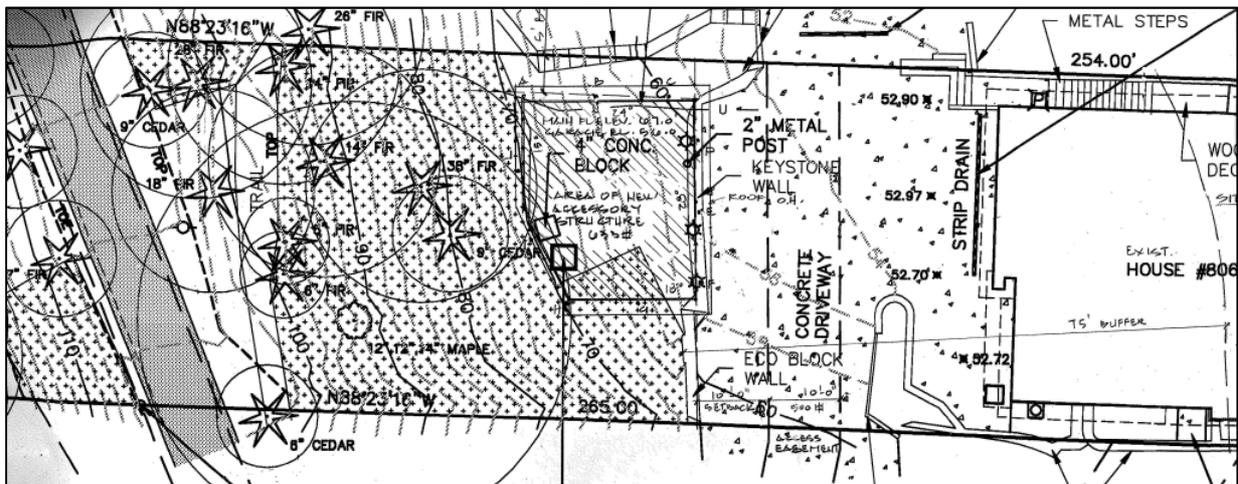
## Attachments

1. Site Plan – Enclosed
2. Mitigation Planting Plan – Enclosed
3. Geotech Report – In File
4. SEPA Environmental Checklist – In File
5. Permit forms and documents – In File

## I. Proposal Description

The applicant proposes to construct a 633 detached accessory structure to be used as a garage and living space associated with an existing single family residence within 200 feet of Lake Sammamish. The structure is proposed at the toe of a steep slope critical area and will partially modify the steep slope and the slope setback that extends from the toe of slope. As a consequence, the applicant must mitigate for the lost ecological function resulting from the construction of the structure in this location. The proposal includes a planting plan and as conditioned in this report meets the requirements of LUC 20.25H.210. The plan is conditioned to provide additional planting area than proposed in order to mitigate for the full impacts of the proposed structure and demonstrate an improvement of the functions and values on the steep slope that is required by LUC 20.25H.255 for approval of this proposal. A critical areas report as part of a Critical Areas Land Use Permit is required to allow the proposed modification of the steep slope and slope setback. A Shoreline Substantial Development Permit is required as the cost of improvements exceeds \$5,718 and the proposed detached garage and living space is not an appurtenance to a single family residence as defined in LUC 20.25E.050. **See Figure 1 below for a site plan of the proposal.**

Figure 1



## II. Site Description, Zoning, and Land Use

### A. Site Description

The project site is located at 806 W Lake Sammamish Parkway SE in the Southeast Bellevue Subarea. The site is adjacent to Lake Sammamish to the east, abuts the Parkway to the west, and is surrounded by other residential properties to the north and south. The property obtains access from an access easement that serves this property and those adjacent. The steep slopes are located in the middle of the site between the driveway and the existing house which is at the bottom of the slope near Lake Sammamish. **See Figure 2 for existing site condition.**

**Figure 2**



**B. Zoning**

The property is zoned R-3.5, single-family residential and the proposed accessory structure 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). The project is consistent with this land use.

**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.

**ii. Geologic Hazard Areas**

Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided (WAC 365-190).

Steep slopes may serve several other functions and possess other values for the City and its residents. Several of Bellevue's remaining large blocks of forest are located in steep slope areas, providing habitat for a variety of wildlife species and important linkages between habitat areas in the City. These steep slope areas also act as conduits for groundwater, which drains from hillsides to provides a water source for the City's wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a "green" backdrop for urbanized areas enhancing property values and buffering urban development.

**iii. Habitat Associated with Species of Local Importance**

Urbanization, the increase in human settlement density and associated intensification of land use, has a profound and lasting effect on the natural environment and wildlife habitat (McKinney 2002, Blair 2004, Marzluff 2005, Munns 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.

**iv. Floodplains**

The value of floodplains can be described in terms of both the hydrologic and

ecological functions that they provide. Flooding of occurs when either runoff exceeds the capacity of rivers and streams to convey water within their banks, or when engineered stormwater systems become overwhelmed. Studies have linked urbanization with increased peak discharge and channel degradation (Dunne and Leopold 1978; Booth and Jackson 1997; Konrad 2000). Floodplains diminish the effects of urbanization by temporarily storing water and mediating flow to downstream reaches. The capacity of a floodplain to buffer upstream fluctuations in discharge may vary according to valley confinement, gradient, local relief, and flow resistance provided by vegetation. Development within the floodplain can dramatically affect the storage capacity of a floodplain, impact the hydrologic regime of a basin and present a risk to public health and safety and to property and infrastructure.

**III. Consistency with Land Use Code Requirements:**

**A. Zoning District Dimensional Requirements:**

The proposal appears to be generally in conformance with the dimensional requirements of the R-3.5 zone as outlined below. All setbacks, height, lot coverage by structure, and impervious surface may be required to be verified by survey through the building permit inspection process.

**i. Zoning Dimensional Requirements**

<b><u>BASIC INFORMATION</u></b>		
<b>Zoning District</b>	R-3.5	
<b>Gross Site Area</b>	12,929 square feet	
<b>Critical Area</b>	3,845 square feet	
<b><u>ITEM</u></b>	<b><u>REQ'D/ALLOWED</u></b>	<b><u>PROPOSED</u></b>
<b>Building Setbacks</b>		
Front Yard	20 feet	20 feet
Rear Yard	25 feet	25 feet
Min. Side Yard	5 feet	5 feet
2 Side Yard	15 feet	15 feet
Access Easements	10 feet	10 feet
<b>Maximum in Building Height (Flat Roof)</b>	15 feet from AEG	15 feet from AEG
<b>Maximum Façade Height</b>	40 feet	Less than 40 feet
<b>Maximum Lot Coverage by Structure</b>	35 Percent	34.2 Percent
	$\frac{12,929 - 3,845}{9,084 \text{ SF net lot area}}$	3,110 SF
	$\frac{.35 \times 9,084}{3,179 \text{ SF}}$	

<b>Maximum Impervious Surface Coverage</b>	50 Percent	49.4 Percent
	$\frac{12,929 \times .5}{6,464.5 \text{ SF}}$	6,398 SF

**B. Critical Areas Overlay District 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 project area is within a steep slope critical area and 75-foot toe-of-slope setback and is subject to the performance standards found below:

**i. Consistency with LUC 20.25H.125**

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.

**1. 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;**

The garage has been positioned at the toe of the slope to avoid the steep slopes and significant trees on the slope. A shoring system is recommended by the geotech for cuts exceeding four feet to limit cutting into the steep slope. A soldier pile wall is proposed as the foundation wall of the garage against the slope to provide support. Shoring as recommended by the geotech is required by this approval in order to avoid disturbance of the steep slope above the proposed garage and to preserve the significant existing trees that are proposed for retention on the plans. Rather than a tiered foundation the structure is being placed into the slope and uses the foundation as a retention device. The proposed function as a garage requires a flat ground floor to connect to the driveway and allow for parking; a tiered foundation is not compatible with the intended function. The slope is being cut but mostly avoids the steep slope critical area and the small area of slope being modified has been historically disturbed at the toe of the slope. **See Conditions of Approval in Section X of this report.**

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

The proposed structure is located at the toe of the slope and impacts only a small area of steep slope. Location of the garage is dependent upon obtaining access

to the existing driveway at the toe of the slope. Other alternative locations were considered such as placing the garage at the top of the slope; however the chosen location avoids removal of large conifer trees that alternate locations would require. No tree removal is proposed by the garage construction and trees upslope of the garage are being avoided by use of shoring during construction. Tree protection fencing consistent with clearing and grading BMP T101 is required upslope of the garage for the large fir trees on the steep slope. An arborist is required to be on site during excavation and shoring to ensure the trees are protected and if roots are exposed that they are dealt with properly. Temporary excavation outside of the proposed footprint is required to be the minimum necessary and shall not 5 feet beyond the edge of the proposed foundation. **See Conditions of Approval in Section X of this report.**

- 3. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;**  
Per the submitted geotech report as attachment 3, the development “shall not result in a greater risk or a need for increase buffers on neighboring properties” if their recommendations are followed (Pg. 10).
- 4. 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;**  
The proposed foundation wall is a soldier pile wall and the structure will be constructed using shoring rather than temporary excavation which will maintain the existing natural slope and vegetation upslope of the proposed structure.
- 5. Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer;**  
The structure is located almost entirely outside of the steep slope area and within the toe of slope setback. The only new impervious surface created is by the structure which accesses the existing driveway and does not require a new driveway access. Some minor paving to repair construction damage and to provide an approach to the garage will most likely be needed but is within impervious area.
- 6. 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;**  
No grading for yard area is proposed. Some temporary excavation may be needed but the use of shoring is proposed and required to limit slope modification outside of the footprint of the garage.

- 7. 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 foundation wall of the structure is a soldier pile wall and will provide better retention of the slope above than the existing rockery at the toe of the slope. The geotech does not recommend rockeries outside the proposed footprint of the structure. No rockeries outside the footprint are proposed and none are approved.

- 8. 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;**

Because the proposed structure is a garage the lower level cannot be constructed to maintain the natural contour of the slope. However the garage is located in area previously disturbed by construction of the driveway and rockery at the toe of slope. The use of shoring and a soldier pile wall limits disturbance of the steep slopes above the garage that have significant vegetation which will be retained.

- 9. 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; and**

The garage is located at the toe of slope to access the existing driveway which makes pile support decking not technically feasible.

- 10. 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.**

The proposed structure permanently disturbs approximately 97 square feet of steep slope critical area and 536 of structure setback from the toe of slope. The area of slope setback and steep slope that will be impacted does not possess significant vegetation but does have native trees and shrubs which once fully grown could be expected to provide habitat and vegetation buffer to the steep slope above. The proposed 633 square foot structure will impact slopes and area with habitat and potential habitat. As a result, the proposed mitigation planting area is required to be 633 square feet to mitigate the impact of the structure. An area that is 633 square feet could be expected to have 6 trees at 9 to 10 feet spacing, 34 shrubs at 4 foot spacing, and a significant number of

ground covers. All areas of temporary disturbance are required to be restored in addition to the 633 square feet of mitigation planting required. Damage to the trees is unexpected and not anticipated; however, if construction damages the nearby significant retained trees to the point that they are not safe for retention as determined by an arborist, the planting area required may be increased to mitigate for the loss of the trees. If retained trees are damaged they should also be converted to habitat snags rather than being fully removed. The planting template proposed on the submitted mitigation plan is acceptable with the exception that the planting area shall be 633 square feet and located on the slope or at the top of slope. **See Conditions of Approval in Section X of this report.**

**ii. Consistency with LUC 20.25H.140 and LUC 20.25H.145**

Modification of a steep slope and a toe-of-slope setback requires a critical areas report as part of the application for a Critical Area Land Use Permit. 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:

- Geotech Report dated May 7, 2012 prepared by Associated Earth Sciences

This geotechnical analysis finds that the proposal does not increase risk to adjacent properties, is not altering the steep slopes, and that the proposed garage will improve slope stability by providing support at the toe-of-slope. The geotech finds that there are “no indications of previous landslide activity on the site (Pg. 12).” No setback or buffer is “applicable or recommend” by the geotech and the construction will “not increase the risk of landsliding... ..and will not adversely impact other critical areas” (Pg. 12). A water well is located on the slope and within the proposed footprint of the structure. Per the geotech recommendations the well will be abandoned in accordance with State regulations and may require a well permit. Per LUC 20.30P.170, approval of projects to modify slope buffers or steep slope critical areas require the proponent to complete a Hold Harmless Agreement with the City. The agreement is required to be completed prior to building permit issuance on a form provided by the City. **See Conditions of Approval in Section X of this report.**

**C. Shoreline Overlay District LUC 20.25E:**

The City of Bellevue Land Use Code Shoreline Overlay District (LUC 20.25E) establishes performance standards and procedures that apply to residential development within 200 feet of Lake Washington. The proposal to replace the dock is subject to the standards in LUC 20.25E.080.Q. No structure is proposed within Lake Sammamish or within the buffer or setback required from the lake. No fences are proposed as part of this project and the building height of the structure is less than the 35-foot maximum allowed in the shoreline jurisdiction. No shoreline vegetation is being disturbed by the proposal and the project will be constructed in conformance with the City’s clearing and grading codes in BCC 23.76.

#### **IV. Public Notice and Comment**

Application Date:	June 22, 2012
Public Notice (500 feet):	July 26, 2012
Minimum SEPA Comment Period:	August 9, 2012
Shoreline Comment Period:	August 27, 2012

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on July 26, 2012. 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 and approved the application.

##### **B. Utilities**

The Utilities Department has reviewed the proposed site development for compliance with Utility codes and standards and approved the application with conditions requiring permits to connect to City utilities. **See Conditions of Approval in Section X of this report.**

#### **VI. 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, Air, and Water**

Earth movement results primarily from excavation to build the garage into the slope and is 210 cubic yards per the checklist. The site will be required to comply with the City's BMPs and sediment and erosion controls for clearing and grading under the future building permit.

##### **B. Animals**

The property is adjacent to Lake Sammamish, however no work is proposed in the water which does have important species of fish. The trees on site area very close to the lake and provide perching opportunity, but other trees are nearby that provide the same opportunity.

No tree removal is proposed that would remove perching habitat, however if the nearby large tree is damaged during construction there is opportunity nearby for perching to continue. Replanting is also proposed and additional replanting is required if any trees are damaged and require removal. The project area where the garage will be built has some vegetation that if left undisturbed would have potential to provide habitat and buffer the steep slope above. Removal of potential habitat has been mitigated for through the mitigation planting requirement in the Land Use Code for approval to modify critical areas.

### **C. Plants**

No trees are proposed for removal. The only vegetation being impacted is primarily invasive plants found at the toe of slope in areas which have been previously disturbed. An area of native plants will be installed as mitigation for the modification of the steep slopes.

### **D. Noise**

The site is adjacent to single-family residences whose residents are most sensitive to disturbance from noise during evening, late night and weekend hours when they are likely to be at home. Construction noise will be limited by the City's Noise Ordinance (Chapter 9.18 BCC) which regulates construction hours and noise levels. Sound generated by pile driving for dock construction will require sound attenuation measures. **See Section X for a related condition of approval.**

## **VII. Changes to Proposal Due to Staff Review**

The applicant was required to confirm conformance with zoning requirements. Additional planting is required if the significant trees near the proposed structure are damaged and required removal during construction. Shoring recommended by the geotechnical engineer is required and only up to 5 feet of temporary disturbance is allowed outside of the foundation.

## **VIII. 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;**

The location of the proposed structure at the toe of slope has limited function and value compared to a natural undisturbed site. The area does possess vegetation that once fully grown could be expected to provide habitat function and buffer the steep slopes above. The location chosen for the structure lacks significant vegetation as a result of the driveway and well construction in the past. As conditioned 633 square feet of mitigation is required for impacts resulting from the

proposed construction location.

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;**

Planting on the steep slope or at the top of slope will improve stormwater quality and prevent erosion. In addition the vegetation will provide understory vegetation and replacement trees for the significant mature trees on the site. The slope and area adjacent to the parkway are disturbed and additional vegetation will improve the vegetation quality and coverage.

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 project is installing 633 square feet of vegetation on the steep slope that will improve interception of storm water leaving the parkway before it flows directly to the lake. Additional vegetation will also prevent erosion that can add sediment to the lake.

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

Mitigation planting and monitoring is required and found on the plan as attachment 2. The planting will be maintained and monitored for a period of at least five years per the plan. A maintenance surety will be required based on a cost estimate of the costs to maintain and monitoring the planting for 5 years. The maintenance surety is required prior to building permit issuance. The surety will be released after five years assuming restoration has been successful per the performance standards on the plan. **See Conditions of Approval in Section X 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 or steep slope critical area.

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

The project will construct an accessory structure to an existing residence which is a compatible use with the surrounding uses.

**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;**  
The applicant must obtain a building permit and utility permits before beginning any work. **See Conditions of Approval in Section X 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 use of shoring and the soldier pile wall are the best available construction techniques and result in the least disturbance on the steep slope critical areas.
- 3. The proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable, and ;**  
As discussed in Section III of this report, the performance standards of LUC 20.25E and LUC 20.25H are being met.
- 4. The proposal will be served by adequate public facilities including street, fire protection, and utilities; and;**  
The proposed activity will be adequately served by public services or facilities.
- 5. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210; and**  
A mitigation planting plan has been submitted. As conditioned the proposed mitigation planting will plant 633 square feet of planting in addition to restoring any areas of temporary disturbance resulting from construction. A maintenance surety will be required to ensure plant survival over the 5-year monitoring period. **See Conditions of Approval in Section X of this report.**
- 6. The proposal complies with other applicable requirements of this code.**  
As discussed in this report, the proposal complies with all other applicable requirements of the Land Use Code.

**C. 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 that the proposed dock is in conformance with required performance standards in the Land Use Code.

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

As discussed in this staff report, the proposal complies with all applicable decision criteria.

**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.

**IX. Conclusion and Decision**

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the Critical Areas Land Use Permit and Shoreline Substantial Development Permit to construct a detached accessory structure and mitigation planting on the property. **Approval of this Shoreline Substantial Development Permit does not constitute a permit for construction. A building permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

**Note - Expiration of Critical Area Permit 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.

**Note - Expiration of Shoreline Substantial Development Permit:** 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 building 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.

Permit authorization expires finally, despite substantial progress, five years after the effective date of the Shoreline Substantial Development Permit unless the applicant has received an extension pursuant to LUC 20.30R.180

**X. 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
Utilities – BCC Title 24	Mark Frazier, 425-452-2022
Land Use Code- BCC Title 20	Reilly Pittman, 425-452-4350
Noise Control- BCC 9.18	Reilly Pittman, 425-452-4350

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

- 1. Building/Utility Permit Required:** Approval of this Critical Areas Land Use Permit and Shoreline Substantial Development Permit does not constitute an approval of a building or utility permit. Applications for development permits must be submitted and approved. Plans submitted as part of subsequent permit applications shall be consistent with the activity permitted under this approval.

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

- 2. Shoring and Temporary Excavation:** Shoring as recommended by the geotech is required for construction of the proposed structure. Any temporary excavation needed outside of the structure footprint is limited to the minimum necessary and shall not exceed 5 feet from the edge of the foundation.

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

- 3. Tree Protection and Retention:** Tree protection on the property will be per City Clearing and Grading BMP T101 and per any recommendations an arborist. Any grading, excavation, or other earth disturbance near trees upslope of the proposed structure shall be done under the supervision of an arborist to ensure these significant trees are protected. All tree protection shall be in place prior to commencement of construction.

Authority: Land Use Code 20.30P.220, Bellevue City Code 23.76  
 Reviewer: Reilly Pittman, Development Services Department

- 4. Tree Damage:** If any retained trees are damaged during construction their removal will require confirmation by an arborist that the trees cannot be saved. If removal is necessary the trees themselves shall be converted to habitat snags. Additional mitigation planting shall be required for any removal of retained trees.

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

- 5. Mitigation Planting Area:** At least 633 square feet of mitigation planting area is required to mitigate for the proposed structure and the impacts to the steep slope and vegetation that provides habitat or could provide habitat if not removed by the proposal. Any areas of temporary disturbance shall also be restored and included in the planting. A revised planting plans shall be submitted under the building permit that shows the planting location, increased area, and provides a planting schedule of species, sizes, and spacing.

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

- 6. Planting Cost Estimate:** A cost estimate for the proposed plant installation and 5 years of maintenance and monitoring must be submitted prior to building permit issuance.

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

- 7. Maintenance Surety:** In order to ensure the restoration successfully establishes, a maintenance assurance device in an amount equal to 100% of the cost of labor and materials for the landscape installation shall be held for a period of five years from the date of successful installation. The maintenance assurance device will be released to the applicant upon receipt of documentation of reporting successful establishment in compliance with the performance standards described below.

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

- 8. Monitoring:** The planting area shall be maintained and monitored for 5 years. The revised mitigation plan shall be updated to provide for 5 years of monitoring. The goals and performance standards shall be updated to reflect this approval and not past projects. The following performance standards are required.

*Year 1 (from date of plant installation)*

- *100% survival of all installed plants and/or replanting in following dormant season to reestablish 100%*
- *0% coverage of invasive plants in planting area*

*Year 2 (from date of plant installation)*

- *At least 90% survival of all installed material*
- *Less than 10% coverage of planting area by invasive species or non-native/ornamental vegetation*

*Year 3, 4, & 5 (from date of plant installation)*

- *At least 85% survival of all installed material*
- *At least 35%(Yr3), 50%(Yr4), 70%(Yr5) coverage of the planting area by native plants in each year respectively*
- *Less than 10% coverage by invasive species or non-native/ornamental vegetation*

The reports, along with a copy of the planting plan, can be sent to Reilly Pittman at [rpittman@bellevuewa.gov](mailto:rpittman@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: Reilly Pittman, Development Services Department

- 9. Land Use Inspection Required:** Inspection of the mitigation planting must be completed by the Land Use Planner as part of the building permit inspection process. A Land Use inspection will be added to the building permit.

Authority: Land Use Code 20.25H.210  
Reviewer: Reilly Pittman, Development Services Department

- 10. State Permits:** Any permits from the State related to the well abandonment shall be obtained. All required permits and approvals must be received by the applicant and presented to the City prior to commencement of any work on those areas covered.

Authority: Land Use Code 20.25E.080  
Reviewer: Reilly Pittman, Development Services Department

- 11. Hold Harmless Agreement:** The applicant shall submit 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 a steep slope in accordance with LUC 20.30P.170. The hold harmless agreement is required to be recorded with King County prior to clearing and grading permit issuance. Staff will provide the applicant with the hold harmless form.

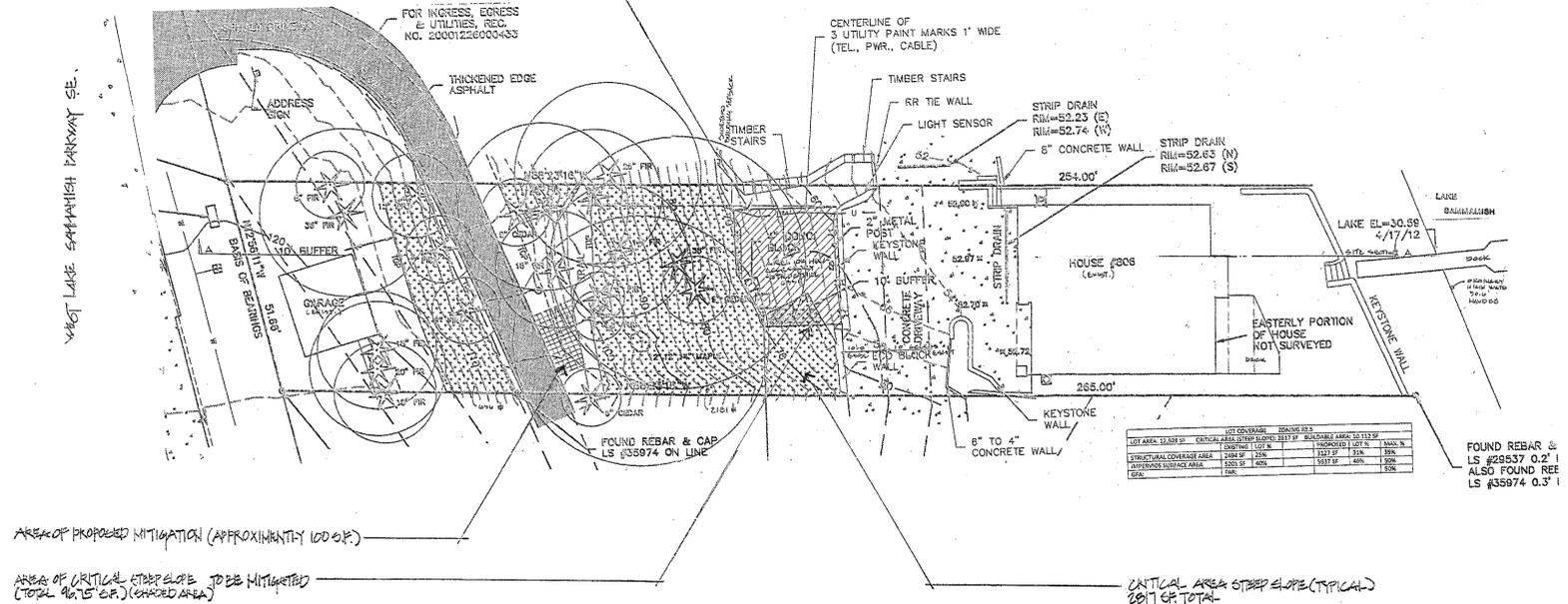
Authority: Land Use Code 20.30P.170  
Reviewer: Reilly Pittman, Development Services Department

**12. 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

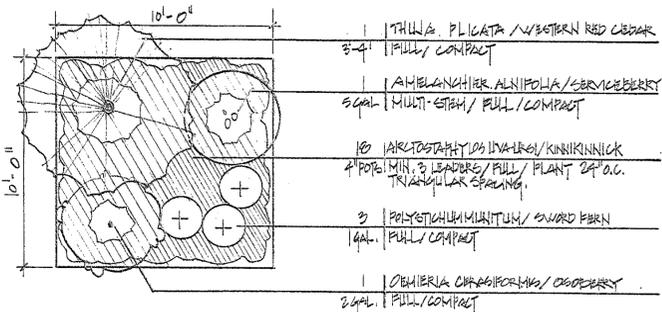


PROPOSED NEW BUILDING (SEE ARCHITECTURAL PLANS)  
 NOTE: ALL AREA SURROUNDING NEW STRUCTURE THAT IS DISTURBED TO BE RESTORED PER PLANTING TEMPLATE SHOWN BELOW.



**SITE PLAN**

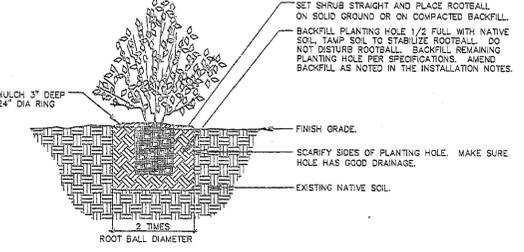
SCALE 1" = 10'-0"



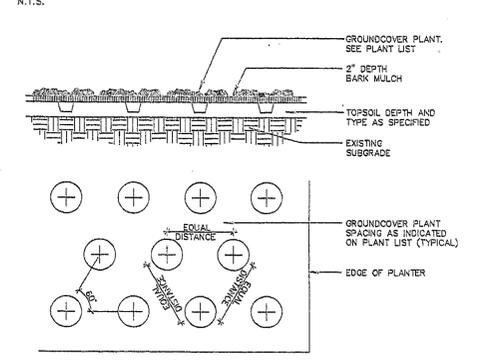
**PLANTING TEMPLATE FOR SHADY STEEP SLOPES (PER 100 S.F.)**

SCALE 1/4" = 1'-0"

**CONTAINER SHRUB DETAIL (typ.)**



**GROUNDCOVER PLANTING DETAIL (typ.)**



**PLANTING NOTES**

- Contractor shall be responsible for familiarizing themselves with all other site improvements and conditions prior to starting landscape work.
- Contractor shall use caution while excavating to avoid disturbing any utilities encountered. Contractor is to promptly advise owner of any disturbed utilities. (Location service phone: 1-800-424-5555)
- Contractor shall maintain and water all plant material until final inspection and acceptance by the owner or his agent.
- Contractor shall be responsible for computing specific quantities of ground covers and plant materials utilizing on-center spacing for plants as stated on the landscape plan and minimum planting distances as specified below in these notes.
- Ground covers shall be planted in an equilateral triangular spacing pattern at the on center distances shown on the plan or in the plant schedule. Where ground cover abuts curbing, sidewalks, signs or poles, minimum planting distances shall be 12" from center of plant to curb, sidewalk, etc. Minimum planting distance shall be 24" from center of trees.
- New mitigation areas, as shown on the plans, all shrubs and trees shall be "pocket" planted per detail.
- Planting area to receive a minimum of 2" depth of "Steerco" mulch.
- All plant material shall conform to AAN STANDARDS FOR NURSERY STOCK, latest edition. Any replacements made at once.
  - A. General: All plant materials furnished shall be healthy representatives, typical of their species of variety and shall have a normal habit of growth. They shall be full, well branched, well proportioned, and have a vigorous, well developed root system. All plants shall be hardy under climatic conditions similar to those in the locality of the project.
  - B. Trees, shrubs, and groundcovers: Quantities, species, and varieties, sizes and conditions as shown on planting plan. Plants to be healthy, vigorous, well foliated when in leaf. Free of disease, injury, insects, decay, harmful defects, all weeds. No substitutions shall be made without written approval from landscape architect or owner.

**MAINTENANCE**

Maintenance: Water site with 1" of water every week from July 1 to October 15 during the first year after planting. Remove all non-native weeds for five years after planting: Himalayan blackberries, English Ivy, Japanese Knotweed, Scotch Broom, reed canary grass, morning glory, purple loosestrife, etc. (See "Noxious weeds in King County" for more detail). Replace any plant that dies within Two years after planting.

**PERFORMANCE STANDARDS**

- The goal of this mitigation is to restore and enhance disturbed sensitive area and/or its buffer to a plant community native to and typical of undisturbed King County lands.
- Vegetation will have 80% survival after three years.
- Tree and shrub cover will be greater than 10% after one year, greater than 30% after two years, and greater than 50% after three years.
- Non-native invasive plants will not make up more than 10% of cover in any growing season.
- If any monitoring report or County inspection shows that mitigation is not meeting these performance standards, bond-holder will work with County to perform corrective actions appropriate to the mitigation: e.g., failing plants will be replaced, other plant species will be substituted, non-native invasives will be removed by hand without pesticides.

**MAINTENANCE**

Water site with 1" of water every week from July 1 to October 15 during the first year after planting. Remove all non-native weeds for five years after planting: Himalayan blackberries, English Ivy, Japanese Knotweed, Scotch Broom, reed canary grass, morning glory, purple loosestrife, etc. (See "Noxious weeds in King County" for more detail). Replace any plant that dies within Two years after planting.

**MONITORING**

- Send monitoring reports to City of Bellevue by October 31 of each year of the five year monitoring period.
- Monitoring reports consist of the following:
- Vegetation transects (at least one in each plant community within the mitigation) that detail herb, shrub, and tree aerial cover at radii of 1m, 5m, and 10m respectively;
  - Percent of planted materials surviving, classified by condition (e.g., vigorous, living, stressed, dead);
  - Report on invasive vegetation, vandalism, dumping, and other conditions actually or potentially harmful to the mitigation;
  - Identify maintenance concerns (e.g., structures need repair or replacement, plants need to be replaced, etc.) and;
  - At least twelve 4 X 6" original color photographs that show the entire mitigation site, taken from photo-points drawn on the map of the mitigation area, and keyed to the line of sight from those photo-points, (i.e. viewing north-east from photo-point #1 would be represented on the map by an arrow drawn in that direction from that point, labeled with a unique number on the map and on the back of that photograph)

REVISIONS	BY

STATE OF WASHINGTON REGISTERED LANDSCAPE ARCHITECT  
 BRUCE CAMERON LANE CERTIFICATE NO. 375

Lane & Associates  
 Landscape Architecture  
 www.laneandassociates.com  
 18002 267 Ave NW, Tukwila, WA 98161 (206) 885-2319

**RYKOWSKI GARAGE**

806 WEST SAMMAMISH PKWY SE BELLEVUE, WA 98006

**MITIGATION / RESTORATION PLAN**

Date JUNE 2012  
 Scale AS SHOWN  
 Drawn B.C.L.  
 Job 02-2012  
 Sheet M-1