



DEVELOPMENT SERVICES DEPARTMENT  
 ENVIRONMENTAL COORDINATOR  
 450 110<sup>th</sup> Ave NE  
 BELLEVUE, WA 98009-9012

**DETERMINATION OF NON-SIGNIFICANCE**

**PROPONENT:** Jason Henry, Berger Partnership

**LOCATION OF PROPOSAL:** 9533 SE 11<sup>th</sup> St.

**DESCRIPTION OF PROPOSAL:** Construction of a cabana accessory structure, patio, deck, stairs and associated improvements within a steep slope critical area and mitigation planting on the slope and at the shoreline including bulkhead removal and beach creation above the Ordinary High Water Mark of Lake Washington.

**FILE NUMBERS:** 15-125705-LO      **PLANNER:** Reilly Pittman

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 **5/26/2016**
- 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 5:00 p.m. on \_\_\_\_\_.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals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

5/12/2016  
 Date

**OTHERS TO RECEIVE THIS DOCUMENT:**

- State Department of Fish and Wildlife / [Stewart.Reinbold@dfw.gov](mailto:Stewart.Reinbold@dfw.gov); [Christa.Heller@dfw.wa.gov](mailto:Christa.Heller@dfw.wa.gov);
- State Department of Ecology, Shoreline Planner N.W. Region / [Jobu461@ecy.wa.gov](mailto:Jobu461@ecy.wa.gov); [sepaunit@ecy.wa.gov](mailto:sepaunit@ecy.wa.gov)
- Army Corps of Engineers [Susan.M.Powell@nws02.usace.army.mil](mailto:Susan.M.Powell@nws02.usace.army.mil)
- Attorney General [ecyolyef@atq.wa.gov](mailto:ecyolyef@atq.wa.gov)
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**City of Bellevue  
Development Services Department  
Land Use Staff Report**

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**Proposal Name:** Bloch Cabana

**Proposal Address:** 9533 SE 11<sup>th</sup> St.

**Proposal Description:** Critical Areas Land Use Permit to construct a 663 square foot cabana within a steep slope critical area, buffer, and setback and with impacts to the shoreline setback from Lake Washington. Mitigation is proposed on the steep slope through planting and along the shoreline of the property through removal of the existing bulkhead and creation of a laid back shoreline cove.

**File Number:** 15-125705-LO

**Applicant:** Jason Henry, Berger Partnership

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

**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:** November 23, 2015  
**Notice of Application Date:** February 11, 2016  
**Decision Publication Date:** May 12, 2016  
**Project/SEPA Appeal Deadline:** May 26, 2016

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

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## Attachments

1. Site Plan – Enclosed
2. Mitigation Plan – Enclosed
3. Geotech Reports and Critical Areas Report – In File
4. SEPA Checklist, Application Forms, Comment and Communication, and Materials – In File

## I. Proposal Description and Development Process

### A. Proposal Description

The applicant is requesting a Critical Areas Land Use Permit in order to construct improvements within a steep slope critical area, slope buffer, slope setback and shoreline structure setback which overlap the project area on the property. See Figure 1 below for proposed improvements and impacts. The proposal includes:

- Construction of an accessory 663 square-foot cabana structure, deck, impervious surfaces and replacement of stairs with a net impact of 1,261 square feet within the steep slope, buffer, structure setback and shoreline structure setback with some proposed improvements in areas overlapped by the shoreline and slope setbacks.
- The removal of existing improvements impacting 50 square feet within the overlapping shoreline setback and toe-of-slope setback
- 2,367 square feet of mitigation planting is proposed on the upland areas within the steep slope, slope buffer, slope setback
- Removal of approximately 35 linear feet of concrete bulkhead along the shoreline of Lake Washington and replacement with a laidback shoreline. All work is above the Ordinary High Water Mark. See Figure 2 below for shoreline cross-sections.

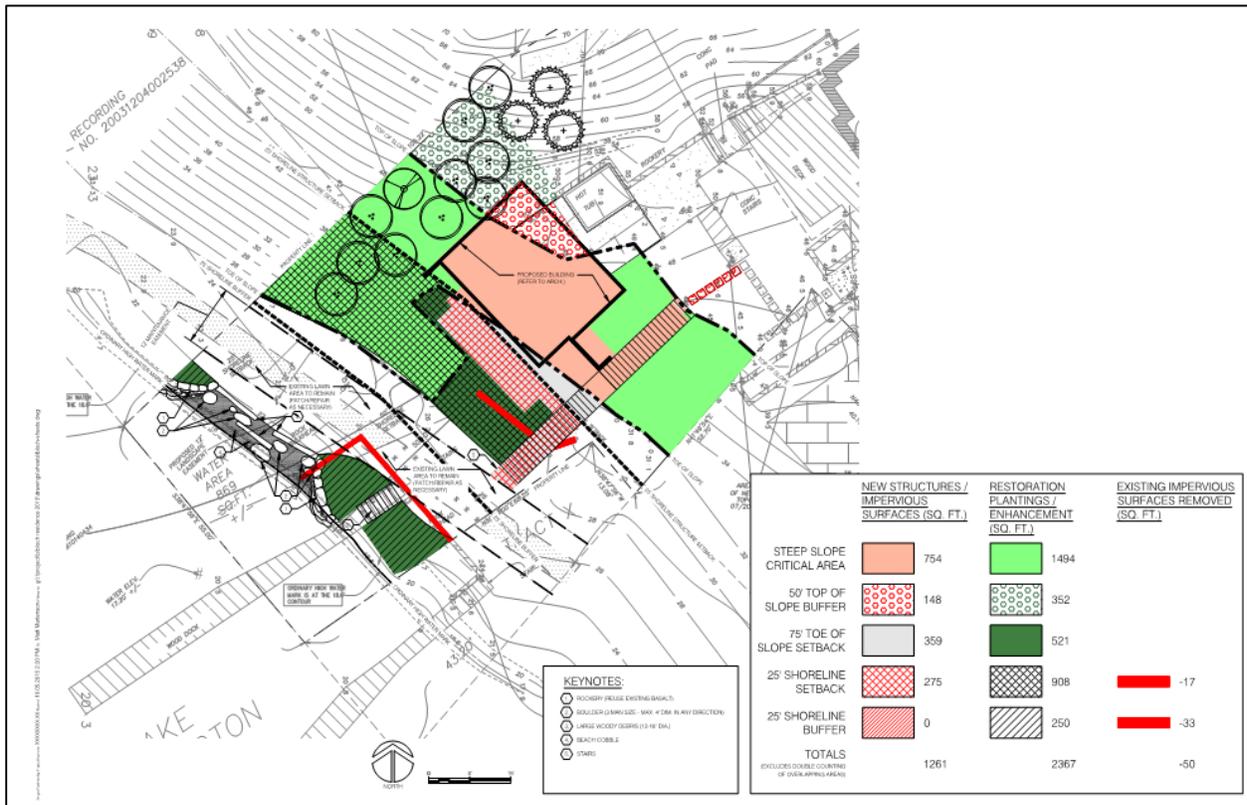


Figure 1

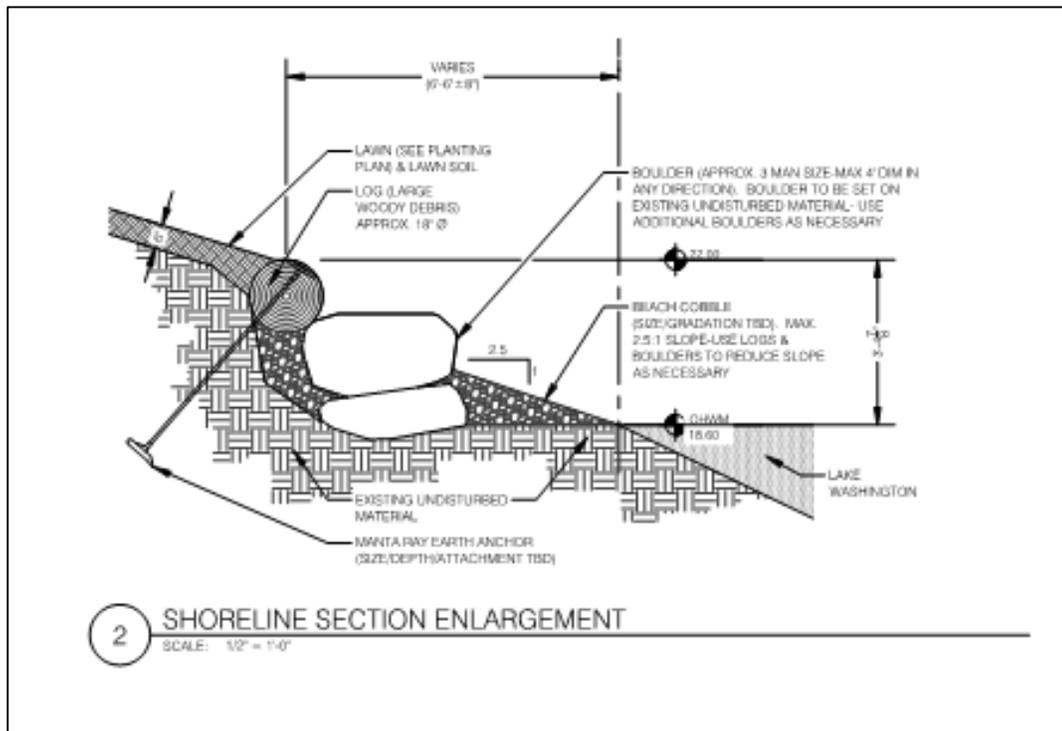


Figure 2

LUC 20.25H.015 allows for disturbance or modification of a critical area through a critical areas report through a Critical Areas Land Use Permit. The critical areas report is intended to provide flexibility for sites where the expected critical areas functions and values are not present or severely limited due to degraded conditions. The existing critical slope and shoreline area on the property are degraded in function and value because they lack the vegetative structural diversity found in higher-quality critical slopes and shorelines. Therefore, the critical slope, buffer and shoreline area are currently not fully performing their respective ecological functions.

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

### B. Site Description

The project site is on Lake Washington adjacent to Chism Beach Park and is surrounded by existing single-family residences. The site is accessed off of SE 11<sup>th</sup> St via an easement over City of Bellevue property. There is an existing house and associated improvements at the top of the steep slope. The undeveloped western portion of the property contains the steep slope which descends steeply down to shoreline buffer which is flat. The shoreline is improved with a bulkhead, dock, and patio area. See Figure 3 below for site conditions.



**Figure 3**

**C. Zoning**

The property is zoned R-2.5, single-family residential and is located in the Critical Areas Overlay District. The surrounding properties to the north and west are zoned R-2.5 and R 1.8. The proposed work is allowed in the R-2.5 zone.

**D. Land Use Context**

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

**E. Critical Areas Functions and Values**

**i. 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 provide 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.

**ii. 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. The discussion presented herein emphasizes this ecosystem approach.

### **iii. Critical Areas Overlay District/Critical Area Land Use Permit**

A Critical Area Land Use Permit (CALUP) is required as the applicant is requesting to modify a steep slope, 50-foot top-of-slope buffer, and overlapping portions of the 75-foot slope setback and 25-foot structure setback from the shoreline buffer. These modifications can only be approved through a critical area report submitted under a CALUP.

## **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. The structural lot coverage and impervious surface coverage on-site are being increased from the existing condition by the proposed redevelopment; however the increase still meets the dimensional requirements of the Land Use Code. While height measurement is provided on the submitted plans, the height is measured from average finished grade rather than average existing grade. The proposal will be evaluated for conformance with zoning requirements and dimensional standards as part of the required building permit review.

The proposed structure is a detached structure with living space, bathroom, and kitchen and as a result it can potentially be a dwelling unit. Detached guest cottages are allowed on lots that have more than 13,500 square feet and the Bloch property has 20,168 square feet of area. Therefore this structure is allowed as a guest cottage and will require recording of a guest cottage agreement as part of the building permit. **See Condition of Approval in Section X of this report.**

### **B. Critical Areas Requirements LUC 20.25H and LUC 20.25E.080:**

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 is subject to the performance standards found in LUC 20.25H. 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 20.25H and LUC 20.25E as specified in the table below are applicable:

Critical Area	Performance Standards
Geological Hazard Areas	20.25H.125
Shorelines	20.25E.080.E and G

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

- a. Structures and improvements shall minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography;**

**Response:** The structure is planned to have retaining walls on the uphill side of the structure and be partially below grade to keep existing slopes adjacent to the structure unchanged.

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

**Response:** The site's natural landform is intended to remain with exception to the areas where structure or paving will be installed. The most important critical area on the site is the shoreline which is being improved by removal of the bulkhead as part of this project. The only vegetation being removed is lawn on the slope where the cabana is proposed to be located. Native vegetation is proposed to be installed on the slope and along the shoreline.

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

**Response:** Per the submitted geotechnical report dated July 23, 2007 from Pioneer Engineering Inc. the geotechnical engineer found that "the risk of the hazards can be minimized to a tolerable level during construction and after development" and that there were "no apparent soil movements with emerging ground water or springs on the slope" (pg. 22 and 23). The geotech report did identify areas of erosion but stated that the risk of erosion can be "reduced to a low level" through sufficient vegetative cover (pg. 23). The submitted geotech report addresses a past proposal for much more extensive development on this site than proposed currently and found no issues preventing construction provided their recommendations were followed. The entire slope is to be restored with native vegetation which will prevent erosion. An updated geotech letter was submitted dated January 27, 2010 by Associated Earth Sciences which provided an updated review of the current project and found that the proposed development "appears feasible from a geotechnical standpoint" (pg. 2). The geotechnical reports identified the need to provide in-field support and evaluation of the project after construction is completed to ensure their recommendations are followed. This project was previously approved in 2010 but was never constructed. A new geotech letter dated June 3, 2015 was provided in which the geotech reconfirmed that nothing on the site has changed and that the proposed plan is consistent with

the past geotechnical analysis.

- d. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes where graded slopes would result in increased disturbance as compared to use of retaining wall;**

**Response:** Retaining walls are used to minimize additional cut in existing grade beyond the proposed structure and stairs and to allow for blending into existing grade and to maintain existing landform.

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

**Response:** The project minimizes need for impervious surface area by utilizing stairs in lieu of an impervious paved ramp, limiting the size of the structure, incorporating a green roof, and placing the patio area on the roof of the cabana structure. The submitted geotech reports reviewed the proposed plan which located surfaces and the structure on the steep slope and in the slope buffer. Significant native vegetation is proposed to be planted which will improve the ability of the site to retain runoff, prevent erosion to Lake Washington, and reduce input of lawn fertilizers and other chemicals reaching the lake.

- f. Where change in grade outside the building footprint is necessary, the site retention system should be stepped and regrading should be designed to minimize topographic modification. On slopes in excess of 40 percent, grading for yard area may be disallowed where inconsistent with this criteria;**

**Response:** Grading will occur outside the building footprint at the flat area within the slope buffer. Over the steep slope a deck is used to maintain existing grades.

- g. Building foundation walls shall be utilized as retaining walls rather than rockeries or retaining structures built separately and away from the building wherever feasible. Freestanding retaining devices are only permitted when they cannot be designed as structural elements of the building foundation;**

**Response:** Retaining walls are utilized as part of the foundation of the structure proposed.

- h. On slopes in excess of 40 percent, use of pole-type construction which conforms to the existing topography is required where feasible. If pole-type construction is not technically feasible, the structure must be tiered to conform to the existing topography and to minimize topographic modification;**

**Response:** The structure proposed uses a retention wall on the upslope side and poles on the down slope side.

- i. On slopes in excess of 40 percent, piled deck support structures are required where technically feasible for parking or garages over fill-based construction types; and

**Response:** No parking structures are proposed for this project.

- j. Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC 20.25H.210.

**Response:** The project will enhance existing critical area functions. Existing vegetation consists mostly of grass. The project proposes replacement of grass area on the steep slope with native plantings. The mitigation plan proposes to plant trees, shrubs, and ground covers over 2,367 square feet to offset the 1,261 square feet of impact to the steep slope, slope buffer, slope setback, and shoreline setback. The proposed planting is found below as Figure 4 and attachment 2.

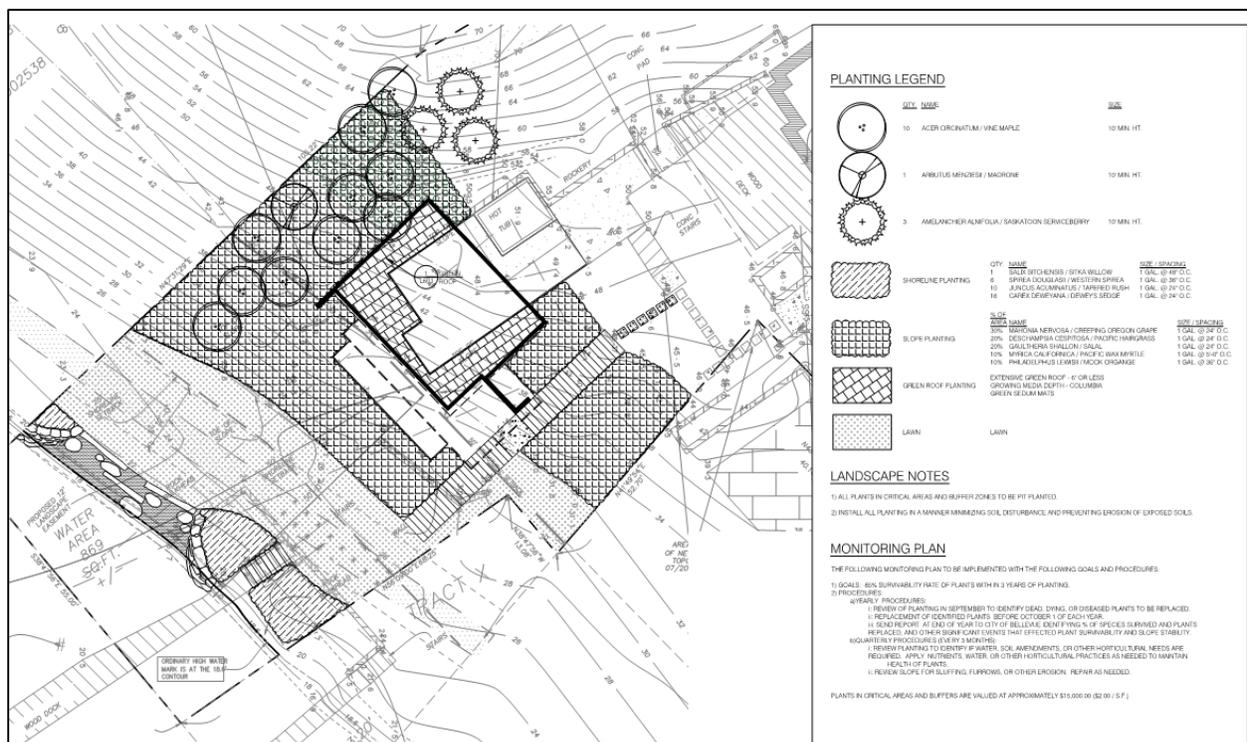


Figure 4

Mitigation planting is required to be monitored for five years. The mitigation plan submitted notes a three year monitoring. The plan submitted with the construction permits is required to show a five year plan. The monitoring component is approved as conceptual and the final monitoring plan must provide measures and goals for five years. A maintenance surety is required to be provided which is 100 percent of the cost estimated to maintain and monitor the plants for five years. **See Condition of Approval in Section X of this report.**

In addition to planting, the bulkhead along the shoreline is proposed to be partially removed and converted to a beach. Construction level plans are required to be submitted under a separate clearing and grading permit for the work along the shoreline. This clearing and grading permit should also include all mitigation planting, revised monitoring plans, and a cost estimate for the maintenance surety. **See Condition of Approval in Section X of this report.**

**ii. Consistency with LUC 20.25E.080.E**

A replacement for a portion of the existing shoreline bulkhead is part of the restoration for the improvements proposed. Per LUC 20.25E.080.E.3 this shoreline restoration will conform to all shoreline stabilization standards outlined in 20.25E.080.E.2. A final shoreline restoration plan that is designed by a qualified professional is required for the bulkhead removal and shoreline restoration: gravel beach, planting, habitat features, etc. This final plan will be submitted with the clearing and grading permit which is separate from the building permit to build the cabana and associated improvements. The planting and shoreline restoration is required to be completed prior to final inspection of the building permit and a Land Use inspection is required on both the clearing and grading permit and building permit. **See Condition of Approval in Section X of this report.**

**iii. Consistency with LUC 20.25E.080.G**

The proposal will meet the provisions of the City of Bellevue Construction Code (BCC) 23.76. A temporary erosion control plan and sediment control plan will be reviewed as part of future building permits. All work and slope alteration will adhere to the Geotechnical Report dated July 23, 2007 prepared by Pioneer Engineering and revised on January 27, 2010 and June 3, 2015 by Associated Earth Sciences Inc. Grading is not anticipated to occur during the rainy season, it is intended that during this time slopes will be stabilized and planted and erosion control devices will be installed if work is not completed. If work does occur in the rainy season, any and all ground disturbance will be performed per a Geotechnical engineer's recommendation and City inspector approval. **See Condition of Approval in Section X of this report.**

**IV. Public Notice and Comment**

Application Date:	November 23, 2015
Public Notice (500 feet):	February 11, 2016
Minimum Comment Period:	February 25, 2016

The Notice of Application for this project was published in the Seattle Times and the City of Bellevue weekly permit bulletin on February 11, 2016. It was mailed to property owners within 500 feet of the project site. One comment was submitted by the Muckleshoot Indian Tribe Fisheries Division as of the writing of this staff report.

**Summary of public comment:** Comment asked about exterior lighting and direction toward

Lake Washington and if mitigation planting was installed as part of a prior project.

**Response:** Lighting shall be limited to the minimum necessary and constructed and installed in such a manner that all light emitted, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part, is projected below the horizontal plane through the lowest light-emitting part or otherwise obscured. The applicant shall submit a written narrative and identify lighting on the construction plans to demonstrate success at meeting this condition. Lighting that does not meet this condition shall be replaced unless analysis suggests that the location of the lighting makes the condition unnecessary or the specific lighting requirement cannot be met under these restrictions. Lighting shall be confirmed by inspection in the field after installation. **See Condition of Approval in Section X of this report.**

Mitigation planting is provided as part of the project and the plan is found as attachment 2.

## **V. Summary of Technical Reviews**

### **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. Clearing and Grading will review the future clearing and grading permit and/or building permit application for conformance with codes and standards.

## **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 and Water**

A temporary erosion and sedimentation control measures will be required. Erosion and sedimentation control requirements and BMPs will be reviewed by the Clearing and Grading Department as part of the future building permit. Erosion and sediment control best management practices include the installation of silt fencing around the work area, covering exposed soils, not working in wet conditions, etc.

### **B. Plants and Animals**

The project site is along the shoreline of Lake Washington which is critical habitat for threatened Puget Sound Chinook. Properties along the lake can provide quality restoration to improve habitat for birds, mammals, and fish provided the restoration is designed correctly. The existing condition of the site has minimal significant vegetation; generally grasses and

ornamental planting. Existing trees are proposed to remain. With the exception of the improvements proposed, the remaining steep slope will be restored to native vegetation per the submitted restoration plan. In addition the existing bulkhead is being partially removed and restored to a gravel beach. Provided the restoration is done correctly and given time, the resulting site will have significantly improved habitat value above what is existing.

#### **Noise**

The only noise anticipated as a result of this work will be from construction equipment. Any noise is regulated by Chapter 9.18 BCC. **See Condition of Approval in Section X of this report.**

#### **VII. Changes to proposal as a result of City review**

No changes were requested except as conditioned in this staff report.

#### **VIII. Decision Criteria**

##### **A. Critical Areas Report Decision Approval of Modification LUC 20.25H.145.**

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

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

**Finding:** Per the submitted geotechnical reports, the geotechnical engineers found that “the risk of the hazards can be minimized to a tolerable level during construction and after development” and that there were “no apparent soil movements with emerging ground water or springs on the slope” (pg. 22 and 23). The geotech report also stated that the risk of erosion can be “reduced to a low level” through sufficient vegetative cover (pg. 23). The Pioneer geotech report addresses a past proposal for much more extensive development on this site than proposed currently and found no issues preventing construction provided their recommendations were followed. An updated geotech letter was submitted dated January 27, 2010 by Associated Earth Sciences which provided an updated review of the current project and found that the proposed development “appears feasible from a geotechnical standpoint” (pg. 2). The geotechnical reports identified the need to provide in-field support and evaluation of the project after construction is completed to ensure their recommendations are followed. An update to the 2010 report was provided by AES dated June 2015 which found that nothing has changed on the site. **See Condition of Approval in Section X of this report.**

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

**Finding:** The project is limited to work within property lines and designed to match with existing contours and grades. The proposal will employ best management practices for erosion control to prevent the project from affecting adjacent critical areas. The planting restoration of the slope will increase the stability of the slope while also improving the habitat function and value of the site above what it current condition.

**3. Is designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than would exist if the provisions of this part were not modified;**

**Finding:** Hazards will be mitigated through adherence to a geotechnical reports and best management erosion control practices. City approval is required for the applicants to modify the slopes on their property. The City would prefer that steep slope critical areas were left undisturbed but the Land Use Code allows for slope modification provided there is support by a geotechnical expert. As the slope modification is on private property LUC 20.30P.170 requires the recording of a Hold Harmless Agreement on a form provided by the City prior to issuance of any future development permits. **See Condition of Approval in Section X of this report.**

**4. Is certified as safe as designed and under anticipated conditions by a qualifies engineer or geologists, licensed in the state of Washington;**

**Finding:** Per the updated geotech letter submitted dated January 27, 2010 by Associated Earth Sciences the proposed development “appears feasible from a geotechnical standpoint” (pg. 2). The geotechnical report from Pioneer Engineering identified the need to provide “field services for geotechnical work relating to this project” (pg. 17). The geotech will be required to provide field support and to confirm compliance with design, specifications or recommendations and to allow for design changes in the event conditions during construction differ from those anticipated in the reports. Following completion of construction the geotech shall provide a letter to verify the site is stable, the project was built as designed, and/or document and describe any changes required during construction. **See Condition of Approval in Section X of this report.**

**5. The applicant provides a geotechnical report prepared by a qualified professional demonstrating that the modification of the critical area or critical area buffer will have no adverse impacts on stability of any adjacent slopes, and will not impact stability of any existing structures. Geotechnical reporting standards shall comply will requirements developed by the Director in City of Bellevue Submittal Requirements Sheet 25, Geotechnical Report and Stability Analysis Requirements, now or hereafter amended;**

**Finding:** The Geotechnical Report prepared July 23, 2007 and updated January 27, 2010 and June 3, 2015 meets City of Bellevue requirements and recommends that there are no anticipated adverse impacts on the stability of the adjacent slopes or existing structures based on modeling and stability calculations in the geotech reports.

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

**Finding:** All slopes, structures, retaining walls and other development as designed will meet standards of the geotechnical report and will employ best management practices during construction standards as outlined in the updated geotech report.

**7. The proposed modification to the critical area or critical area buffer with any associated mitigation does not significantly impact habitat associated with species of local importance, or such habitat that could reasonably be expected to exist during the anticipated life of the development proposal in the area were regulated under this part.**

**Finding:** No existing vegetation that could reasonably be expected to support significant habitat is being impacted by the improvements allowed by this application. As discussed previously mitigation planting and shoreline restoration are required associated with a clearing and grading permit separate from the building permit.

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

The Director may approve, or approve with modifications, the proposed modification 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 area has been degraded as a result of past clearing and use as a lawn. No vegetation is proposed for removal other than lawn. The proposed native planting of the slope will increase vegetation on the property and the removal of the bulkhead will restore the shoreline to a natural state.

**2. The proposal includes plans for restoration of degraded critical area or critical area buffer functions which demonstrate a net gain in the most important critical area or critical area buffer functions to the ecosystem in which they exist;**

The most important critical area functions for the site which are slope stability and erosion control are improved. The functions of the shoreline are improved by removal of the bulkhead.

**3. The proposal includes a net gain in stormwater quality function by the critical area buffer or by elements of the development proposal outside of the reduced regulated critical area buffer;**

The proposal does increase impervious surface on the site. However the structure is designed to fit into the existing topography and incorporates a patio on the roof of the structure along with a green roof. This reduces the effective impervious surfaces proposed. Stormwater quality will be improved by the native planting proposed which will remove lawn area.

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

Adequate resources exists to complete the mitigation which will be guaranteed by a monitoring surety.

**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 steep slope.

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

The proposed development is consistent with the adjacent uses which are single family in this land use district.

**C. Critical Areas Land Use Permit Decision Criteria 20.30P.140**

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

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

**Finding:** The applicant is required to obtain all necessary building, clearing & grading, and utility approvals along with any ancillary permits and approvals required by the City of Bellevue.

**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 minimizes impacts by incorporating TESC technology and by field adjustment appropriate mitigation elements such as retention of significant root mass in slopes during construction. Conformance with stormwater and drainage regulations will be reviewed at time of development permit.

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

**Finding:** The proposal incorporates the performance standards of LUC 20.25H. The proposal includes restorative plantings to avoid or reduce impacts. The approved site plan restores and mitigates all temporary disturbance activities and will rehabilitate the existing shoreline condition to provide suitable habitat for species of local importance. The plan will establish a diverse habitat that will help to restore critical area function from the shoreline to the upland area.

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

**Finding:** The site is served by adequate public facilities.

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

**Finding:** The mitigation plan is consistent with the minimum requirements of LUC 20.25H.210. The mitigation will result in a significant improvement over existing conditions

which is mostly grass. The plan will replace the grass covered critical slope with native plantings. This will enhance the critical area and its buffers by increasing long term stormwater run-off, reducing erosion and providing root stabilization to the soil.

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

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

**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 Development Services does hereby **approve with conditions** the proposal to construct a detached accessory structure, deck, stairs, and associated improvements with mitigation planting and removal of a portion of concrete bulkhead and the installation of a gravel beach within a critical slope, slope buffer, slope setback, and shoreline structure setback. This approval does not allow or endorse any proposed improvements or those already existing within Chism Beach Park.

**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, Building Permit, or other necessary development permits within one year of the effective date of the approval.

**X. Conditions of Approval**

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

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Land Use Code- BCC 20.25H	Reilly Pittman, 425-452-4350
Noise Control- BCC 9.18	Leah Chulsky, 425-452-4350

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

**A. Conditions Associated with the Clearing and Grading Permit:**

**1. Clearing and Grading Permit Required:**

Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. Application for a clearing and grading permit must be submitted and approved for installation of the shoreline restoration proposed and mitigation planting. Plans submitted as part of the permit application shall be consistent with the activity permitted under this approval.

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

**2. Shoreline Plan:**

A final shoreline restoration plan designed by a qualified professional for the removal of the bulkhead and installation of the gravel beach, boulders, anchor logs, and shoreline plantings is required to be submitted with the clearing and grading permit.

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

**3. Maintenance and Monitoring:**

A report on shoreline restoration plant health, survival, and maintenance activity shall be submitted yearly for five years. The monitoring plan is required to be revised to provide monitoring for a full five years, rather than three years, with appropriate goals and standards for each year.

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

**4. Cost Estimate:**

A cost estimate based on the cost to maintain and monitor the planting and shoreline for five years is required.

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

**5. Maintenance Surety:**

A maintenance surety is required. The surety will be for 100 percent of the cost estimate provided for maintenance and monitoring over five years.

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

**6. Land Use Inspections Required:**

Following completion of the shoreline restoration and mitigation planting associated with the clearing and grading permit, the applicant shall contact Land Use staff to schedule an inspection by emailing Reilly Pittman at [rpittman@bellevuewa.gov](mailto:rpittman@bellevuewa.gov). Prior to inspection all conditions associated with the clearing and grading permit must be fulfilled. At the end of 5 years, the applicant will need to call for an inspection by Land Use staff to release the performance surety. Staff will need to find that the plants are in a healthy and growing condition and that the goals of the final restoration plan have been achieved.

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

**B. Conditions Associated with the Building Permit:**

**7. Building Permit Required:**

Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. A building permit applications is required to construct the structure and improvements. Plans submitted as part of the permit application shall be consistent with the activity permitted under this approval.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

**8. Dark Sky Lighting Required:**

Lighting shall be limited to the minimum necessary and constructed and installed in such a manner that all light emitted, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part, is projected below the horizontal plane through the lowest light-emitting part or otherwise obscured. The applicant shall submit a written narrative and identify lighting on the construction plans to demonstrate success at meeting this condition. Lighting that does not meet this condition shall be replaced unless analysis suggests that the location of the lighting makes the condition unnecessary or the specific lighting requirement cannot be met under these restrictions. Lighting shall be confirmed by inspection in the field after installation.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

**9. Land Use Inspections Required:**

A Land Use inspection prior to final Building inspection of the structure is required. All planting and shoreline work required under the clearing and grading permit is required to be completed prior to Land Use inspection of the structure.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

**10. Geotechnical Confirmation:**

The project is required to be built per the recommendations contained in the geotech report. A post-construction report from the geotech is required which verifies that the site is stable, the project was constructed per the plans, and the recommendations provided in the geotech report and addendum letter were followed. The letter shall be submitted prior to Land Use inspection associated with the building permit.

Authority: Land Use Code 20.25H.145

Reviewer: Reilly Pittman, Development Services Department

**11. Guest Cottage Agreement:**

A guest cottage or other agreement is required to be recorded since the structure proposed constitutes a detached dwelling unit that can only be allowed as a non-rentable guest cottage. The agreement is required to be recorded prior to building

permit issuance.

Authority: Land Use Code 20.20.250  
Reviewer: Reilly Pittman, Development Services Department

**12. 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 critical area buffer in accordance with LUC 20.30P.170. The hold harmless agreement is required to be recorded with King County prior building permit issuance.

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

**C. General Conditions:**

**13. 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





BRIAN BRAND

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**BLOCH  
CABANA**  
9535 SE 11TH STREET  
BELLEVUE WASHINGTON

PROJECT NUMBER: 15-0578  
PROJECT MANAGER: JL  
DRAWN BY: XX  
PLOT DATE: Oct 14, 2015 - 3:06pm  
DATE: 08/05/2015 PERMIT SET

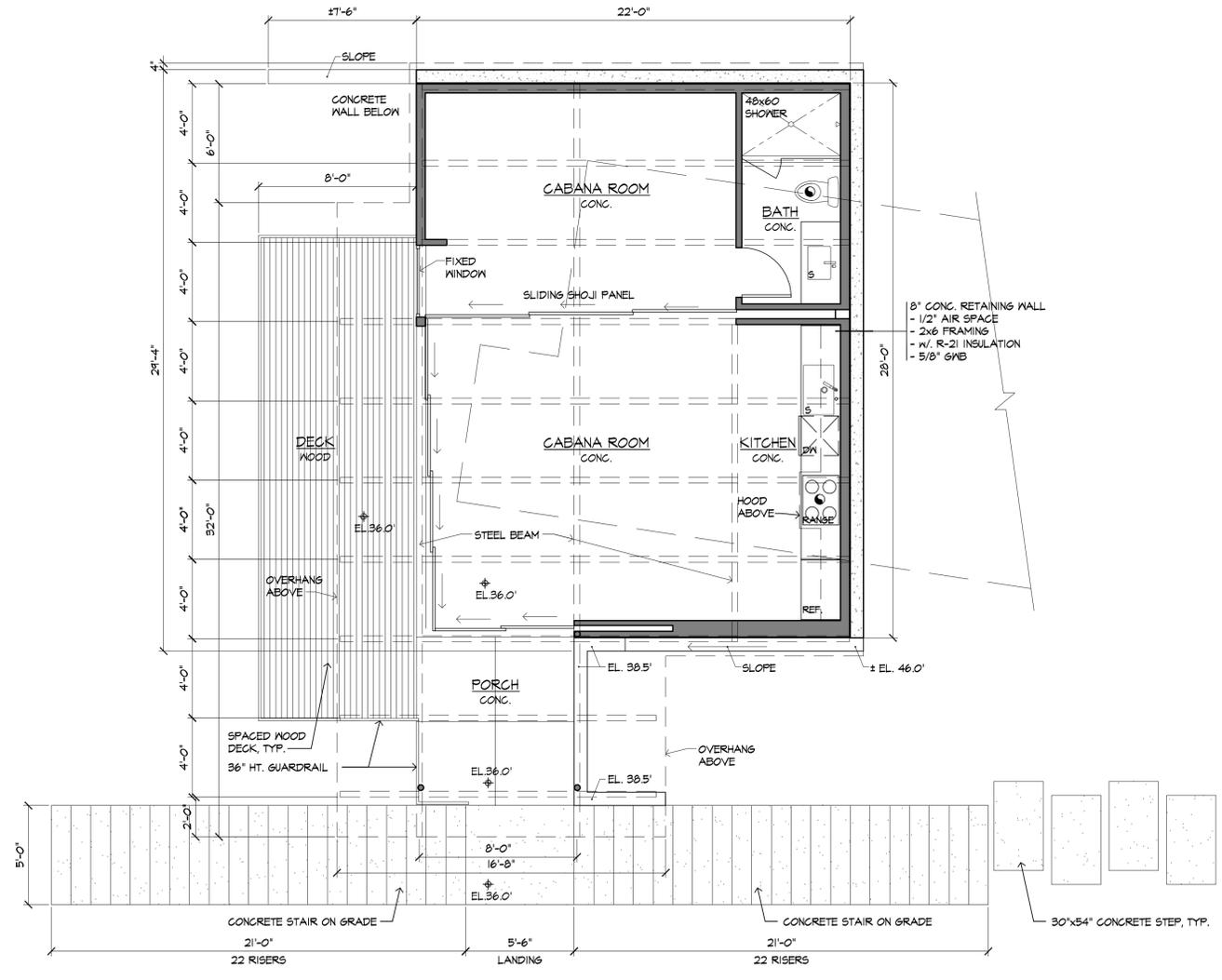
LAND USE PERMIT

ARCHITECTS  
**baylis**

10801 Main Street, #110 | Bellevue, WA 98004  
1904 Third Avenue, #330 | Seattle, WA 98101  
BaylisArchitects.com | (425) 454 0566

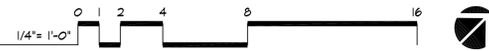
MAIN FLOOR PLAN

**A101**



**FLOOR PLAN**

MAIN FLOOR AREA 654 SF  
DECK AREA 196 SF  
CONC. PATIO AREA 16 SF



Drawing Name: P:\2015\15-0578 Bloch Cabana\03 Drawings\302 Design Drawings\01 D\Drawings\A101 floor plan.dwg



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**BLOCH  
CABANA**  
9535 SE 11TH STREET  
BELLEVUE WASHINGTON

PROJECT NUMBER: 15-0578  
PROJECT MANAGER: JL  
DRAWN BY: TC  
PLOT DATE: Oct 14, 2015 - 2:34pm  
DATE: 08/05/2015 PERMIT SET

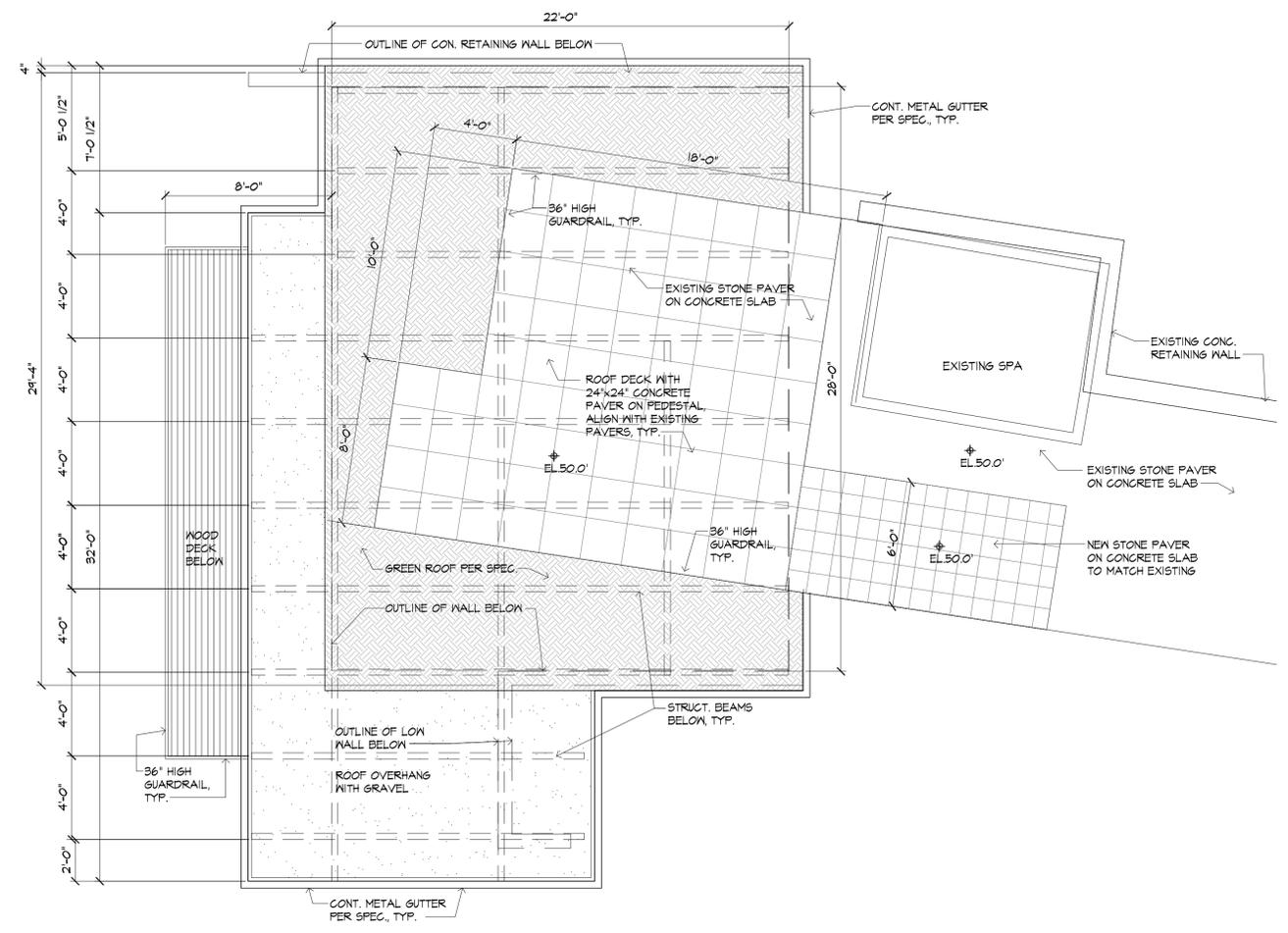
LAND USE PERMIT

ARCHITECTS  
**baylis**

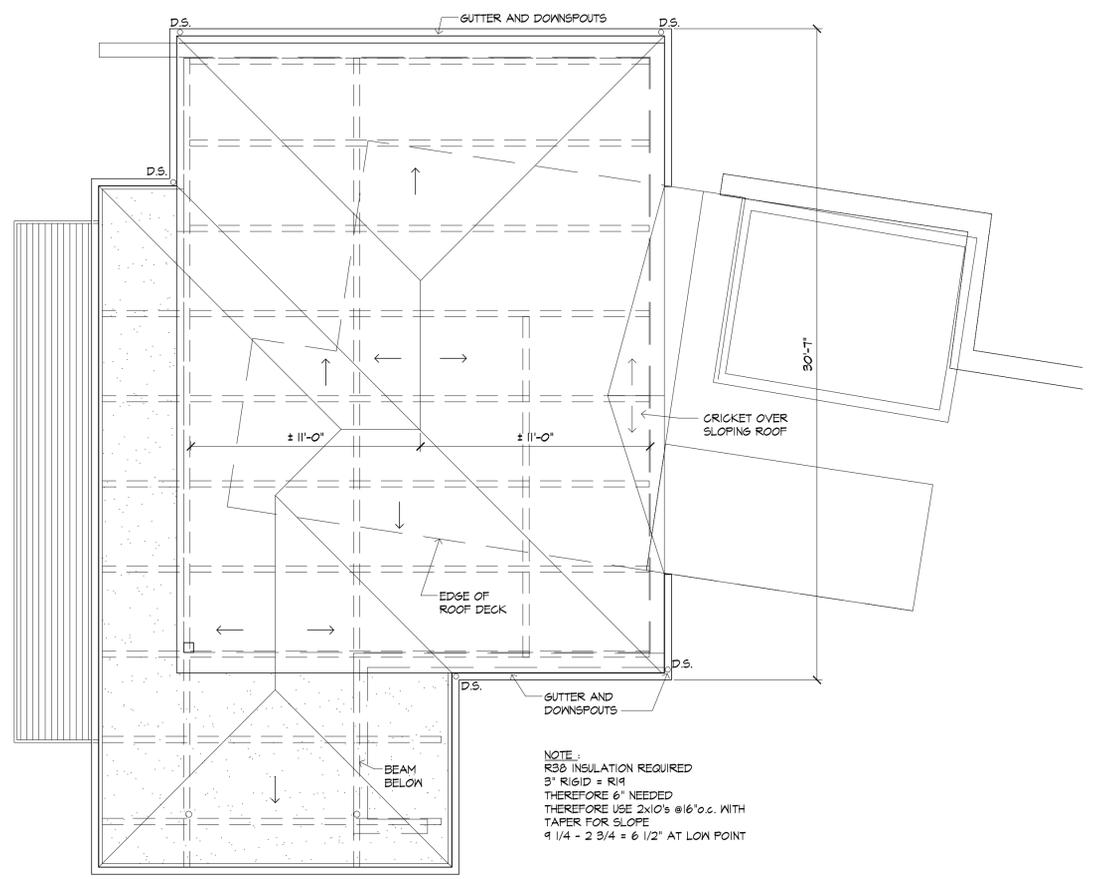
10801 Main Street, #110 | Bellevue, WA 98004  
1904 Third Avenue, #330 | Seattle, WA 98101  
BaylisArchitects.com | (425) 454 0566

ROOF PLAN

**A102**



ROOF PLAN / ROOF DECK



ROOF DRAINAGE PLAN



Drawing Name: P:\2015\15-0578 Bloch Cabana\03 Drawings\02 Design Drawings\01 D\Drawings\A102\_roof\_plm.dwg



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REGISTERED ARCHITECT  
STATE OF WASHINGTON

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**BLOCH  
CABANA**  
9535 SE 11TH STREET  
BELLEVUE WASHINGTON

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PROJECT MANAGER: JL  
DRAWN BY: XX  
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DATE: 08/05/2015 PERMIT SET

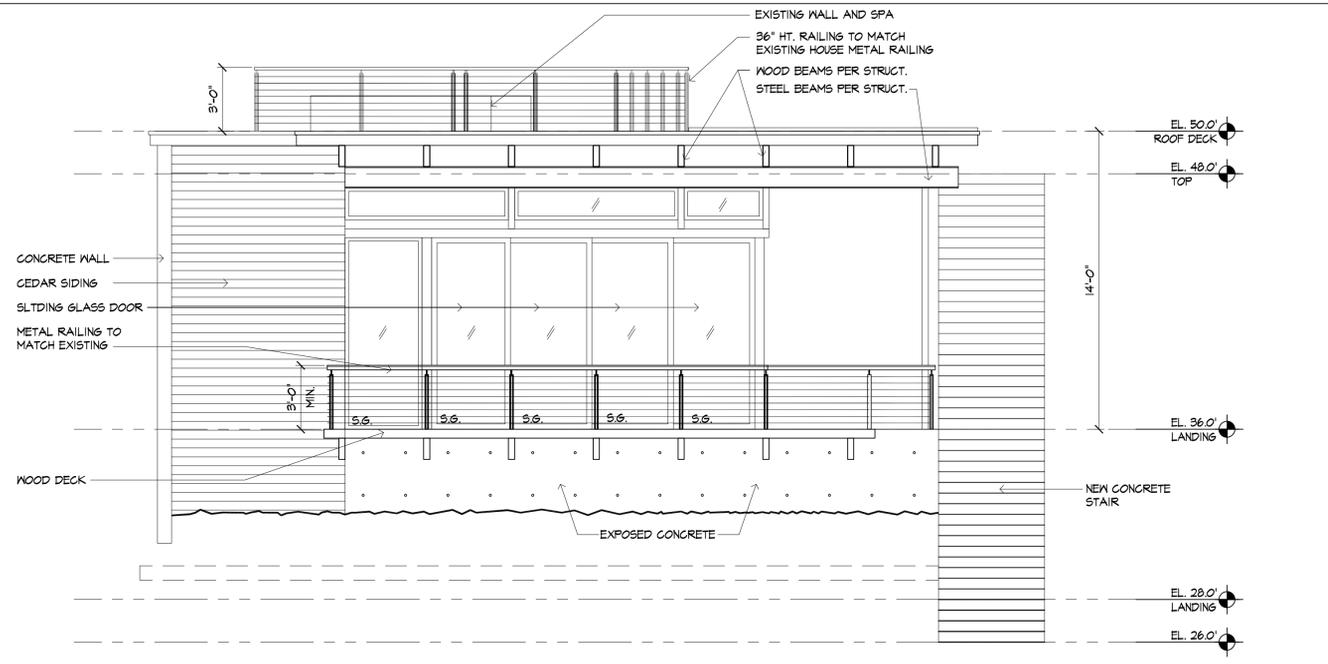
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ARCHITECTS  
**baylis**

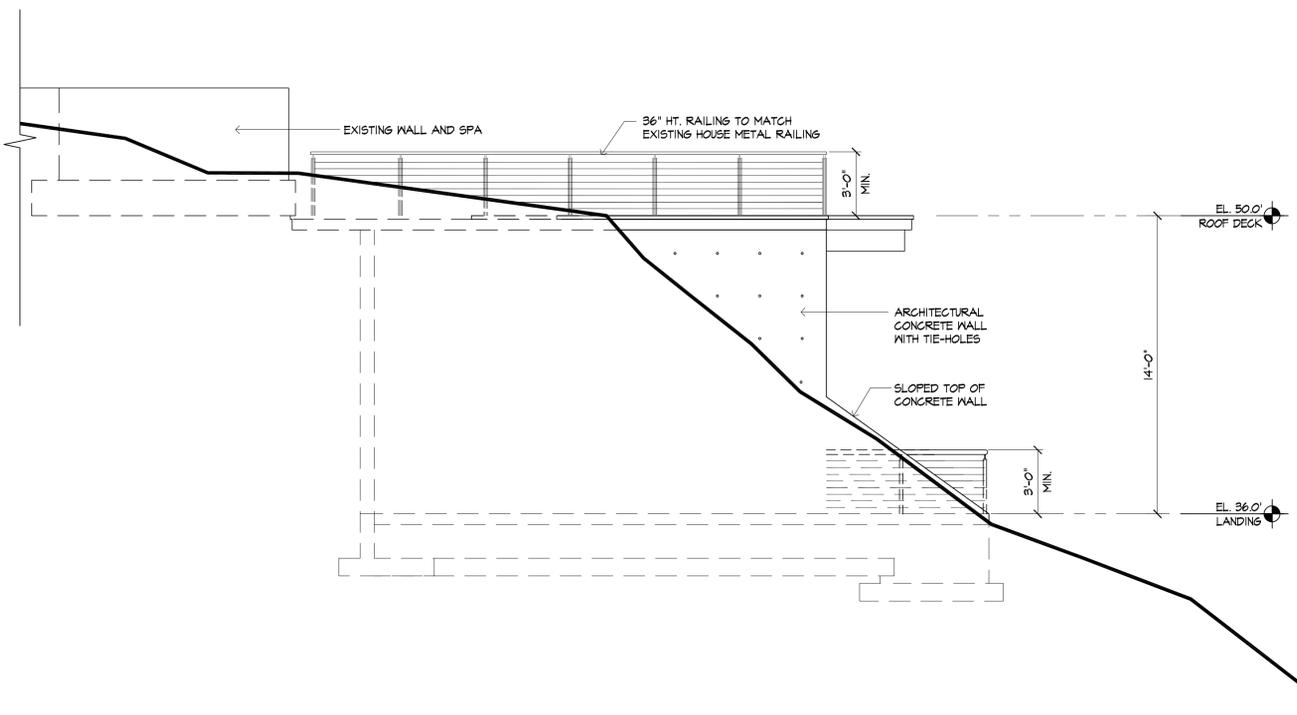
10801 Main Street, #110 | Bellevue, WA 98004  
1904 Third Avenue, #330 | Seattle, WA 98101  
BaylisArchitects.com | (425) 454 0566

BUILDING  
ELEVATIONS

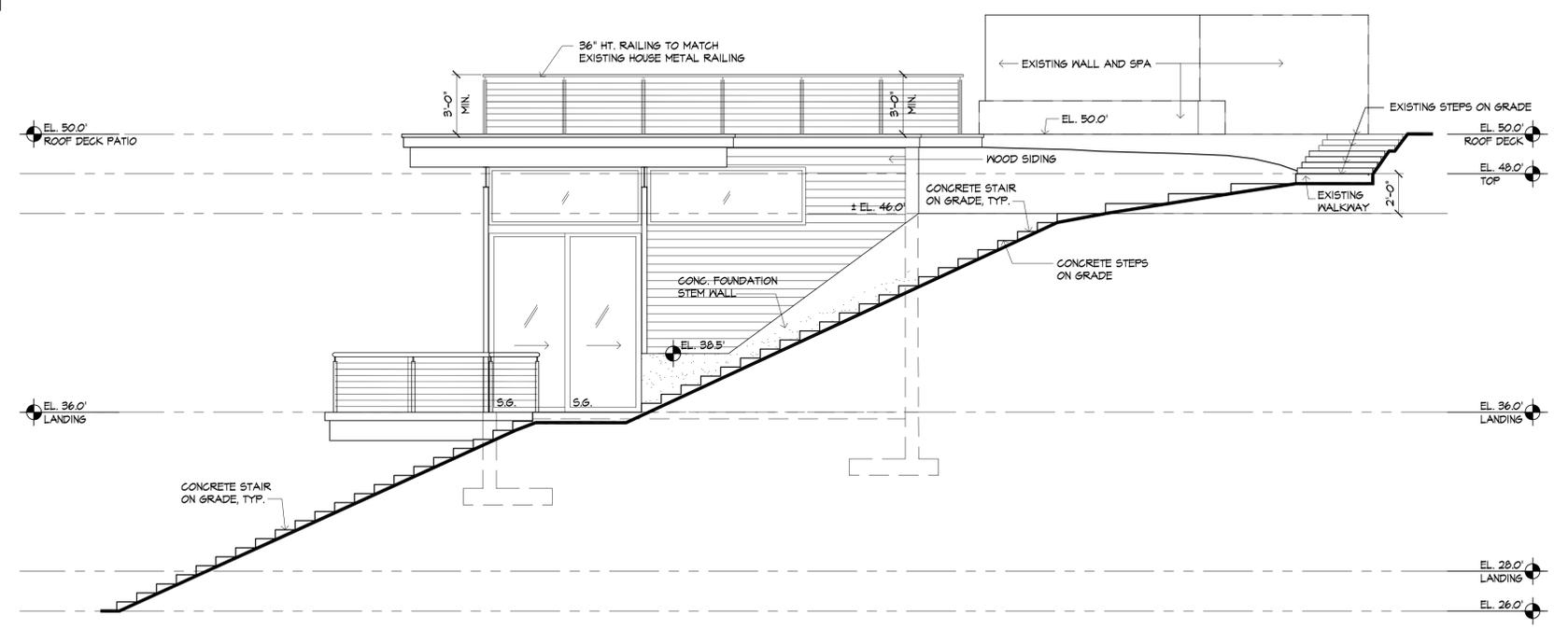
**A201**



WEST ELEVATION



NORTH ELEVATION



NORTH ELEVATION



Drawing Name: P:\2015\15-0578 Bloch Cabana\03 Drawings\02 Design Drawings\A201 Building Elevations.dwg

Blrger Partnership Project Number: XXXXXXXX.XX Printed: 10.08.2015 1:22 PM By: Matt Martenson filename: g:\1\project\blloch residence 2015\drawings\sheets\blloch-sheets.dwg



RECORDING NO. 20031204002538

PARCEL B



1721 8th Ave N  
Seattle, WA 98109  
206.325.6877  
bergerpartnership.com

# Bloch Residence

Bellevue, WA

SET TYPE:  
**Permit**

SET ISSUE DATE:  
**2015/09/25**

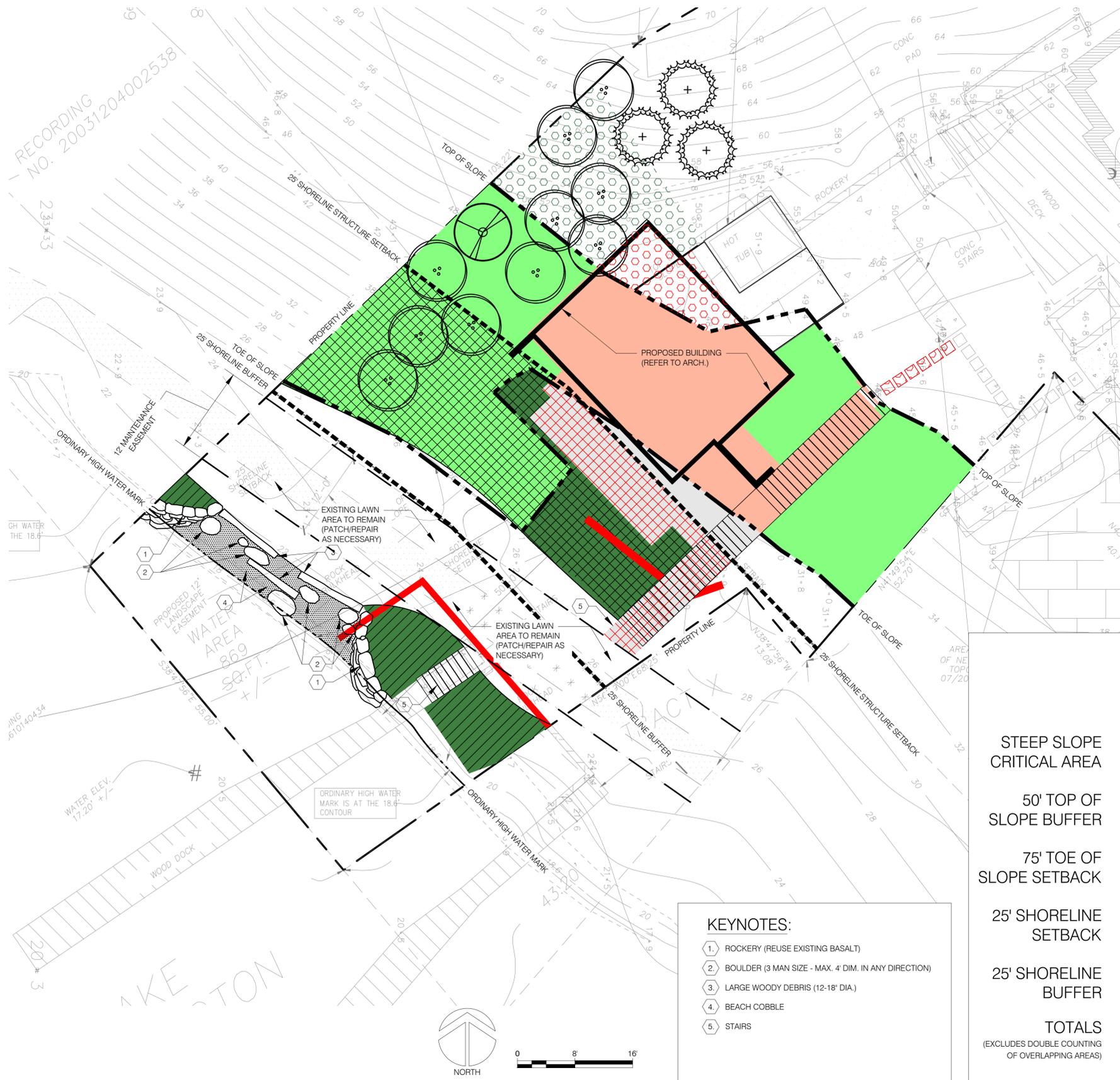
REVISIONS:

DRAWN/CHECKED:  
**MMJH**

SHEET NAME:  
**SLOPE CATEGORIES PLAN**

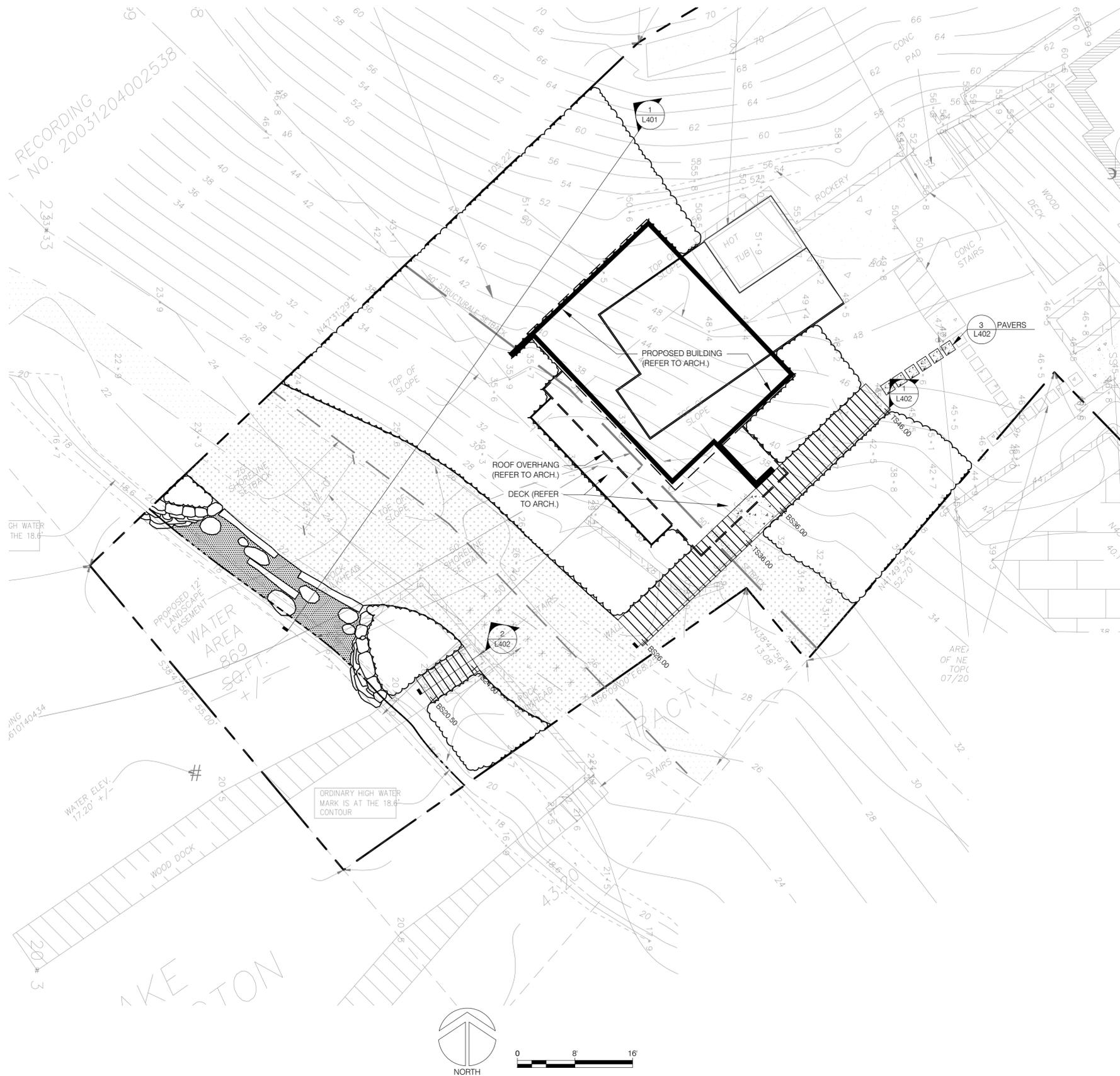
SHEET NUMBER:

# L100



- KEYNOTES:**
- 1. ROCKERY (REUSE EXISTING BASALT)
  - 2. BOULDER (3 MAN SIZE - MAX. 4' DIM. IN ANY DIRECTION)
  - 3. LARGE WOODY DEBRIS (12-18" DIA.)
  - 4. BEACH COBBLE
  - 5. STAIRS

	NEW STRUCTURES / IMPERVIOUS SURFACES (SQ. FT.)	RESTORATION PLANTINGS / ENHANCEMENT (SQ. FT.)	EXISTING IMPERVIOUS SURFACES REMOVED (SQ. FT.)
STEEP SLOPE CRITICAL AREA	754	1494	
50' TOP OF SLOPE BUFFER	148	352	
75' TOE OF SLOPE SETBACK	359	521	
25' SHORELINE SETBACK	275	908	-17
25' SHORELINE BUFFER	0	250	-33
<b>TOTALS</b> (EXCLUDES DOUBLE COUNTING OF OVERLAPPING AREAS)	<b>1261</b>	<b>2367</b>	<b>-50</b>



RECORDING NO. 20031204002538

# Bloch Residence

Bellevue, WA

SET TYPE: Permit

SET ISSUE DATE: 2015/09/25

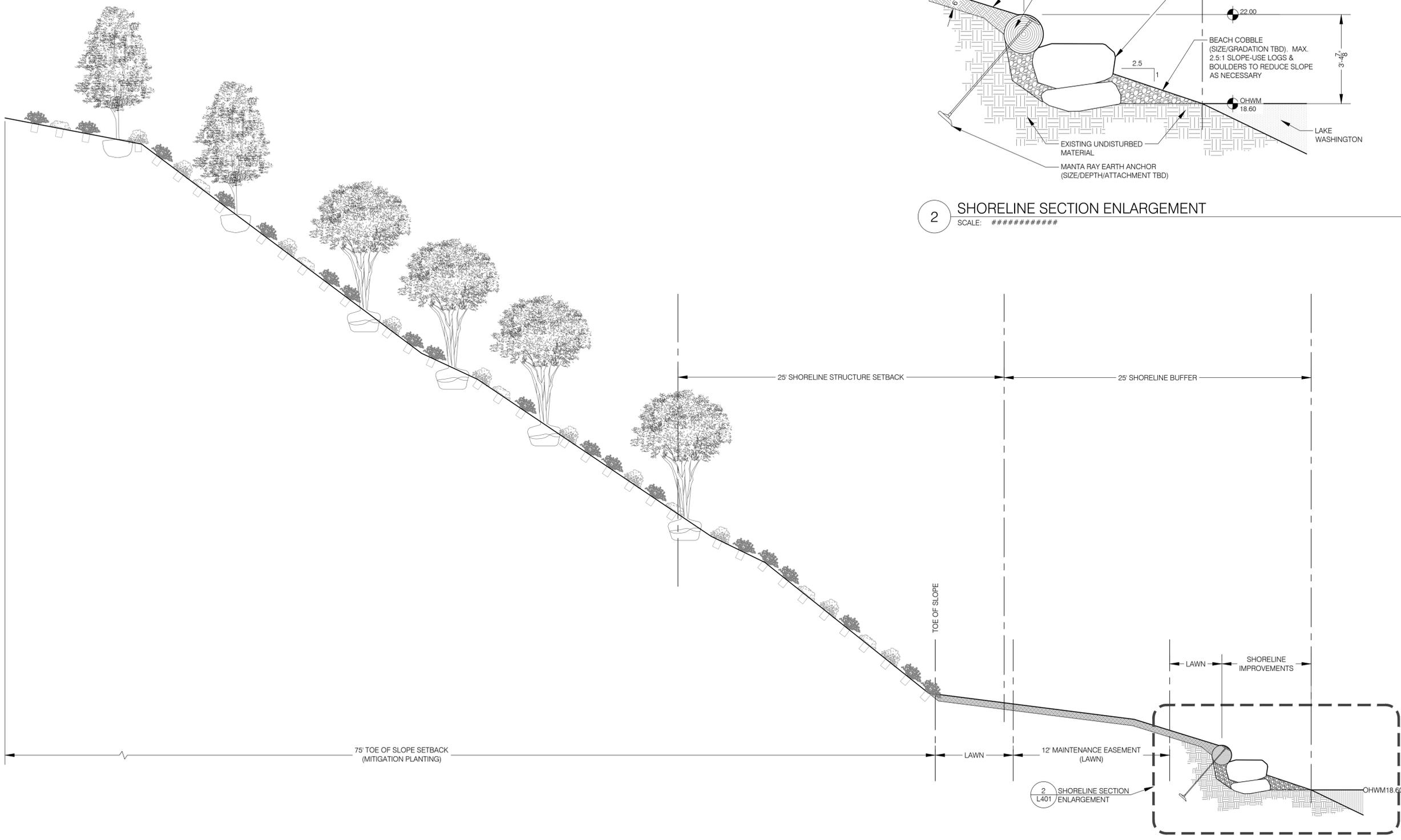
REVISIONS:

DRAWN/CHECKED: MMJH  
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SHEET NUMBER:

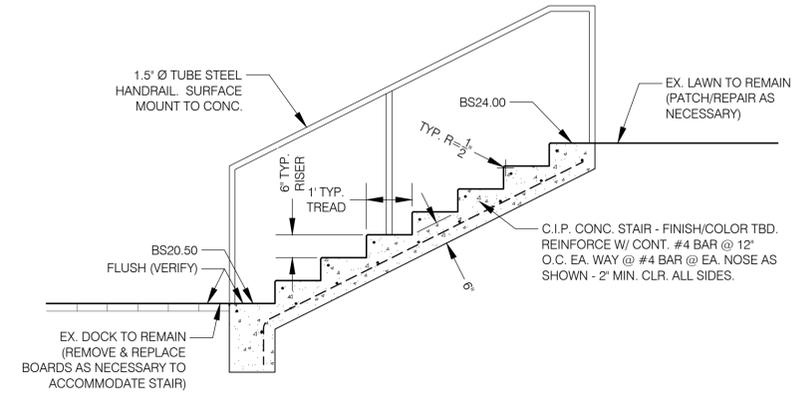
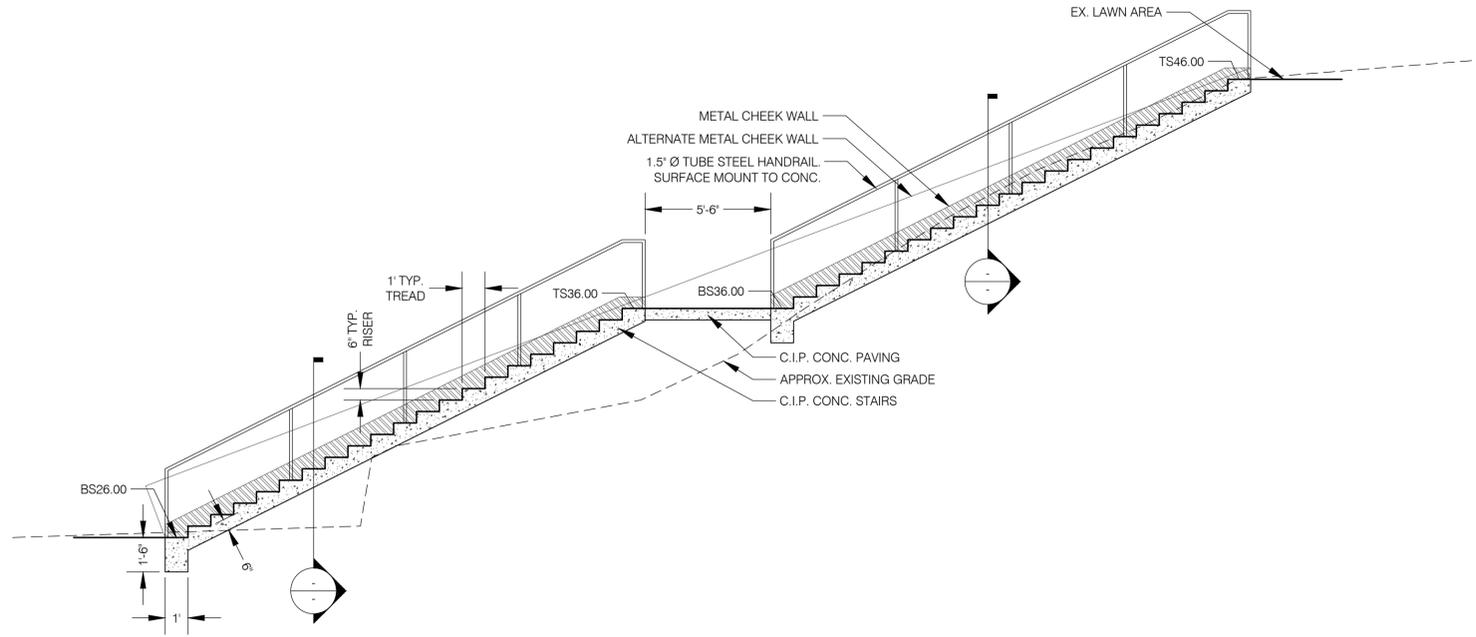
# L300

Bluger Partnership Project Number: XXXXXXXX.XX Rev: 10.08.2015 1:23 PM By: Matt Martenson filename: g:\project\bloch residence 2015\drawings\sheets\bloch-sheets.dwg



1 MITIGATION SECTION  
SCALE: #####

2 SHORELINE SECTION ENLARGEMENT  
SCALE: #####



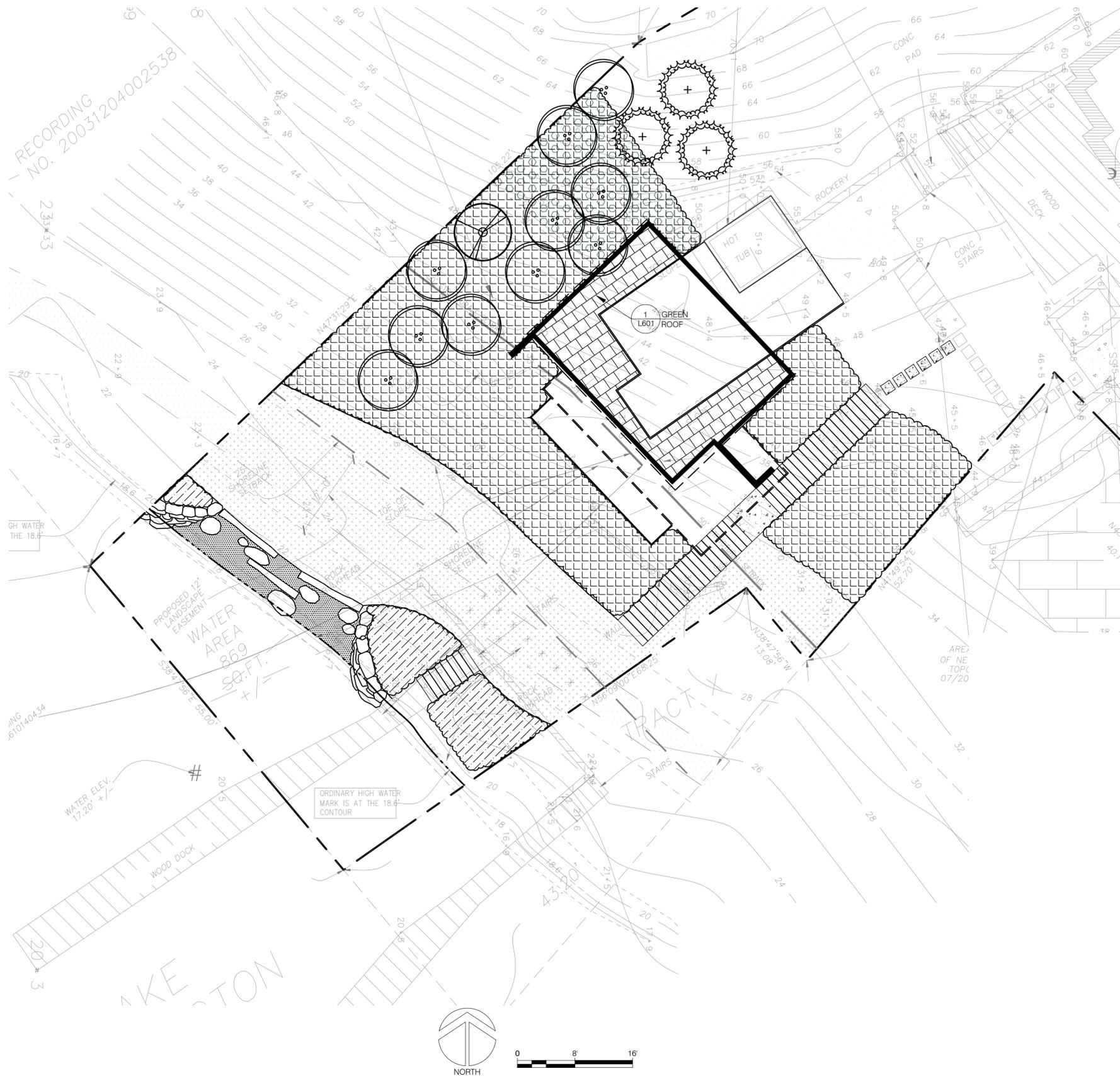
1 STAIR @ CABANA SECTION  
SCALE: 1/4" = 1'-0"

2 STAIR @ DOCK SECTION  
SCALE: 1/2" = 1'-0"

PAVERS

3 PAVERS  
SCALE: 1 1/2" = 1'-0"

Berger Partnership Project Number: XXXXXXXX.XX Rev: 10.08.2015 1:23 PM By: Matt Martenson filename: g:\project\bloch residence\2015\drawings\sheet\bloch-sheets.dwg



**PLANTING LEGEND**

QTY.	NAME	SIZE
10	ACER CIRCINATUM / VINE MAPLE	10' MIN. HT.
1	ARBUTUS MENZIESII / MADRONE	10' MIN. HT.
3	AMELANCHIER ALNIFOLIA / SASKATOON SERVICEBERRY	10' MIN. HT.

QTY.	NAME	SIZE / SPACING
1	SALIX SITCHENSIS / SITKA WILLOW	1 GAL. @ 48" O.C.
6	SPIREA DOUGLASII / WESTERN SPIREA	1 GAL. @ 36" O.C.
10	JUNCUS ACUMINATUS / TAPERED RUSH	1 GAL. @ 24" O.C.
16	CAREX DEWEYANA / DEWEY'S SEDGE	1 GAL. @ 24" O.C.

% OF AREA	NAME	SIZE / SPACING
30%	MAHONIA NERVOSA / CREEPING OREGON GRAPE	1 GAL. @ 24" O.C.
20%	DESCHAMPSIA CESPITOSA / PACIFIC HAIRGRASS	1 GAL. @ 24" O.C.
20%	GAULTHERIA SHALLON / SALAL	1 GAL. @ 24" O.C.
10%	MYRICA CALIFORNICA / PACIFIC WAX MYRTLE	1 GAL. @ 5'-0" O.C.
10%	PHILADELPHUS LEWISII / MOCK ORGANGE	1 GAL. @ 36" O.C.

GREEN ROOF PLANTING	EXTENSIVE GREEN ROOF - 6" OR LESS GROWING MEDIA DEPTH - COLUMBIA GREEN SEDUM MATS
LAWN	LAWN

**LANDSCAPE NOTES**

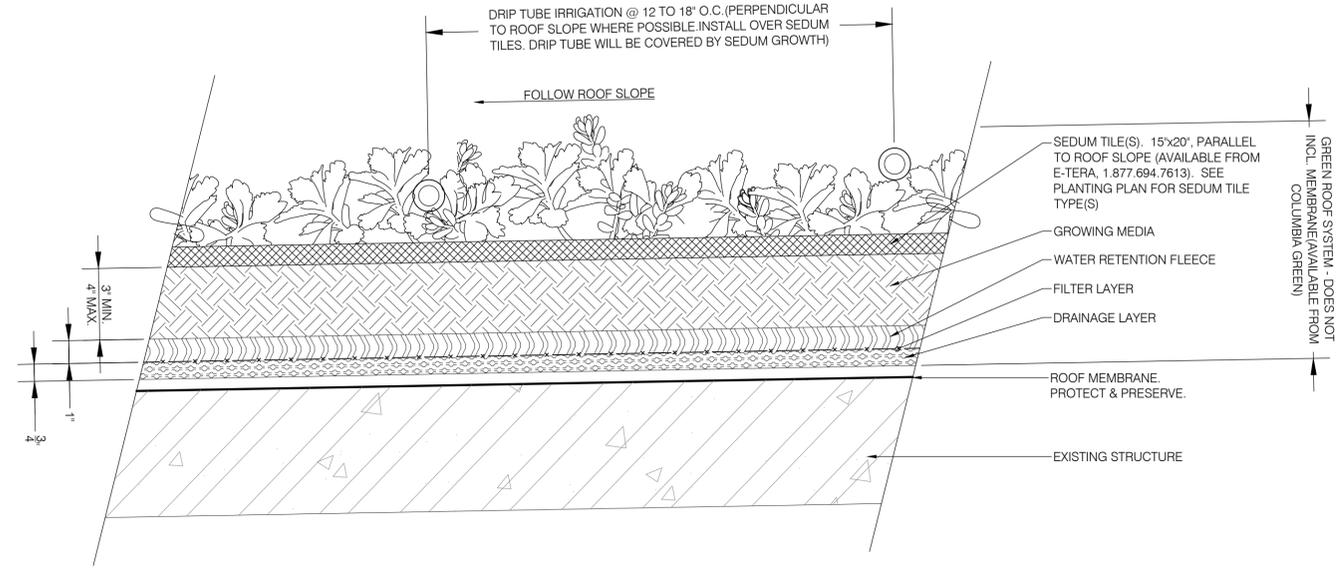
- 1) ALL PLANTS IN CRITICAL AREAS AND BUFFER ZONES TO BE PIT PLANTED.
- 2) INSTALL ALL PLANTING IN A MANNER MINIMIZING SOIL DISTURBANCE AND PREVENTING EROSION OF EXPOSED SOILS.

**MONITORING PLAN**

- THE FOLLOWING MONITORING PLAN TO BE IMPLEMENTED WITH THE FOLLOWING GOALS AND PROCEDURES:
- 1) GOALS: 85% SURVIVABILITY RATE OF PLANTS WITH IN 3 YEARS OF PLANTING.
  - 2) PROCEDURES:
    - a) YEARLY PROCEDURES:
      - i. REVIEW OF PLANTING IN SEPTEMBER TO IDENTIFY DEAD, DYING, OR DISEASED PLANTS TO BE REPLACED.
      - ii. REPLACEMENT OF IDENTIFIED PLANTS BEFORE OCTOBER 1 OF EACH YEAR.
      - iii. SEND REPORT AT END OF YEAR TO CITY OF BELLEVUE IDENTIFYING % OF SPECIES SURVIVED AND PLANTS REPLACED, AND OTHER SIGNIFICANT EVENTS THAT EFFECTED PLANT SURVIVABILITY AND SLOPE STABILITY.
    - b) QUARTERLY PROCEDURES (EVERY 3 MONTHS):
      - i. REVIEW PLANTING TO IDENTIFY IF WATER, SOIL AMENDMENTS, OR OTHER HORTICULTURAL NEEDS ARE REQUIRED. APPLY NUTRIENTS, WATER, OR OTHER HORTICULTURAL PRACTICES AS NEEDED TO MAINTAIN HEALTH OF PLANTS.
      - ii. REVIEW SLOPE FOR SLUFFING, FURROWS, OR OTHER EROSION. REPAIR AS NEEDED.

PLANTS IN CRITICAL AREAS AND BUFFERS ARE VALUED AT APPROXIMATELY \$15,000.00 (\$2.00 / S.F.)

1 GREEN ROOF  
SCALE: #####



SET TYPE: Permit

SET ISSUE DATE: 2015/09/25

REVISIONS:

DRAWN/CHECKED: MMJH

SHEET NAME: PLANTING DETAILS

SHEET NUMBER:

L601

Bloch Residence

Bellevue, WA