



City of Bellevue
Development Services Department
Development Services Staff Report

Proposal Name: Michael Rech – House Expansion

Proposal Address: 3218 164th Place SE

Proposal Description: This is an application for Critical Areas Land Use Permit to reduce the Toe-of-Slope Geologic Hazard Area setback associated with a steep slope critical area. The applicant is proposing a reduction of slope buffer to allow for the development of a three story house expansion with a 730 square foot footprint within the Toe-of-Slope building setback area. To improve the condition of the remaining setback area and a portion of the down hill steep slope critical area, the applicant is proposing to restore portions of the site through the planting of native vegetation.

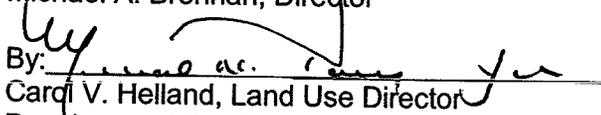
File Number: 08-132725 LO

Applicant: Michael Rech

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

Planner: Mark Cross, Associate Land use Planner

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

Director's Decision: **Approval with Conditions**
Michael A. Brennan, Director
By: 
Carol V. Helland, Land Use Director
Development Services Department

Application Date: 9/10/2008
Notice of Application Publication Date: 4/23/2009
Decision Publication Date: 6/04/2009
Project Appeal Deadline: 6/18/2009 5:00 p.m.

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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I. Background

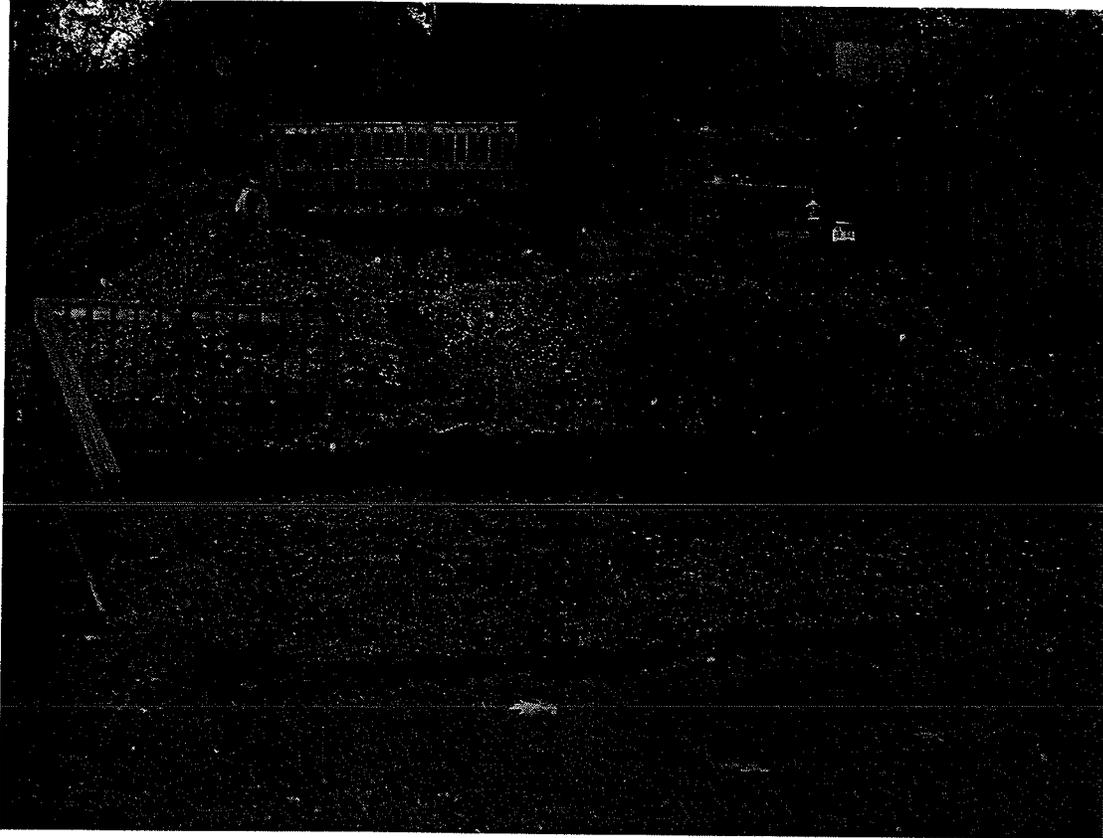
A. Site Description

The Rech property is located at 3218 164th Place SE in the SW quadrant of Section 12, Township 24 North, Range 5 East. The site is within the Eastgate Sub-area of the Comprehensive Plan, is designated as Single Family High Density, and is zoned Single-Family Residential (R-5). The property is currently built out with one single family residence and a garage. The existing house is built into the sloped lot with the garage and front door facing onto 164th Place SE. The proposed house expansion is on the south side of the house. The 732 square foot footprint proposed for the three story expansion includes an existing concrete patio, storage shed and deck. New impervious surfaces include 368 square feet of back and side yard. The entire site is sloped from north to south and east to west. The topography ranges from elevation 216 feet at the northeast corner of the property to elevation 176 feet in the southwest corner of the site. See attachment one.

The regulated slope on the property is in the north east corner of the site with the 75-foot toe-of-slope building setback extending across most of the rest of the lot. See attachment one. The steep slope critical area has a small number of fir trees. There is very little native ground cover with patches of established English ivy and ornamental ground cover. Several, rail road tie retaining walls, decks and deck access stair cases have been built in the past and are proposed to remain. The deck on the south east side of the house would be demolished to make way for the house expansion. The applicant has proposed an area both in the steep slope critical area and within the toe-of-slope building setback area along the east property line for re-vegetation consistent with the City of Bellevue Critical Areas Handbook. The house and property are located within a completely built subdivision. The yard is fenced along the east and north property lines. Areas of native vegetation are interspersed across the neighborhood but do not form into continuous vegetated areas.

B. Project Description

The proposal would expand the house including a total increased footprint of 732 square feet entirely within the steep slope critical area toe-of-slope building setback. At its nearest point, the house addition would come within fifteen feet of the toe-of-slope. No grading within the protected steep slope area is proposed or allowed as part of this application, however, the applicant is proposing to replant/restore portions of the steep slope toe-of-slope building setback area and a portion of the steep slope critical area. See attachment two.



II. State Environmental Policy Act (SEPA)

The proposed house expansion will occur outside all critical areas and critical area buffers. Total grading quantities for foundation work is 80 cubic yards, well below the 500 cubic yard SEPA Threshold. Therefore, the project is categorically exempt from environmental review consistent with WAC 197-11-800.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements

The proposal is to expand the footprint of the existing house to the south by 732 square feet. Of that new expansion 368 square feet constitutes new impervious surface. To construct the house expansion, the applicant is proposing to build within 15 feet of the toe-of slope for the steep slope critical area. No requests have been made to reduce the required structure setbacks, lot coverage, or other dimensional standards for the R-5 zone. The proposed house expansion and any new structural walls above four feet in height will be subject to a complete site review for compliance with the Land Use Code during building permit/and or clearing and grading permit review. See Conditions of Approval in Section IX of this report.

B. Critical Areas

1) **Steep Slopes**- Steep Slopes are generally defined by section 20.25H.120.A.2 of the City of Bellevue Land Use Code as: Those areas with slopes of 40 percent or more that have a rise of at least 10 feet and exceed 1,000 square feet in area. Portions of the subject site are characterized by a regulated slope area. The project proposal consists of constructing a 732 square foot building addition within the steep slope toe-of-slope building setback within 15 feet of the actual steep slope critical area and to replant a 445 square foot portion of the slope and toe-of-slope building setback area with native plantings. See attachment two.

To allow for the reduction of the steep slope building setback from seventy-five feet to fifteen feet, the applicant has submitted a geotechnical assessment of the site and slope area prepared by GEOTECH consultants, Inc. that addresses slope stability and identifies construction practices and structure design. In this case the supporting soils are identified as glacial till. Most of the recommendations focus on drainage and the prevention of moisture in new construction. A copy of the project geotechnical report is available in the project file. See attachment three.

2) **Habitat** - Habitat associated with species of local importance is protected by the City of Bellevue Land Use Code section 20.25H.125. When habitat associated with a listed species (listed in the City's Land Use Code) is present, specific performance standards must be followed as identified in LUC 20.25H.160.

The protected steep slope hazard area, includes some native fir trees and mostly ground cover and is too small and isolated to provide habitat for species of local importance. The portion of the toe-of-slope building setback area proposed for the new house expansion is divided almost evenly between existing imperious surfaces including gravel parking area and concrete patio and walkway and an unplanted area near the toe of the steep slope. The remainder of the yard is planted with ornamental species or is being used for storage of yard maintenance equipment.

The existing invasive species of ground cover, English Ivy, mixed with areas of ornamental ground covers along with the limited number of substantial native trees do not provide good quality habitat for any of the birds or animals of local importance. To enhance the site's ability and potential to provide habitat in the future, the applicant has designated two areas in the back yard totaling 445 square feet to vegetate portions of the steep slope and toe-of-slope building setback area to mitigate the impact of the reduction in toe-of-slope building setback. The amount of steep slope and toe-of-slope building setback area restoration and replanting will meet the requirements of LUC 20.25H.210 - .225. See related Conditions of Approval in Section IX of this report.

**IV. Consistency With Land Use Code Critical Areas Performance Standards –
Modification of the Steep Slope Critical Area Toe-of-Slope Building Setback
area:**

**A. 20.25H.125 Performance standards - Landslide hazards and steep
slopes.**

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:

- 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;

Finding: The proposed modification of existing ground contours is limited to the toe-of-slope building setback area of the steep slope critical area. Activities proposed for the steep slope area is being limited to mitigation planting to minimize additional alterations to the contour of the slope. The applicant has submitted a geotechnical assessment of the site and slope area prepared by GEOTECH Consultants Inc. that addresses slope stability and identifies construction practices and structure design considerations that will help limit the potential for water intrusion into the new addition. The applicant is required to conform to the requirements of the geotechnical study – see Conditions of Approval in Section IX 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;

Finding: The proposed house addition and any potential walls are sited within the toe-of-slope building setback of the steep slope critical area and not within the critical area itself. Work within the steep slope critical area is limited to planting and erosion control. No grading or alteration of the steep slope portion of the site is proposed.

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

Finding: The proposed house expansion is being required to direct runoff from the new roof area and additional driveway impervious surface to the drainage swale located within the right of way of 164th Place Southeast. These design features limit risk to neighboring properties and eliminate the need for increased buffers on neighboring properties.

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- 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;

Finding: No new retaining walls are included in this development proposal. Work within the steep slope critical area is limited to planting and erosion control measures. No grading of steep slopes is proposed or approved with this permit.

- 5) Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer;

Finding: The development proposal does not include an increase in impervious surfaces within the critical area or critical area buffer. A portion of the adjacent steep slope critical area and steep slope toe-of-slope building setback area is proposed to be restored with native vegetation. Surface flow from the proposed house expansion will be directed towards the perimeter storm drainage system and directed to the street.

- 6) Where change in grade outside the building footprint is necessary, the site retention system should be stepped and re-grading 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;

Finding: No grading is proposed within the steep slope critical area. The only change in grade outside the proposed expanded house building footprint is limited to a new section of paved driveway which is located on the opposite side of the house from the steep slope critical area. Any walls needed to provide the house with a flat grade will be placed within the toe-of-slope critical area building setback area.

- 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;

Finding: The proposed house expansion foundation walls will support the expanded structure without the need for additional retaining wall. Building height is limited to 30 feet above existing grade per the City of Bellevue Land Use Code, LUC 20.10. The applicant is required to conform to the requirements of the geotechnical study – see Conditions of Approval in Section IX of this report.

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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;

Finding: Not applicable - no portion of the proposed development is proposed on slopes in excess of 40 percent. Only planting and erosion control is proposed on a portion of the steep slope critical area.

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

Finding: Not applicable - no portion of the proposed patio is proposed on slopes in excess of 40 percent.

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.

Finding: Mitigation will be provided by replanting portions of the critical area and critical area buffer with native species. The applicant proposes to plant a portion of the steep slope and the steep slope toe-of-slope critical area building setback consistent with the City of Bellevue Critical Areas Handbook template for sunny slopes, pages 63. See Conditions of Approval in Section IX of this report.

V. Public Notice and Comment

Application Date:	September 10, 2008
Public Notice:	April 23, 2008
Minimum Comment Period:	May 7, 2008

The Notice of Application for this project was published in the Seattle Times and the City of Bellevue weekly permit bulletin on May 7, 2009. It was mailed to property owners within 500 feet of the project site. No written comments were received regarding this proposal.

VI. Decision Criteria

20.25H.255 Critical Areas Report – Decision criteria

1) General –

Except for the proposals described in subsection B of this section, the Director may approve, or approve with modifications, the proposed modification where the applicant demonstrates:

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

Finding: The applicant proposes to add steep slope appropriate landscape materials consistent with the steep slope planting template contained within the City of Bellevue Critical Areas Handbook. The additional plantings will improve the stability of the steep slope critical area. No significant trees are to be removed with the proposed house expansion.

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

Finding: The applicant will be required to complete an assignment of savings financial security device to assure the installation of the mitigation plantings and assure long term monitoring is submitted to the city. See Conditions of Approval in Section IX of this report.

c. The modifications and performance standards included in the proposal are not detrimental to the functions and values of critical area buffers off-site; and

Finding: The proposed toe-of-slope building setback modification and mitigation plantings in the on-site steep slope critical area and critical area toe-of-slope building setback area will not be detrimental to the functions and values of the off-site critical area buffers.

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

Finding: The subject site is zoned R-5 single-family. The proposed house expansion will be compatible with other uses and development in the same land use district because the proposed house expansion is

to be used for residential purposes and is subject to the dimensional requirements of the R-5 zone set forth in LUC 20.20.010 including building height and setbacks.

20.30.P Critical Areas Land Use Permit - Decision criteria.

1) General -

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

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

Finding: The applicant must obtain a clearing and grading permit before beginning any work. Any structural walls four feet in height or more require building permits. See Conditions of Approval in Section IX of this report.

b. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer;

Finding: The applicant has submitted a geotechnical assessment of the site and slope area prepared by GEOTECH Consultants, Inc. that addresses slope stability and identifies construction practices and structure design that will help limit the potential for increased hazard associated with this slope. The applicant is required to conform to the requirements of the geotechnical study. See Conditions of Approval in Section IX of this report.

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

Finding: As discussed in Section III of this report, the proposal will incorporate the recommendations of the Geotech report and all construction is proposed outside the steep slope critical area. The only work proposed inside the critical area is replanting consistent with the Critical Areas Handbook.

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

Finding: The subject site is served by adequate public facilities. All storm drainage from the house expansion and new driveway section will be collected and directed to the drainage swale within the right-of-way of 164th Place SE.

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

Finding: An acceptable Temporary Erosion Sedimentation Control Plan will be required as part the clearing and grading permit submittal and approval. Replanting the areas identified on attachment two to this report is required as a condition of this permit. The applicant shall also submit restoration / replanting / maintenance cost estimates to be used in determining the amount of the assignment of savings financial security device that will be required prior to permit issuance. See Conditions of Approval in Section IX of this report regarding the required restoration plan.

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

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

VII. Summary of Technical Reviews

A. Clearing and Grading:

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development if the Geotech recommendations are followed and appropriate TESC BMPs are employed during construction. See Conditions of Approval in Section IX of this report.

B. Utilities

The Utilities Department reviewed the site development and requires that all storm drainage from the new house expansion and new section of driveway shall be collected and conveyed to the drainage swale located within the right-of-way of 164th Place SE. See Conditions of Approval in Section IX of this report.

VIII. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of Development Services Department does hereby approve with conditions the proposal to reduce the toe-of-slope critical area building setback from 75 feet to 15 feet and restore portions of the steep

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slope critical area and steep slope critical area toe-of-slope building setback area with native vegetation. Approval of the Critical Areas Report and this Critical Areas Land Use Permit does not constitute a permit for construction. Building permits for any walls four feet in height are required. All plans are subject to review for compliance with applicable City of Bellevue codes and standards. Any retaining walls must be approved as part of a building permit and is subject to building permit inspections. See Conditions of Approval in Section IX of this report.

Note- Expiration of Approval: In accordance with LUC 20.30P.125 a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a Clearing and Grading Permit or other necessary development permits within one year of the effective date of the approval.

Approval of this Critical Areas Land Use 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. Any proposed shoring or retaining walls four feet in height measured from the foundation base must be approved as part of a building permit and are subject to building permit inspections.

IX. Conditions of Approval

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

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code - BCC Title 23.76	Tom McFarlane, 425-452-5207
Utilities Code – BCC Title 24	Joy Ramshur, 425-452-4855
Land Use Code- BCC Title 20	Mark Cross, 425-452-2973
Noise Control- BCC 9.18	Mark Cross, 425-452-2973

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

- 1. Engineered Wall Design Requirement:** A building permit is required for any wall that is four feet in height or higher. Such walls must be submitted for review and include detailed plans for any engineered foundation / shoring design that has been recommended in the geotechnical report is required to be submitted for review and approval by the City of Bellevue Building Department prior to the issuance of any building permit for construction at this site.

Authority: Land Use Code 20.25H.125

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Reviewer: Mark Cross, Development Services Department

2. **Critical Area Buffer Restoration and Replanting:** Steep slope and steep slope toe-of-slope vegetation restoration shall be installed prior to the issuance of the Temporary Certificate of Occupancy consistent with the sunny slope planting template on pages 62 and 63 of the City of Bellevue Critical Areas Handbook prior to occupancy of the house expansion.

Authority: Land Use Code 20.25H.220

Reviewer: Mark Cross, Development Services Department

3. **Assignment of Savings Financial Security Device:** As part of the building permit application the applicant shall submit planting and monitoring cost estimates to be used in determining the amount of the assignment of savings financial security device. A complete assignment of savings financial security device in an amount sufficient to cover the replacement cost of the plantings and annual monitoring and to run for a period of five years in an amount determined by the project planner must be submitted prior to building permit issuance.

Authority: Land Use Code 20.25H.220.F

Reviewer: Mark Cross, Development Services Department

4. **Rainy Season Restrictions:** Due to the proximity to a steep slope, no clearing and grading activity may occur during the rainy season, which is defined as November 1 through April 30 without written authorization of the Department of Planning and Community Development. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A

Reviewer: Mark Cross, Development Services Department

5. **Noise Control:** The proposal will be subject to normal construction 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. Upon written request to PCD, work hours may be extended to 10 pm if the criteria for extension of work hours as stated in BCC 9.18 can be met.

Authority: Bellevue City Code 9.18

Reviewer: Mark Cross, Development Services Department

6. **Geo Tech Report:** Recommendations contained within the Geo Tech report must be followed and appropriate TESC BMPs are employed during construction.

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Authority: Bellevue City Code 23.76

Reviewer: Tom McFarlane, Development Services Department

7. **Drainage:** All drainage from the house expansion and new driveway section shall be collected and conveyed to the drainage swale within the right of way of 164th Place SE.

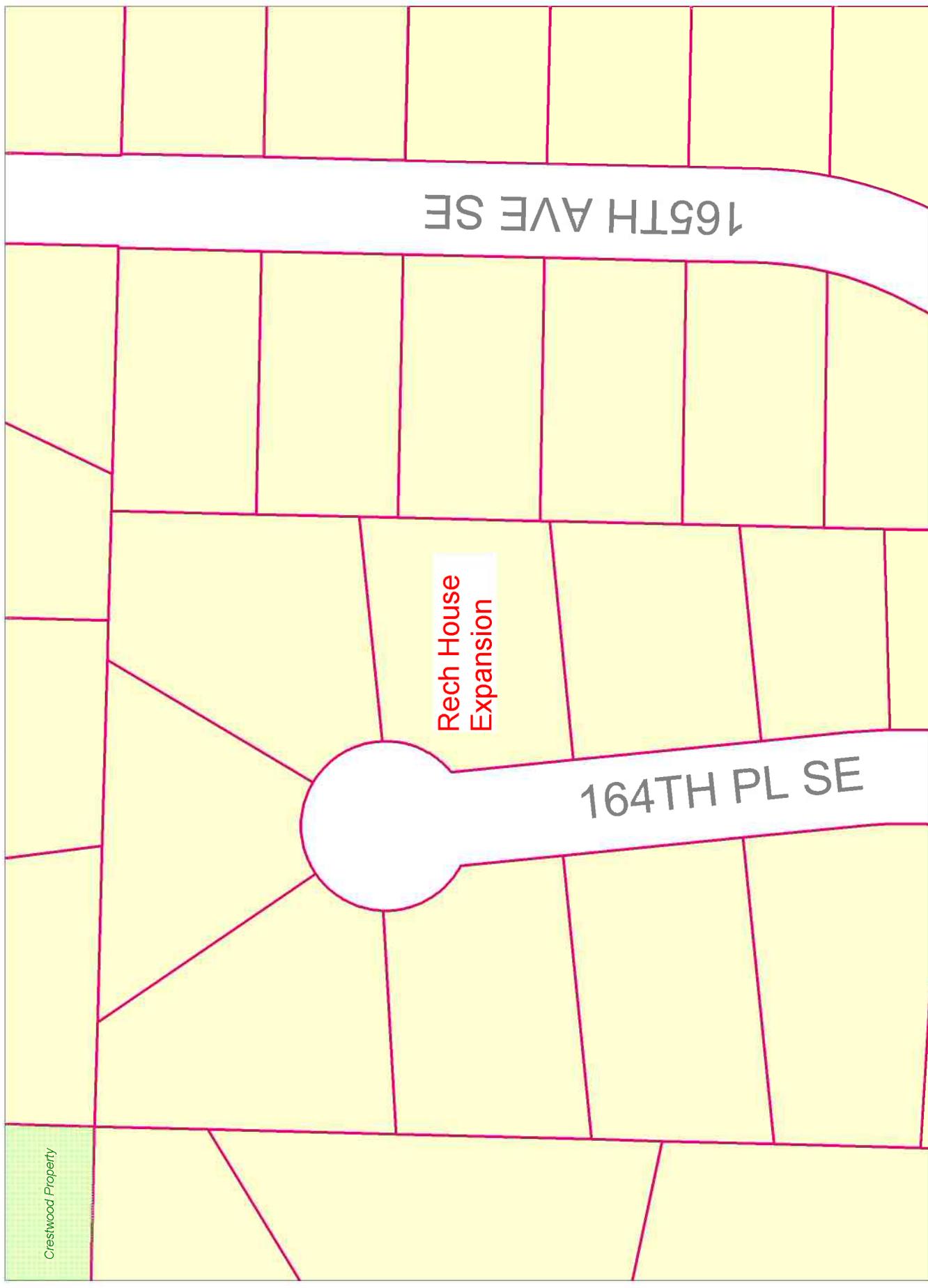
Authority: Bellevue City Code Title 24

Reviewer: Joy Ramshur, Development Services Department

X. Attachments:

1. **Site Map**, Showing proposed location of house expansion- dated December 9, 2008 In File
2. **Site Plan** – Showing Areas to be re-vegetated, date February 6, 2009 In File
3. **Geotechnical Report and Site Assessment** – by GEOTECH Consultants, dated August 11, 2008 In File

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