



**City of Bellevue
Department of Planning and Community Development
Development Services Staff Report**

Proposal Name: Western Residence Remodel –
Critical Areas Land Use Permit

Proposal Address: 5706 143rd Place SE

Proposal Description: The applicant requests to remodel an existing single-family residence by expanding the kitchen and replacing an existing at grade deck on a site containing a steep slope critical area. The kitchen will be expanded a total of 725 square feet, of which 83.5 square feet is located within the toe-of-slope structure setback.

File Number: 08-136603-LO

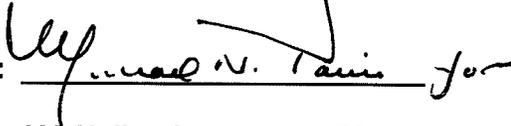
Applicant: Yvonne & Matthew Western

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

Planner: Leah Hyatt, Assistant Land Use Planner

**State Environmental Policy Act
Threshold Determination:** Proposed activity is SEPA Exempt per WAC 197-11-800
and is not identified as a Critical Area per BCC 22.02.045.

Director's Decision: **Approval with conditions**
Michael A. Brennan, Director
Development Services Department

By: 
Carol V. Helland, Land Use Director,

Application Date: December 17, 2008
Notice of Application Publication Date: January 15, 2009
Decision Publication Date: March 12, 2009
Project Appeal Deadline: March 26, 2009

For information on how to appeal a proposal, visit Development Services 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.

I. Background

A. Project Description:

The applicant is proposing to remodel an existing single-family residence by expanding the kitchen over a portion of the existing deck and concrete patio, and replacing an existing at grade deck on a site containing steep slope critical area. The kitchen will be expanded a total of 725 square feet, of which 83.5 square feet is located within the toe-of-slope structure setback. The proposal will maintain the existing exterior kitchen wall which is located 25 feet from the toe-of-slope. Under certain circumstances, expansion of an existing single-family primary structure into a critical area setback is considered an allowed use per Land Use Code (LUC) 20.25H.055. This proposal meets the requirements for consideration as an allowed use.



B. Site Description:

The property, shown below, is located at 5706 143rd Place (King County Parcel # 2592201590). The site is in the Factoria Comprehensive Plan Subarea and the Somerset Neighborhood Enhancement Program area. The zoning of the property is R-2.5 and the Comprehensive Plan designation is single-family medium density.

Access to the site is via 143rd Place SE. The property is bounded on the north and the south by existing single-family residences and to the east by the Forest Park Open Space tract. The tract contains a regulated steep slope critical area, and a portion of the steep slope and the structure setback extended onto the applicant's site.



Western Property, 5706 143rd Place SE

The applicant is also proposing other modifications and additions outside of the structure setback that are not regulated per LUC 20.25H but must comply with all applicable Land Use and Building Codes.

II. Critical Areas and Critical Area Buffers

A. Geologic Hazard Area - Steep Slopes:

A survey dated February 27, 2008 identifies a regulated geologic hazard area –steep slope on the property. Geologic hazard – steep slope critical areas are afforded a 50-foot critical area buffer, measured from the top-of-slope, and a 75-foot structure setback, measured from the toe-of-slope. The applicant is proposing to expand the primary single-family structure a total of 83.5 square feet into the 75-foot structure setback from the toe-of-slope. The existing structure is 23 feet from the toe-of-slope, the proposed addition will be 26 feet from the delineated toe-of-slope.

III. Consistency with Land Use Code Requirements

A. Zoning District Dimensional Requirements:

The site is zoned R 2.5. The proposed kitchen additions will require building permit review which will ensure compliance will all applicable dimensional standards for the zoning district.

Area Description	Area in Square Feet
Lot Area	15,300
Critical Area	2,215
Allowable Building Area	13,085
Existing lot Coverage	2,078 (15%)
Proposed Lot Coverage	2,412 (18%)
Allowed Lot Coverage	5,355 (35%)
Existing Impervious	3,962 (26%)
Proposed impervious	4,448 (29%)
Allowed Impervious	7,650 (50%)

B. Critical Areas Requirements LUC 20.25H:

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes 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 area. The Critical Areas Overlay District is a mechanism by which the City recognizes the existence of natural conditions which affect the use and development of a property. Through this section of the Land Use Code, the city

imposes regulations on the use and development of affected property to protect the functions and values of these areas and the public health, safety and welfare, and to allow reasonable use of private property.

The property under proposal contains areas designated as critical area and structure setback area. Based on the proposed project elements and their intersection with the critical areas on the site, there are a set of specific performance standards that apply. Applicable performance standards are identified in the table below:

Critical Area	Geologic Hazard - Steep Slope
Performance Standards	20.25H.055.C.3.n

IV. Consistency With Land Use Code Performance Standards:

A. Consistency With LUC 20.25H.055.C.3.n – Expansion of Existing Single-Family Primary Structure into Critical Area Structure Setback:

- i. Where allowed, expansions into the critical area buffer and critical areas structure setback shall be limited as follows:
 - (A) The expansion shall be along the existing building line parallel to the edge of the critical area, unless such expansion is not feasible. Only when such expansion is not feasible may expansion encroach further into the critical area buffer and critical area structure setback.
 - (B) Expansions shall be the minimum necessary to achieve the intended functions of the expansion, but in no event may the footprint expansion within the critical area buffer and critical area structure setback exceed 500 square feet over the life of the structure. Expansions into stream critical area buffers allowed pursuant to the City's previous critical areas regulations (prior LUC 20.25H.085.B) shall be included in determining the allowed lifetime expansion; and
 - (C) Areas of new permanent disturbance and all areas of temporary disturbance within the critical area buffer shall be

mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC 20.25H.210.

- ii. For purposes of this section, expansion outside of the critical area buffer and critical area structure setback shall be considered not feasible only when, considering the function to be served by the expansion and the existing structure's layout and infrastructure (including plumbing, drainage and electrical systems):
 - (A) Expansion away from the critical area buffer and critical area structure setback within the buildable area of the site will not realize the intended functions of the expansion; and
 - (B) Expansion away from the critical area buffer and critical area structure setback, including into non-critical area setbacks modified pursuant to LUC 20.25H.040, will not realize the intended functions of the expansion; and
 - (C) Expansion upwards to the maximum building height of the underlying land use district, within the existing footprint, or together with expansions permitted under subsections C.3.n.ii.(A) and (B) of this section, will not realize the intended functions of the expansion.

Finding: The applicant has demonstrated that expansion of the single-family primary structure is for an essential component of the single-family residence (kitchen), and is not feasible outside of the structure setback.

The kitchen exists on the south side of the house, 25 feet from the identified toe-of-slope. The cost of relocating the kitchen and necessary electrical and plumbing would be prohibitively expensive and is disproportionate as compared with the environmental impact of the proposed location. The proposed bay foundation and roof extension are incorporated into the kitchen expansion and follow the line of the existing structure. The proposed 83.5 square foot expansion is the minimum necessary to create a more functional kitchen and improve access. Expanding the house in any other direction will not yield the necessary functionality.

The proposed kitchen addition is in an area currently developed with an at grade deck and concrete patio. There will be no temporary or permanent disturbance that warrants a mitigation and restoration plan as all proposed new development within the toe-of-slope structure setback is in areas of existing disturbance.

V. Summary of Technical Reviews

A. Clearing and Grading:

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

Clearing and grading activities associated with the construction of the residential addition must meet the requirements of the Clearing and Grading Code including provisions for temporary erosion and sedimentation control using appropriate best management practices. See related condition of approval in Section X.

VI: State Environmental Policy Act (SEPA)

The environmental review indicates that the proposed action is categorically exempt from SEPA review per WAC 197-11-800 because the encroachment is within the toe-of-slope structure setback which is not designated as a critical area per Bellevue City Code.

VII. Public Notice and Comment

Application Date:	December 17, 2008
Public Notice (500 ft.):	January 15, 2009
Minimum Comment Period (2 weeks):	January 19, 2009

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

VIII. Decision Criteria

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

A. Critical Areas Land Use Permit Decision Criteria (LUC 20.30P)

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

Finding: The proposed project must apply and for and receive approval of a City of Bellevue Building Permit for a single family addition (BR) prior to implementation

of the project. See related condition of approval in Section X.

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 submitted evaluation describes the project's potential impact on the structure setback and describes the use of the best available construction design and development techniques to minimize both permanent and temporary impacts on critical areas and their buffers. The proposal identifies the best possible construction techniques to minimize impacts within the structure setback and maintains the stability of the slope.

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

Finding: The proposed project incorporates all of the applicable performance standards specified in LUC 20.25H. They are addressed in detail in Section V above for the critical areas present within the project area.

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

Finding: The existing single-family residence is served by adequate public facilities.

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

Finding: The applicant is proposing to add 83.5 square feet for the kitchen addition in an area currently developed with an at grade deck and concrete patio. There will be no temporary or permanent disturbance that warrants a mitigation and restoration plan as all proposed new development within the toe-of-slope structure setback is in areas of existing disturbance.

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

Finding: The applicant submitted documentation consistent with the requirement to demonstrate compliance with the requirements of LUC 20.30P and 20.25H. Staff has reviewed these documents and finds that 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, Development Services does hereby **approve with conditions** the proposal for an allowed expansion of 83.5 square feet for a single-family residence into a geologic hazard area structure setback.

Note- Expiration of Approval: In accordance with LUC 20.30P.150, a Critical Areas Land Use Permit 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.

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, 425-452-5207
Land Use Code- BCC 20.25H	Leah Hyatt, 425-452-6834

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

A. 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 Development Services. 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: Savina Uzunow, Development Services Department

B. Building Permit: Prior to initiation of any work on the existing residence the applicant must apply for and obtain a Single-Family Addition Building Permit from the City of Bellevue.

Authority: Land Use Code 20.30P.140
Reviewer: Leah Hyatt, Development Services Department

C. Noise related to Construction: Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7:00 a.m. and 10:00 p.m. Monday through Friday, 9:00 a.m. and 10:00 p.m. on weekends. Operation of heavy equipment is limited to 7:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. and 6:00 p.m. on Saturday. No work is permitted on legal holidays.

Authority: Bellevue City Code 9.18
Reviewer: Leah Hyatt, Development Services Department

XI. Attachments:

1. Vicinity Map
2. Site Plan- In File
3. Building Plan