



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

Proposal Name: Forest Drive SE Portal Entry Improvements

Proposal Address: 5200 Coal Creek Pkwy SE and 6521 Lakemont Blvd SE

Proposal Description: Application for Critical Areas Land Use Permit to install 2 portal entry street signs along Forest Drive SE. One sign will be located at the SE corner of the intersection of Forest Drive SE and Coal Creek Parkway within a toe-of-slope critical area structure setback of a geological hazard critical area. The other sign will be located at the NW corner of the intersection of Forest Drive SE and Lakemont Blvd within the 15-foot structure setback of a Type N stream. Both signs are approximately 8 feet tall and located on stone veneered monuments covering approximately 39 square feet each. The project includes habitat mitigation and restoration involving the removal of invasive species and replanting of native vegetation.

File Number: 09-110610-XE

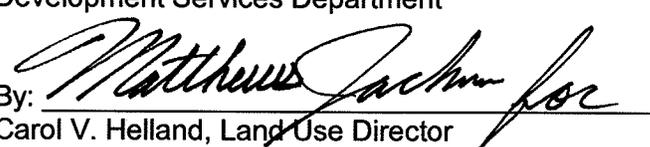
Applicant: City of Bellevue Parks and Community Services Department

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

Planner: Drew Folsom, Assistant Land Use Planner

State Environmental Policy Act Threshold Determination: Exempt

Director's Recommendation: Approval with Conditions
Michael A. Brennan, Director
Development Services Department

By: 
Carol V. Helland, Land Use Director

Application Date: 04/14/09
Notice of Application Publication Date: 05/07/09
Decision Publication Date: 09/03/09
Project/SEPA Appeal Deadline: 09/17/09

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. DESCRIPTION OF PROPOSAL

The applicant proposes to install two entry portals located at either end of Forest Drive SE. The signs will be 8 feet tall and constructed on a 39 square foot concrete base. A stone veneer will be applied to the surface. Each sign will be topped with a concrete cap with "Forest Drive" cast into it on one side. The intent of the signs is to clearly identify Forest Drive SE and orient pedestrians.

One sign will be located at the NW corner of the intersection of Forest Drive SE and Lakemont Blvd on an open space property owned by the City of Bellevue. This sign will be located within the critical area structure setbacks of two Type N Streams that converge and drain into Coal Creek. As the street sign is a "structure", the stream structure setbacks will be modified per the requirements of LUC 20.25H.075.

The other sign will be located at the SE corner of the intersection of Forest Drive SE and Coal Parkway on a property owned by Puget Sound Energy. This sign will be located within a toe-of-slope critical area structure setback of a geological hazard steep slope critical area. The size of the street sign qualifies it as a "structure" and therefore a Critical Areas Land Use Permit is required with a Critical Areas report to modify structure setback from the toe-of-slope.

A critical areas report and habitat assessment prepared by Richard Vandemark Landscape Architect, Inc. dated April 15, 2009 was completed to address the impact of the proposal. The report analyzed the proposal and probable impacts to the slope in accordance with the requirements of LUC Section 20.25H.

The report concluded the proposed sign within the slope structure setback and the associated mitigation planting area will improve function and not adversely impact the critical area. See related condition of approval in Section IX.

The applicant has proposed to enhance the remaining areas of structure setback on both sites by removing debris and invasive species and providing a native plant restoration plans. These plans include three tiers of proposed vegetation including small native trees, native ground cover, and shrubs.

II. SITE DESCRIPTIONS AND CONTEXT

NW CORNER OF THE INTERSECTION OF FOREST DRIVE SE AND LAKEMONT BLVD

The subject property is undeveloped Forest Ridge Open Space owned by the City of Bellevue Parks & Community Services Department. Two Type N streams converge on the site. Both streams are tributaries to Coal Creek and no fish have been observed in either stream. There are no significant trees within the area of the sign location.

Properties to the north, and east, and south of this site are undeveloped open space. The property directly west of the sign location is developed with utility systems, and trail and open space use. Other properties to the west of the site are developed with single family residences.



Location of Portal Sign

50 foot Stream Buffers

SE CORNER OF THE INTERSECTION OF FOREST DRIVE SE AND COAL PARKWAY

The subject site is an operating utility property owned by Puget Sound Energy (PSE). A critical slope is located in the southern section of the property. There are no significant trees within the area of the sign location.

Properties to the west, and east, and south of this site are undeveloped and part of the Coal Creek Park open space. The properties to the north of the site are developed with single family residences.



Location of Portal Sign

Toe of Critical Slope

III. CONSISTENCY WITH LAND USE CODE/ZONING

A. Special District Requirements (Critical Area Overlay District LUC. 20.25H)

- 1. Location at the NW corner of the intersection of Forest Drive SE and Lakemont Blvd**

Bellevue's Land Use Code (LUC) Section 20.25H.075 designates "Type N water" as all segments of waters that are not type S or type F waters and that are

physically connected to a type S or F waters by an above ground channel system, stream or wetland. All development within the stream critical area structure setback must meet the requirements of 20.25H.075.D.3.

Land Use Code 20.25H.075.D.3 Structure Setback Modification Open Streams on Undeveloped Sites. The Director may waive or modify the structure setback on an undeveloped site as part of the permit or approval for the underlying proposal if the applicant demonstrates that:

- a. Water quality, or slope stability as documented in a geotechnical report, will not be adversely affected;
- b. Encroachment into the structure setback will not disturb habitat of a species of local importance within a critical area or critical area buffer;
- c. Vegetation in the critical area and critical area buffer will not be disturbed by construction, development or maintenance activities and will be maintained in a healthy condition for the anticipated life of the development; and
- d. Enhancement planting on the boundary between the structure setback and the critical area buffer will reduce impacts of development within the structure setback.

Finding: The stream structure setback is being modified from 15 feet beyond the 50 foot stream buffer to approximately 8 feet beyond the 50-foot stream buffer as depicted on sheet S1, submitted April 17, 2009. The location of the sign and the installation of native vegetation will not adversely affect water quality. The sign is located in an area near the intersection of Forest Drive and Lakemont Blvd SE. This area has minimal vegetation and no significant trees. The applicant has proposed to enhance the remaining areas of structure setback by removing debris and invasive species and providing a native plant restoration plan. This plan includes three tiers of proposed vegetation including small native trees, native ground cover, and shrubs. See related conditions of approval in Section IX.

2. Location at SE corner of the intersection of Forest Drive SE and Coal Parkway

LUC Section 20.25H.120 designates steep slopes of 40 percent or greater that have a rise of at least 10 feet and exceed 1,000 square feet in area as critical areas. All development within the steep slope critical area structure setback must meet the requirements of 20.25H.120.C

Land Use Code 20.25H.230 Critical Areas Report. A Critical Areas Report is a mechanism by which certain requirements of LUC 20.25H, LUC 20.25E as set forth in that part, and the impervious surface standards set forth in LUC 20.20.010 may be modified for a specific proposal.

Generally, the critical areas report must demonstrate that the proposal with the requested modifications leads to equivalent or better protection of critical area functions and values than would result from the application of the standard requirements. Where the proposal involves restoration of degraded conditions in

exchange for a reduction in regulated critical area buffer on a site, the critical areas report must demonstrate a net increase in certain critical area functions.

Finding: The toe of slope structure setback is being modified from 75 feet to approximately 25 feet as depicted on sheet S1, submitted April 17, 2009. The critical area report demonstrates the critical area functions and values will be improved effectively per the report submitted by Richard Vandemark Landscape Architect, Inc. dated April 15, 2009. The area of structure setback to be modified has minimal vegetation. As mitigation for the reduction of structure setback a habitat restoration plan was submitted. As demonstrated in the critical areas report, reducing the structure setback in order to place a monument sign within a steep slope structure setback and installing native vegetation within the remaining structure setback buffer area will result in an increase of critical area function. See related conditions of approval in Section IX.

B. Consistency with Standard Land Use Code Requirements

C. Critical Areas Requirements LUC 20.25H:

Bellevue's Land Use Code (LUC) Section 20.25H.120 designates steep slopes of 40 percent or greater that have a rise of at least 10 feet and exceed 1,000 square feet in area as critical areas. The proposed driveway and retaining walls are allowed uses per LUC 20.25.055. All development within the steep slope critical area structure setback must meet the requirements of 20.25H.120.C.

LUC Section 20.25H.120.C:

There are no specific performance standards associated with critical area structure setbacks, however, the proposal must comply with the stated intent of the structure setback pursuant to LUC 20.25H.120.C.

a. Minimize long-term impacts of development adjacent to critical areas and critical area buffers

Finding: The proposal was reviewed by City of Bellevue the Clearing and Grading Division and that review concluded that placement of the proposed development within structure setback poses no impact to the slope.

b. Protect critical areas and critical area buffers from adverse impacts during construction.

Finding: No disturbance of the critical area or critical area buffer is proposed or will be allowed as part of this permit. A temporary erosion and sedimentation control plan must be implemented with the review and approval of the associated combination building permit. See a related condition of approval in Section IX.

IV. STATE ENVIRONMENTAL POLICY ACT (SEPA)

Exempt per BCC 22.02.045

V. SUMMARY OF TECHNICAL REVIEWS

A. Clearing & Grading Review

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.

VI. PUBLIC NOTICE AND COMMUNITY INPUT

Application Date: April 17, 2009
Public Notice (500 feet): May 7, 2009
Minimum Comment Period: May 21, 2009

Notice of Application was published in the City of Bellevue's *Weekly Permit Bulletin* and the *Seattle Times* on May 7, 2009. It was mailed to property owners within 500 feet of the project site. No comments were received from the public as of the writing of this staff report.

VII. DECISION CRITERIA

20.25H.255 Critical areas report – Decision criteria.

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

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

- 1. The modifications and performance standards included in the proposal lead to levels of protection of critical area functions and values at least as protective as application of the regulations and standards of this code;**

Finding: As demonstrated in the report submitted by Richard Vandemark Landscape Architect, Inc. dated April 15, 2009 and reviewed by staff, the required revegetation plan and the proposed reduction of critical area structure setbacks will lead to levels of protection of the critical area steep slope at least as protective as the application of the regulations and standards of land use code 20.25H.

- 2. Adequate resources to ensure completion of any required mitigation and monitoring efforts;**

Finding: The required mitigation and monitoring will be completed by the City of Bellevue Parks Department.

- 3. 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**

Finding: As demonstrated in the report submitted by Richard Vandemark Landscape Architect, Inc. dated April 15, 2009 the proposed reduction of critical area structure setbacks are not detrimental to the functions of the critical area and critical area buffers off-site. No significant trees will be removed as part of the project and remaining areas of structure setbacks will be enhanced with the planting of native vegetation.

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

Finding: The proposed installations of monument street signs are compatible with other uses and development in the R-3.5 zoning district.

B. Critical Areas Land Use Permit Decision Criteria 20.30P

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 must obtain necessary sign/building permits prior to implementation of the project. See related condition of approval in Section IX.

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

Finding: The proposal is designed to impact the critical area structure setback only. No significant trees will be removed as part of the project and remaining areas of structure setbacks will be enhanced with the planting of native vegetation.

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

Finding: The performance standards of the 20.25H are related to critical areas and critical area buffers. The proposal will not disturb critical areas or critical area buffers. These standards are not applicable to this project.

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

Finding: The site is adequately served by existing public facilities.

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

Finding: The applicant will be required to implement the site mitigation/restoration plan. See related condition of approval in Section IX.

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

Finding: As conditioned and discussed in this report, the proposal complies with all applicable code requirements.

VIII. CONCLUSION AND DECISION

After conducting the various administrative reviews associated with this proposal, including applicable Land Use consistency, City Code, and standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions**, the proposed monument signs located in the Critical Area structure setbacks.

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 necessary development permits within one year of the effective date of the approval.

IX. CONDITIONS OF APPROVAL

A. The following conditions are imposed under authority referenced:

Compliance with Bellevue City Codes and Ordinances.

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

| Applicable Ordinances | Contact Person |
|---|-----------------------------|
| Clearing and Grading Code- BCC 23.76 | Tom McFarlane, 425-452-5207 |
| Land Use Code- BCC Title 20.25H | Drew Folsom, 425-452-4441 |
| Noise Control- BCC 9.18 | Drew Folsom, 425-452-4441 |

B. General Conditions:

The following conditions are imposed under the Bellevue City Code Referenced:

1. **Rainy Season restrictions:** Due to the proximity to critical areas, 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 Development Services Department. 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: Drew Folsom, Development Services Department

2. **Area of Modification:** The stream structure setback is being modified from 15 feet beyond the 50 foot stream buffer to approximately 8 feet beyond the 50-foot stream buffer as depicted on sheet S1, submitted April 17, 2009. The toe of slope structure setback is being modified from 75 feet to approximately 25 feet as depicted on sheet S1, submitted April 17, 2009. The modification of critical area structure setbacks is limited to the area depicted on the Sign Sites, Details sheet S1 dated April 17, 2009.

Authority: Land Use Code Section 20.25H.140
Reviewer: Drew Folsom, Development Services Department

4. **Restoration Plan:** The applicant shall implement the site restoration plan that includes mitigation planting for impacts to the site associated with the reduced structure setbacks. Any modifications to this plan must be reviewed and approved by the Development Services Department.

Authority: Land Use Code Section 20.25H.210
Reviewer: Drew Folsom, Development Services Department

5. **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.

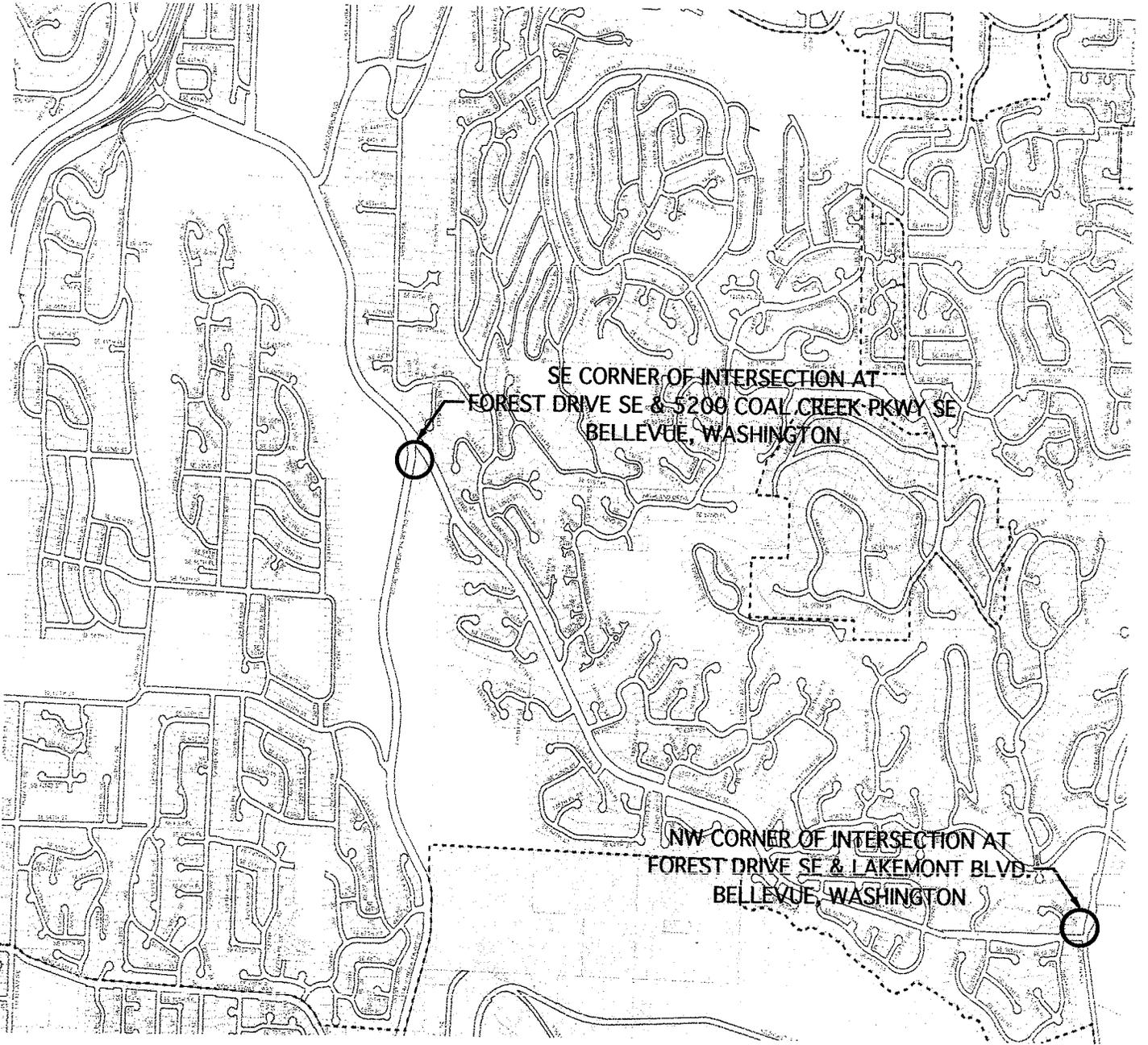
Authority: Bellevue City Code 9.18
Reviewer: Drew Folsom, Development Services Department

ATTACHMENTS

- A. Zoning Map/Vicinity Map
- B. Critical Areas Report (In File)

EXHIBIT 1

VICINITY MAP



SE CORNER OF INTERSECTION AT
FOREST DRIVE SE & 5200 COAL CREEK PKWY SE
BELLEVUE, WASHINGTON

NW CORNER OF INTERSECTION AT
FOREST DRIVE SE & LAKEMONT BLVD.
BELLEVUE, WASHINGTON

RECEIVED

APR 17 2009

PERMIT PROCESSING

