



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

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Darren Bloch

LOCATION OF PROPOSAL: 9533 SE 11th St.

NAME & DESCRIPTION OF PROPOSAL: Bloch Critical Areas Land Use Permit

Land Use review of a Critical Areas Land Use Permit for installation of steps, accessory structures, and mitigation planting within a steep slope critical area. Proposal includes partial removal of a concrete shoreline bulkhead and installation of native plantings.

FILE NUMBER: 09-121593-LO

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 7/1/10.
- This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); or if the DNS was procured by misrepresentation or lack of material disclosure.

[Handwritten Signature]
 Environmental Coordinator

6/17/2010
 Date

OTHERS TO RECEIVE THIS DOCUMENT:

State Department of Fish and Wildlife
 State Department of Ecology,
 Army Corps of Engineers
 Attorney General
 Muckleshoot Indian Tribe



**Exemption from Shoreline Management
Substantial Development Permit Requirement**

To: **Darren Bloch**
9535 SE 11th St.
Bellevue, WA 98004

Re: **Bloch Critical Areas Land Use Permit, 9533 SE 11th St.**

File Number: **09-121593-LO**

SEPA Determination: Determination of Non-Significance



This proposal is exempt under WAC 197-11-800 (1) *Minor New Construction-Flexible Thresholds*



A DNS was issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. Appeal period ends on July 1, 2010.



A DNS was issued under WAC 197-11-340(2) and is subject to a 14-day comment from _____.

The proposal to undertake the following development:

- **Proposal includes removal of an approximately 43-foot long section of an existing concrete shoreline bulkhead and shoreline restoration. Also included is the construction of two 600 square foot accessory structures, two concrete stairways, and related improvements on a steep slope adjacent to Lake Washington.**

Within **Lake Washington** and/or its associated wetlands;

Is exempt from the requirement of a substantial development permit because:

- **Construction, repair, and replacement of a new or existing bulkhead is an exempt activity per LUC 20.25E.050.C.**
- **Development is an appurtenance for the enjoyment of single-family residences (LUC 20.25E.050.G)**

Inconsistent	Consistent	
	X	Policies of the State Shoreline Management Act (RCW 90.58)
	X	The Bellevue Shoreline Master Program and Comprehensive Plan

Date: 6/17/10

Signed: 

Note: This exemption does not authorize construction to begin. All other required local, state or federal permits must be obtained before construction can begin. All land use code, building code, City shoreline code and other City regulations must be complied with.

CC: DOE, Dave Radabaugh, 3190 160th Avenue SE, Bellevue, WA 98008-5452
Dept. of Fish and Wildlife, Attn: Alisa Bieber, 1775 12th Ave. NW Suite 201, Issaquah, WA 98027



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

Proposal Name: Bloch Critical Areas Land Use Permit

Proposal Address: 9533 SE 11th St.

Proposal Description: Critical Areas Land Use Permit to install steps, accessory structures and mitigation planting within a critical slope and shoreline structure setback. Proposal includes partial removal of a concrete shoreline bulkhead and installation of native plantings. Associated with this permit are a Boundary Line Adjustment and a Shoreline Permit Exemption.

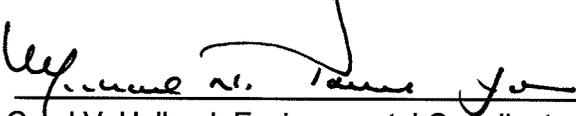
File Number: 09-121593-LO

Applicant: Darren Bloch

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

Application Date: July 24, 2009
Notice of Application Date: September 10, 2009
Decision Publication Date: June 17, 2010
Project/SEPA Appeal Deadline: July 1, 2010

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.

CONTENTS

I.	Proposal Description.....	Pg 3-4
II.	Site Description, Zoning & Land Use Context.....	Pg 4-6
III.	Consistency with Land Use Code Requirements.....	Pg 6-10
IV.	Public Notice & Comment.....	Pg 11
V.	Technical Review.....	Pg 11
VI.	State Environmental Policy Act (SEPA).....	Pg 11-12
VII.	Changes to Proposal Due to Staff Review.....	Pg 12
VIII.	Decision Criteria.....	Pg 12-16
IX.	Conclusion and Decision.....	Pg 16-17
X.	Conditions of Approval.....	Pg 17-22

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, and shoreline structure setback. See Figure 1 below for proposed improvements. The proposal includes:

- Construction of two accessory structures not exceeding 600 square feet, a pergola, and deck within a steep slope critical area. A hot tub is proposed within an area subject to a top-of-slope buffer and toe-of-slope setback that is already improved. Construction of these improvements will not occur at the same time.
- The installation of two concrete stairways within the steep slope and slope buffer to enable access from the existing residences to the shoreline and new accessory structures.
- Restoration of the steep slope area with native vegetation, removal of a portion of the shoreline bulkhead, installation of a gravel beach with native shoreline plantings, and placement of the steep slope critical into a Native Growth Protection Easement (NGPE).

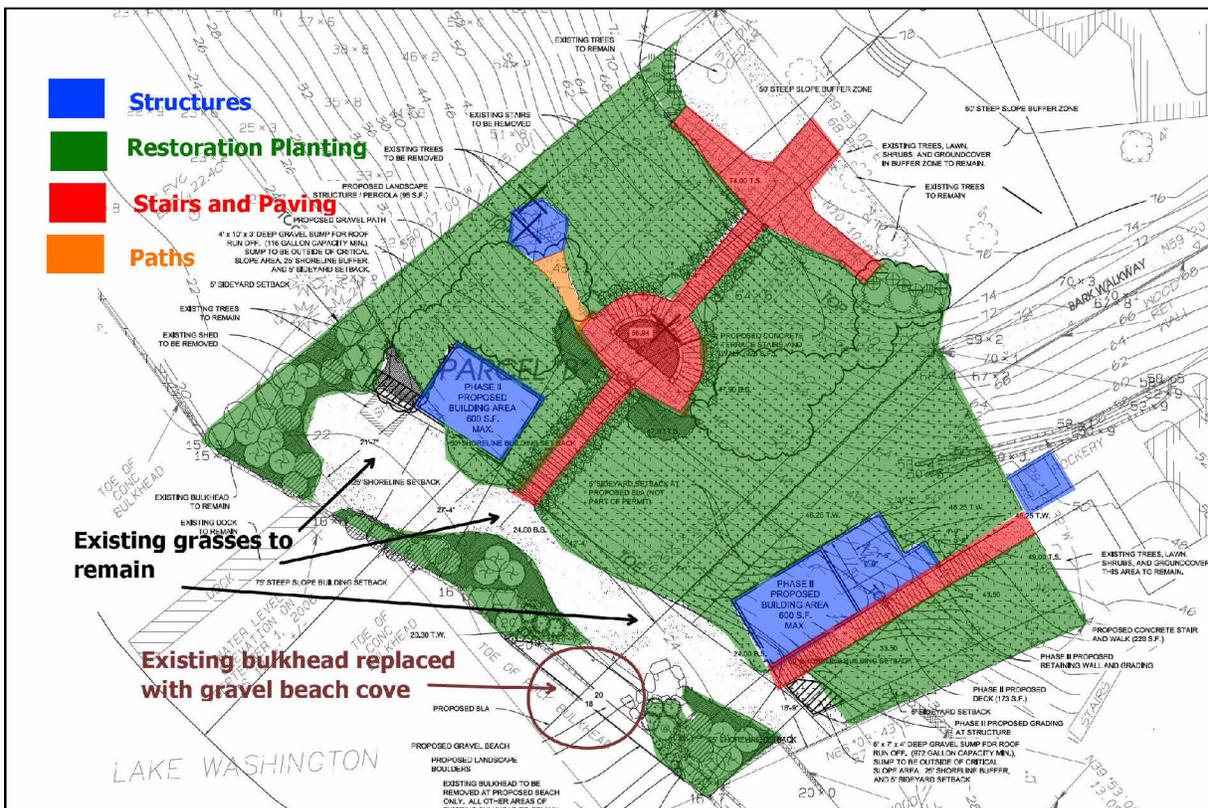


Figure 1

Land Use Code (LUC) 20.25H.120.A.2 designates slopes of 40% or more with a rise of 10-feet which exceed 1,000 square feet or more as critical area. LUC 20.25H.015 allows for disturbance or modification of a critical area through a critical areas report. 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.

B. Development Process

The site is currently one property which is owned in common. Through an associated boundary line adjustment (10-106480-LW), the property will be split and combined into the two properties adjacent. To ensure that required restoration is coordinated successfully and is achieved for each property a separate clearing and grading permit is required for the shoreline improvements consisting of: bulkhead removal, gravel beach, planting, etc. as found on the restoration plan. Part of this clearing and grading permit application will include a construction easement or right-of-entry which grants the property owners the right to access and construct the shoreline improvements. Each property owner will then apply for separate building permits for the improvements and planting restoration on the steep slope located on their respective properties. This process is contingent upon boundary line revision being recorded. See Conditions of Approval in Section X of this report.



Figure 2

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

C. 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 11th St via an easement

over City of Bellevue property. The site is square shaped traversed by a critical slope through 75 percent of the property. The project site is commonly owned by the two properties immediately adjacent to the east and northeast. A boundary line adjustment is associated with this project which will reconfigure the site from three lots into two lots. See Figure 2 above for site conditions.

D. 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.

E. Land Use Context

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

F. 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.

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: Paving and stairs are planned to minimize changes in grade. Where changes in grade occur to contours will meet the same slope of adjacent existing slopes. Structures are planned to have retaining walls on the uphill side of the structures and will be pole structures, or meet existing grade on the downhill side of the structure. Slopes on the exterior side of the retaining wall will match existing grade.

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

Response: The sites natural landform is intended to remain with exception to the areas where structure or paving will be installed. Grading from these structures will match existing landform.

- 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. See Condition of Approval 15 in Section X of this report.

- 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 proposed structures 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, and by limiting the size of the structures to below a maximum of 600 square feet each. At the top of the slope each property proposes either a patio terrace area associated with the stairs or a hot tub and access. The submitted geotech reports reviewed the proposed plan which located these surfaces within the top-of-slope buffer. At time of building permit application the geotech shall provide a letter to specifically address the improvements within the top-of-slope buffer on each property and make any recommendations deemed necessary. See Condition of Approval 14 in Section X of this report.

- 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. Site retention will be minimized by use of a downspout system and piping to a gravel sump located in the area within the toe of slope area.

- 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: All retaining walls are utilized as part of the structures proposed with the exception of one retaining wall required at the arced portion of one set of stairs.

- 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: All structures are one story and will utilize a retaining wall on the uphill side of the structure and will meet the toe-of-slope or be set on poles on the downhill side of the structure.

- 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 and non-native trees. One native Madrone and one native Western Red Cedar exist on the site and are to be retained. The project proposes replacement of grass area on the steep slope with native plantings. The conceptual restoration plan meets the minimum requirements however; no trees are proposed which exceed the size of a large shrub. The restoration along the shoreline needs to incorporate some tree planting in order to have sufficient habitat diversity and increase the opportunity for coarse woody debris input into the lake. Final and separate restoration plans for the shoreline restoration and the steep slope restoration are required to address the need for trees and the following:

There needs to be specific goals for the restoration such as:

- improve habitat for nesting waterfowl and migratory shorebirds
- reduce presence of non-native plants and invasive species
- provide a natural buffer between the lake and developed property
- increase shading of the shallow littoral fringe with overhanging vegetation
- increase inputs of leaf litter, small woody debris, and detritus to the lake

To achieve these goals there should also be linked objectives such as:

- plant x amount of trees, shrubs and ground covers
- remove existing non-native and ornamental vegetation
- install plants during the planting season
- work within approved fish work windows for Lake Washington

To measure success in reaching the goals and objectives there needs to be performance standards such as:

- total plant survival percentage (e.g. 100% survival within first 2 years)
- invasive species coverage (e.g. maximum of 10% invasive species coverage)
- percent cover of native species (e.g. 80% of the slope will be covered with native plants by year 3)

If based on monitoring the performance standards for the given year are not met or other plan aspects are failing contingency measures are needed such as:

- changing out failing species for different species
- redesign of proposed plan
- plant protection from wildlife damage

These goals, objectives, and performance standards should be achievable, measurable, related to a specific time-frame, and realistic. These final plans are to be submitted at the time of development permit. The planting proposed needs to have the density, sizes, and diversity as found in the City's planting templates for critical areas. See Conditions of Approval 3 and 9 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 separately addresses the shoreline restoration from the development on the steep slope covered under building permits. See Condition of Approval 3 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 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, any and all ground disturbance will be performed per a Geotechnical engineer's recommendation.

IV. Public Notice and Comment

Application Date: September 10, 2009
Public Notice (500 feet): September 10, 2009
Minimum Comment Period: September 24, 2009

The Notice of Application for this project was published in the Seattle Times and the City of Bellevue weekly permit bulletin on September 10, 2009. 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 increased planting densities and how to ensure the health of the plants.

Response: The proposed mitigation plan is consistent with City of Bellevue planting guidelines and results in a significant improvement over existing conditions. The applicant will be required to submit final restoration plans and maintenance devices to ensure the survivability of the mitigation at time of development permits.

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. The applicant will also be required to submit information regarding the use of pesticides, insecticides, and fertilizers to avoid impacts to water resources. See Condition of Approval 20 in Section X of this report.

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 21 in Section X of this report.

VII. Changes to proposal as a result of City review

Staff requested plan revisions and an updated geotech report. Gravel paths were proposed which crossed the slope down to the shoreline; given the magnitude of development already proposed, staff required their removal. In addition, there is also an ambiguous nature as to when the proposed improvements will occur and how the proposed restoration for the improvements will be obtained once the associate boundary line revision is recorded that will separate the project site. To address this ambiguity and to ensure that the proposed improvements and restoration are completed with the least difficulty, the shoreline restoration will be reviewed under a clearing and grading permit. The improvements within the steep slope and the slope restoration will be reviewed under separate building permits for each property. See Conditions of Approval 1 and 8 in Section X of this 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 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 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. See Condition of Approval 15 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 16 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 15 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 meets City of Bellevue requirements and recommends that there are no anticipated adverse impacts on the stability of the adjacent slopes or existing structures.

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. What existing trees are on-site are being retained and the majority of the site is being restored with native planting. As discussed previously separate final restoration plans for the shoreline and steep slope critical areas are required associated with a clearing and grading permit for the shoreline restoration and the building permits associated with the steep slope improvements and restoration. See Conditions of Approval 3 and 9 in Section X of this report.

B. 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: The proposal will enhance existing critical area functions. Existing vegetation consists mostly of grass and non-native trees. The proposal includes replacement of grass areas on the critical slope with native plantings. The proposal also includes the removal of an approximately 43-foot long section of existing concrete bulkhead along Lake Washington. The shoreline behind this bulkhead section will be replaced with a gravel beach, boulders, anchored logs, and shoreline plantings. This will enhance the critical area and buffers by reducing long term stormwater run-off and erosion, provide root stabilization to the soil, and improve habitat value along the shoreline and on the slope. As previously stated separate

final restoration plans are required for the shoreline restoration and restoration occurring on the steep slope.

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

Finding: An assurance device for monitoring and maintenance of the restoration to ensure long term health and survivability of the vegetation, and restore, replace, or mitigate any dead or diseased vegetation or erosion that may occur during a period of three years is required for each property upon building permit application. Separate monitoring and assurance device is required with the clearing and grading permit for the shoreline permits.

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;

Finding: The proposal will enhance the existing functions of the existing critical areas (critical slope and shoreline buffer) by replacing the existing grass areas with native plantings and restoring the shoreline. The steep slope critical area will be identified and recorded as a Native Growth Protection Easement (NGPE). This will ensure future protection of the vegetation to be installed on the steep slope. The project will also enhance stormwater quality by removing the grass and installing native ground cover, shrubs and trees which will capture pollutants and prevent erosion. See Condition of Approval 17 in Section X of this report.

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

Finding: All work will be performed within the boundaries of the existing property and drainage and grading patterns at the property lines will not be altered. This will prevent the project from being detrimental to any off site critical area and associated buffer. The project will meet all applicable City of Bellevue Codes and requirements.

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 conceptual mitigation plan is consistent with the minimum requirements of LUC 20.25H.210. Final mitigation plans are required as previously described. The mitigation will result in a significant improvement over existing conditions which is mostly grass and non-native trees. 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 IV & V 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 (09-121593-LO) to construct two accessory single-family structures, pergola, hot tub, deck and mitigation planting along with the removal of a portion of concrete bulkhead and the installation of a gravel beach within a critical slope and shoreline structure setback.

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	Janney Gwo, 425-452-6190
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 Required Prior to Issuance of Any 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. Plans submitted as part of either 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. Construction Easement or Right-of-Entry:

A construction easement or right-of-entry between both property owners to construct the shoreline restoration spanning both properties is required prior to permit issuance.

Authority: Land Use Code 20.25.255

Reviewer: Reilly Pittman, Development Services Department

3. Final Shoreline Restoration 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 as part of this permit application. The plan must include goals, objectives, performance measures, and contingency measures as described in section III above.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

4. Maintenance and Monitoring:

A report on shoreline restoration plant health, survival, and maintenance activity shall be submitted yearly for three years as proposed in the restoration plan dated June 2010. Reports shall be submitted to the Land Use Department in order to release the performance surety.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

5. Cost Estimate:

A final cost estimate based on the installed cost of labor and materials of vegetative component of the shoreline restoration plan will be required. This cost estimate will be the basis for determination of the performance surety for maintenance and monitoring.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

6. Performance Surety:

A performance surety for maintenance and monitoring of the shoreline restoration is required. The surety will be for 20 percent of the value stated on the final cost estimate provided.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

7. Land Use Inspections Required:

Following completion of the shoreline restoration associated with the clearing and grading permit, the applicant shall contact Land Use staff to schedule an inspection. Prior to inspection all conditions associated with the clearing and grading permit must be fulfilled. At the end of 3 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 Required Prior to Issuance of Any Building Permit:

8. Building Permit Required:

Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. Separate building permit applications are required for each property owner of 905 Shoreland Drive SE and 9535 SE 11th St. to independently construct the improvements and install the restoration plating within the steep slope critical areas located on their respective properties. Plans submitted as part of either

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

9. Final Restoration Plan:

A final restoration plan designed for the planting of the steep slope is required as part of each building permit application. The slope restoration plan will be specific to the planting on each property. The plan must include goals, objectives, performance measures, and contingency measures as described in section III above.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

10. Maintenance and Monitoring:

A report on steep slope restoration planting health, survival, and maintenance activity, and progress on meeting goals and objectives shall be submitted yearly for three years as proposed in the restoration plan dated June 2010. Reports shall be submitted to the Land Use Department in order to release the performance surety.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

11. Cost Estimate:

A final cost estimate based on the installed cost of labor and materials as part of the slope restoration plan will be required. This cost estimate will be the basis for determination of the performance surety for maintenance and monitoring.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

12. Performance Surety:

A performance surety for maintenance and monitoring of the slope restoration is required. The surety will be for 20 percent of the value stated on the final cost estimate provided.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

13. Land Use Inspections Required:

Following completion of the planting and construction of improvements in the steep slopes associated with a building permit the applicant shall contact Land Use staff to schedule an inspection. Prior to inspection all conditions associated with the building permit must be fulfilled. At the end of 3 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 slope restoration plan have been achieved.

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

14. Improvements in Top-of-Slope Buffer:

The geotech needs to review the plans associated with a building permit for improvements (terrace or hot tub area) in the top-of-slope buffer and provide any recommendations in the form of a letter. The improvements are allowed as proposed and may be reduced in size if recommended by the geotech. No expansion or increase of these improvements beyond the approved plans is allowed.

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

15. Geotechnical Confirmation:

The geotechnical expert shall be on-site and on-call during site construction within the steep slope to ensure the project is built per 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 any building permit. One letter will be needed for the building permits associated with each property.

Authority: Land Use Code 20.25H.145
Reviewer: Reilly Pittman, Development Services Department

16. Hold Harmless Agreement:

Each property owner shall sign 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 the steep slope critical area in accordance with LUC 20.30P.170. The hold harmless agreement is required to be recorded with King County prior to building permit issuance for each property.

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

17. Native Growth Protection Easement:

A Native Growth Protection Easement (NGPE) shall be recorded consistent with the standards in LUC 20.25H.030.B. The easement shall apply to the area of the site which is regulated steep slope critical area as noted on the site plan. The NGPE shall be marked in the field with permanent boundary markers noting its status as a habitat reserve and set aside as an NGPE. One sign/marker (obtained from City) shall be posted every 50 feet. A NGPE will be recorded for each property prior to building permit issuance.

Authority: Land Use Code 20.25H.030

Reviewer: Reilly Pittman, Development Services Department

18. Improvements Within Native Growth Protection Easement

All improvements and structures which are within the Native Growth Protection Easement on the steep slope can be maintained. No expansion of these uses is allowed. The approved improvements on steep slope are as follows:

Improvements for 905 Shoreland Dr. SE	Square footage/Dimension
1 Accessory Structure	600 square feet
1 concrete stairway with terrace	925 square feet
1 Pergola	95 square feet
Gravel Path to Pergola	Approximately 4' by 30' (120 square feet)

Improvements for 9535 SE 11th St.	Square footage/Dimension
1 Accessory Structure	600 square feet
1 concrete stairway with terrace	226 square feet
1 deck	173 square feet

Authority: Land Use Code 20.10.440

Reviewer: Reilly Pittman, Development Services Department

C. General Conditions:

19. Boundary Line Adjustment (BLA) Recording:

The associated BLA (10-106480-LW) is required to be recorded. A copy of the recorded BLA must be submitted to the City. The BLA must be recorded prior to application for any building permit for improvements in the steep slope critical area.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

20. Pesticides, Insecticides, and Fertilizers:

The use of pesticides, insecticides and fertilizers is limited within 25 feet of the shoreline Ordinary High Water Mark. Any use of these controls is subject to chapter 2 of the City Environmental Best Management Practices.

Authority: Land Use Code 20.25H.220.H

Reviewer: Reilly Pittman, Development Services Department

21. 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

Attachments

1. Geotech Reports, SEPA Checklist, Critical Areas Report – In File
2. Site Plan, Restoration Plan, Survey – In File
3. Application forms and other documentation – In File

1921 8th Avenue NW
 Building NW
 Parcel Number: 600740000



The Berger Partnership
 Landscape Architecture
 1921 8th Avenue NW
 Building NW
 Parcel Number: 600740000
 Phone: 206.325.8877
 Fax: 206.325.8887
 bergerpartnership.com

Project No.
 07-242006

City Comments 06.14.2010
 City Comments 06.14.2010

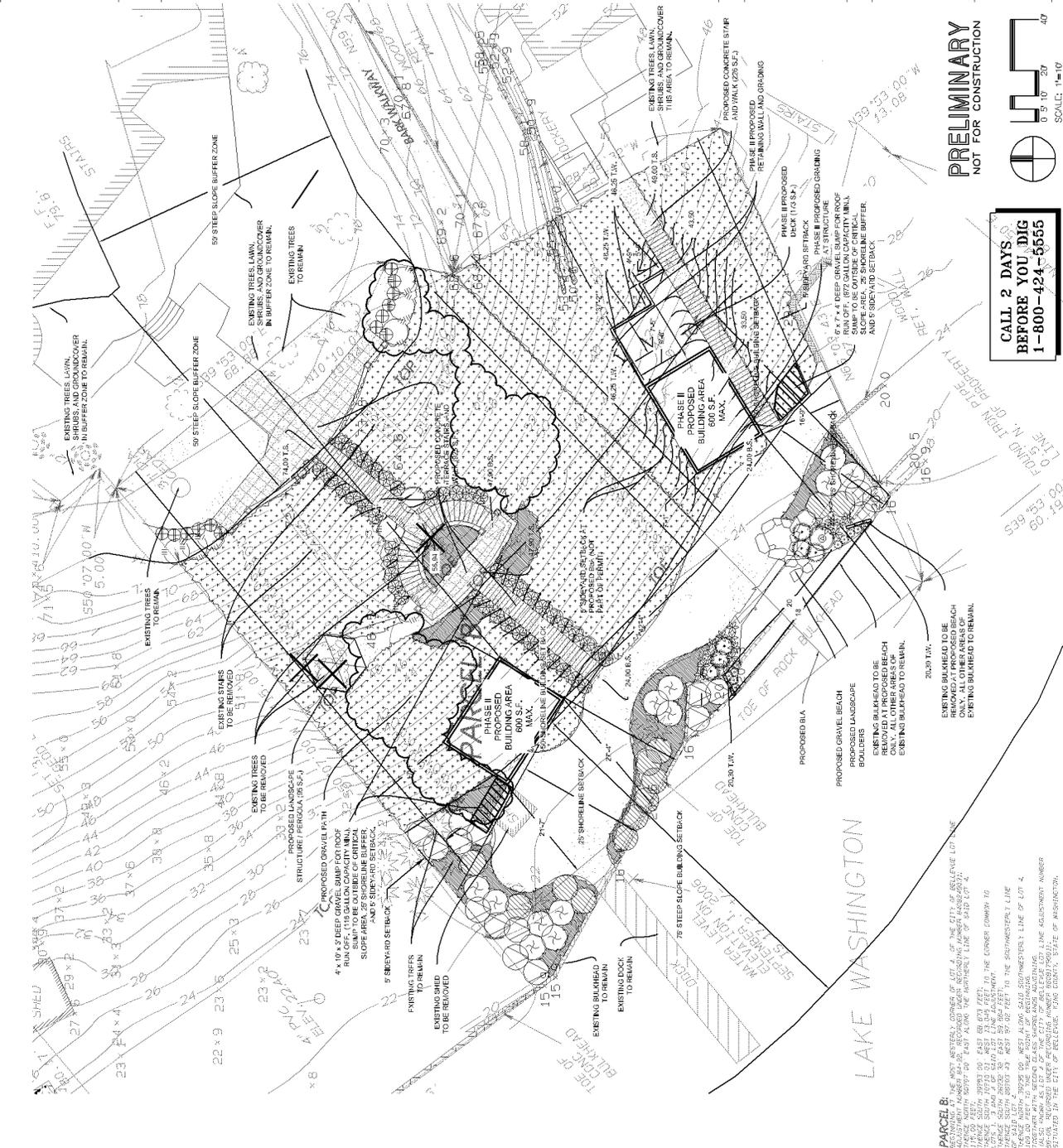
Drawn/Checked
 BCJH

**SITE PLAN B
 CRITICAL USE
 PERMIT**

Sheet 1 of 1

L 0.2

Project Number
 200845100
 © The Berger Partnership, Inc. 2008



CALL 2 DAYS BEFORE YOU DIG
 1-800-424-5555

PRELIMINARY
 NOT FOR CONSTRUCTION



PARCEL B:
 METRIC: 15.10' X 100.00' (APPROXIMATE)
 THE CITY OF BELLEVUE, WASHINGTON, HAS REVIEWED THE CITY OF BELLEVUE LOT LINE MAP AND HAS DETERMINED THAT THE CITY OF BELLEVUE LOT LINE MAP IS IN ACCORDANCE WITH THE CITY OF BELLEVUE LOT LINE MAP ACT AND THE CITY OF BELLEVUE LOT LINE MAP ACT. THE CITY OF BELLEVUE HAS REVIEWED THE CITY OF BELLEVUE LOT LINE MAP AND HAS DETERMINED THAT THE CITY OF BELLEVUE LOT LINE MAP IS IN ACCORDANCE WITH THE CITY OF BELLEVUE LOT LINE MAP ACT AND THE CITY OF BELLEVUE LOT LINE MAP ACT. THE CITY OF BELLEVUE HAS REVIEWED THE CITY OF BELLEVUE LOT LINE MAP AND HAS DETERMINED THAT THE CITY OF BELLEVUE LOT LINE MAP IS IN ACCORDANCE WITH THE CITY OF BELLEVUE LOT LINE MAP ACT AND THE CITY OF BELLEVUE LOT LINE MAP ACT. THE CITY OF BELLEVUE HAS REVIEWED THE CITY OF BELLEVUE LOT LINE MAP AND HAS DETERMINED THAT THE CITY OF BELLEVUE LOT LINE MAP IS IN ACCORDANCE WITH THE CITY OF BELLEVUE LOT LINE MAP ACT AND THE CITY OF BELLEVUE LOT LINE MAP ACT.

VERTICAL DATUM:
 NAVD-88
 CITY OF BELLEVUE BENCH MARK NO. 265
 TOP 3" COB BRASS CAP IN 5'X5" CONC
 MON IN CASE LOCATED AT 97TH AVE SE
 AND 99TH AVE SE, NORTHERLY OF TWO MONS
 ELEVATION ON CAP = 232.88'

Lot 101148
 9633 SEE 1716 STREET
 Bellingham, WA
 Permit Number: 6527404003

The Berger Partnership PS
 Landscape Architecture
 1721 8th Avenue SW
 Bellingham, WA 98201
 V 360.232.6872
 F 360.232.6887
 bergerpartnership.com

PLANTING LEGEND
 SYMBOL, QTY, BOTANICAL NAME, COMMON NAME, SIZE, COMMENTS

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE	COMMENTS
	1	SALIX SITCHENSIS / SITKA WILLOW		1 GAL., MIN.	48" O.C.
	6	SPIREA DOUGLASSII / WESTERN SPIREA		1 GAL., MIN.	36" O.C.
	10	JUNCUS ACUMINATUS / TAPERED RUSH		1 GAL., MIN.	24" O.C.
	16	DESCOIMPISIA CESPIITOSA / TUFTED HAIRGRASS		1 GAL., MIN.	24" O.C.
	85 (339 S.F.)	MAHONIA NERVOSA / CREEPING OREGON GRAPE		1 GAL., MIN.	24" O.C.
	12	CORNUS STOLONIFERA / RED-OSIER DOGWOOD		1 GAL., MIN.	48" O.C.
	13	PHILADELPHUS LEWISSII / MOCK ORANGE		1 GAL., MIN.	48" O.C.
	3	RIBES SANGUINEUM / RED FLOWERING CURRANT		1 GAL., MIN.	48" O.C.
	12	ROSA NUTKA / NOOTKA ROSE		1 GAL., MIN.	48" O.C.

PROPOSED PLANTING IN SHORELINE SETBACK ABOVE BULKHEAD:

	1	ACER CIRCINATUM / VINE MAPLE	10' HT., MIN.
	1	ARBUTUS MEZESIMIDRONE	10' HT., MIN.
	1	MALLUS FUSCIPACIFIC CRAB APPLE	10' HT., MIN.
	1	AMELANCHIER ALNIFOLIA / SASKATOON SERVICE BERRY	10' HT., MIN.

PROPOSED PLANTING FOR NATIVE GROWTH PROTECTION AREA:

TREES

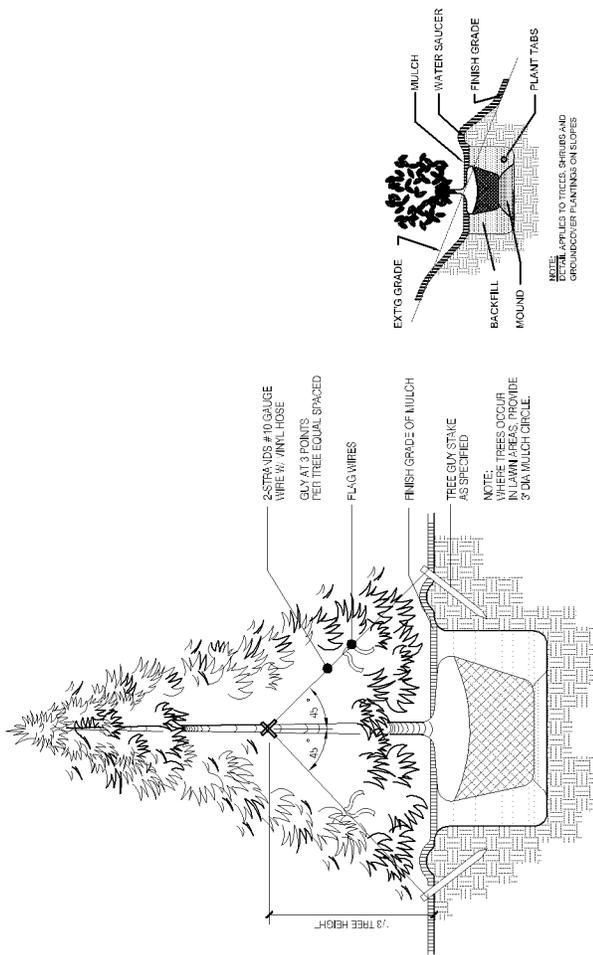
	1	ACER CIRCINATUM / VINE MAPLE	10' HT., MIN.
	1	ARBUTUS MEZESIMIDRONE	10' HT., MIN.
	1	MALLUS FUSCIPACIFIC CRAB APPLE	10' HT., MIN.
	1	AMELANCHIER ALNIFOLIA / SASKATOON SERVICE BERRY	10' HT., MIN.

PROPOSED PLANTING IN NON OVERLAY AREA (TOP OF SLOPE):

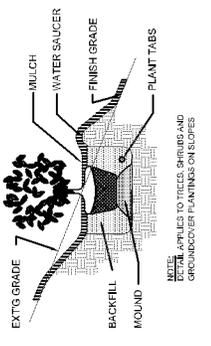
	6	RHODODENDRON SPP.	48" O.C.
	13	ILEX SPP.	36" O.C.

PROPOSED EXISTING TURF GRASS TO REMAIN, REPAIR AS NEEDED:

	1	TURF GRASS	
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1 GIVING DETAIL
 SCALE: 1/8" = 1'-0"



2 PLANTING IN CRITICAL AREA AND BUFFER DETAIL
 SCALE: 1/8" = 1'-0"

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.

1 GAL., MIN.	24" O.C.	1	MAHONIA NERVOSA / CREEPING OREGON GRAPE
1 GAL., MIN.	36" O.C.	1	MAHONIA AQUIFOLIUM OREGON GRAPE
1 GAL., MIN.	24" O.C.	1	GAULTHERIA SHALLOW / SALAL
1 GAL., MIN.	36" O.C.	1	MYRICA CALIFORNICA / PACIFIC WAX MYRTLE
1 GAL., MIN.	36" O.C.	1	PHILADELPHUS LEWISSII / MOCK ORANGE
1 GAL., MIN.	36" O.C.	1	RIBES SANGUINEUM / RED FLOWERING CURRANT
1 GAL., MIN.	36" O.C.	1	ROSA NUTKA / NOOTKA ROSE
1 GAL., MIN.	48" O.C.	1	RHODODENDRON SPP.
1 GAL., MIN.	36" O.C.	1	VACCINIUM OVA/TUM / HUCKLEBERRY

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.
 - 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.
- 2) PROCEDURES:

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

PRELIMINARY
 NOT FOR CONSTRUCTION

L 0.3

Project Number:
 20200465100
 © The Berger Partnership, P.S., 2008

Issue Date:
 07/24/2008
 Revision:
 CITY COMMENTS: 5.10.2010
 CITY COMMENTS: 5.14.2010
 CITY COMMENTS: 6.4.2010

Drawn/Checked:
 BCJH

Sheet 1 of 14
SITE PLAN B
PLANT SCHED.
AND DETAILS

Sheet (Insert)