



DEVELOPMENT SERVICES DEPARTMENT  
 ENVIRONMENTAL COORDINATOR  
 450 110 AVENUE NE, P.O. BOX 90012  
 BELLEVUE, WA 98009-9012

**DETERMINATION OF NON-SIGNIFICANCE**

**PROPONENT:** Burgess Weaver Design Group

**LOCATION OF PROPOSAL:** 1601 114<sup>th</sup> Avenue SE

**DESCRIPTION OF PROPOSAL:** Install hearing ventilating and air conditioning (HVAC) equipment in an under-building parking area that is located within the Shoreline Overlay District.

**FILE NUMBER:** 09-124960-WG

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 Department of Planning & Community Development. 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 **21-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 **December 24, 2009**.
- 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This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information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.

Carey Hellen  
 Environmental Coordinator

12/3/2009  
 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



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

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**Proposal Name:** Alderwood Building HVAC

**Proposal Address:** 1601 114<sup>th</sup> Ave SE

**Proposal Description:** Install HVAC equipment in the under-building parking area, which is within Shoreline Overlay District.

**File Number:** 09-124960-WG

**Applicant:** Burgess Design

**Decisions Included:** Shoreline Substantial Development Permit (Process II, LUC 20.30R)

**Planner:** Kenneth A. Thiem, Senior Planner

**State Environmental Policy Act Threshold Determination:** **Determination of Non-Significance**

Carol V. Helland  
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  
Carol V. Helland, Land Use Director

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<b>Application Date:</b>	September 11, 2009
<b>Notice of Application Publication Date:</b>	October 15, 2009
<b>Decision Publication Date:</b>	November 12, 2009
<b>Project/SEPA Appeal Deadline:</b>	December 3, 2009

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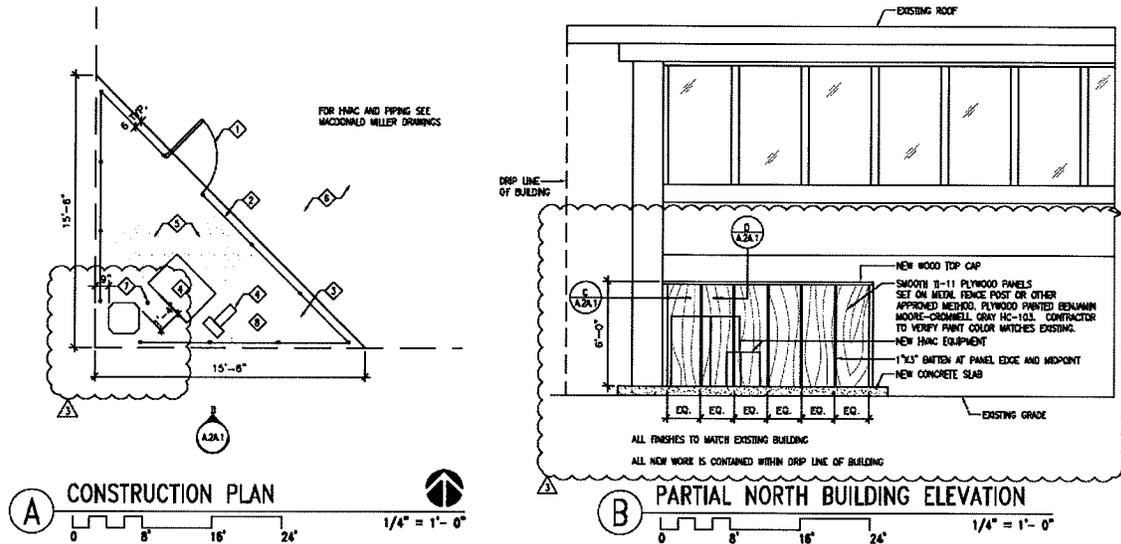
For information on how to appeal a proposal, visit Service First at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must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

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Figure 2

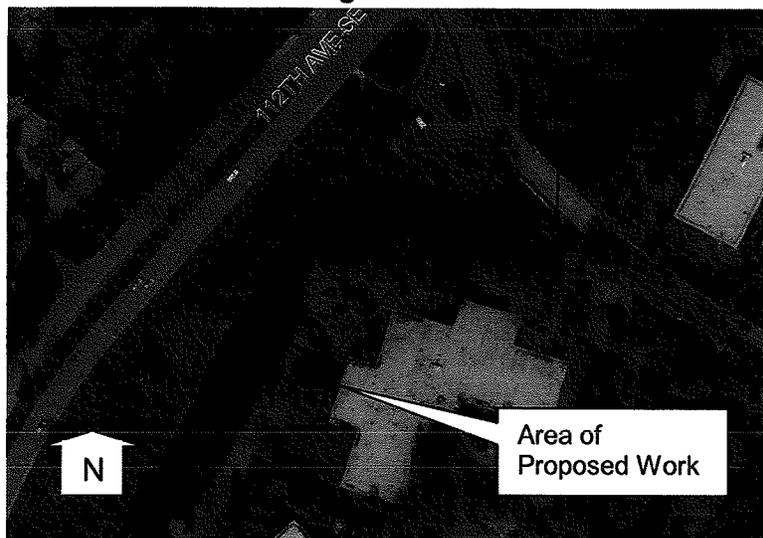


## II. Site Description, Zoning, Land Use and Critical Areas

### A. Site Description

The proposal site is within Bellfield Office park, near Mercer Slough. The proposed HVAC unit is located at-grade, next to the under-building parking area for the office use. The proposed work area is located approximately 70-feet east of Mercer Slough and 220-feet east of 112<sup>th</sup> Avenue SE. There is a single family residential neighborhood approximately 325-feet to the west, on the western side of 112<sup>th</sup> Avenue NE. The site and surrounding context is shown in figure 3.

Figure 3



### B. Zoning

The property is zoned Office (O), and located in the Shoreline Overlay District.

### **C. Comprehensive Plan Designation**

The proposal site is located in the Southwest Bellevue Subarea, and is designated Office per the Comprehensive plan. Therefore, the existing office use conforms to the Comprehensive Plan, and the proposed HVAC unit is consistent with the existing use.

### **D. Critical Areas Function and Value, Regulations**

#### **i. 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.

#### **ii. Shoreline Overlay District/Shoreline Substantial Development Permit**

The Shoreline Overlay District regulations (LUC 20.25E) allow for the proposed construction, provided that the applicable performance standards in LUC 20.25E.080 are met. A Shoreline Substantial Development Permit is required because the value of the work is \$15,718 and the threshold for exempting this requirement is \$5,000.

### **III. Consistency with Land Use Code Requirements:**

#### **A. Zoning District Dimensional Requirements:**

The proposed project complies with the dimensional requirements for the Office zone, (LUC 20.20.010). The proposed project area is an impervious surface within/under an existing structure; there would be no increase in lot coverage by structure or site impervious surface area, nor any reduction in the number of parking stalls.

#### **B. Critical Areas Requirements LUC 20.25H:**

The City of Bellevue's Shoreline Overlay District requirements (LUC 20.25E) establish standards and procedures that apply to all development within 200 feet of Lake Washington's shoreline, plus associated floodways, floodplains, marshes, bogs, swamps, and river deltas.

The proposed project is located within 200 feet of Mercer Slough's shoreline, which requires the performance standards identified below to be met:

Critical Area	Performance Standards
Shorelines	20.25E.080.B

**i. Shorelines - General Regulations Applicable to All Land Use Districts and Activities**

- 1. Where applicable, all federal and state water quality and effluent standards shall be met.**

The proposed work location is under the building, within a paved parking area. The City will ensure that on-site water quality is maintained through permit review and inspections.

- 2. If a property extends into the Shoreline Overlay District, the Shoreline Master Program Policies and these use regulations shall apply only to that portion of the property lying within the Shoreline Overlay District.**

The project area is within the Shoreline Overlay District and therefore the project is governed by the Shoreline Master Program policies.

- 3. All development within the Shoreline Overlay District shall be accompanied by a plan indicating methods of preserving shoreline vegetation and for control of erosion during and following construction in accordance with Part 20.25H LUC, City of Bellevue Clearing and Grading regulations, Chapter 23.76 BCC, and the Comprehensive Plan.**

No vegetation or project landscaping will be removed for the proposed work. The area of work is an impervious surface next to the under-building parking area. This decision is conditioned to require new indigenous shrubs adjacent to the architectural screen, where it is within public view.

- 4. Special care shall be exercised to preserve vegetation in wetland, shoreline and stream corridor bank areas in order to prevent soil erosion. Removal of vegetation from or disturbance of shoreline critical areas and shoreline critical area buffers, and from other critical area and critical area buffers shall be prohibited, except in conformance with Part 20.25H LUC and the specific performance standards of this section.**

The proposed work is within an existing development and located entirely within its footprint, except for a few native shrubs that are required to be planted next to the architectural screen, which is just beyond the structure footprint, but outside of the 50-foot buffer.

- 5. Maximum height limitation for any proposed structure within the Shoreline Overlay District shall be 35 feet, except in land use districts**

**with more restrictive height limitations. The method of measuring the maximum height is described in WAC 173-14-030(6). Variances to this height limitation may be granted pursuant to Part 20.30H LUC.**

The proposed HVAC equipment is approximately 3-feet in height and located under an existing building.

- 6. The Bellevue Shoreline Master Program, in conjunction with existing Bellevue land use ordinances and Comprehensive Plan policies, shall guide all land use decisions in the Shoreline Overlay District.**

The proposed project is consistent with the Bellevue Shoreline Master Program and conforms to the applicable the Comprehensive Plan policies. Policy EN-16 of the Environmental Element restricts development in the Shoreline Overlay District to have the least impact on a critical area. The proposal conforms to this policy because the proposed work is entirely outside of the shoreline buffer, on an existing impervious surface.

- 7. Any development within the Shoreline Overlay District shall comply with all applicable Bellevue ordinances, including but not limited to the Bellevue Land Use Code, Sign Code, and clearing and grading regulations.**

The proposed project complies with all applicable Bellevue ordinances and regulations.

- 8. The dead storage of watercraft seaward of the ordinary high water mark of the shoreline is prohibited.**

No dead storage of watercraft will occur as a result of the proposed project.

- 9. Where applicable, state and federal standards for the use of herbicides, pesticides and/or fertilizers shall be met, unless superseded by City of Bellevue ordinances. Use of such substances in the shoreline critical area and shoreline critical area buffer shall comply with the City's "Environmental Best Management Practices."**

There are no herbicides, pesticides, or fertilizers being applied as part of this project.

- 10. Adequate storm drainage and sewer facilities must be operational prior to construction of new development within the Shoreline Overlay District. Storm drainage facilities shall be separated from sewage disposal systems.**

No storm drainage or sewer facilities are required for the proposed project.

#### **IV. Public Notice and Comment**

Application Date:	September 11, 2009
Notice of Application:	October 15, 2009
Minimum Comment Period:	November 15, 2009

The Notice of Application for this project was published in the Seattle Times and the City of Bellevue weekly permit bulletin on October 15, 2009. It was mailed to property owners within 500 feet of the project site. No written comments on the project were received.

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

##### **A. Clearing and Grading**

The Clearing and Grading Division of the Planning and Community Development 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.

##### **B. Utilities**

The Utilities Department has reviewed the proposed site development for compliance with Utility codes and standards. The Utilities staff found no issues with the proposed development.

#### **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, Air, and Water**

The project is required to include the installation of native shrubs immediately adjacent to the proposed screen. This area is level, currently covered with grass and approximately 75-feet from the water's edge. These factors will minimize any erosion/sedimentation impacts to the waterway. In any case, erosion and sedimentation control requirements apply and they will be imposed during the permit review stage.

##### **B. Animals**

The proposed work will not degrade the wildlife habitat. In fact, the required planting will improve the shoreline habitat; at least near the work area.

### **C. Plants**

As a condition of this decision, the project is required to include the planting of compact Yellowtwig Dogwood next to the mechanical equipment screen. See Section X for a related condition of approval.

### **D. Noise**

The site is located approximately 360 feet from a residential zone. Construction noise impacts will be limited by the City's Noise Ordinance (Chapter 9.18 BCC) which regulates construction hours and noise levels. See Section X for a related condition of approval.

## **VII. Changes to Proposal Due to Staff Review**

As a condition of this decision, the project is required to include the planting of indigenous shrubs adjacent to the architectural screen.

## **VIII. Decision Criteria**

### **A. LUC 20.30R.155.B Shoreline Substantial Development Permit – Decision Criteria**

The Director may approve, or approve with modifications if:

- 1. The applicant has carried the burden of proof and produced evidence sufficient to support the conclusion that the application merits approval or approval with modifications;**

No work will occur on the water. The proposed activity is outside of Mercer Slough's shoreline buffer. No landscaping will be displaced by the proposed work. See the Conditions of Approval in Section IX of this report.

- 2. The applicant has demonstrated that the proposal complies with the applicable decision criteria of the Bellevue City Code;**

The proposal complies with all applicable decision criteria.

- 3. The applicant has demonstrated that the proposal is consistent with the policies and procedures of the Shoreline Management Act and the provisions of Chapter 173-14 WAC and the Master Program.**

The proposal complies with the policies of the Shoreline Management Act and Chapter 173-14 WAC of the Master Program.

## **IX. Conclusion and Decision**

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, City Code and Standard compliance reviews, the Director of the Development Services Department hereby **approves with conditions** the proposed HVAC unit. **Approval of this Shoreline Substantial Development**

**Permit does not constitute a permit for construction.** The required mechanical and electrical permits are required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.

**Expiration of Approval:** In accordance with LUC 20.30R.175, the Shoreline Substantial Development Permit automatically expires and is void if the applicant fails to file for the other necessary development permits and fails to make substantial progress towards completion of the project within two years of the approval date of the Shoreline Substantial Development Permit, unless an extension is granted per LUC 20.30R.180.

**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
Utilities – BCC Title 24	Robert Hutchinson, 425-452-7903
Land Use Code- BCC Title 20	Reilly Pittman, 425-452-2728
Noise Control- BCC 9.18	Reilly Pittman, 425-452-2728

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

- 1. New Landscaping:** The two sides of the architectural screen exposed to public view shall be planted with compact Yellowtwig Dogwood (*Cornus stolonifera*, "Isanti"), 5-gallon size at 42-inches on-center because grows in peaty soil.  
Authority: Comprehensive Plan Policy EN-20  
Reviewer: Ken Thiem
- 2. Noise Control:** Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 a.m. to 6 p.m. Monday through Friday and 9 a.m. to 6 p.m. 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: Ken Thiem