



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

Proposal Name: Gilbert Walkway and Landing

Proposal Address: 604 97th PI SE

Proposal Description: Applicant proposes modifying a steep slope critical area buffer from the standard 50 feet to a minimum of 10 feet for the construction of an elevated walkway and landing associated with an existing single family resident. The proposal includes vegetation restoration/enhancement elsewhere on the site in order to mitigate the impact of reduced top of slope buffer.

File Number: 09-130314-LO

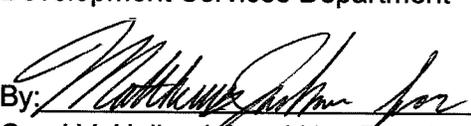
Applicant: Helen G. Gilbert

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

Planner: Drew Folsom, Planner

**State Environmental Policy Act
Threshold Determination:** Exempt from SEPA per WAC 197-11-800 (1)

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

By: 
Carol V. Helland, Land Use Director

Application Date: November 20, 2009
Notice of Application Publication Date: December 17, 2009
Decision Publication Date: May 13, 2010
Project/SEPA Appeal Deadline: May 27, 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.

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Attachments

1. Critical Areas Report

I. Proposal Description

The applicant is requesting a critical areas land use permit utilizing the critical areas report process for the modification of a steep slope critical area buffer from the standard 50 feet to a minimum of 10 feet for the construction of an elevated walkway and landing associated with an existing single family resident.

The critical areas overlay section of the land use code (LUC) states that any modification of a critical area buffer requires a critical areas land use permit, Part 20.30P. LUC 20.25H.120.B.3 specifies that steep slope critical area buffers may be modified only through an approved critical areas report, Part 20.25H.230.

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

A. Site Description

The property, located at 604 97th PI SE is .44 acres (18,939 square feet) in size. The property is roughly 220 feet deep by 50 feet wide. The western property boundary is adjacent to 97th PI SE. The eastern boundary is adjacent to 98th Ave SE. The property is bordered on the north and south by single-family residential properties.

From west to east, the property slopes down from 97th PI SE to 98th Ave SE. The steepest portion of the property starts east of the single family residence and ranges from 40% to 50%. This is the portion of the property that meets the definition of a steep slope critical area. This area is vegetated with several significant conifer trees with an understory of blackberries and English ivy. At the toe of this slope is 98th Ave SE.



Location of proposed walkway and landing

B. Zoning

The property is zoned R-1.8. Due to the presence of the steep slope critical area, the property is also located in the Critical Areas Overlay District (LUC 20.25H).

C. Land Use Context

The property is located amidst other similarly developed single-family residential properties. The property is situated between 97th PI SE and 98th Ave SE. There are no significant trees within the project area.

D. 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.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The site is located in the R-1.8 zoning district. The dimensional requirements for this zoning district are:

Dimension	Requirement	Existing / Proposed
Front yard setback	30 feet	No Change
Rear yard setback	25 feet	No Change
Side yard setback	5 feet	20 feet / 15 feet
2 side yards setback	15 feet	52 feet / 47 feet
Building height of primary structure	35 feet	No change
Maximum lot coverage	35 %	17 % / 17.6 %
Maximum impervious surface	50 %	No change
Greenscape of front yard	50 %	No Change

The proposal is consistent with the dimensional standards for the land use zoning district.

B. Consistency with Land Use Code Critical Areas Performance Standards:

i. Performance standards for allowed uses in landslide hazard and steep slope critical areas (LUC 20.25H.055)

The proposed walkway and landing are not allowed pursuant to LUC 20.25H.055. The applicant has chosen to utilize the Critical Areas Report process to modify the steep slope critical area buffer to allow for proposed development.

ii. Performance Standards for landslide hazards and steep slopes (LUC 20.25H.125)

This subsection states that in addition to the generally applicable performance standards set forth in LUC 20.25H.055 and 20.25H.065, development within a landslide hazard or steep slope critical area or critical area buffer shall incorporate the additional performance standards contained in this section. The proposal involves modification of the steep slope critical area buffer. The following is a brief response to the applicable performance standard for steep slope critical areas.

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;

Finding: *The proposed elevated walkway and landing will result in minimal alteration to the contour of the slope. Disturbance of the slope is minimized to that necessary for the support posts and footings.*

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

Finding: *The proposed walkway and landing will be located adjacent to the existing single family residence in an area with no significant vegetation.*

c. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;

Finding: *The proposed development will have no impact on the risk to neighboring properties as stated in the Critical Areas Report prepared by Kyle Campbell P.E. of Earth Solutions NW LLC, dated November 6, 2009.*

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;

Finding: *No artificial slopes will be created as a result of the proposal. Disturbance of the steep slope buffer is limited to structural support.*

e. Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer;

Finding: *The proposed wood walkway and landing decking boards will have 1/8" or greater spacing resulting in no increase in impervious surface.*

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;

Finding: *No changes in grade are proposed.*

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;

Finding: *No new retaining structures are proposed.*

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;

Finding: *No disturbance or structures on slopes greater than 40 percent area proposed.*

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

Finding: *No disturbance or structures on slopes greater than 40 percent area proposed.*

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.

Finding: *Any disturbed areas will be restored according to the restoration and mitigation plan.*

C. Consistency with Critical Areas Report LUC 20.25.230.

The applicant supplied a critical areas report prepared by Kyle Campbell P.E. of Earth Solutions NW LLC, a qualified professional. The report contained background and supporting materials from a geotechnical engineer. The report met the minimum submittal requirements pursuant to LUC 20.25H.250.

The report concluded the proposed 10-foot buffer for the proposed walkway and landing will not adversely impact the stability of the slope. The applicant has proposed to mitigate disturbance of the top of slope buffer by providing a native plant restoration vegetation restoration/enhancement elsewhere on the site. See Section X for related conditions of approval.

IV. Public Notice and Comment

Application Date:	November 20, 2009
Public Notice (500 feet):	December 17, 2009
Minimum Comment Period:	January 3, 2010

The Notice of Application for this project was published in the City of Bellevue Weekly Permit Bulletin on December 17, 2009. It was mailed to property owners within 500 feet of the project site. No comments have been received from the public as of the writing of this staff report.

V. Summary of Technical Reviews

Clearing and Grading:

The Clearing and Grading Division of the Development Services Department has reviewed the proposed development for compliance with Clearing and Grading codes

and standards. The Clearing and Grading staff found no issues with the proposed development.

Utilities:

The Utilities Department's Development Review Division has reviewed the proposed development for compliance with Bellevue Utilities' codes and standards. The Utilities Development Review staff found no issues with the proposed development.

VI. State Environmental Policy Act (SEPA)

The proposal is categorically exempt from SEPA environmental review per WAC 197-11-800 (1) because it is not occurring within a critical area or over lands covered by water.

VII. Changes to proposal as a result of City review

No changes have been made to the applicant's proposal as a result of city review.

VIII. 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: The primary reason for the avoidance of disturbance to or modification of a steep slope critical area or critical area buffer is to protect life and property from damage resulting from the inappropriate placement of development. Steep slope critical areas also serve as vegetated buffers that soften the urban landscape and provide space for tree and shrub cover that intercepts rainfall and allows for modest infiltration of surface water.

The proposed construction within the modified critical area buffer is minimized to the five foot wide landing and walkway adjacent to the house. This area has minimal vegetation and was historically used as an at grade pathway with intermittent wood steps. Furthermore, the proposal includes vegetation restoration/enhancement elsewhere on the site in order to mitigate the impact of reduced top of slope buffer. See Section X for related conditions of approval.

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

Finding: The applicant will be required to provide a performance assurance device for

the required restoration and mitigation measures associated with the proposed steep slope critical area buffer reduction and construction of the landing and walkway. See Section X for related conditions of approval.

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: The landing and walkway will be located in an area of limited vegetation next to the existing house. The functions and values of the critical areas and critical area buffers on adjacent properties will be unaffected by the actions in the proposal. The local environment will likely benefit from the activities included in the applicants restoration and mitigation plan which calls for the removal of non-native species and the installation of native ground covers.

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

Finding: The proposed landing and walkway are consistent with residential uses in the land use district.

B. Critical Areas Land Use Permit Decision Criteria 20.30P

The Director may approve or approve with modifications an application for a critical areas land use permit if:

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

Finding: The proposal will be required to obtain a single-family addition building permit for the construction of the landing and walkway. The building permit will be required to comply with all applicable noise code requirements. See Section X for related conditions of approval.

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 utilizing wood decking with 1/8" inch spacing and is elevated to minimize disturbance of the critical are buffer.

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

Finding: The applicable performance standards for this proposal are those pertaining to development adjacent to steep slope critical areas in LUC 20.25H.125. The responses to these performance standards are addressed in Section III of this report.

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

Finding: The property is currently served by adequate public facilities. The proposal will not change the need for public facilities on the property.

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

Finding: The applicant supplied a mitigation and restoration plan, as part of their critical areas report, that was consistent with the requirements of LUC 20.25H.210.

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 Gilbert Walkway and Landing proposal for the modification of a steep slope critical area buffer from the standard 50 feet to a minimum of 10 feet for the construction of an elevated walkway and landing.

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 single family addition permit or other necessary development permits within one year of the effective date of the approval.

X. Conditions of Approval

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

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Land Use Code- BCC 20.25H	Drew Folsom, 425-452-4441
Noise Control- BCC 9.18	Drew Folsom, 425-452-4441

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

1. Restoration Plan: The applicant shall implement the Site Restoration/Enhancement Plan that includes mitigation planting for impacts to the site associated with the reduced top of slope critical area buffer. Any modifications to this plan must be reviewed and approved by the Development Services Department.

Authority: Land Use Code 20.25H.220
Reviewer: Drew Folsom, Development Services Department

2. Performance Assurance Device: In order to ensure adequate resources are available to implement the required landscape on the slope, a performance assurance device in an amount equal to 100% of the cost of labor and materials for the landscape installation shall be held until of successful installation is verified by the City of Bellevue at which time the performance assurance device will be released to the applicant.

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

3. Maintenance Assurance Device: In order to ensure the required landscape restoration successfully establishes on the slope, a maintenance assurance device in an amount equal to 10% of the cost of labor and materials for the landscape installation shall be held for a period of three years from the date of successful installation. The maintenance assurance device will be released to the applicant upon receipt of documentation of reporting successful establishment in compliance with the performance standards stated in condition of approval #2 above.

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

4. Noise - Construction Hours: Construction will be subject to normal operation hours of 7 a.m. to 8 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturdays except for Federal holidays and as further defined by the Bellevue City Code. Proximity to existing residential uses will be given special consideration. Upon written request to DSD, work hours may be extended to 10:00 p.m. if the criteria for extension of work hours as stated in BCC 9.18 can be met and the appropriate mitigation employed.

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



November 6, 2009
ES-1644

Earth Solutions NW LLC

- Geotechnical Engineering
- Construction Monitoring
- Environmental Sciences

Helen Gilbert and Peter Harris
604 – 97th Place Southeast
Bellevue, Washington 98004

**Subject: Critical Areas Report
Walkway and Landing
604 – 97th Place Southeast
Bellevue, Washington**

Dear Helen and Peter:

As requested, Earth Solutions NW, LLC (ESNW) has prepared this letter to provide critical areas report for the completion of a nearly completed walkway and landing at the site. Our scope of services included a review of geologic maps for the site, review of plans for the walkway and landing, a site visit to observe the existing site conditions and preparation of this letter. ESNW understands the walkway and landing is located with a critical areas buffer (top of steep slope setback). ESNW understands a critical areas report is required by the city of Bellevue in order for the walkway and deck to be completed.

The undersigned visited the site on October 30, 2009 to observe the existing site conditions. The site consists of a residential lot located on the east side of 97th Place Southeast. The ground surface slopes downward from 97th Place Southeast at a gradient of approximately 35 percent. The nearly completed walkway and landing begins adjacent to the north side of the driveway and extends down the slope adjacent to the driveway and house. ESNW understands a wooden stairway previously existed along the alignment of the nearly completed walkway and landing

Review of a geologic map of the area indicates the native soil underlying the site is mapped as glacial till or glacial outwash. The near surface soil was observed to consist of silty sand with gravel. Probing with a steel rod adjacent to the foundation pads of the walkway indicates the soil is in a dense condition. Based on observations of the site soil, the site appears to be underlain by glacial till. No indication of instability of the slope or erosion was observed during the site visit.

Received

NOV 20 2009

Permit Processing