



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

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**Proposal Name:** Darrow Residence

**Proposal Address:** 6242 Hazelwood Lane SE

**Proposal Description:** Administrative Variance from the Land Use Code and a Critical Areas Land Use Permit to construct a single-family residence that exceeds the height limitations on a lot nonconforming to size, reduces the front yard structure setback, modifies the side yard structure setbacks for a residential structure exceeding 0.5 FAR, increases the allowed lot coverage, and modifies the steep slope critical area structure setback.

**File Number:** 11-122838-LS & 12-121725-LO

**Applicant:** Floyd and Sandra Darrow

**Decisions Included:** Variance from the Land Use Code & Critical Areas Land Use Permit (Process II. LUC 20.30G & 20.30P)

**Planner:** David Pyle, Planner

**State Environmental Policy Act  
Threshold Determination:** Exempt per WAC 197-11-800

**Director's Decision:** **Approval with Conditions**  
  
Carol V. Helland, Land Use Director  
Development Services Department

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Variance Application Date: September 15, 2011  
Critical Areas Application Date: August 13, 2012  
Notice of Application Publication Date: September 27, 2012  
Decision Publication Date: February 21, 2013  
Project Appeal Deadline: March 7, 2013

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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. Site Plan – In File
2. Variance Narrative by PKJB Architects – In File
3. Slope Evaluation by Otto Rosenau and Associates – In File

## **I. Proposal Description**

The applicant is requesting a Variance from the Land Use Code dimensional standards to accommodate a new 4,082 square foot single family home and 597 square foot attached garage (total home size of 4,679 square feet) on an existing undersized lot in the Hazelwood Lane neighborhood. The request includes a reduction in the front yard structure setback along the private access driveway to 2 feet, a reduction to the side yard setbacks to 5 feet (each), an increase in the allowed structural lot coverage to 42%, and an increase in the allowed structure height to 28 feet 11 inches. The applicant is also requesting a Critical Areas Land Use Permit to modify the toe-of-slope steep slope structure setback to minimum distance of 15 feet.

The Land Use Code allows for a departure from select dimensional standards provided an applicant meets the variance criteria in LUC 20.30G. The Land Use Code also allows for modifications of critical areas structure setbacks if the performance standards for each critical area are addressed and the decision criteria in LUC 20.25H.255.A and LUC 20.30P are met.

The property is currently considered as undeveloped as the home that previously occupied the site was demolished without permit and, although permit for reconstruction was issued, the home was not fully reconstructed. Reconstruction of the house was originally permitted under city permit number 03-109011-BR. Construction got as far as completion of the new foundation when the owners abandoned the project. The permits subsequently expired before the project was completed.

Following permit expiration the code was revised and the home design, including the recently constructed foundation, was no longer permissible under new code requirements that restricted height and setback. The existing foundation remains and will be used to construct the new home. With expiration, the original permit for home construction is no longer valid and the foundation as constructed is not "vested" to old standards. A variance is required to reconstruct the home in its location using the existing foundation.

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

### **A. Site Description**

The property is located at 6242 Hazelwood Lane SE. At its midpoint the property is approximately 70 feet wide by 57 feet deep, with a total area of 4,150 square feet. The eastern boundary of the property is adjacent to a shared access drive and the edge of the BNSF Railroad right-of-way. The western boundary of the property contains a concrete bulkhead wall adjacent to Lake Washington. Both properties north and south of the property are single-family residential properties. The one to the north (Lynch Residence) is developed with a residence and is being redeveloped with a variance from setback and height dimensional standards (12-110695-LS & 12-132384-BS), while the one to the south is developed with a large single family residence on a small lot and is within King County's jurisdictional boundary.

Generally, the site slopes down from the shared access easement toward the water with a total elevation change of 8 feet. There is very little landscaping on the property and the area east of the bulkhead between the house foundation and the water is a maintained mowed grassy area. The area to the east of the foundation is an established paved shared access driveway.



Figure 1: Site Aerial

**B. Zoning**

The property is zoned R-5. The property is also within the Critical Areas Overlay District and Shoreline Overlay District.

**C. Land Use Context**

Hazelwood Lane SE is a dead-end private road/access easement that services 22 total residences, which is seen locally as the neighborhood in which the Darrow property is located.

As one gains entrance to Hazelwood Lane SE there is a split in the roadway 4 houses north of the Darrow residence, with one fork heading north and the other fork heading south. There are 15 residential properties located to the north and 7 residential properties to the south. The properties to the north are relative narrow with a standard

width of approximately 40 feet. Each of the 15 homes constructed in the north portion of the neighborhood are located within 10 to 15 feet of the access easement, with side yard setbacks of 5 and 10 feet and a rear yard setbacks of 25 to 30 feet. About six of the homes are developed as three-story structures, with two stories facing the street, and three facing the water.

The Darrow property is at the southern end of the south fork of Hazelwood Lane. The access easement serves five other properties before passing the subject property and then serves one additional residence to the south. Aside from the Darrow site, all of the properties accessed off the shared driveway easement are developed with single-family residences.

The property to the south of the Darrow site is across the city boundary, located in King County, and is developed with a 2,520 square foot single-family residence on 1,410 square foot piece of land.

The subject property sits below a steep, forested slope that contains the BNSF Railroad right-of-way. Above and east of the railroad corridor there is more slope leading up to a multi-use path. Above and further east is the western edge of the Interstate-405. The total elevation change from the highway down to the property is approximately 65 feet. The only way to view the neighborhood is from either Lake Washington or from Hazelwood Lane. There are no homes uphill of the Darrow site and no views will be impacted.

#### **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 provides 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).

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

#### A. Zoning District Dimensional Requirements (LUC 20.20.010):

The site is located in the R-5 zoning district. The following table summarizes the dimensional standards that apply compared with the dimensions proposed under the requested variance:

STANDARD (* = variance requested) See discussion below for details	REQUIRED	PROPOSED
*Front yard structure setback	20 feet	2 feet
Rear yard structure setback	20 feet	25 feet
*Side yard structure setback	7.5 feet	5 feet
2 side yards structure setback	15 feet	10 feet
*Maximum building height (reduced due to lot nonconforming to required area)	24 feet 6 inches	28 feet 11 inches
*Maximum lot coverage	40%	42%
Maximum impervious surface	55% (50% existing)	50%
Minimum greenscape percentage of front yard setback	50% (0% existing)	0%
*Footnote (43): Floor Area Ratio (FAR) Threshold	0.50	0.95

Table 1: Dimensional Standards and Proposed Dimensions

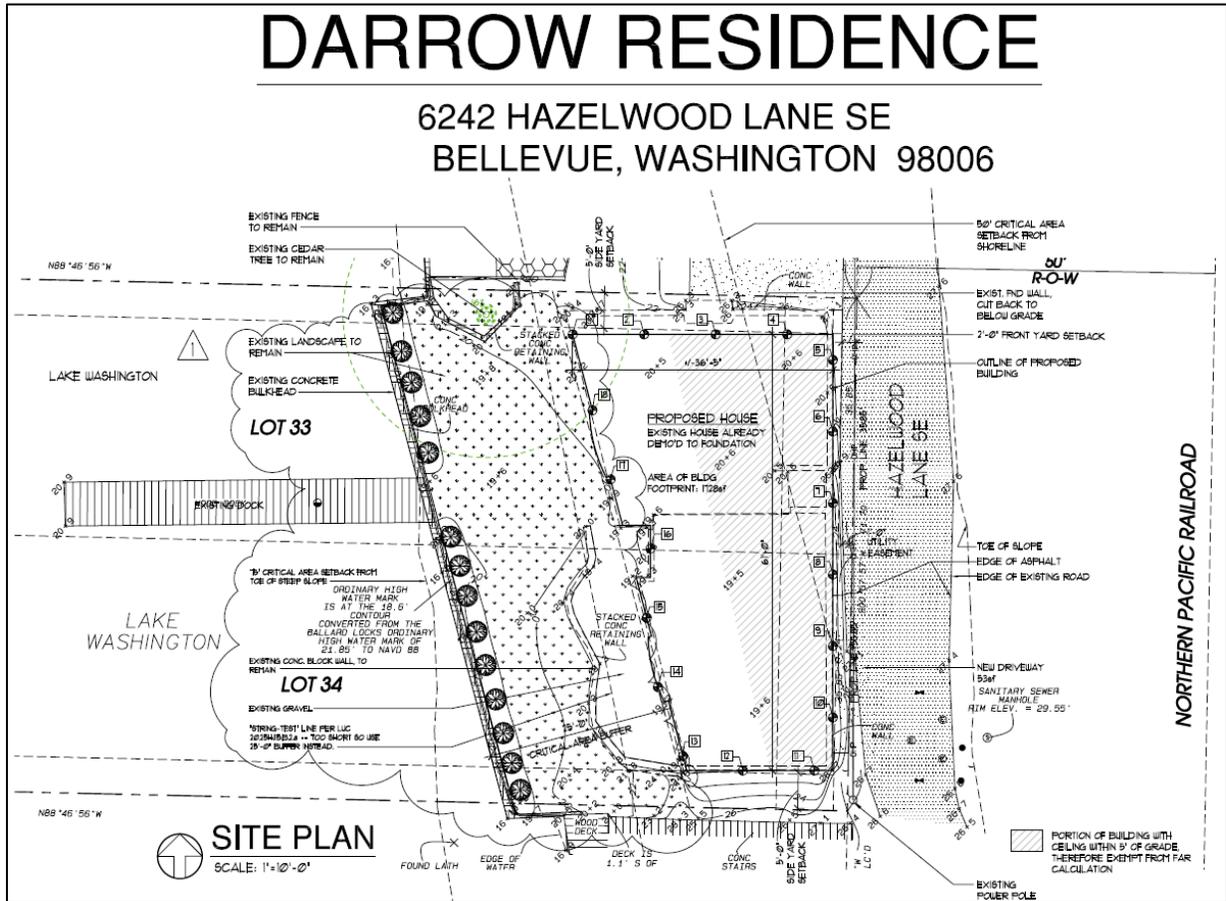


Figure 2: Proposed Site Plan



Figure 3: Development Pattern of North Portion of Neighborhood

Hazelwood Lane SE Address	Lot Size (% of District Minimum)	House Square Footage (FAR)	Setbacks (ft) F, R, S, 2S
6236 (North of Darrow)	4700 sq. ft. (65%)	2707 sq. ft. (0.58)	5, 25, 5, 15
6232	6300 sq. ft. (88%)	2790 sq. ft. (0.44)	5, 25, 0, 15
6224	7000 sq. ft. (97%)	2890 sq. ft. (0.41)	12, 8, 0, 30
6031	5502 sq. ft. (76%)	4210 sq. ft. (0.77)	15, 20, 5, 15
6027	5213 sq. ft. (72%)	3310 sq. ft. (0.63)	15, 30, 5, 15

6025	5116 sq. ft. (71%)	3430 sq. ft. (0.67)	15,26, 5, 15
6023	5250 sq. ft. (73%)	4760 sq. ft. (0.91)	16, 25, 5, 15

Table 2: Comparison of Neighborhood Development

**i. Front yard structure setback of 2 feet**

Due to the relative shallow depth (57 feet) of the property, coupled with the required 25-foot shoreline critical area shoreline buffer, the only feasible location to site the proposed structure is on the eastern portion of the property. In fact, the critical areas overlay section of the Land Use Code (LUC 20.25H) encourages this sort of adjustment in order to protect the functions and values of the shoreline critical area.

Adherence to the full front yard structure setback, combined with the required rear yard setback, would create a 22 foot deep building area. However, this area would further reduced to 17 feet deep by the 25-foot shoreline critical area buffer, measured off the bulkhead.

The majority of the homes on Hazelwood Lane to the north of the property have front yard structure setbacks of between 5 to 10 feet, measured either from the edge of the private access easement. In addition, as you go further north the lots become deeper. In some cases, the properties are almost twice as deep as the subject property. Due to the shallow depth of this lot, its location at the end of the shared access driveway, and the context of the surrounding neighborhood (the home to the south, 6333 Hazelwood Lane, is developed to a 2 foot front yard setback), a 2 foot setback for the Darrow property is appropriate.

As demonstrated in Table 2 above, the requested variance would not be a granting of special privilege. A number of the properties in the vicinity already enjoy a reduced front yard setback due to the constraint of the lakeshore, the access easement and uphill slopes. Not granting the requested variance would render the lot undevelopable to a level of the surrounding properties and would constitute a significant hardship to the property owner as the standard buildable area allowed without variance would result in an un-useable and un-marketable home.

The requested variance also considers the minimum structure setback of 10 feet from any access easement. The variance has met the approval of the Bellevue Transportation Department as the site is located at the end of and adjacent to a private shared access driveway. No impact to the access easement is expected.

**ii. Maximum building height of 28 feet 11 inches**

Development of an individual lot failing to meet 70 percent of the area, width or depth requirements of the land use district in which it is located is restricted to a maximum building height computed by the following formula (see Example A at the end of this section). The maximum building height resulting from the following formula may be modified up to the maximum height allowed in the underlying land use district through a variance pursuant to Part 20.30G LUC or Part 20.30H LUC:

$$\text{Building Height} = 2 \times C \times H$$

C = The ratio of potentially buildable area (lot area less the area of the lot's minimum setback requirements) to total lot area.

H = The general building height requirement otherwise applicable to the lot.

Calculations are based on basic Code requirements - any variances to setbacks of the property do not affect building height calculation.

The lot measures 4,150 square feet. The minimum lot size for the district is 7,200. The lot size is 58% of the required minimum lot size, therefore the maximum building height is recalculated using the following formula: Building Height =  $2 \times .41 \times 30 = 24.6$  feet.

The applicants are proposing to construct a three-story home with a flat roof. The standard construction type on Hazelwood Lane is two and three-story homes, with the exception of two properties that are one story. Most of the homes developed on Hazelwood Lane SE have two-stories fronting on the access easement with two and half to three stories fronting on the lake.

As shown in Table 2 above, the Darrow property is smaller than most of the comparable properties in the neighborhood. The limitation on building height would constrain the total height of the structure to two-stories facing the lake. However, given the relatively small size of the lot, the height allowed under the standard code application would be significantly less than that which is enjoyed by most of the neighbors.

**iii. Structural Lot Coverage increase to 42%**

Due to the smaller lot size, the applicant is proposing an increase in lot coverage from the allowed 40% in the R-5 zone to a maximum of 42%. As shown in Table 2 above, the Darrow property is smaller than most of the comparable properties in the neighborhood. The limitation on structural lot coverage would constrain the footprint. However, given the relatively small size of the lot, under standard application of the code the allowed structure footprint area would be significantly less than that which is enjoyed by most of the neighbors.

**iv. Floor Area Ratio (FAR) design requirement of 7.5 feet building setback on north and south lot line**

The Land Use Code specifies that new or expanded single-family structures that exceed a floor area ratio of 0.5 are required to provide a minimum side yard structure setback of 7.5 feet and provide a 5 foot second-story step back.

The property to the north (currently under building permit review and approved under variance) exceeds the 0.5 floor area ratio; however for the purpose of this review the site is considered as under the FAR requirement as the existing residence (not yet demolished) is under the .5 FAR limit for residential homes in the R-5 district. Standard application of Land Use Code dimensional restrictions would require a minimum of 7.5 feet of footprint setback and an additional 5 feet of second story setback along the north property line.

The property to the south is built out within 5 feet of the property line and exceeds .5 FAR due to the small lot size and large sized structure. Under LUC 20.20.010 footnote 43.c when a property is abutted by an existing development in excess of the .5 FAR limitations the setback/stepback on that property boundary is waived. The applicant is requesting a variance of the 7.5 structure setback on the north and

south side down to 5 feet and elimination of the 5 foot second-story step back required by the design standards. A letter of agreement from the property to the north (Lynch residence) has been provided and demonstrates consistency with the patterns and expectations of the neighborhood. The Darrow site is also constrained by the shoreline critical area buffer, which limits their ability to extend the structure further to the west to comply with the structure setback and achieve a comparable home size.

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

### Geologic Hazards

#### **20.25H.125 Performance standards for landslide hazards and steep slopes**

The applicant is not proposing any development or construction within the critical area or critical area buffer. The applicant's geotechnical engineer has evaluated the slope and the proposed construction and recommends that the structure can safely be located within 15 feet of the toe of the steep slope without risk. No modification to the slope, toe of slope, or top of slope buffer is proposed or allowed as part of this permit.

### Shorelines

#### **20.25H.115 Shoreline Buffer Requirements**

The applicant has provided survey information necessary to reduce the shoreline buffer from the required 50-foot standard dimension for undeveloped sites (LUC 20.25H.115.B.1.a.i) to the allowed 25 foot minimum (LUC 20.25H.115.B.2.a). The setbacks on the adjacent properties to the north and the south, when connected through the "string test" process allowed by code, allow reduction to the 25 foot minimum buffer dimension. This reduction is allowed through the underlying permit (building permit) and no Critical Areas permit is required to make this adjustment. The applicant has verified that no activity, landscaping, or improvements will be made within the 25-foot shoreline buffer as part of this site redevelopment project outside of those allowed as routine maintenance through LUC 20.25H.055.C.3.h.

### Shorelines

#### **20.25E.080.Q Performance Standards for Residential Development**

The residential development regulations of the shoreline overlay district are being met. The home as proposed is under the 30-foot maximum height as measured from average existing grade. The proposal contains no proposal to modify the vegetation along the shoreline. The 25-foot buffer will be left untouched. No other structures or ancillary facilities are proposed.

## **C. Consistency with Critical Areas Report LUC 20.25.230.**

The applicant supplied a complete critical areas report in support of the proposed steep slope structure setback of 15 feet. The report met the minimum requirements in LUC 20.25H.250, and contained supporting information from a qualified geotechnical engineer that evaluated the steep slope critical area. Critical Areas Report Criteria for Steep Slope Critical Area Structure Setback reductions were met.

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

Variance Application Date: September 15, 2011  
Critical Areas Application Date: August 13, 2012  
Public Notice (500 feet): September 27, 2012  
Minimum Comment Period: October 11, 2012

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on September 27, 2012. 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. A letter of support of the project was provided by the applicant from the adjacent property owner to the north.

#### **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.

##### **Transportation**

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

#### **VI. State Environmental Policy Act (SEPA)**

The proposal is categorically exempt from SEPA review per WAC 197-11-800 for minor new construction of a single-family residence.

#### **VII. Changes to proposal as a result of City review**

The original proposal included a 2 foot north setback. This was modified to a minimum of 5 feet. No other changes to the proposal were made as a result of city review once required information and detail was provided (several revisions requests were made to the applicant causing the long life cycle of this project).

## VIII. Decision Criteria

### A. Variance from the Land Use Code – General Decision Criteria LUC 20.30G.140.A

The Directory may approve or approve with modifications an application for a variance from the Land Use Code if:

**1. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and land use district of the subject property; and**

**Finding:** As discussed in Section III of this report, the other properties in the vicinity are developed in manner consistent with the applicant's proposal. The requested variance does not constitute a granting of special privilege on the property.

**2. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and in the land use district of the subject property; and**

**Finding:** The variance is necessary because of the size and shape of the property. The square footage of the property is one of the smallest in the vicinity. Development potential on property is further constrained by the proximity of the sensitive natural features on both the east (steep slope) and the west (Lake Washington). The adjacent properties to the north are larger and have a greater ability to conform to the standards in the district.

**3. The granting of the variance will not be materially detrimental to property or improvements in the immediate vicinity of the subject property; and**

**Finding:** The variance will not be materially detrimental to property or improvements in the vicinity. The property to the north is currently being redeveloped (12-110695-LS & 12-132384-BS) within 5 feet of the property line and the home to the south is built to 5 feet from the property line. The requested variance will not negatively impact the development potential of the properties in the vicinity. There are no homes to the east and no views will be blocked.

**4. The variance is not inconsistent with the Comprehensive Plan; and**

**Finding:** The Comprehensive Plan has identified the area under review as single-family medium-density residential. The requested variance is consistent with this designation.

**POLICY SH-10.** Encourage development to keep the water's edge free of buildings.

**POLICY LU-9.** Maintain compatible use and design with the surrounding built environment when considering new development or redevelopment within an already developed area.

**POLICY LU-21.** Develop land use strategies to encourage the maintenance and updating of the city's older housing stock, so that neighborhoods are well-maintained and existing housing is preserved, updated, or modified to meet the evolving needs of

residents.

**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 modification of the steep slope critical area structure setback is at least as protective of the critical area functions and values because the shared private driveway crosses the site between the slope and the proposed home location.

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

**Finding:** This is a proposal to reduce a steep slope structure setback. No mitigation is required and no resources are needed aside from retention of the minimum 15 foot setback recommended by the geotechnical engineer of record.

**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:** This is a proposal to reduce a steep slope structure setback. No impact to functions is expected. No mitigation is required.

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

**Finding:** The resulting development of a single-family residential structure on the property is compatible with the other single-family residential structures in the neighborhood surrounding the subject property.

**C. 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 applicant is required to obtain a single-family residential building permit for the construction of the proposed residence.

**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 standard design and construction techniques for residential development. The construction techniques, along with required clearing and grading development standards will ensure the least impact on the steep slope critical area. The applicant has verified that no activity, landscaping, or improvements will be made within the 25 foot shoreline buffer as part of this site redevelopment project outside of those allowed as routine maintenance through LUC 20.25H.055.C.3.h.

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

**Finding:** With exception of the requested modifications to the steep slope critical area structure setback, the proposal is incorporating the other applicable performance standards of Part 20.25H. This is a proposal to reduce a steep slope structure setback. No impact to functions is expected. No mitigation is required.

**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. Nothing in the proposal will increase 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:** This is a proposal to reduce a steep slope structure setback. No impact to functions is expected. No mitigation is required.

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

**Finding:** As discussed in Section III and 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, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions the Variance from the Land Use Code and Critical Areas Land Use Permit to construct a new house**. Approval of this Variance and Critical Areas Land Use Permit does not constitute a permit for construction. A building permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.

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

**Note – Recording of Variance Required:** In accordance with LUC 20.40.500.B.1.a

the variance must be recorded with King County Department of Records and Elections within 60 days of final City approval. The variance expires if not recoded within 60 days of final approval (expiration of appeal period).

## 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	David Pyle, 425-452-2973
Noise Control- BCC 9.18	David Pyle, 425-452-2973

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

**1. Front Setback:** The front setback is reduced to a minimum of 2 feet from the edge of the eastern property line adjacent to Hazelwood Lane SE easement as found on the project site plan. The front yard setback shall be confirmed with a qualified surveyor before the foundation is poured as part of the required building permit.

Authority: Land Use Code 20.30G.115  
Reviewer: David Pyle, Land Use

**2. Height:** The proposed height is limited to a maximum of 28 feet 11 inches measured from average existing grade. This shall be verified by a spot elevation survey prior to the roof framing being completed. The height of the structure shall be confirmed by a qualified surveyor during the construction process as part of the required building permit.

Authority: Land Use Code 20.30G.115  
Reviewer: David Pyle, Land Use

**3. Side Yard Setbacks:** The side yard setback on the north and south side of the property is reduced to a minimum of 5 feet from the required 7.5 feet for a structure in excess of the 0.5 FAR threshold. This side yard setback shall be confirmed with a qualified surveyor before the foundation is completed as part of the required building permit.

Authority: Land Use Code 20.30G.115  
Reviewer: David Pyle, Land Use

**4. Structural Lot Coverage:** Structural lot coverage shall be increased from the maximum 40% allowed under LUC 20.20.010 to a maximum of 42%. Structural lot coverage shall be confirmed with a qualified surveyor before the foundation is completed as part of the required building permit.

Authority: Land Use Code 20.30G.115

Reviewer: David Pyle, Land Use

**5. Building Permit Required:** Approval of this Variance and Critical Areas Land Use Permit does not constitute an approval of a building permit. A building permit is required to be issued along with any other associated development permits. Plans submitted as part of any subsequent permit application shall be consistent with the activity permitted under this approval.

Authority: Land Use Code 20.30P.140  
Reviewer: David Pyle, Land Use

**6. Rainy Season restrictions:** Due to the proximity to Lake Washington, no clearing and grading activity may occur during the rainy season, which is defined as October 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A,  
Reviewer: Savina Uzunow, Clearing and Grading

**7. 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: David Pyle, Land Use

**8. 25-foot Shoreline Buffer:** No activity, landscaping, or improvements will be made within the 25 foot shoreline buffer as part of this site redevelopment project outside of those allowed as routine maintenance through LUC 20.25H.055.C.3.h.

Authority: Land Use Code 20.25H  
Reviewer: David Pyle, Land Use