



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

OPTIONAL DETERMINATION OF NON-SIGNIFICANCE (DNS) NOTICE MATERIALS

The attached materials are being sent to you pursuant to the requirements for the Optional DNS Process (WAC 197-11-355). A DNS on the attached proposal is likely. This may be the only opportunity to comment on environmental impacts of the proposal. Mitigation measures from standard codes will apply. Project review may require mitigation regardless of whether an EIS is prepared. A copy of the subsequent threshold determination for this proposal may be obtained upon request.

File No. 11-130013 LO
Project Name/Address: Harbison Residence
Planner: Heidi Bedwell
Phone Number: 425-452-4862

Minimum Comment Period: February 2, 2012; 5 p.m.

Materials included in this Notice:

- Blue Bulletin
- Checklist
- Vicinity Map
- Plans
- Other:

ENVIRONMENTAL CHECKLIST

10/7/11

If you need assistance in completing the checklist or have any questions regarding the environmental review process, please visit or call the Permit Center (425-452-6864) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4). Our TTY number is 425-452-4636.

BACKGROUND INFORMATION

Property Owner: **Ellen Harbison**

Proponent: **MacPherson Construction & Design**

Contact Person: **Robert H. Sorensen AIA**

(If different from the owner. All questions and correspondence will be directed to the individual listed.)

Address: **21626 S.E. 28th Street Sammamish, WA 98075**

Phone: **(425) 391-3333**

Proposal Title: **Harbison Residence Garage/Studio**

Proposal Location: **1820 West Lake Sammamish Parkway NE**

(Street address and nearest cross street or intersection) Provide a legal description if available.

See attached

Please attach an 8 ½" x 11" vicinity map that accurately locates the proposal site.

Give an accurate, brief description of the proposal's scope and nature:

1. General description: **Slope Enhancement for a Single Family Residence**
2. Acreage of site: **.35A**
3. Number of dwelling units/buildings to be demolished: **N/A**
4. Number of dwelling units/buildings to be constructed: **N/A**
5. Square footage of buildings to be demolished: **900 SF**
6. Square footage of buildings to be constructed: **1,731 SF**
7. Quantity of earth movement (in cubic yards): **<10 CY**
8. Proposed land use: **Single Family Residential**
9. Design features, including building height, number of stories and proposed exterior materials:

Two story Garage/Studio building on steep slope, ±23' high at street, wood/shingle siding with metal roof. (Match existing primary structure).
10. Other

Estimated date of completion of the proposal or timing of phasing:

Construction: Summer-fall 2012.

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No future plans

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Critical Areas Report & Land Use actions; SEPA checklist; Building Permit documents

Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. List dates applied for and file numbers, if known.

None known

List any government approvals or permits that will be needed for your proposal, if known. If permits have been applied for, list application date and file numbers, if known.

Critical Areas Land Use approval

Please provide one or more of the following exhibits, if applicable to your proposal. (Please check appropriate box(es) for exhibits submitted with your proposal):

- Land Use Reclassification (rezone) Map of existing and proposed zoning
- Preliminary Plat or Planned Unit Development
Preliminary plat map
- Clearing & Grading Permit
Plan of existing and proposed grading
Development plans
- Building Permit (or Design Review)
Site plan
Clearing & grading plan
- Shoreline Management Permit
Site plan

A. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site: Flat Rolling Hilly Steep slopes Mountains Other
- b. What is the steepest slope on the site (approximate percent slope)? **+/-40%**
- c. What general types of soil are found on the site (for example, clay, sand, gravel, peat, and muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

See attached Geotechnical Review by Yonemitsu Geological Services; Sept. 15, 2010.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

NO

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

Minimal excavation for new Garage structure; balanced excavation, no export or import other than drainage materials and landscape materials.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Erosion is always a possibility with clearing and excavating in the Pacific Northwest.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Less than 50% per COB LUC. (currently Proposed at 37.1%)

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

All normal measures will be taken to protect against erosion; TESC program will be in place and monitored.

2. AIR

a. What types of emissions to the air would result from the proposal (i.e. dust, automobile odors, and industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Normal emissions from construction equipment during construction; emissions from completed project will be normal for Single Family Residence.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

None that we are aware of.

c. Proposed measures to reduce or control emissions or other impacts to the air, if any:

None other than use of low-emission equipment where applicable and available.

3. WATER

a. Surface

(1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Lake Sammamish on easterly end of site, ± 120 feet from proposed work.

(2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If Yes, please describe and attach available plans.

Proposed work will be within 150 feet of shoreline (See attached plans)

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None

- (4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No

- (5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No

- (6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No

b. Ground

- (1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description.

No

- (2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.) Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None

c. Water Runoff (Including storm water)

- (1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Storm water runoff will be collected into the existing tight-line system utilizing oil-water separator catch basins where appropriate; and discharged directly into Lake Sammamish.

- (2) Could waste materials enter ground or surface waters? If so, generally describe.

Oil-water separator catch basins will be used where appropriate.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

Storm water runoff will be collected where appropriate into the existing tight-line system and discharged directly into Lake Sammamish.

4. Plants

a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Non-native invasive plants will be removed from Critical Areas.

c. List threatened or endangered species known to be on or near the site.

None noted

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Restoration of Critical Areas per the attached Slope Enhancement Plan.

5. ANIMALS

a. Check or circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

- Birds: hawk, heron, eagle, songbirds, other:
- Mammals: deer, bear, elk, beaver, other:
- Fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

None noted

c. Is the site part of a migration route? If so, explain.

Not known

d. Proposed measures to preserve or enhance wildlife, if any:

Critical Areas clean-up and restoration. See Critical Areas Report (CAR).

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy need? Describe whether it will be used for heating, manufacturing, etc.

Electricity and Natural Gas will be used to heat & light the structure.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Not likely as trees are more of a deterrent than the building.

- b. What kinds of energy conservation features are included in the plans of the proposal? List other proposed measures to reduce or control energy impacts, if any:

Natural daylighting is provided through generous use of glazing and skylights. Energy efficient equipment and controls will be used.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

Unlikely, only as might occur on any construction site.

- (1) Describe special emergency services that might be required.

Only normal fire & rescue services in the event of an incident.

- (2) Proposed measures to reduce or control environmental health hazards, if any.

Construction site safety programs in place and aggressively administered.

- b. Noise

- (1) What types of noise exist in the area which may affect your project (for example, traffic, equipment, operation, other)?

None

- (2) What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example, traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Normal construction noises during construction. Contractors will abide by COB construction noise ordinances. No long term noise.

- (3) Proposed measures to reduce or control noise impacts, if any:

Normal measures to control & limit noise during construction.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?

Single Family Residential

b. Has the site been used for agriculture? If so, describe.

No

c. Describe any structures on the site.

Existing SFR & accessory structures.

d. Will any structures be demolished? If so, what?

Yes, existing Garage roof structure. Walls, floor & foundation will be retained for incorporation into the new structure to the extent possible.

e. What is the current zoning classification of the site?

R2.5

f. What is the current comprehensive plan designation of the site?

Single Family, Medium Density SF-M

g. If applicable, what is the current shoreline master program designation of the site?

N/A

h. Has any part of the site been classified as an “environmentally sensitive” area? If so, specify.

Yes, steep slopes. See attached reports.

i. Approximately how many people would reside or work in the completed project?

None in the proposed Garage/Studio. This is accessory to the existing SFR.

j. Approximately how many people would the completed project displace?

None

k. Proposed measures to avoid or reduce displacement impacts, if any:

N/A

i. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Normal Land Use Permit processes.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

One (existing) middle/high income residence.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None

- c. Proposed measures to reduce or control housing impacts, if any:

None

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

±23 feet high at street front; composite siding & metal roofing to match existing SFR.

- b. What views in the immediate vicinity would be altered or obstructed?

No views will be obstructed. Agreements To Increase Building Height Of An Accessory Structure To Maximum Allowed In Land Use District have been received from each neighboring property owner and have been recorded on title.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

Tastefully designed building by a respected local Architect.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Some normal outdoor lighting will be in place on the new garage and driveway; used mainly during the early evening hours. Possibly some 24 hour security lighting.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

Highly unlikely.

- c. What existing off-site sources of light or glare may affect your proposal?

None that we are aware of.

- d. Proposed measures to reduce or control light or glare impacts, if any:

Use of shielded (dark-sky) fixtures where appropriate and applicable.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Lake Sammamish

- b. Would the proposed project displace any existing recreational uses? If so, describe.

No

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None

13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

No

- b. Generally describe any landmarks or evidence of historic, archeological, scientific, or cultural importance known to be on or next to the site.

None

- c. Proposed measures to reduce or control impacts, if any:

None necessary

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

Existing (shared) drive off West Lake Sammamish Parkway.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Unknown

- c. How many parking spaces would be completed project have? How many would the project eliminate?

3 new spaces, replaces the existing 3 spaces.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

No

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

No new trips. Existing generally 2 to 5 daily trips.

- g. Proposed measures to reduce or control transportation impacts, if any:

None

15. Public Services

- a. Would the project result in an increased need for the public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

No, replacing existing structure.

b. Proposed measures to reduce or control direct impacts on public services, if any.

None

16. Utilities

a. Circle utilities currently available at the site: **electricity, natural gas, water, refuse service, telephone, sanitary sewer**, septic system, other.

Cable TV

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Existing Utilities will be used for new Garage/Studio.

Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature.....

Date Submitted.....

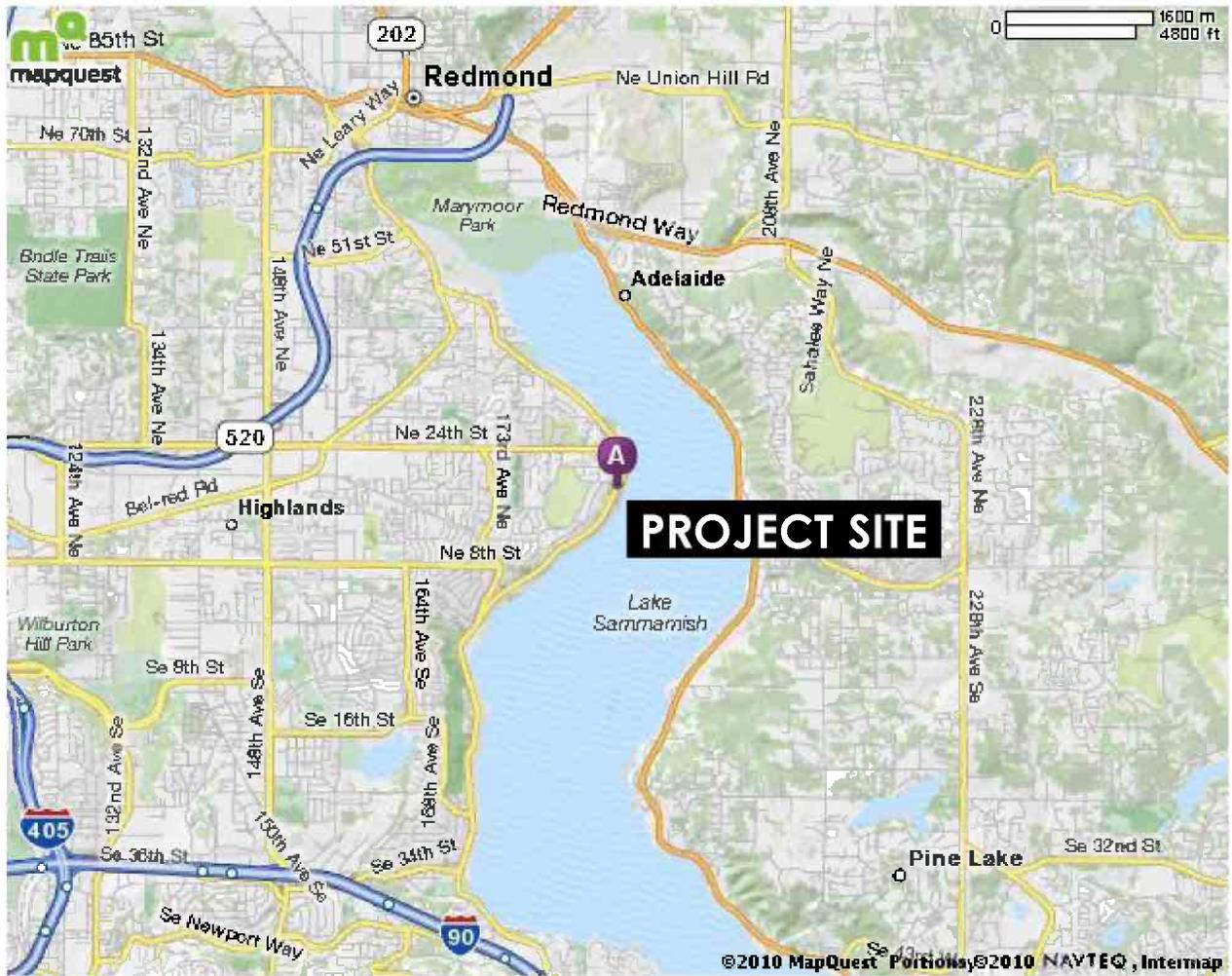
HARBISON GARAGE/STUDIO
1820 W. Lake Sammamish Parkway N.E.
(Mallard Lane)
Bellevue, WA 98008
King County Parcel # 743050-0045

LEGAL DESCRIPTION

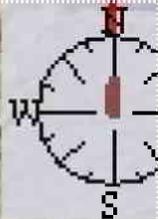
THAT PORTION OF LOT 10 AND THE SOUTH HALF OF LOT 9, ROSEMONT BEACH,
ACCORDING TO THE PLAT THEREOF, RECORDED I VOLUME 34 OF PLATS, PAGE 28, IN
KING COUNTY, WASHINGTON;

EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 10,
THENCE SOUTH $70^{\circ}54'35''$ EACH 138.08 FEET ALONG THE SOUTHWESTERLY LINE OF SAID
LOT 10,
THENCE NORTH $19^{\circ}05'25''$ EAST 74.77 FEET,
THENCE NORTH $70^{\circ}54'35''$ WEST 102.19 FEET ALONG THE NORTH LINE OF THE SOUTH HALF
OF SAID LOT 9 TO THE EASTERLY RIGHT OF WAY MARGIN OF WEST LAKE SAMMAMISH
BOULEVARD NORTH, THENCE SOUTH $31^{\circ}05'25''$ EAST 76.43 FEET ALONG SAID MARGIN TO
THE POINT OF BEGINNING.



VICINITY MAP





CRITICAL AREAS REPORT

FOR

**Modifications to an Accessory Structure located
Completely within a Steep Slope Area**
Harbison residence Garage/Studio

1820 West Lake Sammamish Parkway NE
Bellevue, Washington 98008

November 28, 2011

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PROJECT TEAM

TEAM LEAD, ARCHITECT & GENERAL CONTRACTOR:

MacPherson Construction & Design, LLC
21626 S.E. 28th. Street
Sammamish, WA 98075
(425) 391-3333
Contact: Robert Sorensen, Architect
bob@macphersonconstruction.com

GEOTECHNICAL ENGINEER:

Yonemitsu Geological Services
10321 S.E. 192nd. Street
Renton, WA 98055
(425) 814-3970
Contact: Robert Pride, P.E.
mpgeo@aol.com

STRUCTURAL ENGINEER:

Quantum Consulting Engineers
1511 Third Avenue, Suite 323
Seattle, WA 98101
(206) 957-3900
Contact: Jack H. Wiggins, P.E., S.E.
JWiggins@quantumce.com

ENVIRONMENTAL CONSULTANT & LANDSCAPE DESIGN:

Altmann Oliver Associates, LLC
P.O.Box 578
Carnation, WA 98014
(425) 333-4535
Contact: John Altmann, Ecologist
John@altoliver.com

HOMEOWNER:

Ellen Harbison
1820 West Lake Sammamish Parkway NE
Bellevue, WA 98008
Ellesbeads@aol.com

INTRODUCTION AND SCOPE OF PROPOSAL

This proposal is requesting approval to renovate and expand (vertically) an existing non-conforming accessory structure, located totally within a steep slope critical area, pursuant to **LUC 20.20.560.A.2**.

The existing Garage is a one story structure, 30'x30' in size, sitting on an elaborate system of posts & beams, raised above the steep slope. The foundation consists of a conventional spread footing & stem wall at the west side (automobile entrance) of the structure and a series of 3'x3'(±) concrete footings on a 10'x10' grid supporting timber posts and diagonal bracing beneath the rest of the building. The posts vary in height from 6' to 16'. The area beneath the Garage is open to the air, but due to the lack of rainwater and sunshine, is devoid of any significant vegetation. Adjacent to the Garage is a mechanical tram and concrete stairway for accessing the primary residence at the bottom of the slope.

The scope of the work includes removing the roof from the existing Garage and constructing a new upper floor, walls and roof to enclose a new Studio area. We will also be strengthening the existing Foundation system as required to support the added loads. **This expansion will be limited to the existing footprint area.** We will clean and restore any disturbed areas of the steep slope with plantings and features consistent with good slope stabilization practices. The increase in height from the prescriptive 15' to the proposed 33' is in accordance with **LUC 20.20.125.F.1** and is accompanied by recorded letters of Agreement To Increase Building Height Of An Accessory Structure To Maximum Allowed In Land Use District from each abutting property owner.

This proposal will result in no net increase of Impervious Area or Lot Coverage within the steep slope area or the property in general.

CRITICAL AREAS AFFECTED

The critical areas affected by this proposal consist of a steep slope area running eastward from West Lake Sammamish Parkway approximately 400 feet and extending to both north and south side property lines and beyond. This slope is bisected at the west side of the proposed Garage/Studio by an asphalt & concrete access drive (Mallard Lane) which serves other residences along the shoreline. This condition has existed for decades with no evidence of any negative impact to the slope or the downslope structures. The critical areas are depicted on the **SITE PLAN**, Page G. The northern and southern property boundaries abut other single family residences; the eastern property boundary abuts Lake Sammamish although the lake shore is more than 120 feet away from this proposed work. The intervening area consists of the existing Single Family residence and associated mature landscaping. See the **Site Photographs of Existing Conditions** Appendix E.

RELEVANT CODE SECTIONS

Relevant code sections include:

- 20.20.010.** Uses in land use districts Dimensional Requirements.
- 20.20.030.** Designation & measurement of required setbacks.
- 20.20.125.** Accessory structures in residential districts - Detached.
- 20.20.560.** Non-conforming structures, uses & sites.
- 20.25H.120.** Designation of critical area and buffers (Geologic Hazard Areas).
- 20.25H.135** Mitigation and Monitoring – Additional provisions for landslide hazards and Steep Slopes.
- 20.25H.140** Critical areas report – Additional provisions for landslide hazards and steep slopes.
- 20.25H.145** Critical areas report – Approval of modification.
- 20.25H.220.** Mitigation and restoration plan requirements.
- 20.25H.250** Critical areas report – Submittal requirements.
- 20.25H.255** Critical areas report – Decision criteria.
- 20.30P.140** Decision criteria for a Critical Areas Land Use Permit.

The criteria and requirements of these sections has been addressed and justifications given in detail in the following section.

PROJECT DESCRIPTION:

The scope of this project is to add a second level above an existing Garage, accessory to a single family residence. The added area is intended for an Artists Studio for the property resident/owner. The entire structure will receive new siding, windows, doors and roof structure. Structural modifications to the existing supporting structure will be made as necessary for the proposed work as recommended by the Structural and Geotechnical Engineers. The proposal will not increase lot coverage or impervious areas, only the building height will be affected by this work.

The increase in height from the prescriptive 15' to the proposed 33' is in accordance with **LUC 20.20.125.F.1** and is accompanied by recorded letters of Agreement To Increase Building Height Of An Accessory Structure To Maximum Allowed In Land Use District from each abutting property owner.

The total cost of the work of this project will not exceed 100% of the established replacement value of the existing legally non-conforming structure. The replacement value of the existing structure has been established as **\$146,216.75** (not including taxes). See attached valuation estimate and related correspondence from the city which establishes this value.

SEE THE ATTACHED SCOPE DRAWINGS.

JUSTIFICATIONS & CODE RESPONSE

AVOIDANCE: Since this proposal to renovate and expand (vertically) an existing legally non-conforming structure without any increase of lot coverage or impervious area within the steep slope areas we have effectively avoided any new adverse impact to the critical steep slope areas.

MINIMIZATION: The work of this project will be conducted with great care so as to minimize any adverse collateral impact to the steep slope areas surrounding this existing structure. Any work done at ground level will be carefully controlled, kept to the extent possible, within the existing footprint, and the surrounding critical areas will be delineated and protected from inadvertent damage. Any disturbances will be corrected and restored to existing or improved condition.

MITIGATION: Since there is no work proposed that will affect the critical areas beyond the existing building footprint, mitigation is not required. However, any areas inadvertently impacted will be restored to their existing condition or improved in accordance with the proposed restoration plan.

Further discussion and justifications for each of the applicable code sections is provided in interlineated format below:

RESPONSE TO PRE-REVIEW COMMENTS FROM AUGUST 6, 2010 MEETING

General Land Use Code Requirements

In addition to the limitations presented by Critical Areas restrictions, this structure is also subject to basic Land Use controls including structural lot coverage limitations, impervious surface limitations, and accessory structure limitations. When developing permit submittal information, please include information regarding compliance with the following:

Structural Lot Coverage: Under LUC 20.20.010(13) lot coverage is calculated after subtracting critical areas from gross lot area. Please consult with a professional licensed surveyor to develop a site plan that identifies and delineated the steep slope critical areas. Deduct protected slope areas from the gross lot area for the purpose of determining allowed structural lot coverage. Structural lot coverage for this site is governed by LUC 20.20.010 as 35%. An excess of lot coverage beyond the allowed 35% places this site in a non-conforming status.

*The site was surveyed by ESM Consulting Engineers, LLC and is presented in the Boundary & Topographic Survey Plan dated 7/06/2010. This Survey was incorporated into the Site Plan A1.0 and the Lot Coverage was calculated, graphically delineated and is noted on this Site Plan. The Existing Lot Coverage is 34.4% of the net Lot Area. This proposal does **NOT** propose any new Lot Coverage.*

Structure Setbacks: This property is served from an access easement that crosses the north western portion of the property. In accordance with LUC 20.20.030, the north west property line is considered the front property line. The front yard setback for this site (R-2.5) is 20 feet. Please be aware that under LUC 20.20.030.D setbacks are measured from the interior edge of an access easement or driveway. Please consult with a professional licensed surveyor to identify and delineate the location of the access easement or driveway. If no formal easement is available, the edge of the access driveway pavement is typically used a reference point. Please be sure to properly label either the easement or edge of pavement on the site plans. Please also note that under LUC 20.20.010(17) the minimum setback abutting an access easement or private road is specified as 10 feet unless a more restrictive setback is specified (in this case the front yard setback is 20 feet). Not meeting the required setback places the property in a non-conforming status.

*The site was surveyed by ESM Consulting Engineers, LLC and is presented in the Boundary & Topographic Survey Plan dated 7/06/2010. This Survey was incorporated into the Site Plan A1.0 and the Structure Setbacks are graphically delineated and shown on this Site Plan. The proposed work will all occur within the existing building footprint and will **NOT** increase any existing legal non-conformity.*

Impervious Surface Limitations: Impervious surface limitations for this site are governed by LUC 20.20.010 as 50%. Impervious surface is calculated based on gross lot area. An excess of impervious surface places this site in a non-conforming status.

*The site was surveyed by ESM Consulting Engineers, LLC and is presented in the Boundary & Topographic Survey Plan dated 7/06/2010. This Survey was incorporated into the Site Plan A1.0 and the Impervious Area was calculated, graphically delineated and is noted on this Site Plan. The Existing Impervious Area is 37.1% of the gross Lot Area. This proposal does **NOT** propose any new Impervious Area.*

Accessory Structure Limitations: Accessory structures are regulated by LUC 20.20.125. Accessory structures are typically limited to 15 feet in height, are limited to 10% lot coverage, and must meet required setbacks. LUC 20.20.125.F allows for an exception to structure height although neighbor permission is required. There is no exception to the required 20 foot front yard setback, although this structure may remain in its current location as legally non-conforming. See below for a summary of non-conforming status.

The proposed work includes the vertical expansion of the existing Accessory Structure. To achieve the desired second floor Studio, the height of the structure must increase beyond the prescriptive 15 foot limit. In accordance with LUC 20.20.125.F we have obtained and recorded letters of Agreement To Increase Building Height Of An Accessory Structure To Maximum Allowed In Land Use District from each abutting property owner (see Appendix E). The proposed height of the new structure is 33 feet above the Average Existing & Finish Grade (35 feet is allowed).

Non-Conforming Status: The accessory structure to be modified as part of this proposal is currently legally non-conforming with respect to setbacks and critical areas. As a legally non-conforming structure this accessory garage may be maintained and modified if critical areas standards are met, if the modifications do not increase the level of non-conformity, and if the value of improvements do not exceed 100% of the replacement value of the structure.

As this proposal does not include the expansion of the footprint or an increase in the level of nonconformity, the structure may remain in its current location subject to the limitations established in LUC 20.20.560 including a limit on value of improvement described in LUC 20.20.560.A.2 which limits the value of improvements to less than 100% of the existing structure replacement cost. Please note that under LUC 20.20.560.A.3, a non-conforming structure may be expanded if it conforms to the requirements of the code for that modification requested. For example, the height of this structure may be increased if it conforms to the height limitations for accessory structures (including consideration of the exception process). Similarly, the footprint of the structure may not be expanded where it expands the level of nonconformity for setbacks or lot coverage.

Please note that due to the scope of work proposed, we will allow the increased height as provided by LUC 20.20.125.F if:

- 1) You obtain permission from the neighbor in accordance with LUC 20.20.125.F.1; and
- 2) The value of the improvements are less than 100% of the replacement value of the structure in accordance with LUC 20.20.560.A.2. Value is documented using the Marshall Swift valuation methodology and requires concurrence from the City.

NOTE: We strongly recommend you complete the Marshal Swift valuation process and obtain City concurrence with identified value in advance of project design and permit submittal to ensure the proposed scope of work is less than 100% of the replacement value of the structure. If the value of the work proposed exceeds 100% of the replacement value of the structure the scope of work may need to be modified to lower the value of improvements below 100% of the structures replacement value.

*As requested, we went to Marshal Swift to establish the replacement value of the existing structure. It became readily apparent that the Marshal Swift program was insufficient to assess the true value of the unique aspects of the existing structure. After discussions with David Pyle and other Bellevue Planning staff it was agreed that MacPherson Construction & Design, LLC would prepare a detailed estimate of the replacement value of the existing structure for the City of Bellevue staff to review and approve. This was done (see Appendix A) and the replacement value of the existing structure was set at **\$146,216.75** (before adding sales tax). The cost of the proposed work has been similarly estimated at **\$144,488.05**, less than the replacement value.*

20.25H.255 Critical areas report – Decision criteria.

A. General.

Except for the proposals described in subsection B of this section, 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;

This proposal is to expand an existing legally non-conforming structure vertically, within the existing footprint, with no adverse impact to any Critical Area therefore the Critical Area functions and values remain unchanged.

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

Any unintended collateral damage to Critical Areas will be restored in-kind as soon as practical during the construction process and will be fully completed before Final Inspection.

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

This proposal is to expand an existing legally non-conforming structure vertically, within the existing footprint, with no added impact to any Critical Area or Critical Area Buffer, on or off site, therefore the Critical Area functions and values remain unchanged or improved through any mitigation or restoration that may occur.

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

The proposed structure modifications are non inconsistent with like structures in the immediate neighborhood. The increased height has been presented to the neighbors and we have received and recorded letters of Agreement To Increase Building Height Of An Accessory Structure To Maximum Allowed In Land Use District from each abutting property owner (see Appendix E).

20.30P.140 Decision criteria.

The Director may approve or approve with modifications an application for a Critical Areas Land Use Permit if:

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

It is our intent to apply for the Construction Permits for the new Garage/Studio concurrently with this Critical areas Report.

B. 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; and

It is our desire to utilize low-impact construction techniques and environmentally friendly products to the extent feasible. (Note: Due to the cost limitations noted on page 10, use of these techniques and products may not be possible.)

C. The proposal incorporates the performance standards of Part [20.25H](#) LUC to the maximum extent applicable; and

See responses below.

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;*

This proposal is for a vertical expansion to an existing legally non-conforming Accessory Structure. The existing foundation system will be retained and used with only minor modification for added vertical and lateral loading and to meet current code requirements. The scope of this work is indicated on the Structural drawings and the methods will be initiated to minimize any impact to the existing slope condition.

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

All work will be within the existing building footprint to the extent possible.

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

All work will be within the existing building footprint. Foundation work will be minimal.

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;*

No new retaining devices are proposed.

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

No new impervious areas are included in this proposal.

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;

No changes in grade are proposed or allowed under the terms of this expansion of an existing legally non-conforming structure.

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;

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;

Not applicable in this case.

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

Not applicable in this case.

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.

No undeveloped areas are proposed to be disturbed. Any unintended disturbances will be cleaned and restored as required in the course of the construction work.

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

Streets, utilities and public services already exist in the area.

- E. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC [20.25H.210](#); except that a proposal to modify or remove vegetation pursuant to an approved Vegetation Management Plan under LUC [20.25H.055.C.3.i](#) shall not require a mitigation or restoration plan; and

No mitigation is proposed since all disruption will occur within the footprint of the existing building. Any unintended collateral damage to Critical Areas will be restored in-kind.

- F. The proposal complies with other applicable requirements of this code.

We have addressed all other code related requirements to assure full compliance.

REFERENCE APPENDICIES

A Pre-Application Correspondence & Existing Structure Valuation

With Kevin LeClair, dated August, 2010 thru January 4, 2011

B Geotechnical Review

by Yonemitsu Geological Services, dated September 15, 2010

C Site Photographs of Existing Conditions

D Environmental Checklist

By MacPherson Construction & Design, LLC, dated 10/7/11

E Recorded Agreements to Increase Building Height Of An Accessory Structure To Maximum Allowed In Land Use District

F Topographic Survey

By ESM Consulting Engineers, LLC, dated 07/06/2010

G Site Plan

By MacPherson Construction & Design, LLC, dated 10/03/11