



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

Proposal Name: Steel Residence Deck Construction

Proposal Address: 1432 187th Ave NE

Proposal Description: Approval of a Critical Areas Land Use Permit to allow modification of a top of slope buffer to construct a replacement residential deck within a landscaped lawn area. The approval is subject to geotechnical engineering design requirements.

File Number: 13-112583-LO

Applicant: Lianne Mock, H. Macke Construction (Owner's Agent)

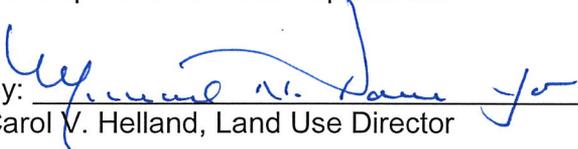
Decisions Included Critical Areas Land Use Permit
(Process II. 20.30P)

Planner: David Pyle, Land Use Planner

**State Environmental Policy Act
Threshold Determination:** Exempt

Director's Decision: **Approval with Conditions**

Michael A. Brennan, Director
Development Services Department

By: 
Carol V. Helland, Land Use Director

Application Date: April 15, 2013
Notice of Application Date: May 2, 2013
Decision Publication Date: June 27, 2013
Project Appeal Deadline: July 11, 2013

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. 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

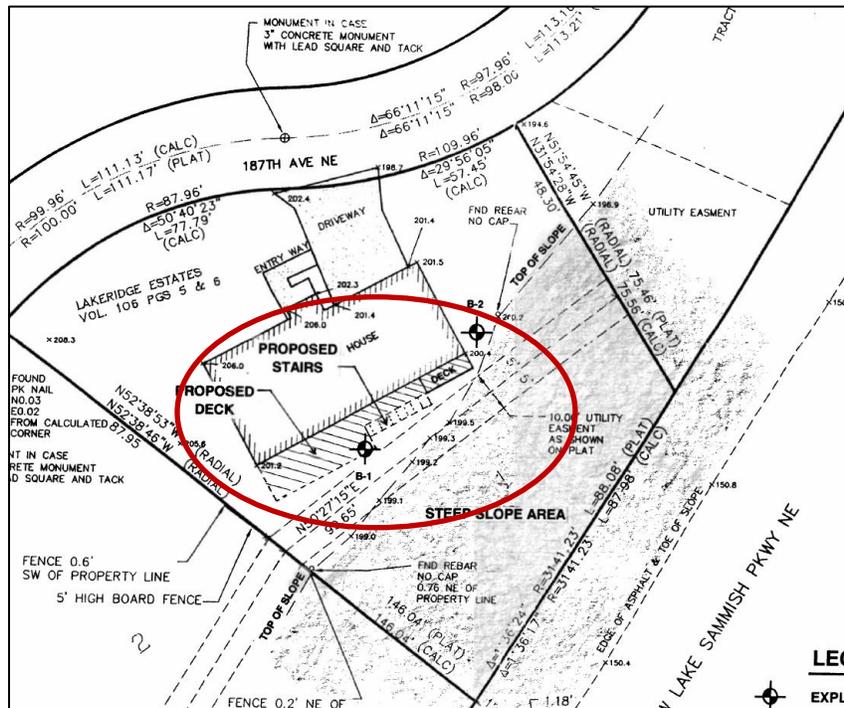
1. Geotechnical Report – In File

I. Proposal Description

The applicant proposes to reconstruct and enlarge a previously demolished residential deck at 1432 187th Ave NE. The deck was removed due to safety concerns, was not immediately reconstructed, and is subject to approval of a Critical Areas Land Use Permit for the improvements to be allowed within proximity to steep slope critical areas. There is no proposal to modify steep slope areas and all work will be contained to areas outside of the protected slope and within the top of slope buffer. The new deck will be attached to the existing home and will follow design requirements outlined in the project geotechnical report authored by Geo Group Northwest, Inc. dated March 25, 2013 and included as Attachment 1 to this staff report. See Figure 1 below for a site plan showing the proposal.

Figure 1

(Full Size Version In Project File)



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

A. Site Description

The subject property is located off 187th Ave NE and upslope from West Lake Sammamish Parkway NE. A protected steep slope critical area separates the property from West Lake Sammamish Parkway. The deck is proposed to be constructed at the top of the slope. The area where the deck will be built is currently cleared and maintained as mowed lawn. A deck previously occupied the area before it was removed due to safety concerns. A utility easement crosses the property between the area where the proposed deck will be constructed and the protected slope area. No vegetation (aside from sod/lawn) will be removed as part of this project. An oblique photo of the subject site is included below as Figure 2.

Figure 2



B. Zoning

The property is zoned R-3.5, single-family residential and the proposed residential deck addition is consistent with the primary single family use.

C. Land Use Context

The property has a Comprehensive plan Land Use Designation of SF-M (Single Family Medium Density). The proposed residential deck addition is consistent with this land use designation.

D. Critical Areas On-Site and Regulations

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 R-3.5 zoning dimensional requirements found in LUC 20.20.010 apply to the proposed residential deck addition. The plans submitted generally demonstrate conformance with zoning dimensional standards, however conformance will be verified during construction permit review. Of particular concern is compliance with structural lot coverage limitations (LUC 20.20.010 Footnote 13). The proposed structural addition appears to be in compliance with the 35% limitation.

B. Critical Areas Requirements LUC 20.25H:

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes performance standards and procedures that apply to development on any site which contains in whole or in part any portion designated as critical area, critical area buffer or structure setback from a critical area or buffer. The proposed residential deck addition will modify the 50-foot top-of-slope buffer. The project is subject to the performance standards found in LUC 20.25H.125 which are included below.

i. Consistency with LUC 20.25H.125

Development within a landslide hazard or steep slope critical area or the critical area buffers of such hazards shall incorporate the following additional performance standards in design of the development, as applicable. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function.

1. 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;

The proposed residential deck addition is not proposed within a steep slope critical area. The proposed residential deck is located in a gently sloping area at the top of the protected slope area and is currently landscaped with a maintained lawn.

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

No construction is proposed in the steep slope critical area and the only vegetation impacted is the existing lawn where the residential deck is proposed to be located.

3. The proposed development shall not result in greater risk or a need for

increased buffers on neighboring properties;

The project geotechnical engineer (Geo Group Northwest, Inc.) reviewed the proposal and provided recommendations. The project Geotechnical Report, including construction recommendations, is included as Attachment 1. The applicant is required to follow the recommendations included in the project geotechnical report, which shall be verified by an inspection made by a qualified geotechnical engineer. **See Conditions of Approval in Section X of this report.**

- 4. 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;**

The proposed residential deck is incorporated into the existing topography of the lawn area through the use of posts and footings.

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

The proposed residential deck is not considered impervious surface and does not cause for removal of native vegetation or disturbance of native soils.

- 6. 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;**

The proposed residential deck is designed to minimize topographic modification through the use of posts, piers, and piles and is not located in a steep slope critical area.

- 7. 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;**

The proposed deck will be attached to the house and will follow design requirements outlined in the project geotechnical report authored by Geo Group Northwest, Inc. dated March 25, 2013 and included as Attachment 1 to this staff report.

- 8. 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;**

No enclosed structure is proposed. The deck will be supported by posts and will conform to the existing topography. No grading is proposed.

9. 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

No parking area or garage is proposed. The proposed deck is to be built in accordance with the project geotechnical report authored by Geo Group Northwest, Inc. dated March 25, 2013 and included as Attachment 1 to this staff report.

10. 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.

This is a proposal to locate a new residential deck addition in an area currently landscaped with a maintained lawn. No new disturbance is proposed. There is a utilities easement that crosses the property adjacent to the proposed deck location. Due to the easement and associated maintenance it is unlikely that the area between the home and the protected slope area will become naturally transform to native vegetation over time.

IV. Public Notice and Comment

Application Date:	April 15, 2013
Public Notice (500 feet):	May 2, 2013
Minimum Comment Period:	May 16, 2013

The Notice of Application for this project was published the City of Bellevue Weekly Permit Bulletin on May 2, 2013. It was mailed to property owners within 500 feet of the project site. No comments were received.

V. Summary of Technical Reviews

A. Clearing and Grading

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development and has approved the application.

VI. Changes to Proposal Due to Staff Review

No changes were requested.

VII. Decision Criteria

A. 20.25H.255.B Critical Areas Report Decision Criteria

The Director may approve, or approve with modifications, a proposal to reduce the regulated critical area buffer on a site where the applicant demonstrates:

- 1. The proposal includes plans for restoration of degraded critical area or critical area buffer functions which demonstrate a net gain in overall critical area or critical area buffer functions;**

This is a proposal to locate a residential deck addition in an area currently landscaped with a maintained lawn. No new disturbance is proposed. The applicant has provided supporting documentation in the form of a geotechnical report that demonstrates that with appropriate design the proposed residential deck addition will not reduce slope stability. No additional landscaping is proposed and the proposed residential deck addition replaces an existing lawn area and does not cause for removal of native vegetation or disturbance of native soils. No impact outside of the area of existing lawn is proposed.

- 2. The proposal includes plans for restoration of degraded critical area or critical area buffer functions which demonstrate a net gain in the most important critical area or critical area buffer functions to the ecosystem in which they exist;**

The most important critical area function for the slopes on this site which are slope stability and erosion control are maintained as identified through construction recommendations made in the project geotechnical report.

- 3. The proposal includes a net gain in stormwater quality function by the critical area buffer or by elements of the development proposal outside of the reduced regulated critical area buffer;**

This is a proposal to locate a residential deck addition in an area currently landscaped with a maintained lawn. No new disturbance is proposed.

- 4. Adequate resources to ensure completion of any required restoration, mitigation and monitoring efforts;**

This is a proposal to locate a residential deck addition in an area currently landscaped with a maintained lawn. No new disturbance is proposed. Outside of deck installation, no resources are required.

- 5. 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**

The modifications and performance measures in this proposal are not detrimental to the functions and values of the steep slope.

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

The proposed modifications to the yard area to install a residential deck addition are allowed in this zone and are compatible with adjacent land uses. Noise generated by construction of the deck is limited to 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. **See Conditions of Approval in Section X of this report.**

B. 20.30P.140 Critical Area Land Use Permit Decision Criteria – Decision Criteria

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

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

The applicant must obtain required development permits. A construction permit is required. **See Conditions of Approval in Section X of this report.**

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.

The residential deck addition utilizes the best available construction, design, and development techniques. The project geotechnical engineer (Geo Group Northwest, Inc.) reviewed the proposal and provided recommendations. The project Geotechnical Report, including construction recommendations, is included as Attachment 1. The applicant is required to follow the recommendations included in the project geotechnical report, which shall be verified by an inspection made by a qualified geotechnical engineer. **See Conditions of Approval in Section X of this report.**

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

As discussed in Section III of this report, the applicable performance standards of LUC Section 20.25H are being met.

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

The proposed activity will not impact public facilities.

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

This is a proposal to locate a residential deck addition in an area currently landscaped with a maintained lawn. No new disturbance is proposed and no mitigation measures outside of those required by the project geotechnical report are required. The applicant is required to follow the recommendations included in the project geotechnical report, which shall be verified by an inspection made by a qualified geotechnical engineer. **See Conditions of Approval in Section X of this report.**

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

As discussed in this report, the proposal complies with all other applicable requirements of the Land Use Code.

VIII. 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 modification of the 50-foot top-of-slope buffer to construct a residential deck addition within a steep slope critical area top of slope buffer. **Approval of this Critical Areas Land Use Permit does not constitute a permit for construction. A building permit, clearing and grading permit, and/or utility 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 building permit or other necessary development permits within one year of the effective date of the approval.

IX. 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 Title 20	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. Building Permit:** Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. A building permit for the deck is required.

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

- 2. Approved Buffer and Structure Setback Modification:** The buffer modification approved is for the construction of the residential deck addition only as depicted in the project site plan and does not authorize additional site changes outside of this project scope. This modification does not allow future structures or improvements to be located in the buffer or setback without approval of a Critical Areas Land Use Permit and/or geotechnical evaluation.

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

- 3. Geotechnical Recommendations:** The project shall be constructed per the

recommended procedures and practices in the project geotechnical report authored by Geo Group Northwest, Inc. dated March 25, 2013 and included as Attachment 1 to this staff report.

Authority: Land Use Code 20.30P.140

Reviewer: David Pyle, Development Services Department

4. **Geotechnical Inspection:** Geotechnical inspection made by the Engineer of Record to verify implementation of the construction recommendations included in the project geotechnical report authored by Geo Group Northwest, Inc. dated March 25, 2013 and included as Attachment 1 to this staff report shall be performed during construction, documented through inspection reports, and inspection reports submitted to the City's Permit Center as post issuance construction permit revisions. All required inspection reports shall be submitted before final inspection and permit closure.

5. **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, Development Services Department

6. **Hold Harmless Agreement:** Prior to construction permit approval, the applicant or property owner shall submit a hold harmless agreement releasing the City of Bellevue from any and all liability associated with the installation of the deck. The agreement must meet city requirements and must be reviewed by the City Attorney's Office for formal approval.

Authority: Land Use Code 20.30P.170

Reviewer: David Pyle, Development Services Department