



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

Proposal Name: Tafreshi Remodel

Proposal Address: 504 West Lake Sammamish Parkway SE

Proposal Description: The applicant is proposing to expand a single family residence into a 50 foot buffer measured from the top of a critical slope in order to add 409 square feet of living space. The proposal includes removal of an existing 500 square foot second story deck. The proposal also includes restoration of an area of approximately 527 square feet within the critical areas buffer with native vegetation to mitigate for the impacts of the residential addition.

File Number: 13-113227-LO

Applicant: Fereidoun Tafreshi, Property Owner

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

Planner: Leah Chulsky, Associate 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 25, 2013
Notice of Application Publication Date:	May 23, 2013
Decision Publication Date:	June 27 2013
Project Appeal Deadline:	July 11, 2013

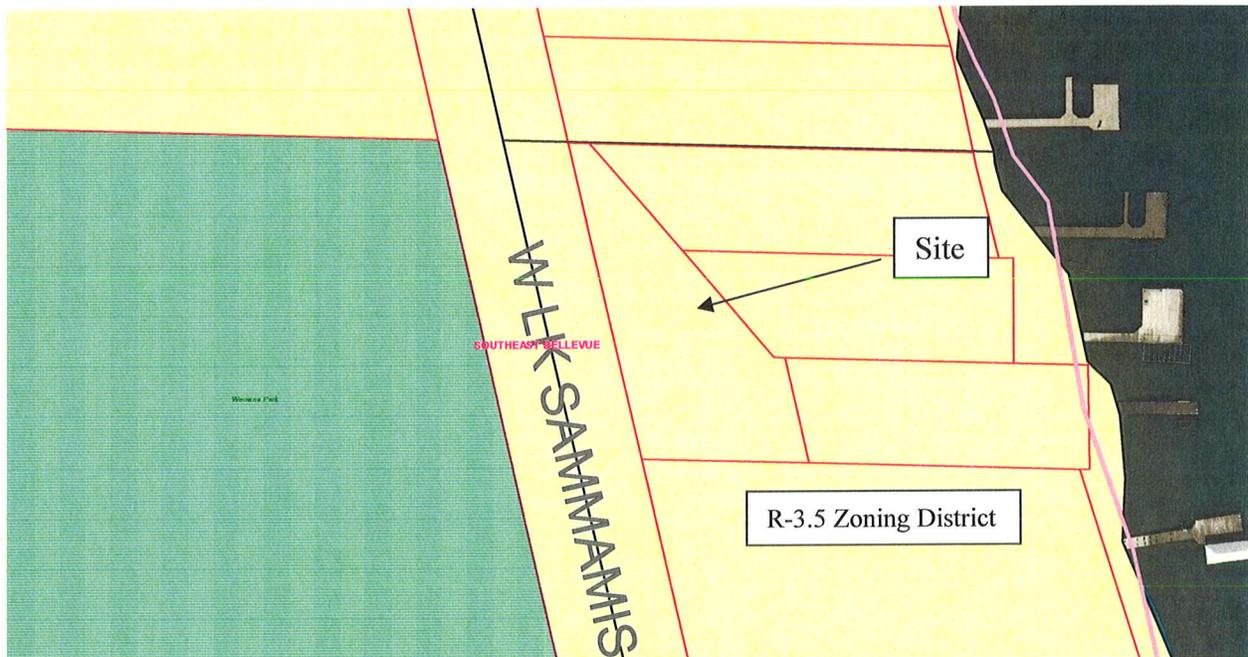
For information on how to appeal a proposal, visit the Permit Center at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision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

The expansion will disturb an area occupied by the second story deck over a concrete patio. The new addition will use a foundation system of pipe piles that are driven into the dense to very dense soil layer. The building will extend out from the existing structure approximately 8 feet to the east and 6 feet to the south. The proposed at-grade deck will extend out an additional 5 feet. It will lie approximately 30 feet back from the top-of-slope.

An analysis of this site was completed by Geotech Consultants, Inc., dated March 4, 2013. The report analyzed the proposal and all probable impacts to the critical slope in accordance with the requirements of Land Use Code (LUC) Section 20.25H. Geotech Consultants, Inc., conducted a site reconnaissance to explore the site surface and subsurface conditions. Geotech Consultants, Inc., based on their observations and explorations, concluded that constructing the addition at its proposed location with a deep foundation system consisting of driven pipe piles will not affect the stability of the slope. They also concluded that the proposal will not disturb existing vegetation and will enhance slope stability by planting an approximately 527 square foot area currently consisting of gravel with native vegetation. See the discussion in Section III of this report for analysis of critical areas decision criteria.

II. Site Description and Context

The existing home occupies approximately 1400 square feet (including 500 square feet of decks greater than 30 inches in height) in the western portion of the 8,932 square foot lot. The site is zoned R-3.5 located within the Southeast Bellevue Subarea with a Comprehensive Plan Designation of Single-Family Medium.



The site is located adjacent to West Lake Sammamish Parkway SE. The western portion of the property is relatively flat with a slight drop to the east. The existing residence is located at the western property line within this relatively flat area. A steep slope with a grade of 40 percent or greater is located on the eastern side of this relatively flat area. The slope contains one 20 inch Fir tree and two clusters of Maple trees (8-16 inches in diameter). The slope is densely covered with non-native understory and blackberry bushes. No trees or native vegetation are proposed to be removed. Other properties in the immediate vicinity are developed with residences within the structure setback from the slope.



III. Consistency with Land Use Code and Zoning Requirements

A. Zoning District Dimensional Requirements:

The lot is located within the R-3.5 zoning district. The Dimensional requirements of this zoning district are as follows:

	ZONING INFORMATION	
Zoning District	R-3.5	
Comprehensive Plan	SF-M -single family medium	
Gross Site Area	8,932 sq. ft.	
Adjusted Lot Area (calculated using gross site area minus critical areas) LUC 20.20.010 (13)	Approximately 5,409 sq. ft.	

ITEM	REQ'D/ALLOWED	COMMENTS
Minimum Lot Area	10,000 sq. ft.	Legal Lot
Maximum Building Height	30-ft.	Proposed: 30-ft., no change
Maximum Lot Coverage for Structures	35 %	Existing: 29% (1,400 sq. ft.) Proposed: 34% (1,687 sq. ft.)
Maximum Impervious Surface	50 %	Existing: 2,169 sq. ft. Proposed: 2282.5 sq. ft. 24% of gross site area
<u>Building Setbacks</u>		
Front Yard	20-ft.	Proposed: No change to any setbacks *The existing structure is non-conforming to the required front yard setback.
Rear Yard	25-ft.	
One Side Yard	5-ft.	
Both Side Yards	15-ft.	

B. Critical Areas

Land Use Code (LUC) Section 20.25H.120 designates steep slopes of 40 percent or greater that have a rise of at least 10 feet and exceed 1,000 square feet in area as critical areas. These steep slope critical areas have an associated 50 foot buffer, measured from the top of the slope. The existing house is located within this buffer. According to LUC 20.25H.120.B.2, since this primary structure was legally established prior to August 1, 2006, the critical area buffer and structure setback has been modified to exclude the footprint of the existing structure. The proposed building expansion is an allowed activity according to LUC 20.25H.055.B and shall meet the requirements of 20.25H.055.C.3.n, which establishes performance standards for expansions of an existing single-family primary structure into critical area buffers, and LUC Section 20.25H.125 which established performance standards for geological hazard areas.

LUC Section 20.25H.055.C.3.n.i: Where allowed, expansions into the critical area buffer and critical area structure setback shall be limited as follows:

(A) The expansion shall be along the existing building line parallel to the edge of the critical area, unless such expansion is not feasible. Only when such expansion is not feasible may expansion encroach further into the critical area buffer and critical area structure setback.

Finding: The proposed building addition generally lies within an area parallel to the edge of the critical area buffer. The entire 409 square foot addition replaces an existing 500 square foot deck which is above grade and over a concrete patio. The addition could not take place on the western side of the building as it would extend into West Lake Sammamish Parkway SE as the existing structure is at the property line. The proposed addition will enlarge bedrooms and living area currently located on the eastern and southern sides of the structure which is currently an existing deck.

(B) Expansions shall be the minimum necessary to achieve the intended functions of the expansion, but in no event may the footprint of the expansion within the critical area buffer and critical area structure setback exceed 500 square feet over the life of the structure.

Finding: The proposed addition is the smallest footprint possible to accommodate an enlarged bedroom and living area. The proposed addition is efficiently small and compact. It will occupy 409 square feet, of which approximately 500 square feet are currently occupied by a deck with a height greater than 30 inches. Efficiently shaped and laid out, the addition is 'couched' into the inside corner of the existing house structure, thus minimizing its visual and physical impact on the existing property. The individual room sizes are modest in size and no non-essential functions are proposed for the project.

- (C) Areas of new permanent disturbance and all areas of temporary disturbance within the critical area buffer shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC Section 20.25H.210.

Finding: The new addition will displace approximately 409 square feet of critical areas buffer with a structure. To compensate for the temporary disturbance to the existing gravel area around the proposed addition that is either removed or damaged during construction, the applicant must restore this area with native plant species.

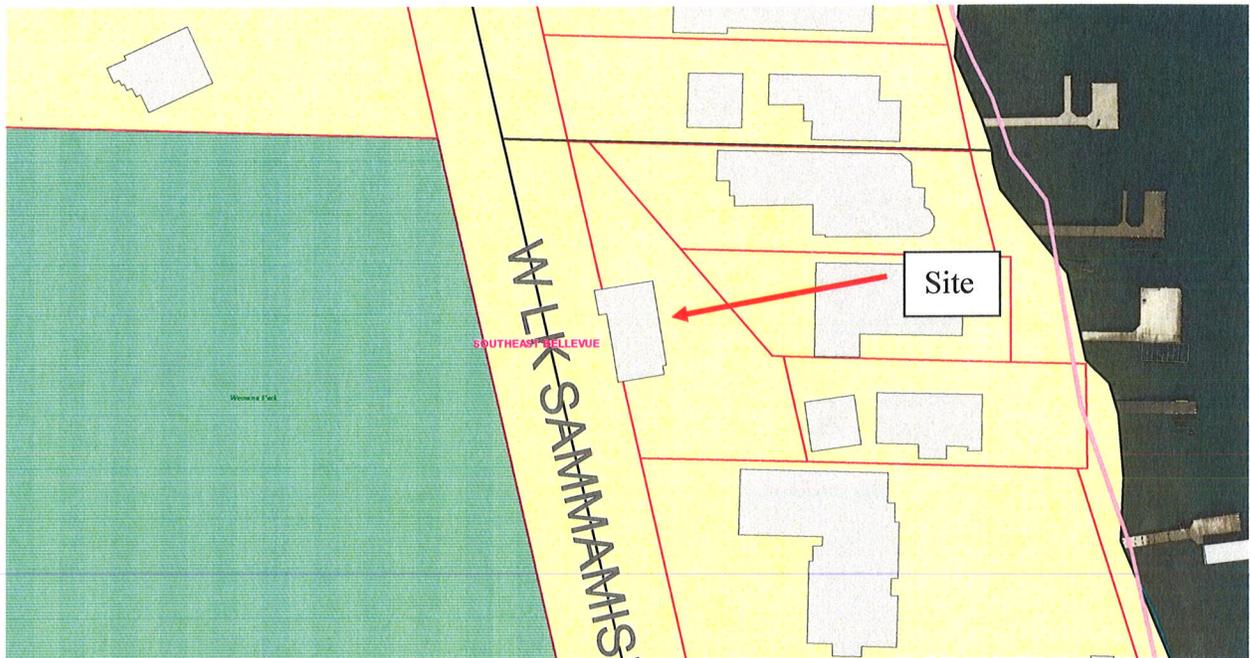
To compensate for the permanent loss of buffer square footage, the applicant shall restore approximately 527 square feet of critical area buffer with native vegetation to mitigate disturbance associated with the proposed bedroom addition. The area to be replanted is along the top of the slope currently a gravel area. The applicant is to create a healthy, native border using low shrubs and groundcover plant species that will increase the critical areas habitat. Impacts will be mitigated by application of best management practices for temporary erosion and sedimentation controls and rainy season restrictions on clearing and grading. **See Conditions of Approval in Section VIII of this report regarding restoration plan.**

LUC Section 20.25H.055.C.3.n.ii: For purposes of this section, expansion outside of the critical area buffer and critical area structure setback shall be considered not feasible only when, considering the function to be served by the expansion and the existing structure's layout and infrastructure (including plumbing, drainage and electrical systems):

- (A) Expansion away from the critical area buffer and critical area structure setback within the buildable area of the site will not realize the intended functions of the expansion; and
(B) Expansion away from the critical area buffer and critical area structure setback including into non-critical area setbacks modified pursuant to LUC 20.25H.040, will not realize the intended functions of the expansion; and
(C) Expansion upwards to the maximum building height of the underlying land use district within the existing footprint, or together with expansions permitted under subsections (ii)(A) and (B) above, will not realize the intended functions of the expansion.

Finding: The bedroom and living room addition is to enlarge the existing rooms of the structure. Expansion away from the critical area buffer is not feasible because of the layout of the residence and the location of the structure on the property.

According to LUC 20.25H.040, setbacks could be adjusted to accommodate the square footage on the western side of the home. However, as the structure is currently at the property line, any addition to this side of the structure would extend into City of Bellevue Right-of-Way. Additions to the north would not realize the intended function of the proposed expansion.



Performance Standards: LUC Section 20.25H.125 – Performance Standards – Landslide Hazards and Steep Slopes. In addition to generally applicable performance standards set forth in LUC 20.25H.060 and 20.25H.070, 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 requirements for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function.

- A. Structures and improvements shall minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to the existing topography;

Finding: The proposed addition will be located in a relatively flat area with a grade less than 10 percent. The addition will impact approximately 409 feet of the existing concrete patio and the grade will be restored to its existing configuration. In order to minimize excavation impacts resulting from foundation construction, Geotech Consultants, Inc., have suggested in their report, dated March 4, 2013, that the applicant use a driven pipe pile foundation system with piles driven into the underlying dense to very dense soil. **See Conditions of Approval in Section VIII of this report regarding foundation requirement.**

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

Finding: Based on the report by Geotech Consulting, Inc., the proposed addition will not impact local soil or slope stability to any significant degree due to the use of the pipe piling system and the fact that it lies over 30' feet from the top of the slope. No new loads will be placed on the ground surface at the addition. The proposed project will not require removal of any trees, shrubs, groundcover or native vegetation.

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

Finding: The stability of adjacent critical areas and critical area buffer will not be negatively impacted as a result of the addition. The steep slope is densely covered with non-native invasive species. Some of these plants do not root deeply and are not suitable for sloped areas. The proposed mitigation area will provide more suitable, deep-rooting plants to help increase the stability of the slope. All the roof downspouts will be routed to a system that discharges water away from the site slopes and adjacent rockery. Implementation of the mitigation planting, routing of the downspouts away from the slope and application of the recommendations found within the Geotech. Inc., report dated March 4, 2013, will result in no greater impact to the neighboring properties.

- D. The use of retaining walls that allow 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 walls; and

Finding: No grading outside of the addition footprint is proposed. No rockeries or retaining walls are proposed, nor will any retaining walls be required for this project. The site contains an existing rockery which will not be affected or modified.

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

Finding: The proposed addition is the minimum necessary to achieve a functional space. The proposed addition will extend over a deck and existing concrete patio. Because the addition is replacing a concrete patio, the amount of new impervious surfaces from this 409 square foot project will be approximately 113.5 square feet (area under roof overhangs).

- F. Where change in grade outside the building footprint is necessary, the site retention system should be stepped and should be designed to minimize topographic modification. On slopes in excess of 40 percent, grading for yard area may be disallowed where inconsistent with the criteria;

Finding: No work will be done on any sloped area of the site. The work being done will occur on land that is already graded and is relatively flat. No retention of earth is required and no building walls from the new addition will be used for retention.

- G. Building foundation walls shall be utilized as retaining walls rather than rockeries or retaining structures built separately and away from the building wherever feasible. Freestanding retaining devices are only permitted when they cannot be designed as structural elements of the building foundation.

Finding: The work being done will occur on land that is already graded and is relatively flat. No retention of earth is required and no building walls from the new addition will be used for retention.

- H. On slopes in excess of 40 percent, use of pole type construction which conforms to 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 minimize topographic modification;

Finding: This standard is not applicable because no work will be done on any steep slopes.

- 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;

Finding: This standard is not applicable because no work will be done on any steep slopes.

- 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 Section 25.25H.210.

Finding: To mitigate the new permanent disturbance within a critical areas buffer associated with the proposed addition, the applicant shall restore approximately 527 square feet of critical area buffer with native vegetation. The proposed restoration will likely provide an increase in slope stability, improved stormwater infiltration, and establish more appropriate wildlife habitat within the critical area buffer area than is currently provided by gravel. The existing critical slope buffer area and the proposed location of the building addition are currently occupied by either deck or concrete patio. Impacts will be mitigated by application of best management practices for temporary erosion and sedimentation controls and rainy season restrictions on clearing and grading. Temporary disturbance will be restored to existing conditions.

See Conditions of Approval in Section VIII of this report regarding the restoration plan and rainy season restrictions.

IV. 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.

V. Public Notice and Comment

Application Date: April 25, 2013
Public Notice (500 feet): May 23, 2013
Minimum Comment Period: June 6, 2013 (14 days)

The Notice of Application for this project was published in the City of Bellevue Weekly Permit Bulletin on May 23, 2013. It was mailed to property owners within 500 feet of the project site. No public comments were received.

VI. Decision Criteria

The proposal, as conditioned below, meets the applicable regulations and decision criteria for a Critical Areas Land Use Permit pursuant to LUC Section 20.30P.

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

Finding: The applicant must obtain a single-family remodel building permit (BR) for the bedroom, bathroom and closet addition. The clearing and grading review will be included in this permit.

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;

Finding: The proposed addition will be built on pipe piles foundations and does not include any grading outside of the building footprint. No additional rockeries or retaining walls are required to support the expansion. See Conditions of Approval in Section VIII of this report for pier foundation requirement.

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

Finding: As discussed in Section III of this report, the proposal meets the performance standards of LUC Section 20.25H.055 for expansion into a critical area buffer and LUC Section 20.25H.125 for expansion into buffers associated with geological hazards.

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

Finding: The proposed expansion will not impact the existing service level.

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

Finding: As mitigation for the proposed addition, the applicant shall restore approximately 527 square feet of buffer area along the top of the slope. This additional planted area will help to provide increased slope stability, improved stormwater infiltration, and more appropriate wildlife habitat within the critical area buffer and critical area. A Landscape Maintenance Device will be

required to be submitted prior to the issuance of any associated permits. **See Conditions of Approval in Section VIII of this report regarding the Restoration Plan and Landscape Maintenance Security.**

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

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

VII. 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 Development Services Department director does hereby approve with conditions the proposed expansion into the critical area buffer. **Approval of this 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.**

A Critical Areas Land Use Permit setback modification 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 effect date of approval.

VIII. 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	Leah Chulsky, 425-452-6834
Noise Control- BCC 9.18	Leah Chulsky, 425-452-6834

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

1. Pipe Pile Foundation Requirement: A foundation plan showing the pipe pile foundations which extend into the dense to very dense glacial till (per the Geotech Report dated March 4, 2013) is required to be submitted and approved by the City of Bellevue Building Division prior to the issuance of any building permit.

Authority: Land Use Code 20.25H.125.A
Reviewer: Leah Chulsky, Development Services Department

2. Restoration Plan: As mitigation for the proposed addition, the applicant shall restore approximately 527 square feet of buffer area with native vegetation. The plant species and appropriate plant spacing shall be chosen from the Plant Legend for Shade in Areas with Geologic Hazards, Page A1-Shade, from the City of Bellevue Critical Areas Handbook (Attachment 4). This additional planted area will help to provide increased slope stability, improved stormwater infiltration, and provide more appropriate wildlife habitat within the critical area buffer.

A restoration plan showing the approximate location, spacing and species of the new plantings is required to be submitted and approved by the City of Bellevue prior to the issuance of any building permit. Planting should take place in fall prior to November 1 or in the spring after April 30.

Authority: Land Use Code 20.25H.125.J
Reviewer: Leah Chulsky, Development Services Department

3. Landscape Maintenance Security: The applicant must submit a combined Landscape Installation and Maintenance Security in the amount of 100 percent of the costs of the restoration work; including labor and materials. The security may be released after the vegetation has successfully been installed and maintained for a minimum period of three years. The goal is to achieve an 80 percent survival rate at the end of year three.

Authority: Land Use Code 20.220.F
Reviewer: Leah Chulsky, Development Services Department

4. Rainy Season Restrictions: Due to the proximity to a steep slope, no clearing and grading activity may occur during the rainy season, which is defined as November 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, Development Services Department