



City of Bellevue
 Development Services Department
 P.O. Box 90012, Bellevue, WA 98009-9012
 (425) 452-6800 Fax (425) 452-5225

**Shoreline Management Act of 1971
 Permit for Shoreline Management Substantial
 Development
 Conditional Use and/or Variance**

Application No. 13-119251-WG

Date Received 6/27/2013

Approved / Date 8/15/2013
 Denied / Date _____

Type of Action:

- Substantial Development Permit
- Conditional Use Permit
- Variance Permit

Pursuant to Chapter 90.58 RCW, a permit is hereby granted to: Charlie Foushee, Talon Portfolio Services

to undertake the following development: construct a new at grade entry, stairway and elevator to provide handicap accessibility to an existing building within Shoreline jurisdiction.

upon the following property: 1500 114th Ave SE

within Mercer Slough
 and/or its associated wetlands. The project will not be located within Shorelines of Statewide Significance (RCW 90.58.030). The project will be located within a Shoreline Overlay District designation. See attached report for relevant criteria and policies

Development pursuant to this permit shall be undertaken in accordance with the following terms and conditions:

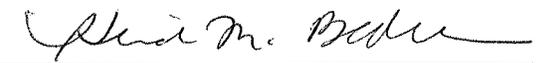
Conditions of Approval-see attached (Land Use Division)

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof. Construction pursuant to this permit, or substantial progress toward construction, must be undertaken within two years of the date of final approval. This permit shall expire five years from the date of local approval.

Construction pursuant to this permit will not begin or is not authorized until twenty-one (21) days from the date of filing, as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one (21) days from the date of such filing have terminated; except as provided in RCW 90.58.140(5) (A) (B) (C).

August 15, 2013



Date

City of Bellevue, Land Use Division

CC: Attorney General, Department of Ecology, Northwest Region
 Dept. of Fish and Wildlife, 1775 12th Ave. NW Suite 201 Issaquah, WA 98027
 DOE, 3190 160th Avenue SE, Bellevue, WA 98008-5452

I. Request/Project Description

The applicant requests approval of a Shoreline Substantial Development permit to construct a new at grade entry, stairway and elevator to provide handicap accessibility to an existing building within Shoreline jurisdiction. The existing elevated ramp is too steep for ADA access therefore the proposal is to construct a new ADA compliant elevator to access the office space and provide an on-grade sidewalk in place of the existing elevated ramp. The elevator lobby space would include a total of 513 square feet of additional building footprint.

Commercial development is permitted when in compliance with the City of Bellevue Land Use Code (LUC) section 20.25E.080.B General Regulations and H- Commercial Development Regulations. The use is existing and will not be expanding.

II. Site Description and Context

The site is in the O Land Use District and is designated for Office use in the Southwest Bellevue Subarea of the Comprehensive Plan.



III. Consistency with Land Use Code/Zoning Requirements

The project site is in the Shoreline Overlay District and is subject to the regulations in LUC 20.25E.080.B General Regulations and H- Commercial Development Regulations.

General Regulations Applicable to All Land Use Districts and Activities LUC 20.25E.080.B

- 1. Where applicable, all federal and state water quality and effluent standards shall be met.**

The project will comply with all state and federal standards as applicable.

- 2. If a property extends into the Shoreline Overlay District, the Shoreline Master Program Policies and these use regulations shall apply only to that portion of the property lying within the Shoreline Overlay District.**

The entire project is within 200 feet from Mercer Slough and therefore, is entirely within the Shoreline Overlay District.

- 3. All development within the Shoreline Overlay District shall be accompanied by a plan indicating methods of preserving shoreline vegetation and for control of erosion during and following construction in accordance with Part 20.25H LUC, City of Bellevue Clearing and Grading regulations, Chapter 23.76 BCC, and the Comprehensive Plan.**

No vegetation is proposed for removal.

- 4. Maximum height limitation for any proposed structure within the Shoreline Overlay District shall be 35 feet, except in land use districts with more restrictive height limitations. The method of measuring the maximum height is described in WAC 173-14-030(6). Variances to this height limitation may be granted pursuant to Part 20.30H LUC.**

No structures are proposed for development.

- 5. The Bellevue Shoreline Master Program, in conjunction with existing Bellevue land use ordinances and Comprehensive Plan policies, shall guide all land use decisions in the Shoreline Overlay District.**

The proposal is in conformance with the City's Master Program and applicable ordinances and policies. See decision criteria for further analysis.

- 6. Any development within the Shoreline Overlay District shall comply with all applicable Bellevue ordinances, including but not limited to the Bellevue Land Use Code, Sign Code, and clearing and grading regulations.**

The proposal will be required to obtain a clearing and grading permit where the final Construction Stormwater Pollution Prevention Plan will be reviewed for compliance with the clearing and grading regulations. Approval and permit issuance will be verification of compliance with applicable regulations.

- 7. The dead storage of watercraft seaward of the ordinary high water mark of the shoreline is prohibited.**

No dead storage of watercraft is proposed.

- 8. Where applicable, state and federal standards for the use of herbicides, pesticides and/or fertilizers shall be met, unless superseded by City of Bellevue ordinances. Use of such substances in the shoreline**

critical area and shoreline critical area buffer shall comply with the City's "Environmental Best Management Practices."

No herbicides, pesticides and/or fertilizers are proposed for use.

- 9. Adequate storm drainage and sewer facilities must be operational prior to construction of new development within the Shoreline Overlay District. Storm drainage facilities shall be separated from sewage disposal systems.**

No new development requiring storm or sewer drainage facilities is proposed.

LUC 20.25E.080.H. Commercial Development Regulations.

- 1. Regardless of the provisions of LUC [20.10.440](#) and the underlying land use district, commercial development is not permitted on the City's Lake Sammamish shoreline.**
The project is located along Mercer Slough.
- 2. The maximum building height in areas of the Shoreline Overlay District which are zoned for commercial uses shall be 35 feet, except in those zoning districts with more restrictive height limitations.**
No increase in building height is proposed and all improvements will be less than 35 feet in height.
- 3. Tanks for the distribution and sale of petroleum products are not permitted in the Shoreline Overlay District except for marinas. When permitted, such tanks shall be located on dry land, and designed to preclude and contain spills. Such tanks shall not be permitted in corrosive soil areas.**
No tanks are proposed.
- 4. Any commercial development located within the Shoreline Overlay District shall be equipped to contain and clean up pollutant spills, as required by state and federal regulations.**
No spills or pollutant are expected with the project.
- 5. Parking facilities shall not be permitted over water or within the shoreline critical area or shoreline critical area buffer and structured parking shall not be permitted within the shoreline critical area structure setback. Parking areas shall be permitted only when accessory to commercial uses. Provisions must be made to control and cleanse surface water runoff from the parking areas in order to comply with state water quality standards.**
No new parking facilities are proposed.
- 6. Commercial development along shorelines shall provide for erosion control.**
The applicant will be required to provide erosion control plans are part of the building permit review and issuance.
- 7. Commercial development permitted within the Shoreline Overlay District, other than that related to water use, shall be located landward of the shoreline critical area buffer and landward of any applicable shoreline critical area structure setback.**
The proposed development will be landward of the critical area buffer and structure setback.

8. **Commercial development in the Shoreline Overlay District oriented to the use of watercraft shall provide restrooms and hookups for toilet facilities. No watercraft shall flush toilet refuse into the lake at such locations. For the purposes of this section, commercial development shall include yacht clubs, commercial and private marinas, boat repair shops, fueling facilities and other similar uses. Unless allowed under a critical areas report, LUC [20.25H.230](#), any structure associated with such commercial development shall be located landward of the shoreline critical area buffer, except moorage facilities allowed under subsection N of this section.**

The use is not oriented to watercraft use.

The proposed development conforms to the applicable Land Use Code regulations. Project plans are found in the file.

IV. 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.

V. State Environmental Policy Act

The proposed project is exempt from additional environmental review per BCC 22.02.032 Determination of categorical exemption.

VI. Public Comments and Response

Public noticing began on July 3, 2013. No comments were received regarding the proposed application.

VII. Changes to proposal as a result of City review

No changes to the proposed setbacks and building footprint have been required.

VIII. Applicable Decision Criteria

The proposal as submitted by the applicant and discussed in this report, meets the applicable Shoreline Substantial Development Permit regulations listed in Land Use Code Section 20.30R.155.

1. The applicant has carried the burden of proof and produced evidence

sufficient to support the conclusion that the application merits approval or approval with modifications; and

Finding: The applicant has supplied sufficient support for the proposal.

2. The applicant has demonstrated that the proposal complies with the applicable decision criteria of the Bellevue City Code; and

Finding: As identified in Section III of this report the applicant has submitted project plans that demonstrate the proposal's compliance with the applicable City of Bellevue Codes and Standards found in LUC Section 20.25E, the Shoreline Overlay District.

3. The applicant has demonstrated that the proposal is consistent with the policies and procedures of the Shoreline Management Act and the provisions of Chapter 173-14 WAC and the Master Program.

Finding: The following policies are applicable to the subject proposal:

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

Policy SH-16. Discourage structure using material which have significant adverse physical or chemical effects on water quality, vegetation, fish and wildlife in or near the water.

Policy SH-38. Discourage shoreline commercial uses and activities, other than those which are water-dependent, from expanding beyond their existing boundaries.

The proposed minor expansion of the existing structure for purposes of ADA accessibility is consistent with the policies and procedures of the Act and Master Program.

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 Development Service Department Director does hereby **approve with conditions** the Shoreline Substantial Development Permit to construct a new at grade entry, stairway and elevator to provide handicap accessibility to an existing building within Shoreline jurisdiction.

Note- Expiration of Approval: In accordance with LUC 20.30R.175 a Shoreline Substantial Development Permit expires and is void if the applicant fails to file for the necessary development permit within two years of the effective date of this approval.

X. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances

including but not limited to:

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Janney Gwo, 425-452-6190
Land Use Code- BCC 20.25H	Heidi M. Bedwell, 425-452-4862
Noise Control- BCC 9.18	Heidi M. Bedwell, 425-452-4862
Utilities- Engineering standards	Arturo Chi, 425-452-4119

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

1. 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: Heidi M. Bedwell, Land Use Division

2. Site Locate Utility: The sewer must be field located on the site. The located sewer shall then be shown on the site plan submitted with the building permit with the note "Sewer main as located by City of Bellevue on xx date."

Authority: Sanitary Sewer Engineering Standards
Reviewer: Arturo Chi, Utilities Department

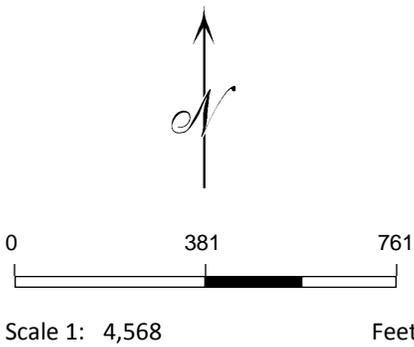
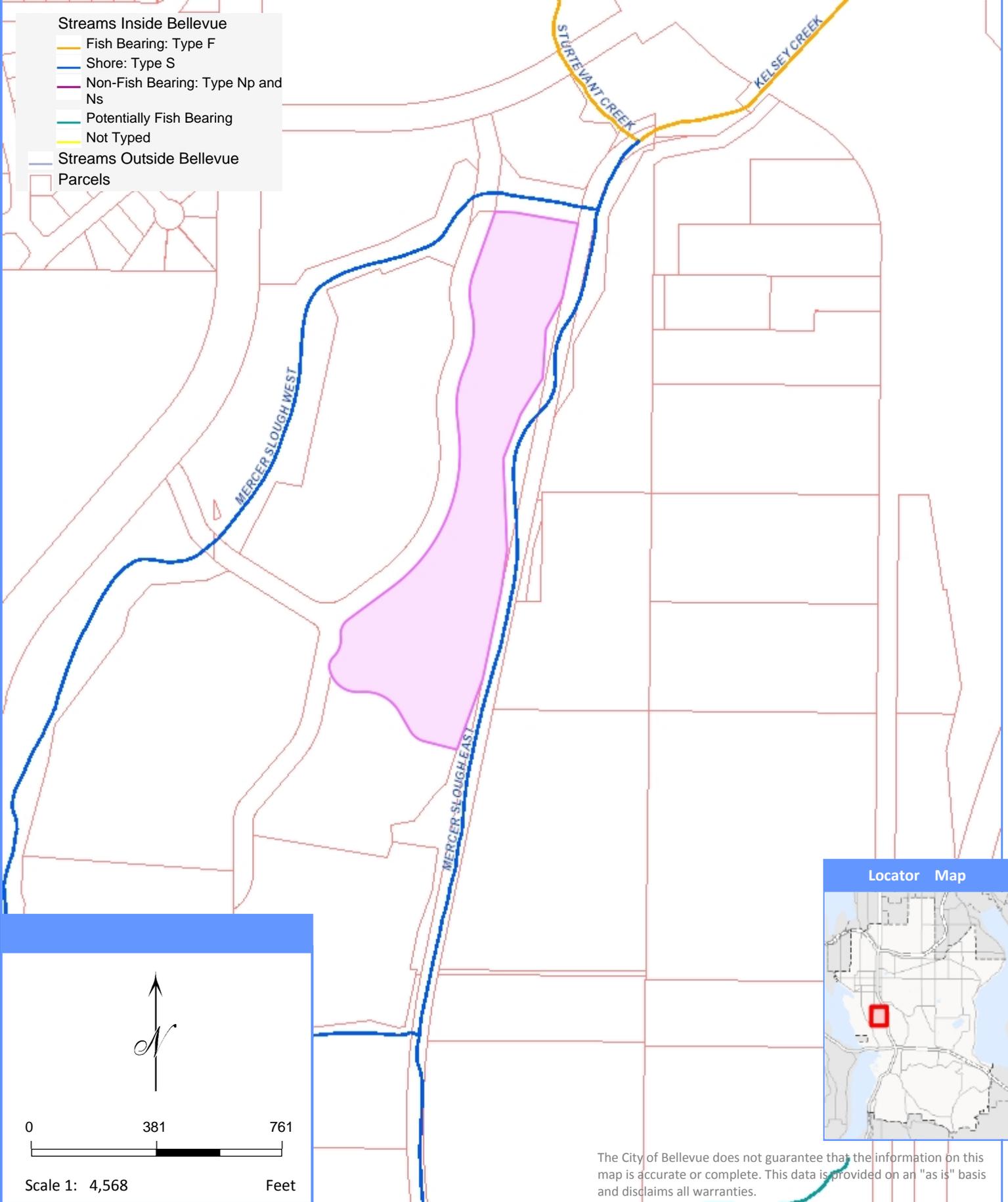
IX. Attachments

1. Vicinity Map
2. See file for plan set

Cypress Building Lobby Renovation
File # 13-119251-WG
Shoreline Substantial Development Permit



- Streams Inside Bellevue
- Fish Bearing: Type F
 - Shore: Type S
 - Non-Fish Bearing: Type Np and Ns
 - Potentially Fish Bearing
 - Not Typed
- Streams Outside Bellevue
- Parcels



The City of Bellevue does not guarantee that the information on this map is accurate or complete. This data is provided on an "as is" basis and disclaims all warranties.