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

| | |
|---|---|
| **Proposal Name:** | Ryan Residence Critical Areas Land Use Permit |
| **Proposal Address:** | 1650 W. Lake Sammamish Pkwy. SE |
| **Proposal Description:** | Critical Areas Land Use permit to modify a 75 foot toe of slope structure setback to a minimum of 3 feet for the construction of a new single family residence. The existing structure will be demolished and a new structure will be built in its place no further waterward than the existing footprint. The proposal also includes and is supported by critical areas and geotechnical analysis and mitigation plan meeting the requirements of LUC 20.25H. |
| **File Number:** | 13-119634-LO |
| **Applicant:** | Heidi Ryan |
| **Decisions Included** | Critical Areas Land Use Permit (Process II. 20.30P) |
| **Planner:** | Heidi M. Bedwell, Land Use Planner |
| **State Environmental Policy Act Threshold Determination:** | **Exempt** |
| **Director's Decision:** | **Approval with Conditions**<br>Michael A. Brennan, Director<br>Development Services Department |

By: _____
Carol V. Helland, Land Use Director

| | |
|---|---|
| **Application Date:** | July 5, 2013 |
| **Notice of Application Date:** | August 1, 2013 |
| **Decision Publication Date:** | January 2, 2014 |
| **Project Appeal Deadline:** | January 16, 2014 |

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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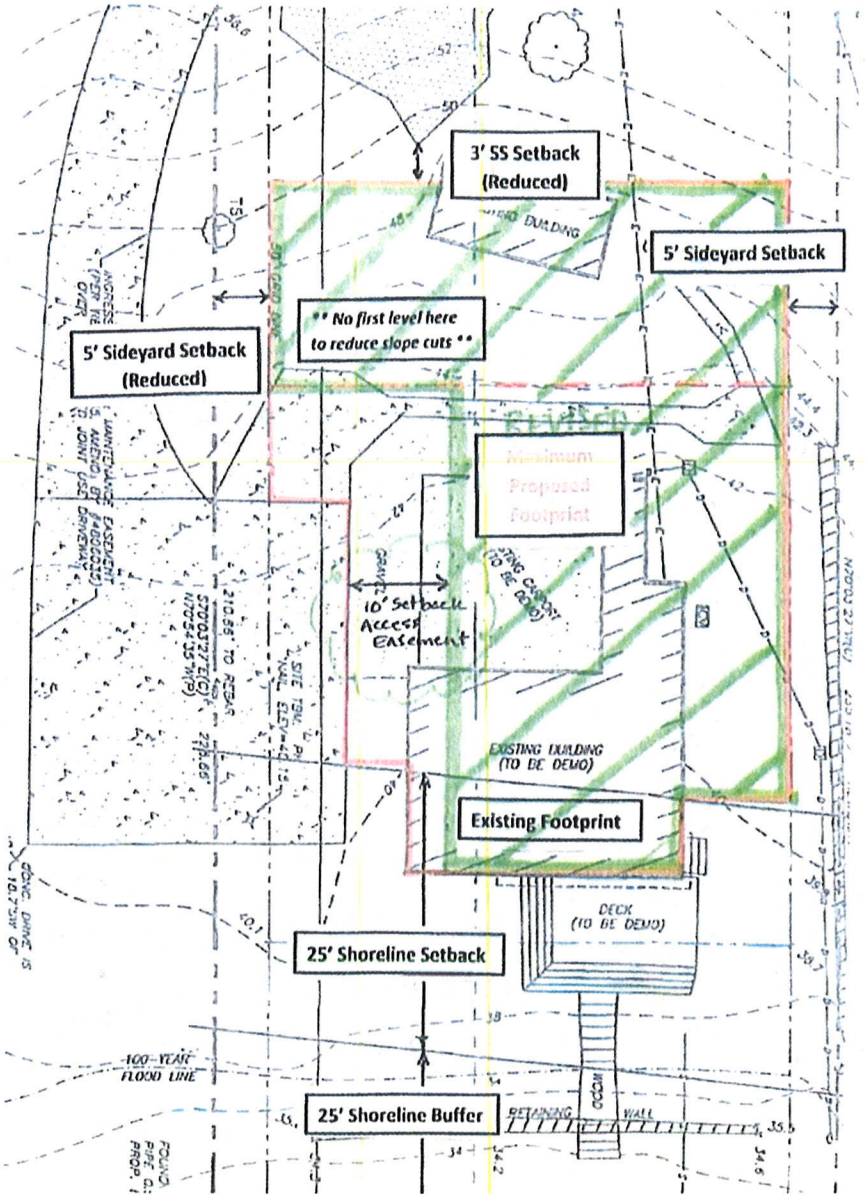
**Attachments**

1. Site Plan
2. Critical Areas Report and Conceptual Restoration Planting Plan with Mitigation and Monitoring Plan
3. Geotechnical Report, Geotech Consultants Inc. dated June 17, 2013
4. Addendum to Geotechnical Engineering Study, Geotech Consultants Inc. dated September 24, 2013
5. Property owner letter certifying the residence will be owner occupied

## I. Proposal Description

Proposal requests to modify a 75 foot toe of slope structure setback to a minimum of 3 feet for the construction of a new single family residence. The existing structure will be demolished and a new structure will be built in its place no further waterward than the existing footprint. The project will take advantage of the existing building footprint and will not build closer to the lake than the existing structure. In order to minimize the disruption of the shoreline setback and buffer the structure will be built closer to the toe of the steep slope and will reduce the side yard setback on the south property line to five feet. There is an access easement over the existing driveway and the proposal will be required to maintain a 10 feet setback from the edge of the access easement. Compliance with this standard will be evaluated with the required building permit.

**Figure 1 – Project Site Plans**



The site is regulated under the City of Bellevue Critical Areas Overlay District and Shoreline Overlay District and includes a 25 foot shoreline buffer, 25 foot shoreline structure setback, an area of special flood hazard, geologic hazard steep slope areas, 50 foot top of slope buffers, and 75 foot toe of slope structure setbacks.

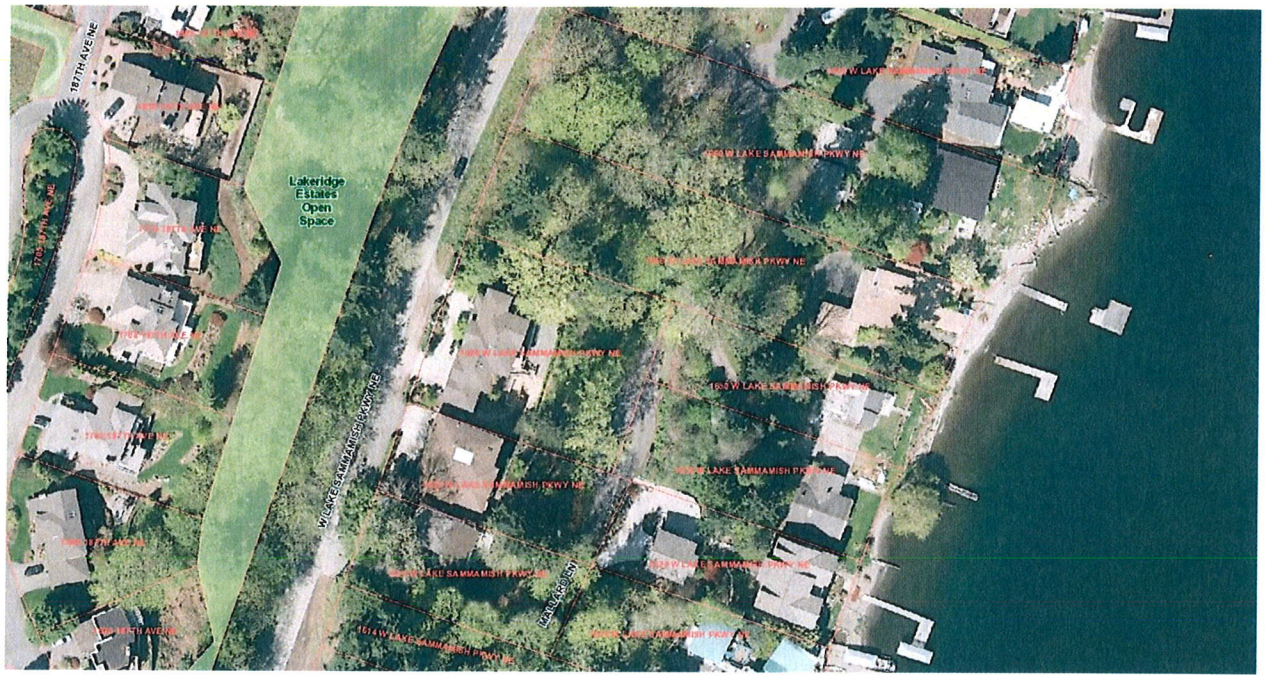
To mitigate impacts to the toe of slope setback, the applicant is proposing slope vegetation enhancement. Mitigation efforts are anticipated to improve the site's conditions and should provide for a net improvement in ecological function over existing. A Critical Areas Land Use permit with a Critical Areas Report LUC 20.25H.230 is required when a project proposes to modify the prescriptive code standards.

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

### A. Site Description

The project site is adjacent to Lake Sammamish and is surrounded by properties developed with residential uses. The lot is served by a private access road, Mallard Lane and access to the site is via shared driveway easement with the property to the south.

Existing development include a single-family residence, detached greenhouse, and ancillary landscaping improvements. The eastern half of the site is comprised primarily of lawn and ornamental planting beds with no significant trees. The western portion of the site where the geologic hazard steep slope is present contains two significant trees and other invasive and non-native understory vegetation.



**B. Zoning and Land Use context**

The site is in the R-2.5 Land Use District. It is designated Single Family-Medium Density in the Northeast Bellevue Subarea of the Comprehensive Plan.

**C. 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.

**ii. Shorelines and Area of Special Flood Hazard**

Shorelines provide a wide variety of functions related to aquatic and riparian habitat, flood control, water quality, economic resources, and recreation. Each function is a product of physical, chemical, and biological processes at work within the overall landscape. In lakes, these processes take place within an integrated system of coupled aquatic and riparian habitats. Hence, it is important to have an ecosystem approach which incorporates an understanding of shoreline functions and values.

## III. Consistency with Land Use Code Requirements:

**A. Zoning District Dimensional Requirements:**

The R-2.5 zoning dimensional requirements found in LUC 20.20.010 apply to the proposed house. The plans submitted generally demonstrate conformance with zoning dimensional standards, however conformance will be verified during building permit review.

**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.

**i. Allowed Modifications to the General Dimensional Chart**

The required dimensions of LUC 20.20.010 for non-critical area setbacks may be reduced to no less than the minimums set forth in this section; provided the modification shall be the minimum necessary to allow avoidance of the critical area and critical are buffer.

*Response: By utilizing the existing footprint and proposing a proposing a 5 foot side yard setback the applicant has demonstrated that the modification can be granted in order to avoid disturbance of critical areas and buffers on the site.*

**ii. Steep Slope Performance Standards**

The proposed house construction will modify the 75 foot toe of slope structure setback. The project is subject to the compliance with steep slope performance standards found in LUC 20.25H.

- 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;
- Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;
- The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;
- 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;
- Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer;
- 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;
- 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;
- 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.

*Response: No significant alteration of the slope is proposed and a tiered foundation is proposed. The structure has been designed and located to avoid disturbance of the steep slope and no retaining walls are proposed to maintain the existing slope or as part of the proposed project. No new impervious surface is designed in the critical area or buffer. See discussion below regarding mitigation and restoration plan.*

**iii. Mitigation Plan**

In order to mitigate for both temporary disturbance and modification of the structure setback the proposal includes an enhancement/restoration planting within the steep slope area. The proposed mitigation plan is included as **Attachment 4**. The planting is required to be maintained and monitored for a period of 5 years following installation. **See Conditions of Approval in Section IX of this report.**

**iv. Consistency with Critical Areas Report LUC 20.25.230**

The applicant supplied a complete critical areas report along with a geotechnical report prepared by Geotech Consultants dated June 17, 2013. The report meets the minimum requirements in LUC 20.25H.250. The report is included as **Attachment 3 and 4**.

## IV. Public Notice and Comment

| | |
|---|---|
| Application Date: | July 5, 2013 |
| Public Notice (500 feet): | August 1, 2013 |
| Minimum Comment Period: | August 15, 2013 |

The Notice of Application for this project was published the City of Bellevue Weekly Permit Bulletin on July 5, 2013. It was mailed to property owners within 500 feet of the project site. Two comments were received from a neighbors to the project. One expressed concern that the project comply with the setback requirements from the access easement and the second concerned compliance with current codes and requirements and equitable treatment of properties in the vicinity. Copies of the public comment letters can be found in the City of Bellevue project file.

Staff response: The proposed project will be evaluated for compliance with current codes and requirements as would any project in the vicinity.

## 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. State Environmental Policy Act (SEPA)

The proposal is for the reduction of a toe of slope structure setback for the purposes of constructing a single-family residence on the property. The proposed work is entirely outside of the areas defined as "Critical Areas" by BCC 22.02.045. Furthermore, pursuant to BCC 22.02.032 and WAC 197-11-800, the construction or location of a one single-family primary structure is "categorically exempt" from SEPA environmental review.

## VII. Decision Criteria

### A. Critical Areas Report Decision Criteria- 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;**

**Finding:** The site contains an existing residential structure partially located within the steep slope critical area structure setback. The applicant proposed to rebuild the existing structure and extend the new footprint further into the steep slope structure setbacks.

The applicant supplied a geotechnical report prepared by Geotech Consultants Inc. The geotechnical report concludes that steep slope is generally stable and the potential for future large-scale slides on this slope is neglible. However, as with any steep slopes, there is the potential for shallow, small-scale slides. In order to mitigate the potential hazard from a future landslide, it is recommended the western, upslope foundation wall of the garage extend at lease 3 feet above the existing grade. This provdes a small catchement wall for any soil or debris that may travel down slop in a slide. No peenetrations, such as windows or doors are allowed on the 3 foot extension of the foundation wall . An egress door also should not be installed on the west wall of the garage as recommended by the geotechnical engineer. Further the geotech recommends that drilled soldier piles be utilized for shoring . See the complete geotechnical report recommendations in Attachement 3 and 4. In addition to these recommendation, the project also includes a mitigation plan to enhance the steep slope with native vegetation per the mitigation plan found in Attachment 2. This planting further enhances the natural characteristics of the steep slope critical area providing a level of protection at least as protective as the application of the regulations and standards of the code. **See Conditions of Approval in Section X of this report.**

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

**Finding:** The applicant will be required to provide a performance assurance device for the required mitigation measures associated with the proposed development within the structure setback from the steep slope and shoreline critical areas.

3. **The modifications and performance standards included in the proposal are not detrimental to the functions and values of critical area and critical area buffers off-site; and**

**Finding:** The functions and values of the critical areas and critical area buffers on adjacent properties will be unaffected by the actions in the proposal. As discussed in Section III of this report, the applicable performance standards of LUC Section 20.25H

are being met.

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

**Finding:** The proposed project is to construct a single family residence. This use is compatible with the surrounding residential development permitted in the same land use district.

**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. **See Conditions of Approval in Section IX 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 applicant has used the best available design and development techniques to design the new residence. The design constitutes the minimum necessary impact on the critical area structure while still fulfilling the project purpose. Steep slope impacts have been avoided and structural encroachment into the shoreline has been minimized. Development techniques as suggested by the Geotech Consultants Inc in their report, coupled with the planting of native vegetation in the steep slope area will result in the least possible impact on the critical area and critical area buffer.

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.**
   The proposal includes a conceptual mitigation plan that meets the requirements of LUC 20.25H.210. A final mitigation plan must be included with application for construction permit. An installation and maintenance surety is required and the proposed planting will be monitored for 5 years. **See Conditions of Approval in Section IX 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 steep slope structure setbacks to accommodate a new single family residence as identified in the project site plans (**Attachment 1**). **Approval of this Critical Areas Land Use Permit does not constitute a permit for construction. A building permit, clear and grade 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:**

| Applicable Ordinances | Contact Person |
|---|---|
| Clearing and Grading Code- BCC 23.76 | Savina Uzunow, 425-452-7860 |
| Land Use Code- BCC Title 20 | Heidi M. Bedwell 425-452-4862 |
| Noise Control- BCC 9.18 | Heidi M. Bedwell, 425-452-4862 |

**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 and any other associated development permits are required. Plans submitted as part of any permit application shall be consistent with the activity permitted under this approval.

   Authority: Land Use Code 20.30P.140
   Reviewer: Heidi M. Bedwell, Development Services Department

2. **Approved Modification:** This decision approves the toe of slope structure setback modification as identified in the project site plans (**Attachment 1**) to construct a single family residence with mitigation. This approval does not allow future structures or improvements to be located without future review and approval of a Critical Areas Land Use Permit. Geotechnical evaluation may be required for any future development on the

property.

Authority: Land Use Code 20.30P.140
Reviewer: Heidi M. Bedwell, Development Services Department

3. **Geotechnical Recommendations and Inspection:** The project shall be constructed and inspected by the Engineer of Record to verify implementation of the recommended procedures and practices in the geotechnical report (**Attachment 3 and 4**) dated June 17, 2013 and addendum September 24, 2013 prepared by Geotech Consultants Inc. A report verifying implementation of inspection shall be submitted to Heidi Bedwell at hbedwell@bellevuewa.gov or to the address below:

Environmental Planning Manager
Development Services Department
City of Bellevue
PO Box 90012
Bellevue, WA 98009-9012

Authority: Land Use Code 20.30P.140
Reviewer: Heidi M. Bedwell, Development Services Department

4. **Mitigation Planting Area:** The reduced geologic hazard critical area requires planting to mitigate the approved structure setback reduction in accordance with the project mitigation plan included as **Attachment 2**. **The applicant shall submit a final planting plan as part of the building permit which is consistent with the requirements in this report.**

Authority: Land Use Code 20.30P.140; 20.25H.220
Reviewer: Heidi M. Bedwell, Development Services Department

5. **Maintenance and Monitoring:** The planting area shall be maintained and monitored for 5 years as required by LUC 20.25H.220. Annual monitoring reports are to be submitted to Land Use each of the five years. Photos from selected photo points will be included in the monitoring reports to document the planting. Annual monitoring reports are to be submitted to the Development Services Department Land Use Division at the end of the growing season by no later than November 30 for each year monitored. The reports, along with a copy of the planting plan, can be sent to Heidi Bedwell at hbedwell@bellevuewa.gov or to the address below:

Environmental Planning Manager
Development Services Department
City of Bellevue
PO Box 90012
Bellevue, WA 98009-9012

Authority: Land Use Code 20.30P.140; 20.25H.220
Reviewer: Heidi M. Bedwell, Development Services Department

6. **Installation Device:** To ensure the required mitigation and restoration of areas of temporary disturbance is completed, the applicant shall post an Installation Assurance

Device prior to the building permit or clearing and grading permit issuance. The device shall be equal to 150% of the value of the approved mitigation. The device will be released when the applicant demonstrates required mitigation has successfully been installed.

Authority: Land Use Code 20.25H.125.J, 20.25H.220, and 20.40.490
Reviewer: Heidi M. Bedwell, Development Services Department

7. **Maintenance Device:** Prior to the final sign off of the building permit land use inspection the applicant shall submit a restoration / replanting maintenance plan cost estimate to be used in determining the amount of the assignment of the maintenance and monitoring financial security device that will be required prior to permit issuance. A complete assignment of savings financial security device in the amount determined by the project planner must be submitted prior to building permit or clearing and grading permit issuance. For the purpose of this permit, maintenance and monitoring shall be completed for a period of five growing seasons. Release of this assurance device is contingent upon receipt of documentation reporting successful establishment in compliance with the mitigation performance standards listed in the project mitigation plan included as **Attachment 2**. Land Use inspection of the planting after 5-years is required to release the surety.

   Authority: Land Use Code 20.25H.125.J and 20.25H.220
   Reviewer: Heidi M. Bedwell, Development Services Department

8. **Hold Harmless Agreement:** The applicant shall submit a hold harmless agreement in a form approved by the City Attorney which releases the City from liability for any damage arising from the location of improvements within a critical area structure setback in accordance with LUC 20.30P.170. The hold harmless agreement is required to be recorded with King County prior to building permit issuance. Staff will provide the applicant with the hold harmless form.

   Authority: Land Use Code 20.30P.170
   Reviewer: Heidi M. Bedwell, Development Services Department

9. **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, Development Services Department

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

    Authority: Bellevue City Code 23.76.093.A,
    Reviewer: Savina Uzunow, Development Services Department

11. **Storm Water Pollution Prevention Plan:** To ensure contaminated stormwater or construction-related runoff does not pollute adjacent surface water, a construction stormwater pollution prevention plan (CSWPPP) is required. The CSWPPP outline should be generally consistent with the SWPPP requirements of the National Pollutant Discharge Elimination System (NPDES) General Storm water Permit for Construction Activities.

    Authority: Clearing and Grading Code BCC 23.76
    Reviewer: Savina Uzunow, Development Services Department

Item 2b. 83

# CRITICAL AREAS REPORT

*Prepared for -*

## 1650 W Lake Sammamish Pkwy NE

July 3, 2013 (rev Oct 8th)

Received
OCT 11 2013
Permit Processing
City of Bellevue

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## I. Proposal Description

The applicant proposes to rebuild a single-family residence located on a property adjacent to Lake Sammamish. The site has both a steep slope critical area and a shoreline critical area. With the shoreline buffer and setback, the steep slope setbacks and other setbacks for an R-2.5 zone, the result is a site with overlapping critical area buffers and setbacks and no building footprint as shown in *Figure 1* below.

The applicant proposes to preserve the shoreline buffers and setbacks, use the existing non-conforming footprint and impervious areas and requests a modification of the steep slope setback from 75' to 3' as well as modification of the 15' combined side yard setbacks to 10'. The applicant also proposes to enhance the shoreline critical area with 540 sq ft of native plantings and enhance the steep slope critical area with native plantings. This approach recognizes the existing developed condition of the site which was built prior to regulation of critical areas and zoning and favors modification of the steep slope setback over the more critical shoreline buffer and setback as well as improving critical areas functions and values. See modified setbacks in *Figure 2 (green area is revised maximum proposed footprint),* ~~and~~ the shoreline native planting plan in *Figure 3a* and the steep slope native planting plan in *Figure 3b* below.

*Figure 1. Site Plan With Overlapping Setbacks*

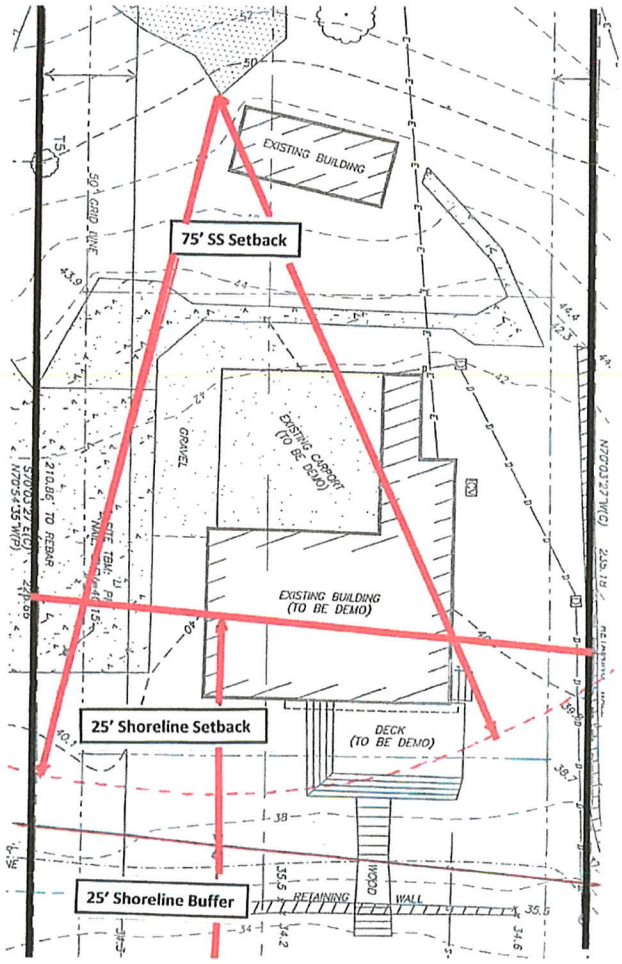



*Figure 2. Site Plan with Modified Setbacks (revised)*

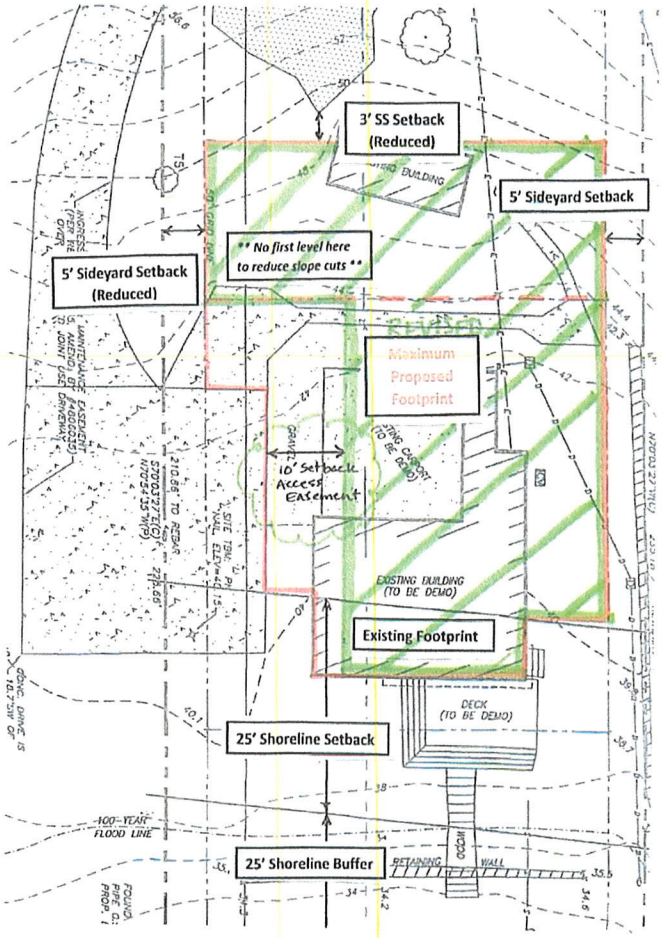
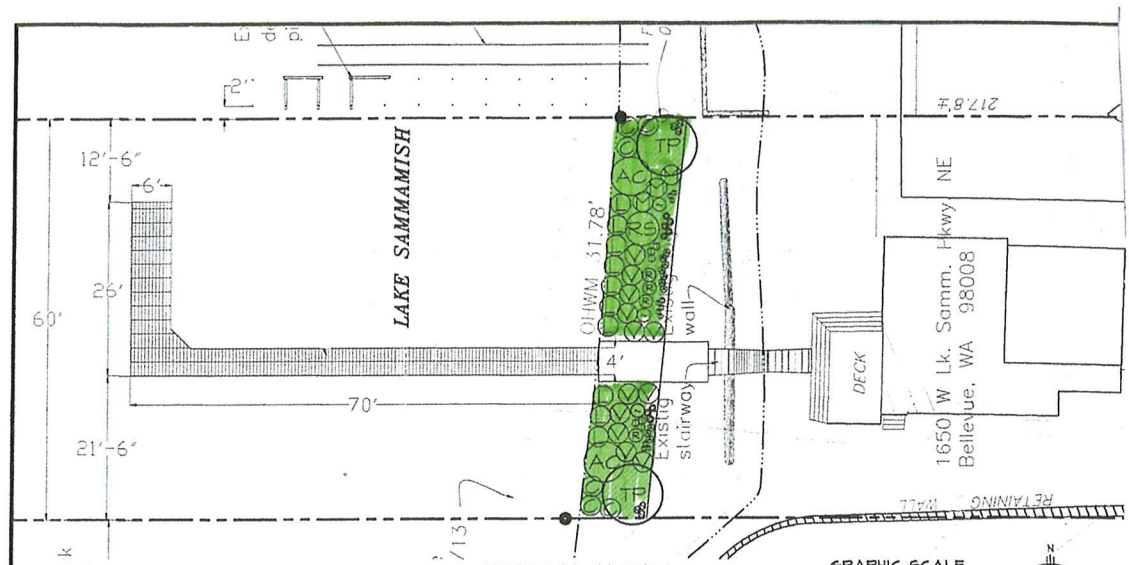


*Figure 3a. Shoreline Native Planting Plan*




## PLANT SCHEDULE

### LARGE TREES

| KEY | SCIENTIFIC NAME | COMMON NAME | SPACING | QTY | SIZE (MIN.) | NOTES |
|---|---|---|---|---|---|---|
| TP | THUJA PLICATA | WESTERN RED CEDAR | 10' O.C. | 2 | 5 GAL. | FULL & BUSHY |

### SMALL TREES

| KEY | SCIENTIFIC NAME | COMMON NAME | SPACING | QTY | SIZE (MIN.) | NOTES |
|---|---|---|---|---|---|---|
| AC | ACER CIRCINATUM | VINE MAPLE | 6' O.C. | 2 | 5 GAL. | MULTI-STEM (3 MIN.) |

### SHRUBS

| KEY | SCIENTIFIC NAME | COMMON NAME | SPACING | QTY | SIZE (MIN.) | NOTES |
|---|---|---|---|---|---|---|
| C | CORNUS SERICEA | RED OSIER DOGWOOD | 4' O.C. | 6 | 1 GAL. | MULTI-STEM (3 MIN.) |
| L | LONICERA INVOLUCRATA | BLACK TWIN-BERRY | 3' O.C. | 10 | 1 GAL. | MULTI-STEM (3 MIN.) |
| M | MAHONIA AQUIFOLIUM | TALL OREGON GRAPE | 4' O.C. | 3 | 2 GAL. | FULL & BUSHY |
| RS | RIBES SANGUINEUM | RED CURRANT | 5' O.C. | 1 | 2-3 GAL. | MULTI-STEM (3 MIN.) |
| V | VACCINIUM OVATUM | EVERGREEN HUCKLEBERRY | 3' O.C. | 12 | 2 GAL. | FULL & BUSHY |

### GROUNDCOVER

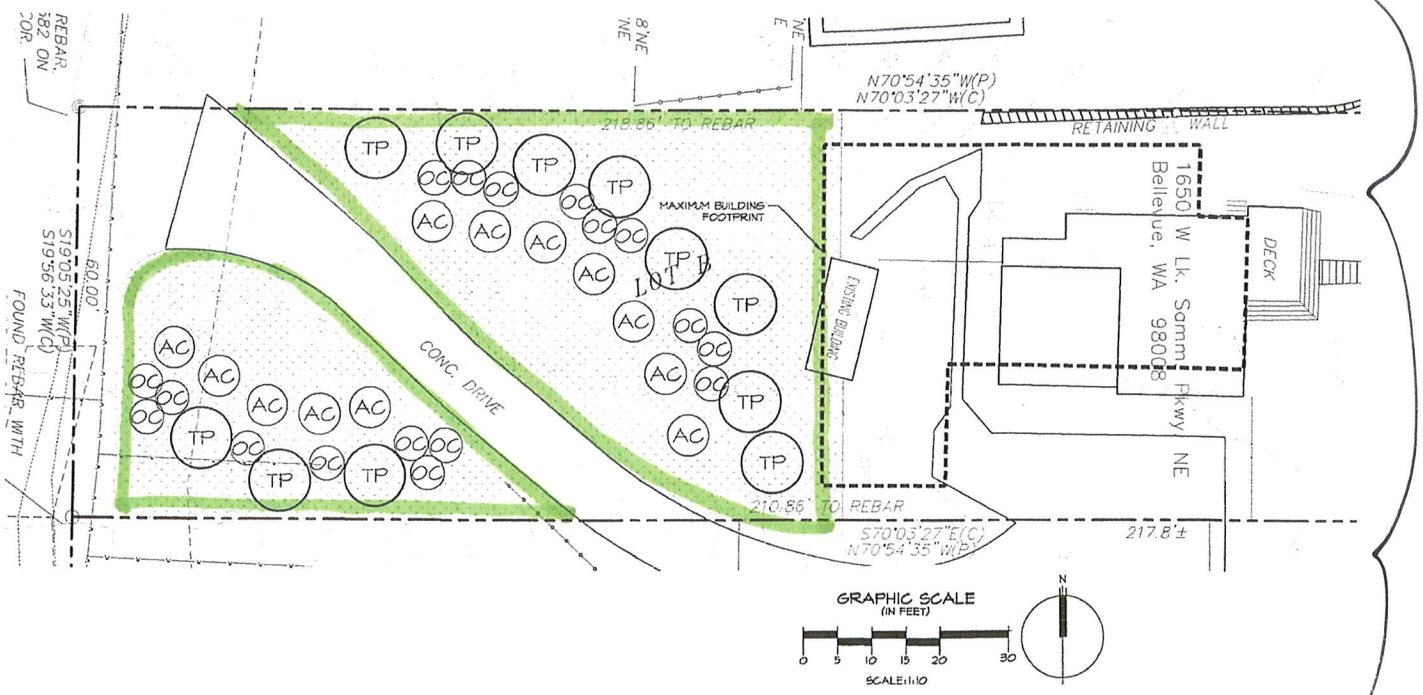
| KEY | SCIENTIFIC NAME | COMMON NAME | SPACING | QTY | SIZE (MIN.) | NOTES |
|---|---|---|---|---|---|---|
| | ARCTOSTAPHYLLOS UVA-URSI | KINNIKINNICK | 3' O.C. | 16 | 1 GAL. | FULL & BUSHY |

### PERENNIALS

| KEY | SCIENTIFIC NAME | COMMON NAME | SPACING | QTY. | SIZE MIN. | NOTES |
|---|---|---|---|---|---|---|
| Q | AQUILEGIA FORMOSA | WESTERN COLUMBINE | 1' O.C. | 8 | 1 GAL. OR 4" POT | FULL & BUSHY |
| T | ARMERIA MARITIMA | THRIFT | 9" O.C. | 11 | 1 GAL. OR 4" POT | FULL & BUSHY |
| R | ASTER SUBSPICATUS | DOUGLAS ASTER | 2' O.C. | 4 | 1 GAL. OR 4" POT | FULL & BUSHY |
| A | CAMASSIA QUAMASH | COMMON CAMAS | 1' O.C. | 10 | 1 GAL. OR 4" POT | FULL & BUSHY |
| I | IRIS TENAX | OREGON IRIS | 1' O.C. | 6 | 1 GAL. OR 4" POT | FULL & BUSHY |
| ~ | LUPINUS POLYPHYLLUS | LARGE-LEAVED LUPINE | 2' O.C. | 3 | 1 GAL. OR 4" POT | FULL & BUSHY |
| N | TELLIMA GRANDIFLORA | FRINGECUP | 1' O.C. | 6 | 1 GAL. OR 4" POT | FULL & BUSHY |

*Figure 3b. Steep Slope Native Planting Plan*

## Steep Slope Mitigation Plan




### PLANT SCHEDULE (ON STEEP SLOPE)

**LARGE TREES**

| KEY | SCIENTIFIC NAME | COMMON NAME | SPACING | QTY | SIZE (MIN.) | NOTES |
|---|---|---|---|---|---|---|
| TP | THUJA PLICATA | WESTERN RED CEDAR | 10' O.C. | 11 | 5 GAL. | FULL & BUSHY |

**SMALL TREES**

| KEY | SCIENTIFIC NAME | COMMON NAME | SPACING | QTY | SIZE (MIN.) | NOTES |
|---|---|---|---|---|---|---|
| AC | ACER CIRCINATUM | VINE MAPLE | 6' O.C. | 12 | 5 GAL. | MULTI-STEM (3 MIN.) |

**SHRUBS**

| KEY | SCIENTIFIC NAME | COMMON NAME | SPACING | QTY | SIZE (MIN.) | NOTES |
|---|---|---|---|---|---|---|
| OC | OEMLERIA CERASIFORMIS | INDIAN PLUM | 5' O.C. | 17 | 1 GAL. | MULTI-STEM (3 MIN.) |
| | POLYSTICHUM MUNITUM (80% DENSITY) | SWORD FERN | 4' O.C. | 153 | 1 GAL. | FULL & BUSHY |

## II. Site Description, Zoning and Land Use Context

### A. Site Description

The project site is located at 1650 W Lake Sammamish Parkway NE. The site is adjacent to Lake Sammamish to the east and surrounded by residential properties to the north, south and west. The property is served by a private access road - Mallard Lane - though the site address is W Lake Sammamish Parkway NE. From Mallard Lane, access to the site is via a shared driveway easement with the property to the south - 1630 W Lake Sammamish Pkwy NE.

The project site is developed with a single-family residence and accessory improvements. The accessory improvements include a greenhouse to the west of the house, a deck to the east of the house and a retaining wall just east of the deck. There is minimal native vegetation present. The eastern half of the site where the house resides is comprised of lawn and ornamental planting beds with no significant trees. The western half of the site which is primarily steep slope contains two significant trees – an evergreen near the center of the property and a deciduous tree along the southerly property boundary about midway between Mallard Lane and Lake Sammamish. There is also a dead maple tree near the center of the property that will need to be removed for safety reasons.

The site is approximately 120' deep by 60' wide. The steep slope critical areas are both north and south of the driveway easement on the western half of the property. See the site plan in *Figure 4* below. There is a shoreline critical area along the eastern property boundary. See the aerial photo in *Figure 5* below.

*Figure 4.* Site Plan

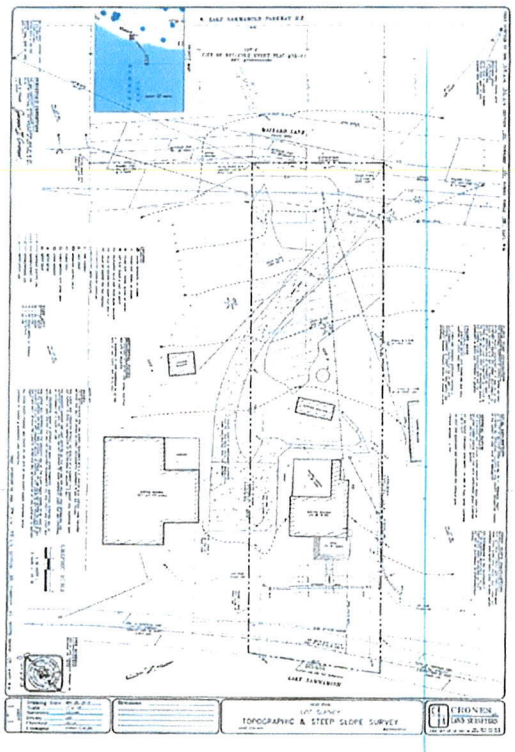


*Figure 5.* Aerial Photo

**B. Zoning**
The property is zoned R-2.5, single-family residential and the proposed house and improvements are allowed in this zone.

**C. Land Use Context**
The property has a Comprehensive Plan Land Use Designation of SF-M (Single Family Medium Density). Construction of a home and improvements is consistent with this land use.

**D. Critical Areas On-Site and Regulations**

**Shorelines.** The site includes a shoreline critical area on Lake Sammamish along the eastern boundary. Shorelines provide a variety of functions including shade, temperature control, water purification, woody debris recruitment, channel, bank and beach erosion, sediment delivery, and terrestrial-based food supply. Each function is a product of physical, chemical, and biological processes at work within the overall landscape. In lakes, these processes take place within an integrated system (ecosystem) of coupled aquatic and riparian habitats.

**Geologic Hazard Areas.** The site includes steep slope critical areas on the western half of the property, north and south of the access easement. Geologic hazards pose a threat to the health and safety of citizens when development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices.

## III. Consistency with Land Use Code Requirements

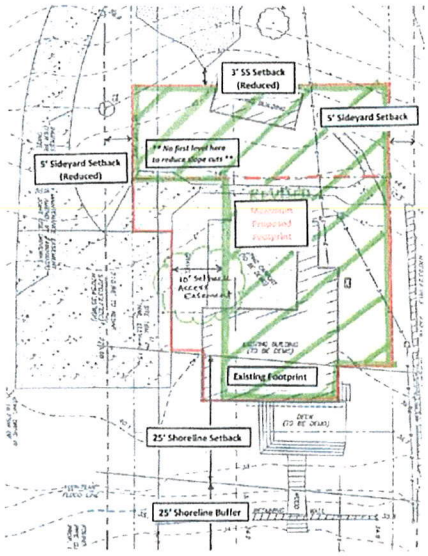
### A. Zoning District Building Setbacks

The R-2.5 zoning dimensional requirements found in LUC 20.20.010 apply to the proposal. It is the intent of the proposal to comply with all dimensional requirements, including the allowed modification of the side yard setbacks under LUC 20.25H.040. LUC 202.25H.040 allows a reduction in the combined side yard setback from 15' to 10' in the R-2.5 zoning.

| BUILDING SETBACK | CODE | PROPOSED |
|---|---|---|
| Front Yard | 20 feet | Same |
| Rear Yard | 20 feet | Same |
| Min. Side Yard | 5 feet | Same |
| Combined Side Yard | 15 feet | **10 feet per LUC 20.25H.040** |

Pending approval of this Critical Area Land Use Permit, complete architectural drawings will be prepared which comply with all dimensional requirements. Dimensional requirements, such as maximum lot coverage by structures (50%), maximum building height (35') and maximum impervious surface (35%), will be determined as part of the architectural development and may require a reduction in the maximum proposed footprint shown in Figure 6 (green area is revised maximum proposed footprint).

*Figure 6.* Maximum Proposed Footprint (revised) [*This is identical to Figure 2 previously.*]




Architectural design and aesthetics may also result in a reduction in the maximum proposed footprint. As a result, the maximum proposed footprint should be considered conceptual in nature and any following building permit application will:

- include a footprint the same or smaller than that shown in this application
- be compliant with all dimensional requirements
- only extend beyond the maximum footprint where considered a minor building element under LUC 20.20.025C

**B. Critical Areas Overlay District 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 a critical area, critical area buffer or structure setback from a critical area or buffer. The project area is within the 75-foot toe-of-slope setback from a steep slope critical area and is subject to performance standards. The project area is also within the 25' shoreline structure setback; however, the proposal uses the existing footprint only, avoiding any further intrusion into the shoreline setback. The proposal does not use LUC 20.25H.115.C.3.a. which may allow further intrusion into the 25' shoreline setback where adjacent properties are further waterward than the proposed structure.

a. **Consistency with LUC 20.25H.125**

The steep slope critical area is located on-site, on the westerly portion of the property. The site has existed in this developed condition for many years. The current property and those adjacent are built-out. The present condition of the toe-of-slope setback is almost entirely disturbed and modified by existing development. The proposed project has been designed to:

- Avoid alteration of existing grades other than excavation for the proposed pin pile foundation
- Avoid disturbance of the steep slope itself
- Avoid further intrusion into the shoreline buffers and setbacks

Development within a 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.

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.* No significant alteration of the slope contour is proposed. In fact, the proposal includes a tiered foundation to consider the existing topography.

B. *Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation.* The structure has been designed and located to avoid disturbance of the steep slope and any new encroachments into the 25' shoreline structure setback.

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

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 retaining walls are needed to maintain the existing slope and no slopes will be graded.

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

*critical area buffer.* There are no new impervious surfaces in the critical area. New impervious surfaces within the critical area buffer have been minimized by proposing a three-story residence rather than a two-story residence which would require more impervious surface to achieve the same square footage.

F. *Where change in grade outside the building footprint is necessary, the site retention system should be stepped and re-grading 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 significant change in grade or re-grading is proposed.

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.* If needed, building foundation wall will be used rather than retaining walls. No retaining walls are anticipated.

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.* No construction is proposed in slopes in excess of 40 percent.

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.* No construction is proposed in slopes in excess of 40 percent.

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.* Modification of the slope setback is required to rebuild a new single-family residence, though the steep slope will not be disturbed. The project has been evaluated by a geotechnical engineer who found that "if the steep slope is left undisturbed, mitigation in the form of planting of trees and/or vegetation is not required (Geotech Report, pg 4)." However, mitigation is proposed including a native planting plan along the 10' of shoreline landward of the Ordinary High Water Mark (OHWM), excluding a 6' wide beach access and a native planting plan for the steep slope.

**b. Consistency with LUC 20.25H.230**

The critical areas report is intended to provide flexibility for sites where the expected critical area functions and values are not present due to degraded conditions or other unique site characteristics, or for proposals providing unique design or protection of critical area functions and values not anticipated by this part. Generally, the critical areas report must demonstrate that the proposal with the requested modifications leads to equivalent or better protection of critical area functions and values than would result from the application of the standard requirements. Where the proposal involves restoration of degraded conditions in exchange for a reduction in regulated critical area buffer

on a site, the critical areas report must demonstrate a net increase in certain critical area functions

The proposal has been designed to protect critical area functions and values by requesting a reduction in the steep slope setback and a reduction in the 15' combined side yard setbacks in favor of either disturbing the steep slope and/or reducing the shoreline structure setback. It also seeks to minimize any additional impact by utilizing the footprint of the existing house and existing impervious surfaces.

The expected critical area functions and values are not present on the site due to the existing development. As the critical area functions and values are degraded, there is opportunity to improve the site. Mitigation is proposed, including a native planting plan along the 10' of shoreline landward of the Ordinary High Water Mark (OHWM), excluding a 6' wide beach access and a native planting plan for the steep slope. The restored shoreline area will be approximately 540 sq ft. and will include trees, shrubs, perennials and groundcover. These plantings will result in a net increase in shoreline critical areas functions. The restored steep slope area will include trees, shrubs and ferns. These plantings will also result in a net increase in steep slope critical area functions.

## IV. 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;*
   As discussed, the site has limited function and value compared to a natural undisturbed site. Existing development has degraded the site as compared to the site's potential. A 540 square-foot area along the shoreline and the steep slope area are is proposed to be restored with native plantings as mitigation for the limited impacts the project will cause. The site will have a net improvement in critical area functions.

2. *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;*
   The performance standards related to steep slopes are being met by this proposal as no critical area is proposed to be modified. As reviewed in Section III above, the project complies with all required performance standards.

3. *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;*
   Having a shoreline buffer that provides some vegetation is an improvement over the existing condition which has limited shoreline vegetation. The vegetation will provided shade, habitat and allow for organic material input into the lake. The shoreline frontage on this site is the most important critical area, as it provides an interface between the land and the water which is critical to the aquatic ecosystem. Restoring the steep slope critical area with native plantings is an improvement over the existing condition including Himalayan blackberries.

4. *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;*
   The project is installing 540 square feet of vegetation that does not currently exist. The current site and paved surfaces drain directly to the lake. The newly installed vegetation will improve stormwater quality function by reducing sedimentation into the lake and other negative impacts.

5. *Adequate resources to ensure completion of any required restoration, mitigation and monitoring efforts;*
   The proposed mitigation of 540 sq ft of shoreline native planting and the majority of the steep slope native planting area are is not required by the geotechnical engineer, but is proposed by the applicant. As such, no surety bond or monitoring should be required.

6. *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 shoreline or steep slope critical areas off-site. Overall, the functions of the shoreline

criteria area and the steep slope critical area will be improved. The proposed project complies with the required performance standards. No construction work is proposed in the steep slope critical area. This approval will avoid modification of or further disturbance of the shoreline setback.

7. *The resulting development is compatible with other uses and development in the same land use district.* The project will construct a new single-family residence which is a compatible use with the surrounding uses which are also single-family homes.

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

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

A. *The proposal obtains all other permits required by the Land Use Code.* The applicant will obtain a building permit and other associated permits before beginning any work.

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.* The proposal utilizes the footprint of the existing home as well as current impervious surface areas and the proposal includes a tiered foundation to minimize disturbance of the natural grade within the steep slope setback. The granting of the reduction in the steep slope setback and reduced side yard setbacks will avoid the need for a reduction in the shoreline setback.

C. *The proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable.* As discussed in Section III of this report, the performance standards of LUC 20.25H are being met.

D. *The proposal will be served by adequate public facilities including street, fire protection, and utilities.* The proposed activity will not affect public services or facilities any more than the existing home and will be served by adequate public facilities.

E. *The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210.* A mitigation planting plan has been submitted to install plants in a 540 square-foot area along the shoreline as well as the majority of the steep slope area, though no mitigation is required by the geotechnical engineer.

F. *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 and/or will demonstrate full compliance at time of submission for a building permit.

Item 2.a.

**GEOTECH CONSULTANTS, INC.**

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(425) 747-5618 FAX (425) 747-8561

September 24, 2013

JN 13178

Bluewater Assets, LLC
4265 – 206th Avenue Southeast
Sammamish, Washington 98075

Attention: Heidi Ryan

Subject: ***Addendum to Geotechnical Engineering Study Regarding Setback from Steep Slope***
Proposed New Residence
1650 West Lake Sammamish Parkway Northeast
Bellevue, Washington

Reference: *Geotechnical Engineering Study;* same site and project; Geotech Consultants, Inc.; June 17, 2013.

Dear Ms. Ryan: *via email heidiryan1@comcast.net*

This letter is in response to Comment 2 of the City of Bellevue's September 16, 2013 letter regarding the Ryan Residence Critical Areas Land Use Permit. When we prepared our June 17, 2013 *Geotechnical Engineering Study*, we were aware that the western, upslope, wall of the new structure would be at, or within approximately 5 feet of, the toe of the surveyed steep slope area. The recommendations that we presented in our report were intended to mitigate the potential hazard associated with this planned structure location, and to prevent adverse impacts to the stability of the steep slope.

In our professional opinion, no setback or buffer from the toe of the steep slope is required for this project, provided the recommendations of our *Geotechnical Engineering Study* are followed. In accordance with Bellevue Code 20.25H.145, our recommendations are intended to prevent an increase in the threat of geological hazards to the site and the surrounding properties, and to mitigate the hazard presented by the steep slope. By incorporating the excavation, retaining and slide catchment elements in the project, the project should be safe to construct and occupy.

Please contact us if you have any questions regarding this letter.

Respectfully submitted,

GEOTECH CONSULTANTS, INC.

Marc R. McGinnis, P.E.
Principal

Received
OCT 11 2013
Permit Processing
City of Bellevue

MRM: mrm

Item 1.

To: City of Bellevue, Planning Dept.

From: Ray & Heidi Ryan

Date: October 8, 2013

**Re: 13-119634-LO Permit, Statement of Intent To Occupy Home**

This document is in response to the letter of September 16, 2013 from the City reviewing our application for a Critical Areas Land Use Permit. It addresses **item 1** regarding a shoreline exemption.

**Specifically, it is our intent to occupy the proposed future residence at 1650 West Lake Sammamish Pkwy NE.**

Received
OCT 11 2013
Permit Processing
City of Bellevue