



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

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**Proposal Name:** Howard Residence

**Proposal Address:** 1830 W. Lake Sammamish Pkwy SE

**Proposal Description:** The applicant requests a Critical Areas Land Use Permit to modify the buffer from a steep slope in order to construct a new single family residence on a vacant site. The proposal includes a request to modify the buffer from 50 feet to between 3 and 15 feet from the top of the two slopes found on an in the vicinity of the subject site.

**File Number:** 14-133728-LO

**Applicant:** Mark L. Nelson, on behalf of Kent & Pam Howard

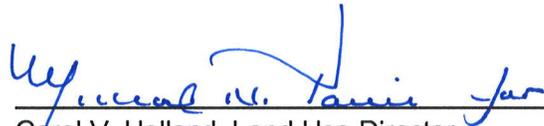
**Decisions Included:** Critical Areas Land Use Permit  
(Process II. LUC 20.30P)

**Planner:** Heidi M. Bedwell, Planner

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

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

  
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Carol V. Helland, Land Use Director  
Development Services Department

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Application Date: June 5, 2014  
Notice of Application Publication Date: August 21, 2014  
Decision Publication Date: October 23, 2014  
Project Appeal Deadline: November 6, 2014

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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. Project Plans
2. Geotechnical Report (see file)

## **I. Proposal Description**

The applicant is requesting a Critical Areas Land Use Permit in order to construct a new single family residence on a vacant site. The site currently contains a paved area used for parking vehicles and boat trailers. The proposal includes a request to modify the buffer from 50 feet to between 3 and 15 feet from the top of the two slopes found on an in the vicinity of the subject site.

Land Use Code (LUC) 20.25H.120 prescribes a 50-foot critical area buffer from the top of a steep slope critical area. The request is to reduce the prescribed buffer to a minimum distance of 3 feet and 15 feet for the buffer from the two steep slopes associated with the subject site. LUC 20.25H.140 allows for the modification of a critical area buffer through a critical areas report. The critical areas report is a mechanism by which certain LUC requirements may be modified for a specific proposal.

The critical areas report is intended to provide flexibility for sites where the expected critical areas functions and values are not present due to degraded conditions. The two, steep slopes and buffers on the property are degraded in function and value because they lack the vegetative structural diversity found in higher-quality habitat areas. The stability of the slopes have been assessed by a qualified professional and a buffer of less than the prescribed 50 feet has been deemed sufficient to protect development from geologic hazards with the implementation of specific performance standards discussed further in this report

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

### **A. Site Description**

The vacant site is irregular in shape, approximately 19,948 square feet in size, and contains a steep slope (40% and greater) and is adjacent to an offsite steep slope. The steep slopes on site total approximately 2,400 square feet. The site is bordered to the north and south by existing paved access driveways serving development offsite. The topography of the site slopes steeply downward along the north, east and south boundaries of the property. The steep slope on the southern portion of the site has a mix of trees, shrubs, and contains two 4-foot high rockeries. The slope to the north is vegetated with mature evergreen and deciduous trees. The central portion of the site is relatively flat and contains a paved asphalt area used for parking cars and trailers. The remainder of the site contains mature trees and a mix of non-native invasive understory vegetation. Access to the site is via West Lake Sammamish Parkway SE.



## B. Zoning and Land Use Context

The property is zoned R-3.5, a single family residential zoning district and the proposed use is permitted outright. Surrounding properties are also within the same zoning district and developed with single family residences.

## C. Critical Areas Functions and Values

### 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 provides 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. Habitat Associated with Species of Local Importance**

Urbanization, the increase in human settlement density and associated intensification of land use, has a profound and lasting effect on the natural environment and wildlife habitat (McKinney 2002, Blair 2004, Marzluff 2005 Munns 2006), is a major cause of native species local extinctions (Czech et al 2000), and is likely to become the primary cause of extinctions in the coming century (Marzluff et al. 2001a). Cities are typically located along rivers, on coastlines, or near large bodies of water. The associated floodplains and riparian systems make up a relatively small percentage of land cover in the western United States, yet they provide habitat for rich wildlife communities (Knopf et al. 1988), which in turn provide a source for urban habitat patches or reserves. Consequently, urban areas can support rich wildlife communities. In fact, species richness peaks for some groups, including songbirds, at an intermediate level of development (Blair 1999, Marzluff 2005). Protected wild areas alone cannot be depended on to conserve wildlife species. Impacts from catastrophic events, environmental changes, and evolutionary processes (genetic drift, inbreeding, colonization) can be magnified when a taxonomic group or unit is confined to a specific area, and no one area or group of areas is likely to support the biological processes necessary to maintain biodiversity over a range of geographic scales (Shaughnessy and O'Neil 2001). As well, typological approaches to taxonomy or the use of indicators present the risk that evolutionary potential will be lost when depending on reserves for preservation (Rojas 2007). Urban habitat is a vital link in the process of wildlife conservation in the U.S.

### **III. Consistency with Land Use Code Requirements:**

#### **A. Zoning District Dimensional Requirements:**

The site is located in the R-3.5 zoning district. The plans submitted generally demonstrate conformance with these standards. However as part of the subject building permit the applicant will be required to comply with all applicable Land Use Code standards prior to City approval.

**B. Critical Areas Requirements LUC 20.25H: Consistency with Land Use Code  
Critical Areas Performance Standards for landslide hazards and steep slopes  
20.25H.125**

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 alteration of the slopes is proposed. The proposed home construction will utilize the existing paved parking area. 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. See discussion below regarding mitigation and restoration plan. **See Conditions of Approval in Section IX of this report.**

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

The application includes a copy of the site plans for the proposal and a topographic survey. In addition, three geotechnical reports (and addendums) prepared by Associated Earth Science Inc, on August 2, 2013, May 9, 2014, and July 28, 2014 were submitted with the application. These reports include an analysis of the site's geological characteristics and the proposed project. The report includes an analysis of the stability of both slopes on the site. Existing and post development slope stability was evaluated using City of Bellevue reporting requirements. The minimum calculated factors of safety all

exceed the minimum values specified by the City of Bellevue. Additionally, post-development factors of safety are equal or higher than the factors of safety calculated for the existing site conditions.

It is also [the geotechnical engineer's] opinion that the site is suitable for the proposed single-family development as planned provided the recommendation presented in their reports are properly incorporated into the design and construction of the project.

The report makes the following recommendation related to the slope buffer: "15-foot steep slope setback defined as a 15-foot wide buffer between the footing and any point at which a 15-foot long horizontal line daylight on the critical area slope. ...also recommend that the bottom of the foundation be embedded below the bottom elevation of the rockery located near to the proposed building footprint." This equates to a top of slope setback of 15-feet at the northeast corner of the structure and a setback of approximately 3 feet at its southeast corner. The portion of the foundation near the southeast slope will include a concrete pier, which will conform to the existing topography versus a deepened foundation/retaining wall.

No native or significant vegetation will be removed within the steep slopes. The project will be conditioned to incorporate the recommendations for foundation and additional construction techniques per the geotech report analysis. **See Conditions of Approval in Section IX of this report.**

#### **IV. Public Notice and Comment**

Application Date:	June 5, 2014
Public Notice (500 feet):	August 21, 2014
Minimum Comment Period:	September 4, 2014

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on June 5, 2014. It was mailed to property owners within 500 feet of the project site. No comments have been received from the public as of the writing of this staff report.

#### **V. 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.

#### **VI. State Environmental Policy Act (SEPA)**

The proposal is for the reduction of a top of slope buffer 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 one single-family primary structure is "categorically exempt" from SEPA environmental review.

## **VII. Decision Criteria**

### **Critical Areas Report Decision Criteria-Proposals to Reduce Regulated Critical Area Buffer LUC 20.25H.255.**

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;**

**Finding:** The applicant has agreed to a restoration plan removing invasive species on the steep slope on the site and installation of native plants. Additionally a 10 foot dimension from the top of the northerly slope will be required to be planted with native vegetation. Plant selection and density shall be per the City's Critical Areas Handbook. **See Conditions of Approval in Section IX of this report.**

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

**Finding:** The mitigation plan will include improvements to the site's native vegetation. A net gain in the site's ecological functions is anticipated.

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

**Finding:** The site is currently developed with a paved parking area and no stormwater facilities are existing on the site. With the proposed development the applicant will be required to meet the City's stormwater standards and appropriately handle site runoff and water quality per the City's Utility Development Code. Stormwater quality will be improved by increased capture of runoff from the slope through the vegetation to be installed. Application of current stormwater regulations will also allow for a net site improvement over current conditions.

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

**Finding:** 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.**

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

**Finding:** The modifications and performance measures in this proposal are not detrimental to the functions and values of the slope areas, slope setbacks, or slope buffers of the surrounding landscape.

**6. The resulting development is compatible with other uses and development in the same land use district. ([Ord. 5680](#), 6-26-06, § 3)**

**Finding:** Construction of a single-family house is compatible with residential land use districts. Noise generated by construction is limited to the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance. **See Conditions of Approval in Section IX of this report.**

#### **Critical Areas Land Use Permit Decision Criteria 20.30P**

The Director may approve or approve with modifications an application for a critical areas land use permit if:

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

**Finding:** The proposal will be required to obtain a single-family building permit for the construction of the new residence and tram. **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;**

**Finding:** 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 buffer while still fulfilling the project purpose. Steep slope impacts have been avoided and structural encroachment into the slope has been minimized. Development techniques as suggested by the Associated Earth Science, Inc geotechnical engineer in their report, coupled with the planting of native vegetation in the steep slope area and buffer 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, and ;**

**Finding:** 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; and;**

**Finding:** 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; and**

**Finding:** The applicant has agreed to a restoration plan removing invasive species on the steep slope on the site and installation of native plants. Additionally a 10 foot dimension from the top of the northerly slope will be required to be planted with native vegetation. Plant selection and density shall be per the City's Critical Areas Handbook. 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.**

**Finding:** As discussed in Section III and V of 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, SEPA, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the proposal to construct a single family residence within the buffer from a steep slopes.

**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 Clearing and Grading Permit or other necessary development permits within one year of the effective date of the approval.

**IX. Conditions of Approval**

**The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:**

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Tom McFarlane, 425-452-5207
Land Use Code- BCC 20.25H	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 top of slope buffer modification from 50 feet to 3 feet and 15 feet 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 three geotechnical reports (**and addendums**) prepared by **Associated Earth Science Inc**, on **August 2, 2013, May 9, 2014, and July 28, 2014**. A report verifying implementation of inspection shall be submitted to Heidi Bedwell at [hbedwell@bellevuewa.gov](mailto: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 buffer requires planting to mitigate the approved buffer reduction. The applicant shall submit a final planting plan as part of the building permit which is consistent with the requirements in this report including the removal of invasive species on the steep slope on the site and installation of native plants and a 10 foot dimension from the top of the northerly slope planted with native vegetation. Plant selection and density shall be per the City's Critical Areas Handbook. Temporary irrigation shall be installed to assure successful plant establishment and health.

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](mailto: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: Tom McFarlane, 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: Tom McFarlane, Development Services Department

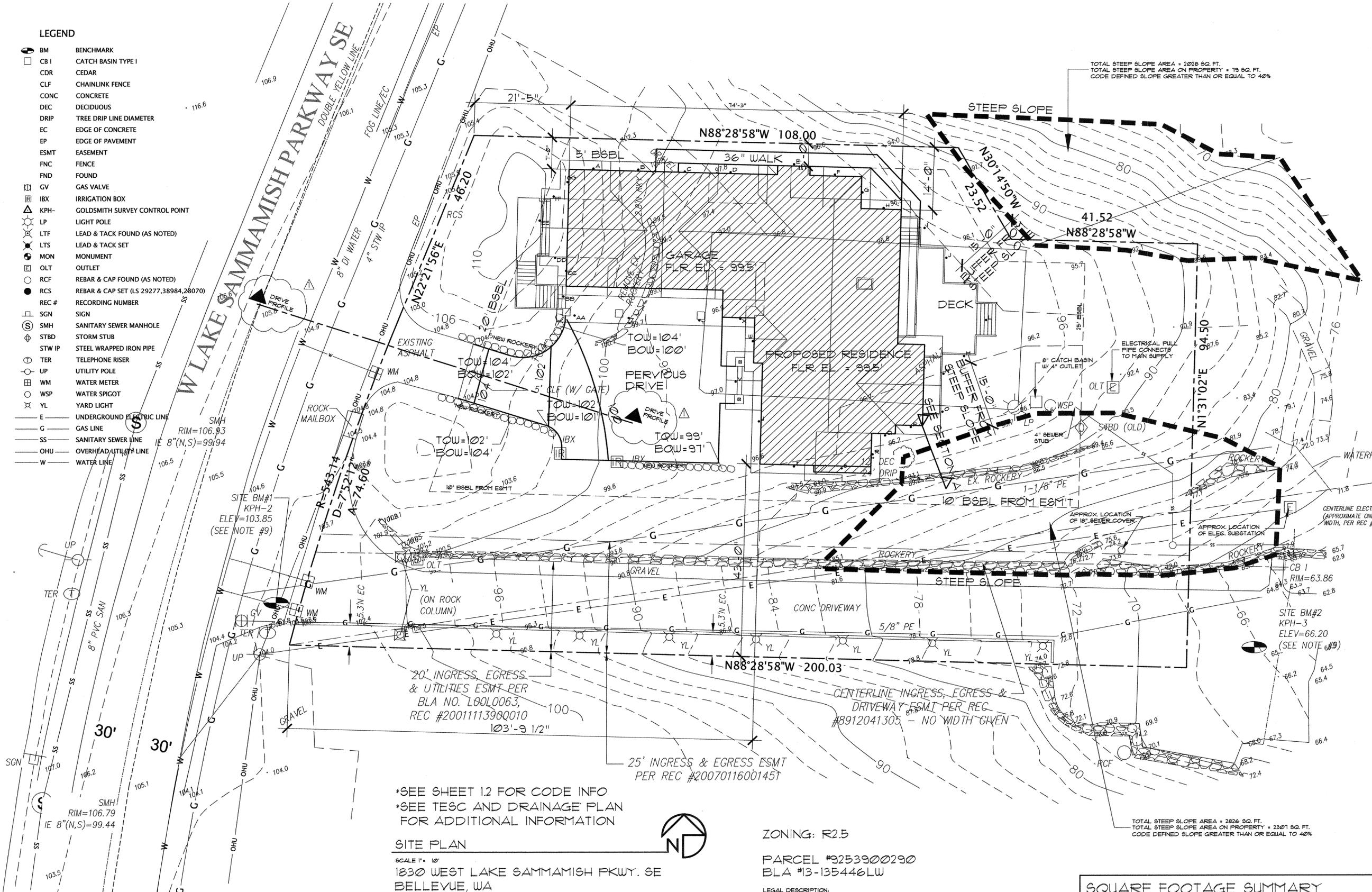
**LEGEND**

- BM BENCHMARK
- CB I CATCH BASIN TYPE I
- CDR CEDAR
- CLF CHAINLINK FENCE
- CONC CONCRETE
- DEC DECIDUOUS
- DRIP TREE DRIP LINE DIAMETER
- EC EDGE OF CONCRETE
- EP EDGE OF PAVEMENT
- ESMT EASEMENT
- FNC FENCE
- FND FOUND
- GV GAS VALVE
- IBX IRRIGATION BOX
- KPH- GOLDSMITH SURVEY CONTROL POINT
- LP LIGHT POLE
- LTF LEAD & TACK FOUND (AS NOTED)
- LTS LEAD & TACK SET
- MON MONUMENT
- OLT OUTLET
- RCF REBAR & CAP FOUND (AS NOTED)
- RCS REBAR & CAP SET (LS 29277, 38984, 26070)
- REC # RECORDING NUMBER
- SGN SIGN
- SMH SANITARY SEWER MANHOLE
- STBD STORM STUB
- STW IP STEEL WRAPPED IRON PIPE
- TER TELEPHONE RISER
- UP UTILITY POLE
- WM WATER METER
- WSP WATER SPIGOT
- YL YARD LIGHT
- E UNDERGROUND ELECTRIC LINE
- G GAS LINE
- SS SANITARY SEWER LINE
- OHU OVERHEAD UTILITY LINE
- W WATER LINE



**NELSON ARCHITECTURE**  
 Mark L. Nelson AIA  
 Principal  
 1233 Evergreen Point Road  
 Medina, Washington 98039  
 Telephone (425) 454-7704  
 Facsimile (425) 454-7803

2870 REGISTERED ARCHITECT  
 MARK L. NELSON  
 STATE OF WASHINGTON



TOTAL STEEP SLOPE AREA = 2028 SQ. FT.  
 TOTAL STEEP SLOPE AREA ON PROPERTY = 19 SQ. FT.  
 CODE DEFINED SLOPE GREATER THAN OR EQUAL TO 42%

TOTAL STEEP SLOPE AREA = 2826 SQ. FT.  
 TOTAL STEEP SLOPE AREA ON PROPERTY = 2307 SQ. FT.  
 CODE DEFINED SLOPE GREATER THAN OR EQUAL TO 42%

**HOWARD RESIDENCE**  
 1830 WEST LAKE SAMMAMISH PKWY. SE  
 BELLEVUE, WA

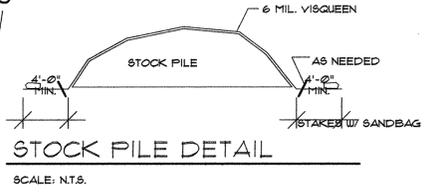
\*SEE SHEET 1.2 FOR CODE INFO  
 \*SEE TESC AND DRAINAGE PLAN FOR ADDITIONAL INFORMATION

**SITE PLAN**  
 SCALE 1" = 10'  
 1830 WEST LAKE SAMMAMISH PKWY. SE  
 BELLEVUE, WA

ZONING: R2.5  
 PARCEL #9253900290  
 BLA #13-135446LW

**LEGAL DESCRIPTION:**  
 THAT PORTION OF THE SOUTH 315 FEET OF THE NORTH 1008 FEET OF GOVERNMENT LOT 1, SECTION 1, TOWNSHIP 24 NORTH, RANGE 5 EAST, WM, IN KING COUNTY, WASHINGTON; EXCEPT THE WEST 75 FEET THEREOF; TOGETHER WITH THAT PORTION OF THE SOUTH 315 FEET OF THE NORTH 945 FEET AND THE NORTH 315 FEET OF THE SOUTH 63 FEET OF THE NORTH 1028 FEET OF GOVERNMENT LOT 3, SECTION 1, TOWNSHIP 24 NORTH, RANGE 5 EAST, WM, IN KING COUNTY, WASHINGTON; EXCEPTING THAT PORTION LYING WEST OF THE EAST MARGIN OF WEST LAKE SAMMAMISH ROAD SOUTHEAST;  
 (ALSO KNOWN AS A PORTION OF TRACTS 53 AND 57 OF WECUINA BEACH, ACCORDING TO THE UNRECORDED PLAT THEREOF; ALSO KNOWN AS LOT A OF KING COUNTY BOUNDARY LINE ADJUSTMENT NO. L00-L0063, RECORDED UNDER KING COUNTY RECORDING NO. 2001113900010.)  
 SITUATED IN THE COUNTY OF KING, STATE OF WASHINGTON.

SQUARE FOOTAGE SUMMARY		
MAIN FLOOR	2370	SQ. FT.
UPPER FLOOR	1733	SQ. FT.
TOTAL	4103	SQ. FT.
UNFINISHED	835	SQ. FT.
GARAGE	801	SQ. FT.



Drawing Title:  
 SITE PLAN

Drawn By: TH  
 Checked By: MLN  
 Issue Date: 6/4/14

Revisions:  
 No. Description Date  
 1 PROFILE 9/29/14

Scale: 1" = 10'-0"  
 Sheet No.

**A11**

**CLEARING AND GRADING STANDARD NOTES**

- All clearing & grading construction must be in accordance with City of Bellevue (COB) Clearing & Grading Code, Clearing & Grading Erosion Control Standard Details (EC-1 through EC-23), Development Standards, Land Use Code, Uniform Building Code, permit conditions, and all other applicable codes, ordinances, and standards. The design elements within these plans have been reviewed according to these requirements. Any variance from adopted erosion control standards is not allowed unless specifically approved by the City of Bellevue Department of Planning & Community Development (PCD) prior to construction.
- It shall be the sole responsibility of the applicant and the professional civil engineer to correct any error, omission, or variation from the above requirements found in these plans. All corrections shall be at no additional cost or liability to the COB. All details for structural walls, rockeries over four feet in height, geogrid reinforced rockeries and geogrid reinforced modular block walls, must be stamped by a professional engineer.
- A copy of the approved plans must be on-site during construction. The applicant is responsible for obtaining any other required or related permits prior to beginning construction.
- All locations of existing utilities have been established by field survey or obtained from available records and should, therefore, be considered only approximate and not necessarily complete. It is the sole responsibility of the contractor to independently verify the accuracy of all utility locations and to discover and avoid any other utilities not shown which may be affected by the implementation of this plan.
- The area to be cleared and graded must be flagged by the contractor and approved by the Clearing and Grading Inspector prior to beginning any work on the site.
- A reinforced silt fence must be installed in accordance with COB EC-5 and shall be located as shown on the approved plans or per the Clearing and Grading Inspector, along slope contours and down slope from the building site.
- A hard-surface construction access pad is required per Clearing & Grading Standard Detail EC-1 or EC-2. This pad must remain in place until paving is installed.
- Clearing shall be limited to the areas within the approved disturbance limits. Exposed soils must be covered at the end of each working day when working from October 1st through April 30th. From May 1st through September 30th, exposed soils must be covered at the end of each construction week and also at the threat of rain.
- Any excavated material removed from the construction site and deposited on property within the City limits must be done in compliance with a valid clearing & grading permit. Locations for the mobilization area and stockpiled material must be approved by the Clearing and Grading Inspector at least 24 hours in advance of any stockpiling.
- To reduce the potential for erosion of exposed soils, or when rainy season construction is permitted, the following Best Management Practices (BMPs) are required:
  - Preserve natural vegetation for as long as possible or as required by the Clearing and Grading Inspector.
  - Protect exposed soil using plastic (EC-14), erosion control blankets, straw or mulch (COB Guide to Mulch Materials, Rates, and Use Chart) or as directed by the Clearing and Grading Inspector.
  - Install catch basin inserts as required by the Clearing and Grading Inspector or permit conditions of approval.
  - Install a temporary sediment pond, a series of sedimentation tanks, temporary filter vaults, or other sediment control facilities. Installation of exposed aggregate surfaces requires a separate effluent collection pond onsite.
- Final site grading must direct drainage away from all building structures at a minimum 2% slope, per the Uniform Building Code.
- The contractor must maintain a sweeper on site during earthwork and immediately remove soil that has been tracked onto paved areas as a result of construction.
- Turbidity monitoring may be required as a condition of clearing and grading permit approval. If required, turbidity monitoring must be performed in accordance with the approved turbidity monitoring plan and as directed by the Clearing and Grading Inspector. Monitoring must continue during site (earthwork) construction until the final sign-off by the Clearing and Grading Inspector.
- Any project that is subject to Rainy Season Restrictions will not be allowed to perform clearing and grading activities without written approval from the PCD Director. The rainy season extends from November 1st through April 30th, as defined in section 23.16.095A of the Clearing and Grading Code.

**CONSTRUCTION NOISE NOTES**

- Construction noise outside the allowable hours is prohibited per BCC 9.18.040. To be considered a violation, the construction-related noise must be audible across a property line or at least 15 feet from the source. Any violation is a civil infraction and the City may assess a monetary penalty to the individual creating the noise. The penalties are:
- A warning will be issued if no construction noise violation has been committed by the same person within the previous two years at any location within the City.
  - A citation will be issued and a \$25 fine imposed if one previous violation has been committed by the same person within the previous two years at any location within the City.
  - A citation will be issued and a \$50 fine imposed if two or more previous violation have been committed by the same person within the previous two years at any location within the City.

**FOR ALL COMMERCIAL, MULTI-FAMILY, AND NEW SINGLE-FAMILY HOMES:**

- Construction-related noise is allowed:
- 1 am to 6 pm on weekdays
  - 3 am to 6 pm on Saturdays
- Construction-related noise is not allowed:
- Outside of allowable hours
  - Legal holidays
  - Sundays

**MOBILIZATION/STOCKPILE AREA NOTES**

- Any excavated material removed from the construction site and deposited on property within the City limits must be done in compliance with a valid clearing & grading permit. Locations for the mobilization area and stockpiled material must be approved by the PCD Inspector at least 24 hours in advance of any dumping.
- STREET SWEEPING NOTE**  
Contractor shall immediately sweep the paved City Right-of-Way when dirt or other construction related debris is deposited.

**DUST SUPPRESSION**

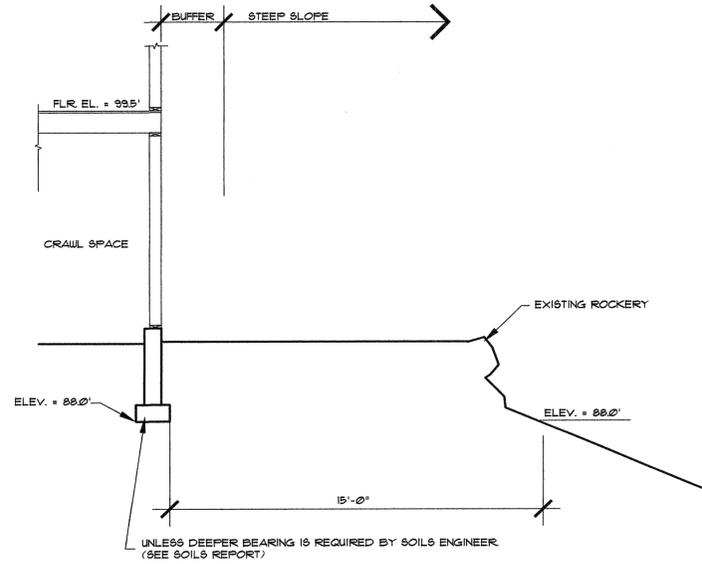
- Dust from clearing, grading, and other construction activities shall be minimized at all times. Any dust suppressants used shall be approved by the director. Petrochemical dust suppressants are prohibited. Watering the site to suppress dust is also prohibited unless it can be done in a way that keeps sediment out of the public drainage system.

**DESIGN CHANGES AFTER PERMIT ISSUANCE**

If utilities design changes result in changes to the clearing limits shown on these plans, the applicant must submit a revision to the clearing and grading permit that indicates the location of the new clearing limits.

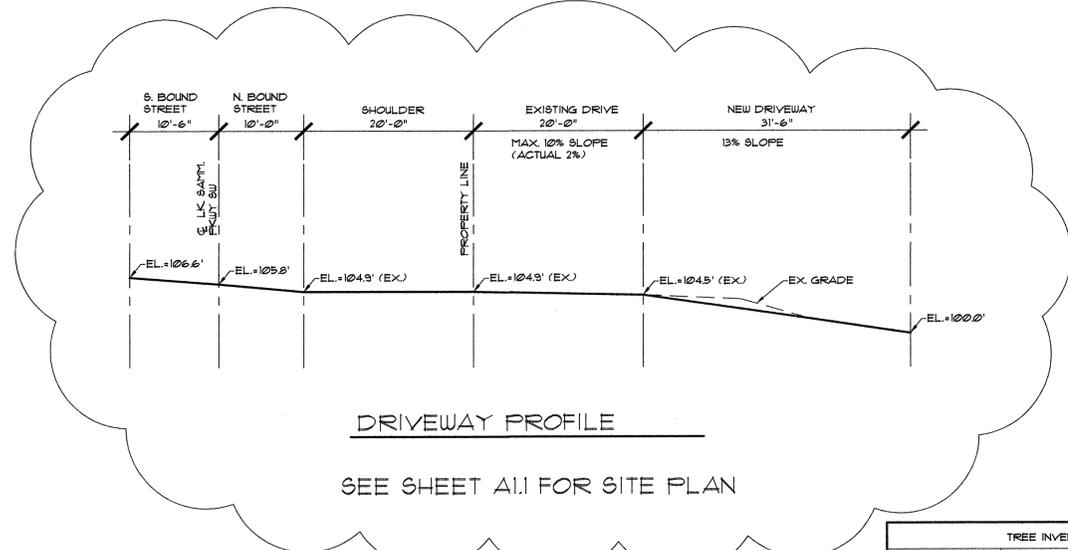
**GEOTECHNICAL NOTES**

- The project geotechnical engineer of record or his representative must be onsite during critical earthwork operations. The geotechnical engineer shall observe all excavations and fill areas. In addition, the engineer shall inspect the soil cuts prior to construction of the rockeries and inspect the compaction in fill areas. The engineer must submit field reports in writing to the PCD Inspector for soils verification and foundation construction. All earthwork should be in conformance with the recommendations in the geotechnical report.
- The geotechnical engineer must be present at the pre-construction meeting. In addition, the following construction stages must be inspected, monitored, and tested as necessary by the geotechnical engineer of record:
- Site clearing and stripping of organic topsoil for all areas to receive structural fill, pavements, or foundations.
  - Cut slopes over four feet high.
  - Benching for fill to be placed on slopes.
  - Inspection of proposed import fill material, prior to placement.
  - Placement of structural fill, including observation of proper moisture content, lift thickness, and minimum compaction.
  - Subgrades for retaining walls, foundations, and for the base of rockeries.
  - Installation of subsurface drainage facilities.
  - Utility trench bedding and backfill, including observation of proper moisture content, lift thickness, and minimum compaction.
  - Utilities on steep slopes slope anchors and/or backfill slope stabilization.
  - Any unusual seepage, slope, or subgrade condition as delineated in the geotechnical report or discovered in the field.
- At the end of the construction, the geotechnical engineer shall submit a final summary letter verifying that critical stages of the construction have been inspected and are in conformance with Geotechnical Report.



**SECTION 'A'**

SCALE 1" = N.T.S.



**DRIVEWAY PROFILE**

SEE SHEET A1.1 FOR SITE PLAN

**IMPERVIOUS SURFACE CALC. (50% MAX)**

HOME W/ EAVES	4108 SQ. FT.
DECK, PORCH, STAIRS	528 SQ. FT.
IMPERVIOUS DRIVE	252 SQ. FT.
PERVIOUS DRIVE	1404 SQ. FT.
DRIVE IN EASEMENT	2194 SQ. FT.
<b>TOTAL</b>	<b>9086 SQ. FT.</b>
LOT SQUARE FOOTAGE	19948 SQ. FT.
PERCENTAGE OF COVERAGE	9086 / 19948
PERCENTAGE OF COVERAGE	45.5%

**BUILDING COVERAGE CALC. (35% MAX)**

PROPOSED RESIDENCE	3200 SQ. FT.
PORCH AND DECKS (+30")	662 SQ. FT.
<b>TOTAL</b>	<b>3862 SQ. FT.</b>
TOTAL LOT SQ. FT.	19948 SQ. FT.
MINUS STEEP SLOPE AREA	2400 SQ. FT.
TOTAL LOT SQ. FT.	17548 SQ. FT.
3862 / 17548 = .22	
PERCENTAGE OF COVERAGE	22%

**AVERAGE EXISTING GRADE CALC.**

SEGMENT	ELEV.	SEGMENT	ELEV.
A	105	R	95.5
B	101	S	95
C	99	T	95.5
D	98	U	96.6
E	97	V	97
F	96.5	W	97
G	96.5	X	97
H	96.3	Y	97
I	96.3	Z	99
J	96.5	AA	103.5
K	96.5	BB	105
L	96.5	CC	106
M	96.5	DD	108
N	96.5	EE	110
O	96.3	FF	109
P	96.3	GG	108
Q	96.3		

AVERAGE EXIST. GRADE: 3276.1/33 = 99.3'

ACTUAL BLDG. HT. @ HIGHEST PEAK OF ROOF = 128.29' MAX. HT. = 99.3+35=134.3'

**GREENSCAPE CALCULATION**

FRONT SETBACK AREA	2429 SQ. FT.
DRIVEWAY	276 SQ. FT.
AREA OF GREENSCAPE = 2429-276 = 2153	
PERCENT OF GREENSCAPE = 2153/2429 = 89% GREENSCAPE	

**FLOOR AREA RATIO (F.A.R.)**

PROPOSED MAIN FLOOR W/ GARAGE	3200 SQ. FT.
PROPOSED UPPER FLOOR W/ UNFINISHED	2743 SQ. FT.
<b>TOTAL</b>	<b>5943 SQ. FT.</b>
LOT SQUARE FOOTAGE	19948 SQ. FT.
FLOOR AREA RATIO:	5943 / 19948 = 29.8%

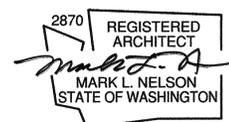
**TREE INVENTORY**

EXISTING TREES	SPECIES	DIAMETER	RETAINED
1	CEDAR	10"	YES
2	FIR	10"	NO
3	CEDAR	10"	YES
4	CEDAR	10"	YES
5	FIR	8"	NO
6	FIR	12"	YES
7	CEDAR	10"	YES
8	FIR	10"	NO
9	FIR	10"	YES
10	CEDAR	10"	YES
11	CEDAR	8"	YES
12	FIR	12"	YES
13	FIR	12"	YES
14	CEDAR	11"	YES
15	FIR	8"	NO
16	CEDAR	12"	YES
17	FIR	10"	NO
18	CEDAR	12"	YES
19	FIR	8"	YES
20	CEDAR	10"	YES
21	FIR	10"	YES
22	CEDAR	12"	YES
23	DEC.	12"	NO
<b>TOTAL</b>		229"	
REMOVED		30"	
PERCENT RETAINED		199/229 = 86.9%	



Mark L. Nelson AIA  
Principal

1233 Evergreen Point Road  
Medina, Washington 98039  
Telephone (425) 454-7704  
Facsimile (425) 454-7803



**HOWARD RESIDENCE**  
 1830 WEST LAKE SAMMAMISH PKWY. SE  
 BELLEVUE, WA

Drawing Title:  
SITE CALCULATIONS

Drawn By: TH  
Checked By: MLN  
Issue Date: 6/4/14

Revisions:  
No. Description Date  
△ PROFILE 9/29/14

Scale: 1" = 10'-0"  
Sheet No.

**A1.2**

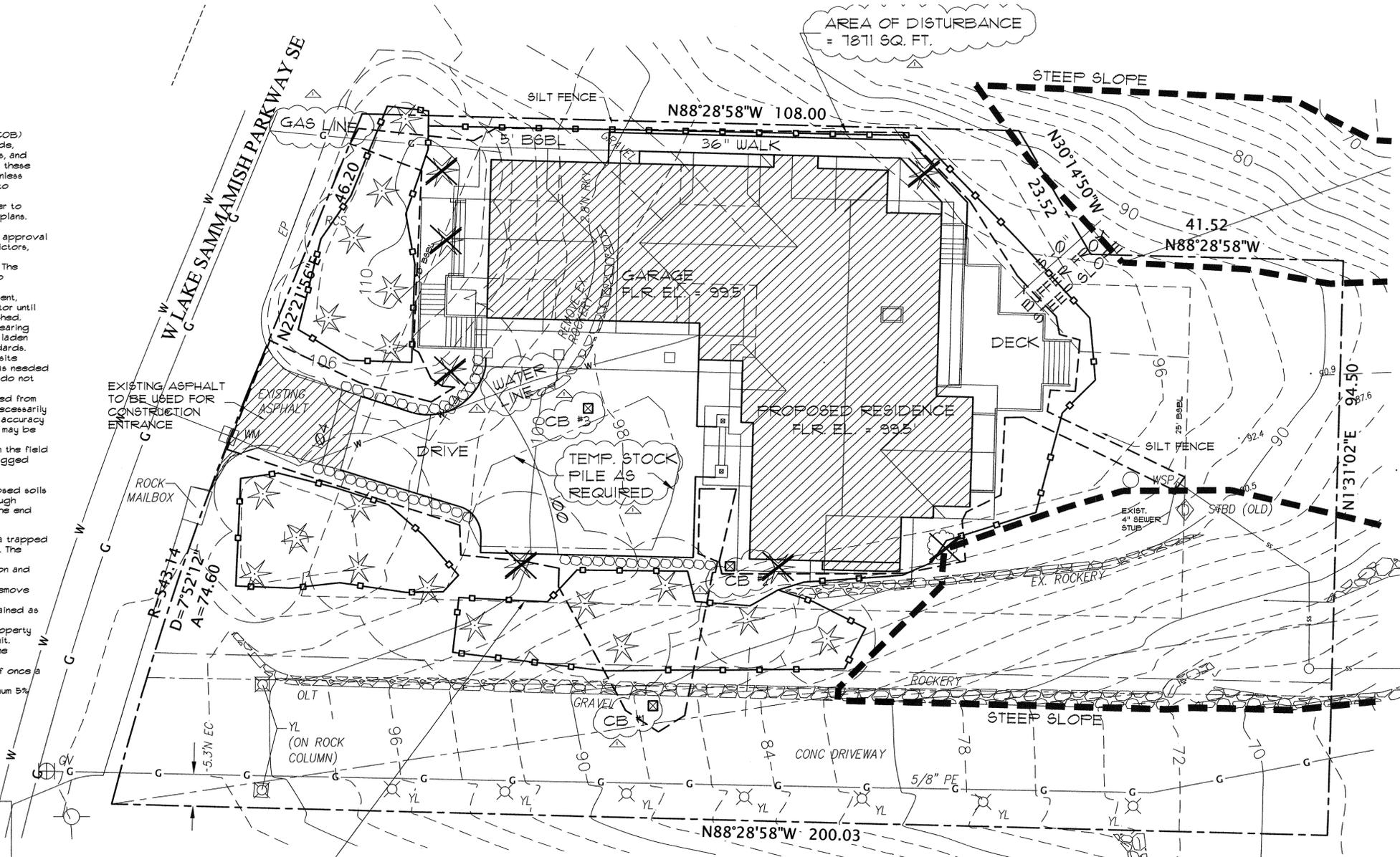
APPENDIX II-A

Standard Notes for Erosion Control Plans

- All clearing & grading construction must be in accordance with City of Bellevue (COB) Clearing & Grading Code, Clearing & Grading Development Standards, Land Use Code, Uniform Building Code, permit conditions, and all other applicable codes, ordinances, and standards. The design elements within these plans have been reviewed according to these requirements. Any variance from adopted erosion control standards is not allowed unless specifically approved by the City of Bellevue Development Services (DSD) prior to construction.
- It shall be the sole responsibility of the applicant and the professional civil engineer to correct any error, omission, or variation from the above requirements found in these plans. All corrections shall be at no additional cost or liability to the COB.
- Approval of this erosion/sedimentation control (ESC) plan does not constitute an approval of permanent road or drainage design (e.g. size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).
- A copy of the approved plans and drawings must be on-site during construction. The applicant is responsible for obtaining any other required or related permits prior to beginning construction.
- The implementation of these ESC plans and the construction, maintenance, replacement, and upgrading of these ESC facilities is the responsibility of the applicant/contractor until all construction is completed and approved and vegetation/landscaping is established.
- The ESC facilities shown on this plan must be constructed in conjunction with all clearing and grading activities, and in such a manner as to insure that sediment and sediment laden water do not enter the drainage system, roadways, or violate applicable water standards.
- The ESC facilities shown on this plan are the minimum requirements for anticipated site conditions. During the construction period, these ESC facilities shall be upgraded as needed for unexpected storm events and to ensure that sediment and sediment-laden water do not leave the site.
- All locations of existing utilities have been established by field survey or obtained from available records and should, therefore, be considered only approximate and not necessarily complete. It is the sole responsibility of the contractor to independently verify the accuracy of all utility locations and to discover and avoid any other utilities not shown which may be affected by the implementation of this plan.
- The boundaries of the clearing limits shown on this plan shall be clearly flagged in the field prior to construction. During the construction period, no disturbance beyond the flagged clearing limits shall be permitted. The flagging shall be maintained by the applicant/contractor for the duration of construction.
- Clearing shall be limited to the areas within the approved disturbance limits. Exposed soils must be covered at the end of each working day when working from October 1st through April 30th. From May 1st through September 30th, exposed soils must be covered at the end of each construction week and also at the threat of rain.
- Clearing & Grading Development Standards - Appendix A2 Page 207
- At no time shall more than one foot of sediment be allowed to accumulate within a trapped catch basin. All catch basins and conveyance lines shall be cleaned prior to paving. The cleaning operation shall not flush sediment laden water into the downstream system.
- Stabilized construction entrances shall be installed at the beginning of construction and maintained for the duration of the project.
- The contractor must maintain a squeegee on site during earthwork and immediately remove soil that has been tracked onto paved areas as result of construction.
- The ESC facilities shall be inspected daily by the applicant/contractor and maintained as necessary to ensure their continued functioning.
- Any excavated material removed from the construction site and deposited on property within the City limits must be done in compliance with a valid clearing & grading permit. Locations for the mobilization area and stockpiled material must be approved by the Clearing and Grading Inspector at least 24 hours in advance of any stockpiling.
- The ESC facilities on inactive sites shall be inspected and maintained a minimum of once a month or within the 48 hours following a major storm event.
- Final site grading must direct drainage away from all building structures at a minimum 5% slope, per the International Residential Code (IRC) R401.3.



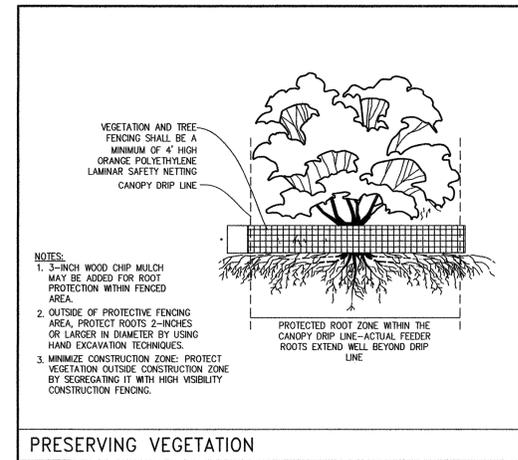
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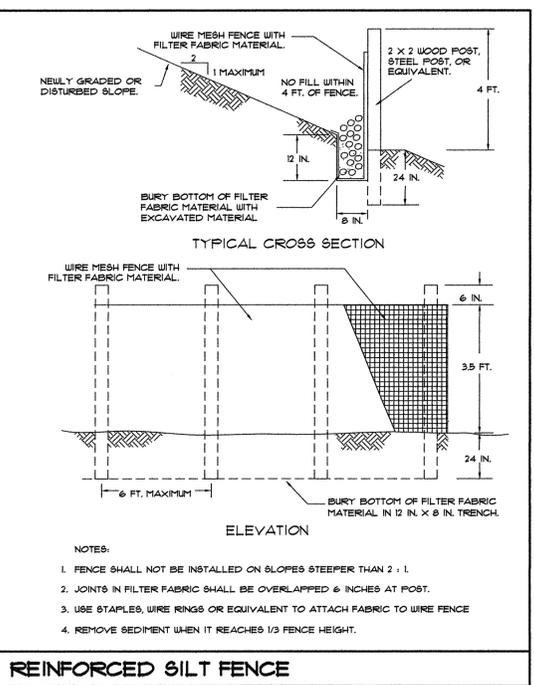
HOWARD RESIDENCE  
1830 WEST LAKE SAMMAMISH PKWY. SE  
BELLEVUE, WA

City of Bellevue Submittal Requirements		
4		
<b>STATISTICAL INFORMATION SHEET</b>		
Note: If Site Plan B is required for your project, this information must also appear on the Site Plan.		
1. Land Use Zone	R-2.5	
2. Site Area, in square feet and acres	19948 SQ. FT.	
3. Site Data Summary	Required/Allowed	Proposed
a. Number of dwelling units per acre	1	1
b. Total number of dwelling units	1	1
c. Area of each proposed structure		
Net		4103
Net leasable (for Shopping Center)		5739
Gross		
d. Floor Area Ratio (F.A.R.)		29.8%
e. Area of proposed building by use		
Net		4103
Gross		5739
4. Percentage of lot coverage		22%
5. Amount of impervious area in square feet		9086
6. Cut/fill (cubic yards)		46
7. Building height: Measured from avg. existing grade in Shoreline & Transition Areas; measured from average finished grade for all other areas.		28'-9 1/2"
8. Parking: Total # of spaces for the project.		8
a. # of spaces by each proposed use		0
b. The percentage of compact stalls		0
c. The percentage of handicapped stalls		0
9. Area of Proposed Landscaping or mitigation		
a. Adjacent to right-of-way		2153
b. Adjacent to interior property lines		0
c. Within the parking area		0
d. Significant Trees to be retained		0

DBL. SILT FENCE W/  
STRAW WATTLE AROUND  
PERIMETER OF CONSTRUCTION  
(TYP.)



PRESERVING VEGETATION



REINFORCED SILT FENCE

'X' - TREES TO BE REMOVED

NOTE: PROTECT CATCH BASINS W/ FILTER FABRIC PER BMP C220

TESC PLAN  
SCALE 1" = 10'  
1830 WEST LAKE SAMMAMISH PKWY. SE  
BELLEVUE, WA

PARCEL #9253900290

LEGAL DESCRIPTION:  
THAT PORTION OF THE SOUTH 315 FEET OF THE NORTH 1000 FEET OF GOVERNMENT LOT 1, SECTION 1, TOWNSHIP 24 NORTH, RANGE 9 EAST, W1, IN KING COUNTY, WASHINGTON; EXCEPT THE WEST 119 FEET THEREOF; TOGETHER WITH THAT PORTION OF THE SOUTH 315 FEET OF THE NORTH 945 FEET AND THE NORTH 315 FEET OF THE SOUTH 63 FEET OF THE NORTH 1000 FEET OF GOVERNMENT LOT 3, SECTION 1, TOWNSHIP 24 NORTH, RANGE 9 EAST, W1, IN KING COUNTY, WASHINGTON;  
EXCEPTING THAT PORTION LYING WEST OF THE EAST MARGIN OF WEST LAKE SAMMAMISH ROAD SOUTHEAST.  
(ALSO KNOWN AS A PORTION OF TRACTS 53 AND 51 OF UELONA BEACH, ACCORDING TO THE UNRECORDED PLAT THEREOF; ALSO KNOWN AS LOT A OF KING COUNTY BOUNDARY LINE ADJUSTMENT NO. L00-L0063, RECORDED UNDER KING COUNTY RECORDING NO. 2001113900010.)  
SITUATED IN THE COUNTY OF KING, STATE OF WASHINGTON.

Drawn Title:  
SITE PLAN

Drawn By: TH  
Checked By: MLN  
Issue Date: 6/14/14

Revisions:  
No. Description Date

BLDG DEPT. 9/16/14

Scale: 1" = 10'-0"  
Sheet No.

TESC

**ENVIRONMENTAL CHECKLIST**

10/9/2009

Thank you in advance for your cooperation and adherence to these procedures. If you need assistance in completing the checklist or have any questions regarding the environmental review process, please visit or call Development Services (425-452-6800) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4). Assistance for the hearing impaired: Dial 711 (Telecommunications Relay Service).

**INTRODUCTION**

**Purpose of the Checklist:**

The State Environmental Policy Act (SEPA), Chapter 43.21c RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the City of Bellevue identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the City decide whether an EIS is required.

**Instructions for Applicants:**

This environmental checklist asks you to describe some basic information about your proposal. Answer the questions briefly, with the most precise information known, or give the best description you can. You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer or if a question does not apply to your proposal, write "do not know" or "does not apply." Giving complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the Planner in the Permit Center can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. Include reference to any reports on studies that you are aware of which are relevant to the answers you provide. The City may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impacts.

**Use of a Checklist for Nonproject Proposals:** *A nonproject proposal includes plans, policies, and programs where actions are different or broader than a single site-specific proposal.*

For nonproject proposals, complete the Environmental Checklist even though you may answer "does not apply" to most questions. In addition, complete the Supplemental Sheet for Nonproject Actions available from Permit Processing.

For nonproject actions, the references in the checklist to the words *project*, *applicant*, and *property* or *site* should be read as *proposal*, *proposer*, and *affected geographic area*, respectively.

**Attach an 8 ½" x 11 vicinity map which accurately locates the proposed site.**

Received  
FEB 05 2014  
Permit Processing  
City of Bellevue

**ENVIRONMENTAL CHECKLIST**

4/11/2013

If you need assistance in completing the checklist or have any questions regarding the environmental review process, please visit or call Development Services (425-452-6800) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4). Assistance for the hearing impaired: Dial 711 (Telecommunications Relay Service).

**BACKGROUND INFORMATION**

Property Owner: Luis Cabrera

Proponent: Waterfront Construction, Inc.

Contact Person: **GREG RAUCH**  
 (If different from the owner. All questions and correspondence will be directed to the individual listed.)

Address: 205 NE Northlake Way Seattle, WA 98105

Phone: 206-548-9800

Proposal Title: Cabrera Pier Project

Proposal Location: 2009 101st Ave SE (Killarney Way) Bellevue, WA 98004

(Street address and nearest cross street or intersection) Provide a legal description if available  
*PLEASE SEE REVERSE SIDE OF THIS PAGE.*

Please attach an 8 1/2" x 11" vicinity map that accurately locates the proposal site.

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

1. General description: Construction of a new pier.
2. Acreage of site: N/A
3. Number of dwelling units/buildings to be demolished: N/A
4. Number of dwelling units/buildings to be constructed: N/A
5. Square footage of buildings to be demolished: N/A
6. Square footage of buildings to be constructed: N/A
7. Quantity of earth movement (in cubic yards): N/A
8. Proposed land use: N/A
9. Design features, including building height, number of stories and proposed exterior materials:  
N/A
10. Other

Estimated date of completion of the proposal or timing of phasing:  
As soon as permits allow and within authorized work windows.

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.  
No.

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

None. The project will be submitted to federal agencies using the Reference Biological Evaluation completed for the Corps RGP-1 and RGP-3.

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

None known.

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

Shoreline Substantial Development Permit- City of Bellevue, SEPA Determination- City of Bellevue, Building Permit- City of Bellevue, Demolition Permit- City of Bellevue, Hydraulic Project Permit- WA State Dept. of Fish and Wildlife, Section 10 Permit- U.S. Army Corps of Engineers

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

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

## A. ENVIRONMENTAL ELEMENTS

### 1. Earth

- a. General description of the site:  Flat  Rolling  Hilly  Steep slopes  Mountains  Other
- b. What is the steepest slope on the site (approximate percent slope)?  
Steepest slope on the property is approximately 5% and the yard area at the shoreline is relatively flat.
- c. What general types of soil are found on the site (for example, clay, sand, gravel, peat, and muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.  
No prime farmland soils are present.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.  
None Known.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.  
None.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.  
No.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?  
The amount of impervious surface will not change.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:  
As a precaution and to implement Best Management Practices, a silt floatation curtain will be placed in the water to contain debris during construction and will be maintained in working order the entire time. Although a vibratory pile driver is planned for pile driving, if a drop hammer is required for driving or proofing piles, sound attenuation measures recommended by USFWS and NOAA-F will be implemented.

## 2. AIR

Erosion Control  
Measures per BCC 23.76

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

During construction, the running of equipment will contribute some emissions in the area. Once construction is complete, there will be no emissions.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.  
No.

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

The equipment used at the project site will pass all emission standards required by the state agencies.

HMB 3-3-14

### 3. WATER

#### a. Surface

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

Yes. Lake Washington which flows into the Ship Canal then into Puget Sound.

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

Yes. See attached drawings.

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

None.

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

No.

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

No.

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

No.

#### b. Ground

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

No.

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

None and N/A.

HMB 3-3-14

c. Water Runoff (Including storm water)

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

Storm water follows existing grade and this will not be changed.

- (2) Could waste materials enter ground or surface waters? If so, generally describe.  
No.

- d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:  
None.

**4. Plants**

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

- deciduous tree: alder, maple, aspen, other Alder, Maple, Aspen  
 evergreen tree: fir, cedar, pine, other Fir, Cedar, Blue Spruce, Pine, Hemlock  
 shrubs  
 grass  
 pasture  
 crop or grain  
 wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other  
 water plants: water lily, eelgrass, milfoil, other  
 other types of vegetation Ornamental plants

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

Non-native Himalayan Blackberries will be removed to accommodate native planting plan.

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

None.

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

None.

**5. ANIMALS**

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

Birds: hawk, heron, eagle, songbirds, other: Ducks, Geese

Mammals: deer, bear, elk, beaver, other:

Fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site:  
Chinook Salmon, Bull Trout, Bald Eagle

Puget Sound chinook salmon and Coastal-Puget Sound bull trout Steelhead of Puget Sound

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

Juvenile salmonids migrate along the lake shoreline. Possibly migratory waterfowl.

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

Please see reverse side of this page.

**6. Energy and Natural Resources**

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

None.

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

No.

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

None.

**7. Environmental Health**

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

None.

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

No requirement for emergency service is anticipated. However, should they be needed, the Washington Department of Ecology, an Emergency Response Cleanup Team, and WDFW will be contacted.

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

A hazardous spill management plan will be present on-site. Spill clean-up and containment materials will also be on-site. Included in the clean-up packets will be containment booms, materials designed to absorb petroleum products, and plastic bags for material transport.

b. Noise

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

None.

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

Please see reverse side of this page.

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

Construction will be limited to business hours during the workweek, which will minimize impacts to local residents. All materials and construction equipment will be transported via barge to and from site.

## 8. Land and Shoreline Use

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

Site: Single Family Residence / Adjacent Properties: Single Family Residence

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

No.

- c. Describe any structures on the site.

Structures on the site include a single family residence and a small rock bulkhead at and behind the OHWL of Lake Washington.

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

No.

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

R-1.8

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

Single Family Residence

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

Unknown.

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

No.

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

N/A

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

None.

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

None.

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

The proposal is consistent with existing and projected COB uses and plans.

## 9. Housing

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

N/A

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

N/A

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

N/A

## 10. Aesthetics

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

The proposed pier will be approximately 2'-6" above Ordinary High Water Line.

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

None.

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

None needed or proposed.

## 11. Light and Glare

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

None. N/A.

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

No.

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

None.

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

None.

**12. Recreation**

- a. What designated and informal recreational opportunities are in the immediate vicinity?  
Water recreation opportunities at the site include boating, swimming, water skiing, and fishing.
- b. Would the proposed project displace any existing recreational uses? If so, describe.  
No.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:  
None.

**13. Historic and Cultural Preservation**

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.  
No.
- b. Generally describe any landmarks or evidence of historic, archeological, scientific, or cultural importance known to be on or next to the site.  
N/A
- c. Proposed measures to reduce or control impacts, if any:  
N/A

**14. Transportation**

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.  
Access is from 101st ave. SE. All project construction materials and equipment will be brought by barge.
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?  
N/A
- c. How many parking spaces would be completed project have? How many would the project eliminate?  
N/A
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).  
No. N/A.
- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.  
Minimal recreational boat traffic on Lake Washington occurs in the area.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.  
N/A
- g. Proposed measures to reduce or control transportation impacts, if any:  
N/A

**15. Public Services**

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

No.

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

N/A

**16. Utilities**

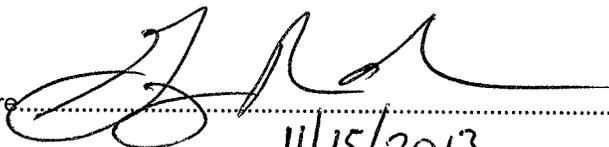
a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

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

None.

**Signature**

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

Signature.....

Date Submitted..... 11/15/2013

HMB 3-3-14

PROJECT DESIGNED BY:  
**Waterfront Construction Inc.**  
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VICINITY MAP/NO SCALE

**LEGAL DESCRIPTION**

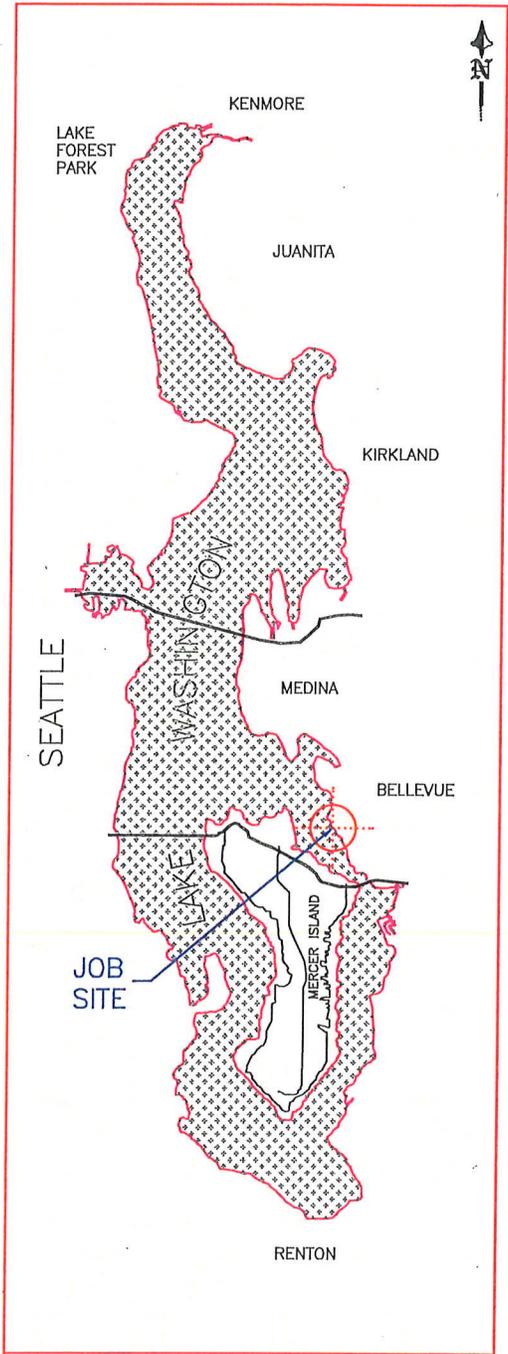
1/4 SEC: SE-06-24N-05E  
 TAXLOT #: 062405 9077

SEE TRIAD SURVEY PAGE 2 OF 2 DATED 10/22/2010

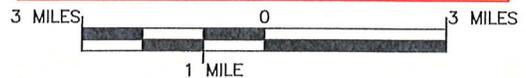
LAT: +47.59247  
 LONG: -122.20918

ADDED NOURISHMENT  
 GRAVEL, SHTS 2&3

**REVISED**  
**7-10-14**



AREA MAP/Scale: 1"=3miles



PURPOSE: PROVIDE PRIVATE MOORAGE

DATUM: COE 0.0' EST 1919

ADJACENT OWNERS:

- ① RICHARD & DIANE FOREMAN  
 2011 100TH AVE SE  
 BELLVUE, WA. 98004
- ② LUKENS TERENCE & ANN  
 2015 KILLARNEY WAY  
 BELLVUE, WA. 98004

PROJECT NAME: CABRERA

REFERENCE #: **NWS-2014-622**

SITE LOCATION ADDRESS:

2009 KILLARNEY WAY SE  
 BELLVUE, WA. 98004

DWG#: 09-31049-A.1-1

PROPOSED:

CONSTRUCT FULLY GRATED PIER.  
 INSTALL (1) BOATLIFT AND (1) JETSKI LIFT.  
 INSTALL NATIVE PLANTING PLAN. **gravel**

IN: LAKE WASHINGTON

NEAR: BELLEVUE

COUNTY: KING

STATE: WA

APPL BY: LUIS CABRERA

SHEET: 1

OF: 7

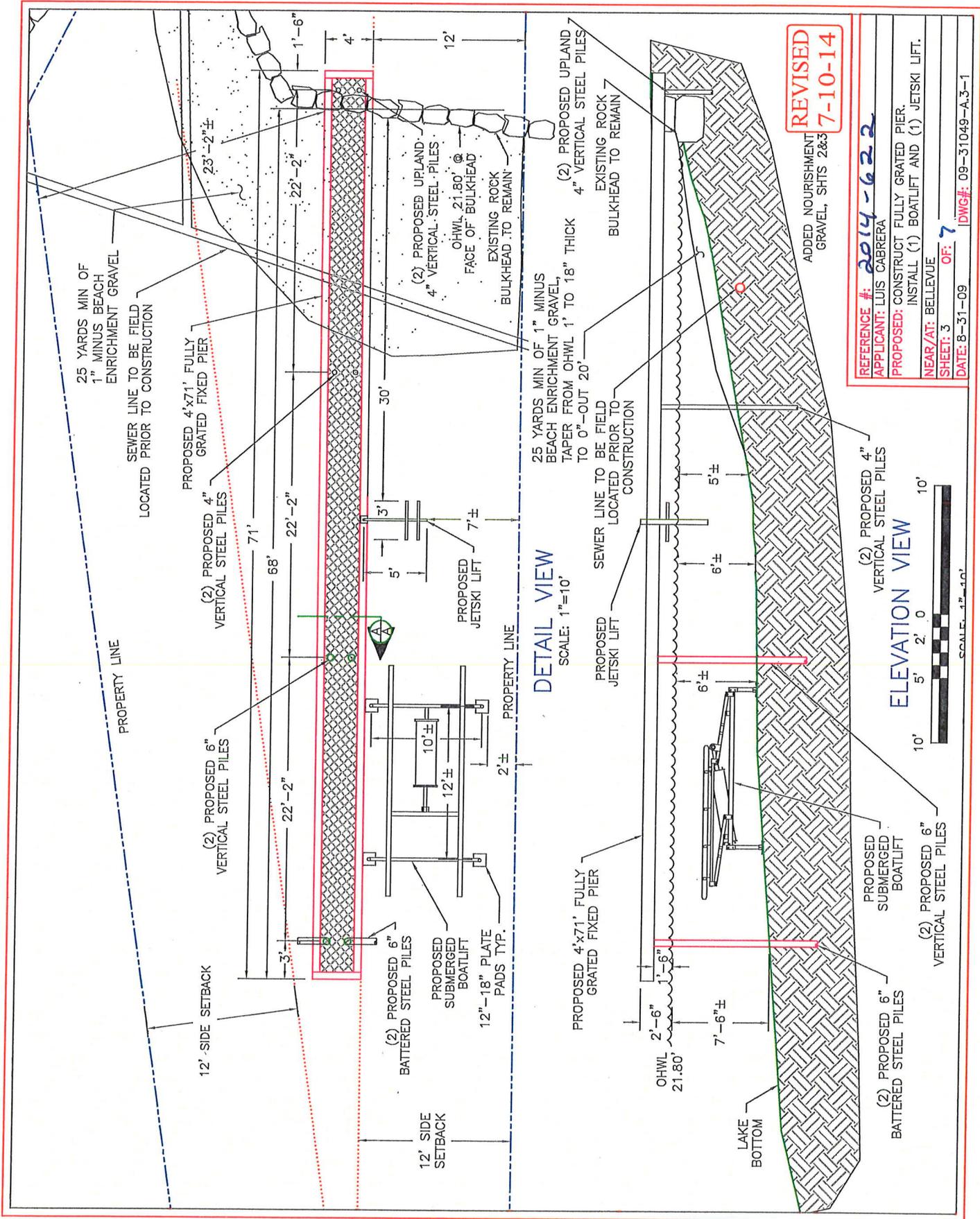
DATE: 8-31-09



PROJECT DESIGNED BY:

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REVISED  
7-10-14

ADDED NOURISHMENT  
GRAVEL, SHTS 2&3

REFERENCE #:	2014-622
APPLICANT:	LUIS CABRERA
PROPOSED:	CONSTRUCT FULLY GRATED PIER, INSTALL (1) BOATLIFT AND (1) JETSKI LIFT.
NEAR/AT:	BELLEVUE
SHEET:	3 OF 7
DATE:	8-31-09
DWG#:	09-31049-A3-1

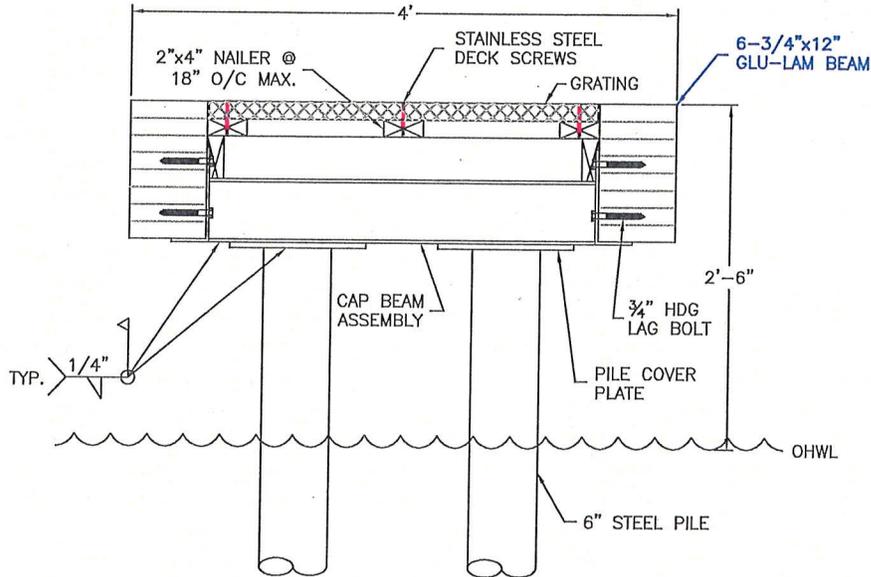
DETAIL VIEW  
SCALE: 1"=10'

ELEVATION VIEW  
SCALE: 1"=10'

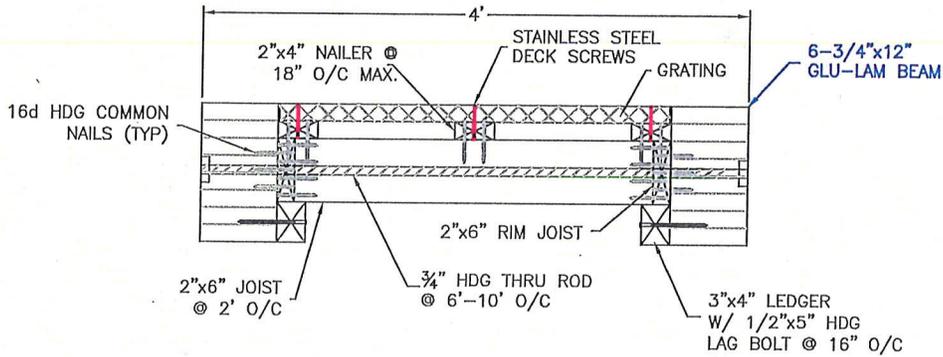


SCALE: 1"=10'

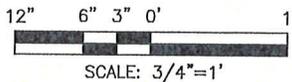
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PROPOSED SECTION VIEW A-A  
 SCALE: 3/4"=1'



PROPOSED SECTION FRAMING A-A



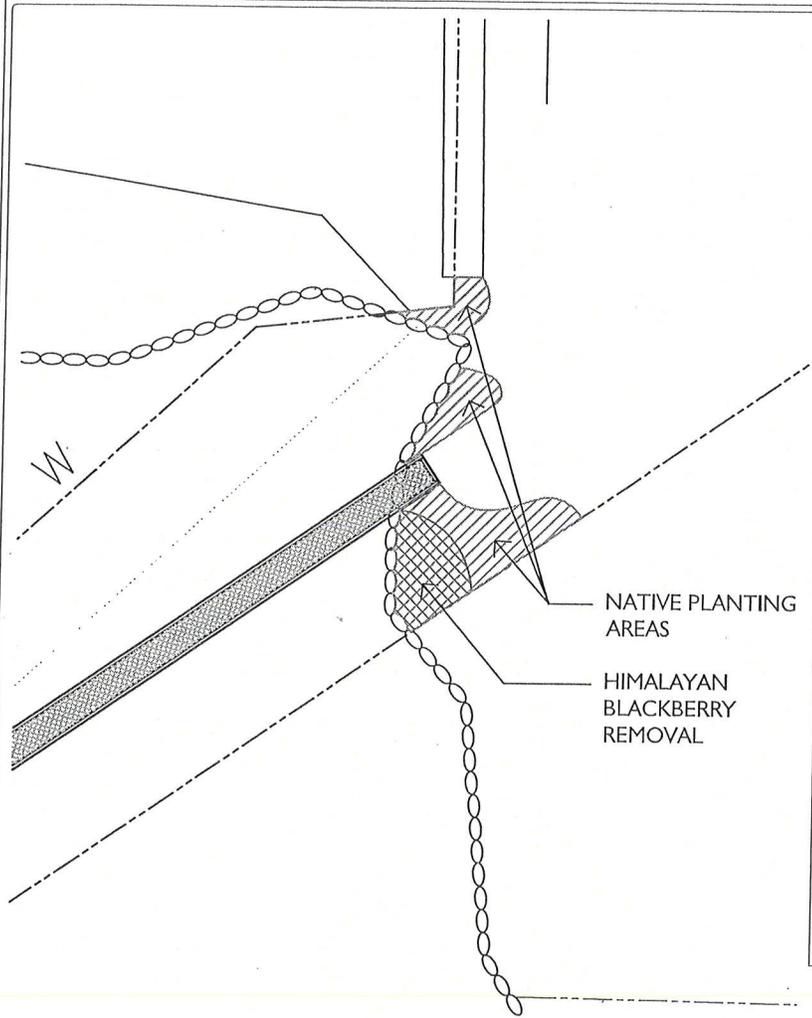
MATERIAL LIST

PART	SPECS	TREATMENT
PILING	4" & 6" STD WALL STEEL	EPOXY COATED
CAPS	W6x15 "H" BEAM	HDG
GLU-LAMS	6-3/4"x12" DF 24F-V4	ACZA
JOIST	2"x6" DF #2 OR BTR	ACZA
RIM JOIST	2"x6" DF #2 OR BTR	ACZA
NAILERS	2"x4" DF #2 OR BTR	ACZA
LEDGERS	3"x4" DF #2 OR BTR	ACZA
GRATING	POLYPROPYLENE	NONE
HARDWARE	STEEL	STAINLESS OR HDG.

ADDED NOURISHMENT GRAVEL, SHTS 2&3

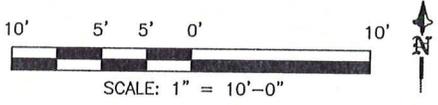
**REVISED**  
**7-10-14**

REFERENCE #:	2014-622
APPLICANT:	LUIS CABRERA
PROPOSED:	CONSTRUCT FULLY GRATED PIER. INSTALL (1) BOATLIFT AND (1) JETSKI LIFT.
NEAR/AT:	BELLEVUE
SHEET:	4 OF 7
DATE:	8-31-09 DWG#: 09-31049-A.4-1



- GENERAL PLANTING SEQUENCE:**
1. Native plant installation shall occur during frost-free periods only. Preferred months for installation are between September 15th and April 15, prior to hot, dry weather. Plants may only be installed during hot weather if the applicant agrees to immediate irrigation of the entire planting area, delivering at least 2" of water per week from June 1 through September 15th.
  2. Procure plants in legend and insure that material meets the minimum requirements outlined in the plant legend and planting details.
  3. Locate all existing utilities within the limit of work. The applicant is responsible for any utility damage as a result of the landscape construction.
  4. Remove all weeds, particularly Himalayan blackberry, by first cutting down stalks and then carefully grubbing out roots by hand. Dispose of all weed material off-site.
  5. Amend soils as needed to provide min. 20% organic material throughout the planting area. As needed, add compost to increase organic content, rototill into planting area.
  6. Note: The applicant is responsible for any adverse drainage conditions that may affect proper plant growth and establishment. Notify owner of any poor drainage conditions prior to construction.
  7. Layout plant material per plan for inspection by the Landscape Architect. Plant substitutions will NOT be allowed without the approval of the Landscape Architect.
  8. Install plants per planting details, sheet 3.
  9. Water each plant thoroughly to remove air pockets.
  10. Install a 4" depth, coarse wood-chip mulch ring throughout entire project area.
  11. Install a temporary or permanent irrigation system capable of delivering 2" of water per week to the entire planted area. Maintain irrigation system in working condition for two (2) summers after initial plant installation.
- The applicant shall maintain all plant material until final inspection and approval by agencies having jurisdiction (AHJ). If the owner or applicant chooses to hire a landscape contractor, then all plantings and workmanship shall be guaranteed for one year following final owner acceptance.

**PLANTING & WEEDING AREAS**



PLANTING DESIGN BY



750 Sixth Street South  
Kirkland WA 98033  
p 425.822.5242 f 425.827.8136  
www.watershedco.com  
Science & Design

<b>PURPOSE:</b> PROVIDE PRIVATE MOORAGE	<b>PROJECT NAME:</b> CABRERA	<b>PROPOSED:</b> CONSTRUCT FULLY GRATED PIER. INSTALL (1) BOATLIFT AND (1) JETSKI LIFT. INSTALL NATIVE PLANTING PLAN.
<b>DATUM:</b> COE 0.0' EST 1919	<b>REFERENCE #:</b> <i>NWS 2014-022</i>	<b>IN:</b> LAKE WASHINGTON
<b>ADJACENT OWNERS:</b>	<b>SITE LOCATION ADDRESS:</b>	<b>NEAR:</b> BELLEVUE
<b>①</b> RICHARD AND DIANE FOREMAN 2011 100TH AVE SE BELLEVUE, WA. 98004	2009 KILLARNEY WAY SOUTH BELLEVUE, WA. 98004	<b>COUNTY:</b> KING <b>STATE:</b> WA
<b>②</b> LUKENS TERENCE & ANN 2015 KILLARNEY WAY BELLEVUE, WA. 98004	<b>DWG#:</b> 09-31049-A.1-1	<b>APPL BY:</b> LUIS CABRERA
		<b>SHEET:</b> <i>5</i> <b>OF:</b> <i>7</i> <b>DATE:</b> 8-31-09

*REV. 7-10-14*

# PLANT SCHEDULE

SYMBOL	NAME	SIZE	QTY.	REMARKS
--------	------	------	------	---------

## TREES

	ACER CIRCINATUM VINE MAPLE	5 GAL.	1	MULTI-STEM, WELL BRANCHED
	PINUS CONTORTA VAR. CONTORTA/ SHORE PINE	10 GAL.	1	WELL BRANCHED, SINGLE STEM, BUSHY
	SALIX HOOKERIANA HOOKER'S WILLOW	1 GAL.	2	MULTI OR SINGLE STEM, VIGOROUS

## SHRUBS

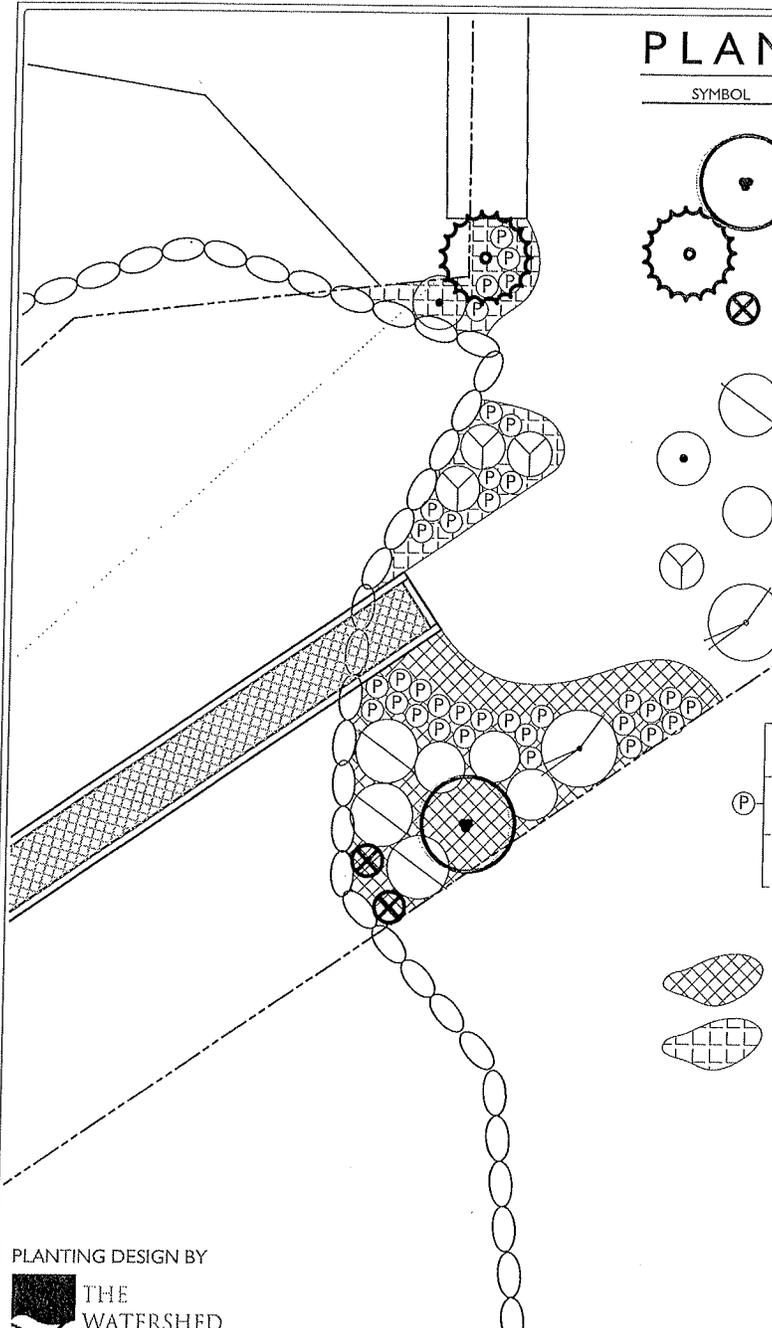
	CORNUS STOLONIFERA RED TWIG DOGWOOD	2 GAL.	3	FULL, WELL-BRANCHED
	HOLODISCUS DISCOLOR OCEAN SPRAY	2 GAL.	1	FULL, WELL-BRANCHED
	RIBES SANGUINEUM RED FLOWERING CURRANT	2 GAL.	3	FULL, WELL-BRANCHED
	VACCINIUM OVATUM EVERGREEN HUCKLEBERRY	2 GAL.	3	FULL, WELL-BRANCHED
	VIBURNUM EDULE HIGHBUSH CRANBERRY	2 GAL.	1	FULL, WELL-BRANCHED

## PERENNIALS & FERNS

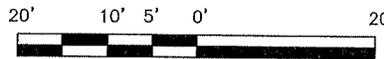
	CASTILLEJA MINATA COMMON RED PAINTBRUSH	1 GAL.	36	SOURCE AND INSTALL AT LEAST 2 OF THE PERENNIAL SPECIES
	DELPHINIUM MENZIESII MENZIES' LARKSPUR	1 GAL.		
	PENSTEMON SERRULATUS COAST PENSTEMON	1 GAL.		
	POLYSTICHUM MUNITUM SWORD FERN	1 GAL.		

## GROUNDCOVER

	ARCTOSTAPHYLOS UVA-URSI KINIKINNICK	4" POTS	72	18" O.C.
	ASARUM CAUDATUM WILD GINGER	4" POTS	36	24" O.C.



## PLANTING PLAN AND LEGEND



PLANTING DESIGN BY



750 Sixth Street South  
Kirkland WA 98033

p 425.822.5242 f 425.827.8136  
www.watershedco.com

Science & Design

PURPOSE: PROVIDE PRIVATE MOORAGE

DATUM: COE 0.0' EST 1919

ADJACENT OWNERS:

- ① RICHARD AND DIANE FOREMAN  
2011 100TH AVE SE  
BELLEVUE, WA. 98004
- ② LUKENS TERENCE & ANN  
2015 KILLARNEY WAY  
BELLEVUE, WA. 98004

PROJECT NAME: CABRERA

REFERENCE #: 2014-622  
SITE LOCATION ADDRESS:

2009 KILLARNEY WAY SOUTH  
BELLEVUE, WA. 98004

DWG#: 09-31049-A.1-1

PROPOSED:

CONSTRUCT FULLY GRATED PIER.  
INSTALL (1) BOATLIFT AND (1) JETSKI LIFT.  
INSTALL NATIVE PLANTING PLAN.

IN: LAKE WASHINGTON

NEAR: BELLEVUE

COUNTY: KING

STATE: WA

APPL BY: LUIS CABRERA

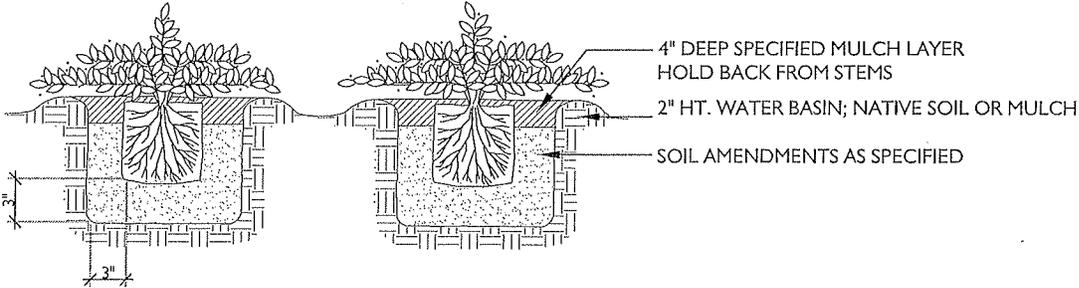
SHEET: 6 OF: 7

DATE: 8-31-09

rev. 7-10-14

**NOTES:**

1. PLANT GROUNDCOVER AT SPECIFIED DISTANCE ON-CENTER (O.C.) USING TRIANGULAR SPACING, TYP.
2. LOOSEN SIDES AND BOTTOM OF PLANTING PIT AND REMOVE DEBRIS
3. LOOSEN ROOTBOUND PLANTS BEFORE INSTALLING
4. SOAK PIT BEFORE AND AFTER INSTALLING PLANT



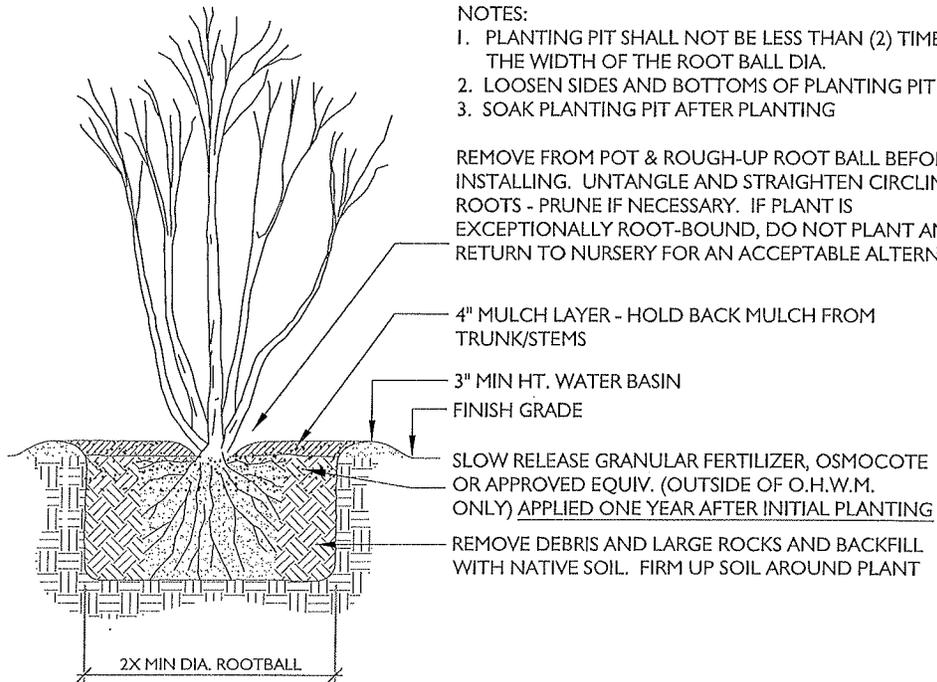
**A GROUNDCOVER & PERENNIAL PLANTING DETAIL**

NTS

**NOTES:**

1. PLANTING PIT SHALL NOT BE LESS THAN (2) TIMES THE WIDTH OF THE ROOT BALL DIA.
2. LOOSEN SIDES AND BOTTOMS OF PLANTING PIT
3. SOAK PLANTING PIT AFTER PLANTING

REMOVE FROM POT & ROUGH-UP ROOT BALL BEFORE INSTALLING. UNTANGLE AND STRAIGHTEN CIRCLING ROOTS - PRUNE IF NECESSARY. IF PLANT IS EXCEPTIONALLY ROOT-BOUND, DO NOT PLANT AND RETURN TO NURSERY FOR AN ACCEPTABLE ALTERNATIVE



4" MULCH LAYER - HOLD BACK MULCH FROM TRUNK/STEMS

3" MIN HT. WATER BASIN  
FINISH GRADE

SLOW RELEASE GRANULAR FERTILIZER, OSMOCOTE OR APPROVED EQUIV. (OUTSIDE OF O.H.W.M. ONLY) APPLIED ONE YEAR AFTER INITIAL PLANTING

REMOVE DEBRIS AND LARGE ROCKS AND BACKFILL WITH NATIVE SOIL. FIRM UP SOIL AROUND PLANT

**B TREE & SHRUB PLANTING DETAIL**

NTS

PLANTING DESIGN BY



750 Sixth Street South  
Kirkland WA 98033

p 425.822.5242 f 425.827.8136  
www.watershedco.com  
Science & Design

PURPOSE: PROVIDE PRIVATE MOORAGE

DATUM: COE 0.0' EST 1919

ADJACENT OWNERS:

- ① RICHARD AND DIANE FOREMAN  
2011 100TH AVE SE  
BELLEVUE, WA. 98004
- ② LUKENS TERENCE & ANN  
2015 KILLARNEY WAY  
BELLEVUE, WA. 98004

PROJECT NAME: CABRERA

REFERENCE #: 2014-622  
SITE LOCATION ADDRESS:

2009 KILLARNEY WAY SOUTH  
BELLEVUE, WA. 98004

DWG#: 09-31049-A.1-1

PROPOSED:

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INSTALL (1) BOATLIFT AND (1) JETSKI LIFT.  
INSTALL NATIVE PLANTING PLAN.

IN: LAKE WASHINGTON

NEAR: BELLEVUE

COUNTY: KING

STATE: WA

APPL BY: LUIS CABRERA

SHEET: 7 OF 7 DATE: 8-31-09

Rev 7-10-14



## Bedwell, Heidi

---

**From:** Bedwell, Heidi  
**Sent:** Monday, March 31, 2014 4:15 PM  
**To:** 'Rick Peterson'  
**Subject:** RE: permit # 14-124074WG comments

Mr. Peterson,

Thank you for your comment on the subject application. Your comments are included in the public record and will be considered as part of the City's review of the proposed dock project.

Sincerely,  
Heidi M. Bedwell  
Senior Planner, Land Use Division  
Development Services Department  
425-452-4862  
[www.bellevuewa.gov](http://www.bellevuewa.gov)



---

**From:** Rick Peterson [<mailto:rpeterson@cascadebizgrp.com>]  
**Sent:** Friday, March 28, 2014 12:29 PM  
**To:** Bedwell, Heidi  
**Subject:** permit # 14-124074WG comments

Dear Ms. Bedwell, My name is Rick Peterson of 1863 Killarney Way, Bellevue. I have an issue with the issuance of the above noted permit. This is based on the fact that access, to the four homes and the proposed dock, (one being the applicants) is served by an undersized, illegal, access lane of fifteen feet or less in width. Any new facility such as a new dock will create more use of this driveway. According to the Bellevue Fire Department, Mr. Bill Lehner, a twenty foot minimum width driveway is required. Mr. Ron Hanson of the Bellevue Planning Department stated that four homes require a twenty two foot width driveway. In addition the existing driveway is inherently unsafe as it drops off with no curb protection and is at a steep angle to Killarney way rendering it very unsafe when accessing that street.

Accordingly I object to this permit being issued without addressing the aforementioned issues,.

Rick Peterson  
425 462 27444  
1863 Killarney Way, Bellevue WA 98004



## Bedwell, Heidi

---

**From:** Terence Lukens <t.lukens@comcast.net>  
**Sent:** Tuesday, April 01, 2014 10:35 PM  
**To:** Bedwell, Heidi  
**Subject:** Cabrera/Lukens dock  
**Attachments:** CCE04012014\_00000.jpg

I have attached our comments on the Cabrera dock proposal.

**Terry Lukens  
2015 Killarney Way  
Bellevue, Washington 98004**

April 1, 2014

Ms. Heidi Bedwell  
Bellevue Development Services Department  
P. O. Box 90012  
Bellevue, WA 98009-9012

Re: Cabrera Pier  
File No. 14-124074-WG

Dear Ms. Bedwell:

I am writing on behalf of my wife and myself; we live at 2015 Killarney Way immediately south of the Cabrerias. As you know we are also applicants for a permit to construct a dock, amended as reflected in File No. 14-124658-LO. Our original dock application predated the Cabrera application by a year or more.

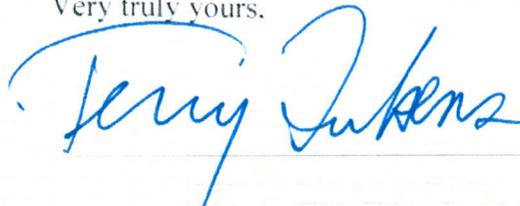
The comments we are submitting are contingent upon the happening of certain future events. As we have discussed with you, we have reached an agreement with our neighbor to the south, Mr. Randy Talbot, to reconfigure his dock. That reconfiguration will eliminate any conflict between his dock and our dock and will also allow us to reconfigure our original dock location, as now reflected in File No. 14-124658-LO. We do not believe that our reconfigured dock will interfere with access to the Cabrera dock nor will their dock interfere with access to our dock.

However if the Talbot reconfiguration is not approved by either the City or the Corps of Engineers, or if the project is unable to proceed to construction for some unknown reason, then our dock proposal will, of necessity, have to be returned to its original configuration. Any such remodified dock will not only result in potential issues with access to the Talbot dock, but will also create significant navigational issues between our dock and the Cabrera dock as reflected in the application they have just filed, following our conversation with them about the Talbot-Lukens collaboration.

As you and I discussed at our meeting, the interrelated approvals of the Talbot and Lukens docks by City and Corps and resolution of any construction issues must precede final consideration of the Cabrera's recent submission.

At such time as the Talbot dock reconfiguration issue is resolved, we reserve the right to provide additional comments, depending on the eventual outcome.

Very truly yours,



## Bedwell, Heidi

---

**From:** Rick Peterson <rpeterson@cascadebizgrp.com>  
**Sent:** Monday, March 31, 2014 10:11 PM  
**To:** Bedwell, Heidi  
**Cc:** Lisa+ Evan Feinman; Richard and Diane Foreman  
**Subject:** RE: permit # 14-124074WG comments

Thanks for acknowledging my response. I would like to clarify that I do not suggest that the applicant bears the full responsibilities of addressing this problem, (which continually impacts all neighbors with tiers and guest vehicles transcending this narrow road),. Many, documented times, towing trucks are required to remove vehicles blocking all access, in and out, of our homes, including the applicants vehicles can't negotiate the drop off. The issue is, the applicant should participate with, rather than be a sole dissenter in solving this serious issue, while at the same time applying for permits that only amplifies the problem. Rick Peterson

Sent from Samsung tablet

----- Original message -----

From [HBedwell@bellevuewa.gov](mailto:HBedwell@bellevuewa.gov)  
Date: 03/31/2014 4:15 PM (GMT-08:00)  
To Rick Peterson <[rpeterson@cascadebizgrp.com](mailto:rpeterson@cascadebizgrp.com)>  
Subject RE: permit # 14-124074WG comments

Mr. Peterson,

Thank you for your comment on the subject application. Your comments are included in the public record and will be considered as part of the City's review of the proposed dock project.

Sincerely,

Heidi M. Bedwell

Senior Planner, Land Use Division

Development Services Department

425-452-4862

[www.bellevuewa.gov](http://www.bellevuewa.gov)



---

**From:** Rick Peterson [<mailto:rpeterson@cascadebizgrp.com>]  
**Sent:** Friday, March 28, 2014 12:29 PM  
**To:** Bedwell, Heidi  
**Subject:** permit # 14-124074WG comments

Dear Ms. Bedwell, My name is Rick Peterson of 1863 Killarney Way, Bellevue. I have an issue with the issuance of the above noted permit. This is based on the fact that access, to the four homes and the proposed dock, (one being the applicants) is served by an undersized, illegal, access lane of fifteen feet or less in width. Any new facility such as a new dock will create more use of this driveway. According to the Bellevue Fire Department, Mr. Bill Lehner, a twenty foot minimum width driveway is required. Mr. Ron Hanson of the Bellevue Planning Department stated that four homes require a twenty two foot width driveway. In addition the existing driveway is inherently unsafe as it drops off with no curb protection and is at a steep angle to Killarney way rendering it very unsafe when accessing that street.

Accordingly I object to this permit being issued without addressing the aforementioned issues,.

Rick Peterson

425 462 27444

1863 Killarney Way, Bellevue WA 98004

## Bedwell, Heidi

---

**From:** Bedwell, Heidi  
**Sent:** Tuesday, April 01, 2014 7:19 AM  
**To:** 'Laura Counley'  
**Cc:** Rich Hill  
**Subject:** RE: Cabrera Pier

Laura,

Thank you for providing the City with comments pertaining to file 14-124074-WG- Cabrera Pier. The comments are included in the public record and will be considered as part of the City's review of the proposed project.

Feel free to contact me again if you have additional comments or questions.

Heidi M. Bedwell  
Senior Planner, Land Use Division  
Development Services Department  
425-452-4862  
[www.bellevuewa.gov](http://www.bellevuewa.gov)



---

**From:** Laura Counley [<mailto:LCounley@mhseattle.com>]  
**Sent:** Monday, March 31, 2014 4:50 PM  
**To:** Bedwell, Heidi  
**Cc:** Rich Hill  
**Subject:** Cabrera Pier

Heidi,

Per, Rich's request, here is a copy of his letter dated today.

A hard copy will follow via U.S. First Class Mail.

Thank you for your courtesy and attention to this matter.

Sincerely,  
Laura D. Counley  
Paralegal

**McCullough Hill Leary, PS**

701 Fifth Avenue, Suite 6600  
Seattle, WA 98104  
Tel: 206-812-3388  
Fax: 206-812-3389  
Direct: 206-812-3372

[www.mhseattle.com](http://www.mhseattle.com)

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MCCULLOUGH HILL LEARY, PS

March 31, 2014

VIA U.S. FIRST CLASS MAIL

Heidi Bedwell  
Bellevue Development Services Department  
P.O. Box 90012  
Bellevue, WA 98009-9012

Re: Cabrera Pier  
File No. 14-124074-WG

Dear Ms. Bedwell:

This letter is written on behalf of Richard and Diane Foreman. The Foremans live immediately to the northwest of the Cabrera property, at 2011 Killarney Way.

The Cabrera application is for a dock 71' in length. This is substantially the same application applied for in 2011. At that time, the City's decision to issue a permit to the Cabrereras was appealed to the Shoreline Hearings Board. When confronted with the legal and evidentiary issues listed below, the Cabrereras wisely withdrew their application. It is unfortunate that they have now, three years later, re-filed virtually the same application they withdrew three years ago. For the same reason the dock was inconsistent with City policy three years ago, it is inconsistent with City Policy today.

The Foremans have five primary concerns about the Cabrereras' proposal.

First, because of the length of the proposed dock, every time the Foremans take their boat out or bring it in, it is almost inevitable that the Foremans will collide with the Cabrera dock. Because of this fact, the Cabrereras' proposal poses a risk to navigation and boater safety. This violates a number of provisions of the Bellevue Comprehensive Plan, Shoreline Master Program, Shoreline Management Act, and Shoreline Management Regulations, which are cited in our briefing in the SHB appeal, Case No. 11-023 ("SHB Brief") (a copy is attached as Exhibit A to this letter).

Second, the Cabrereras' dock proposal will significantly interrupt the Foremans' view by placing a dock and significant vessel directly in the Foremans' view corridor. This violates the City's and the State's shoreline policies to protect views from unwarranted intrusion.

Third, the SEPA environmental checklist includes a number of errors and omissions.

- Paragraph 8(g): Fails to identify the current shoreline master program designation of the site.
- Paragraph 8(h): Denies that any part of the site has been classified as "environmentally sensitive." Certainly, the area where the dock will be installed is "environmentally

sensitive.” It is located in, after all, a shoreline of statewide significance, and is defined in City Code as a critical area. LUC 20.25E.017.D.1.

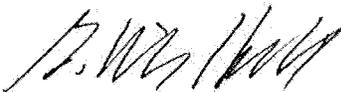
- Paragraph 8(l): Fails to acknowledge that the proposal is incompatible with existing and projected land uses and plans (see specific provisions identified in SHB Brief).
- Paragraph 10(b): Denies that views in the immediate vicinity will be altered or obstructed. As stated above, the proposed dock will alter and obstruct the Foremans’ views.
- Paragraph 11: Denies that the proposal will produce light and glare. In fact, the mooring of the Cabrerass’ vessel in the Foremans’ view corridor will cause glare impacts. Moreover, any lighting of the dock in the evening will cause light impacts.
- Paragraph 12 (b): Denies that the proposal will displace any existing recreational use. In fact, if the permit is approved, it will deprive the Foremans of their existing recreation right to safely access their dock.
- The sketch associated with the application is not a survey and accordingly cannot be trusted. Indeed, the Waterfront Construction sketches utilized in the prior application were demonstrably inaccurate. The Cabrerass should be required to provide an accurate survey of the Cove. Only if this is done can the true impacts of the proposal on the Foreman dock be understood.
- The sketch associated with the application does not include the proposed Lukens dock to the south. Without the sketch, the true impacts of the Cabrerass’ proposal cannot be ascertained.

Fourth, the proposed dock interferes with the Foremans’ easement rights to access. The entire shorelands area where this dock is proposed is subject to an ingress/egress easement benefiting the Foremans’ property. King County Recording No. 5517439. The City should not approve a dock application unless the applicants can prove that there are no restrictions on the property that prohibit their proposed use.

Finally, the application cannot be approved because the Cabrerass only own 40’ of waterfront property. The minimum lot width required by the code for a waterfront dock is 90’. LUC 20.20.010. The Cabrerass’ lot is 50’ shy of the mark.

Thank you for your consideration of these comments. We look forward to continuing dialogue.

Sincerely,



G. Richard Hill

GRH:ldc

cc: Richard Foreman  
L:\Foreman, Richard\Corres\Bedwell 031814.doc

## **EXHIBIT A**

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BEFORE THE SHORELINE HEARINGS BOARD  
STATE OF WASHINGTON

RANDY TALBOT and MARGARET TALBOT,  
TERENCE P. LUKENS and ANN P. LUKENS,  
RICHARD FOREMAN and DIANE FOREMAN,  
and ENETAI LLC,

Case No. SHB 11-023  
PETITIONERS' HEARING BRIEF

Petitioners,

vs.

CITY OF BELLEVUE, a Washington municipal  
corporation, LUIS CABRERA, and FELIPE  
CABRERA and MARCELE CABRERA,

Respondents.

I. INTRODUCTION

The City of Bellevue ("City") has approved the application of Felipe and Marcel Cabrera to build a dock in a small cove on Lake Washington.

Each of the Cabreras' three immediate neighbors has appealed, because if the dock is built, it will impair safe navigation and create a hazard to boaters in violation of the Shoreline Management Act and the City's Shoreline Master Program. See *Wile v. Island County*, SHB 94-50 (1995).



1 "beach access tract" was merged into the Cabrerass' upland lot in 2011. The "beach access tract"  
2 has about 40' of waterfront, and has never had a dock.

3 The next lot to the south is owned by Terence and Ann Lukens ("Lukens"). The Lukens  
4 built a home on their lot and moved into the house in 2000. Their lot has about 50' of  
5 waterfront, and has never had a dock.

6  
7 The fourth lot on the cove, to the south of Lukens, is owned by Randy and Margaret  
8 Talbot ("Talbots"). The Talbots have approximately 105' of waterfront. They acquired their  
9 home in 2007. There is a dock on their property which was present when they acquired it.

10 **Joint Dock Discussions**

11 Since the Lukens moved into their home, they have had extensive discussions with their  
12 neighbors regarding development of a joint dock along their common property line.

13  
14 Until 2007, those discussions involved both the Cokers and the Cabrerass, since they were  
15 joint owners of the waterfront beach parcel adjacent to the Lukens and south of the upland lot on  
16 which the Cabrerass have their home.

17 Since 2007, those discussions have been solely with the Cabrerass, as they had acquired  
18 the Cokers' interest in the waterfront beach parcel in that year. The Lukens and the Cabrerass  
19 have been social friends since the Lukens moved into the neighborhood in 2000. The Lukens  
20 still understand that the Cabrerass remain their social friends.

21  
22 There are a number of reasons that support development of a joint dock: (a) the Cabrerass  
23 and the Lukens together have only 90' of waterfront, compared to their neighbors, each of whom  
24 has over 100' of waterfront; (b) the configuration of the cove is so small and intimate that the  
25 construction of two additional new docks, one for the Cabrerass (if built to 75' in length as they  
26 currently propose), and one for the Lukens, would be unreasonably cramped, guarantee conflict,  
27  
28

1 and risk boat and passenger safety; and (c) the construction of a joint dock would reduce cost and  
2 environmental impact.

3 Over the years, the Cabrerias and the Lukens retained consultants to develop alternative  
4 designs for a joint dock. An example of such alternative designs is set forth as Attachment B to  
5 this Hearing Brief. It is an email from Luis Cabrera (Mr. Cabrera's son) to Mr. Lukens, which  
6 encloses three conceptual site plans.  
7

8 The third conceptual site plan attached to Luis Cabrera's email, ("Alternative 3"), is the  
9 proposal that the Lukens approved at the time. It provides for a dock 50' in length. It enables  
10 both the Cabrerias and the Lukens to moor a boat of reasonable size. It also provides adequate  
11 freeway for the Talbots to have access to their dock without risking collision with the Cabrerias'  
12 dock.  
13

14 The Cabrerias did not agree to Alternative 3. The reason they gave was that the dock was  
15 not long enough for them to also have a jet-ski and guest moorage in addition to their boat.  
16

17 Mr. Lukens' understanding at the time, however, was that their discussions regarding a  
18 joint dock were ongoing in good faith.

19 **"Go It Alone" Proposal**

20 After Mr. Lukens responded to Luis Cabrera's 2009 email, Luis Cabrera then advised Mr.  
21 Lukens that his parents were going to pursue their own separate dock application, an application  
22 that ultimately was for a dock 78' in length.  
23

24 The Cabrerias' application was for a shoreline substantial development permit.

25 The Cabrerias' application also did not include any explanation of how it complied with  
26 the minimum lot width requirements of LUC 20.25E.080.N.1.a. That code provision requires a  
27 90' minimum lot width on the waterfront. The Cabrerias' lot is only 40' wide.  
28

1           Petitioner Randy Talbot submitted a timely comment letter on the application. He stated  
2 that “the length of the proposed pier will greatly impact navigability of the waters within this  
3 confined space [of the small cove], which most likely will increase the likelihood of injury to  
4 persons and/or property.”

5  
6           Despite Mr. Talbot’s comment, the City engaged in no review whatsoever – whether  
7 under its Shorelines Code or under its SEPA review authority -- of the safety or navigability  
8 impacts of the Cabrerias’ proposal.

9           In reply to Mr. Talbot’s request for a response to his 2009 letter, the City Planner wrote  
10 him an email in 2011, acknowledging: “[W]e discussed your concern about the navigability of  
11 the waters as relates to your maneuvering your boat into your boat slip (on your existing pier)...  
12 You expressed concern that the Cabrera pier could potentially impede navigability access to your  
13 pier.”

14  
15           The City Planner’s response was that even if Mr. Talbot’s concern was well-founded,  
16 there was nothing the City could or would do about it: “The City’s land use authority extends  
17 only to the requirements stipulated by our Code which does not have jurisdiction over  
18 navigability of waters... The City’s determination to approve the Cabrera pier improvements  
19 shall remain...”

20  
21           After this appeal was filed, the Cabrerias acknowledged that their application mis-  
22 represented the location of the proposed pier vis-à-vis the Foreman dock. Accordingly, the  
23 application was revised, and the 78’ pier was reduced in length to 75’. The City approved the  
24 revised application, but conducted no additional SEPA or shorelines review.  
25  
26  
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1           **Impact of Proposal on Foremans**

2           If the Cabrerass' dock is constructed as proposed, virtually every time the Foremans use  
3 their boat, it will likely collide with the outer edge of the dock as it leaves the dock and as it  
4 returns to it. It is theoretically possible that it can avoid collision on those days when the Lake is  
5 completely calm and the currents are placid.  
6

7           **Impact of Proposal on Talbots**

8           If the Cabrerass' dock is constructed as proposed, virtually every time the Talbots use  
9 their boat, it will likely collide with either the dock or the Cabrerass' boat, as the Talbots boat  
10 leaves its dock and returns to it. It is theoretically possible that collision can be avoided on those  
11 days when the Lake is completely calm and the currents are placid.  
12

13           **Impacts of Proposal on Lukens and on the Cove**

14           If the Cabrerass' dock is constructed as proposed, the Lukens intend to file an application  
15 for a dock on their property, which would bring a fourth dock into the small cove. The Lukens,  
16 as described above, have planned for a dock ever since they moved into their home in 2000.  
17 Their preference is for a joint dock with the Cabrerass. But if that option is not available, they see  
18 no choice but to proceed with their own "go it alone" dock. They can construct a dock 50' in  
19 length on their property that will not interfere with the Talbots' access to their dock. Their lot  
20 meets the minimum waterfront lot width requirements pursuant to LUC 20.25H.080N.1.a.ii.  
21

22           **Reasonable Mitigation**

23           As indicated above, the City in its decision did not even consider imposing any  
24 mitigating conditions to address navigability and safety concerns. However, reasonable  
25 mitigation is certainly available. The Lukens' proposed joint dock with the Cabrerass, 50' in  
26 length, would address both the Foremans' and the Talbots' navigability and safety concerns. A  
27  
28

1 longer dock, 60' in length, could also be constructed along the joint property line with a 6' offset  
2 onto the Cabrera property. Undoubtedly, other mitigation options are available as well.

### 3 III. LEGAL ISSUES

4 In its prehearing order dated November 15, 2011, the Board identified eight legal issues.

- 5 1. Whether the application for Substantial Development Permit No. 09-124777WG  
6 (Cabrera Pier Project) meets the permit submittal requirements?
- 7 2. Does the Cabrera Pier Project comply with the setback requirements of LUC  
8 20.25E.080.N?
- 9 3. Does the Cabrera Pier Project comply with LUC 20.30R.155B and with the  
10 policies of the Shoreline Management Act and the provisions of Chapter 173-14  
11 (sic), or does it conflict with the public's rights to recreation, to navigation, and to  
12 use of the shoreline?
- 13 4. Are the petitioners' claims for violation of RCW 43.21C, WAC 197-11, and BCC  
14 22.02 barred for failure to exhaust administrative remedies?
- 15 5. Was the City's threshold determination of nonsignificance for the Cabrera Pier  
16 Project preceded by consideration of environmental factors in a manner sufficient  
17 to amount to prima facie compliance with the procedural requirements of RCW  
18 43.21C, as to location of the proposal and of other affected structures and potential  
19 structures in the built environment in the vicinity, water, aesthetics, recreation,  
20 and transportation (including navigation)?
- 21 6. Has the City failed in its obligation to adequately condition the Cabrera Pier  
22 Project as required by RCW 43.21C.060, WAC 197-11-660, and BCC 22.02.140,  
23 in light of the proposal's impacts on other affected structures and potential  
24 structures in the built environment in the vicinity, water, aesthetics, recreation,  
25 and transportation (including navigation)?
- 26 7. Whether the Board has jurisdiction at this time to hear Petitioners' SEPA related  
27 issues?
- 28 8. Does the Board have jurisdiction to determine private parties' rights pursuant to a  
private easement?

### IV. ARGUMENT

- A. **Issue 3: The Cabrera Pier Project Impairs Safe Navigation and Creates a Hazard to Boaters in Violation of LUC 20.30R.155B, the Policies of the**

1 **Shoreline Management Act,<sup>2</sup> the provisions of Chapter 173-27 and the City's**  
2 **Shoreline Master Program.**

3 The evidence at hearing will demonstrate that the Cabrera Pier Project will impair safe  
4 navigation and create a hazard to boaters – specifically, navigation to and from the Foreman and  
5 Talbot docks and the safety of crew and passengers on the Foreman and Talbot boats.

6 The City has never disputed this evidence. The City never asked for or evaluated  
7 whether the navigation and safety concerns expressed by the Foremans and the Talbots were  
8 well-founded.

9 Rather, the City's response to these concerns was that it had no jurisdiction to address  
10 them. As City Planner Carol Hamlin expressed in an email to Randy Talbot: "The City's land  
11 use authority extends only to the requirements stipulated by our Code which does not have  
12 jurisdiction over navigability of waters."  
13

14 In other words, the City's position is that no matter what the impact of the Cabrera Pier  
15 Project on safe navigation, and no matter what hazard the Cabrera Pier Project poses to boaters,  
16 that the City has no authority to mitigate that impact or to eliminate that hazard.  
17

18 The City is incorrect. In fact, it has the obligation to consider these issues and to mitigate  
19 these impacts.

20 Bellevue Land Use Code 20.30R.155.B states the criteria that an applicant must address  
21 in order to merit approval of an application for a substantial development permit:  
22

23 **The Director of Planning and Community Development may approve or approve**  
24 **with modifications if:**

- 25 1. The applicant has carried the burden of proof and produced evidence sufficient to  
26 support the conclusion that the application merits approval or approval with  
27 modifications; and

28 <sup>2</sup> Petitioners have elected not to brief Issues 1, 2, or 8.

- 1           2.     The applicant has demonstrated that the proposal complies with the applicable  
2           decision criteria of the Bellevue City Code; and
- 3           3.     **The applicant has demonstrated that the proposal is consistent with the**  
4           **policies and procedures of the Shoreline Management Act and the provisions**  
5           **of Chapter 173-14 WAC and the Master Program.**

5           In all other cases, the applicable Department Director shall deny the application  
6           (emphasis added).

7           Accordingly, Ms. Hamlin is wrong when she states that her authority “extends only to the  
8           requirements stipulated by our Code.” That aspect of her review is set forth in Criterion 2 of  
9           LUC 20.30R.155B. Ms. Hamlin fails to acknowledge that, in addition to demonstrating that the  
10          application complies with the “requirements stipulated by our Code,” the applicant must also  
11          meet Criterion 3 of LUC 20.30R.155B by demonstrating that the proposal is consistent with the  
12          policies of the Shoreline Management Act and the City’s Shoreline Master Program.

14          As to the policies of the Shoreline Management Act, it is well-established that a dock  
15          which interferes with navigation or creates a hazard for boaters, is contrary to the policies of the  
16          Act.

17                 **Protecting the public’s rights of navigation is a fundamental policy of the Shoreline**  
18                 **Management Act (SMA):** “This policy contemplates protecting against adverse effects  
19                 to the public health, the land and its vegetation and wildlife, and the waters of the state  
20                 and their aquatic life, while protecting generally public rights of navigation and corollary  
21                 rights incidental thereto.” RCW 90.58.020. The Board has recognized the importance of  
22                 protecting safe navigation in its decisions: “A principal purpose of the SMA is to protect  
23                 the public’s rights in the State’s navigable waters. RCW 90.58.020. **Interference with**  
24                 **the public’s rights of navigation, or creation of a hazard for boaters, is contrary to**  
25                 **the policies of the Act.”** Bennett et al, v. Department of Ecology, SHB No. 95-30  
26                 (1996) at 6; Union Bay Preservation Coalition v. Cosmos Development and  
27                 Administration Corp., SHB 92-51 (1993) (emphasis added).

28           *Harborview Marina v. City of Gig Harbor*, SHB No. 99-013 (2000) at 9-10 (dock extension  
proposal remanded to City to enable applicant to present revisions which addressed navigation  
and boater safety issues). See also *Wile v. Island County*, SHB No. 94-50 (1995) (proposed

1 private dock is denied because it leaves insufficient room for safe navigation in and out of  
2 neighboring dock).

3           The Cabrera Dock Pier Proposal impairs navigation and imposes a risk to boaters. As the  
4 *Harborview Marina* and *Wile* cases hold, these impacts violate a “fundamental policy” of the  
5 Shoreline Management Act. Accordingly, under LUC 20.30R.155B, the proposal must be  
6 denied.  
7

8           In addition, the Cabrera Dock Pier Proposal is inconsistent with several policies of the  
9 City’s Shoreline Master Program, including the following:

10           **Policy SH-1.** Plan for reasonable and appropriate shoreline uses... Uses and activities  
11 should balance environmental needs, the public interest, and private property rights.

12           **Policy SH-8.** Discourage uses, activities, and developments in the shoreline area that  
13 create offensive, unsafe, or unmitigatedly adverse impacts.

14           **Policy SH-9.** Preserve the natural amenities and resources of the shorelines in the  
15 context of existing and planned residential, recreational, and commercial land uses.

16           The proposal is inconsistent with Policy SH-1 because, in impairing navigation and  
17 creating hazardous conditions for boaters, it is neither reasonable nor appropriate, and does not  
18 acknowledge existing private property rights. It is inconsistent with Policy SH-8 because it  
19 would result in a development in the shoreline area that creates unsafe and unmitigatedly adverse  
20 impacts. It violates Policy SH-9 by allowing a new development that fails to acknowledge and  
21 accommodate existing residential land uses.  
22

23           Because the Cabrera Dock Pier Proposal is inconsistent with several policies of the City’s  
24 Shoreline Master Program, it fails to meet Criterion 3 of LUC 20.30R.155B, and therefore must  
25 be denied.  
26  
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1 LUC 20.30R.155D does provide an alternative to outright denial. The City may  
2 condition to the proposal "to ensure conformance with subsection B of this section." As  
3 indicated above, Petitioners have identified conditions which would mitigate the navigational  
4 impairment and boater safety issues.

5  
6 In this light, the Board should either deny the proposal outright, or remand to the City to  
7 impose conditions that address the navigational impairment and boater safety issues.

8 **B. Issue Three: The Cabrera Dock Proposal Does Not Comply with LUC**  
9 **20.30R.155B because the Cabrera Waterfront Does Not Meet the Bellevue**  
10 **City Code's Minimum Width Requirements For Single Family Docks.**

11 LUC 20.30R.155B states that a substantial development permit can be approved only if  
12 the applicant demonstrates that the proposal complies with the applicable decision criteria of the  
13 Bellevue City Code.

14 LUC 20.25E.080.N.1a provides that a new dock is permitted in a single family zone only  
15 on:

- 16 i. Lots created on or after the effective date of the ordinance codified in this section  
17 having water frontage meeting or exceeding the minimum lot width required in  
18 the applicable land use district; [or]  
19 ii. Lots created prior to the effective date of the ordinance codified in this section...

20 The minimum lot width required in the applicable land use district in which the Cabrera  
21 parcel is located is 90'. See LUC 20.20.010.

22 The water frontage of the Cabrera lot is only 40'. Accordingly, it does not meet the  
23 minimum width requirement of LUC 20.25E.080.N.1a.

24 The Cabrera lot was not created until 2007, when the Cabrereras purchased the beachfront  
25 parcel that contains the waterfront from their neighbors to the east and their upland lot was  
26 informally merged into the beachfront parcel. Prior to that time, the beachfront parcel was a  
27 separate parcel owned jointly by the Cokers and the Cabrereras. The lot on which the Cabrereras  
28

1 had their home was not a waterfront lot. As a jointly owned beachfront parcel, the waterfront  
2 was not a building lot, and therefore not capable of meeting the requirement of LUC  
3 20.25E.080.N.1 for a moorage facility.

4 Because the Cabrera waterfront is only 40' in width and does not meet the 90' minimum  
5 width requirement for a dock, the proposal fails to comply with LUC 20.30R.155B, and therefore  
6 must be denied.  
7

8 **C. Issue 5: The City's Determination of Nonsignificance Was Not Preceded by**  
9 **Consideration of Environmental Factors Sufficient to Amount to Prima**  
10 **Facie Compliance with the Procedural Requirements of SEPA.**

11 In this case, Petitioner Randy Talbot notified the City of significant environmental factors  
12 related to the Cabrera Pier Project by submitting a timely comment letter which stated that "the  
13 length of the proposed pier will greatly impact navigability of the waters within this confined  
14 space [of the small cove], which most likely will increase the likelihood of injury to persons  
15 and/or property."

16 Despite this notification, the City engaged in no environmental review whatsoever of the  
17 navigability or safety issues associated with the proposal.  
18

19 The City's SEPA checklist includes a question under Land and Shoreline Use, that asks  
20 "Proposed measures to ensure the proposal is consistent with existing and proposed land uses..."  
21 The answer provided in the checklist is: "The proposal is consistent with existing COB uses..."  
22 There is no mention of existing docks in the immediate vicinity, nor of the potential for  
23 navigability and safety impacts associated with these existing land and shoreline uses.  
24

25 The City's SEPA checklist also includes questions under Recreation, which asks what  
26 existing recreational uses exist in the vicinity of the site, and what proposed measures are  
27 included to address impacts on those existing recreational uses. While the Checklist vaguely  
28

1 acknowledges the existence of boating uses in the vicinity of the site, it identifies no impact on  
2 those uses from the proposal, and it suggests no mitigation.

3           The City cannot lawfully approve a proposal if it has not even considered the proposal's  
4 key environmental impacts. Indeed, the Washington Supreme Court held in *Lassila v.*  
5 *Wenatchee*, 89 Wn.2d 804, 576 P.2d 54 (1978), that if a governmental body makes a  
6 determination of nonsignificance without first demonstrating that environmental factors were  
7 considered in a manner sufficient to amount to prima facie compliance with the procedural  
8 dictates of the State Environmental Policy Act, RCW 43.21C, and specifically RCW 43.21C.030,  
9 the determination of nonsignificance is invalid.  
10

11           Since in this case the City neglected even to consider the environmental issues of safety  
12 and navigation impairment, its determination of nonsignificance must be withdrawn, the decision  
13 approving the project must be reversed, and the matter remanded to the City to conduct an  
14 adequate consideration of environmental factors associated with the proposal.  
15

16           **D. Issue Six: The City Has Failed in its SEPA Obligation to Adequately**  
17           **Condition the Cabrera Pier Project.**

18           As indicated above, the Cabrera Pier Project will impair navigation and create a hazard to  
19 boaters. The City refused to evaluate these issues, and advised petitioners that it was without  
20 authority to mitigate the impacts of the proposal. As City Planner Carol Hamlin stated in her  
21 September 29, 2012 email to Petitioner Randy Talbot, "The City's land use authority extends  
22 only to the requirements stipulated by our Code which does not have jurisdiction over  
23 navigability of waters."  
24

25           In that email, Ms. Hamlin asserted that because the Cabrera dock complied with the 12  
26 foot setback requirement from the property line and therefore complied with the code setback  
27

1 requirement of LUC 20.25E.080.N, that was the end of the inquiry as far as the City was  
2 concerned, no matter the impacts on navigability which the proposal creates.

3 The City's SEPA ordinance does not support Ms. Hamlin's statement. It provides that  
4 "[a]ny proposal may be conditioned or denied by the city pursuant to RCW 43.21C.060 and  
5 WAC 197-11-660..." LUC 22.02.140. Specifically, the ordinance states that where there are  
6 "[u]nusual circumstances related to a site... as well as environmental impacts not easily  
7 foreseeable or quantifiable in advance, [a proposal] will be subject to site-specific or project-  
8 specific SEPA mitigation." LUC 20.02.140 (emphasis added).

9  
10 It goes without saying that this small cove on Lake Washington is "an unusual  
11 circumstance related to a site," particularly where, as here, the cove already has two existing  
12 docks facing inward toward the cove, and it is subject to prevailing strong winds, currents, and  
13 wakes from passing motorized craft. This is exactly the type of situation where a dock proposal  
14 such as this one creates "environmental impacts not easily foreseeable or quantifiable in  
15 advance." In this case, then, the proposal "will be" subject to "project-specific SEPA  
16 mitigation."

17  
18 Despite this explicit SEPA authority and duty, the City refused even to consider any  
19 project-specific SEPA mitigation to address the identified environmental hazards and risks  
20 associated with the Cabrera project. This abdication of responsibility is unlawful. Because the  
21 proposal, in the language of LUC 22.02.140, "will be" subject to SEPA mitigation, and because  
22 the City failed to impose any such mitigation, the City's decision must be reversed and remanded  
23 for compliance with the requirements of SEPA.  
24  
25

26 ///

27 ///



**ATTACHMENT A**



**ATTACHMENT B**

## Terence Lukens

---

**From:** Luis Cabrera [cabrerai@gmail.com]  
**Sent:** Friday, May 15, 2009 2:36 PM  
**To:** t.lukens@comcast.net; cabrerai@gmail.com; Marcelle Stagno  
**Subject:** The 'Lower H' Revised  
**Attachments:** Prelim\_Dock\_Schematic\_-\_The\_Lower\_h\_-\_5.2.2009\_copy.pdf;  
Prelim\_Dock\_Schematic\_-\_The\_Lower\_h\_Revised-5.15.2009\_copy.pdf;  
LUK\_Conceptual\_Site\_Plan\_8-26-08.pdf

Terry,

I was forwarded your email and have made adjustments per your requests. Please start by reviewing the attachments. I have attached the three relevant drawings at this point:

- #1. The original lower 'h' you received last week for a basis of reference
- #2. The modified lower 'h' to incorporate your request to shorten the length of the 'stem', shorten the length of your side, and jog over into the Cabrera waters.
- #3. One of the last conceptual site plans I saw from Layton Sell which is a great point of reference to compare the new drawing. (If you print this one out and place it under drawing #2 and hold up to a window or light you will see that we have almost exactly mirrored the design you proposed in August for these dock segments.)

The dock was brought significantly closer to the shoreline. We will just want to make sure there is an appropriate amount of water for the lifts, however, since the boats will always be 'nose in' I would suspect this would not be a problem.

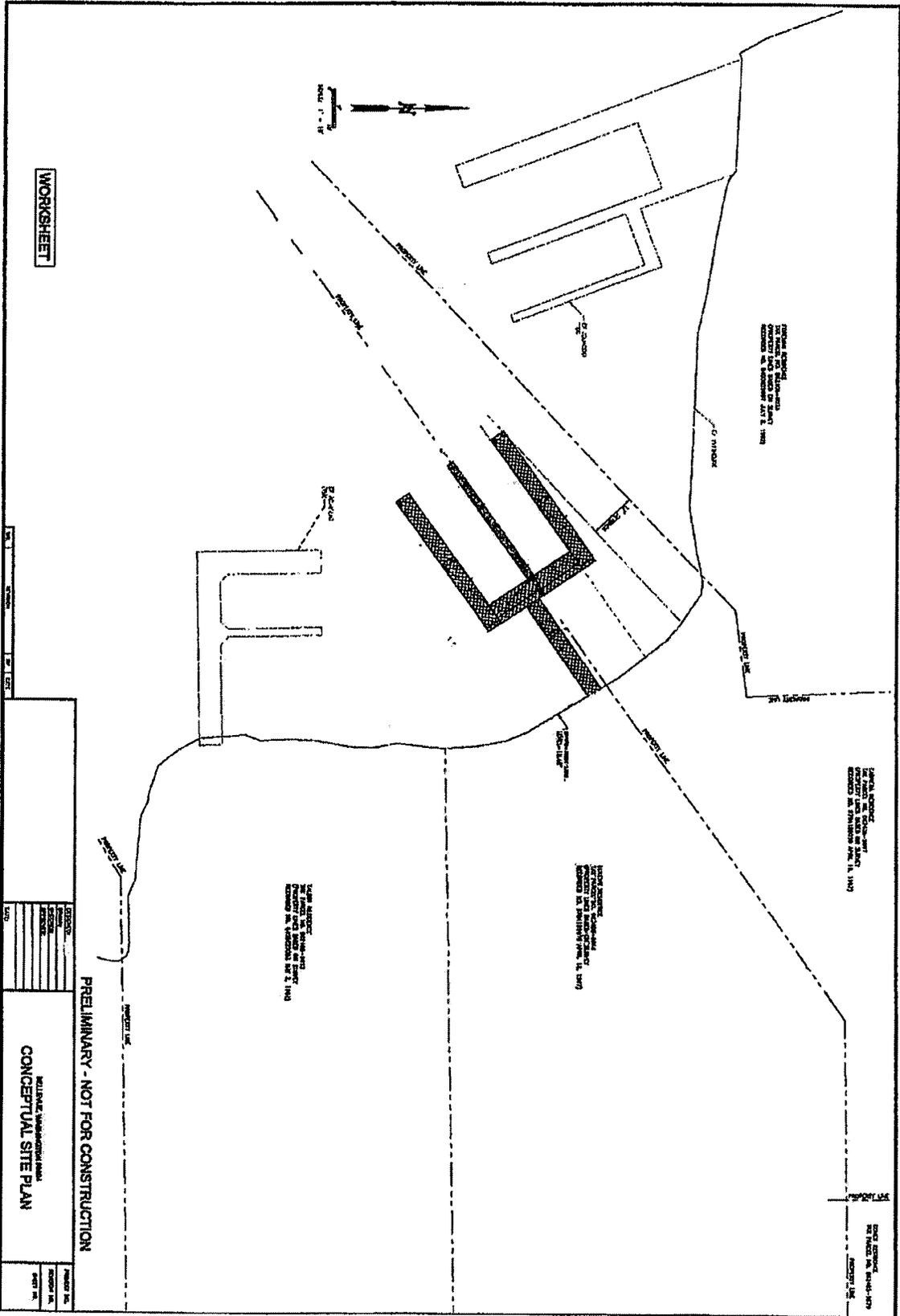
By comparing drawings #2 & #3 you can see that there is about 30' on your side for your boat. Obviously we can modify this to be longer or shorter depending on what you need.

In your email you stated: 'what we need to do is have the common dock on our property, with a jog so that our dock is on your side of the line.' We cannot keep the entire part of your dock on our side of the property line without sacrificing the width and length of our berth. Which is why I have tilted the axis slightly to accommodate the jog and our desired lengths on our side. I do not know the motivations for keeping the entire length on the Cabrera side, but as you can see in the comparison of #2 & #3, the impact to the location of the dock will be visually negligible. The majority of the structure is sitting within Cabrera property lines as drawn.

These drawings are rough, but they give us a very good idea of the layout and practical use. Please take a look and discuss with Ann when you have a moment. My parents have signed off, so if we are all on board conceptually I would suggest we move towards more formal drawings/measurements to ensure that we can implement this design.

Feel free to give me a call if you have any questions.

Luis  
206 730 5826



WORKSHEET

10' 20' 30' 40' 50'

PROJECT NO.	
DATE	
DESIGNER	
REVISIONS	
DATE	
BY	
NO.	

**CONCEPTUAL SITE PLAN**

PRELIMINARY - NOT FOR CONSTRUCTION

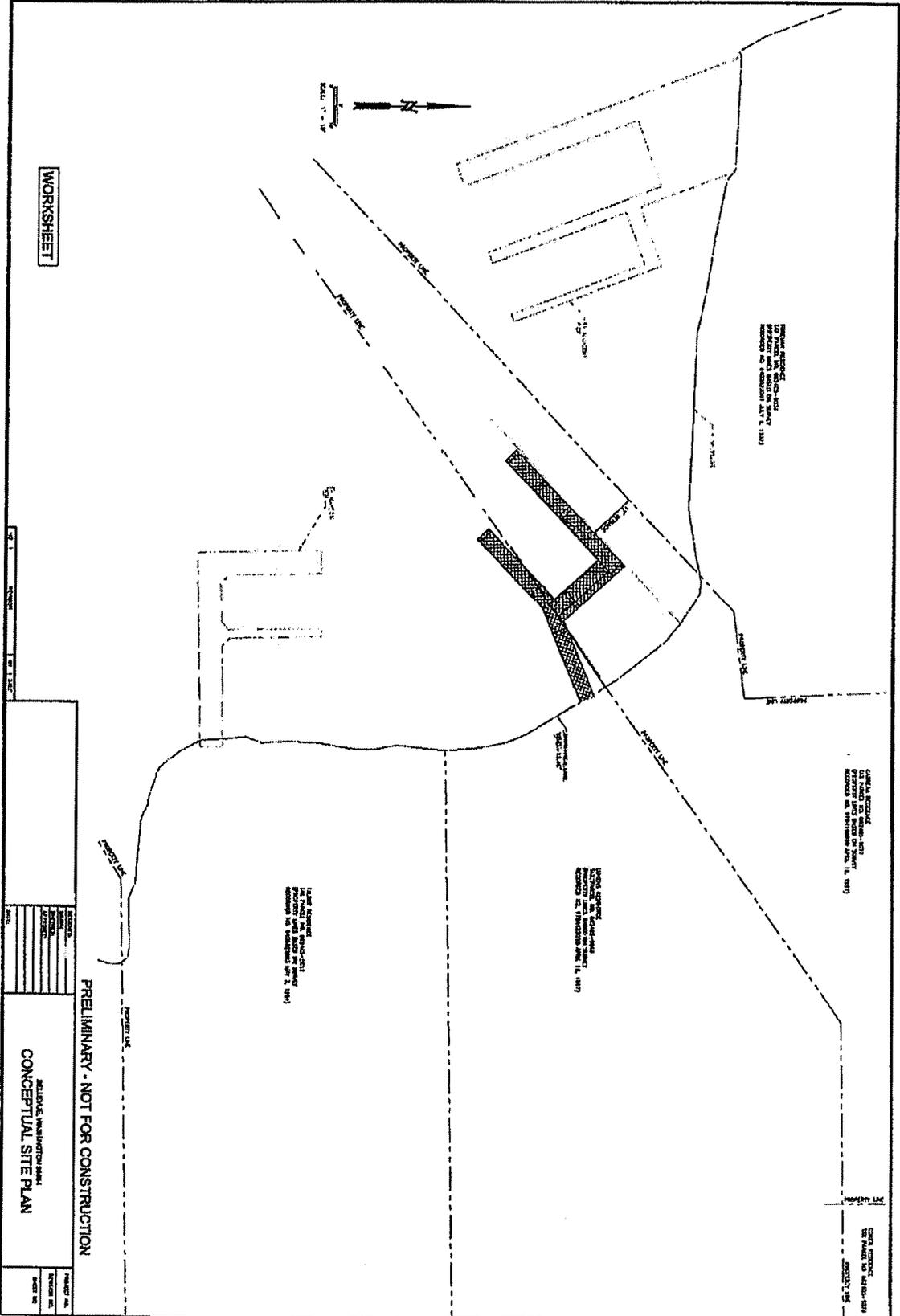
THESE BOUNDARIES ARE BASED ON THE RECORD PLAT FOR LOT 10, BLOCK 10, SUBDIVISION NO. 10,000, DATED 10/10/10.

THESE BOUNDARIES ARE BASED ON THE RECORD PLAT FOR LOT 10, BLOCK 10, SUBDIVISION NO. 10,000, DATED 10/10/10.

THESE BOUNDARIES ARE BASED ON THE RECORD PLAT FOR LOT 10, BLOCK 10, SUBDIVISION NO. 10,000, DATED 10/10/10.

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THESE ARE PRELIMINARY  
 PROPOSED BUILDINGS AND  
 SHOULD BE SUBJECT TO  
 RECORDING ACT 7, 1913

GENERAL RECORD  
 OF THE CITY OF WASHINGTON  
 RECORDED IN DISTRICT OF COLUMBIA  
 BOOK 11, PAGE 11, 1913

THESE ARE PRELIMINARY  
 PROPOSED BUILDINGS AND  
 SHOULD BE SUBJECT TO  
 RECORDING ACT 7, 1913

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THESE ARE PRELIMINARY  
 PROPOSED BUILDINGS AND  
 SHOULD BE SUBJECT TO  
 RECORDING ACT 7, 1913

WORKSHEET

10' 20' 30' 40' 50'

NO.	DATE	REVISIONS

CONCEPTUAL SITE PLAN

PRELIMINARY - NOT FOR CONSTRUCTION

PROJECT NO.  
 SHEET NO.







June 10, 2014

To: Heidi Bedwell  
Development Services Department  
450 110<sup>th</sup> Ave NE  
P.O. Box 90012  
Bellevue, WA 98009  
hbedwell@bellevuewa.gov

Received

JUN 11 2014

Permit Processing

Re: Cabrera Dock  
File No: 14-124074-WG

Dear Ms. Bedwell,

Acting as agent for Felipe Cabrera and Marcelle Stagno, who are the applicants under the above-reference file. This letter is written to respond to your preliminary review of the applicants proposal for a new pier with boat and jet ski lifts.

Key Point #1 The setting/presence of the cove and the configuration of the existing shoreline creates narrowing property widths as they exit the shoreline. The narrow lots limit dock location and moorage options.

Key Point #2 The potential mitigation design of the Cabrera's pier is the minimum needed to provide adequate depth for moorage and boatlift operation. Also, it is designed to meet the city required 12 foot setback.

Key Point #3 The proposed Cabrera pier and the proposed Luken's pier that is adjacent to the south of the Cabrera proposed pier and the Foreman's existing pier to the Northwest of the Cabrera's proposed pier are shown on the plan dated 3/18/14. We also provide 2 other alternate views dated 3/26/14 if the Lukens were to adjust their proposed pier slightly. We see these alternates as very viable options for the Luken's to consider. Please see attached drawings.

The proposed Jet Ski lift will be accessible via the corridor between the 2 proposed boat lifts (Cabrera and Lukens).

The proposed activity meets the standards of RCW 90.58.020 by virtue of the fact that it is a water dependent use adjacent to shoreline. It is a preferred use under this code as a proposed pier adjacent to a single family residence. RCW 90.58.020 states, "Uses shall be preferred which are...unique to or dependent upon use of the state's shoreline." "Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines

of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.”

Impacts to Navigation:

The proposed project does not impact navigation because it is tucked in the cove well away from normal navigation channels. There will be minor impacts to adjacent piers during construction when the barge is onsite but onsite construction time will be minimized by pre-fabrication of the pier in the contractor's yard in Seattle. Ingress and egress maybe altered by the proposed structure but will not be obstructed. The subject property is private property with no public access to the shoreline. Due to the fact the proposed pier will be tucked back in the cove it is outside of the normal public access areas of the lake.

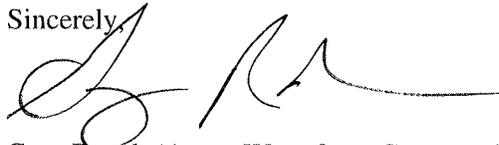
In response to the Lukens response letter dated 4/1/2014, we concur with the Lukens assessment that if they are required to proceed with construction of the dock that is shown in the drawing dated 1/21/14 it will create significant navigational concerns for both the Cabrera's and the Lukens. If the Talbot's dock reconfiguration is approved by the city and the US Army Corps of Engineers it will greatly decrease the navigational concerns that the Cabrera's and Lukens both have.

In response to Mr. Peterson's e-mail dated 3/28/14. The Cabrera's proposed pier project will not increase traffic on the existing driveway. At this time we are not aware of plans to modify the existing driveway by any of the home owners that use this driveway.

In response to the Foreman's letter dated 3/31/2014 written by their representative G. Richard Hill. We concur with the letter written by Donald E. Marcy dated 6/9/2014. (Please see attached letter from Mr. Marcy).

Thank you for your efficient review of this project. If you have any questions or comments, please call me at (206) 548-9800. You may also contact me via email at [greg@waterfontconstruction.com](mailto:greg@waterfontconstruction.com).

Sincerely,

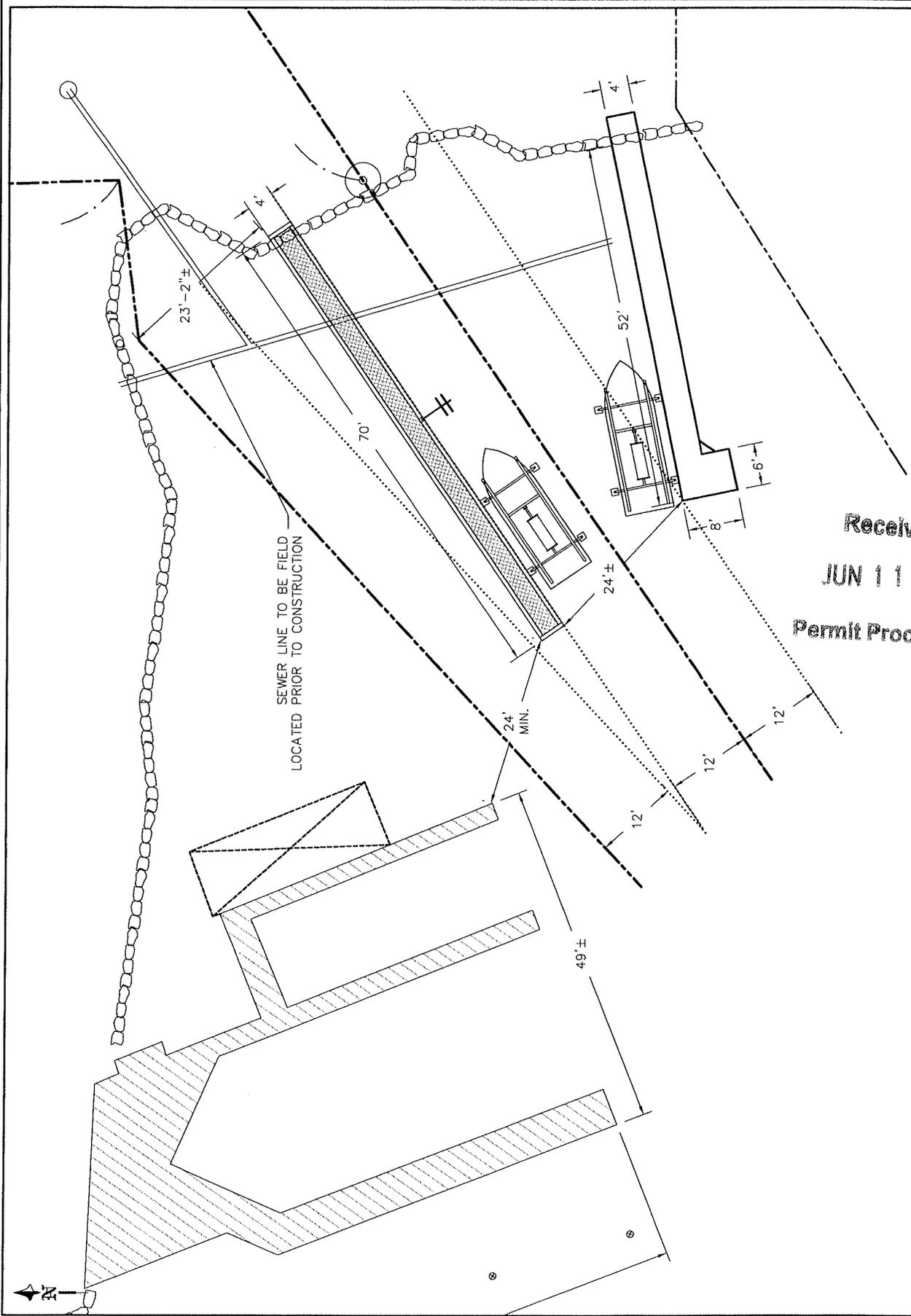
A handwritten signature in black ink, appearing to read 'Greg Rauch', with a long horizontal flourish extending to the right.

Greg Rauch (Agent Waterfront Construction)

PROJECT DESIGNED BY:

Waterfront Construction Inc.

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REFERENCE #:	
APPLICANT:	LUIS CABRERA
PROPOSED:	CONSTRUCT FULLY GRATED PIER. INSTALL (1) BOATLIFT AND (1) JETSKI LIFT.
NEAR/AT:	BELLEVUE
SHEET:	1 OF 1
DATE:	3-18-14 DWG#: 14-1

Received

JUN 11 2014

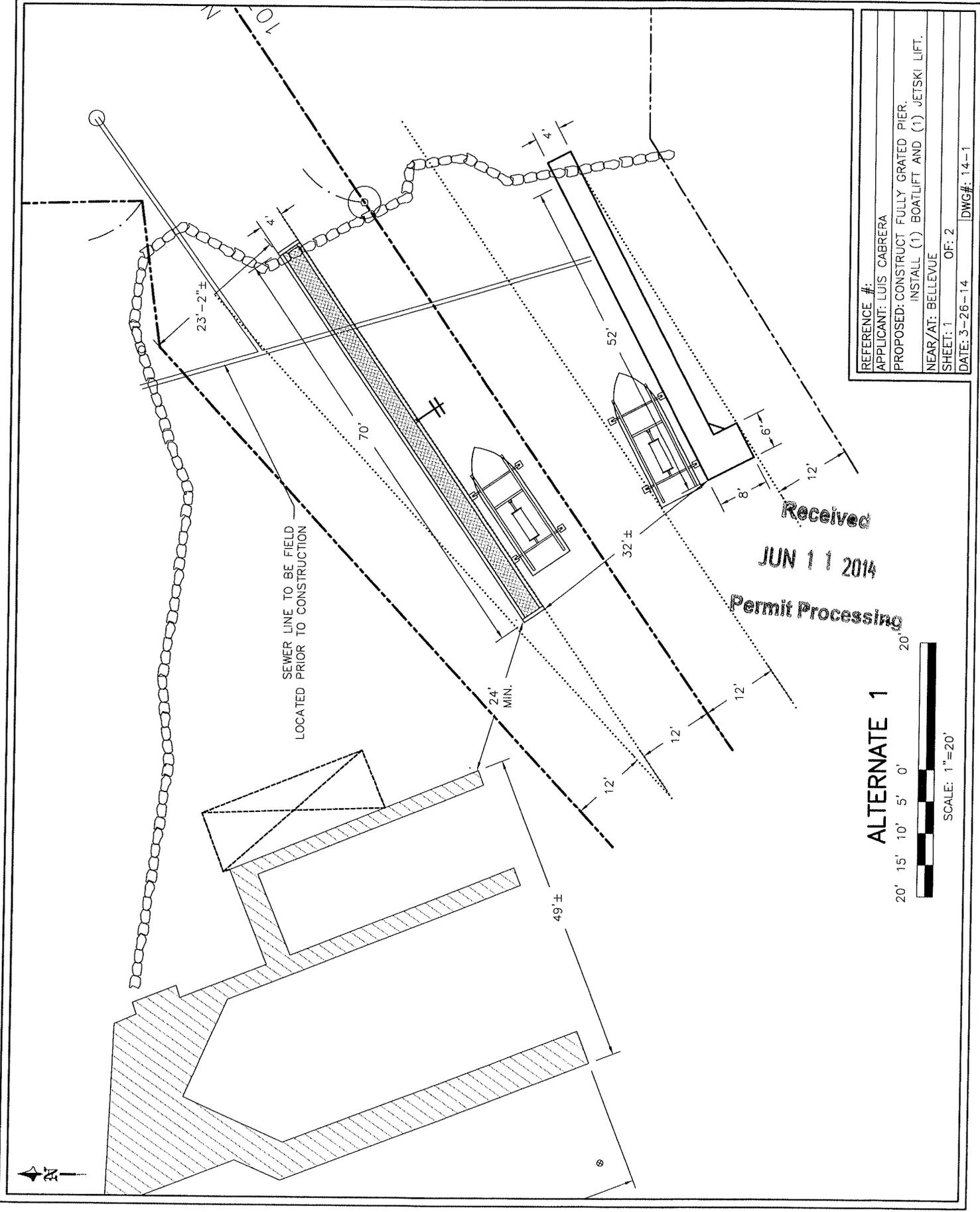
Permit Processing

SITE PLAN



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 AUTHORIZATION OF WATERFRONT CONSTRUCTION INC.

REFERENCE #:	
APPLICANT:	LUIS CABRERA
PROPOSED:	CONSTRUCT FULLY GRATED PIER, INSTALL (1) BOATLIFT AND (1) JETSKI LIFT.
NEAR/AT:	BELLEVEUE
SHEET:	1 OF 2
DATE:	3-26-14
DWG#:	14-1



**ALTERNATE 1**



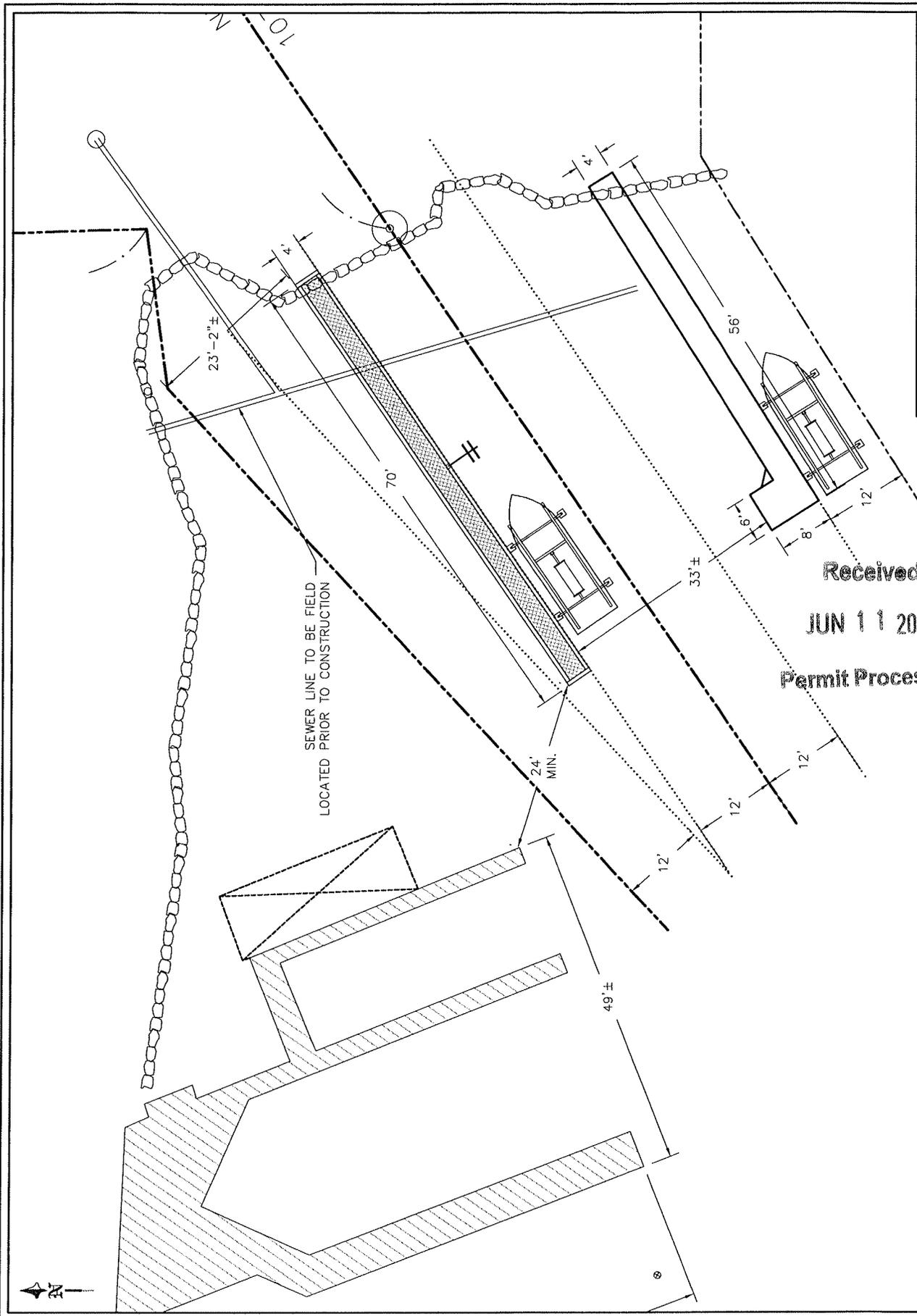
SCALE: 1"=20'

PROJECT DESIGNED BY:

Waterfront Construction Inc.

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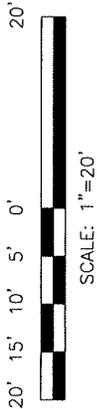
REFERENCE #:
APPLICANT: LUIS CABRERA
PROPOSED: CONSTRUCT FULLY GRATED PIER, INSTALL (1) BOATLIFT AND (1) JETSKI LIFT.
NEAR/AT: BELLEVUE
SHEET: 2 OF: 2
DATE: 3-26-14 DWG#: 14-2



Received  
JUN 11 2014

Permit Processing

ALTERNATE 2



CAIRNCROSS&HEMFELMANN  
524 2nd Ave, Suite 500  
Seattle, WA 98104  
www.cairncross.com

ATTORNEYS AT LAW  
office 206 587 0700  
fax 206 587 2308



June 9, 2014

**VIA EMAIL**

Heidi Bedwell  
Development Services Department  
450 110th Ave NE  
P.O. Box 90012  
Bellevue, WA 98009  
hbedwell@bellevuewa.gov

Re: Cabrera Dock  
File No. 14-124074-WG

Dear Ms. Bedwell:

We represent Felipe Cabrera and Marcelle Stagno-Hardy (the "Cabreras") who are the applicants under the above-referenced file. This letter is written to respond to a letter dated March 31, 2014 from G. Richard Hill to you and written on behalf of Richard and Diane Foreman (the "Foremans"). We will address each of the five concerns raised by Mr. Hill.

**1. Navigation and Boater Safety**

The Cabreras' proposed dock has been designed so there is approximately 24 feet from the edge of the Cabrera dock to the edge of the Foreman dock. That is more than ample space through which to pilot a boat like the one the Foremans have moored on the east side of their dock complex. The distance between the proposed Cabrera dock and the proposed Lukens dock is also 24 feet, and experienced marina and dock designers have deemed that to be a safe separation distance for the operation of 20 to 28 foot boats.

**2. View Blockage**

The Foremans do not have a view easement over the Cabreras' property, and a dock is not the unwarranted intrusion on views that the Shoreline Management Act was intended to prevent. Moreover, the proposed Lukens dock also sits within the Foremans' view corridor, but the Foremans have not

*dmarcy@cairncross.com*  
direct: (206) 254-4465  
{02573993.DOCX;1 }

objected to that dock. Finally, the Foremans own a substantial dock complex that already intrudes on their views.

### **3. SEPA Checklist**

Mr. Hill's concerns about the SEPA checklist are primarily due to the fact his client does not agree with the answers in the checklist. However, we will address each of the concerns.

- a. Shoreline designation – although not in the checklist, it is provided in the application for the shoreline substantial development permit that the checklist accompanies.
- b. Environmentally sensitive areas – an area may be a critical area but not be environmentally sensitive. This is the case with the shoreline in front of the Cabrera residence.
- c. Compatibility with land uses – there is nothing about the proposed dock that is incompatible with residential uses. Lake Washington is lined with docks adjacent to residential uses.
- d. View alteration – as discussed above, any view intrusion is not significant and not precluded by applicable law.
- e. Light and glare – there will be minimal light or glare produced by the boats or the dock. As noted above, the Foremans did not raise this issue with the proposed Lukens dock.
- f. Displacement of recreational uses – as discussed above, the Foremans' ability to use their boat and their dock complex is not precluded.
- g. Drawings – the drawings included are sufficient for the purposes of this permit application.
- h. Drawings – the failure to include the Lukens dock is not material. There are other drawings in the file that show both docks, and professional designers have concluded the docks can operate satisfactorily.

### **4. Easement**

The Foremans may have an easement over a portion of the Cabrera property, but the existence and extent of that easement are not concerns of the City. The proper forum to address those issues is King County Superior Court. The City is not the forum to evaluate and determine the rights of the Cabreras and the Foremans under that easement. Extensive discussion of the easement was presented to the City by attorneys for the Cabreras and the Foremans for City of Bellevue Project No. 09-124777 WG. That project was a dock application submitted by the Cabreras in 2009. We can provide copies of

Heidi Bedwell  
June 9, 2014  
Page 3

that correspondence if the City no longer retains the file for that project. However, the City correctly decided to issue the permit in that case and leave the parties to sort out their easement issues outside the context of the shoreline permit process. The City should make the same decision in this case.

**5. Cabrera Lot Width**

This issue was reviewed by Lacey Hatch and Carol Helland of the City Attorney's office and the Department of Planning & Community Development, respectively, for Project No. 09-124777 WG. The conclusion of those departments was that the Cabrer's lot has sufficient width for a dock. As with the easement issue, we can provide additional information if you require it.

Please let us know if you have any questions or require additional information.

Sincerely,



Donald E. Marcy

DEM/kgb

cc: Felipe Cabrera  
Marcelle Stagno-Hardy  
Greg Rauch