City of Bellevue
Development Services Department
Land Use Staff Report

Proposal Name:	Wendle
Proposal Address:	3212 99th Avenue NE
Proposal Description:	The applicant is requesting a Critical Areas Land Use Permit to reduce an existing 50-foot (ft) steep slope top-of-slope buffer to a 20-ft buffer to allow for the expansion of an existing single-family residence. The proposal includes a mitigation plan to provide 350 square feet (SF) of new native plantings in the top-of-slope buffer.
File Number:	19-105723-LO
Applicant:	Kevin Reeves Architect PLLC
Decisions Included:	Critical Areas Land Use Permit (Process II. LUC 20.30P)
Planner:	Mark C. Brennan, Associate Land Use Planner
State Environmental Policy Act Threshold Determination:	**Exempt**
Director's Decision:	**Approval with Conditions** Michael A. Brennan, Director Development Services Department By: _____ Elizabeth Stead, Land Use Director

Application Date:	February 19, 2019
Notice of Application Publication Date:	March 21, 2019
Decision Publication Date:	July 25, 2019
Project/SEPA Appeal Deadline:	August 8, 2019

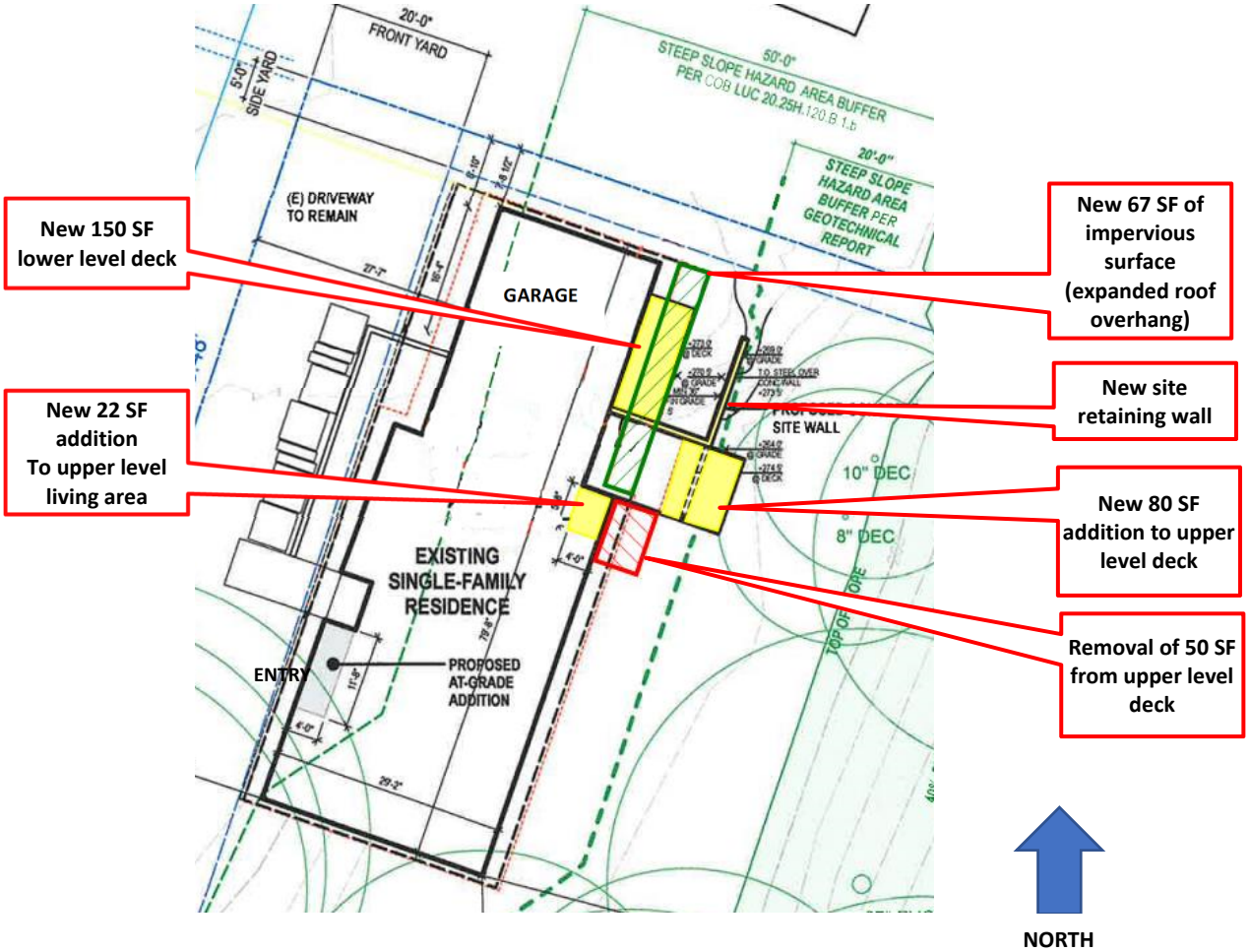
For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the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

CONTENTS

I. Proposal Description

The applicant requests the approval of a Critical Areas Land Use Permit (CALUP) to reduce a 50-foot (ft) steep slope critical area top-of-slope buffer to a 20-ft buffer for modifications to an existing single-family residence located at 3212 99th Avenue NE. The existing residence is comprised of two levels: An upper level that contains the main living/dining/kitchen space and a lower level that opens to the rear yard adjacent to a steep slope critical area. As shown on the Site Plan below, the proposed modifications located within the existing 50-ft buffer include the following:

- 22 SF addition to the upper level to expand the main living/dining/kitchen space.
- 153 SF lower level deck to the rear of the existing garage.
- 30 SF (net) increase to remodeled upper level deck. The remodel includes the removal of 50 SF of existing deck area and the addition of 80 SF of new deck area. The structure for the remodeled deck will be located outside of the proposed 20-ft buffer. The deck itself will cantilever 3.5 FT into the modified buffer but will not have a direct impact on buffer functions and values.
- New 67 SF of impervious surface area - - (roof overhang)
- New site retaining wall.



Proposed Site Plan

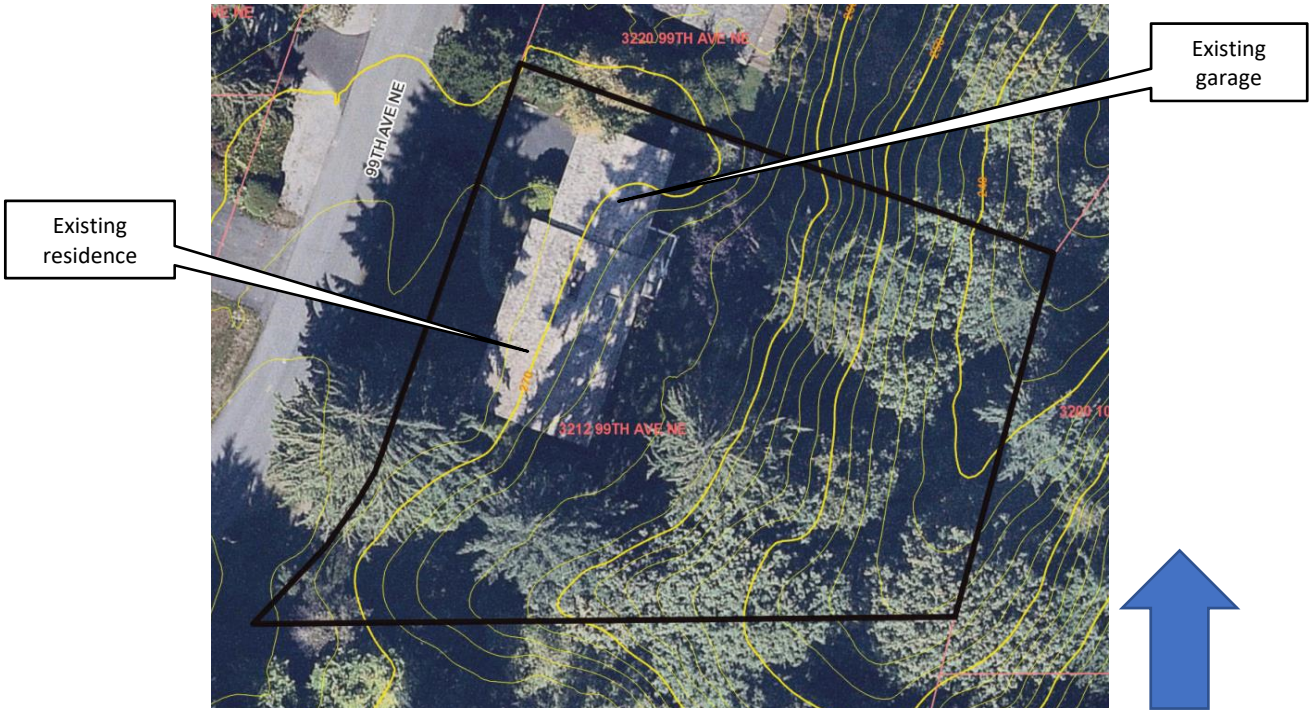
The construction of the new lower level deck and site retaining wall as described above will result in 350 SF of ground disturbance, primarily within an area of existing lawn, but which will also include the removal of existing native plants at the rear of the existing garage. To mitigate for the ground disturbance, the applicant proposes to install 350 SF of new native plantings at the edge of the steep slope. **Refer to the Critical Areas Report – 99th Avenue Remodel by Kevin Reeves Architect, PLLC, dated February 15, 2019 and as revised on June 3, 2019 in the project file.**

A Critical Areas Land Use Permit (CALUP) is required per Land Use Code (LUC) 20.25H.015.B because the proposal involves disturbance in and modifications to a steep slope critical area buffer. A Critical Areas Report is required to modify Code required top-of-slope buffer dimensions. Pursuant to LUC 20.25H.230, the Critical Areas Report must demonstrate a net increase in certain critical area buffer functions and values than would result from the application of the standard requirements of the Code.

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

A. Site Description

The subject property has an area of 20,717 SF and is developed with the existing single-family residence as described above. The existing residence was built in 1956 and has an area of 3,140 SF. The property slopes to the east toward a ravine, and includes approximately 23 significant trees, including Big-Leaf Maple, Fir and Cedar trees, and understory vegetation including English laurel, English holly and English ivy in the ravine. The top-of-slope buffer vegetation consists of lawn, shrubs and ground-cover

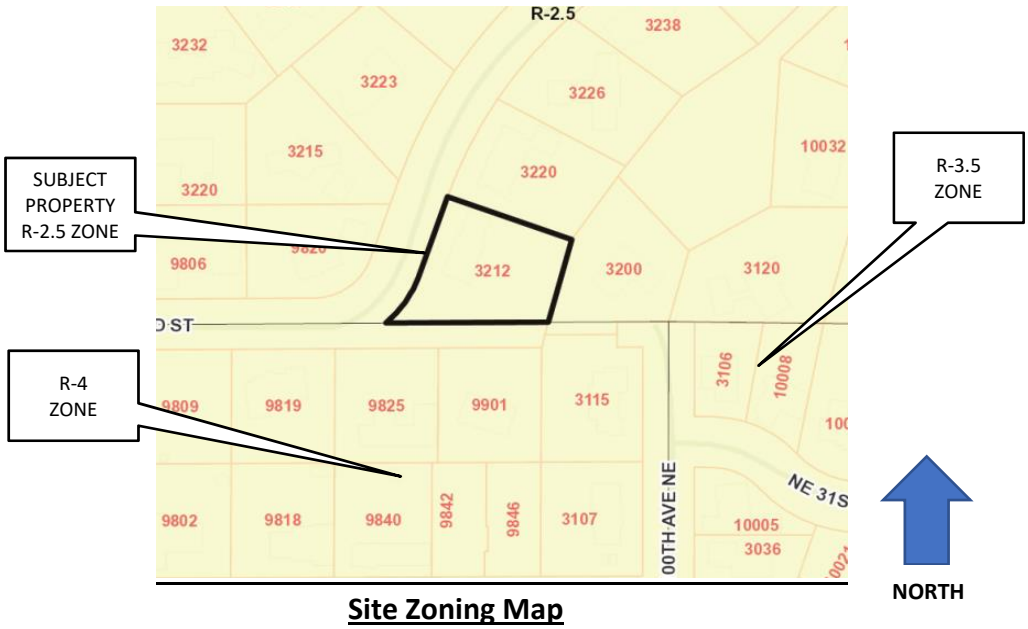


Site Aerial

Images of Proposed Area of Work

B. Zoning

The property is zoned (Residential) R-2.5, abuts an R-4 zone to the south and is near an R-3.5 zone to the southeast.



Site Zoning Map

C. Land Use Context

Development in the vicinity of the site is single-family residential. The site is in the North Bellevue Subarea and its Comprehensive Plan designation is Single-family Medium (SF-M).

D. Critical Areas Functions and Values

The property exhibits the following Critical Area: Steep slope and top-of-slope buffer . City of Bellevue records denote steep slope areas, which have been mapped and quantified via survey. City of Bellevue Records also indicate a stream is mapped along the eastern edge of the property within a topographical ravine. The property was evaluated for stream features by Wetland Resources on January 22nd, 2019 and by Land Use planning staff on March 27th, 2019. The results of the site investigations by both Wetland Resources and City of Bellevue staff indicate that no stream or wetland was observed within the property or within 200 ft. off-site**. Refer to the Wetland & Stream**

Determination Report by Wetland Resources, Inc., dated February 6, 2019 in the project file.

LUC 20.25H.120.A.2 defines steep slope areas as *those areas that contain slopes of greater than 40%, have a rise of at least 10 feet, and exceed 1,000 SF in area.* The applicant has worked with a licensed surveyor and submitted a topographical site survey and site map identifying portions of the property which meet the steep slope criteria and are therefore regulated as a critical area. Regulated steep slopes are protected by a 50-foot top-of-slope buffer and a 75-foot toe-of-slope structure setback (LUC 20.25H.120.B.1). The applicant has provided a geotechnical report prepared by a licensed geotechnical engineer (PanGEO, Inc.). **Refer to the Critical Areas and Geotechnical Report by PanGEO Inc. and dated January 29, 2019 in the project file.**

Geologic hazard areas 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 and associated top-of-slope buffers 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.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The site is located in the R-2.5 zoning district. The proposal plans appear to demonstrate conformance with zoning dimensional standards for the R-2.5 zone. However, conformance with all zoning requirements will be verified as part of the associated building permit review**. Refer to Condition of Approval regarding Building Permit Required in Section IX of this report.**

B. Critical Areas Requirements:

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes performance standards and procedures that apply to development on any site which contains in whole or in part any portion designated as critical area, critical area buffer or structure setback from a critical area or buffer. The following sections of the Land Use Code apply to the proposal:

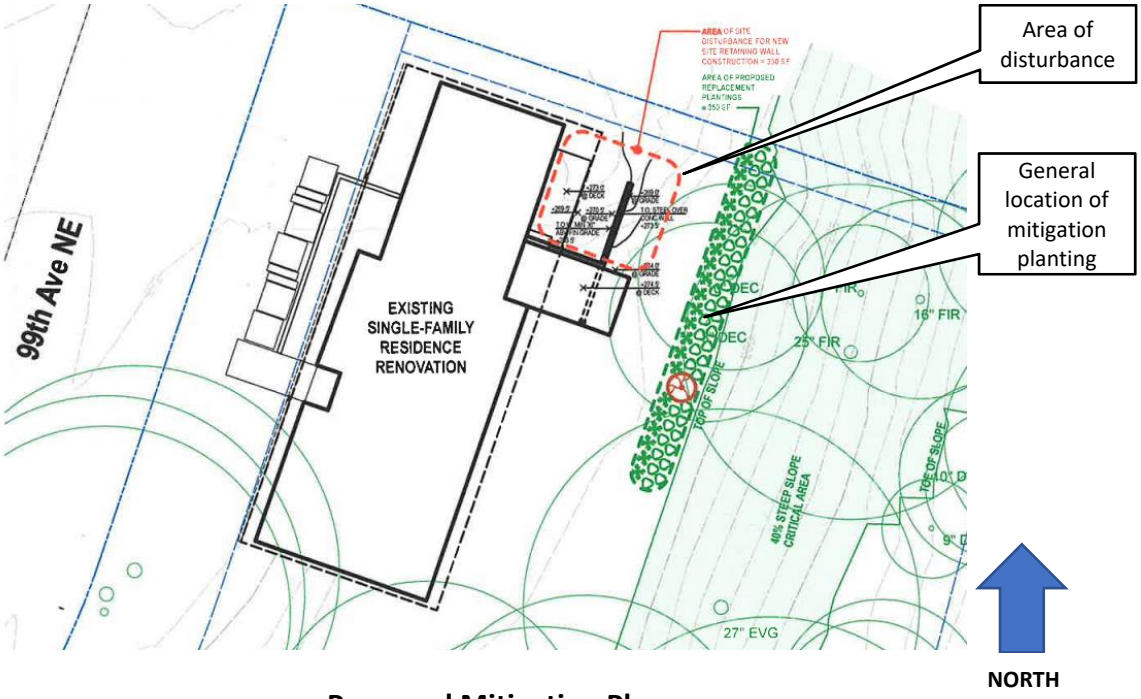
1. **Consistency with LUC 20.25H.055.C.3.n: Expansion of Existing Single-Family Primary Structures into Critical Area Buffer and Critical Area Structure Setback:**
   Expansion into the critical area buffer may be allowed, pursuant to a Critical Areas Land Use Permit, where expansion outside of the critical area buffer is not feasible and where the purpose of the expansion is to serve a function that is an essential component of a single-family residence. Any expansion must comply with all other applicable requirements of the code, including LUC 20.20.010:

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

i. The expansion shall be along the existing building line parallel to the edge of the critical area, unless such expansion is not feasible. Only when such expansion is not feasible may expansion encroach further into the critical area buffer and critical area structure setback.
Finding: Meets requirement. The proposed upper floor expansion is along the existing building line parallel to the edge of the steep slope critical area. Due to the location and geometry of the existing residence and the functions of the interior spaces, the proposed interior addition, site retaining wall and exterior decks encroach further into the standard 50-ft. critical area buffer. Per the Geotechnical Report, the proposed structural expansions do not encroach into the critical area buffer reduction from 50-ft. to 20-ft.

ii. Expansions shall be the minimum necessary to achieve the intended functions of the expansion, but in no event may the footprint expansion within the critical area buffer and critical area structure setback exceed 500 square feet over the life of the structure. Expansions into stream critical area buffers allowed pursuant to the City's previous critical areas regulations (prior LUC 20.25H.085.B) shall be included in determining the allowed lifetime expansion; and
Finding: Meets requirement. The proposed expansions of the existing residence, as described above, are the minimum necessary to achieve the intended functions of the expansion. Per site investigations by Planning staff and Wetland Resources, there is no stream or wetland present. **Refer to the Wetland & Stream Determination Report by Wetland Resources, Inc. in the project file.**

iii. Areas of new permanent disturbance and all areas of temporary disturbance within the critical area buffer shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC 20.25H.210.
Finding: Meets requirement. The areas of permanent and temporary disturbance will be mitigated via the best management practices and associated criteria included with the CSWPPP and the Erosion and Sediment Control Plan. Further permanent controls, implemented to improve the function of the steep slope critical area, are provided by the Mitigation and Restoration Plan in the Critical Areas Report, which addresses applicable criteria set forth in LUC 20.25H.210. **Refer to the Critical Areas Report in the project file.**



Proposed Mitigation Plan

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

i. Expansion away from the critical area buffer and critical area structure setback within the buildable area of the site will not realize the intended functions of the expansion; and

Finding: Meets requirement. Expansion away from the critical area buffer, within the buildable area of the site, will not realize the functional intent of the proposed renovation and expansion of the existing residence, which retains the kitchen, living and dining functions of the house within the middle of the existing structure.

ii. Expansion away from the critical area buffer and critical area structure setback, including into non-critical area setbacks modified pursuant to LUC 20.25H.040, will not realize the intended functions of the expansion; and

Finding: Meets requirement. Expansion away from the critical area buffer, within non-critical area setbacks modified pursuant to LUC 20.25H.040, would not properly realize the intended functions of the expansion. An expansion to the west would create an increase in square footage that is not required, nor appropriately located, to achieve the intended functions of the expansion. Based on the existing residence layout, the small additions are strategically located to support the renovation goals with minimal modification to the existing residence footprint and to minimize intrusion into the steep slope buffer as modified.

iii. Expansion upwards to the maximum building height of the underlying land use district, within the existing footprint, or together with expansions permitted under subsections C.3.n.ii(A) and C.3.n.ii(B) of this section, will not realize the intended functions of the expansion

Finding: Meets requirement. Expansion upwards to the maximum building height of the underlying land use district does not appropriately respond to the intended functions of the expansion. This approach is both cost prohibitive as well as an unnecessary increase in square footage that is not required to realize the intended functions of the expansion.

2. Consistency with LUC 20.25H.125: Performance standards - Landslide hazards and steep slopes.

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

Finding: Meets requirement. The proposal is located in only previously disturbed areas, therefore there is no natural contour or slope affected. The proposed site retaining wall introduces an engineered element that provides topographic stability between the house and steep slope, and creates better utilization of the at-grade condition and improved access between the upper floor of the house and deck area into the backyard.

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

Finding: Meets requirement. The structural additions and site improvements to the existing residence shall be located outside the steep slope critical area, and no change to land forms or vegetation within the steep slope critical area is proposed. The mitigation plan proposed for revegetation of the top-of-slope buffer will include 350 square feet of native planting. Species proposed for installation include kinnikinnick, sword ferns and vine maple. **Refer to Conditions of Approval regarding Final Mitigation Plan, Mitigation Planting Installation Device, Restoration of Temporary Construction Disturbance, Maintenance and Monitoring Reports and Maintenance and Monitoring Surety in Section IX of this report.**

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

Finding: Meets requirement. Per site and context review as demonstrated within the content of the Geotechnical Report prepared by PanGEO, Inc., the proposed development would not result in a greater risk or a need for increased buffers on neighboring properties.

d. ***The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes where graded slopes would result in increased disturbance as compared to use of retaining wall;***

Finding: Meets requirement. The site retaining wall is intended to mediate and support the existing topography, which presents potential long-term erosion uphill of the steep slope critical area. The new site wall effectively transitions grade level from the house area down to the steep slope while also reducing the potential for erosion to the steep slope in the future.

e. ***Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer;***
Finding: Meets requirement. The proposed development does not create impervious surface area in the steep slope. Additional impervious surface area created within the top-of-slope buffer is minimized and is consistent with the existing conditions of the property.

f. ***Where change in grade outside the building footprint is necessary, the site retention system should be stepped, and re-grading should be designed to minimize topographic modification. On slopes in excess of 40 percent, grading for yard area may be disallowed where inconsistent with these criteria;***
Finding: Meets requirement. The proposed grade modifications, in connection with the construction of the site retaining wall, are intended to create a more gradual transition of grade between the upper level of the house and the lower yard area near the steep slope. The change in grade does not require multiple "graded steps" to effectively navigate the change in grade.

g. ***Building foundation walls shall be utilized as retaining walls rather than rockeries or retaining structures built separately and away from the building wherever feasible. Freestanding retaining devices are only permitted when they cannot be designed as structural elements of the building foundation;***
Finding: Meets requirement. The proposed site retaining wall is an extension of the building foundation in order to further facilitate grade transition between house and critical area steep slope. The location of the wall is strategic for both at-grade elevations as well as serving as a foundational element for the exterior deck.

h. ***On slopes in excess of 40 percent, use of pole-type construction which conforms to the existing topography is required where feasible. If pole-type construction is not technically feasible, the structure must be tiered to conform to the existing topography and to minimize topographic modification;***
Finding: Meets requirement. No work or building development is proposed on slopes in excess of 40%.

i. ***On slopes in excess of 40 percent, piled deck support structures are required where technically feasible for parking or garages over fill-based construction types; and***
Finding: Meets requirement. No work or building development is proposed on slopes in excess of 40%.

j. ***Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC 20.25H.210.***
Finding: Meets requirement. No vegetation will be removed or modified within the steep slope critical area. The area of disturbance in the top-of-slope buffer is comprised primarily of lawn and native plantings at the rear of the existing garage. The applicant has provided a mitigation plan to provide 350 square feet of native planting in the modified top-of-slope buffer **Refer to Conditions of Approval regarding Final Mitigation Plan Performance Standards, Maintenance and Monitoring Surety and Maintenance and Monitoring Reports in Section IX of this report.**

3. ***Consistency with LUC 20.25H.140.B: Areas Addressed in Critical Areas Report.***
In addition to the general requirements of LUC 20.25H.230, the following areas shall be addressed in a critical area report for geologically hazardous areas:

   a. ***Site and Construction Plans. The report shall include a copy of the site plans for the proposal and a topographic survey;***
   Finding: Meets requirement. The Critical Areas Report includes a site plan and topographic survey. **Refer to the Critical Areas Report for more information**

   b. ***Assessment of Geological Characteristics. The report shall include an assessment of the geologic characteristics of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, erosion, and prior grading. Soils analysis shall be accomplished in accordance with accepted classification systems in use in the region;***
   Finding: Meets requirement. PanGEO, Inc Geotechnical & Earthquake Engineering Consultants has completed a thorough geotechnical evaluation of the site as it pertains to the proposed development. The scope of work included the review of geology maps, (2) test borings, site reconnaissance, engineering analysis, and developing conclusions and recommendations. The findings in the report confirm the steep slope condition and indicate that there are no other geologic hazard critical areas, such as erosion hazards, landslide hazards, or seismic hazards. **Refer to the Critical Areas and Geotechnical Report by PanGEO, Inc. for more information.**

   c. ***Analysis of Proposal. The report shall contain a hazards analysis including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property, and affected adjacent properties; and***
   Finding: Meets requirement**.** As part of the PanGEO study, the engineer conducted a site reconnaissance with the conclusion that the site is globally stable and the proposed scope of construction would not adversely impact the stability of the subject site and surrounding properties. **Refer to Critical Areas and Geotechnical Report by PanGEO, Inc. for more information.**

   d. ***Minimum Critical Area Buffer and Building Setback. The report shall make a recommendation for a minimum geologic hazard critical area buffer, if any, and minimum building setback, if any, from any geologic hazard based upon the geotechnical analysis***
   Finding: Meets requirement**.** Based upon the geotechnical analysis, the report recommends a minimum geologic hazard critical area buffer of 20'-0" away from the top of the slope, for foundations supporting the proposed structures. **Refer to Critical Areas and Geotechnical Report by PanGEO, Inc. for more information.**

4. **Consistency with LUC 20.25H.145: Critical Areas Report- Approval of Modification**
Modifications to geologic hazard critical areas and critical area buffers shall only be approved if the Director determines that the modification:

a. Will not increase the threat of the geological hazard to adjacent properties over conditions that would exist if the provisions of this part were not modified.

Finding: Meets requirement. As noted in the geotechnical report prepared by Pangeo, Inc., the site is globally stable, and the proposed construction should not adversely impact the stability of the subject site and surrounding properties.

b. Will not adversely impact other critical areas.

Finding: Meets requirement. The steep slope is the only critical area present on the subject property. Therefore, the modification of the steep slope critical area buffer per the geotechnical engineer recommendation would not adversely impact any other critical area.

c. Is designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than would exist if the provisions of this part were not modified

Finding: Meets requirement. The proposal provides two elements to ensure that any hazard to the project is eliminated or mitigated to a level equal or less than the existing condition. The site retaining wall introduces an engineered element to provide significant stability between the house and the top of the steep slope. Additionally, the native planting included in the restoration plan will serve to provide additional soils stability to the steep slope itself. **Refer to Condition of Approval regarding Hold Harmless Agreement in Section IX of this report.**

d. ***Is certified as safe as designed and under anticipated conditions by a qualified engineer or geologist licensed by the State of Washington.***

Finding: Meets requirement. The geotechnical report prepared by Pangeo, Inc. indicated the site is globally stable in its current configuration and "the proposed construction should not adversely impact the overall global stability of the subject site and surrounding properties", provided the geotechnical design recommendations in the report will be "properly incorporated into the design and construction of the project." The geotechnical report was prepared and stamped by qualified geotechnical engineers licensed by the State of Washington.

e. The applicant provides a geotechnical report prepared by a qualified professional demonstrating that modification of the critical area or critical area buffer will have no adverse impacts on stability of any adjacent slopes and will not impact stability of any existing structures. Geotechnical reporting standards shall comply with requirements developed by the Director in City of Bellevue submittal requirements, sheet 25, geotechnical report and stability analysis requirements, now or as hereafter amended.

Finding: Meets requirement. The Critical Areas and Geotechnical Report prepared by Pangeo, Inc. complies with this standard. **Refer to Conditions of Approval regarding Steep Slope Buffer Modification Limits and Geotechnical Report Recommendations in Section IX of this report.**

f. Any modification complies with the recommendations of the geotechnical support with respect to best management practices, construction techniques, and other recommendations.

Finding: Meets requirement. The geotechnical engineer (PanGEO, Inc) reviewed the

proposed plans and provided specific recommendations with respect to the structure setbacks, foundation design and best management practices and construction considerations.

g. The modification to the critical area or critical area buffer with any associated mitigation does not significantly impact habitat associated with species of local importance or such habitat that could reasonably be expected to exist during the anticipated life of the development proposal if the site were regulated under this part.
Finding: Meets requirement. The modification and subsequent restoration of the critical area does not significantly impact habitat associated with a species of local importance, and the proposal will result in an improved critical area performance to support an unexpected future habitat.

IV. Public Notice and Comment

Application Date:	**February 19, 2019**
Notice of Application:	**March 21, 2019**
Minimum Comment Period:	**April 4, 2019**

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on March 21st, 2019. It was mailed to property owners within 500 feet of the project site. As of the wrting of this Staff Report there are no parties of record for this proposal.

V. Summary of Technical Reviews

A. Clearing and Grading

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

B. Utilities

The Utilities Department has reviewed the proposal for compliance with Utility codes and standards. The Utilities Department staff found no issues with the proposed development.

VI. State Environmental Policy Act (SEPA)

This project is exempt from SEPA review as it is a single-family residential project and therefore subject to the categorical exemptions found in WAC 197-11-800. Additionally, this proposal does not include any disturbance the steep slope critical area - - only the steep slope critical area buffer is affected.

VII. Decision Criteria

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

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: Meets requirement. The plan to restore degraded critical area buffer functions through the planting of 350 SF of new native plants demonstrates a net gain in overall critical area buffer functions. **Refer to the Critical Areas Report for more information.**

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: Meets requirement. The restoration and planting area is targeted for the top-of-slope buffer of the steep slope critical area. This planting is intended to fill in areas of exposed soil at the top of the steep slope to achieve a net gain in the long-term stability of the steep slope critical area. **Refer to the Critical Areas Report for more information.**

3. ***The proposal includes a net gain in stormwater quality function by the critical area buffer or by elements of the development proposal outside the reduced regulated critical area buffer***
   Finding: Meets requirement. The scope of the project does not trigger a storm drainage review. However, the design does direct roof stormwater to the west side of the house, preventing discharge near the top of the steep slope. As recommended by the Geotechnical Report, the existing ditchflow and culvert adjacent to the street are to be utilized. This results in the most significant improvement possible for the long-term stability of the steep slope critical area function. **Refer to Critical Areas and Geotechnical Report by PanGEO, Inc. for more information.**

4. ***Adequate resources to ensure completion of any required restoration, mitigation and monitoring efforts***
   Finding: Meets requirement. The Construction Stormwater Pollution Prevention Plan and Erosion and Sediment Control Plan (CSWPP) ensure that during the course of construction, mitigation will be maintained. Inclusion of the Mitigation and Restoration Plan with the LO permit ensures the plantings located for the top-of-slope buffer area will be completed. **Refer to the Critical Areas Report for more information.**

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***
   Finding: Meets requirement. The modifications and performance standards included in the proposal are intended to create a net gain in the performance of the critical area buffer and are not considered detrimental to the functions and values of the steep slope critical area or buffer.

6. ***The resulting development is compatible with other uses and development in the same land use district***
   Finding: Meets requirement. The resulting development is compatible with other uses and development in the same land use district. The proposal is for the renovation of an existing residence within a single-family residential zone. The proposal includes minor additions to the existing residence, and to execute the work in a manner that results in an improved quality and performance of the critical area as compared to its existing condition.

B. LUC 2.30P.140: Critical Areas Land Use Permit Decision Criteria

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

1. ***The proposal obtains all other permits required by the Land Use Code; and***
   Finding: Meets requirement. The development proposal is under a concurrent review for Single Family Residential Structure. Subsequent to this Critical Areas Land Use Permit (LO) approval, the proposal shall obtain a Building Permit and all other permits required by the Land Use Code.

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; and***
   Finding: Meets requirement. The applicant utilized the services of geotechnical and civil engineers to ensure the proposal will result in the least impact on the steep slope and top-of-slope buffer. The proposed additions will be constructed outside of the steep slope critical area. The proposed retaining wall will provide additional stability to the existing steep slope, as will the 350 SF of new plantings at the transition between the buffer and the top of the steep slope.

3. ***The proposal incorporates the performance standards of Part 20.25H.125 LUC to the maximum extent applicable; and***
   Finding: Meets requirement. As discussed in Section III of this report, the applicable performance standards of 20.25H.125 will be met.

4. ***The proposal will be served by adequate public facilities including streets, fire protection, and utilities; and***
   Finding: Meets requirement. The proposal will be served by adequate public facilities, including streets, fire protection and utilities by its location along 99th Avenue NE.

5. ***The proposal includes a mitigation or restoration plan consistent with the requirements of LUC 20.25H.210; except that a proposal to modify or remove vegetation pursuant to an approved Vegetation Management Plan under LUC 20.25H.055.C.3.i shall not require a mitigation or restoration plan.***
   Finding: Meets requirement. The proposal's mitigation plan to add 350 SF of native plantings consistent with the requirements of LUC 20.25H.210. The mitigation plan will result in improved critical area buffer functions over the existing site conditions. The mitigation plan includes restoring temporary disturbance impacts. **Refer to the Critical Areas Report for more information**. **Refer to the Condition of Approval regarding Restoration of Temporary Construction Disturbance in Section IX of this report.**

6. ***The proposal complies with other applicable requirements of this code***
   Finding: Meets requirement. The proposal shall comply with other applicable requirements of the Code and is under concurrent review for Single Family Residential Structure Addition (BR) building permit.

VIII. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **Approve with Conditions** the proposal to modify the 50-ft top-of-slope buffer to a 20-ft. buffer as depicted on the Proposed Site Plan in Section I of this report and as represented in Attachment A: Critical Areas Report.

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:

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Tom McFarlane, 425-452-5207
Utilities Codes - BCC 24.06	Jason Felgar, 425-452-7851
Land Use Code: LUC 20.25H	Mark C. Brennan, 425-452-2973

The following Conditions are imposed under the Bellevue City Code authority referenced:

1. **Final Mitigation Plan:** The applicant must include the Mitigation and Restoration Plan in the Critical Areas Report Plan as part of the Building Permit for the modifications to the existing residence. Temporary disturbances may occur within the first 10 feet of the buffer during construction, but the 10 feet closest to the top-of-slope shall be protected during construction.

   Authority: Land Use Code 20.25H.055.C.2.a, b
   Reviewer: Mark C. Brennan, Land Use

2. **Building Permit Required:** Approval of this critical areas land use permit does not constitute an approval of the building permit. Plans submitted for the Single-family Residential Addition (BR) permit must be consistent with the activity permitted under this critical areas land use permit.

   Authority: Land Use Code 20.30P.140.A
   Reviewer: Mark C. Brennan, Land Use

3. **Hold Harmless Agreement:** Prior to Building Permit approval, the property owner or his/her agent shall execute a hold harmless agreement in a form approved by the City Attorney which releases the City of Bellevue from any and all liability arising from the location of improvements within the critical area or critical area buffer.

   Authority: Land Use Code 20.30P.170
   Reviewer: Mark C. Brennan, Land Use

4. **Geotechnical Report Recommendations:** The geotechnical report recommendations (Critical Areas and Geotechnical Report, PanGEO Inc., May 29, 2019) shall be incorporated into the final plans for the building permit.

   Authority: Land Use Code 20.25H.145
   Reviewer: Mark C. Brennan, Land Use

5. **Steep Slope Buffer Modification Limitations:** The modifications to the steep slope critical area buffer approved in this report are limited to the approved site plan in Attachment A. There is no implied approval for future modifications or expansion of any sort within the prescribed critical area, or critical area buffer. Routine repair and maintenance shall be in accordance with the performance standards set forth in LUC 20.25H.055.

   Authority: Land Use Code 20.25H.125
   Reviewer: Mark C. Brennan, Land Use

6. **Restoration of Temporary Construction Disturbance:** All areas of the site that are impacted by temporary disturbance during construction shall be restored with appropriate native plantings per the approved mitigation planting plan. This applies to portions of the site that are within the top-of-slope buffer as modified by this approval. The plant selection and planting density shall be consistent with the City's *Critical Areas Handbook.* The final mitigation plan submitted with the Building Permit shall include replanting of areas subject to temporary construction disturbance.

   Authority**:** Land Use Code 20.25H.220.H
   Reviewer: Mark C. Brennan, Land Use

7. **Mitigation Planting Installation Device:** To ensure the required mitigation plan is completed, the applicant shall post an Installation Assurance Device equal to 150% of the cost of labor and materials associated with the mitigation plan installation prior to issuance of the building permit. The device will be released when the applicant demonstrates the mitigation/restoration plan has successfully been installed.

   Authority: Land Use Code 20.25H.125.J, 20.25H.220, and 20.40.490
   Reviewer: Mark C. Brennan, Land Use

8. **Maintenance and Monitoring Reports:** The final mitigation plan shall include performance standards to measure the successful establishment of the mitigation plantings. The following performance standards are acceptable and shall be included on the final mitigation plans:

   Year 1 (from date of plant installation)
   - 100% survival of all installed plants and/or replanting in following dormant season to reestablish 100%
   - 10% coverage of invasive plants in planting area

   Year 2 (from date of plant installation)
   - At least 90% survival of all installed material
   - Less than 10% coverage of planting area by invasive species or non-native ornamental vegetation

Year 3, 4, & 5 (from date of plant installation)

- At least 85% survival of all installed material
- Less than 10% coverage by invasive species or non-native/ornamental vegetation

Reporting shall be submitted no later than the end of each growing season or by October 31st and shall include a site plan and photos from photo points established at the time of Land Use inspection. Reports shall be submitted to Carol Orr or Heidi Bedwell by the above listed date and can be emailed to MCBrennan@bellevuewa.gov or mailed directly to:

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: Mark C. Brennan, Land Use

9. **Maintenance and Monitoring Surety:** A maintenance surety is required. The surety will be for 20% percent of the cost estimate provided for maintenance and monitoring over five years. The maintenance surety is required prior to Final Building inspection approval of the new homes. A #600 Land Use inspection will be required prior to requesting Building Final inspection to ensure all plantings have been stalled, and the Maintenance Assurance Device has been received for each site.

   Authority: Land Use Code 20.25H.220, and 20.40.490
   Reviewer: Mark C. Brennan, Land Use