

City of Bellevue Development Services Department Land Use Staff Report

Proposal Name:

EPC Holdings

Proposal Address:

5643 Pleasure Point Ln

Proposal Description:

Proposal to modify a steep slope buffer and steep slope structure setback to construct a single-family residence, elevated motor court, and driveway. The proposal includes steep slope and buffer mitigation plan with

native steep slope buffer planting.

File Number:

18-127150-LO

Applicant:

J. Mike Brown

Decisions Included:

Process II

Planner:

David Wong, Land Use Planner

State Environmental Policy Act

Threshold Determination:

Exempt

Department Decision:

Approval with Conditions

Elizabeth Stead, Land Use Director Development Services Department

Application Date:

Notice of Application Publication Date:

Decision Publication Date:

Appeal Deadline:

October 10, 2018

March 21, 2019

September 19, 2019

October 3, 2019

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.

CONTENTS

I.	Request & Review Process	1
II.	Site Context & Description	1
III.	Consistency with Land Use Code Requirements:	4
IV.	Public Notice and Comment	7
V.	Summary of Technical Reviews	7
VI.	State Environmental Policy Act (SEPA)	8
VII.	Changes to proposal as a result of City review	8
VIII.	Decision Criteria	8
IX.	Conclusion and Decision	. 11
Χ.	Conditions of Approval	. 11

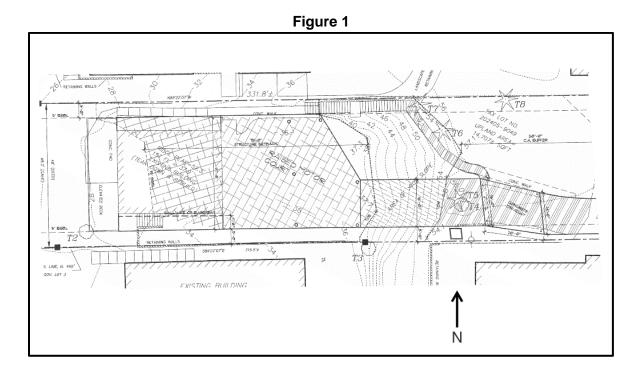
Attachments

- 1. Site Plan

- Critical Areas Report (10/12/18) Geogroup NW, Inc. In File
 Critical Areas Report Addendum (01/11/19) Geogroup NW, Inc. In File
 Critical Areas Report Addendum (07/02/19) Geogroup NW, Inc. In File

I. Request & Review Process

The applicant has requested a Critical Areas Land Use Permit approval of a proposal to construct a 1,472 square-foot single-family residence, a 1,605 square-foot raised motor court, a 656 square-foot bridge, and a 1,750 square-foot driveway and walkway within the code-required steep slope buffer and structure setback. Steep slopes require a 50-foot buffer and a 75-foot structure setback per LUC 20.25H.120. The proposal includes approximately 2,990 square feet of steep slope and buffer mitigation planting to improve degraded slope and buffer conditions that are currently present. See Figure 1 for proposed site conditions.



Proposals to permanently modify a steep slope buffer or steep slope structure setback require the approval of a Critical Areas Land Use Permit (CALUP) with Critical Areas Report (CAR) and are subject to the requirements of LUC 20.25H and 20.30P, including but not limited to those sections governing steep slopes, Critical Areas Reports (CAR), and mitigation.

II. Site Context & Description

A. Site Context

The site improvements include a single-family residence, detached carport, and driveway. The site has street frontage to the east along Pleasure Point Ln, a private street. A steep slope critical area with approximately 19 feet of elevation and with a westerly aspect is located on the middle portion of the property and continues offsite on the adjacent parcels to the south. The existing single-family home is located within the steep slope structure setback. Degraded conditions exist throughout large portions of

the steep slope and steep slope buffer and include non-native grass, ornamental shrubs, and invasive species coverage. The site soils have been identified as Pilchuck loamy fine sand (Pc) and Alderwood and Kitsap soils (AkF) according mapping provided by the Natural Resources Conservation Service (NRCS). See Figure 2 below for the current site conditions.

Figure 2



B. Zoning & Subarea

The property is zoned R-2.5 (Single-Family Residential) and is located within the Factoria subarea. See Figure 3 for zoning map and Figure 4 for subarea information.

Figure 3







C. Land Use Context

The site has a Comprehensive Plan designation of SF-M, or Single-Family Medium Density. The site is adjacent to residential uses to the north and south; Lake Washington to the west; and King County Parks Department property to the east. <u>See Figure 6 for Comprehensive Plan designation</u>.

Figure 5



D. 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.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The site is located within the R-2.5 zoning district. All zoning dimensional standards will be confirmed during review of the required building permit.

Basic Information						
Zoning District	R-2.5					
Gross Lot Area	17,965 square feet (0.41 acres)					
Dimensional	Standard	Proposed	Complies?			
Requirement	Staridard	TTOposeu	Compiles:			
Front Yard						
Structure	20	10	Complies*			
Setback (feet)						
Rear Yard						
Structure	20	75	Complies			
Setback (feet)						
Side Yard						
Structure	5	5	Complies			
Setback (feet)			Э эрэ			
Maximum Lot						
Coverage	35%	23.23%	Complies			
(percent)	3370	23.2070	CGpii00			
(20.00111)						

Maximum	Maximum Impervious Surface (percent) 45%	22.27%	Complies
•			
Minimum			
Greenspace	50	50%	Complies
(percent)			

^{*}Standard modified through LUC 20.25H.040

B. Consistency with Land Use Code Critical Areas Performance Standards:

i. Steep Slope & Geologic Hazards Performance Standards – 20.25H.125 In addition to generally applicable performance standards set forth in LUC 20.25H.055 and 20.25H.065, development within a landslide hazard or steep slope critical area or the critical area buffers of such hazards shall incorporate the following additional performance standards in design of the development, as applicable. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function.

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

No changes to the natural contour of the steep slope or steep slope buffer outside of the driveway apron and walkway are proposed. The project will utilize the existing single-family structure footprint to avoid any unnecessary changes of grade through the steep slope structure setback. The raised motor court and bridge will be supported by pile structures within the steep slope buffer and the steep slope structure setback to retain the existing natural contour.

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

The proposed single-family residence will be located entirely outside of the steep slope by utilizing the existing single-family footprint. The raised motor court and bridge structures have been designed to avoid direct impacts to the steep slope by bridging the steep slope and utilizing structural elements in the steep slope buffer and setback. One cottonwood (*Populus trichocarpa*) and one dead conifer will be removed for the location of the driveway, as no driveway currently exists to provide access to the existing single-family or the proposed single-family structure location. Tree replacement is proposed under the mitigation planting plan. See Section X for conditions of approval regarding mitigation planting.

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

Based on findings made by the project Geotechnical Engineer, documented in reports dated October 12, 2018; January 11, 2019; and July 2, 2019, "Construction"

of the residence at its proposed location will not result in greater risk or the need for increased buffers on neighboring properties." (Attachment 2, pg.6). See Section X for conditions of approval.

- 4. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes where graded slopes would result in increased disturbance as compared to use of retaining wall; No new retaining walls or artificially graded slopes are proposed.
- 5. Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer;

The proposed raised motor court and bridge structures will be constructed to provide spacings of 1/8" or greater between decking material to avoid adding additional impervious surface over the steep slope and within the steep slope structure setback. Areas below these features will be planted with native plant material (steep slope) and grass (structure setback). An increase in impervious surface will occur for the location of a driveway but will not exceed the minimum amount necessary to provide safe access to the single-family residence.

- 6. 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; No changes in grade are proposed outside of the building footprint.
- 7. 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; No rockeries or freestanding retaining walls are proposed.
- 8. 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:

The proposed bridge structure will be supported by pile structures above and below the steep slope to avoid the need to construct permanent structural members within the steep slope.

 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

The raised motor court area is proposed to be located entirely within the steep slope structure setback and will be supported by piles. No piles are proposed to be located within the steep slope.

10. 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. (Ord. 5680, 6-26-06, § 3)

The proposal includes mitigation plans to provide 2,990 square feet of new, native planting to off-set approximately 2,765 square feet of impacts within the steep slope buffer and structure setback. The species and densities provided in the conceptual mitigation planting plan generally conform to the requirement of the City's Critical Areas Handbook, and the applicant will be required to provide a final mitigation planting plan under the Building Permit application. Conformance with the City's Critical Areas Handbook will be determined at the time of Building Permit review. See Section X for conditions of approval related to the mitigation plan.

C. Consistency with Critical Areas Report LUC 20.25.230.

The applicant supplied a complete critical areas report prepared by Geogroup NW, Inc., a qualified professional (Attachment 2, 3, and 4). The report met the minimum requirements in LUC 20.25H.250.

IV. Public Notice and Comment

Application Date: October 10, 2018
Public Notice (500 feet): 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 21, 2019. 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. The project will be required to meet all recommendations provided by the project geotechnical engineer and documented within the supplied geotechnical reports. See Section X for conditions of approval.

Utilities:

City of Bellevue Utilities staff has reviewed the proposed development for compliance with City of Bellevue Utilities codes and standards. Utilities staff found no issues with the proposed development.

VI. State Environmental Policy Act (SEPA)

The proposal is exempt from SEPA review, per WAC 197-11-908 and BCC 22.02.032.C.

VII. Changes to Proposal as a Result of City Review

The applicant was requested to remove all notation of a proposed guest cottage from the plan due to its proposed location being outside of the critical area, critical area buffer, and critical area structure setback. Construction of a guest cottage outside of these regulated areas is subject to a building permit and must meet all general dimensional requirements of LUC 20.20.010 or modified requirements under LUC 20.25H.040. Compliance with these standards will be determined under the building permit application.

VIII. Decision Criteria

A. 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 proposal includes a mitigation plan that includes native planting within the steep slope and steep slope buffer. The CAR (Attachment 2) identifies and documents the degraded conditions on-site, both in the area of where the proposed improvements are located and where the proposed mitigation planting will occur. With the installation of native vegetation, net improvement is expected, primarily through the improvements to the current habitat conditions, stormwater quality, and slope buffer stability. <u>See Section X for Conditions of Approval related to the mitigation plan.</u>

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: Much of the slope, slope buffer, and slope structure setback on-site are degraded due to the presence of permanent improvements (existing structure, lawn, etc.) and non-native vegetation. These areas have low levels of buffer functions identified and described in the CAR (Attachment 2). The mitigation planting plan was designed to improve degraded conditions through increased biodiversity of native plant species.

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 removal of non-native grasses and invasive species, and replacement of those areas with dense native specimens will result in improved stormwater functions of filtration. Overall stormwater quality is expected to be improved.

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

Finding: A five-year maintenance and monitoring plan will be required to ensure impacts from the proposed improvements are mitigated and net critical area and buffer function have increased over existing conditions. In addition to maintenance and monitoring activities, an assurance device associated with the maintenance and monitoring will be required as part of the Building Permit. See Section X for conditions of approval related to maintenance and monitoring.

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 standards included in the proposal are not detrimental to off-site critical areas and buffers and are expected to lead to improved buffer function for on-site and off-site steep slope critical areas and buffers. As noted in the Critical Areas Report the existing low level of functions provided by this site would continue without the setback and buffer reduction and mitigation plan. The slope and slope buffer functions will be enhanced with the proposed actions.

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

Finding: The proposal does not change the underlying zoning or existing land use. The existing single-family residence will be demolished and replaced with this proposal.

B. 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 applicant will be required to apply for a Building Permit after the approval of the Critical Areas Land Use Permit. <u>See Section X for Conditions of Approval</u>.

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 proposal has been designed and located to minimize impacts to and improve critical area and buffer functions. The proposed single-family residence is located within an area of existing development and within a setback area of low function due to degraded conditions. Additionally, the motor court and bridge structures have been designed utilizing pervious techniques and supported by structural pilings outside of the critical area. Locating the development as proposed has the least impact on the critical area and critical area buffer. The design includes the removal of an existing nonnative and invasive vegetation within the steep slope and within the steep slope buffer and includes native mitigation planting of native species commonly found within steep slope and steep slope buffers.

The review of this permit is reliant upon the findings of qualified professionals submitted by the applicant as part of this proposal. The property owner will be required to execute a Hold Harmless Agreement releasing the City from liability for any improvements within the critical area or critical area buffer. See Section X for conditions of approval related to geotechnical recommendations and executing the Hold Harmless Agreement.

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

Finding: As discussed in Section III.B of this report, the proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable.

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

Finding: The site is currently served by adequate public facilities and no additional need is anticipated with this proposal.

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

Finding: The proposal includes a preliminary mitigation plan that provides native planting consistent with LUC 20.25H.210. All mitigation plans are required to have a five-year maintenance and monitoring plan to ensure successful establishment of installed planting. See Section X for condition of approval related to maintenance and monitoring.

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.

IX. 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 new single-family residence, raised motor court, bridge, driveway, and walkway at 5643 Pleasure Point Ln as shown on the proposed plans (Attachment 1).

<u>Note-Expiration of Approval:</u> In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a Building Permit or other necessary development permits within one year of the effective date of the approval.

X. 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 Code- BCC 24	Jason Felgar, 425-452-7851
Land Use Code- BCC 20.25H	David Wong, 425-452-4828

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

1. Building Permit Required: Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. A Building Permit shall be required and approved. Plans consistent with those submitted as part of this permit application shall be included in the Building Permit application.

Authority: Land Use Code 20.30P.140 Reviewer: David Wong, Land Use

2. Final Mitigation Plan: A final mitigation plan in accordance with the conceptual mitigation plan provided under this application shall be submitted for review and approval by the City of Bellevue prior to issuance of the Building Permit. The plan shall document the total area of new critical area, buffer, and structure setback planting and shall be consistent with the guidance provided in the City's Critical Areas Handbook.

EPC Holdings LLC 18-127150-LO Page **12**

Authority: Land Use Code 20.25H.105.C.3

Reviewer: David Wong, Land Use

3. Tree Removal: Tree removal required for location the proposed improvements will need be mitigated at a 1:1 ratio and included within the Final Mitigation Plan supplied to the City at the time of the Building Permit.

Authority: 20.25H.105.C.3

Reviewer: David Wong, Land Use

4. Maintenance & Monitoring: A maintenance & monitoring plan in conformance with the plan submitted under this application shall be submitted for review and approval by the City of Bellevue prior to issuance of the Building Permit. The mitigation plan shall be maintained and monitored for a minimum of five (5) years. Annual reporting shall be submitted at the end of each growing season or by December 1 for each of the five years this plan is applicable. All reporting shall be submitted by email to dwong@bellevuewa.gov. or by mail to:

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

Authority: Land Use Code 20.25H.220.D, 20.25H.220.H

Reviewer: David Wong, Land Use

5. Maintenance and Monitoring Assurance Device: A financial surety is required to be submitted to ensure the mitigation planting successfully establishes. A maintenance assurance device that is equal to 100% of the cost of plants & installation or 20% of the cost of maintenance and monitoring is required to be held for a period of five (5) years from the date of building permit issuance. A cost estimate is required to be provided with the building permit. The financial surety is required to be posted prior to building permit issuance. Release of the surety after the 5-year monitoring period is contingent upon a final inspection of the planting by Land Use Staff that finds the maintenance and monitoring plan was successful and the mitigation meets performance standards.

Authority: Land Use Code 20.25H.220.F

Reviewer: David Wong, Land Use

6. Hold Harmless Agreement: Prior to building permit approval, the applicant or property owner shall submit a hold harmless agreement releasing the City of Bellevue from any and all liability associated with the steep slope buffer modification. The agreement must

meet city requirements and must be reviewed by the City Attorney's Office for formal approval.

Authority: Land Use Code 20.30P.170 Reviewer: David Wong, Land Use

7. Motor Court, Driveway Bridge, and Driveway: No portion of the motor court (parking deck), driveway bridge, or driveway may be supported directly on the surface or near-surface soils within the steep slope or within 30 feet of the top of the steep slope. As described in the "Second Addendum to Geotechnical Engineering Study and Critical Areas Report," by Geo Group Northwest, Inc., dated July 2, 2019, the parking deck, driveway bridge, and initial 20 feet of the driveway immediately eastward from the driveway bridge are to be structurally supported on a system of piles and beams.

Authority: Clearing & Grading Code 23.76.050, 23.76.080

Reviewer: Tom McFarlane, Clearing & Grading

8. Geotechnical Review: No portion of the motor court (parking deck), driveway bridge, or driveway may be supported directly on the surface or near-surface soils within the steep slope or within 30 feet of the top of the steep slope. As described in the "Second Addendum to Geotechnical Engineering Study and Critical Areas Report," by Geo Group Northwest, Inc., dated July 2, 2019, the parking deck, driveway bridge, and initial 20 feet of the driveway immediately eastward from the driveway bridge are to be structurally supported on a system of piles and beams.

Authority: Clearing & Grading Code 23.76.050 Reviewer: Tom McFarlane, Clearing & Grading

9. Geotechnical Inspection: The project geotechnical engineer must provide geotechnical inspection during project construction, including monitoring and testing of soil cuts and fill, subgrades for foundations and footing, pile installation, utility trench backfill, and any unusual seepage, slope, or subgrade conditions.

Authority: Clearing & Grading Code 23.76.050, 23.76.160

Reviewer: Tom McFarlane, Clearing & Grading

10. Rainy Season Restrictions: Due to the proximity to a steep slope, no clearing and grading activity may occur during the rainy season, which is defined as 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, Clearing & Grading

