



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

Proposal Name: Scott Addition

Proposal Address: 2912 120th Avenue NE

Proposal Description: The applicant proposes to construct a 384 square foot addition to an existing single-family residence within a 75-foot steep slope critical area toe-of-slope structure setback.

File Number: 22-115586-LO

Applicant: Julie Templeton, Stuart McFeely Architecture

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

Planner: Mark Brennan, Land Use Planner

**State Environmental Policy Act
Threshold Determination:** Exempt Per WAC 197-11-800(1)

Director's Decision: **Approval with Conditions**
Elizabeth Stead, Co-Director
Development Services Department
Reilly Pittman
By: *Planning Manager*
Elizabeth Stead, Land Use Director

Application Date: July 29, 2022
Notice of Application Date: September 1, 2022
Decision Publication Date: March 23, 2023
Project Appeal Deadline: April 6, 2023

Information on how to appeal a proposal can be found by calling (425) 452-6864 or by visiting (<https://bellevuewa.gov/city-government/departments/development/zoning-and-land-use/public-notices-and-participation/participating-in-a-land-use-decision>). 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. *To file an appeal, please e-mail to:* cityclerk@bellevuewa.gov and cc hearingexaminer@bellevuewa.gov, or mail to Bellevue City Hall, Attn: City Clerk, P.O. Box 90012, Bellevue, WA. 98009-9012. *Any appeal of the Decision must be received by the City Clerk's Office no later than 5 PM on the date of the appeal deadline noted in the decision.*

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Documents Referenced in Files

Site Plan – Attached

Mitigation Planting Plan – Attached

Geotechnical Report (Sondergaard Geosciences, dated October 18, 2022) – in file.

Critical Areas Report (Stuart McFeely Architects, dated December 21, 2022) – in file.

I. Proposal Description

The applicant proposes to construct a 384 square-foot (SF) addition to an existing single-family dwelling on a developed property that includes steep slope critical area and a 75-foot toe-of-slope structure setback. The proposal also includes 130 SF of impervious surface patios within the structure setback. The proposal will reduce the toe-of-slope 75 feet to approximately 11 feet. A Critical Areas Land Use Permit (CALUP) with a Critical Area Report is required per Land Use Code (LUC) Section 20.25H to approve the proposed reduction of the toe-of-slope structure setback.

No significant trees are proposed to be removed within the disturbed area or the adjoining steep slope area. As part of the mitigation plan, the applicant is proposing to remove approximately 100 SF of invasive plants (English Ivy and Blackberry vines) and replace with new native plantings within the understory of the steep slope.

Figure 1 (Proposed Site Plan)

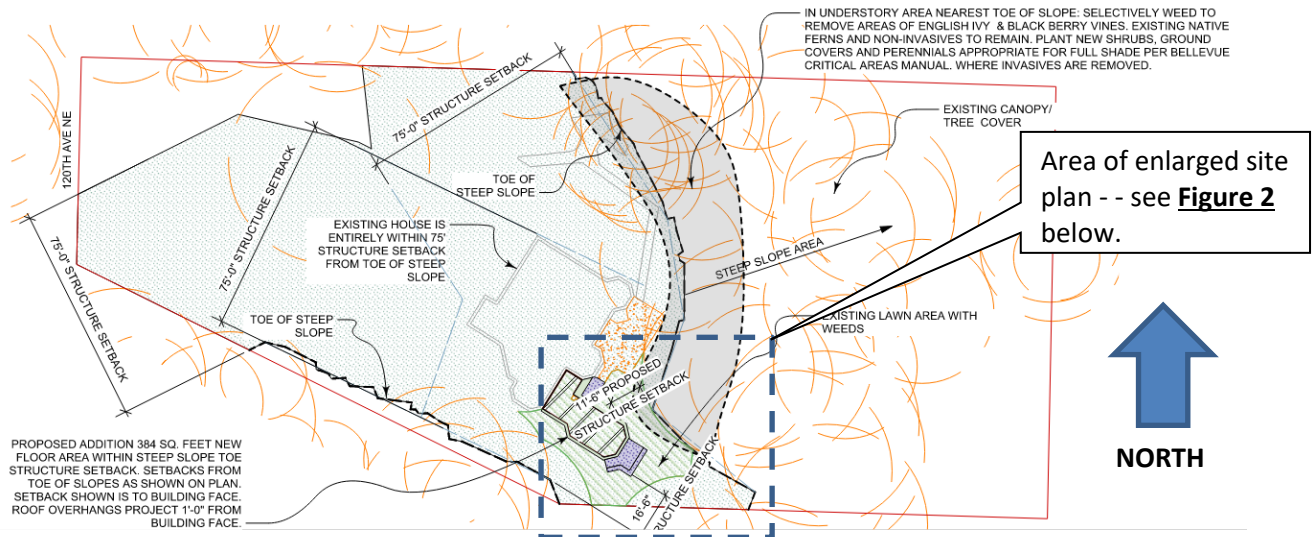


Figure 2 (Proposed Site Plan Enlarged)



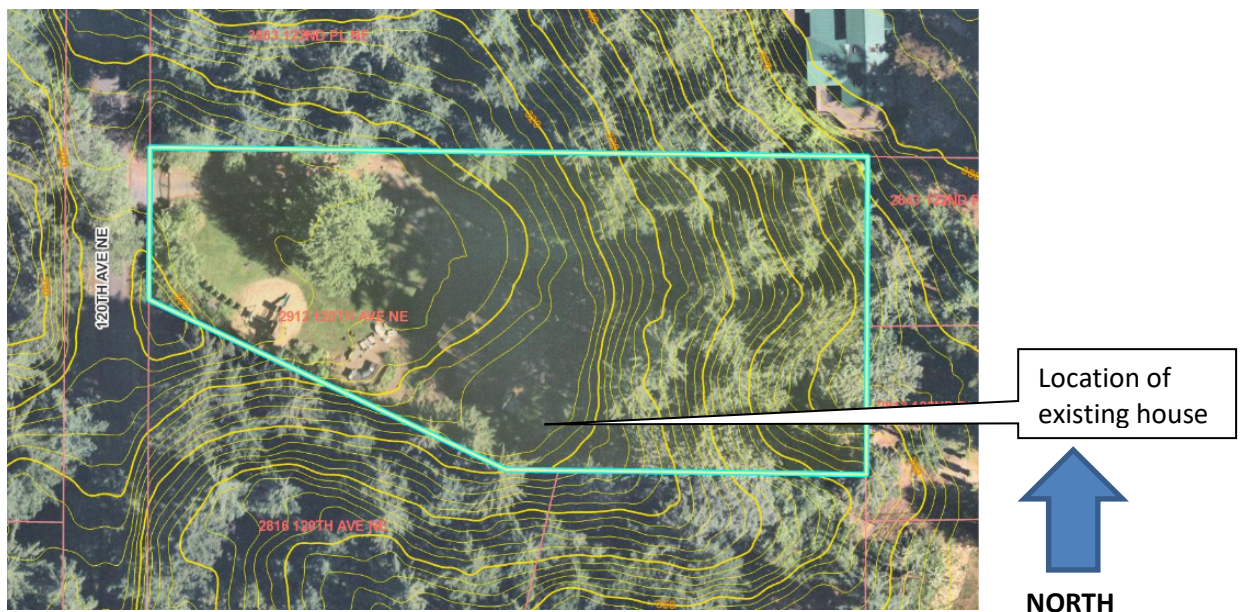
II. Site Description, Zoning, Land Use, and Critical Areas

A. Site Description

The property is located in a heavily wooded area within the Bridle Trails Subarea. The site is approximately 1.0 acre (44,308 SF) in size and is currently developed with a single-family residence. The site is located along the east side of 120th Avenue NE and is accessed by a driveway directly from the street.

The site's topography slopes moderately to steeply (maximum 36%) downward from the east to the west on the eastern 1/3 of the property and then continues to slope moderately to gently downward on the remaining 2/3 of the site. The eastern portion of the site contains approximately 20,000 square feet of regulated steep slope per LUC 20.25H.120. The slope contains numerous significant trees, none of which will be removed as part of this proposal. An aerial photograph of the site is included as **Figure 2** below.

Figure 2 (Existing Conditions)



B. Zoning

The property and surrounding properties are zoned R-1, single-family residential district within the Bridle Trails Subarea.

C. Land Use Context

The property has a Comprehensive Plan Land Use Designation of SF-L (Single-Family Low Density), and the subject site and surrounding properties are developed with single-family homes.

D. Critical Areas On-Site and Regulations

1. Geologic Hazard Areas

Geologic hazards pose a threat to the health and safety of citizens when commercial,

residential, or industrial development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided (WAC 365-190).

Steep slopes may serve several other functions and possess other values for the City and its residents. Several of Bellevue's remaining large blocks of forest are located in steep slope areas, providing habitat for a variety of wildlife species and important linkages between habitat areas in the City. These steep slope areas also act as conduits for groundwater, which drains from hillsides to provide a water source for the City's wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a "green" backdrop for urbanized areas enhancing property values and buffering urban development.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The existing development on the site (house and shed) with proposed addition generally conform to the R-1 dimensional requirements found in LUC 20.20.010, but conformance will be verified during the building permit review. All setbacks, height, lot coverage by structure and impervious surfaces may need to be verified by a survey through the building permit inspection process. **Refer to Condition of Approval regarding Building Permit in Section X of this report.**

B. Critical Areas Requirements LUC 20.25H:

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

Consistency with LUC 20.25H.230 Critical Areas Report

The critical areas report must demonstrate that the proposal with the requested modifications leads to equivalent or better protection of critical area functions and values than would result from the application of the standard requirements.

Finding: The Critical Area Report prepared by Sondergarrrd Geosciences dated October 18, 2022 demonstrates that the proposal to reduce the structure setback for the proposed addition to the single-family residence will lead to an equivalent or improved ecological function. The proposed addition will be within an area of lawn with existing degraded ecological function. The ecological function of the adjoining steep slope critical area will be improved by a mitigation plan which will include the removal of invasive species and planting of native vegetation. **Refer to Conditions of Approval regarding Geotechnical Review and Maintenance and Monitoring Reports in Section X of this report.**

IV. Public Notice and Comment

Application Date:	July 29, 2022
Public Notice (500 feet):	September 1, 2022
Minimum Comment Period:	September 15, 2022

The Notice of Application for this project was published in the City of Bellevue Weekly Permit Bulletin on September 1, 2022. It was mailed to property owners within 500 feet of the project site.

No public comments or comments from adjacent property owners were received.

V. Summary of Technical Reviews

A. Clearing and Grading

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development and has approved the application. The applicant will be required to apply for a single-family addition building permit which will need to include a letter from the geotechnical engineer stating they have reviewed the proposed permit. The permit must comply with Clearing and Grading best management practices and standards and codes. Geotechnical inspections will be required during clearing and grading and construction activities. **Refer to Conditions of Approval regarding Building Permit and Geotechnical Review in Section X of this report.**

B. Utilities

The Utilities Department has reviewed and approved the proposed site development for conceptual design. The applicant will be required to apply for a single-family addition building permit that must comply with the Utility Code BCC Title 24. **Refer to Condition of Approval regarding Building Permit in Section X of this report.**

VI. State Environmental Policy Act (SEPA)

The proposal is exempt from SEPA review, per WAC 197-11-800 and BCC 22.02.032. Construction of a single-family residence is a categorical exemption, and no construction is proposed within critical areas.

VII. Changes to Proposal Due to Staff Review

Staff required the applicant to provide a Critical Areas Report to modify the 75 foot toe-of-slope structure setback.

VIII. Decision Criteria

A. 20.25H.255 Critical Areas Report - - Decision criteria

Except for proposals described in subsection B of the Code above, the Director may approve, or approve with modifications, a proposed modification where the applicant demonstrates:

- 1. The modifications and performance standards included in the proposal lead to levels of protection of critical area functions and values at least as protective as the application of regulations and standards of this code.***

Finding: The proposal to reduce the toe-of-slope structure setback from 75 feet to 11 feet will not decrease the critical area functions and values. The reduction will occur in an area of already degraded with lawn. The applicant also submitted a geotechnical report by Sondergarrrd Geosciences dated October 18, 2022, which recommends a 10-foot structure setback from the toe of steep slope.

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

Finding: The proposal will reduce a structure setback in a degraded area and will remove no significant trees. Because of the current functions and values of the area, the applicant's

intention to replace 100 SF of invasive species with native plantings from the understory of the adjoining steep slope will be adequate mitigation for the proposed addition.

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

Finding: The applicant submitted a geotechnical report prepared by Sondergarrrd Geosciences dated October 18, 2022, which determined the reduction of the steep slope toe-of-slope structure setback will not be detrimental to off-site critical areas or buffers.

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

Finding: The proposed development of a single-family addition and other improvements are consistent and compatible with other uses and development in single family zoning districts.

B. 20.30P.140 Critical Areas Land Use Permit Decision Criteria – Decision Criteria

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 has applied for a single-family addition building permit to construct the proposed new addition. Refer to Condition of Approval regarding Building Permit in Section X 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 proposal is designed to have no impacts on critical area or buffers. The proposed development activity has been limited to an area within a degraded steep slope structure setback. The proposed mitigation will remove existing invasive plants and replant the steep slope with native vegetation. No significant trees within the steep slope or structure setback will be removed. Refer to Mitigation Planting Plan, attached.

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

Finding: The proposal is located within a toe of steep slope structure setback. Performance standards of LUC Section 20.25H are not applicable to structure setbacks.

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

Finding: The proposed development is adequately served by existing public facilities.

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

Finding: The proposal is located in an area of grass. No tree removal is proposed. The applicant has provided a mitigation plan as part of this application. Under the proposed mitigation plan, the applicant will remove invasive plants from the steep slope and replace with native vegetation (Attachment 1). The project will be required to be monitored for five years. The monitoring, maintenance, and reporting schedule will be as proposed in the

mitigation plan. **Refer to Condition of Approval regarding Maintenance, and Monitoring Reports in Section X of this report.**

6. The proposal complies with other applicable requirements of this code.

Finding: As discussed in 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, and standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the modification to reduce a portion of a steep slope structure setback from 75 feet to 11 feet in order to construct an addition to an existing single-family residence, remove invasive species within the steep slope and replant the slope with native shrubs and ground cover.

Approval of this Critical Areas Land Use Permit does not constitute a permit for construction. A building permit is required, and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.

X. Conditions of Approval

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

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Land Use Code- BCC Title 20	Mark Brennan, 425-452-2973
Utilities Code- BCC Title 24	Jeremy Rosenlund, 425-452-7683

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

- 1. Building Permit:** Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. Building Permit (type BR) approval is required. Plans submitted as part of either permit shall be consistent with the activity permitted under this approval.

Authority: Land Use Code 20.30P.140, Clearing and Grading Code 23.76.035, Utilities Code BCC Title 24,

Reviewer: Mark Brennan, Land Use
Savina Uzunow, Clearing and Grading
Jeremy Rosenlund, Utilities

- 2. Geotechnical Review:** The project geotechnical engineer must review the final plans, including all foundation, retaining wall, shoring, and vault designs. A letter from the geotechnical stating that the plans conform to the recommendations in the geotechnical report and any addendums and supplements must be submitted to the clearing and grading section prior to issuance of the construction permit.

Authority: Clearing & Grading Code 23.76.050.

Reviewer: Savina Uzunow, Clearing and Grading

- 3. Maintenance and Monitoring Reports:** The mitigation planting is required to be maintained and monitored for five years to ensure the plants successfully establish. Annual monitoring reports are required to be submitted to document the plants are meeting approved performance standards. Photos from selected photo points shall be included in the monitoring reports to document the planting. Land Use inspection is required by the Land Use staff to end the plant monitoring period.

Reporting shall be submitted no later than the end of each growing season or by December 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 Richard Hansen 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 Brennan, Land Use

LOT COVERAGE CALCULATIONS

44308 sq ft LOT AREA, Per survey
23562 sq ft Lot Area Less Steep Slope Critical Area
Allowed Coverage Areas
8246.7 sq ft 35% MAX. LOT COVERAGE BY STRUCTURES
17671.5 sq ft 75% MAX. LOT COVERAGE BY HARD SURFACES
10602.9 sq ft 45% Maximum Lot Coverage By Impervious Surfaces
11781 sq ft 50% Min. Greenspace percent of front yard setback

EXISTING LOT COVERAGE BY STRUCTURES

1828 sq ft HOUSE
110 sq ft DECK
78 sq ft SHED
2016 sq ft TOTAL EXISTING LOT COVERAGE

PROPOSED LOT COVERAGE BY STRUCTURES

384 sq ft NEW ADDITION
384 sq ft TOTAL PROPOSED LOT COVERAGE
2400 sq ft TOTAL EXISTING & PROPOSED
10.186% Total % Lot Coverage By Structures
2016 sq ft < MAX ALLOWED

EXISTING LOT COVERAGE BY IMPERVIOUS SURFACES

2312 sq ft DRIVEWAY
1044.5 sq ft CONCRETE DRIVEWAY APRON
465 sq ft PAVER PATIO
1119 sq ft WALKWAYS
355 sq ft EXISTING PATIO
110 sq ft EXISTING DECK
5405.5 sq ft TOTAL EXISTING IMPERVIOUS SURFACE

PROPOSED LOT COVERAGE BY IMPERVIOUS SURFACES

81 sq ft PROPOSED ROOF OVERHANGS
130 sq ft NEW PATIOS AND RAMP
384 sq ft ADDITION FOOTPRINT
595 sq ft TOTAL PROPOSED IMPV. SURFACE

6000.5 sq ft Total Existing & Proposed Impervious Surface Cover
25.47% Total % Lot Coverage By Impervious Surfaces

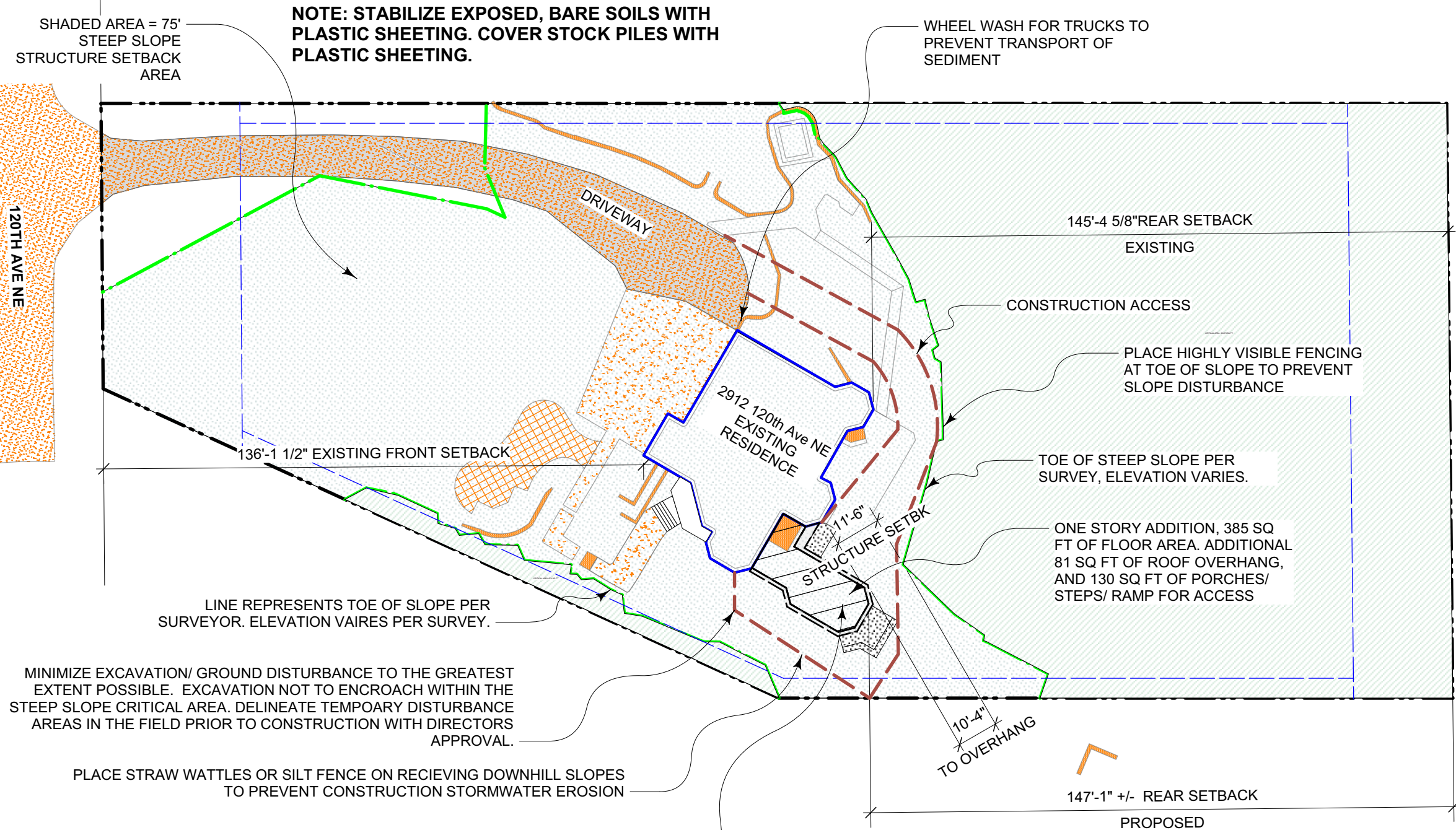
EXISTING LOT COVERAGE BY HARD SURFACES

AREA OF HARD SURFACE NOT COUNTED UNDER 0 sq ft IMPERVIOUS SURFACES
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FRONT YARD GREENSPACE AREA

2805 sq ft Front Yard Area
406 sq ft Driveway Area
2399 sq ft Front Yard Less Driveway Area

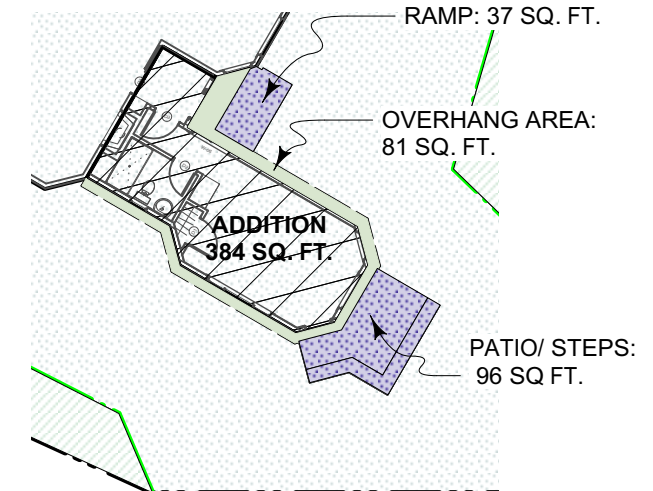
85.53% PERCENTAGE OF GREEN SPACE OF FRONT YARD ARE



1

Basic Site Plan

Scale: 1" = 30'-0"



2

Addition Area Detail

Scale: 1" = 20'-0"

sma

stuart mcfely ARCHITECTURE

2470 S Ferdinand Street, Seattle WA | 206-860-3542
stuartmcfely@gmail.com | stuartmcfely.com

Owner /
Site Address
Jill & Tristan Scott
2912 120th Ave NE
Bellevue WA 98005

Drawing Plot Plan Date 7/12/2022

SCALE SHEET A1 OF

Project Notes & Description

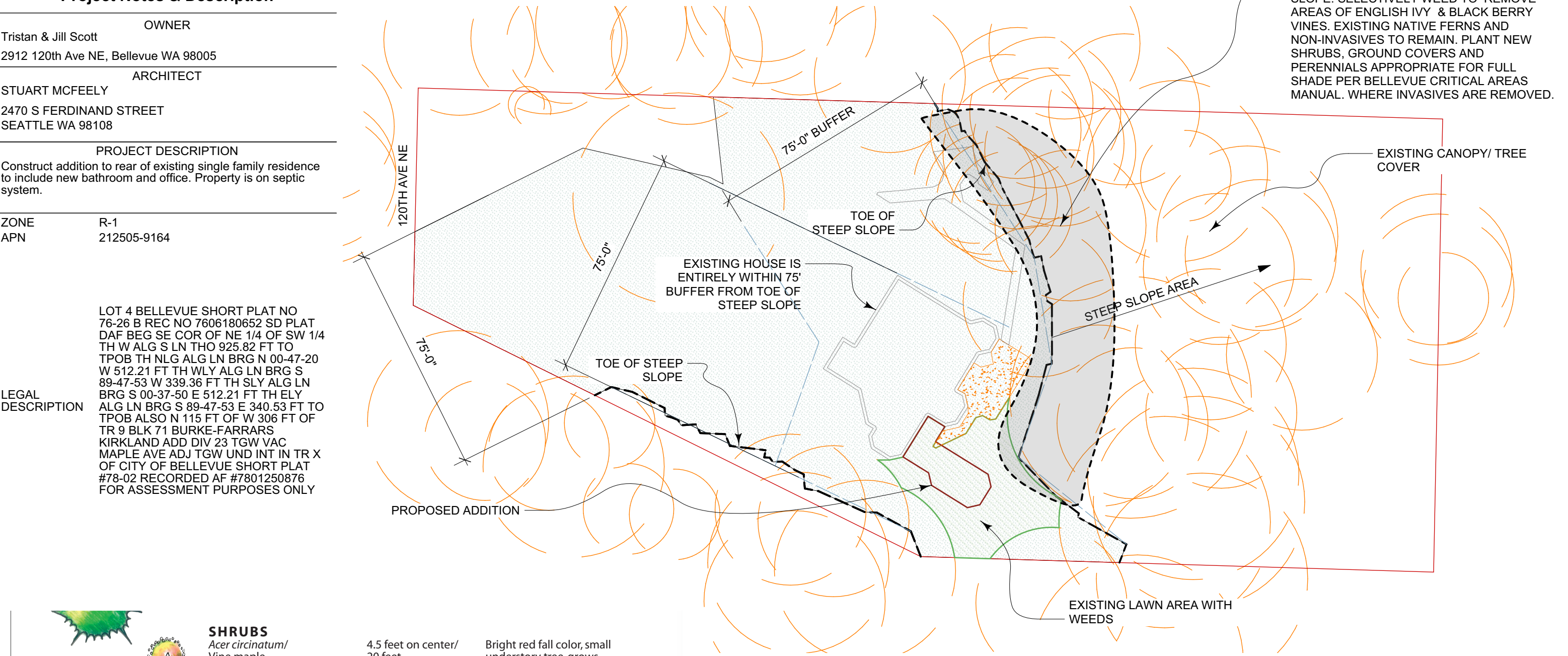
OWNER
Tristan & Jill Scott
2912 120th Ave NE, Bellevue WA 98005

ARCHITECT
STUART MCFEELY
2470 S FERDINAND STREET
SEATTLE WA 98108

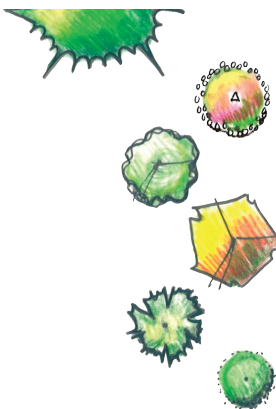
PROJECT DESCRIPTION
Construct addition to rear of existing single family residence to include new bathroom and office. Property is on septic system.

ZONE R-1
APN 212505-9164

LEGAL DESCRIPTION
LOT 4 BELLEVUE SHORT PLAT NO 76-26 B REC NO 7606180652 SD PLAT DAF BEG SE COR OF NE 1/4 OF SW 1/4 TH W ALG S LN THO 925.82 FT TO TPOB TH NLG ALG LN BRG N 00-47-20 W 512.21 FT TH WLY ALG LN BRG S 89-47-53 W 339.36 FT TH SLY ALG LN BRG S 00-37-50 E 512.21 FT TH ELY ALG LN BRG S 89-47-53 E 340.53 FT TO TPOB ALSO N 115 FT OF W 306 FT OF TR 9 BLK 71 BURKE-FARRARS KIRKLAND ADD DIV 23 TGW VAC MAPLE AVE ADJ TGW UND INT IN TR X OF CITY OF BELLEVUE SHORT PLAT #78-02 RECORDED AF #7801250876 FOR ASSESSMENT PURPOSES ONLY



IN UNDERSTORY AREA NEAREST TOE OF SLOPE: SELECTIVELY WEED TO REMOVE AREAS OF ENGLISH IVY & BLACK BERRY VINES. EXISTING NATIVE FERNS AND NON-INVASIVES TO REMAIN. PLANT NEW SHRUBS, GROUND COVERS AND PERENNIALS APPROPRIATE FOR FULL SHADE PER BELLEVUE CRITICAL AREAS MANUAL. WHERE INVASIVES ARE REMOVED.



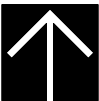
SHRUBS

<i>Acer circinatum</i> / Vine maple	4.5 feet on center/ 20 feet	Bright red fall color, small understory tree, grows well in shade
<i>Amelanchier alnifolia</i> / Western serviceberry	4.5 feet on center/ 20 feet	Fragrant flowers, edible red to purple berries
<i>Corylus cornuta</i> / Beaked hazelnut	6 feet on center/ 11 feet	Edible acorn, wildlife food, small understory tree, yellowish fall color
<i>Oemleria cerasiformis</i> / Osoberry	4.5 feet on center/ 10 feet	Berries attract birds, first shrub to leaf out in spring
<i>Sambucus racemosa</i> / Red elderberry	4 feet on center/ 15 feet	Edible berries, fast grower, graceful form with age

GROUNDCOVERS & PERENNIALS

<i>Arctostaphylos uva-ursi</i> / Kinnikinnick	*24 in. on center/ 6-8 in.	Evergreen groundcover, great for rockeries and full sun areas
<i>Asarum caudatum</i> / Wild ginger	*24 in. on center/ 6-8 in.	Tough groundcover, great for planting under shrubs and trees
<i>Polystichum munitum</i> / Sword fern	*24 in. on center/ 5 feet once mature	Semi-evergreen fern, highly adaptable

* Indicates plants are to be triangularly spaced for the area shown. See page 23 for triangular spacing.



1 Planting Plan
Scale: 1/32" = 1'-0"

sma

stuart mcfely ARCHITECTURE

2470 S Ferdinand Street, Seattle WA | 206-860-3542
stuartmcfely@gmail.com | stuartmcfely.com

Owner / Site Address	Jill & Tristan Scott		
	2912 120th Ave NE		
	Bellevue WA 98005		
Drawing	Plant Plan	Date	7/28/2022
Scale	As Shown	SHEET	1a OF