



**City of Bellevue
Department of Planning & Community Development
Land Use Division Staff Report**

Proposal Name: Mercer Marine Short Plat

Proposal Address: 1200 173rd Ave NE

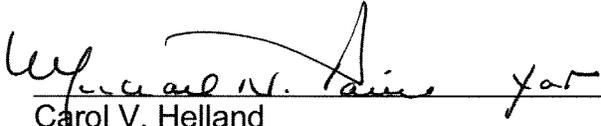
Proposal Description: Subdivide a 10.8 acre lot in the R-2.5 land use district into 8 single family lots. Site contains large associated wetland of Lake Washington

File Number: 06116842-LN
06-136068-WG

Applicant: Doug Burbridge

Decisions Included: Administrative Decision for a Preliminary Short Plat and Shoreline Substantial Development permit through Process II, Land Use Code 20.35.200.

**State Environmental Policy Act Determination of Non-Significance
Threshold Determination:**



Carol V. Helland
Environmental Coordinator
Dept of Planning and Community Development

Department Decision: **Approval with Conditions**

Drew Folsom, Assistant Planner
Dept. of Planning and Community Development

Application Date: June 22, 2006
Notice of Application: September 28, 2006
Renotice of Application: December 28, 2006
Decision Publication Date: April 26, 2007
Appeal Deadline: May 17, 2007 or 21 days from the date of filing with
Department of Ecology

For information on how to appeal a proposal, visit the Permit Center at City Hall or call (425) 452-6864 [TTY (425) 452-4636]. Appeal of the Decision must be made with the City Clerk by 5 PM on the date noted for appeal of the decision.

I. Description of Proposal

The applicant proposes to short plat an existing parcel totaling 472,406 square feet (10.84 acres) into 8 single-family residential lots in the R-2.5 zoning district. The parcel is located at 3911 Lake Washington Blvd SE. A large portion of the project site contains protected areas, including a Type A wetland and a small area protected slopes. The proposal is vested under the 1987 Critical Areas Ordinance. Due to this, all critical areas will be referred to as protected areas in this document. The proposal will create 2 non-buildable tracts comprising a majority of the wetlands and the shoreline area currently used for the parking and storage of boat trailers.

A Shoreline Substantial Development permit is required for all development within the Shoreline Overlay District except for exemptions listed under 20.25E.050. This proposal involves the installation of transportation and utility infrastructure necessary for the short plat within Shoreline Overlay District. This work exceeds the exemption threshold for the total cost of development within the Shoreline Overlay District and therefore requires a Shoreline Substantial Development permit.

II. Site Description and Context

Site Characteristics

The site is located in the R-2.5 zoning district. The site has single family residences to the south, and multifamily residences to the east. North of the site is the Mercer Slough Nature Park, and west of the site is Lake Washington and the Newport Yacht Club Marina. The property is located in the Factoria Subarea of the Comprehensive Plan. Access to proposed lots 1 through 5 will be from a private cul-del-sac turn around connecting to Lake Washington Boulevard SE. Access to lots 6 through 8 will be from a private road connecting to SE 40th Street.

The site slopes moderately from east to west. A small eastern section of the site contains a steep slope of approximately 1,888 square feet. The site is forested with deciduous trees, primarily willow. The southeast and southwest areas of the property have been cleared and graded. A Type A associated wetland of Lake Washington occupies about 75 % of the site. This wetland is the south end of Mercer Slough, a large wetland that extends well north of the property. The majority of the on-site wetland has been set aside in a separate 295,023 square foot NGPA (Tract A); however, portions of the wetland and a majority of the primary buffer will be located in NGPA easements as part of the private lots. Five of the proposed lots for single family homes will be located in the south east corner of the property and the remaining three proposed lots will be located in the southwest area of the property. The proposed areas of development are located in areas that are predominately covered by gravel.

CONSISTENCY WITH LAND USE CODE/ZONING REQUIREMENTS

A. Special District Requirements (Sensitive Area Overlay District LUC. 20.25H, Shoreline Overlay District LUC 20.25E.010)

Protected Areas

The site includes a Type A wetland and steep slope. Type A wetlands require a 50-foot non-disturbed primary setback and an additional 20-foot structure setback. Steep slopes require a 50-foot non-disturbed primary setback and an additional 15-foot structure setback. No encroachments will be allowed into the buffer areas with future development.

Disturbance Limits

LUC Section 20.25H.110D.1 requires sites that contain slopes of 15% or greater to comply with disturbance limitations. Disturbance limits apply to this site because portions of the property exceed 15 percent slope. The object of disturbance limitations is to encourage consolidation of disturbance on areas of least slope and to minimize changes in grade, cleared area, and volume of on site cut or fill.

The maximum allowable disturbance on the site is 463,406 square feet or approximately 98.2 percent of the total site area. This requires the applicant to preserve a minimum of 8,546 square feet of the total site area as areas of non-disturbance. Approximately 372,478 square feet will be set aside as NGPA for the Type A wetland, and 4,000 square feet as NGPA for the steep slope, exceeding the minimum non-disturbance requirement. Refer to Section VIII for related conditions of approval.

B. Consistency with Standard Land Use Code Requirements

The site is located in the Shoreline Overlay District and the Sensitive Areas Overlay District and is subject to the regulations regarding development in a shoreline (20.25E) and wetland (20.25H). All areas of temporary disturbance shall be as applicable. Refer to Attachment 3 for conceptual wetland mitigation plans. As conditioned, the proposed development conforms to the applicable Land Use Code regulations. Please refer to Section VIII for related conditions of approval.

BASIC INFORMATION		
Zoning District	R-2.5	
Gross Site Area	472406 square feet	
Protected Area	376,478 square feet	
ITEM	REQ'D/ALLOWED	PROPOSED
Dwelling Units/Acre	2.5 DU/acre	.74 DU/acre
Minimum Lot Area	10,000 square feet	16,512 square feet or greater
Minimum Lot Width	80 feet	80 feet or greater
Minimum Lot Depth	80 feet	80 feet or greater
Maximum Building Height	30 ft from AFG per LUC 20.20.010 35 ft from AFE per LUC 20.25E.080	30 ft from AFG or less and, 35 ft from AFE or less
Building Setbacks		
Front Yard	20 feet	20 feet or greater
Rear Yard	25 feet	25 feet or greater
	5 feet	5 feet or greater

Min. Side Yard	15 feet	15 feet or greater
2 Side Yard	10 feet	10 feet or greater
Access Easement		
Tree Retention	15% or 276.5 Diameter Inches	80.4% or 222.5 Diameter Inches

IV. STATE ENVIRONMENTAL POLICY ACT (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes adequately mitigate expected environmental impacts.

Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements with the incorporation by reference of the *2004-2015 Transportation Facilities Plan Final Environmental Impact Statement* (TFP EIS) published June 10, 2004. This document is available in the Department of Planning and Community Development Records Room, Bellevue City Hall, 11511 Main St, Lobby Floor. Transportation-related impacts associated with the Mercer Marine Short Plat are consistent with the potential projected impacts analyzed in the 2004-2015 TFP EIS.

Earth and Water

The site slopes moderately from east to west, a small eastern section of the site contains a steep slope of approximately 1,888 square feet. A large Type A wetland occupies about 75 % of the site. This wetland is the south end of Mercer Slough, a large wetland that extends well north of the property. The protected slope and wetland along with their associated primary buffers have been set aside in a Native Growth Protection Area (NGPA) per LUC 20.25H.120. The majority NGPA has been set aside in a separate 295,023 square foot non-buildable tract (Tract A); remaining portions of the NGPA that fall outside of the boundaries of Tract A will be placed into NGPA easements, designated as such on the final plat map, and demarcated by split rail fences and appropriate signage on the ground.

Grading will occur to build the plat roads, install necessary utility connections and facilities, and to prepare building pads for the lots. However, the establishment of the NGPA, in addition to required primary and structure setbacks, will adequately protect these resources from the impacts of the proposed development. See Section VIII for a related condition of approval.

The proposed development of single family homes is expected to adversely affect the quality of surface water on the site. This surface water will be directed to the storm water system. Pollutants such as sediment, oil, grease, herbicides, pesticides and fertilizers could be expected to enter the storm water from the driving surfaces and any landscaped areas. However, the City's Utility Codes and Engineering

Standards provide adequate direction to mitigate for both runoff control and water quality treatment for conventional pollutants.

The site contains fill consisting of glacial till, and some organic material in the upland area of proposed development. There is indication of some peat and soft sediment on the lower portions of the site however this area was not viewed as liquefiable per the geotechnical report submitted by PanGeo engineers dated June 8, 2006. A separate geotechnical report will be required for the development of individual single family residences. Due to the depth of fill on the site it is recommended that individual houses use auger cast pile foundations.

Plants and Animals

Construction on the site will likely result in a predictable reduction in the number of animals and the loss of some species within selected habitats due to habitat destruction, fragmentation, acceleration of edge and distance effects, and human disturbance. These impacts are adverse, but they are not environmentally significant and will be partially mitigated through the retention of existing vegetation and wildlife habitat in the wetland NGPA. However, parts of the wetland and most of the primary buffer will be located outside of the NGPA tracts, and will be part of the lots. No disturbance of the wetland will occur as part of the proposal. A small portion of the wetland primary setback consisting of 381 square feet will be permanently disturbed as part of the proposal to create a pedestrian path along SE 40th St. As mitigation an additional area of 427 square feet will be placed as primary buffer within the NGPA. This area will be along the south wetland boundary. During installation of plat infrastructure an estimated area of 2,286 square feet will be temporarily disturbed. This area will be replanted with native trees and shrubs. In addition to the areas described above, to provide further mitigation, a Wetland Restoration/Mitigation Plan is proposed that includes the planting of an 7,649 square feet of poorly functioning buffer per the requirements of LUC 20.25H.120. This area is currently composed of fill, debris, and Himalayan blackberry and will be planted with wetland appropriate native trees, shrubs. Restoration will result in a great increase in vegetative compositional and structural diversity, which provides much higher wildlife habitat quality than the near-monoculture of Himalayan blackberry. These additional native plantings will make the wetland habitat more useful to those species that find urban development disruptive to their feeding, nesting and breeding behavior Further, a split rail fence and appropriate signage will be required along the entire perimeter of the primary buffers for the wetland. See Section VIII related conditions of approval.

Noise

As conditioned, short term impacts related to noise generation as a result of the construction will be minimized. Normal hours for allowed generation of noise related to construction are from 7:00 am to 6:00 pm Monday through Friday and 9:00 am to 6:00 pm on Saturday. Exceptions to the construction noise hour limitation contained in the Noise Control Code MAY be granted pursuant to BCC 9.18.020C.1 for transportation mitigation, environmental issues related to protecting the site from the rainy season, and emergencies. If expanded hours are necessary to accommodate a specific component of construction, a written request for exemption from the Noise

Control Code must be submitted two weeks prior to the scheduled onset of extended hour construction activity. See Section VIII for a related condition of approval.

V. SUMMARY OF TECHNICAL REVIEWS

A. Utilities Review

The preliminary short plat application has been reviewed and no further utility revisions are needed at this time. The Utility Department approval of the preliminary short plat application is based on the conceptual utility design only. This conceptual review of the proposal has no implied approvals of the engineering design and specifications See Section VIII of this report for Utilities Department related Conditions of Approval.

B. Fire Department Review

The City of Bellevue Fire Department has reviewed the proposal for compliance with the Fire development codes and standards. As proposed the site development plans for this decision generally conform to Fire Code requirements. However, there are a number of conditions that must be met prior to issuance of building permits. See Section VIII of this report for Utilities Department related Conditions of Approval.

C. Transportation Review

The Transportation Department has reviewed the plans submitted for the Mercer Marine Short Plat (preliminary short plat) and recommends approval based on conditions See Section VIII of this report for Transportation Department related Conditions of Approval.

Use of the Right of Way

Applicants often request use of the right of way and of pedestrian easements for materials storage, construction trailers, hauling routes, fencing, barricades, loading and unloading and other temporary uses as well as for construction of utilities and street improvements. A Right of Way Use Permit for such activities must be acquired prior to issuance of any construction permit including demolition permit. This permit is issued directly by the Transportation Department.

Street Frontage Improvements

In order to provide safe pedestrian and vehicular access in the vicinity of the site and to provide infrastructure improvements with a consistent and attractive appearance, the construction of street frontage improvements are required for this short plat application.

A summary of street frontage improvements are listed below:

- Concrete sidewalk with curb, gutter and ADA ramps at the intersection of SE 40th Street and Lake Washington Boulevard SE.

- Hard-surface pedestrian trail along the southern property line of the project site (fronting SE 40th Street).
- Bio-swale along the project's frontage on SE 40th Street (to provide pedestrian separation from vehicular traffic).
- Installation of driveway aprons per city standards.
- Dedication of right-of-way along the curb radius at the intersection of SE 40th Street and Lake Washington Boulevard SE.

The final engineering plans showing frontage improvements must be consistent with the Transportation Development Code (BCC 14.60) and the Transportation Design Manual prior to approval of the plat infrastructure (GE) permit.

The design of the improvements must conform to the requirements of the Americans with Disabilities Act, the Transportation Development Code (BCC 14.60), and the provisions of the Transportation Department Design Manual.

Prior to final short plat approval, the developer must provide street frontage improvements on SE 40th Street and Lake Washington Boulevard SE at the developer's expense (BCC 14.60.110) or provide an acceptable financial assurance device equivalent to 150% of the cost of unfinished frontage improvements

Site Access

Access to Lots 1 through 5 will be from a private cul-del-sac turn around connecting to Lake Washington Boulevard SE.

Lots 6 through 8 will be from a private road connecting to SE 40th Street.

All private access routes shall have a minimum paved width of 20 feet set, shall be paved full length, and set within easements that extend a minimum of 2 feet from back of the traveled edge (pedestrian or vehicular; whichever applies).

Pavement Restoration

The City of Bellevue has established the Trench Restoration Program to provide developers with guidance as to the extent of resurfacing required when a street has been damaged by trenching or other activities. Under the Trench Restoration Program, every public street in the City of Bellevue has been examined and placed in one of three categories based on the street's condition and the period of time since it was last resurfaced. These three categories are, "No Street Cuts Permitted", "Overlay Required", and "Standard Trench Restoration". Each category has different trench restoration requirements associated with it. Near the development site Lake Washington Boulevard SE is classified as an "Overlay Required Street". Pavement restoration requirements for SE 40th Street shall be at the discretion of the Parks Department and the Right-of-Way division of the Transportation Department.

All pavement restoration requirements shall be specified via right-of-way permitting

requirements for this project. It is the responsibility of the developer to coordinate right-of-way permitting prior to obtaining the clear and grade permit for this project. See Section VIII of this report for Transportation Department related Conditions of Approval.

Transportation Impacts and Mitigation

City staff has analyzed the potential short term operational impacts of this proposal in order to recommend mitigation if necessary. These impacts included traffic operations conditions during the a.m. and p.m. peak hours.

This project shall create 80 new daily trips and 8 new p.m. peak hour trips. Existing capacity of nearby system intersections and streets are adequate to accommodate these additional trips. Concurrency testing is not required as the threshold amount for testing (30 new p.m. peak hour trips) has not been triggered.

The curb cut for lots 1 through 5 has been located as far as possible from the intersection of SE 40th Street and Lake Washington Boulevard SE. Further movement north (and away from the intersection) is not feasible due to site constraints (wetlands and efficient plat design).

The curb cut for lots 1 through 5 has been aligned with an existing driveway located across from the project site (this driveway serves 3905 Lake Washington Boulevard SE).

The developer will install pedestrian access along the site's frontage to SE 40th Street.

The developer will finish frontage improvements at the intersection of SE 40th Street and Lake Washington Boulevard SE including ADA ramps.

See Section VIII of this report for Transportation Department related Conditions of Approval.

VI. PUBLIC NOTICE AND COMMUNITY INPUT

Application Date: June 22, 2006

Public Notice (500 feet): June 27, 2006 and December 28, 2006 (Includes sign installation at the site)

Minimum Comment Period: January 29, 2007

Notice of Application was published in the City of Bellevue's *Land Use Bulletin* and the *King County Journal* on June 27, 2006. It was mailed to property owners within 500 feet of the project site and a Public Information Sign was installed on the project site on the same day. The project was renoticed on December 28, 2006 to include the Shoreline Substantial Development permit as part of the proposal. One comment was received regarding the dimensions of short plat. It was generally informational in nature as the individual only wanted to ensure the proposal did not encroach upon existing easements for the adjacent Newport Yacht Club.

VII. Decision Criteria:

20.45B.130B Decision Criteria for a Preliminary Short Plat.

The Director may approve or approve with modifications an application for a Preliminary Short Plat if:

1. **The Preliminary Short Plat makes appropriate provisions for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets, sidewalks, alleys, other public ways, water supplies, sanitary waste.**

Finding: City codes ensure public health, safety and general welfare through development code requirements. The site is accessed via Lake Washington Blvd and SE 40th Street, improved public streets. Access to proposed lots 1 through 5 will be from a private cul-del-sac turn around connecting to Lake Washington Boulevard SE. Access to lots 6 through 8 will be from a private road connecting to SE 40th Street. The applicant will be required to provide drainage improvements designed to service the drainage needs of the site. Existing public water and sewer facilities have been deemed adequate to serve the proposed development.

2. **The public interest is served by the short subdivision.**

Finding: The public interest is served by providing additional housing opportunities in accordance with the Comprehensive Plan while ensuring compliance with City codes and standards.

3. **The preliminary short plat appropriately considers the physical characteristics of the proposed short subdivision site.**

Finding: The preliminary short plat considers the physical characteristics of the site by establishing an NGPA for the protected wetland and steep slope as well as through the retention of the significant trees.

4. **The proposal complies with all applicable provisions of the Land Use Code (BCC Title 20), the Utility Code (BCC Title 24), and the City of Bellevue Development Standards.**

Development Standards

Finding: The proposal complies with the Land Use Code requirements for R-2.5 zoning, the Utility Code and the City of Bellevue Development Standards.

Land Use Code Requirements

- A. **Dimensional Requirements:** The site is currently zoned single-family R-2.5 which has a minimum lot size requirement of 13,500 square feet. The dimensional requirements for the R-2.5 zoning district include:

- 20' Front Yard Setback
- 25' Rear Yard Setback
- 5' Side Yard Setback

15'	Two Side Yard Setback
30'	Maximum Building Height Per LUC 20.20.010
35'	Maximum Building Height Per LUC 20.25E.080
35%	Maximum Lot Coverage by Structure
80'	Minimum Lot Width
80'	Minimum Lot Depth

Finding: All of the lots can be developed in accordance with the City of Bellevue Land Use Code requirements including the R-2.5 dimensional requirements. The LUC includes a provision for lot averaging in short plats. Under this provision, individual lots within a short plat are considered to be in compliance with the minimum area requirements if the average of the areas of all the lots in the short plat meet the minimum requirement for the zoning district, provided the lot area is not reduced by more than 10 percent. However, as proposed, each lot exceeds the requirements for minimum lot area. As such, no lot averaging is proposed.

B. Significant Tree Preservation: The tree preservation requirements under LUC Section 20.20.520 to save 15 percent of significant trees on the site apply to this proposal. The applicant has identified 31 significant trees on the site with a total of 276.5 diameter inches. In order to meet the 15% minimum retention requirement, the project must retain 41.4 diameter inches of significant trees.

Finding: The applicant proposes to preserve 22 trees that comprise a total of 222.5 diameter inches, or 80.4% of significant trees. This satisfies minimum tree retention requirement. See conditions of approval in Section VIII.

C. Non-disturbance: The non-disturbance requirements of LUC 20.25H.110E are being met through the designation of an NGPA (containing a Type A wetland and Steep Slope). A total of 8,546 square feet of non-disturbance is required for this short plat and 376,478 square feet will be set aside within the NGPA.

D. Protected Areas: The site contains protected areas regulated under LUC 20.25H, including a Type A wetland and Steep Slopes. The main body of these sensitive features along with portions of their primary setbacks will be preserved within a Native Growth Protection Area, designated as Tract A for the wetland. The remaining portions of the primary setbacks that fall outside of the boundaries of the Tracts will be placed into NGPA easements, designated as such on the final plat map, and further demarcated by split rail fences and appropriate signage on the ground. The combined NGPA's comprise approximately 376,478 square feet.

5. The proposal is in accord with the Comprehensive Plan (BCC Title 21).

Finding: The site is located within the Factoria Subarea of the Comprehensive Plan. The Comprehensive Plan specifies single-family medium development for this property. The proposal complies with applicable Comprehensive Plan policies city-wide and for this Subarea:

The single family homes are, by use type, compatible with surrounding neighborhoods. The proposal provides new housing as encouraged by the Comprehensive Plan (Policy LU-4). The proposed short plat provides housing for Bellevue's share of the regionally adopted demand forecasts for residential uses for the next 20 years (LU-3).

The proposal meets Comprehensive Plan polices to preserve existing vegetation on-site (EN-64, 37, and maintain good surface water quality (EN-33).

The proposal meets utility standards (UT-1), provides development on infill or under-utilized sites with adequate urban services (HO-17), and meets the Neighborhood Quality goal (Housing Element) to ensure compatible housing and environmentally sensitive features by providing the preservation of healthy significant existing trees on-site.

6. Each lot in the proposal can reasonably be developed in conformance with current Land Use Code requirements without requiring a variance.

Finding: Each lot can reasonably be developed to current R-2.5 zoning standards without requiring a variance. Each lot can reasonably be developed to meet current dimensional standards for the R-2.5 land use district without requiring a variance. The proposed lots meet minimum standards for lot width, lot depth, and lot area of the R-2.5 land use district. There are no environmental factors which further inhibit the development of this property that would warrant a variance. See related condition of approval in Section VIII.

7. All necessary utilities, streets or access, drainage and improvements are planned to accommodate the potential use of the entire property.

Finding: The Utilities and Transportation Departments have reviewed the preliminary short plat and determined that all necessary utilities, drainage, driveway access, necessary sidewalk easements and other required improvements are existing, planned or conditioned as part of this approval to accommodate the use of these lots.

20.30R.155 Decision Criteria of Shoreline Substantial Development Permit

The proposal, as conditioned below, meets the applicable Shoreline Substantial Development Permit regulations listed in Land Use Code Section 20.30R.155.

1. The applicant has carried the burden of proof and produced evidence sufficient to support the conclusion that the application merits approval or approval with modifications; and
2. The applicant has demonstrated that the proposal complies with the applicable decision criteria of the Bellevue City Code; and

3. The applicant has demonstrated that the proposal is consistent with the policies and procedures of the Shoreline Management Act and the provisions of Chapter 173-14 WAC and the Master Program.

Finding: The proposed project would not alter the existing natural or developed character of the shoreline. All work would occur above the ordinary highwater mark and most of the development is not within the Shoreline Overlay District. The temporary disturbance associated with this work will be restored per the wetland mitigation plan in Attachment D.

Erosion created by construction activities shall be contained to the maximum extent feasible. Temporary Erosion and Sedimentation Control Measures shall be installed before, during and after construction as applicable.

The site is adjacent to single-family residences whose residents are most sensitive to disturbance from noise during evening, late night and weekend hours when they are likely to be at home. Impacts are adequately mitigated by the City's Noise Ordinance (Chapter 9.18 BCC) which limits construction hours

VII. Conclusion and Decision:

After conducting the various administrative reviews associated with this proposal, including applicable Land Use consistency, SEPA, City Code, and standard compliance reviews, the Director of Planning and Community Development does hereby **approve** the subject Preliminary Short Plat and Shoreline Substantial Development Permit **with conditions**.

This approval automatically expires and is void if the applicant fails to file for approval of the final short plat within one year of the effective date of approval unless the applicant files for an extension at least 30 days prior to the expiration and the extension is granted pursuant to LUC 20.45B.150 and .160.

VIII. Conditions of Approval:

The following conditions are imposed under authority referenced:

COMPLIANCE WITH BELLEVUE CITY CODES AND ORDINANCES

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

Applicable Codes, Standards and Ordinances	Contact Person
Clearing & Grading Code – BCC 23.76	Savina Uzunow, 425-452-7860
Construction Codes – BCC Title 23	Build. Division, 425-452-6864
Fire Code – BCC 23.11	Mike Versoi, 425-452-6042
Land Use Code – BCC Title 20	Drew Folsom, 425-452-4441
Noise Control – BCC 9.18	Drew Folsom, 425-452-4441
Sign Code – BCC Title 22	Drew Folsom, 425-452-4441

Transportation Development Code – BCC 14.60	Ray Godinez, 425-452-7915
Right of Way Use Code – BCC 14.30	Jon Regalia, 425-452-4599
Transportation Department Design Manual	Ray Godinez, 425-452-7915
Traffic Standards Code 14.10	Ray Godinez, 425-452-7915
Utility Code – BCC Title 24	Mark Dewey, 425-452-6179

A. GENERAL CONDITIONS

1. UTILITIES DEPARTMENT APPROVAL

Utilities Department approval is based on the preliminary utility design only. Final civil engineering of the utility design may require changes to the site layout to accommodate the utilities. Sewer and Storm Developer Extension Agreements are required for the engineering review and inspection of the sewer and storm drainage improvements per Utility Code 24.06.120 C. The Developer Extension Agreement booklet(s) and submittal requirements are available from the Utility Representative at the Permit Center at any time. 100 year conveyance and conventional treatment will be required to drain the site based on the submitted conceptual plan. All lots shall drain by gravity service for both sewer and storm. Water services for each lot shall be connected off the adjacent water main to the site. Water services shall be applied for in the permit center. An updated site survey based on City of Bellevue benchmarks and NAVD 88 datum and any necessary easements shall be submitted with the developer extension agreement.

AUTHORITY: Bellevue City Code Title 24.02, 24.04, 24.06.120

REVIEWER: Mark Dewey Utilities Department

2. NOISE - CONSTRUCTION HOURS

The proposal will be subject to normal construction hours of 7:00 am to 6:00 pm Monday through Friday and 9:00 am to 6:00 p.m. on Saturday, except for Federal holidays and as further defined by the Bellevue City Code. Proximity to existing residential uses will be given special consideration. Upon written request to PCD, work hours MAY be extended to 10 pm if the criteria for extension of work hours as stated in BCC 9.18 can be met.

AUTHORITY: Bellevue City Code 9.18

REVIEWER: Drew Folsom, Planning and Community Development Department

B. PRIOR TO ISSUANCE OF ANY PLAT ENGINEERING/CLEAR AND GRADE PERMIT:

1. RIGHT OF WAY USE PERMIT

The applicant is required to apply for a right of way use permit from the City of Bellevue Transportation Department before the issuance of any clearing and grading, building, foundation, or demolition permit. In some cases, more than one right of way use permit may be required, such as one for hauling and one for construction work within the right of way. A right of way use permit regulates activity within the city right of way, including but not limited to the following:

- a) Designated truck hauling routes.

- b) Truck loading and unloading activities.
- c) Hours of construction and hauling.
- d) Continuity of pedestrian facilities.
- e) Temporary traffic control and pedestrian detour routing for construction activities.
- f) Street sweeping and maintenance during excavation and construction.
- g) Location of construction fences.
- h) Parking for construction workers.
- i) Construction vehicles, equipment, and materials in the right of way.
- j) All other construction activities as they affect the public street system.

In addition, the applicant shall submit for review and approval a plan for providing pedestrian access during construction of this project. Access shall be provided at all times during the construction process, except when specific construction activities such as shoring, foundation work, and construction of frontage improvements prevents access. General materials storage and contractor convenience are not reasons for preventing access.

AUTHORITY: Bellevue City Code 14.30

REVIEWER: Jon Regalia, Transportation Department

2. OFF-STREET PARKING

The applicant must secure sufficient off-street parking for construction workers, equipment, and materials storage before the issuance of a clearing and grading, building, foundation or demolition permit.

AUTHORITY: Bellevue City Code 14.30

REVIEWER: Jon Regalia, Transportation (425) 452-4599

3. ENGINEERING PLANS

A site (civil engineering) plan shall be produced and stamped by a qualified professional engineer and submitted for review by the City prior to clear and grading permit approval. The design of all street frontage improvements must be in conformance with the requirements of the Americans with Disabilities Act, the Transportation Development Code and the provisions of the Transportation Department Design Manual. The engineering plans must correctly show all transportation-related engineering details, including but not limited to, the design of all private access (vehicular and pedestrian), pavement restoration in all City right-of-way, mailbox location, sight distance, as well as all transportation infrastructure and frontage improvements required by this report. Appropriate standard drawings from the Transportation Department Design Manual must be included in the engineering plans.

AUTHORITY: Bellevue City Code 14.60; Transportation Department Design Manual

REVIEWER: Ray Godinez

4. SIGHT DISTANCE

If necessary to meet the sight distance requirements of BCC 14.60.240 and standard drawing TE-1, existing vegetation near the access point on Lake Washington Boulevard SE

and SE 40th Street must be trimmed. Ground vegetation within the sight triangle must be trimmed to no more than 2.5 feet above a line drawn from pavement level to pavement level. Trees within the sight triangle must be limbed up to a height of 7.5 feet above a line drawn from pavement level to pavement level. A description of any required vegetation trimming must be shown on a sheet of the clearing and grading plan set.

AUTHORITY: Bellevue City Code 14.60.240

REVIEWER: Ray Godinez

5. PAVEMENT RESTORATION

The city's pavement manager has determined that segments of Lake Washington Boulevard SE and SE 40th Street fronting the project site will require trench restoration for any utility connections or other digging in the street surface. The City's right-of-way manager (and the Parks Department for SE 40th Street restoration requirements) shall specify exact pavement restoration requirements. Pavement restoration must meet the requirements of Section 21 of the Design Manual and standard drawings ROW-1 through ROW-5. Exact copies of the appropriate trench restoration drawing(s) must be included in the final engineering plans.

AUTHORITY: Bellevue City Code 14.60.250 and Design Manual Design Standard # 21

REVIEWER: Jon Regalia, 425-452-4599

6. TREE PROTECTION

To mitigate adverse impacts to nondisturbed areas and trees to be retained during construction:

- a. Clearing limits shall be established at the limit of nondisturbed areas and for retained trees within the developed portion of the site, outside of drip lines. Six-foot chain link fencing with driven posts, or an approved alternative, shall be installed at the clearing limits prior to initiation of any clearing and grading.
- b. No excavation or clearing should be performed within drip lines of retained trees except as specifically approved on plans. All such work shall be done by hand to avoid damage to roots and shall be done under the supervision of an arborist approved by the city.

AUTHORITY: Bellevue City Code 23.76.060

REVIEWER: Drew Folsom, Planning and Community Development Department

7. FINAL WETLAND BUFFER RESTORATION/MITIGATION PLAN:

A Final Wetland Buffer Restoration/Mitigation Plan must be submitted to and approved by the Department of Planning and Community Development prior to the completion of Plat Engineering. All vegetation in the wetland and associated buffers (located in the NGPA) must be comprised entirely of native plants appropriate to the site and wetland characteristics and with sufficient variety to support a variety of bird and animal species. Per applicant's plan, planting densities must be sufficient to achieve full canopy coverage within the three year monitoring period.

AUTHORITY: SEPA: Comprehensive Plan Policy EN-64, LUC 20.25H.120
REVIEWER: Drew Folsom, Planning and Community Development

8. LANDSCAPE INSTALLATION AND MAINTENANCE SECURITY – WETLAND BUFFER RESTORATION/MITIGATION

The applicant must submit a combined Landscape Installation and Maintenance Security in the amount of 100 percent of the costs of buffer enhancement plan implementation, including labor, materials, maintenance, and monitoring. The security may be released in partial amounts in proportion to work successfully completed over the five year monitoring period, as the applicant demonstrates performance and corrective measures. Performance, maintenance, and corrective measures to assess compliance and successful completion of work are described in the proposed *Wetland Buffer Restoration/Mitigation* plan, submitted by the applicant.

AUTHORITY: Land Use Code 20.20.520.K.1 and 2, and 20.20.520.L.1 and 2
REVIEWER: Drew Folsom, Planning and Community Development Department

9. FIRE ACCESS ROAD

Fire access roads shall be paved, with a minimum width of 16 feet and with a minimum inside turning radius of 28 feet. The access road shall be capable of supporting fire apparatus with a gross weight of 64,000 lbs. (rear axle=48,000 lbs and front axle=19,000 lbs).

AUTHORITY: IFC 503
REVIEWER: Mike Versoi, Fire Department

10. FIRE HYDRANT

Provide a fire hydrant at an approved location and within 50 feet of the Fire Department Connection.

AUTHORITY: IFC 508.5.1
REVIEWER: Mike Versoi, Fire Department

C. PRIOR TO FINAL SHORT PLAT APPROVAL:

1. VARIANCE/MODIFICATION RESTRICTION

Approval by the City of this short plat is a determination that each lot in the short plat can be reasonably developed in conformance with the Land Use Code requirements in effect at the time of preliminary short plat approval without requiring a variance.

AUTHORITY: Land Use Code 20.45B.130.A.6
REVIEWER: Drew Folsom, Planning and Community Development Department

2. NATIVE GROWTH PROTECTION AREA (NGPA)

The wetland and steep slope, including their primary buffers, shall each be designated as an NGPA. Each NGPA shall be designated on the face of the Final Short Plat mylar along with wording restricting its use. The designation shall include the following restrictions:

- An assurance that native vegetation will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering and protecting plants and animal habitat, and;
- The right of the City of Bellevue to enforce the terms of the restriction.

The boundaries of the NGPA, including primary buffers, shall be delineated with permanently installed survey markers at all property corners and identified with permanent information signs at the property line and at each angle point not on a property line. This area should be set off with a split rail fence or equivalent to clearly demark the location of the tract and associated primary buffers extending outside of the tract.

AUTHORITY: Land Use Code 20.25H.110.D, 20.25H.120

REVIEWER: Drew Folsom, Planning and Community Development Department

3. TREE PRESERVATION PLAN

A Tree Preservation Plan that portrays the drip-line, the diameter size, and common name of each significant tree to be retained must be recorded with the final plat mylar. The Tree Preservation Plan must contain the following note:

"Tree Preservation Plan:

Designation of trees on the Tree Preservation Plan establishes a covenant by the owner to leave undisturbed all trees as shown on the Tree Preservation Plan. This covenant shall run with the land and shall be binding upon all future owners. No tree topping, tree cutting or tree removal shall occur unless required or approved by the City. Except for ordinary landscape maintenance, no construction, clearing or land alteration activities shall occur within the drip-line of trees shown on the Tree Preservation Plan, unless required or approved by the City. Activities in violation of this covenant are subject to penalty, including without limitation, fines and mitigation requirements. The City of Bellevue shall have the right, but not the obligation, to enforce the requirements, terms and conditions of this covenant by any method available under law. It is the obligation of the owner to comply with the terms of the Tree Preservation Plan and this covenant."

AUTHORITY: Land Use Code 20.20.520.E

REVIEWER: Drew Folsom, Planning and Community Development Department

4. INFRASTRUCTURE IMPROVEMENTS

All street frontage and infrastructure improvements shown in the final engineering plans or required by city codes and standards must be either completed prior to approval of the final

Mercer Marine Short Plat and Substantial Development Permit
06-116842-LN and 06-136068-WG

Page 18 of 19

short plat or provided for with a financial assurance device. Land Use Code Section 20.40.490 allows a developer to obtain final short plat approval prior to finishing improvements with provision of an acceptable financial assurance device equivalent to 150% of the cost of unfinished infrastructure improvements. Provision of such an assurance device requires completion of the improvements by the developer within two years of final short plat approval. Installation of improvements that would negatively affect safety if left unfinished may not be delayed through use of a financial assurance device. Improvements must be approved by the Transportation Department inspector before they are deemed complete. Specific requirements are detailed below:

a) Site Specific Items:

- i) 8 foot wide concrete sidewalk with curb, gutter to match existing sidewalk (at locations where existing frontage is disturbed by the access connections) on Lake Washington Boulevard SE.
- ii) Matching frontage improvements (as described above) at the intersection of Lake Washington Boulevard SE and SE 40th Street. Concrete improvements shall end beyond the tangent of the intersection radius on SE 40th street and shall transition to a hard surface trail with bio swale separation. Required curb radius is 25 feet.
- iii) ADA ramp at the curb radius of Lake Washington Boulevard SE and SE 40th Street per TE-12.
- iv) Channelization for crosswalk markings at the intersection of Lake Washington Boulevard SE and SE 40th Street per TE-7.
- v) 6-foot wide, hard-surface, pedestrian trail along the southern property line of the project site (fronting SE 40th Street) per DEV-20. This trail shall be set within a pedestrian easement (offset 2 feet each side of the trail surface) and shall run from the connection to the concrete sidewalk at intersection of Lake Washington Boulevard and SE 40th Street to the private access road serving lots 6 through 8. The trail shall meander to save existing street trees where feasible.
- vi) Bio-swale along the project's frontage on SE 40th Street (to provide pedestrian separation from vehicular traffic).
- vii) Installation of driveway aprons per city standard: DEV-7D on Lake Washington Boulevard SE and DEV-7B on SE 40th Street. All connections to right-of-way for access shall be a minimum of 20 feet wide.
- viii) Dedication of right-of-way along the curb radius at the intersection of SE 40th Street and Lake Washington Boulevard SE. Dedication area shall be a four foot offset from back of sidewalk matching back into existing right-of-way along SE 40th Street.
- ix) Private cul-del-sac turnaround per DEV-1 providing access for lots 1 through 5. Pavement design shall be per DEV-8. Cul-del-sac shall have 5 foot wide concrete sidewalk with curb and gutter. Sidewalk construction per TE-11. Curb and gutter construction per TE-10 (Cement Concrete Traffic Curb and Gutter).

- x) Fully paved private road for lots 6 through 8. Minimum paved width is 20 feet. Pavement design shall be per DEV-8. Pavement design per DEV-8.
- xi) All other construction needed to facilitate items i through vii above.
- xii) All other construction necessary to mitigate for negative impacts (caused by this short plat) to the city's transportation system.

b) Miscellaneous:

- Landings on sloping approaches are not to exceed a 10% slope for a distance of 20 feet approaching the back edge of sidewalks. Driveway grades must be designed to prevent vehicles from bottoming out due to abrupt changes in grade.
- The maximum longitudinal and cross-sectional grades shall not exceed 8%.
- Vehicle and pedestrian sight distance must be provided per BCC 14.60.240 and 14.60.241.

5. COVENANT FOR MAINTENANCE AND REPAIR

The final short plat must include a covenant that permanently binds the property owners to provide for maintenance and repair of all private access infrastructure assigned, including a condition that all private access routes will remain open at all times for emergency and public service vehicles.

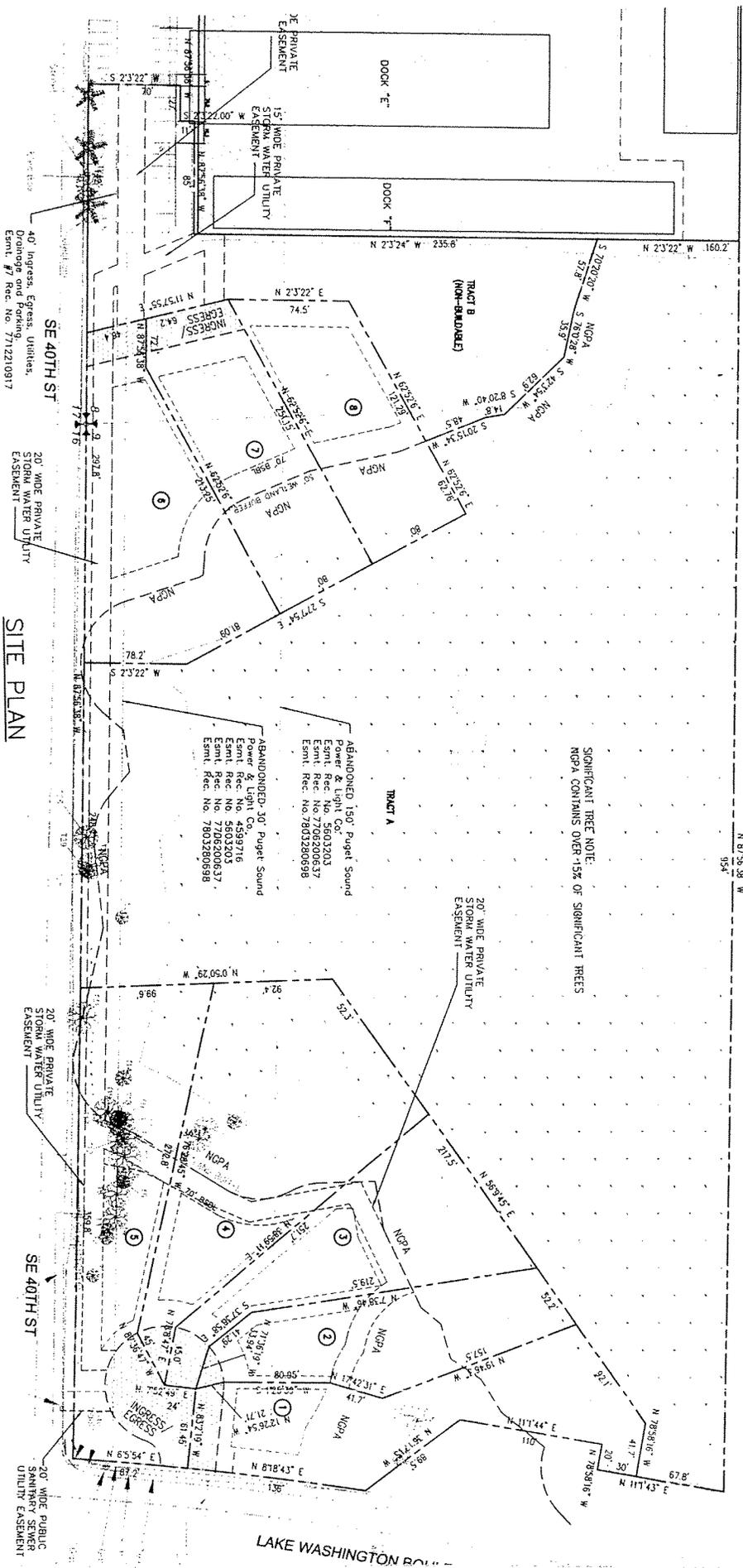
REVIEWER: Ray Godinez
AUTHORITY: BCC 14.60.130

LIST OF ATTACHMENTS

- A. Plans and Drawings
- B. Zoning Map
- C. Vicinity Map
- D. Mitigation and Revegetation Plan

SE 1/4, Sec. 9, Twp. 24N, R. 5E, W.M.

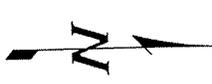
Mercer Marine Shortplat



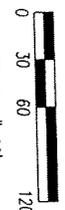
SITE LEGEND

- PROPOSED SETBACK ENVELOPE
- INGRESS/EGRESS EASEMENT
- NCPA BOUNDARY

LOT #	SIZE (±)	BUFFERED LOT AREA - BUFFER	35% (±) COVERAGE
1	22,537	8,056	3,688
2	16,525	5,562	3,837
3	19,315	10,000	3,300
4	32,060	22,704	12,732
5	27,301	9,969	6,068
6	23,973	8,121	5,346
7	18,831	6,974	4,150
8	16,512	5,689	3,788
TRACT A		295,023	
TRACT B		40,721	



NOTE:
Vertical Datum: City of Bellevue NAD 88
Benchmark control point: 0136 EL 20.32 located at section corner 8.317.16



SHEET INDEX

- C1 TITLE SHEET
- C2 ROAD PLAN - WEST
- C3 ROAD PLAN - EAST
- C4 WEST UTIL CONNECTION PLAN
- C5 UTILITY/GRADING - WEST
- C6 UTILITY/GRADING - EAST
- RC1 SLOPE CATEGORIES
- RC2 TREE RETENTION PLAN

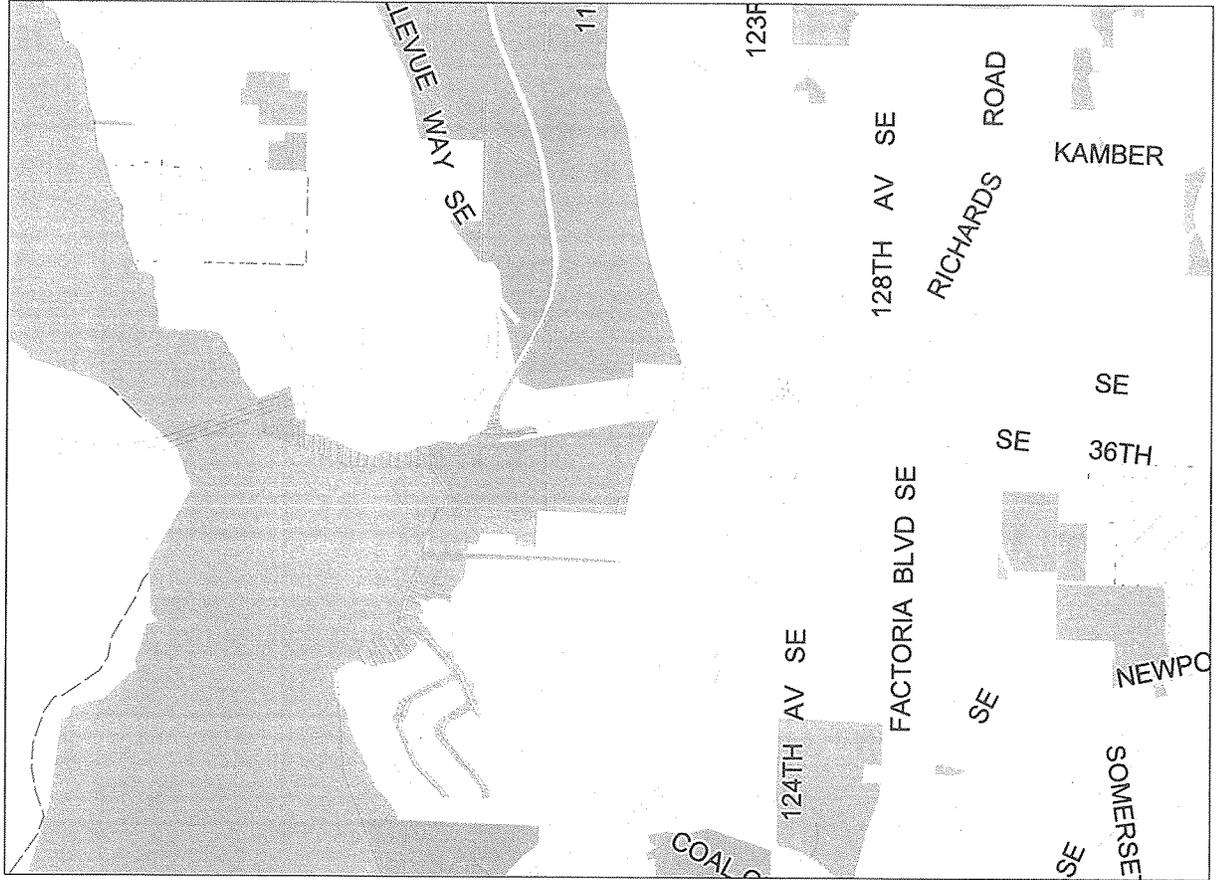
PROJECT TEAM

- OWNER/APPLICANT
- CIVIL ENGINEER
- ENVIRONMENTAL
- LAND SURVEYING COMPANY
- SUBSECTOR
- LAND MARK SURVEYING
- ARCHITECT
- GEOTECHNICAL ENGINEER
- PLAN GEO

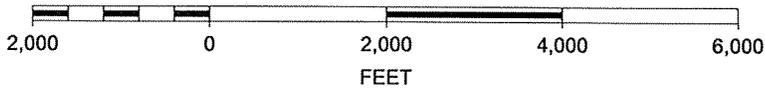


City of Bellevue MapGuide

- Streets & Street Names
- Hydrology
- Parks Sites
- Cover Types
- School Layers
- Districts - Areas
- Property Layers
- County-Regional



SCALE 1 : 25,876



B

GENERAL PLANTING NOTES

- The Landscape Contractor shall provide a bidder-designed fully automatic irrigation system w/ auto-off rain sensor. System to be operational from June 1 through September 15th for two consecutive years. Plant installation. **Provide irrigation system in-shill plant to the corner and the City of Bellevue.**
- The Landscape Contractor is responsible for verifying the locations of all underground utilities prior to commencement of work; and to protect said utilities from damage during plant installation. Contractor shall obtain and pay for all necessary permits not already obtained and fees not already paid as required by applicable codes and ordinances for this work.
- Contractor shall be responsible for all site preparation, including grading, staking, utility, walks, curbs and paved surfaces during the installation of landscape and site preparation work.
- Contractor shall keep all areas of work clean, neat and orderly at all times. All paved areas are to be cleaned following planting and maintenance activities.
- Proposals for plant substitutions, location amendments, soil amendments or any variations from the design shall require prior approval by the Landscape Architect and the City of Bellevue designated respects.
- Soils located in planting areas that have been compacted to a density greater than that penetrable with a hand shovel (approx. 85%), shall be loosened to increase aeration for a minimum depth of 18 inches for the entire area of the compacted soils utilized for landscape purposes. Imported soils shall be placed into loosened sub grade to a minimum depth of 6". See planting notes for more specific details.
- Contractor shall perform an on-site soil analysis of the soils. Verify the need for additional soil amendments. Appropriate amendments shall be applied prior to planting.
- Permitted applications of pesticides shall be applied by licensed applicators only. All use of fertilizers, pesticides, and herbicides shall comply with Best Management Practices for the City of Bellevue. All applications shall be made in a manner that will inhibit their entry into waterways, wetlands, and storm drains.
- All plant material shall meet current American Association of Nurseryman Standards for Nursery Stock (ANSI Z60.1) requirements. Plant sizes for buffers and parking lots shall conform to the standards outlined in the City of Bellevue Land Use Code.
- Plant material shall be delivered to the site of delivery. Plant material that has been approved for installation shall be planted within 24 hrs. Installation shall not be conducted under adverse weather conditions without prior approval. Plant material that cannot be planted within one day following arrival shall be heeled-in, kept moist and protected at all times from extreme weather conditions. Plants shall be stored at the sole responsibility of the contractor.
- Tree pits shall be a minimum of three times (3X) the diameter of the tree's root mass. Additional aeration may be required.
- Plant materials shall be guaranteed for a period of one year. Plant material that has lost more than 30 percent of its normal foliage shall be replaced.
- Depth certified weed-free coarse wood chip mulch.
- Street trees and shrub bushes shall be consistent with the City of Bellevue Land Use Code. Additionally:
 - Trees will not be planted in locations that could lead to root damaging sidewalks or curbing.
 - Trees will not be planted to obstruct or vehicular lines-of-sight at traffic intersections and driveways or to obstruct street lighting, signage or to result in a safety concern.

SEE NEXT SHEET FOR PLANT INSTALLATION SPECIFICATIONS

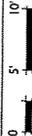


PLANT LEGEND:

TREES	BOTANICAL NAME / COMMON NAME	QTY	SIZE
①	PIEA SITCHENSIS / STRA SPRUCE	10	2 GAL
②	POPULUS TRICHOCARPA / RED COTTONWOOD	22	1 GAL
③	THUJA PLICATA / WESTERN RED CEDAR	29	2 GAL
SHRUBS			
④	ACER ORNANTHUM / YPPE HAWLES	28	1 GAL
⑤	CORNUS SERICEA / RED TWIG DOGWOOD	14	1 GAL
⑥	LONICERA HYPOLOCHATA / BLACK TWIGBERRY	15	1 GAL
⑦	MAHOEVA AQUIFOLIUM / TALL OREGON GRAPE	28	1 GAL
⑧	RIBES SANDWICHENSE / RED FLOWERING CURRANT	27	1 GAL
⑨	ROSA MUTABANA / HOOTMA ROSE	34	1 GAL
⑩	RUBUS SPECTABILIS / SALMONBERRY	37	1 GAL
⑪	SALIX SCOLEBRIANA / SCOLLERS WILLOW	22	1 GAL
⑫	SALIX LASANDRA / PACIFIC WILLOW	28	1 GAL
⑬	SAMBUCUS RACEPHORA / RED ELDERBERRY	21	1 GAL
⑭	SYMPHORICARPOS ALBUS / SNOWBERRY	23	1 GAL
PERENNIALS / EMERGENTS / GROUNDCOVER			
⑮	HAYDONIA NERVOSA / LOW OREGON GRAPE	21	1 GAL - 3 per symbol
⑯	POLYSTICHUM MUNITZUM / SWOVID FERN	43	1 GAL - 2 per symbol

BUFFER ENHANCEMENT PLAN

SCALE: 1" = 10'-0"



Project Name: _____
 Designer: _____
 Checked: _____
 File name: _____
 TWC SHEET: _____
 JOB NUMBER: 0511
 SHEET NUM: 1 2

D



City of Bellevue
 Department of Planning & Community Development
 P.O. Box 90012, Bellevue, WA 98009-9012
 (425) 452-6864 Fax (425) 452-5225

**Shoreline Management Act of 1971
 Permit for Shoreline Management Substantial
 Development
 Conditional Use and/or Variance**

Application No. 06-136068-WG

Date Received December 6, 2006

Approved / Date April 26, 2007
 Denied / Date _____

Type of Action:

- Substantial Development Permit
- Conditional Use Permit
- Variance Permit

Pursuant to Chapter 90.58 RCW, a permit is hereby granted/denied to: **Doug Burbridge**

to undertake the following development:

Installation of Short Plat infrastructure for 8-lot Short Plat. No work below ordinary high water mark is proposed.

upon the following property: **3911 Lake Washington Blvd SE**

within Lake Washington
 and/or its associated wetlands. The project will be located _____ within Shorelines of Statewide
 Significance (RCW 90.58.030). The project will be located within a Shoreline Overlay District
 designation. The following master program provisions are applicable to this development:

- Land Use Code(LUC) Section 20.25E.080(B)General Regulations Applicable to all Land Use Districts & Activities:
- LUC Section 20.30R.155 Shoreline Substantial Development Permit
- Bellevue Comprehensive Plan, Shoreline Management Program Element, Policy SH-37

Development pursuant to this permit shall be undertaken in accordance with the following terms and conditions:

- A. **Revegetation Plan:** To mitigate potential impacts to fisheries resources the shoreline area and wetland buffer shall be re-vegetated per the plan submitted March 15, 2007. All plant materials used shall be indigenous to the shoreline environment. The size of all plant materials shall ensure ground coverage within a three-year period. It is the applicants responsibility to monitor the vegetation and supply the Department of Planning and Community Development with written and photographic documentation on a yearly basis.
 Authority: SEPA, Comprehensive Plan Policy EN-34 and Shoreline Master Program Policy Sh-13, LUC 20.20.120
- B.. **Field Location of Utilities:** To mitigate potential water quality degradation if a sewer line is broken during construction, utilities shall be field located prior to construction activities. The appropriate jurisdictions and departments shall be contacted at 1-800-424-5555.
 Authority: SEPA, Comprehensive Plan Policy EN-40

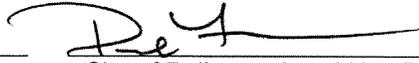
This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof.

Construction pursuant to this permit, or substantial progress toward construction, must be undertaken within two years of the date of final approval. This permit shall expire five years from the date of local approval.

Construction pursuant to this permit will not begin or is not authorized until twenty-one (21) days from the date of filing, as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one (21) days from the date of such filing have terminated; except as provided in RCW 90.58.140(5) (A) (B) (C).

4/26/07



Date

City of Bellevue, Land Use Division

CC: Attorney General, Department of Ecology, Northwest Region

Dept. of Fish and Wildlife, c/o Dept. of Ecology, 3190 160th Ave SE, Bellevue, WA 98008-5452 attn: Larry Fisher