

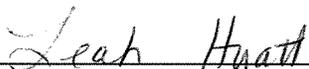


**City of Bellevue
Department of Planning & Community Development
Land Use Division Staff Report**

Proposal Name: Niad Short Plat
Proposal Address: 15251 NE 6th St
Proposal Description: Preliminary Short Plat to subdivide an existing 20,280 square foot lot in the R-5 zoning district into two single family lots.
File Number: 07-103390-LN
Applicant: Niad Builders, Patrick Thorne 425-829-2192
Decisions Included: Administrative Decision for a Preliminary Short Plat through Process II, Land Use Code 20.35.200.

**State Environmental Policy Act Exempt (WAC 197-11-800(6)(a))
Threshold Determination:**

Department Decision: **Approval with Conditions**



Leah Hyatt Assistant Land Use Planner
Dept. of Planning and Community Development

Application Date: January 3, 2007
Notice of Application: January 18, 2007
Decision Publication Date: March 1, 2007
Appeal Deadline: March 16, 2007

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 (20,270 square feet) into two single family lots both 10,135 square feet in the R-5 zoning district. The existing parcel is located at 1521 NE 6th Street; the existing residence will be removed.

II. Site Description and Context

The site is located in a community of single family residential homes in the Crossroads Subarea of the Comprehensive Plan. The site slopes gradually downwards from the north to the southwest. The site contains eleven significant trees of which x are Fir, y are Alder and z are Oak. Primary access is gained from NE 6th St via a 20-foot joint use access easement which serves three other lots. The existing easement will provide access to both new lots. The minimum lot size for R-5 is 7,200 square feet; the two proposed lots are both over 10,000 square feet.

CONSISTENCY WITH LAND USE CODE/ZONING REQUIREMENTS

A. Special District Requirements (Critical Area Overlay District LUC. 20.25H)

The site contains no Critical Areas as defined in LUC Section 20.25H.

B. Consistency with Standard Land Use Code Requirements

BASIC INFORMATION		
Zoning District	R-5	
Gross Site Area	20,270 sq. ft.	
Protected Area	N/A	
ITEM	REQ'D/ALLOWED	PROPOSED
Minimum Lot Area	7,200 sq. ft.	10,135 sq. ft.
Minimum Lot Width	60 feet	129.69 ft.
Minimum Lot Depth	80 feet	78.71 ft.
Building Setbacks		
Front Yard	20 feet	20 feet
Rear Yard	20 feet	20 feet
Min. Side Yard	5 feet	5 feet
2 Side Yard	15 feet	15 feet
Access Easement	10 feet	10 feet
Tree Retention	15% or 13 inches	39% or 33 inches

IV. STATE ENVIRONMENTAL POLICY ACT (SEPA)

There are no Critical Areas located on the subject property. Short Plats not containing Critical Areas are exempt from SEPA review pursuant to WAC 197-11-800(6)(a).

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 is based on the conceptual utility design only. See Section VIII of this report for Utilities Department related Conditions of Approval.

B. Fire Department Review

Automatic fire sprinklers may be required depending upon the available fire flow. See Section VIII of this report for Fire Department related Conditions of approval.

C. Transportation Department Review

The Transportation Department has reviewed the plans submitted for the Niad preliminary short plat and recommends approval. Final engineering plans will not be required as transportation-related construction is minor and manageable by field direction and verification by the Transportation Inspector.

Under BCC 22.16, payment of the transportation impact fee for each new house will adequately mitigate off-site transportation impacts. The fee amount is subject to periodic revision by the city council. Builders will pay the fee in effect at the time of building permit issuance.

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 such as construction of utilities. A Right-of-Way Use Permit for such activities must be acquired prior to issuance of any construction permit including the demolition permit. This permit is issued directly by the Transportation Department / Right-of-Way Section.

Street Frontage Improvements

Frontage improvements will not be required from the Niad Short Plat due to the fact that the project site does not front city right-of-way—access to city right-of-way is gained via an existing private road connecting to NE 6th Street.

Site Access

Access to Lots 1 and 2 will be from separate private driveways connecting to an existing private road (which connects to NE 6th Street). The developer has been instructed to maintain a 20-foot clear distance between driveways. Driveway connections to the private

road shall be designed per the Transportation Design Manual Standard Drawing DEV-7B: Residential or Commercial Driveway Approach Where No Curb-Gutter Exists.

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 NE 6th Street is classified as an "Overlay Required" Street. The applicant will be responsible for all damage to the paved surfaces of NE 6th Street and the private access road caused by construction activity related to the Niad Short Plat.

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. The Niad Short Plat will create one new p.m. peak hour trip. This is well below the 30 trip threshold for concurrency testing and therefore testing will not be required.

Pavement width and overall condition of the existing private access road is adequate to provide safe ingress / egress for the Niad Short Plat. The additional trip generation of the new lot (one new p.m. peak hour trip, ten new daily trips) will not encumber traffic operations on the private access road nor at its connection to NE 6th Street. Sight distance, grade and cross slope of the new separate driveways and the existing private road are adequate. Turn-around facilities shall be provided by a 20-foot wide, 45-foot long driveway on lot 2. See Section VIII of this report for Transportation Department related Conditions of Approval.

VI. PUBLIC NOTICE AND COMMUNITY INPUT

<i>Application Date:</i>	January 03, 2007
<i>Public Notice (500 feet):</i>	January 18, 2007(Includes sign installation at the site)
<i>Minimum Comment Period:</i>	February 1, 2007

Notice of Application was published in the City of Bellevue's *Land Use Bulletin* and the *King County Journal* on January 18, 2007. 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. One comment was received from the public. The letter address concerns regarding the placement of mailboxes, noise and maintenance of an existing joint use access easement. As conditioned, the proposal mitigates noise impacts by restricting the hours of construction and requires that all future owners share in the maintenance of the existing joint use access easement.

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 NE 6th St, an improved public 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 limiting topographic modifications and meeting impervious surface requirements of LUC Section 20.20.

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-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-5 which has a minimum lot size requirement of 7,200 square feet. The dimensional requirements for the R-5 zoning district include:

- 20' Front Yard Setback
- 20' Rear Yard Setback
- 5' Side Yard Setback
- 15' Two Side Yard Setback
- 30' Maximum Building Height

- 40% Maximum Lot Coverage by Structure
- 55% Maximum Coverage by Impervious Surface
- 60' 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-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 in a particular lot is not reduced by more than 10 percent.

B. Significant Tree Preservation: The tree preservation requirements under LUC Section 20.20.900 to save 15 percent of significant trees on the site apply to this proposal. The applicant has identified 11 significant trees on the site with a total of 88 diameter inches. In order to meet the 15% minimum retention requirement, the project must retain 13 diameter inches of significant trees.

Finding: The applicant proposes to preserve 2 trees that comprise a total of 35 diameter inches, or 39% of significant trees. This satisfies minimum tree retention requirements. See conditions of approval in Section VIII.

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

Finding: The site is located within the Crossroads Subarea of the Comprehensive Plan. The Comprehensive Plan specifies single-family medium density 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-13). 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-19; UD-16, 18, 60), maintain good surface water quality (EN-33), restrict surface water runoff to predevelopment levels (EN-37), and provide traffic mitigation (TR-35).

The proposal meets utility standards (UT-1), provides development on infill or under-utilized sites with adequate urban services (HO-3), 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-5 zoning standards without requiring a variance. The proposed lots meet minimum standards for lot width, lot depth, and lot area of the R-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.

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 **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	Leah Hyatt, 425-452-6834
Construction Codes – BCC Title 23	Build. Division, 425-452-6864
Fire Code – BCC 23.11	Adrian Jones, 425-452-6032
Land Use Code – BCC Title 20	Leah Hyatt, 425-452-6834
Noise Control – BCC 9.18	Leah Hyatt, 425-452-6834
Sign Code – BCC Title 22	Leah Hyatt, 425-452-6834
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, 425-452-6834

A. GENERAL CONDITIONS

1. UTILITIES DEPARTMENT APPROVAL

The Utilities Department approval of the Preliminary Short Plat Application is based on the preliminary utility design. Final civil engineering of the utility design may require changes to the site layout to accommodate the Utilities. The water, sewer, and storm drainage systems shall be designed per the current City of Bellevue Utility Codes and Utility Engineering Standards. Utilities design review plan approval and field inspection will be performed through the Utilities permit processing desk at City Hall when permits for water, sewer and storm are applied for. All water, sewer and storm easements will be recorded on the face of the final short plat document.

Authority: BCC Title 24.02, 24.04, 24.06
Reviewer: Rob Hutchinson, Utilities Department

2. NOISE - CONSTRUCTION HOURS

The proposal will be subject to normal construction hours of 7am to 6 pm Monday through Saturday except for Federal holidays and as further defined by the Bellevue City Code.

Authority: Bellevue City Code 9.18
Reviewer: Leah Hyatt, 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 prevent 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 Department

3. 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: Leah Hyatt, Planning and Community Development Department

4. TRANSPORTATION IMPACT FEE

Payment of the traffic impact fee will be required at the time of single family building permit issuance. The impact fee is estimated to be \$464.71 per new dwelling. This fee is subject to change and the fee schedule in effect at the time of building permit issuance will apply. Credit for the existing home shall apply for impact fees due on lot 1.

Authority: Bellevue City Code 22.16
Reviewer: Ray Godinez, Transportation Department

C. PRIOR TO FINAL SHORT PLAT APPROVAL:

1. VARIANCE 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: Leah Hyatt, Planning and Community Development Department

2. 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 20.20.900
Reviewer: Leah Hyatt, Planning and Community Development Department

3. 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 the private road, including a condition that the private road will remain open at all times for emergency and public service vehicles.

Authority: BCC 14.60.130
Reviewer: Ray Godinez, Transportation Department

4. INFRASTRUCTURE IMPROVEMENTS

All transportation-related infrastructure shall be completed. Said infrastructure for the Niad Short Plat consists of:

- i) One private driveway for Lot 1 built per Transportation Design Manual Drawing DEV-7B: Residential or Commercial Driveway Approach Where No Curb-Gutter Exists.

Minimum driveway width is 12 feet with no length requirement.

- ii) One private driveway for Lot 2 per Transportation Design Manual Drawing DEV-7B: Residential or Commercial Driveway Approach Where No Curb-Gutter Exists. Minimum driveway width is 20 feet, minimum length is 45 feet. (These dimensions are needed to provide a turn-around facility at the end of private road.)

In addition to the design specifications of drawing DEV-7B, all transportation-related infrastructure shall adhere to applicable city codes and standards and shall be completed prior to the final approval of the building inspection.

Bonding for unfinished transportation-related infrastructure is not required due to the minor nature of said infrastructure. All transportation-related infrastructure must be approved by the Transportation Department inspector before they are deemed complete. Additional design requirements are specified below:

- Driveway landings are not to exceed a 10% slope for a distance of 20 feet approaching the connection to private access road; maximum grade thereafter is 15%. 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.

Authority: Bellevue City Code 14.60.250
Reviewer: Ray Godinez, Transportation Department

5. PAVEMENT RESTORATION

The City's pavement manager has determined that the portion of NE 6th Street fronting the project site will require a Grind and Overlay if trenching is to occur on said street. The developer will be responsible to restore all paved surfaces damaged by construction activities related to the Niad Short Plat (including the private access road providing ingress/egress for the plat). Trench restoration must meet the requirements of Section 21 of the Design Manual and standard drawings ROW-1 through ROW-5. Generally, pavement restoration will return all damaged paved surfaces to the same or better condition (prior to the construction of the Niad Short Plat).

Authority: Bellevue City Code 14.60.250 and Design Manual Design Standard # 21
Reviewer: Ray Godinez, Transportation Department

5. Access Easement

The access easement shall have a minimum paved width of 16 feet with no parking allowed on either side.

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Authority: International Fire Code (IFC) 503 & Bellevue City Code 5675 and Bellevue
Fire Department Development Standards (BFDDS) Chapter 3
Reviewer: Adrian Jones, Fire Department

LIST OF ATTACHMENTS

- A. Plans and Drawings
- B. Zoning Map
- C. Vicinity Map