



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

Proposal Name: Lindor Short Plat

Proposal Address: 10100 NE 16th Pl.

Proposal Description: Subdivide one 20,003 square foot lot, zoned R-3.5 into two lots.

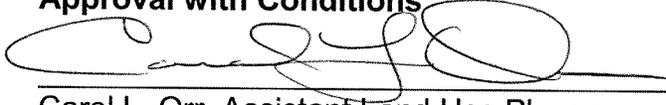
File Number: 07-111998-LN

Applicant: Karl Lindor

Decisions Included: Administrative Decision for a Preliminary Short Plat through Process II, Land Use Code 20.35.200, combined with Final Short Plat.

State Environmental Policy Act Threshold Determination: Exempt (WAC 197-11-800(6)(a))
Not applicable

Department Decision: **Approval with Conditions**



Carol L. Orr, Assistant Land Use Planner
Dept. of Planning and Community Development

Application Date: 4/5/2007
Notice of Application: 5/17/2007
Decision Publication Date: 10/25/2007
Appeal Deadline: 11/8/2007

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

Subdivide one 20,003 square foot lot, into two lots, one measuring 10,001 square feet, the other 10,002 square feet. The site is located in the R-3.5 zoning district. The lot area was enlarged by 38 square feet, via a boundary line adjustment in August, 2007. This enabled the lot to achieve the minimum lot size required for subdivision and to achieve appropriate setback requirements for the existing residence to remain on site.

The applicant has requested both preliminary and short plat approval. Land Use Code (LUC) 20.45B.070 allows for an applicant to request that the review and decision on the preliminary short plat and the final short plat be merged into one decision. Such an application must meet all applicable codes and policies for both the preliminary and final short plat. Staff has determined that this application is appropriate for the combined approval as it will not require Developer's Extension Agreements for utilities, nor plat engineering review.

II. Site Description and Context

Site Characteristics

The site slopes gently from northwest to southeast with no more than a 13% rise from one end of the lot to the other. The site is accessed via a private easement, a private road identified as NE 16th Pl. Adjacent development consists of single-family homes on all sides. On-site vegetation consists of a 19 significant trees primarily alders, as well as pine and cedar. The undeveloped portion of the site has significant growth of blackberries. An existing home is located on the western lot (Lot 1) and will remain.

III. CONSISTENCY WITH LAND USE CODE/ZONING REQUIREMENTS

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

There are no protected areas on site.

B. Consistency with Standard Land Use Code Requirements

BASIC INFORMATION		
Zoning District	R-3.5	
Gross Site Area	20,003 SF	
Critical Area	Not Applicable	
ITEM	REQ'D/ALLOWED	PROPOSED
Dwelling Units/Acre	3.5	2
Minimum Lot Area	10,000 SF	Lot 1: 10,001 SF Lot 2: 10,002 SF
Minimum Lot Width	70 feet	Lot 1: 82.65 feet Lot 2: 82.66 feet
Minimum Lot Depth	80 feet	121.01 feet (each lot)

Building Setbacks		
Front Yard	20 feet	20 feet
Rear Yard	25 feet	25 feet
Min. Side Yard	5 feet	5 feet
2 Side Yard	15 feet	15 feet
Tree Retention	15% = 22.7 inches	18% = 28 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 water, sanitary sewer and storm drainage systems have adequate capacities for the proposed use. A side sewer permit and inspection is required. Water service is available through the water application. The applicant is responsible for sizing the needed water service. Allow 12 weeks for installation. A storm drainage connection permit is required to connect the roof drains to an approved storm drainage outfall.

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

B. Fire Department Review

This project is approved without comment.

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

C. Transportation Department Review

The Transportation Department has reviewed the preliminary plans submitted for the Lindor Short Plat and recommends approval. Final engineering plans will not be required as transportation-related improvements are minimal (one new driveway). Still, the applicant will be required to comply with the Transportation Development Code (BCC 14.60) and the Transportation Design Manual for all transportation improvements.

Under BCC 22.16, payment of the transportation impact fee for the new house will adequately mitigate off-site transportation impacts. The fee amount is subject to periodic revision by the city council. Applicants 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 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

The Lindor Short Plat will not be required to install street frontage improvements due to the fact that the project site does not front public right-of-way. No needed trail connections, or city planned trail routes are located adjacent or within the project site.

Site Access

Access for the new lot created by this project shall be provided by a private driveway connecting to an existing private access road (NE 16th Place) which connects to 100th Avenue NE. Minimum driveway width shall be 16 feet and built per the City's Transportation Department Design Manual Standard drawing DEV-7B. The existing home of the Lindor Short Plat will remain. Its access shall remain unchanged (private driveway connection to the NE 16th Place).

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, 100th Avenue NE is classified as an "Overlay Required Street". Generally, pavement restoration for this classification consists of a full grind and overlay extending 50 feet from each side of the trench cut for the full width of the street. Final determination of pavement restoration limits shall be determined by the City's Right-of-Way manager during right-of-way permitting or by the Transportation Inspector based on the outcome of a pre-construction inspection at the completion of construction for this project.

The applicant is responsible for all damages to City right-of-way and NE 16th Place caused by construction related to the Lindor 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 Lindor Short Plat will generate one new p.m. peak hour trip and is located near the dead end of a private road which connects to 100th Avenue NE. Due to this low trip generation and dead end location, traffic impacts caused by the Lindor Short Plat will be negligible. Therefore, no on-site traffic mitigation is required.

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

VI. PUBLIC NOTICE AND COMMUNITY INPUT

Application Date: 4/5/2007

Public Notice (500 feet): 5/17/2007 (Includes sign installation at the site)

Minimum Comment Period: 14 days

Notice of Application was published in the City of Bellevue's *Weekly Permit Bulletin* and the *Seattle Times* on 5/17/2007. 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. Two citizens requested to be parties of record, and will be mailed copies of this staff report and other documentation.

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 16th Pl., a private road. 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 retaining 18% of the existing diameter inches of trees on site.

- 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.**

Finding: The proposal complies with the Land Use Code requirements for R-3.5 zoning, the Utility Code and the City of Bellevue Development Standards. Refer to section III of this staff report for an analysis of the Land Use Code consistency.

Land Use Code Requirements

A. Dimensional Requirements: The site is currently zoned single-family R-3.5 which has a minimum lot size requirement of 10,000 square feet. The dimensional requirements for the R-3.5 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 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-3.5 dimensional requirements.

B. Significant Tree Preservation: The tree preservation requirements under LUC Section 20.20.900 to save 15% of the diameter inches of all significant trees on the site apply to this proposal. The applicant has identified 3 significant trees on the site with a total of 28 diameter inches. In order to meet the 15% minimum retention requirement, the project must retain 22.7 diameter inches of significant trees.

Finding: The applicant proposes to preserve 3 trees that comprise a total of 28 diameter inches, or 18 % 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 North Bellevue Sub-area of the City. 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 the surrounding neighborhoods. The proposal provides new housing as encouraged by the Comprehensive Plan (Policy LU-2). 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, 21, 27; UD-16, 18), preserve sensitive areas on-site (EN-21, 22, 23), maintain good surface water quality (EN-33), restrict surface water runoff to

predevelopment levels (EN-39), and provide traffic mitigation (TR-37).

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-3.5 zoning standards and dimensional requirements without requiring a variance. The proposed lots meet minimum standards for lot width, lot depth, and lot area of the R-3.5 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, City Code, and standard compliance reviews, the Director of Planning and Community Development does hereby **approve** the Lindor Preliminary Short Plat **with conditions**.

This approval automatically expires and is void if the applicant fails to submit final plat documents 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	Janney Gwo, 425-452-6190
Construction Codes – BCC Title 23	Bldg. Division, 425-452-6864
Fire Code – BCC 23.11	Adrian Jones 425-452-6032
Land Use Code – BCC Title 20	Carol L. Orr, 425-452-2896
Noise Control – BCC 9.18	Carol L. Orr, 425-452-2896
Sign Code – BCC Title 22	Carol L. Orr, 425-452-2896
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	Don Rust, 425-452-4856

A. GENERAL CONDITIONS

Additional conditions or deletions as provided by land use, transportation, and or utilities departments.

1. FIRE SPRINKLERS

Fire Department approval requires that automatic fire sprinklers are provided throughout the home designed per NFPA 13D.

AUTHORITY: Bellevue City Code 23.11
REVIEWER: Adrian Jones, Fire Department

2. NOISE - CONSTRUCTION HOURS

The proposal will be subject to normal construction hours of 7am to 6 pm Monday through Friday, and 9 am to 6 pm on Saturdays, 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 no later than 10 pm if the criteria for extension of work hours as stated in BCC 9.18 can be met. A sign providing notice of the limitation on construction hours contained in this chapter shall be posted on construction sites prior to commencement of the new single family construction, per BCC 9.18.044.

AUTHORITY: Bellevue City Code 9.18
REVIEWER: Carol L Orr, Planning and Community Development Department

B. PRIOR TO ISSUANCE OF ANY BUILDING PERMIT:

1. RIGHT OF WAY USE PERMIT

The applicant may be 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.

The applicant shall contact the City's Right-of-Way manager to determine if a right-of-way permit will be required for this project. Contact Jon Regalia at 425-452-4599 (jregalia@bellevuewa.gov) or Tim Stever at 425-452-4294 (tstever@bellevuewa.gov).

AUTHORITY: Bellevue City Code 14.30

REVIEWER: Jon Regalia, Transportation Right-of-Way

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, or demolition permit.

AUTHORITY: Bellevue City Code 14.30

REVIEWER: Jon Regalia, Transportation Right-of-Way

3. PAVEMENT RESTORATION

The city's pavement manager has determined that this segment of 100th Avenue NE will require a full grind and overlay trench restoration for any utility connections or other digging in the street surface. Trench restoration must meet the requirements of Section 21 of the Design Manual and standard drawings ROW-1 through ROW-5. Pavement restoration requirements will be specified in the right-of-way permit (if required).

If this project will not require a right-of-way permit, then the applicant shall contact the City's Transportation Inspector (Bridget Krause at 425-452-4171 or bkrause@bellevuewa.gov) to discuss pavement restoration requirements. The Transportation Inspector shall verify pavement condition of 100th Avenue NE and NE 16th Place and determine the required pavement restoration limits prior to the start of and at the completion of construction for the Lindor Short Plat.

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

Reviewer: Ray Godinez, Transportation Development Review

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 \$414.75 per new dwelling. This fee is subject to change and the fee schedule in effect at the time of building permit issuance will apply.

AUTHORITY: Bellevue City Code 22.16

REVIEWER: Ray Godinez, Transportation Development Review

C. PRIOR TO FINAL SHORT PLAT APPROVAL:

1. 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 (NE 16th Place), including a condition that the private road and driveways will remain open at all times for emergency and public service vehicles.

REVIEWER: Ray Godinez, Transportation Development Review

AUTHORITY: Bellevue City Code 14.60.130

2. TREE PROTECTION

To mitigate adverse impacts to trees to be retained during construction:

- a. Clearing limits shall be established 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, clearing, or soil placement 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: Carol L. Orr, 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.”

Tree tags shall be installed on each tree required for retention. Installation of these tags shall be inspected by the land use planner prior to final short plat approval. Contact Carol L. Orr at 425-452-2896 and/or corr@bellevuewa.gov to schedule the tree tag inspection. Note: tree tags can be obtained from the land use planner.

AUTHORITY: Land Use Code 20.20.520.E

REVIEWER: Carol L. Orr, Planning and Community Development Department

4. 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. The following language shall be placed on the final short plat document:

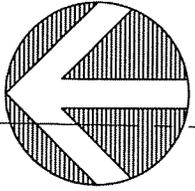
“Variance restriction: Approval by the City of this short plat is a determination that each lot in the short plat can be reasonably developed in conformance with the Land Use Code requirements in effect at the time of preliminary short plat approval without requiring a variance.”

AUTHORITY: Land Use Code 20.45B.130.A.6

REVIEWER: Carol L. Orr, Planning and Community Development Department

LIST OF ATTACHMENTS

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

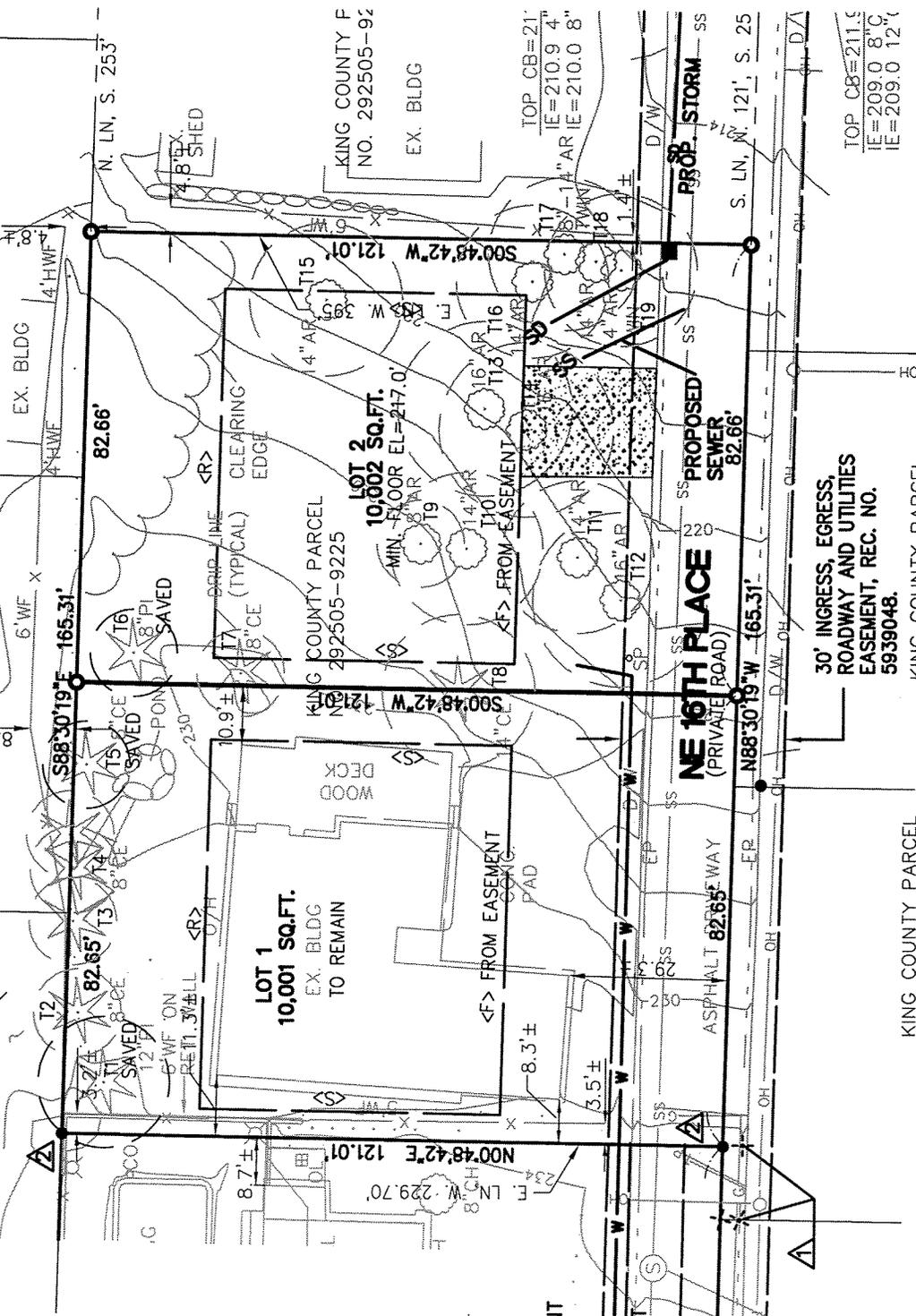


LOT 4 SCALE: 1"=30'

LOT 3

LOT 5

TAHOMA VISTA



LOT 1
10,001 SQ.FT.
EX. BLDG
TO REMAIN

LOT 2
10,002 SQ.FT.

LOT 3
10,001 SQ.FT.

30' INGRESS, EGRESS,
ROADWAY AND UTILITIES
EASEMENT, REC. NO.
5939048.

TOP CB=211.5
IE=209.0 8" C
IE=209.0 12"

KING COUNTY PARCEL

KING COUNTY PARCEL

KING COUNTY F
NO. 292505-92
EX. BLDG

NE 16TH PLACE
(PRIVATE ROAD)

PROPOSED
SEWER

PROPOSED
STORM

N. LN. S. 253'

S. LN. N. 121' S. 25

ASPHALT 82.65' WAY

EX. BLDG

EX. BLDG

EX. BLDG

WOOD DECK

WOOD

10100 NE 16th Pl.

