



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

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**Proposal Name:** Gontmahker Short Plat  
**Proposal Address:** 13435 NE 30<sup>th</sup> St  
**Proposal Description:** Preliminary Short Plat to subdivide an existing 89,223 square foot lot in the R-1 zoning district into two single family lots.  
**File Number:** 07-112371-LN  
**Applicant:** Arkadi Gontmakher  
**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**

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

Application Date: April 20, 2007  
Notice of Application: May 17, 2007  
Decision Publication Date: November 1, 2007  
Appeal Deadline: November 15, 2007

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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.

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**I. Description of Proposal**

The applicant proposes to short plat an existing 89,224 square foot parcel into two lots in the single family R-1 zoning district. The existing parcel is located at 13435 NE 30<sup>th</sup> Street; the existing residence will remain.

**II. Site Description and Context**

The site is located in the Bridle Trails Subarea of the Comprehensive Plan. The site slopes gradually downwards from the west to the east. The site contains no significant trees. Primary access for the existing and new lot will be gained from NE 30<sup>th</sup> St. The minimum lot size for R-1 is 35,000 square feet; the two proposed lots are both over 35,000 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**

<b>BASIC INFORMATION</b>		
<b>Zoning District</b>	R-1	
<b>Gross Site Area</b>	89,224.27 sq. ft.	
<b>Critical Area</b>	N/A	
<b>ITEM</b>	<b>REQ'D/ALLOWED</b>	<b>PROPOSED</b>
<b>Minimum Lot Area</b>	35,000 sq. ft.	54,143.70 sq. ft. & 35,080.57 sq. ft.
<b>Minimum Lot Width</b>	100 feet	164.77 feet & 164.68 feet
<b>Minimum Lot Depth</b>	150 feet	328.12 feet & 213 feet
<b>Building Setbacks</b>		
Front Yard	35 feet	35 feet
Rear Yard	20 feet	20 feet
Min. Side Yard	5 feet	5 feet
2 Side Yard Access Easement	20 feet	20 feet
	10 feet	10 feet
<b>Impervious Surface</b>	50 percent	50 percent – Lot 1 50 percent – Lot 2
<b>Tree</b>	15% or 0 inches	0*

Retention		
<b>Bridle Trails Tree Retention</b>	All significant trees within 20 feet of all property lines and 25 percent the diameter inches within the interior of the property.	0*

\*There are no significant trees on the existing lot consequently there are no significant trees to be retained.

**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**

Water, sanitary sewer and storm drainage facilities are available to the site and can be connected under utility permit processes.

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 Fire Department has reviewed this proposal and determined that it satisfies all applicable Fire Department codes and standards

**C. Transportation Review:**

The Transportation Department has reviewed the plans submitted for the Gontmahker preliminary short plat and recommends approval. The final engineering plans must show all transportation-related improvements and must be consistent with the Transportation Development Code (BCC 14.60) and the Transportation Design Manual prior to approval of the plat infrastructure permit. Prior to final short plat approval, the developer must provide all transportation improvements at the developer's expense (BCC 14.60.110) or provide an acceptable financial assurance device equivalent to 150% of the cost of unfinished improvements.

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

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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 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**

This project will not require street frontage improvements per Bellevue Transportation Code Section 16.60.110.E.1 which states that frontage improvements may be waived if:

*“Adjacent street frontage improvements are unlikely to be installed in the foreseeable future.”*

This is the case with the Gontmahker Short Plat application.

### **Site Access**

Existing access for the address of 2858 134<sup>th</sup> Avenue NE shall be moved to connect to NE 30<sup>th</sup> Street. The access connection to 134<sup>th</sup> Avenue NE shall be abandoned properly (removed and replaced with matching landscaping). Lots #1 and #2 will connect to NE 30<sup>th</sup> Street via separate driveway connections.

### **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 30<sup>th</sup> Street and 134<sup>th</sup> Avenue NE are classified as “Overlay Required” streets. Specific pavement restoration requirements will be documented within the right-of-way permit for this project. Contact Jon Regalia (425-452-4599; [jregalia@bellevuewa.gov](mailto:jregalia@bellevuewa.gov)) or Tim Stever (425-452-4294 or [tsterver@bellevuewa.gov](mailto:tsterver@bellevuewa.gov)) to coordinate right-of-way permitting and pavement restoration requirements for this project.

### **Transportation Impacts and Mitigation**

This project did not trigger concurrency testing per Bellevue Transportation Code 14.10 requirements. Long term and short term impacts to the City's transportation system have been analyzed and deemed acceptable by the Transportation Department (with conditions).

This proposal is located in Transportation Analysis Zone (TAZ) #189, Mobility Management Area (MMA) #2 and Impact Fee Area #2.

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 development is expected to generate one new trip during the P.M. Peak Hour. Access to the site is located on a dead-end, low volume residential street. Due to these traffic conditions, short term transportation impacts caused by this project will be negligible. See Section VIII of this report for Transportation Department related Conditions of approval.

## VI. PUBLIC NOTICE AND COMMUNITY INPUT

<i>Application Date:</i>	April 20, 2007
<i>Public Notice (500 feet):</i>	May 17, 2007 (Includes sign installation at the site)
<i>Minimum Comment Period:</i>	May 31, 2007

Notice of Application was published in the City of Bellevue's *Land Use Bulletin* and the *Seattle Times* on May 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. No comments were received from the public as of the writing of this staff report/.

## 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 30<sup>th</sup> 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 20.20.010. See Section 4.A below for a discussion regarding impervious surface limits in relation to the approval of this preliminary short plat.

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:** As conditioned, the proposal complies with the Land Use Code requirements for R-1 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-1 which has a minimum lot size requirement of 35,000 square feet. The dimensional requirements for the R-1 zoning district include:

35'	Front Yard Setback
25'	Rear Yard Setback
5'	Side Yard Setback
20'	Two Side Yard Setback
30'	Maximum Building Height
35%	Maximum Lot Coverage by Structure
50%	Maximum Coverage by Impervious Surface
80'	Minimum Lot Width
100'	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-1 dimensional requirements. The proposed short plat will place all existing development (the existing house and paved areas) within the proposed Lot 1. The maximum impervious surface coverage for Lot 1 is 27,071.5 square feet or 50% the total lot area of 54,143 square feet. A portion of the existing impervious surface on the proposed Lot 1 will need to be removed in order to comply with the allowed maximum amount of allowed impervious surface. The applicant shall remove 16,431.52 square feet of impervious surface area within the boundaries of the proposed Lot 1 prior to Final Short Plat approval. See Section VIII of this report for a related condition of approval.

- 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 0 significant trees on the site.

**Finding:** There are no significant trees located on site.

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

**Finding:** The site is located within the Bridle Trails Subarea of the Comprehensive Plan. The Comprehensive Plan specifies single-family low 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, as conditioned, meets Comprehensive Plan polices to limit impervious surfaces(EN-17), 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.

**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-1 zoning standards without requiring a variance. The proposed lots meet minimum standards for lot width, lot depth, and lot area of the R-1 land use district. There are no environmental factors which further inhibit the development of this property that would warrant a variance. The applicant will be required to reduce the amount of impervious surface on Lot 1 to receive final short plat approval See related conditions 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 Gontmahker 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:

<b>Applicable Codes, Standards and Ordinances</b>	<b>Contact Person</b>
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, 425-452-7915
Traffic Standards Code 14.10	Ray Godinez, 425-452-7915
Utility Code – BCC Title 24	Joy Ramshur, 425-452-4855

**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. Sanitary Sewer and Storm Drainage permits are required for the engineering review and inspection of the sewer and storm drainage improvements per Utility Codes. A water service installation application is required to obtain a water meter. Permit applications and submittal requirements are available from the Utility Representative at the Permit Center at any time.

Authority: Bellevue City Code Title 24.02.120, 24.04.120, 24.06.120  
Reviewer: Joy Ramshur, Utilities Department

**2. Noise – Construction Hours**

Sounds created by construction and emanating from construction sites are exempt from the provisions the Bellevue City Code chapter 9.18 between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, and 9:00 a.m. and 6:00 p.m. on Saturdays which are not legal holidays. Sounds emanating from construction sites on Sundays or legal holidays or outside of the exempt work hours are prohibited pursuant to BCC 9.18.040 unless expanded hours of operation are authorized by the department director. Upon written

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request to PCD, work hours may be extended if the criteria for extension of work hours as stated in BCC 9.18 can be met. Proximity to existing residential uses will be given special consideration.

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 (425) 452-4599

**3. Engineering Plans**

A site (civil engineering) plan produced by a qualified engineer must be approved by the City prior to clear and grading permit approval. The design of all transportation-related 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 the private driveways, pavement restoration in the City right-of-way, mailbox locations, and sight distance. 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, Transportation (425) 452-4599

#### **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 NE 30<sup>th</sup> Street and at the intersection of NE 30<sup>th</sup> Street and 134<sup>th</sup> Avenue NE 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, Transportation (425) 452-4599

#### **5. Pavement Restoration**

The city's pavement manager has determined that this segment of 145<sup>th</sup> Avenue SE will require standard 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. Exact copies of the appropriate trench restoration drawing(s) must be included in the final engineering plans.

Authority: Bellevue City Code 14.60.250 & Design Manual Design Standard #  
21  
Reviewer: Jon Regalia, 425-452-4599

### **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. Removal of Impervious Surfaces

All lots within the short plat must meet the impervious surface requirements of LUC 20.20.010 which limit impervious surface in the R-1 zoning district to 50%. Prior to approval of the Final Short Plat the applicant will be required to remove a portion of the existing impervious surface on Lot 1 so that no more than 50% of the lot is covered with impervious surface. At the time of this approval, the lot is 80% covered with impervious surfaces. The area of impervious surface removed to comply with this requirement will need to be restored to a pervious state. This information will need to be verified with a survey prepared by a surveyor licensed within the State of Washington. Removal of impervious surface shall be done in accordance with all applicable codes and requirements.

Authority: Land Use Code 20.20.010  
Reviewer: Leah Hyatt, Planning and Community Development Department

## 3. 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 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) Private driveway construction with pavement depths (minimum 3 inches of asphalt over 3 inches of crushed rock). Designed per DEV-7B.
- ii) Pavement restoration locations.
- iii) Clearly identify the existing city trail on 134<sup>th</sup> Avenue NE on the final plat map.

### 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.
- All access locations shall not be gated or obstructed and must remain open at all times for emergency and public service vehicles. A note to this effect shall be placed on the face of the final plat map.

Authority: Bellevue City Code 14.60.100, 110, 130, 150, 170, 190, 210, 240, 241; LUC 20.40.490, Transportation Department Design Manual Sections 3, 4, 5, 7, 11, 14, 19

Reviewer: Ray Godinez, Transportation Department

#### **4. 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.

Reviewer: Bellevue City Code 14.60.130  
Authority: Ray Godinez, Transportation Department

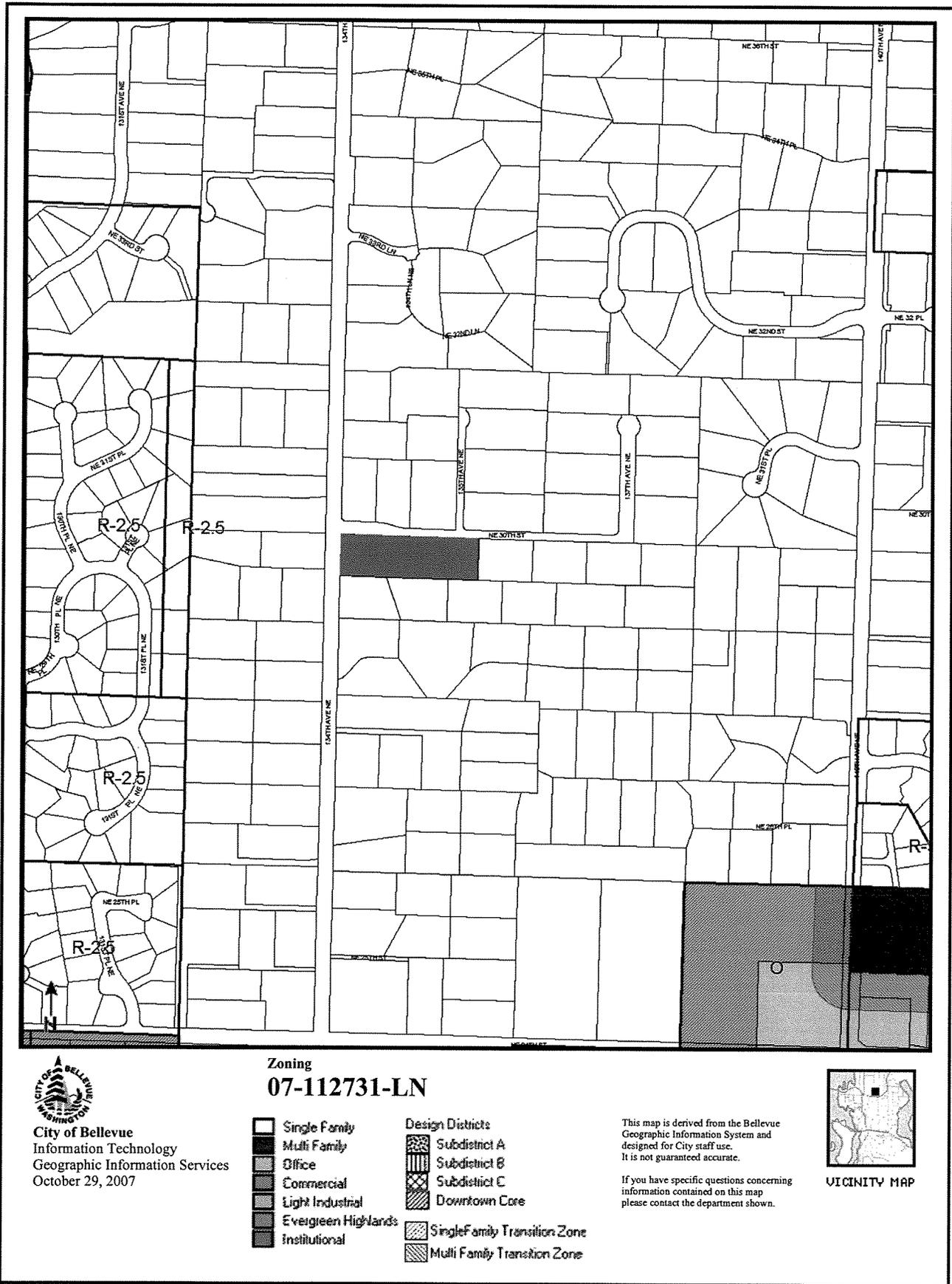
#### **5. Transportation Impact Fee**

The applicant shall pay the traffic impact fee under the provisions of the Transportation Improvement Program Ordinance. The proposed development is within Impact Fee Area #2. The current impact fee schedule in effect at the time of building permit issuance will apply.

Reviewer: Bellevue City Code 22.16, Ordinance No. 4824  
Authority: Ray Godinez, Transportation Department

#### **LIST OF ATTACHMENTS**

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



**City of Bellevue**  
 Information Technology  
 Geographic Information Services  
 October 29, 2007

**Zoning**  
**07-112731-LN**

- |  |                                   |  |                               |
|--|-----------------------------------|--|-------------------------------|
|  | Single Family                     |  | Subdistrict A                 |
|  | Multi Family                      |  | Subdistrict B                 |
|  | Office                            |  | Subdistrict C                 |
|  | Commercial                        |  | Downtown Core                 |
|  | Light Industrial                  |  | Single Family Transition Zone |
|  | Evergreen Highlands Institutional |  | Multi Family Transition Zone  |

This map is derived from the Bellevue Geographic Information System and designed for City staff use. It is not guaranteed accurate.

If you have specific questions concerning information contained on this map please contact the department shown.



VICINITY MAP

