DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
ENVIRONMENTAL COORDINATOR
11511 MAIN ST., P.O. BOX 90012
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Dennis Johnson, Freemantle Development Group

LOCATION OF PROPOSAL: 1025 and 1041 156th Avenue N. E.

NAME & DESCRIPTION OF PROPOSAL: The Enclave at Fox Glen Rezone and Plat/PUD Amendment

Land Use approval of rezone application to modify a zoning concomitant requirement for affordable housing and approval of a concurrent request to modify the previously approved Enclave at Fox Glen Plat/PUD file 05-103350-LK to increase the number of allowed units from 25 to 26 dwelling units.

FILE NUMBER: 07-122520-LQ / 07-139482-LI

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Department of Planning & Community Development. This information is available to the public on request.

☐ There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on _____.

☒ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on January 31, 2008.

☐ This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project): or if the DNS was procured by misrepresentation or lack of material disclosure.

Carol V Helland
Environmental Coordinator

01/17/2008
Date

OTHERS TO RECEIVE THIS DOCUMENT:
State Department of Fish and Wildlife
State Department of Ecology
Army Corps of Engineers
Attorney General
Muckleshoot Indian Tribe

City of Bellevue
Department of Planning and Community Development
Development Services Staff Report

Proposal Name:	**The Enclave at Fox Glen Plat/PUD Amendments and Rezone**
Proposal Address:	1025 and 1041 - 156th Avenue N. E.
Proposal Description:	Application to rezone property to modify a zoning concomitant requirement for affordable housing and a concurrent request for approval of a proposed action to modify a previously approved Preliminary Plat/Planned Unit Development of 25 dwelling units and increase the proposed density to 26 units.
File Number:	**07-122520-LQ / 07-139482-LI**
Applicant:	Dennis Johnson, Freemantle Development, Inc.
Decisions Included:	Rezone (Process III, LUC 20.35.300) and Amendment of Planned Unit Development (Process II, LUC 20.35.200)
Planner:	David Pyle, Land Use Planner
State Environmental Policy Act Threshold Determination For Rezone Action:	**Determination of Non-Significance (DNS)** Carol V Helland Carol V. Helland, Environmental Coordinator
Director's Recommendation/ Decision:	**Administrative Approval of PUD Amendment and Recommendation of Approval of Quasi Judicial Rezone** Carol V Helland For Matthew A. Terry, Director, Department of Planning and Community Development

Notice of Application Date for Rezone:	August 16, 2007
Notice of Application Date for PUD Amendment:	November 29, 2007
Recommendation/Decision Publication Date:	January 17, 2008
Public Hearing Date:	February 07, 2008
SEPA and PUD Amendment Appeal Deadline:	January 31, 2008

Appeal of the PUD Amendment Decision or SEPA Determination must be filed with the City Clerk no later than 5 PM on the date noted for appeal of the decision.

I. REQUEST AND REVIEW PROCESS

A. Background

The Enclave at Fox Glen Preliminary Plat (Plat) and Planned Unit Development (PUD), including the associated administrative Design Review and State Environmental Policy Act Threshold Determination, was approved on December 8, 2006 by the City's Hearing Examiner and confirmed by the City Council on March 22, 2007 through the passing of Ordinance 5725 to settle an appeal. The Plat/PUD approval was granted with several conditions, including the requirement that 4 of the 25 units permitted would be constructed as affordable units (see Condition F.3 of Conditions of Approval in Hearing Examiners report dated December 8, 2006 and Ordinance No. 5725). To satisfy this condition and obtain building permits, the applicant was required to work with ARCH (A Regional Coalition for Housing) to establish the target price for the affordable units and record an agreement with the City that binds the future resale of the units as affordable under guidance from ARCH.

To comply with the requirements of the Plat/PUD approval, and to move the project to the phase of construction phase, staff from both the City and ARCH worked with the applicant to prepare the required affordable housing agreements and identify the target price for the affordable units. During this process, and following several meetings with ARCH, the applicant determined that the target affordable housing price was too low and that the units could not be constructed at the price proposed by ARCH.

During the initial review of the Enclave at Fox Glen Plat/PUD proposal, City Staff had identified several options that were available to the applicant at the time to satisfy the affordable housing requirements. At early stages in the review process, City Staff informed the applicant that to fulfill the rezone requirements of Ordinance 4448 he would be required to either build the units as required, rezone the property to reduce the number of units required and build the new number of units, or rezone the property to reduce the number of units required and pay a fee-in-lieu of building the units. This is discussed on page 4 of the Preliminary Plat/PUD Staff Report dated August 31, 2006.

After evaluating the situation, the applicant submitted a request to rezone the property and modify the affordable housing concomitant agreement imposed on this property through Ordinance No. 4448 (See **Attachment I** for a copy of Ordinance 4448) to change the affordable housing requirements to be consistent with the affordable housing requirements currently in use by the City.

B. Request

The applicant is requesting a rezone to modify the concomitant associated with City Ordinance No. 4448 that accompanied the rezone of this site from R-2.5 to R-10. The concomitant requires affordable housing be provided with the development of the site with ten or more residential units. The applicant is also requesting an amendment to the previously approved Preliminary Plat/PUD to increase the total number of units from 25 to 26 through the use of the 10% bonus allowed under a PUD approval, including an amendment to Lot 9 of the Preliminary Plat to accommodate one additional unit as allowed by the Land Use Code (see Section III.A of this report for additional information on the request for increase in density).

NOTE: This proposed rezone is not a request to change the zoning designation (R-10) of this property. No change to the site's zoning, allowed density, or associated R-10 zoning standards has been requested. This rezone request is limited solely to the modification a previously imposed rezone condition (concomitant agreement) that requires affordable housing if the site is developed with 10 units or more. The applicant is requesting that this condition be modified consistent with the current City regulations that speak to affordable housing. This request is outlined in greater detail below.

C. Approvals Required

The applicant has requested that the decision include the following approvals as permitted by the appropriate Land Use Code (LUC) sections:

- Rezone (LUC 20.30A)- The proposed rezone is a Process III, quasi-judicial decision made by the City Council based on a recommendation by the Hearing Examiner. The Director of Planning and Community Development issues a recommendation to the Hearing Examiner, who holds a public hearing and reviews the file for consistency with the rezone criteria, forwarding a recommendation of approval or denial to the City Council where the final decision on the action is taken. This proposed action is discussed in greater detail in Section IX of this report.

- SEPA Threshold Determination (WAC 197-11-704)- The rezone of this property as proposed by the applicant (the "Action") triggers review under the requirements of the State Environmental Policy Act (SEPA). SEPA review is a Process II administrative decision and requires administrative review and issuance of a SEPA Threshold Determination by the Environmental Coordinator. Although this proposed rezone action is consolidated with the proposed Preliminary Plat/PUD amendment, the scope of the SEPA evaluation is limited to review of the potential impacts caused by the rezone action. The previous SEPA Threshold Determination issued under the review of the original Preliminary Plat/PUD is incorporated by reference into this report as allowed by WAC 197-11-635. The proposed modifications to the Preliminary Plat/PUD are within the scope of the original SEPA Determination and do not require additional SEPA review. SEPA review for this proposal is discussed in greater detail in Section V of this report.

- PUD Amendment (LUC 20.30D.285)- The proposed administrative amendment to the previously approved Planned Unit Development (PUD) is a Process II administrative decision made by the Director of Planning and Community Development. The decision is subject to compliance with PUD modification criteria as established in the Land Use Code. Currently, the approved Plat/PUD consists of a total of 25 units that would be built out in 12 duplex structures and one single family residential structure. The proposed PUD amendment would allow for the replacement of the single family residence located on Lot 9 with a duplex structure, raising the total number of units from 25 to 26 and creating Lot 9A and Lot 9B. This is discussed in greater detail in Section X below.

- Plat Amendment (LUC 20.45A.250)- To accommodate the change to the PUD and the addition of one unit, the applicant is requesting a Plat amendment in the form of an exception to modify Lot 9 by creating Lot 9A and Lot 9B. Plat amendments as exceptions are ministerial administrative approvals and are limited in review if the increase in the number of units does not exceed 5% of the total units approved. This proposed action is discussed in greater detail in Section XI below.

- Design Review Amendment (LUC 20.30F.175)- Due to the limited change in the total number of each unit type proposed, and minor changes in the site's design, the applicant is requesting approval of a design review amendment in the form of a land use exemption. Land Use Exemptions are ministerial administrative approvals and are limited in review. Land Use Exemptions are subject to compliance with the design review amendment criteria listed in the Land Use Code. This proposed action is discussed in greater detail in Section XII below.

D. Review Process

This proposed rezone has been requested to change the affordable housing requirements that are imposed on this project by past rezone actions. The developer has determined that the market price as developed by ARCH will not allow for the construction and profitable sale of the type of units that were approved through the PUD process. To accommodate the desired unit type, and to provide for support of alternative housing program development within the City of Bellevue, the applicant is requesting the modification of the affordable housing concomitant agreement that was adopted as part of Ordinance No. 4448 on July 9, 1991 to be consistent with the current affordable housing standards required by the City under LUC 20.20.128. The complications associated with this rezone request are reflected in the required review processes identified in Section C above and discussed below.

- Density Issues- During the initial review and approval of the Enclave at Fox Glen Plat/PUD (05-103350-LK), the density calculation was processed to include a density bonus for the affordable housing as allowed and required by Ordinance No. 4448. Under this calculation, the applicant received 1 bonus unit for providing the 4 units of affordable housing (See page 14 of Preliminary Plat/PUD staff report file 05-103350-LK). Under the proposed action, the applicant is requesting a rezone of the property to allow the payment of fee-in-lieu of providing the affordable housing units, and eliminating the additional unit previously granted by the affordable housing concomitant. This action would reduce the number of permitted units from 25 to 24. To sequentially receive an increase in density and mitigate this loss of a unit, the applicant is requesting approval of the 10% density bonus allowed under the provisions of PUD review and approval (LUC 20.30D.165.A) that was not used in the previous PUD review and preliminary approval. This 10% bonus associated with the PUD approval would allow an increase in the number of units from 24 to 26 and would require a modification to the approved Plat to accommodate the additional lot.

- Lot Layout Issues- To accommodate the additional lot gained by the utilization of the 10% PUD bonus that this project is eligible to achieve under LUC 20.30D.125.A, the applicant is proposing to modify Lot 9 of the plat, by creating lot 9A and lot 9B, and by replacing the originally proposed and approved single family residential structure with a duplex structure (See **Attachment II** for a site plan reflecting these changes). The design of the duplex that will replace this single family structure is the same as the design of the duplex structures that were already reviewed as part of the past design review and PUD approval process. To achieve the new lot layout and the substitution of the single family structure with a duplex structure, this proposal includes review under the requirements of a plat amendment as an exception (LUC 20.45A.250), a land use exemption for design review amendment (LUC 20.30F.175), and a PUD administrative amendment (LUC 20.30D.285). Each of these actions is discussed in detail below.

II. CURRENT SITE DESCRIPTION, ZONING, AND LAND USE CONTEXT

A. Site

The project site, consisting of two tax lots, is located in the Crossroads subarea of northeast Bellevue. The property is internal to a large city block bounded on the north by N.E. 20th Street, on the east by 156th Avenue N.E., on the south by N.E. 8th Street and on the west by 148th Avenue N.E. It is located approximately 900 feet west of 156th Avenue N.E. with developed multifamily properties east and south of the site and developed single family neighborhoods to the west of the site. Site access is from the northeast corner of the site via an easement along the north 30 feet of the three

condominium complexes east of the site. There are no Critical Areas as defined by LUC 20.25H on the site, and the west 300 feet of the site is within a Single Family Transition Overlay District (LUC 20.25B).

Site clearing, grading, and plat infrastructure activity began on the site in September of 2007 following approval of the Preliminary Plat/PUD application (05-103350-LK) by the Hearing Examiner and City Council (Final approval of 05-103350-LK was granted on March 22, 2007 through the passing of Ordinance 5725 in settlement of an appeal). As a condition of approval, and to obtain building permits for the 13 proposed structures, the applicant is required to comply with the affordable housing conditions of the Preliminary Plat/PUD approval. Final Plat will not be granted until all of the conditions of the Preliminary Plat/PUD approval have been met and the plat infrastructure is complete.

B. Zoning (See Site Zoning Map below)

The site was rezoned from R-2.5 to R-10 in 1992 with Ordinance 4448 to comply with the State Growth Management Act (GMA), which requires that zoning be consistent with the Comprehensive Plan land use designation. The Crossroads subarea plan map designates the project site Multifamily – Low density (MF-L). The rezone ordinance (# 4448) contains a development condition requiring affordable housing if 10 or more units are built on each lot.

On July 9, 1991, the City Council adopted Resolution No. 5288, which added Section 21.G.125 to the Housing Element of the Comprehensive Plan relating to affordable housing policies. Based on Resolution No. 5258, the City Council passed Ordinance 4269 on July 8, 1991. This ordinance amended Chapter 20.20 of the Bellevue Land Use Code, adding a section on affordable housing (20.20.128). In part, the new section required the City to consider the housing needs of all economic segments of the community, and assure an adequate supply of affordable housing in the City. The requirement for affordable housing applied to all new residential development; new subdivisions and new rezone applications. All rezone proposals for an increase in residential zoning density were required to provide affordable units. The new section also included a provision that allowed bonus market rate units equal to a percentage of the affordable units.

Based on Ordinance 4448, passed on November 23, 1992, the proposal site was rezoned from R-2.5 to R-10 (Rezone # 's REZ 92-3982 and REZ 92-3984) with one condition (concomitant):

> *In the event the property is developed with ten housing units or greater, at least ten (10) percent of the units buildable under the original maximum density must be affordable units and at least twenty (20) percent of the units buildable as a result of the increase in density from the original maximum density to the total number of approved units must be affordable units. One bonus market rate unit is permitted for each of the affordable units provided to meet the minimum ten (10) percent requirement of the original maximum density, up to fifteen (15) percent of the original maximum density.*

In April, 1996, the City Council reviewed the effectiveness of Section 20.20.128 of the Bellevue Land Use Code in producing affordable and low-income housing. The City Council ultimately determined that the requirements of that section did not meet the intended objectives. Consequently, the City Council passed Ordinance 4855 to amend Section 20.20.128 of the Land Use Code to redefine its purpose: to offer dimensional flexibility and density bonuses to encourage construction of housing affordable to low and moderate income households, and to make the provisions of this section available, at the sole discretion of the property owner, as an incentive to encourage the construction of affordable housing in new multi-family residential development. This amendment did not remove the rezone condition applicable to the subject property. Following the adoption of Ordinance 4855,

the City Council gave staff direction on how to proceed when a project is affected by a rezone condition that requires affordable housing. Project applicants who received additional development potential through a rezone were obligated to provide affordable housing based upon a project's development stage as of April 1, 1996, or to buy out of the requirement by paying a fee equal to fifty percent (50%) of the difference between the market price of the unit and the affordable price of the unit. For the projects which were not underway as of April, 1996, the Council required the applicant to provide affordable housing equal to 10% of the density gained with the rezone if they chose not to pursue the buy out option.

The number of affordable units required under the new affordable housing rules for the proposed project is calculated as follows: The maximum permitted density under the original R-2.5 zoning for this site of 2.45 acres is 6 units. The proposed density after rezone, 24 units, is an increase of 18 units. Therefore, the requirement is one affordable unit. The applicant must agree to provide one affordable unit or to buy out of the requirement, consistent with the terms of the Council direction regarding removal of these types of rezone conditions. The fee in lieu of building the units must be calculated by ARCH, and would be used in development and administration of ARCH's program.

Zoning Map of Site & Vicinity

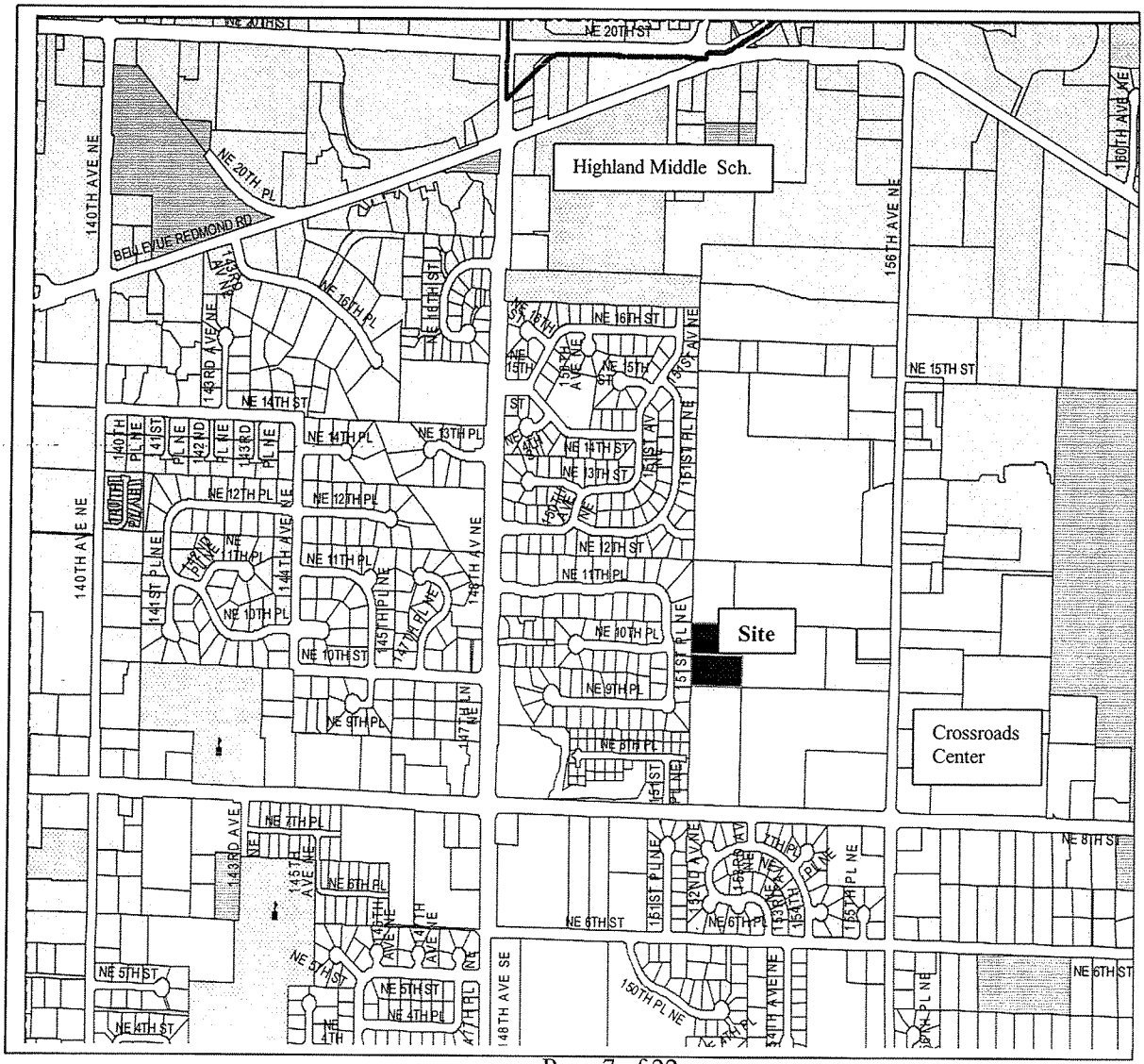
C. Land Use Context (See Vicinity Map and Aerial Photograph below)
To the west the project site abuts a single family neighborhood consisting of three subdivisions; Highland Firs, Fox Glen and Fox Chase. To the north is an undeveloped portion of a multifamily property owned by the Cascadian- KCHA Limited Partnership. To the east the site abuts the Innisfree condominium complex. Two additional condominium complexes, Ironwood and Evergreen Estates, lie farther to the east between the Innisfree complex and 156th Avenue N. E. To the south and

southeast the site abuts developed multifamily complexes in R-30 zoning.

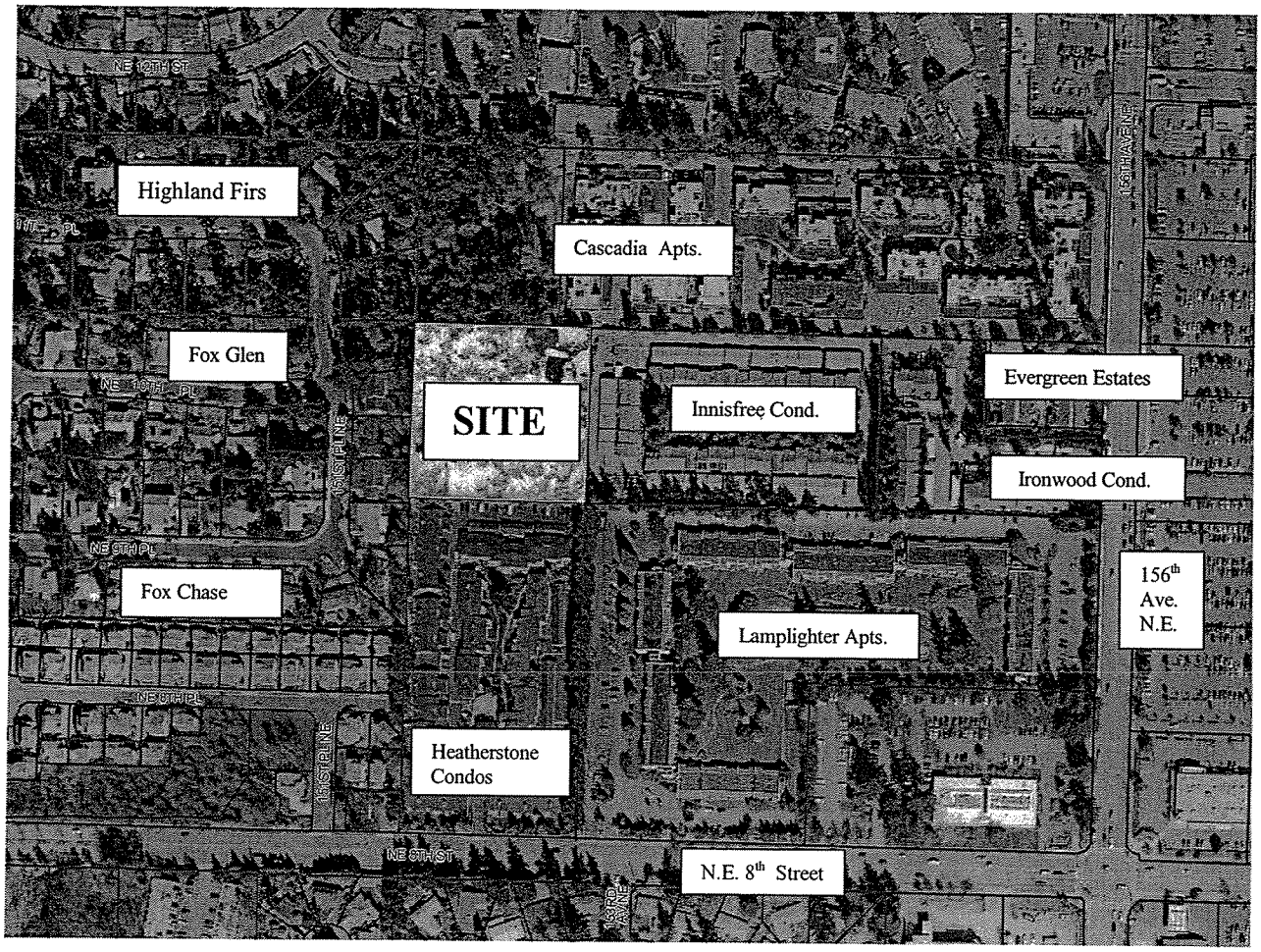
The project site is internal to a very large block of land (approximately 218 acres or 9,500,000 sq. ft.) which does not have any public streets or pedestrian paths that extend through the block in either the north-south or east-west directions. The single family properties in the west half of the block have access to 148th Avenue N. E. via public streets that either loop back to 148th Avenue N.E. or end in cul-de-sacs. Many of the properties on the east side of the block are large with direct access to 156th Avenue N.E., N.E. 8th Street or Bel-Red Road/N.E. 20th Street. Several properties, including this site, have access to a public street only via a private easement or easements across adjacent properties.

In the larger context, the project site is relatively close to two public schools that serve the site, Stevenson Elementary (± 2/3 mi.) to the west and Highland Middle School (±2/3 mi.) to the north. The Bellevue Aquatic Center is located at 601-143rd Ave N.E., approximately ¾ mile to the southwest of the site. Crossroads Shopping Center is ± 1/4 mile to the east across 156th Avenue N.E. with Crossroads Park and Community Center to the east of the center. Fire station #3 is located at 16100 N. E. 8th Street, approximately 2/3 miles from the site.

Vicinity Map



Aerial Photograph of the Vicinity



III. PROPOSED SITE, BUILDING, AND DENSITY CHANGES

(See **Attachment IV** for proposed plans)

A. Affordable Housing and Density – Proposed Changes

The 2.45 acre (106,509 sq. ft) site is zoned R-10, which allows 10 units per acre or 24.5 residential units. Under 05-103350-LK and Ordinance 5725 this site is required to provide affordable housing and may earn bonus unit(s) as specified by the condition of the rezone Ordinance 4448. The previous approval required the developer to provide four (4) affordable units and allowed for an affordable housing bonus of 0.9 units. The total number of units permitted under the previous approval was 25, of which 4 were required as affordable units. See page 14 of the original Preliminary Plat/PUD staff report dated August 31, 2006 for a complete summary of the density calculation and affordable housing requirements of the past Preliminary Plat/PUD approval.

Under this proposed rezone, the affordable housing concomitant would be modified to change the requirements for affordable housing the match the current City affordable housing standards found in LUC 20.20.128 consistent with the City Council direction applicable to projects started after April 1, 1996. The change would reduce the number of required affordable units required from 4 to 1 (see Section II.B above), and would allow the applicant to pay a fee-in-lieu of building the unit. Although the city's current affordable housing requirements would allow for a density bonus (LUC

20.20.128.B.1), this bonus is only allowed if the units are constructed. The applicant is requesting a fee-in-lieu payment of providing the units, and does not qualify for the density bonus under the city's current affordable housing requirements.

In addition to requesting the utilization of the fee-in-lieu option, the applicant is requesting a concurrent increase in density through the bonus PUD provisions located in the City's Land Use Code (LUC 20.30D.165.A). Under this section, the applicant may request a 10% increase in density over the base density if specific criteria can be met that do not require affordability. The criteria require sufficient open space, design review to ensure the development offsets the impact of the increase in density, and the increase in density is compatible with existing uses in the immediate vicinity of the subject property.

In this case, the site is zoned R-10 and the base density is 24 units (2.45 acres). The surrounding uses consist of multi-family development to the north, east, and south, and a single family neighborhood to the west. The single family neighborhood will be connected via a private gate in the northwest corner of the site but will be protected from this development by a required landscape separation that has been designed to offset any impact this development will have on the single family residences whose back yards abut the subject site. The applicant has undergone design review and the proposed development has been found to be compatible in design, and provides sufficient amenities in the form of open and recreation space, as well as design details and the use of quality materials for unit construction.

Through the PUD design review process, the applicant is eligible for a bonus in density of 2 units (10%), bringing the total allowed units on this site from 24 to 26. This is calculated in accordance to the equation identified in LUC 20.30D.165.A, and is based on the gross land area of the property excluding either that area utilized for traffic circulation roads or 20 percent, whichever is less. In this case, the proposed site design consists of 24,293 square feet of circulation area. The total site area is 106,590 square feet, and 20% of the gross land area is 21,318 square feet. As 21,318 is less, this number was used to generate the net lot area. Based on this requirement, the following is the total density calculation for this site (bonus density plus base density):

Gross lot area (project area) = 106,590 sf (2.45 Acres)

20% of total site area = 21,318 sf (.49 acres)

Net lot area (gross area minus 20% of total site area) = 85,272 sf (1.96 Acres)

Density calculation according to LUC 20.30D.165 = [(Net lot area) X (Density)] = Units

[1.96 X 10] = 19.6 units

PUD Bonus is 10% of 19.6 units.

[19.6 X .1] = 1.96

Base Density = [(Acres) X (Density)] = Total Units

[(2.45) X (10)] = 24.5

Total density allowed with PUD Bonus is [(Base Density) + (Bonus Density)] = Total Density

[(24.5) + (1.96)] = 26.46

26.46 rounded down is 26 units.

A total of 26 units are allowed including the 10% PUD bonus.

The 10% PUD bonus, coupled with approval of the request for rezone to modify the requirement for affordable housing, allows for the construction of 26 market rate units on this site with the payment of a fee-in-lieu equal to one-half of the difference of the price between the affordable unit price and the market rate unit price, as determined by ARCH, for a total of one unit.

B. Site Design – Proposed Changes

The Enclave at Fox Glen Preliminary Plat/PUD was approved by the City's Hearing Examiner on December 8 of 2006 and approved by the City Council on March 3, 2007 in settlement of appeal. Clearing, grading, and plat infrastructure activity began in September of 2007 following approval of the Plat Infrastructure permit (07-100055-GE). This is an application for Rezone and Plat/PUD amendment and is a request to modify the design that was previously approved under file 05-103350-LK and Ordinance No. 5725. Minimal changes to the Plat/PUD have been requested under this proposal, and the revision is consistent with the design review done as part of the past review and approval. Design review of this project was originally required because the site is partially within a single family transition area overlay district. To accommodate the requested increase in density by one unit, the applicant is proposing to modify the single family lot located in the southeast corner of the site (Lot 9) by creating Lots 9A and 9B (See **Attachment II** for a copy of the original and revised site plans). The applicant is also proposing removal of the previously approved single family residence (Type III Unit) from the plans, and replacing it with a duplex the design of which has already been approved and is integrated into the overall site design (Type II Unit – See **Attachment II**). No reduction in lot size beyond what has already been granted for Lots 1-25 is being requested, and the proposed modification (addition of a duplex in the place of a single family residence) is actually more consistent with the character of the PUD design given that this is a multifamily site and the single family residence that was originally approved was less consistent within this development as it was surrounded on all sides by larger multifamily units. The portion of the Preliminary Plat/PUD that is proposed to be modified is outside of the single family transition area and is adjacent to large condominium structure (Innisfree Condominiums). See **Attachment II** for a site plan depicting the changes and elevation drawings of the site's proposed structures types.

No changes to the remainder of the lots, the open space, site amenities, access, utilities, or other features are proposed beyond what is described above. The site will maintain the same square footage of open space, and will still be subject to the same landscape design that was previously approved. For details on these features, or on the general site amenities, see file 05-103350-LK (**Attachment III**) for a copy of the original Preliminary Plat/PUD staff report.

C. Building Design – Proposed Changes

The applicant is proposing to replace the one three bedroom single family unit (Type III Building, Type B Unit, Lot 9) that was included in the previously approved Preliminary Plat/PUD with a duplex that is identical to the approved Type II buildings that will be built throughout the eastern portion of the site. The Type II building includes two units, Type A and Type C.

The Type B Unit is a two story single family Type III Building that consists of 1,662 sf of living space, 436 sf of garage area, and 159 Square Feet of deck and patio space. This unit will be removed from the proposal, and will be replaced with a Type II duplex building (Type A and Type C Units), as

described below.

The Type A Unit is a two bedroom unit that consists of 1,425 Square Feet of living space, with a 580 Square Foot garage, and 189 Square Foot of deck and patio space. The Type A unit contains a one bay two car garage on the lowest level with approximately 78 square feet of dedicated entryway space. The upper two levels of this unit contain the living quarters on the second floor, with the bedrooms on the third level. The Type C unit is similar to the Type A, however consists of three bedrooms and a two bay two car garage. The Type C unit contains 2,094 Square Feet of living space, 409 Square Feet of garage, and 149 Square Feet of deck and patio.

The proposed Type II building contains a hipped roof with added gables on the front and rear, and is similar in design to the Type III building that will be eliminated from the plans, however the Type II building is slightly larger to accommodate the two units. No change in the proposed construction materials, design details, or Type II building floor plan is proposed. The design of this unit type is residential in character and is comparable in bulk and floor area to the larger single family homes being constructed today. Building elevations and floor plans are included as **Attachment II**.

IV. CONSISTENCY WITH THE COMPREHENSIVE PLAN AND ZONING:

A. Comprehensive Plan Consistency and Housing Policies:

The site is located in the Crossroads Subarea, District F, and designated Multi-family-Medium (MF-M) per the Comprehensive Plan. Comp Plan consistency with the previously approved Preliminary Plat/PUD for this site was evaluated under file 05-103350-LK and was found to be consistent with subarea, land use, housing, and environmental policies (see page 23 of Staff Report dated August 31, 2006).

Affordable Housing Policies

Affordable housing is encouraged, but no longer required by the City of Bellevue Land Use Code. However, where the affordable housing requirement has been imposed through a rezone, such as in this case, the applicant is required to provide affordable housing equal to 10% of the density gained, or buy out of the requirement. The funds received are provided to A Regional Coalition for Housing (ARCH), and used to create affordable housing. Therefore, the proposed project would indirectly support the creation of affordable housing even if the affordable housing element is modified with this rezone. As a condition of approval the applicant will be required to work with ARCH to establish the required fee and coordinate the fee payment. No building permits will be issued until the applicant has fulfilled this requirement to the satisfaction of ARCH.

Although this rezone action would modify the affordable housing requirements in the favor of the applicant, the proposed project offers an alternative to the high cost and upkeep of a traditional single family home and provides housing that compares favorably to the cost of new homes in a traditional single family neighborhood. The proposed rezone action coupled with the Plat/PUD would allow for the creation of 26 new two and three bedroom town home style new units that will add to the diversity of Bellevue's housing supply and help meet the future housing demands of the City.

The proposed rezone action supports the following Housing Policies:

Policy HO-22: by working cooperatively with ARCH, the applicant is promoting a regional effort to provide affordable housing to specific populations;

Policy HO-23: The city has spent considerable time revising processes and standards to remove barriers to the construction of affordable creative housing, including the removal of requirements to provide affordable housing. Approval of this rezone allows for the development of 26 new market price duplex units and is consistent with the current City policies and regulations on affordable housing. The payment of the fee-in-lieu of building the affordable units also allows for the promotion of regional efforts to provide diverse housing types for all economic groups;

Policies HO-25, HO-26, HO-27, HO-28, HO-29, HO-31, HO-32, HO-33, HO-34, HO-35: In addition to assisting members with housing policy and regulations, a major function of ARCH is to coordinate a joint Housing Trust Fund that provides financial support to private and not-for-profit groups creating affordable housing. These projects include family housing, senior housing, homeless/transitional housing, and special needs housing. By paying a fee-in-lieu of building the affordable units, both ARCH's and the City's goals are supported. Funds provided by cities through ARCH are highly leveraged with a combination of county, state and federal public funds and with private funding. ARCH's efforts support the City's Affordable Housing policies (listed above) in the Comprehensive Plan, and this rezone proposal is consistent with the City's stated affordable housing objectives.

V. STATE ENVIRONMENTAL POLICY ACT (See SEPA Checklist - **Attachment IV**)

Environmental review of The Enclave at Fox Glen Plat/PUD was previously completed as part of the original Preliminary Plat/PUD approval (05-103350-LK). The threshold determination of non-significance for this Preliminary Plat/PUD was issued on August 31, 2006 and is hereby incorporated by reference as allowed under the Washington Administrative Code (WAC) Section 197-11-635. This is an application for rezone to amend a concomitant. The proposed Preliminary Plat/PUD amendment does not substantially change the form of the proposed development. Due to the scope of the proposed rezone component of the application and the potential affect on affordable housing, review under SEPA is required.

The environmental review, including the previous DNS that has been incorporated by reference, indicates no probability of significant adverse environmental impacts occurring as a result of this proposed rezone. Therefore, the issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

Adverse impacts which are less than significant are usually subject to City Codes or Standards which are intended to mitigate those impacts. Where such impacts and regulatory items correspond, further documentation is not necessary. For other adverse impacts which are less than significant, Bellevue City Code Sec. 22.02.140 provides substantive authority to mitigate impacts disclosed through the environmental review process.

Amendments to the Environmental Checklist

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 except as noted below. The following amendments to the Environmental Checklist are needed. These impacts will be mitigated through exercise of code authority as well as through project-specific conditions of approval, contained in Section XIII of this report.

A. Earth and Water

No change to the project's grading plans has been proposed. The proposed rezone is not expected

to increase the impacts to earth and water resources associated with The Enclave at Fox Glen Plat/PUD. The conditions of approval related to the protection of earth and water resources imposed under file 05-103350-LK are still applicable and remain unchanged by this action.

B. Transportation

The proposed rezone action to modify the affordable housing requirements associated with Ordinance 4448 is a non-project action and does not in itself affect the form of the Plat/PUD development. SEPA review of the transportation impacts associated with this proposal was completed under file 05-103350-LK, and is incorporated by reference. Although the applicant is also requesting an amendment to the previously approved Preliminary Plat/PUD, the proposed change is within the scope of the original action and the design of the project will not be substantially changed. The proposed rezone is not expected to increase previously identified project related traffic impacts. Traffic impact fees as required by 05-103350 must be paid before the issuance of building permits for this project. Building permits have not been issued for the construction of the buildings at this point. Transportation impact fees will be collected prior to the issuance of building permits. The transportation related conditions of approval imposed by 05-103350-LK are still applicable.

C. Noise

No changes in the expected levels of generated noise have been identified as part of this proposal for Rezone. The Plat/PUD project associated with this Rezone action remains subject to the City of Bellevue Noise Ordinance, BCC 9.18, which regulates hours of noise generation related to construction and the conditions under which they may be expanded. The conditions of approval related to noise generation imposed under file 05-103350-LK are still applicable and remain unchanged by this action.

D. Air

The proposed site Rezone is a non-project action and is not expected to cause impacts to air quality. Project related impacts to air quality from construction activity have been evaluated under file 05-103350-LK. No change is proposed to the Preliminary Plat/PUD project that would affect ambient resources. The conditions of approval related to noise generation imposed under file 05-103350-LK are still applicable and remain unchanged by this action.

E. Land Use

The impacts to surrounding land uses due to the construction activity approved under 05-103350-LK have been analyzed as part of the previously issued DNS for the Enclave at Fox Glen project. Although the applicant is requesting a Plat/PUD amendment, no change is proposed to the project that would affect the management of construction activity and the potential impacts are within the range of impacts previously reviewed under 05-103350-LK. The conditions of approval imposed by 05-103350-LK related to Land Use are still applicable unless specifically modified by approval of this proposal.

Potential impacts to the community related to the affordable housing changes proposed in this Rezone action may affect the supply of affordable housing. The applicant is requesting the modification of a previously imposed concomitant agreement that requires the construction of affordable housing and will change this requirement to the current City standard that requires a lower number of affordable housing units and allows for the applicant to pay a fee-in-lieu of building the units. Approval of this Rezone action will lead to the reduction of the number of affordable units required from 4 to 1 and will allow the developer to buy their way out of building the affordable housing units. The buy out option fee is calculated by ARCH, and is based on the difference between the price of the market rate unit and the affordable rate unit, and is equal to one half of this difference in price. A condition of approval related to the preservation of affordable housing will require the applicant to work with ARCH to determine the amount of the buy-out fee and will require

payment of the agreed upon fee prior to the issuance of building permits and signing of the Final Plat Mylar. See conditions of approval in Section XIII of this report.

VI. SUMMARY OF TECHNICAL REVIEWS

A. Utility Code

City Utilities Staff have reviewed the proposed rezone and Preliminary Plat/PUD amendment and have determined that the City has adequate capacity for providing water, sewer and storm drainage service for this proposal. Minor modifications to the project infrastructure design will be required to accommodate the additional housing unit and the larger building on Lot 9, however these changes can be made as an amendment to the Plat Infrastructure Permit. The Utilities Department approval of the planned unit development application 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. The Utility Department conditions of approval associated with 05-103350-LK still apply and remain unchanged by this proposed Rezone and Preliminary Plat/PUD amendment.

B. Transportation Review

The City's Transportation Department has reviewed the proposed Rezone and Preliminary Plat/PUD amendment and has determined that the proposal as presented would result in the addition of one p.m. peak hour trip to the 14 already calculated for the original proposal. This one additional trip does not add significantly to the traffic impacts already analyzed for this project and location. Due to the limited scope of the revisions requested by the applicant, the Transportation Department has no concerns with the proposed site rezone and Preliminary Plat/PUD amendments. The Transportation Department will not require additional or different conditions of approval from those imposed under 05-103350-LK. The Transportation Department conditions of approval associated with 05-103350-LK still apply and remain unchanged by this proposed Rezone and Preliminary Plat/PUD amendment.

C. Fire Code

The Fire Department has reviewed the proposed Rezone and Preliminary Plat/PUD amendments and has not identified any additional comments or conditions beyond those identified in the original Preliminary Plat/PUD approval. The Fire Department conditions of approval associated with 05-103350-LK still apply and remain unchanged by this proposed Rezone and Preliminary Plat/PUD amendment.

VII. COMPLIANCE WITH APPLICABLE LAND USE CODE REQUIREMENTS

A. Land Use Code Dimensional Requirements

The Enclave at Fox Glen Preliminary Plat/PUD was originally reviewed for consistency with the dimensional standards of the Land Use Code under file 05-103350-LK. This is an application for Rezone and Preliminary Plat/PUD amendment, as allowed by the Land Use Code. To be approved, any changes to the previously approved Preliminary Plat/PUD must be consistent with the Land Use Code. The changes proposed under this request for revision are limited to an increase in density through density bonus, and the subsequent alteration of Lot 9 of the original proposal to create Lot 9A and Lot 9B. No changes to the proposed features associated with lots 1-8 or lots 10-25 are proposed as part of this request. No changes to the site's landscaping (aside from Lot 9), open space, recreation space, access and circulation (aside from that associated with Lot 9), or other amenities are proposed. Review of the proposed Preliminary Plat/PUD amendment is limited to the affects of the concurrently proposed rezone and the proposed net increase in density by one unit. As described in Section III above, approval of this proposal would lead to the replacement of the single family residence on Lot 9 with a duplex, the design of which has already been approved under the

previous Preliminary Plat/PUD review. No changes to the minimum lot size, minimum required setbacks, or maximum building height are proposed as part of this action.

The proposed changes to Lot 9 are as follows:

- Modify Lot 9 to create Lot 9A and Lot 9B.
- Lots 9A and 9B will not exceed the minimum lot size granted for other lots previously approved in the Plat/PUD.
- Lot 9A is proposed at 3,047 square feet and Lot 9B is proposed at 2,788 square feet.
- Both Lots 9A and 9B are larger than all other building lots in the Plat/PUD.
- Lot 9 will be modified to eliminate the single family structure approved under 05-103350-LK and replace it with a duplex structure that consists of one 2 bedroom unit and one 3 bedroom unit.
- The rear yard setbacks of Lot 9 (eastern property line) will be reduced from approximately 36 feet to 21 feet. The minimum rear yard setback in the Plat/PUD is 20 feet.
- No changes to the side or front yard setbacks are proposed.
- The total structure footprint area within Lot 9 will be increased from 1,446 square feet to 1,519 square feet.
- No changes to the perimeter landscape design will be made.
- No additional significant trees will be removed as part of the amendment, and landscape plan will be slightly modified to allow for the enlarged footprint of the new duplex, all changes to the landscape plan occur outside of the required perimeter landscaping area.
- One willow cluster (Two 6" stems) will be removed within the boundary of Lot 9 due to the expanded footprint. Additional plantings have been added to the landscape plan to enhance the landscaping surrounding the new structure type.

Proposed changes to the Plat/PUD Design resulting from the proposed modification to Lot 9 are as follows:

- The total number of units to be built would be increased from 25 to 26.
- The total number of separate buildings would remain at 13.
- The total number of affordable units to be built as part of the development would be reduced from 4 to 0.
- The total site open space will be decreased from 61,405 square feet to 60,888 square feet, a 517 square foot reduction. The minimum open space requirement for this site is 40%, or 42,636 square feet.
- The total gross impervious surface within the project site will be increased from 46,713 square feet (43.8%) to 47,230 square feet (44.3%), an increase of 517 square feet, or .5%. The maximum allowed impervious surface for this site is 80 %.
- The total lot structural coverage (measured across the entire site) for the project will be increased from 20,892 square feet to 20,965 square feet, a 73 square foot or .06% change.
- The site parking supply will be increased from 92 stalls to 95 stalls, however the total parking supply ratio will decline from 3.68 stalls per unit to 3.65 stalls per unit. The stalls are provided as follows: 52 stalls will be provided for in garages and 43 stalls will be provided for in the unit driveways. The minimum required number of stalls for this development is approximately 46 (see LUC 20.20.590.F).
- The total site disturbance area would remain the same.
- A new side sewer and water service would be added to the utility design to accommodate the additional unit.

VIII. PUBLIC NOTICE AND COMMENT

The Notice of Application for the proposed rezone was published in the City's Weekly Permit Bulletin

and the Seattle Times on August 16, 2007, and circulated to property owners within 500 feet of the project site. A public meeting was held at Bellevue City Hall on August 22, 2007. No community members were present for the meeting. No comment letters were received during the 14 day comment period for the proposed rezone.

The Notice of Application for the proposed Preliminary Plat/PUD amendment was published in the City's Weekly Permit Bulletin and the Seattle Times on November 29, 2007, and circulated to property owners within 500 feet of the project site. To date, one comment letter has been received in opposition to the proposed Rezone and Plat/PUD Amendment. This letter voiced opposition to the project, and stated concern over the applicants request to buy his way out of building the affordable housing units to then get a subsequent increase in density. A copy of the comment letter is included as **Attachment V**.

IX. LUC 20.30A.140 - REZONE DECISION CRITERIA.

The City may approve or approve with modifications an application for a rezone of property if:

A. The rezone is consistent with the Comprehensive Plan; and

FINDING: The site's MF-M designation is consistent with the Comprehensive Plan and would remain unchanged with the proposed rezone. The rezone is consistent with the Comprehensive Plan Policies listed in Section IV, and the proposed project is compatible with existing development in the single family zone to the west and the surrounding multi-family sites. Where the affordable housing requirement has been imposed through a rezone; pursuant to Council direction, the applicant is required to provide affordable housing equal to 10% of the density or buy out of the requirement. Therefore, the proposed project would indirectly support the creation of affordable housing, albeit a lesser amount, even if the affordable housing element is modified with this rezone.

B. The rezone bears a substantial relation to the public health, safety, or welfare; and

FINDING: The proposed rezone bears a substantial relationship to the public health, safety and welfare. The public will benefit by having a residential project that is consistent with the residential density intended by the Comprehensive Plan, and by a project design that is compatible with the surrounding development. The rezone will allow the site to be developed in a manner that is consistent with residential development surrounding the site, and provide a logical transition from the traditional single family development to the west to the multi-family development to the east and south.

C. The rezone is warranted in order to achieve consistency with the Comprehensive Plan or because of a need for additional property in the proposed land use district classification or because the proposed zoning classification is appropriate for reasonable development of the subject property; and

FINDING: As conditioned, the rezone is warranted in order to achieve consistency with the Comprehensive Plan, which only "encourages" affordable housing, and the recommendation is consistent with Council's direction where an affordable housing requirement was imposed through a rezone, as in this case.

D. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and

FINDING: As conditioned, the rezone will not be materially detrimental to other uses or properties in the immediate vicinity of the proposal site. The proposed PUD development is compatible with the surrounding development, and consistent with the Subarea Plan's land use designation for the site. Urban services are located close to the site, and the neighborhood would not be negatively impacted by eliminating the requirement for affordable housing.

E. The rezone has merit and value for the community as a whole.

FINDING: The rezone has merit and value for the community as a whole because it affirms the correctness and consistency of development realized through the visioning process represented by the City's Comprehensive Plan and the public participation inherent in that process. The elimination of the rezone condition demonstrates the flexibility necessary to achieve the City's goals of creating housing opportunities, in this case by opening the way for the development of 26 market priced townhome units with access to urban services.

X. LUC 20.30D.285.D - ADMINISTRATIVE AMENDMENT OF A PUD - DECISION CRITERIA.
The Director may approve modifications to an approved Planned Unit Development as an administrative amendment subject to the procedures set forth in LUC 20.35.200 if the following criteria are met:

A. The amendment maintains the design intent or purpose of the original approval; and

FINDING: The proposal is limited to changes in Lot 9 of the previously approved Preliminary Plat/PUD. No changes the approved design are proposed or allowed outside of those requested to Lot 9. Design changes are limited to the division of Lot 9 to create Lot 9A and Lot 9B, the replacement of the single family residence on Lot 9 with a duplex unit, and minor modifications to the landscaping on Lot 9 to accommodate the new duplex unit type. See conditions of approval in Section XIII of this report.

B. The amendment maintains the quality of design or product established by the original approval; and

FINDING: The design and construction of the units will remain consistent with the original approval. See Section III of this report for an analysis of design compatibility.

C. The amendment is not materially detrimental to uses or property in the immediate vicinity of the subject property; and

FINDING: No changes to the previously approved Plat/PUD are proposed outside of those related to the modification of Lot 9. One additional unit will be added to the development bringing the total number of units from 25 to 26. The proposal has been reviewed by the City's technical review divisions and no impact to the surrounding area is expected. See summary of technical reviews in Section VI above.

D. The amendment is not precluded by the terms of the Bellevue City Code or by state law from being decided administratively.

FINDING: The proposed changes are consistent with goals, policies and design objectives for residential development and are within the scope of change that may be addressed by

the Amendment process as identified in the Land Use Code.

XI. LUC 20.45A.250.C- MODIFICATION OF AN APPROVED PRELIMINARY PLAT – REVIEWED AS AN EXCEPTION

The following modifications of preliminary plat approval may be reviewed through plat engineering and do not require further review:

A. Engineering detail unless the proposed detail modifies or eliminates features specifically required as an element of the preliminary plat approval;

FINDING: Only minor engineering changes are proposed as part of the changes to Lot 9. A new side sewer and water service will be added to the plat engineering plans. No changes to the project outside of the modifications to Lot 9 are proposed. See conditions of approval in Section XIII of this report.

B. Minor changes in lot lines or lot dimensions;

FINDING: The changes to the lot lines and dimensions are limited to Lot 9, and are required to create Lot 9A and Lot 9B. See conditions of approval in Section XIII of this report.

C. A decrease in the number of lots to be created or an increase of no more than five percent of the number of lots depicted on the preliminary plat.

FINDING: The applicant is proposing to increase the density of this proposed Plat/PUD from the 25 previously approved under 05-103350-LK to 26. This constitutes a 4% increase in the number of lots approved. See conditions of approval in Section XIII of this report.

XII. 20.30F.175.C - LAND USE EXEMPTION / DESIGN REVIEW AMENDMENT CRITERIA

The Director may determine that an addition or modification to a previously approved project or (design review) decision is exempt from further review or review as a new application, provided the following criteria are met:

A. The proposal does not result in any significant adverse impact beyond the site; and

FINDING: No changes to the previously approved Plat/PUD are proposed outside of those related to the modification of Lot 9. One net new unit will be added to the development bringing the total number of units from 25 to 26. The proposal has been reviewed by the City's technical review divisions and no impact to the surrounding area is expected. See summary of technical reviews in Section VI above.

B. The proposal is within the general scope of the purpose and intent of the original approval; and

FINDING: The proposal is consistent with the purpose and intent of the original Preliminary Plat/PUD approval. The proposal is limited to the modification of Lot 9 to create Lots 9A and 9B, the substitution of the single family residence previously approved with a duplex unit. The design of the duplex unit that is proposed to replace the single family structure was reviewed as a component of the original Preliminary Plat/PUD approval, is integrated throughout the site, and therefore consistent with the design intent.

C. The proposal complies with applicable Land Use Code requirements, and all applicable development standards, and is compatible with all applicable design criteria; and

FINDING: No changes to the site design are proposed as part of this amendment beyond those proposed for Lot 9. Lots 1-8 and 10-25, as well as all open space, recreation, and access tracts will remain unchanged. To replace the single family unit that will be removed from the plans, the applicant is proposing the use of a duplex structure that was previously approved through design review as part of the original Enclave at Fox Glen project approval. The proposed modification is consistent with all applicable LUC requirements, development standards, and design criteria.

D. The proposal does not add square footage that is more than 20 percent of existing gross square footage; and

FINDING: The proposal does not add square footage that is more than 20 percent of the previously approved square footage. The proposal will increase the total lot structural coverage (measured across the entire site) for the project from 20,892 square feet to 20,965 square feet, a 73 square foot change. The total structure footprint area within Lot 9 will be increased from 1,446 square feet to 1,519 square feet.

E. If an addition or expansion has been approved within the preceding 24-month period, the combined additions will not add square footage that exceeds 20 percent of existing gross square footage.

FINDING: Not applicable. No revisions to the approved design review (File No. 05-103350-LK) have been requested prior to this application.

XIII. RECOMMENDATION AND DECISION OF DIRECTOR WITH CONDITIONS

After conducting the various administrative reviews associated with this proposal, including applicable Land Use consistency, SEPA, and City Code and Standard compliance reviews, the Director of Planning and Community Development does hereby **APPROVE** the Preliminary Plat/PUD amendment application **with CONDITIONS,** and **RECOMMENDS APPROVAL** of the rezone to the Hearing Examiner.

The following conditions are imposed under authority referenced:

A. COMPLIANCE WITH BELLEVUE CITY CODES AND ORDINANCES

Applicable Codes, Standards and Ordinances	Contact Person
Clearing & Grading Code – BCC 23.76	Tom McFarlane, 425-452-5207
Construction Codes – BCC Title 23	Building Review Desk, 425-452-4121
Fire Code – BCC 23.11	Adrian Jones, 425-452-4122
Land Use Code – BCC Title 20	David Pyle, 425-452-2973
Noise Control Code – BCC 9.18	
Sign Code – BCC Title 22	
Transportation Code – BCC 14.60	Chris Dreaney, 425-452-5264
Right of Way Use Code – BCC 14.30	Jon Regalia, 425-452-4599
Utility Code – BCC Title 24	Rob Hutchinson, 425-452-7903

B. SEPA - MITIGATION OF REZONE IMPACT ON AFFORDABLE HOUSING SUPPLY

To mitigate the impact of this proposed rezone on the City's affordable housing supply, prior to the issuance of building permits the applicant must provide a payment of fee-in-lieu of building the affordable units to the satisfaction of ARCH.

AUTHORITY: SEPA, Ordinance #4448, Comprehensive Plan Affordable Housing Policies HO-22 and HO-23
REVIEWER: David Pyle

C. GENERAL CONDITIONS

1. CONDITIONS IMPOSED UNDER APPROVAL OF PRELIMINARY PLAT/PUD

Unless specifically modified by approval of this Preliminary Plat/PUD amendment action, all conditions previously imposed under City of Bellevue Preliminary Plat/PUD File No. 05-103350-LK and Ordinance 5725 remain in effect and must be met as required by City approval.

AUTHORITY: ORDINANCE 5725, COB File # 05-103350-LK Hearing Examiners Report Dated December 8, 2007
REVIEWER: David Pyle, Planning and Community Development

2. UTILITY DESIGN

The water, sewer, and storm drainage systems shall be designed per the current City of Bellevue Utility Codes and Utility Engineering Standards. Utilities Department design review, plan approval, and field inspection is performed under the Developer Extension Agreement and Utilities Permit Processes. Detention and water quality will be provided by the installation of a detention vault and bio-swale. A sewer extension to the extreme North property line is also required.

AUTHORITY: BCC Title 24.02, 24.04, 24.06
REVIEWER: Rob Hutchinson, Utilities Development Review

D. PRIOR TO ISSUANCE OF ANY BUILDING PERMIT

1. CONDITIONS IMPOSED UNDER APPROVAL OF PRELIMINARY PLAT/PUD

Unless specifically modified by approval of this Preliminary Plat/PUD amendment action, all conditions previously imposed under City of Bellevue Preliminary Plat/PUD File No. 05-103350-LK remain in effect and must be met as required by City approval. Prior to the issuance of any building permit the applicant must meet all applicable conditions identified in the Hearing Examiners report dated December 8, 2006 and Ordinance No. 5725.

AUTHORITY: ORDINANCE 5725, COB File # 05-103350-LK Hearing Examiners Report Dated December 8, 2007
REVIEWER: David Pyle, Planning and Community Development

2. PAYMENT OF FEE-IN-LIEU OF PROVIDING AFFORDABLE HOUSING REQUIRED

Prior to the issuance of a building permit, the applicant shall work with ARCH staff to develop

the market price of the unit(s) and the affordable price of the unit(s). The applicant shall provide a payment of a fee-in-lieu of building the required affordable unit(s) as required by the site's zoning ordinance equal to one half of the difference between the market rate price of the unit(s) and the affordable price of the unit(s). The fee-in-lieu requirement will have been satisfied upon written verification of fee payment by ARCH. This condition modifies condition F.3 of the Hearing Examiner's report dated December 8, 2006 consistent with Council direction regarding modification of affordable housing rezone conditions.

AUTHORITY: ORDINANCE 4448, ORDINANCE 4855-C
REVIEWER: David Pyle, Planning and Community Development

E. PRIOR TO FINAL PLAT APPROVAL:

1. CONDITIONS IMPOSED UNDER APPROVAL OF PRELIMINARY PLAT/PUD

Unless specifically modified by approval of this Preliminary Plat/PUD amendment action, all conditions previously imposed under City of Bellevue Preliminary Plat/PUD File No. 05-103350-LK remain in effect and must be met as required by City approval. Prior to final plat approval the applicant must meet all applicable conditions identified in the Hearing Examiners report dated December 8, 2006 and Ordinance No. 5725.

AUTHORITY: ORDINANCE 5725, COB File # 05-103350-LK Hearing Examiners Report Dated December 8, 2007
REVIEWER: David Pyle, Planning and Community Development

2. PAYMENT OF FEE-IN-LIEU OF PROVIDING AFFORDABLE HOUSING REQUIRED

Prior to final plat approval, the applicant shall work with ARCH staff to develop the market price of the unit(s) and the affordable price of the unit(s). The applicant shall provide a payment of a fee-in-lieu of building the required affordable unit(s) as required by the site's zoning ordinance equal to one half of the difference between the market rate price of the unit(s) and the affordable price of the unit(s). The fee-in-lieu requirement will have been satisfied upon written verification of fee payment by ARCH. This condition modifies condition G.5 of the Hearing Examiner's report dated December 8, 2006 consistent with Council direction regarding modification of affordable housing rezone conditions.

AUTHORITY: ORDINANCE 4448, ORDINANCE 4855-C
REVIEWER: David Pyle, Planning and Community Development

LIST OF ATTACHMENTS

I. Ordinance No. 4448
II. Plans and Drawings
III. Original Preliminary Plat/PUD Staff Report dated August 31, 2006
IV. Revised Rezone SEPA Checklist
V. Comment Letter
VI. Hearing Examiners Report dated December 8, 2006
VII. Ordinance No. 5725

Attachment 1 Ordinance #4448

ORIGINAL

WP0073C-ORD
11/10/92

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4448

AN ORDINANCE reclassifying three sites comprised of six parcels of property in the Crossroads Subarea between N.E. 10th Street and N.E. 14th Street and west of 156th Avenue N.E. upon the application of the City of Bellevue.

WHEREAS, the City of Bellevue filed applications for the reclassification of a 1.75 acre site comprised of two parcels located at 1453 and 1455 156th Avenue N.E. from R-3.5 to R-20 and one parcel located at 15216 N.E. 16th Place (The Pines Apartments) from R-20 to R-30; and

WHEREAS, the City of Bellevue filed an application for the reclassification of a .6 acre site located at 1457 156th Avenue N.E. from Office (O) to R-30; and

WHEREAS, the City of Bellevue filed applications for the reclassification of a 2.5 acre site comprised of two parcels located at 1025 and 1041 156th Avenue N.E. from R-2.5 to R-10; and

WHEREAS, said applications were consolidated for hearing and on September 3, 1992 a public hearing was held on the applications before the Hearing Examiner for the City of Bellevue pursuant to notice as required by law; and

WHEREAS, on October 8, 1992 the Hearing Examiner recommended approval, with conditions, of the rezone applications and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner and has determined that the public use and interest will be served by approving the reclassification of said properties; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Code; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council adopts the findings of fact and conclusions based thereon, made and entered by the Hearing Examiner in support of his recommendation to the City Council approving the reclassification requests with regard to the hereinafter described

properties located at 1453 and 1455 156th Avenue N.E. and 15216 N.E. 16th Place (The Pines Apartments); 1457 156th Avenue N.E.; and 1025 and 1041 156th Avenue N.E. as set forth in "Findings, Conclusions and Recommendation of the Hearing Examiner for the City of Bellevue in the Matter of the Application of THE CITY OF BELLEVUE For a Reclassification of Three Areas on 156th Ave. N.E., File Nos. REZ 92-3979-3984."

Section 2. The following described property located at 15216 N.E. 16th Place (REZ 92-3983) is hereby reclassified from R-20 to R-30 subject to the conditions that follow:

> The West 100.00 feet of the North 165.00 feet of the Northeast quarter of the Southwest quarter of Section 26, Township 25 North, Range 5 East, W.M., in King County, Washington.

This reclassification is subject to the following condition:

In the event the property is developed with ten housing units or greater, at least ten (10) percent of the units buildable under the original maximum density must be affordable units and at least twenty (20) percent of the units buildable as a result of the increase in density from the original maximum density to the total number of approved units must be affordable units. One bonus market rate unit is permitted for each of the affordable units provided to meet the minimum ten (10) percent requirement of the original maximum density, up to fifteen (15) percent above the original maximum density. "Affordable unit" shall be defined as set forth in LUC 20.50.010.

For the purpose of calculating the number of required affordable units, the original maximum density possible under the R-20 zoning is seven (7) units. The units shall remain affordable units for the lifetime of the R-30 zoning classification and shall be dispersed across the range of unit sizes and throughout the property.

Prior to issuance of a building permit, the owner shall sign any necessary agreements with the City to implement these requirements. The City may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for the purpose of allowing the owner to obtain financing for development of the property, consistent with any applicable provisions of the Land Use Code in effect at the time of the issuance of the development permit(s).

Section 3. The following described property located at 1453 156th Avenue N.E. (REZ 92-3981) is hereby reclassified from R-3.5 to R-20 subject to the conditions that follow:

The West 264.00 feet of the South 165.00 feet of the North 330.00 feet of the Northeast quarter of the Southwest quarter of Section 26, Township 25 North, Range 5 East, W.M., in King County, Washington.

This reclassification is subject to the following condition:

In the event the property is developed with ten housing units or greater, at least ten (10) percent of the units buildable under the original maximum density must be affordable units and at least twenty (20) percent of the units buildable as a result of the increase in density from the original maximum density to the total number of approved units must be affordable units. One bonus market rate unit is permitted for each of the affordable units provided to meet the minimum ten (10) percent requirement of the original maximum density, up to fifteen (15) percent above the original maximum density. "Affordable unit" shall be defined as set forth in LUC 20.50.010.

For the purpose of calculating the number of required affordable units, the original maximum density possible under the R-3.5 zoning is three (3) units. The units shall remain affordable units for the lifetime of the R-20 zoning classification and shall be dispersed across the range of unit sizes and throughout the property.

Prior to issuance of a building permit, the owner shall sign any necessary agreements with the City to implement these requirements. The City may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for the purpose of allowing the owner to obtain financing for development of the property, consistent with any applicable provisions of the Land Use Code in effect at the time of the issuance of the development permit(s).

Section 4. The following described property located at 1455 156th Avenue N.E. (REZ 92-3979) is hereby reclassified from R-3.5 to R-20 subject to the conditions that follow:

The South 165.00 feet of the North 330.00 feet of the West half of the Northeast quarter of the Southwest quarter of Section 26, Township 25 North, Range 5 East, W.M., in King County, Washington;

EXCEPT the East 264.00 feet thereof;

AND EXCEPT the West 264.00 feet thereof.

This reclassification is subject to the following condition:

In the event the property is developed with ten housing units or greater, at least ten (10) percent of the units buildable under the original maximum density must be affordable units and at least twenty (20) percent of the units buildable as a result of the increase in density from the original maximum density to the total number of approved units must be affordable units. One bonus market rate unit is permitted for each of the affordable units provided to meet the minimum ten (10) percent requirement of the original maximum density, up to fifteen (15) percent above the original maximum density. "Affordable unit" shall be defined as set forth in LUC 20.50.010.

For the purpose of calculating the number of required affordable units, the original maximum density possible under the R-3.5 zoning is one (1) unit. The units shall remain affordable units for the lifetime of the R-20 zoning classification and shall be dispersed across the range of unit sizes and throughout the property.

Prior to issuance of a building permit, the owner shall sign any necessary agreements with the City to implement these requirements. The City may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for the purpose of allowing the owner to obtain financing for development of the property, consistent with any applicable provisions of the Land Use Code in effect at the time of the issuance of the development permit(s).

Section 5. The following described property located at 1457 156th Avenue N.E. (REZ 92-3980) is hereby reclassified from Office (O) to R-30 subject to the conditions that follow:

The South 165.00 feet of the North 330.00 feet of the Northeast quarter of the Northeast quarter of the Southwest quarter of Section 26, Township 25 North, Range 5 East, W.M., in King County, Washington;

EXCEPT the West 176.00 feet thereof;

AND EXCEPT the East 340.00 feet thereof.

This reclassification is subject to the following condition:

In the event the property is developed with ten housing units or greater, at least ten (10) percent of the units buildable under the original maximum density must be affordable units and at least twenty (20) percent of the units buildable as a result of the increase in density from the original maximum density to the total number of approved units must be affordable units. One bonus market rate unit is permitted for each of the affordable units provided to meet the minimum ten (10) percent requirement of the

original maximum density, up to fifteen (15) percent above the original maximum density. "Affordable unit" shall be defined as set forth in LUC 20.50.010.

For the purpose of calculating the number of required affordable units, the original maximum density possible under the Office (O) zoning is twelve (12) units. The units shall remain affordable units for the lifetime of the R-30 zoning classification and shall be dispersed across the range of unit sizes and throughout the property.

Prior to issuance of a building permit, the owner shall sign any necessary agreements with the City to implement these requirements. The City may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for the purpose of allowing the owner to obtain financing for development of the property, consistent with any applicable provisions of the Land Use Code in effect at the time of the issuance of the development permit(s).

Section 6. The following described property located at 1025 156th Avenue N.E. (REZ 92-3982) is hereby reclassified from R-2.5 to R-10 subject to the conditions that follow:

> The West 330.00 feet of the North 161.50 feet of the South 983.00 feet of the Southeast quarter of the Southwest quarter of Section 26, Township 25 North, Range 5 East, W.M., in King County, Washington

This reclassification is subject to the following condition:

In the event the property is developed with ten housing units or greater, at least ten (10) percent of the units buildable under the original maximum density must be affordable units and at least twenty (20) percent of the units buildable as a result of the increase in density from the original maximum density to the total number of approved units must be affordable units. One bonus market rate unit is permitted for each of the affordable units provided to meet the minimum ten (10) percent requirement of the original maximum density, up to fifteen (15) percent above the original maximum density. "Affordable unit" shall be defined as set forth in LUC 20.50.010.

For the purpose of calculating the number of required affordable units, the original maximum density possible under the R-2.5 zoning is three (3) units. The units shall remain affordable units for the lifetime of the R-10 zoning classification and shall be dispersed across the range of unit sizes and throughout the property.

Prior to issuance of a building permit, the owner shall sign any necessary agreements with the City to implement these requirements. The City may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for the purpose of allowing the owner to obtain financing for development of the property, consistent with any applicable provisions of the Land Use Code in effect at the time of the issuance of the development permit(s).

Section 7. The following described property located at 1041 156th Avenue N.E. (REZ 92-3984) is hereby reclassified from R-3.5 to R-10 subject to the conditions that follow:

> The West 330.00 feet of the North 161.50 feet of the South 821.50 feet of the Southeast quarter of the Southwest quarter of Section 26, Township 25 North, Range 5 East, W.M., in King County, Washington.

This reclassification is subject to the following condition:

In the event the property is developed with ten housing units or greater, at least ten (10) percent of the units buildable under the original maximum density must be affordable units and at least twenty (20) percent of the units buildable as a result of the increase in density from the original maximum density to the total number of approved units must be affordable units. One bonus market rate unit is permitted for each of the affordable units provided to meet the minimum ten (10) percent requirement of the original maximum density, up to fifteen (15) percent above the original maximum density. "Affordable unit" shall be defined as set forth in LUC 20.50.010.

For the purpose of calculating the number of required affordable units, the original maximum density possible under the R-3.5 zoning is three (3) units. The units shall remain affordable units for the lifetime of the R-10 zoning classification and shall be dispersed across the range of unit sizes and throughout the property.

Prior to issuance of a building permit, the owner shall sign any necessary agreements with the City to implement these requirements. The City may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for the purpose of allowing the owner to obtain financing for development of the property, consistent with any applicable provisions of the Land Use Code in effect at the time of the issuance of the development permit(s).

WP0073C-ORD
11/10/92

Section 8. This Ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 23rd day of November, 1992, and signed in authentication of its passage this 23rd day of November, 1992.

(SEAL)

Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

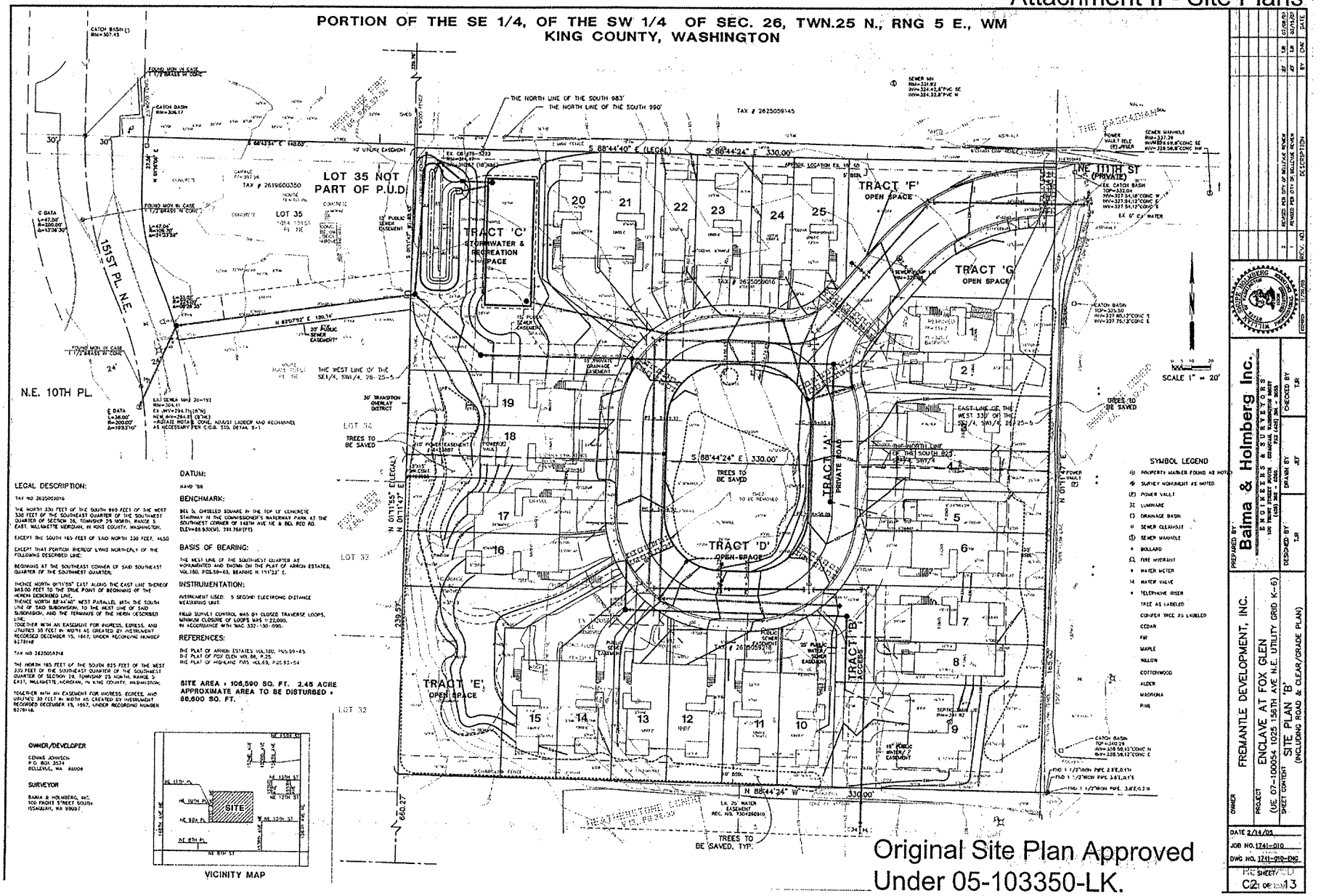
Richard L. Kirkby, Assistant City Attorney

Attest:

Sharon Mattioli for
Myrna L. Basich, City Clerk

Published November 27, 1992

Attachment II - Site Plans



LEGAL DESCRIPTION:

TAX NO 2625059016

THE NORTH 330 FEET OF THE SOUTH 990 FEET OF THE WEST 330 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

EXCEPT THE SOUTH 165 FEET OF SAID NORTH 330 FEET, ALSO

EXCEPT THAT PORTION THEREOF LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER;

THENCE NORTH 01°11'55" EAST ALONG THE EAST LINE THEREOF 869.00 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED LINE;
THENCE NORTH 88°44'40" WEST PARALLEL WITH THE SOUTH LINE OF SAID SUBDIVISION, TO THE WEST LINE OF SAID SUBDIVISION, AND THE TERMINUS OF THE HEREIN DESCRIBED LINE;
TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS, AND UTILITIES 30 FEET IN WIDTH AS CREATED BY INSTRUMENT RECORDED DECEMBER 15, 1967, UNDER RECORDING NUMBER 6279148

TAX NO 3825055218

THE NORTH 165 FEET OF THE SOUTH 825 FEET OF THE WEST 330 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS, AND UTILITIES 30 FEET IN WIDTH AS CREATED BY INSTRUMENT RECORDED DECEMBER 15, 1967, UNDER RECORDING NUMBER 6279148.

DATUM:

NAVD '88

BENCHMARK:

BEL 5, CHISELED SQUARE IN THE TOP OF CONCRETE STAIRWAY IN THE COMMISSIONER'S WATERWAY PARK AT THE SOUTHWEST CORNER OF 148TH AVE NE & BEL RED RD. ELEV=88.950(M), 288.766'(FT)

BASIS OF BEARING:

THE WEST LINE OF THE SOUTHWEST QUARTER AS MONUMENTED AND SHOWN ON THE PLAT OF ARRON ESTATES, VOL.180, PGS.59-65, BEARING N 1°11'23" E

INSTRUMENTATION:

INSTRUMENT USED: 5 SECOND ELECTRONIC DISTANCE MEASURING UNIT

FIELD SURVEY CONTROL WAS BY CLOSED TRAVERSE LOOPS, MINIMUM CLOSURE OF LOOPS WAS 1:22,000, IN ACCORDANCE WITH WAC 332-130-090.

REFERENCES:

THE PLAT OF ARRON ESTATES VOL.180, PGS.59-65
THE PLAT OF FOX GLEN VOL 84, P.25
THE PLAT OF HIGHLAND PARK VOL.69, PGS.53-54

SITE AREA = 106,590 SQ. FT. 2.45 ACRE
APPROXIMATE AREA TO BE DISTURBED = 86,600 SQ. FT.

OWNER/DEVELOPER

EDWIN JOHNSON
P.O. BOX 3574
BELLEVUE, WA 98009

SURVEYOR

BAIMA & HOLMBERG, INC.
100 FRONT STREET SOUTH
ISSAQUAH, WA 98027

VICINITY MAP

Original Site Plan Approved Under 05-103350-LK.

REV. NO.	DESCRIPTION	BY	CHK	DATE
1	REVISED PER CITY OF REDMOND REVIEW	JEF	TJR	07/28/05
2	REVISED PER CITY OF REDMOND REVIEW	JEF	TJR	10/17/05

PREPARED BY: Baima & Holmberg Inc. ENGINEERS & SURVEYORS 100 FRONT STREET SOUTH ISSAQUAH, WA 98027 (425) 392-6500 FAX (425) 392-6505

DESIGNED BY TJR | DRAWN BY JEF | CHECKED BY TJR

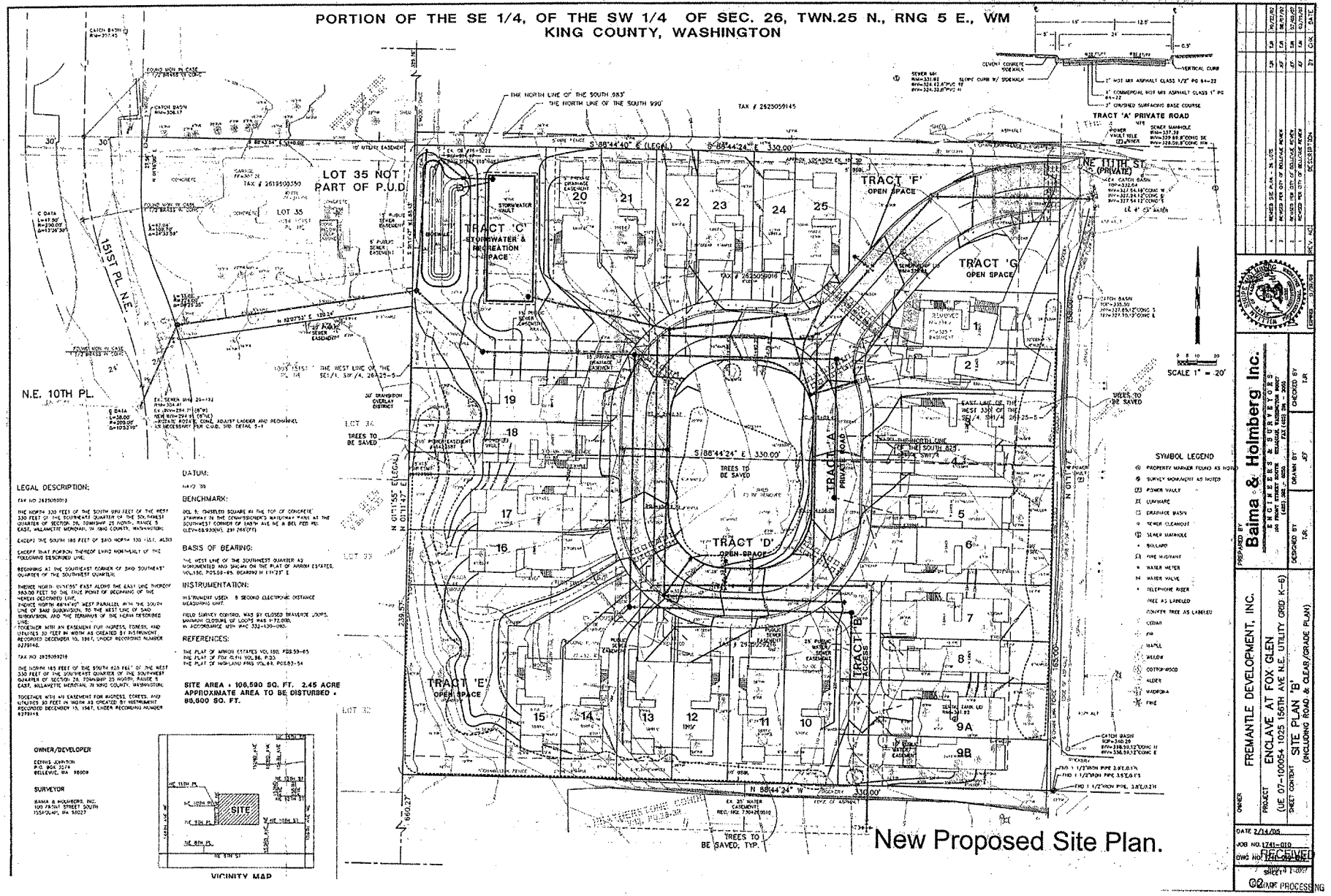
OWNER: FREMANTLE DEVELOPMENT, INC.

PROJECT: ENCLAVE AT FOX GLEN (UE 07-100054 1025 156TH AVE N.E. UTILITY GRID K-6)

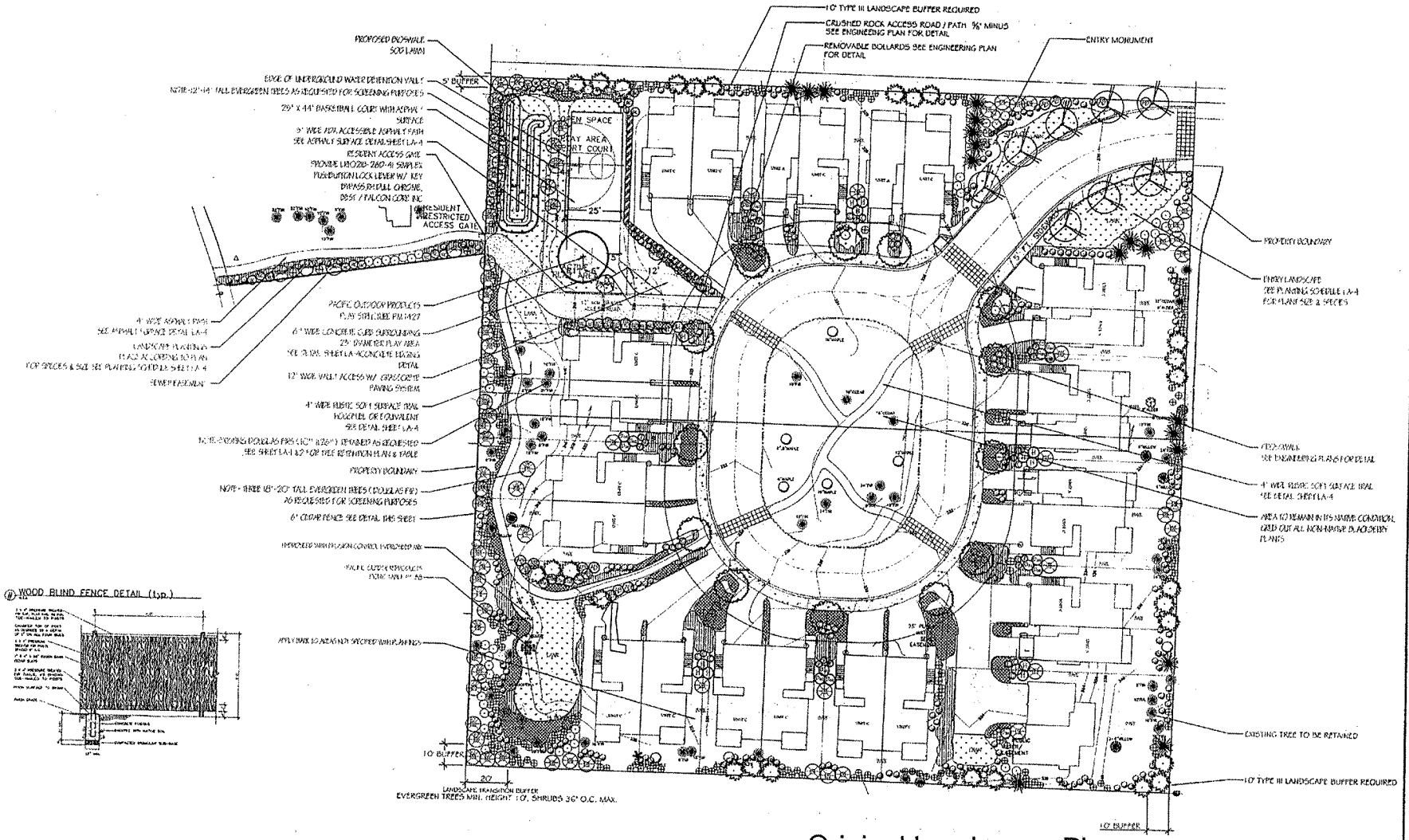
SHEET CONTENT: SITE PLAN 'B' (INCLUDING ROAD & CLEAR/GRADE PLAN)

DATE 2/14/05
JOB NO. 1741-010
DWG NO. 1741-010-DWG
FILE SHEET NO. C2 OF 13

Attachment II - Site Plans



PORTION OF THE SE1/4, OF THE SW1/4, OF SEC.26, T.25N., R.5E., W.M.
KING COUNTY, WASHINGTON



WOOD BLIND FENCE DETAIL (Typ.)

LANDSCAPE PLAN
SCALE 1"=20'-0"

Original Landscape Plan
Approved Under 05-103350-LK.

Call before you Dig
1-800-424-5555

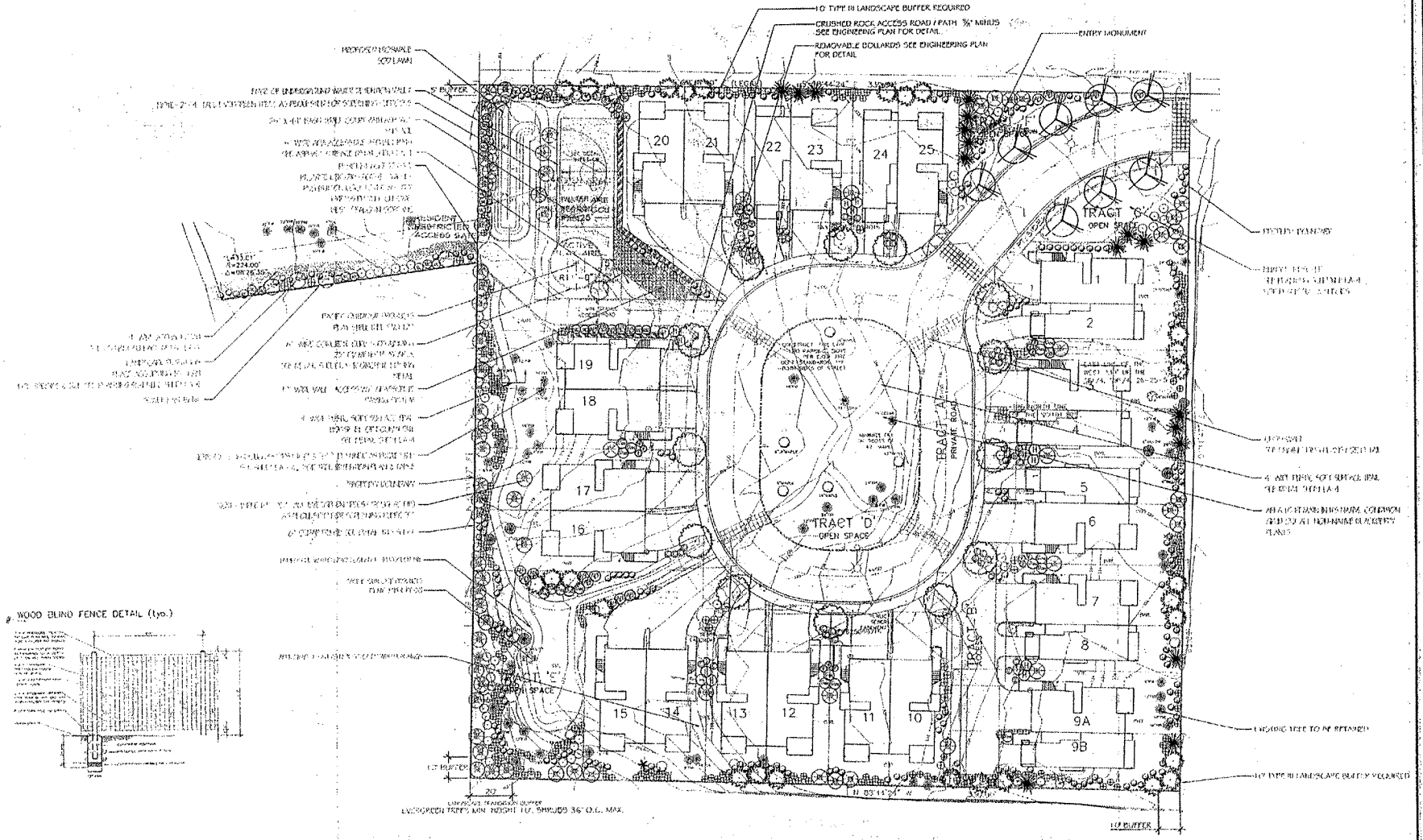
Lane & Associates
Landscape Architecture

THE ENCLAVE @ FOX GLEN

LANDSCAPE PLAN

LA-3

PORTION OF THE SE1/4, OF THE SW1/4, OF SEC.26, T.25N., R.5E., W.M.
KING COUNTY, WASHINGTON



LANDSCAPE PLAN
SCALE 1"=20'-0"

New Proposed Landscape Plan.

Call before you Dig. 1-800-424-5555

RECEIVED
LA-3

Lane & Associates
Landscape Architecture

THE ENCLAVE @ FOX GLEN

LANDSCAPE PLAN

Attachment II - Site Plans

KEY NOTES 2003 I.R.C.

- DOMESTIC DISHWASHER SHALL CONFORM TO ASSE 1006 AND INSTALLED W/ AIR GAP PER SEC. 4053 IPC.
- RANGE HOOD DUCT, METAL W/ SMOOTH INTERIOR, EXHAUST OUTSIDE. PER SEC 505 IMC.
- VENTILATION FOR DOMESTIC CLOTHES DRYERS SHALL BE METAL W/ SMOOTH INTERIORS AND PROVIDED WITH BACKDRAFT DAMPER. UP TO 8 FEET OF FLEXIBLE CONNECTOR IS PERMITTED. (TRANSITION DUCTS - NOT CONCEALED IN CONSTRUCTION) (PER UMC 504.4 & 504.6 OR ANY LOCAL JURISDICTIONAL CODES)
- PROVIDE FULL SIZED METAL PAN DRAIN FROM HOT PRESSURE RELIEF VALVE. DRAIN TO OUTSIDE NOT LESS THAN 6" NOR MORE THAN 24" ABOVE GROUND WITH DRAIN POINTING DOWN PER SEC. 504.7 UPC.
- GLAZING IN ANY DOOR AND GLAZING WITHIN 24" OF DOOR SHALL BE TEMPERED OR SAFETY GLASS. PER SEC. R308.4 IRC.
- SEE FOUNDATION & FRAMING PLANS FOR HOLDDOWNS & SHEAR WALLS.
- IN SEISMIC DESIGN CATEGORIES D1 & D2, WATER HEATERS SHALL BE ANCHORED AND STRAPPED TO RESIST HORIZONTAL DISPLACEMENT DUE TO EARTHQUAKE MOTION. STRAPPING SHALL BE AT POINTS WITHIN THE UPPER ONE-THIRD AND LOWER ONE-THIRD OF THE APPLIANCES VERTICAL DIMENSIONS. AT THE LOWER POINT, THE STRAPPING SHALL MAINTAIN A MIN. DISTANCE OF 4 IN. ABOVE THE CONTROLS. PER SEC. M1307.2 IRC.
- ALL MECHANICAL, ELECTRICAL AND PLUMBING WORK WILL BE "BIDDER DESIGNED" AND UNDER SEPARATE PERMIT APPLICATION.

ALL WORK WILL CONFORM TO THE 2003 I.R.C., AND CURRENT I.M.C. AND I.P.C. CODES AS WELL AS ANY LOCAL CODES.

VENTILATION REQUIREMENTS FOR INTEGRATED FORCED AIR.

PRESCRIPTIVE REQUIREMENTS FOR INTERMITTENT WHOLE HOUSE VENTILATION INTEGRATED WITH FORCED AIR SYSTEM (WSVIACC 303.4.2)

[illegible]

PRESCRIPTIVE REQUIREMENTS FOR INTERMITTENT WHOLE HOUSE VENTILATION INTEGRATED WITH A FORCED-AIR SYSTEM

[illegible]

GENERAL FLOOR PLAN NOTES

- ALL EXTERIOR WALLS AT LIVING SPACE TO BE 2x6 U.N.O.
- ALL TOWEL BARS @ 42" AFF
- ALL TOILET PAPER HOLDERS RECESSED

ELECTRICAL SYMBOLS

[illegible]

ENERGY CODE REQUIREMENTS:

PER WASHINGTON STATE ENERGY CODE - TABLE 6-1

PRESCRIPTIVE REQUIREMENTS (OPT. IV):
GLAZING PERCENTAGE = UNLIMITED
GLAZING U FACTOR = .40
GLAZING U FACTOR (SKYLIGHT) = .58

UNIT B
1ST FLOOR PLAN
BUILDING TYPE III
795 SF. (GROSS)
SCALE: 1/4" = 1'-0"

BUILDING TOTAL SQ. FT.	
2nd FLOOR	= 867 SF. (GROSS)
1st FLOOR	= 795 SF. (GROSS)
TOTAL AREA	= 1,662 SF. (GROSS)
GARAGE AREA	= 436 SF.
PATIO	= 60 SF.
PORCH	= 96 SF.

Original Unit B Building Plans Approved Under 05-103350-LK.

FLOOR PLAN KEY NOTES

[illegible]

GMS Architectural Group

The Enclave @ Fox Glen
JOHNSON CONTRACTORS INC.
P.O. BOX 3574
BELLEVUE, WA 98009-3574

UNIT B 1ST FLOOR PLAN
TYPE III

A
3.3

Attachment II - Site Plans

KEY NOTES (2003 IRC)

- DOMESTIC DISHWASHER SHALL CONFORM TO ASSE 1006 AND INSTALLED W/ A R GAP.
PER SEC. 4082 IPC
- RANGE HOOD DUCT METAL W/ SMOOTH INTERIOR, EXHAUST OUTSIDE. PER SEC. 909 IPC.
- VENTILATION FOR DOMESTIC CLOTHES DRYERS SHALL BE METAL W/ SMOOTH INTERIORS AND PROVIDED WITH BACKDRAFT DAMPER. UP TO 8 FEET OF FLEXIBLE CONNECTOR IS PERMITTED. (TRANSITION DUCTS - NOT CONCEALED IN CONSTRUCTION.)
(PER IPC 504.4 & 504.6 OR ANY LOCAL JURISDICTIONAL CODES)
- PROVIDE FULL SIZED METAL PAN DRAIN FROM HWT PRESSURE RELIEF VALVE, DRAIN TO OUTSIDE NOT LESS THAN 6" NOR MORE THAN 24" ABOVE GROUND WITH DRAIN POINTING DOWN.
PER SEC. 504.12 IPC
- GLAZING IN ANY DOOR AND GLAZING WITHIN 24" OF DOOR SHALL BE TEMPERED OR SAFETY GLASS
PER SEC. R308.4 IRC
- SEE FOUNDATION & FRAMING PLANS FOR HOLDDOWNS & SHEAR WALLS
- IN SEISMIC DESIGN CATEGORIES D1 & D2, WATER HEATERS SHALL BE ANCHORED AND STRAPPED TO RESIST HORIZONTAL DISPLACEMENT DUE TO EARTHQUAKE MOTION. STRAPPING SHALL BE 2 POINTS WITHIN THE UPPER ONE-THIRD AND LOWER ONE-THIRD OF THE APPLIANCES VERTICAL DIMENSIONS. AT THE LOWER POINT THE STRAPPING SHALL MAINTAIN A MIN. DISTANCE OF 4 IN. ABOVE THE CONTROLS. PER SEC. M1307.2 IRC
- ALL MECHANICAL, ELECTRICAL AND PLUMBING WORK WILL BE "BIDDER DESIGNED" AND UNDER SEPARATE PERMIT APPLICATION

ALL WORK WILL CONFORM TO THE 2003 IRC, AND CURRENT IPC AND IPC CODES AS WELL AS ANY LOCAL CODES.

VENTILATION REQUIREMENTS FOR INTEGRATED FORCED AIR.

1. PRESCRIPTIVE REQUIREMENTS FOR INTERMITTENT WHOLE HOUSE VENTILATION INTEGRATED WITH FORCED AIR SYSTEM (WSV/AQC, 303.4.2)

- WINDOW VENTILATORS NOT REQUIRED
- SEPARATE WHOLE HOUSE EXHAUST FAN NOT REQUIRED
- INTEGRATED INTO FORCED AIR SYSTEM

- (WSV/AQC, 303.4.2) INTEGRATED WHOLE HOUSE VENTILATION SYSTEM SHALL PROVIDE OUTDOOR AIR AT A RATE SPECIFIED IN TABLE 3-2. INTEGRATED FORCED AIR VENTILATION SYSTEM SHALL DISTRIBUTE OUTDOOR AIR TO EACH HABITABLE ROOM THROUGH THE FORCED AIR SYSTEM DUCTS.
- WSV/AQC, 303.4.2.1 VENTILATION CONTROLS: THE WHOLE HOUSE VENTILATION SYSTEM SHALL BE CONTROLLED BY A 24-HOUR CLOCK TIMER WITH THE CAPABILITY OF CONTINUOUS OPERATION, MANUAL AND AUTOMATIC CONTROL. AT THE TIME OF FINAL INSPECTION THE AUTOMATIC CONTROL TIMER SHALL BE SET TO OPERATE THE WHOLE HOUSE SYSTEM FOR AT LEAST 8 HOURS A DAY. A LABEL SHALL BE APPLIED TO THE CONTROLS THAT READS "WHOLE HOUSE VENTILATION (SEE OPERATING INSTRUCTIONS)"

PRESCRIPTIVE REQUIREMENTS FOR INTERMITTENT WHOLE HOUSE VENTILATION INTEGRATED WITH A FORCED-AIR SYSTEM

VENTILATION RATE REQUIREMENT FOR A DWELLING WHICH HAS 3 BEDROOMS + AN AREA FROM 500-3500 SF

CODE REFERENCE: 2003 WSV/AQC PER SECTION 303.4.2.1 & TABLE 3-1

FLOOR AREA	# OF BEDROOMS + 1		INTEGRATED WHOLE HOUSE VENTILATION CONTROL NOTES:
	MINIMUM	MAXIMUM	(PER SECT. 303.4.2.2 2003 WSV/AQC)
500-2000 SF	25 CFM	143 CFM	- TIMER REQUIRED - MIN. SHRUDAY OPERATING - APPLIED LABEL + CONTROL REQ'D

MINIMUM SOURCE SPECIFIC VENTILATION CAPACITY EXHAUST FAN REQUIREMENT

CODE REFERENCE: 2003 WSV/AQC PER SECTION 3022 & TABLE 3-1 & IRC M1506.3

FAN LOCATION	MIN. CAPACITY REQUIREMENT INTERMITTENTLY OPERATING
KITCHEN	300 CFM + 0.25 HG
ALL BATHS/LAUNDRY	50 CFM + 0.25 HG

GENERAL FLOOR PLAN NOTES

- ALL EXTERIOR WALLS AT LIVING SPACE TO BE 2x6 UNO
- ALL TOWEL BARS + 42" AFF.
- ALL TOILET PAPER HOLDERS RECESSED

ELECTRICAL SYMBOLS

SMOKE DETECTOR (NEW CONSTRUCTION) 30 VOLT INTERCONNECTED W/ BATTERY BACK-UP
2003 IRC R313.1

SMOKE ALARMS SHALL BE INSTALLED IN THE FOLLOWING LOCATIONS:

1) IN EACH SLEEPING ROOM.
2) OUTSIDE EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOMS.
3) ONE EACH ADDITIONAL STORY OF THE DWELLING, INCLUDING BASEMENTS BUT NOT INCLUDING CRAWL SPACES AND UNHABITABLE ATTICS.

WHEN MORE THAN ONE SMOKE ALARM IS REQUIRED TO BE INSTALLED WITHIN AN INDIVIDUAL DWELLING UNIT THE ALARM DEVICES SHALL BE INTERCONNECTED IN SUCH A MANNER THAT THE ACTUATION OF ONE ALARM WILL ACTIVATE ALL OF THE ALARMS IN THE INDIVIDUAL UNIT. THE ALARM SHALL BE CLEARLY AUDIBLE IN ALL BEDROOMS OVER BACKGROUND NOISE LEVELS WITH ALL INTERVENING DOORS CLOSED.

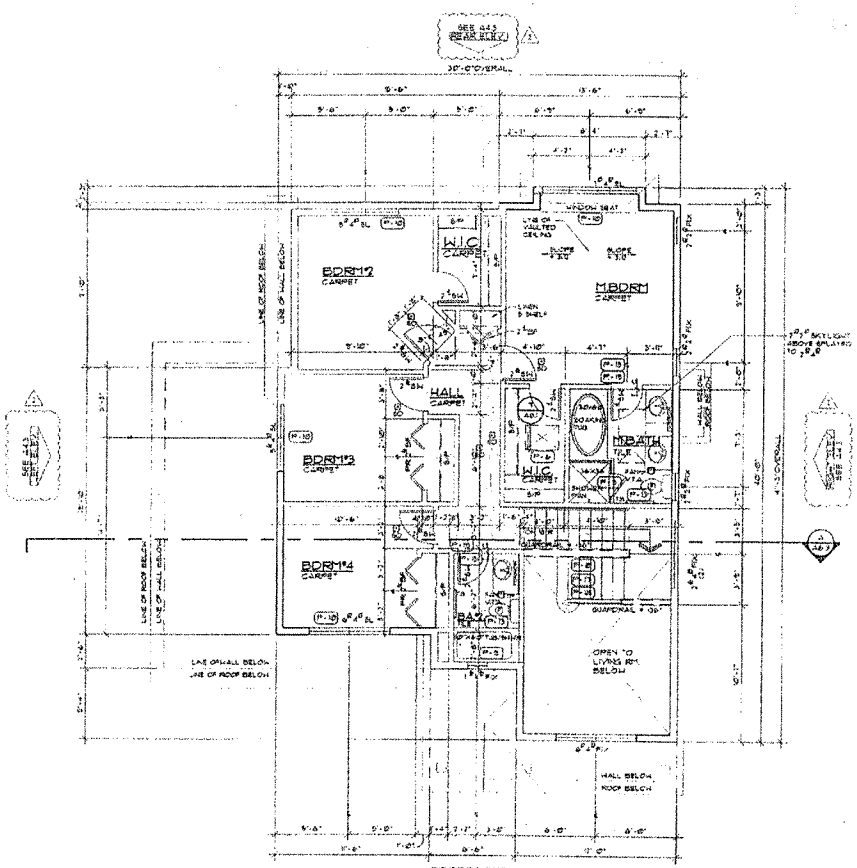
ENERGY CODE REQUIREMENTS:

PER WASHINGTON STATE ENERGY CODE - TABLE 6-1

PROJECT WILL ABIDE BY - OPTION IV (UNLIMITED GLAZING OPTION) SEE COVER SHEET FOR VALUES
(PLEASE SEE W.S.E.C. TABLE 6-1 AND CODE TEXT FOR FOOTNOTE REFERENCE)

PRESCRIPTIVE REQUIREMENTS (OPT. IV.)

GLAZING PERCENTAGE + UNLIMITED
GLAZING U FACTOR + .40
GLAZING U FACTOR (SKYLIGHT) + .58
DOOR U-FACTOR + .20



UNIT B
2nd FLOOR PLAN
BUILDING TYPE III

867 SF. (GROSS)
SCALE: 1/4" = 1'-0"

BUILDING TOTAL SQ. FT.	
2nd FLOOR	= 867 SF. (GROSS)
1st FLOOR	= 795 SF. (GROSS)
TOTAL AREA	= 1,662 SF. (GROSS)
GARAGE AREA	= 436 SF.
PATIO	= 63 SF.
PORCH	= 96 SF.

FLOOR PLAN KEY NOTES

P-1 OCCUPANCY SEPARATION
GARAGES BENEATH HABITABLE ROOMS PROTECTED BY NOT LESS THAN ½" TYPE "X" G.W.B. + CEILIG. GARAGES BENEATH ATTICS MAY BE SEPARATED BY NOT LESS THAN ½" G.W.B. ALL WALLS PROTECTED BY NOT LESS THAN ½" G.W.B.
2003 IRC R302.2

P-2 10 MIN. RATED ½" THICK, TIGHT FITTING SOLID CORE OR ASSEM.
2003 IRC R302.1
A. PROVIDE KEYLOCK THRESHOLD, 1 HEATHERSTRIP

P-3 10' HIGH PLATFORM (GAS PILOT LIGHT 16" MIN. AFF.)
2003 IRC M1307.3 & P2801.6

P-4 PROTECTION FROM IMPACT
2003 IRC M1307.3

P-5 CRAWL SPACE ACCESS
6x14, INSULATE AND WEATHER STRIP PER
2003 IRC R408.3

P-6 ATTIC ACCESS
2003 IRC R301
A. ROUGH OPENING MIN. 22x30, LOCATE IN HALLWAY OR OTHER READILY ACCESSIBLE ROOM
B. PROVIDE 30" MIN UNOBSTRUCTED HEADROOM

P-7 5' GAR. + HALL LOCKS, INDICATED ACCESSIBLE SPACE UNDER STAIRS
2003 IRC R302.2

P-8 STAIR ASSEMBLY NOTES
2003 IRC R311
A. WIDTH MIN 36" CLR
B. MIN. HEADROOM IN ALL PARTS OF STAIRWAY MIN. 6'-6"
C. RISER HEIGHT MAX. 7 3/4"
D. TREAD DEPTH MIN. 10"
E. NOSING NOT LESS THAN 3/4" NO MORE THAN 1 1/4" SHALL BE PROVIDED ON STAIRWAYS W/ SOLID RISERS
EXCEPTION: NOSING NOT REQ'D WHERE TREAD DEPTH IS MIN. 11"

P-9 SAFETY GLAZING PER
2003 IRC R308.4
A. SAFETY GLAZING IS REQUIRED IN ALL DOORS & RAILINGS
B. GLAZING IN TUB OR SHOWER ENCLOSURES WHERE BOTTOM EDGE IS LESS THAN 60" VERTICALLY OF WALKING SURFACE
C. GLAZING IN AN INDIVIDUAL FIXED OR OPERABLE PANEL ADJACENT TO A DOOR WHERE THE NEAREST VERTICAL EDGE IS WITHIN A 24" ARC OF THE DOOR IN A CLOSED POSITION AND WHOSE BOTTOM EDGE IS LESS THAN 60 INCHES ABOVE THE FLOOR.
D. FIXED OR OPERABLE GLAZING GREATER THAN 9 SQUARE FEET IN AREA AND WITHIN 18 INCHES AFF.
E. GLAZING ADJACENT TO STAIRWAYS AND LANDINGS WITH 36" HORIZ. OF WALKING SURFACE WHEN GLASS IS LESS THAN 60" AFF.
F. GLAZING ADJACENT TO STAIRWAY WITH 60" HORIZ. OF BOTTOM TREAD OF STAIRWAY IN ANY DIRECTION WHEN BOTTOM EDGE LESS THAN 60" ABOVE NOSE OF TREAD

P-10 EGRESS WINDOW PER
2003 IRC R310
A. MIN. NET CLEAR OPERABLE AREA + 5.7 SQFT
EXCEPTION: GRADE FLOOR OPENINGS SHALL HAVE MIN. 5 SF CLEAR
B. MIN. NET CLR. OPENABLE HEIGHT DIMENSION + 24"
C. MIN. NET CLR. OPENABLE WIDTH DIMENSION + 20"
D. MAX. SILL HEIGHT + 44" AFF.

P-11 RANGE COOKTOP W/ HOOD EXHAUST PER
2003 IRC M1507

P-12 DRYER VENT EXHAUST PER
2003 IRC M1501
A. THE D/A OF THE EXHAUST DUCT SHALL BE AS REQ. BY THE CLOTHES DRYER LISTING AND THE PER'S INSTALLATION INSTRUCTIONS.
B. THE MAX. LENGTH OF CLOTHES DRYER EXHAUST DUCT SHALL NOT EXCEED 25 FT. FROM THE DRYER LOCATION TO THE WALL OR ROOF TERMINATION.
C. THE MAX. LENGTH OF THE DUCT SHALL BE REDUCED 25 FT. FOR EACH 45 DEGREE BEND AND 5 FT. FOR EACH 90 DEGREE BEND.
D. THE MAX. LENGTH OF THE EXHAUST DUCT DOES NOT INCLUDE THE TRANSITION DUCT.

P-13 VENT EXHAUST FAN THROUGH ATTIC AND TO OUTSIDE
2003 IRC M1506

P-14 FIREPLACE ASSEMBLY NOTES PER
2003 IRC R1001
A. DIRECT VENT FIREPLACE VENT TO OUTSIDE + INSTALL PER MANUF. SPECS. + IPC.
B. ZERO CLEARANCE FIREPLACES SHALL CONFORM MANUF. LISTING AND IRC REQUIREMENTS.
C. HEARTH SHALL CONFORM TO THE CONDITIONS OF THE LISTING AND MANUF. INSTALLATION REQUIREMENTS
D. VERIFY OPENING CLEARANCES PER MANUF. SPECS.

P-15 FLOOR MATERIAL BREAKLINE

P-16 STAIRWAY ILLUMINATION PER
2003 IRC R303.6
A. ALL INTERIOR AND EXTERIOR STAIR SHALL BE PROVIDED WITH A MEANS TO ILLUMINATE THE STAIRS INCLUDING THE LANDINGS AND TREADS
B. INTERIOR STAIRWAYS SHALL BE PROVIDED WITH AN ARTIFICIAL LIGHT SOURCE LOCATED IN THE IMMEDIATE VICINITY OF EACH LANDING OF THE STAIRWAY.
C. FOR INTERIOR STAIRS THE ARTIFICIAL LIGHT SOURCES SHALL BE CAPABLE OF ILLUMINATING TREADS AND LANDINGS TO LEVELS NOT LESS THAN 1 FOOT - CANDLES (11 LUX) MEASURED AT THE CENTER OF TREADS AND LANDINGS
EXCEPTION: AN ARTIFICIAL LIGHT SOURCE IS NOT REQUIRED AT THE TOP AND BOTTOM LANDING PROVIDED AN ARTIFICIAL LIGHT SOURCE IS LOCATED DIRECTLY OVER EACH STAIRWAY SECTION

P-17 GUARDRAILS PER
2003 IRC R312.1 R312.1
A. PORCHES, BALCONIES OR RAISED FLOOR SURFACES LOCATED MORE THAN 30 IN. ABOVE THE FLOOR OR GRADE BELOW SHALL HAVE GUARDS NOT LESS THAN 36 IN. IN HEIGHT.
B. OPEN SIDES OF STAIRS WITH A TOTAL RISE OF MORE THAN 30 IN. SHALL HAVE GUARDS NOT LESS THAN 34 IN. IN HEIGHT MEASURED VERTICALLY FROM THE NOSING OF THE TREADS.
C. REQUIRED GUARDS ON OPEN SIDES OF STAIRWAYS, RAISED FLOOR AREAS, BALCONIES AND PORCHES SHALL HAVE INTERMEDIATE RAILS OR ORNAMENTAL CLOSURES WHICH DO NOT ALLOW PASSAGE OF SPHERE 4 IN. OR MORE IN DIAMETER.

P-18 EGRESS DOOR
2003 IRC R311.4
A. NO LESS THAN 1 EXIT DOOR SHALL BE PROVIDED FOR EACH DWELLING UNIT. REQUIRED EXIT DOOR MUST HAVE DIRECT ACCESS FROM HABITABLE PORTIONS WITHOUT GOING THROUGH A GARAGE
B. THE REQ'D SHALL BE NOT LESS THAN 3'-0" x 6'-8". OTHER DOORS SHALL NOT BE REQ'D TO COMPLY TO MIN. DIMENSIONS.
C. ALL EGRESS DOOR SHALL BE READILY OPERABLE FROM THE SIDE FROM WHICH EGRESS IS TO BE MADE WITHOUT THE USE OF A KEY OR SPECIAL KNOWLEDGE OR EFFORT.
D. DOOR U-VALUE IS .20

Original Unit B Building Plans Approved Under 05-103350-LK.

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Bellevue Washington 98005
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office@gmsarch.com
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REGISTERED ARCHITECT
STATE OF WASHINGTON

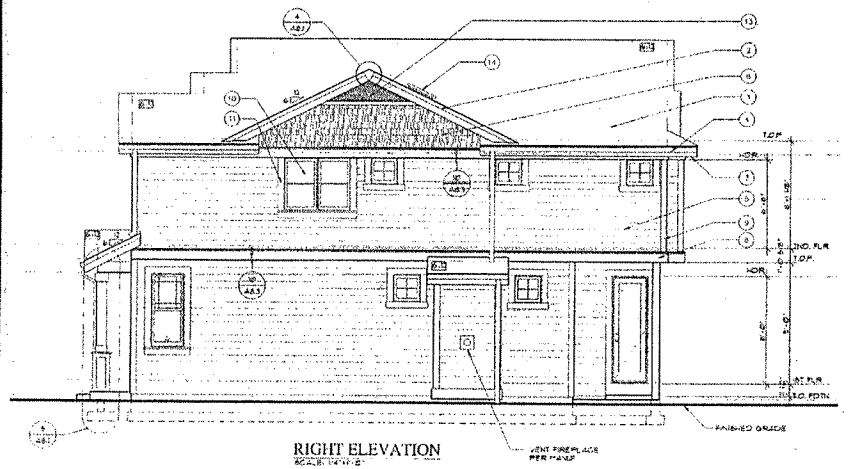
The Enclave ® Fox Glen
JOHNSON CONTRACTORS INC.
P.O. BOX 3574
BELLEVUE, WA 98009-3574
425-467-0600 F: 425-467-0600

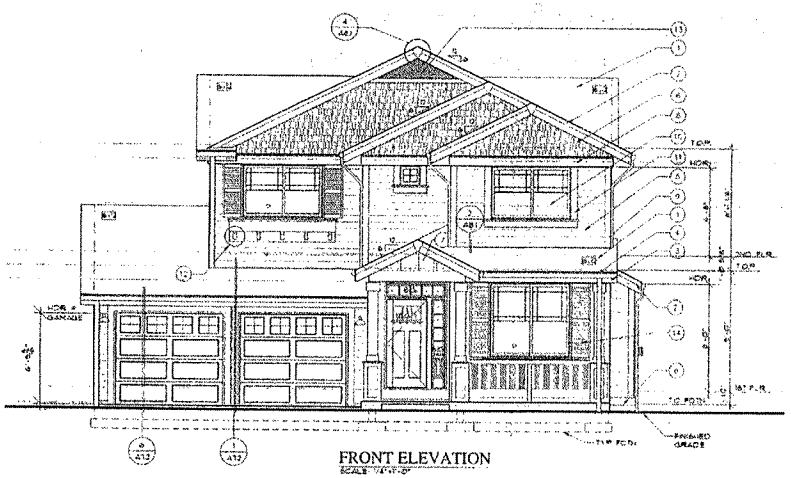
UNIT B 2ND FLOOR PLAN
TYPE III

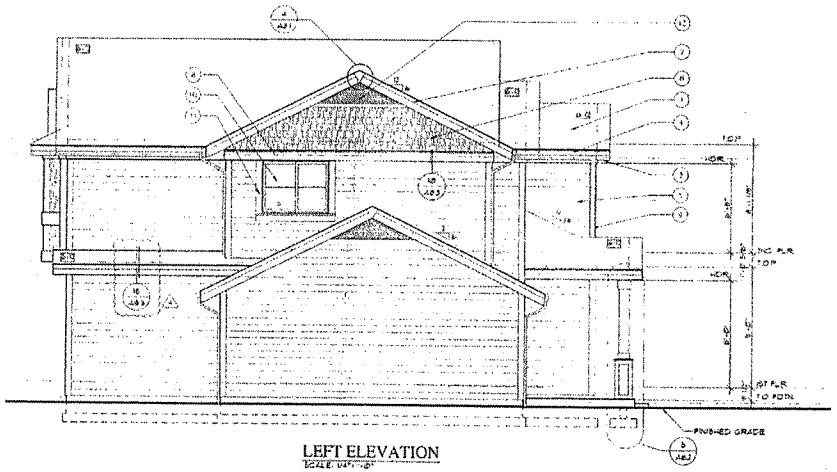
Date: 3/3/07
Drawn: ----
Job #: 0417
Revisions:
03/20/07
01/18/07
01/09/07
09/24/07
09/24/07

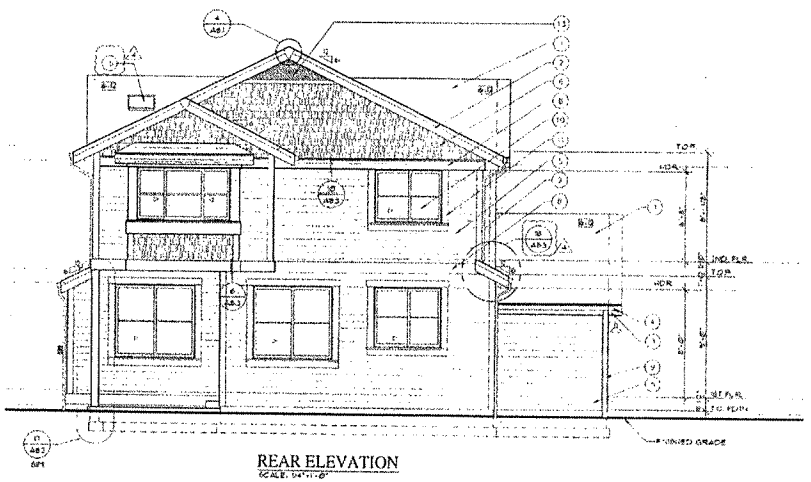
GIVEN A
3.4

Attachment II - Site Plans









NOTES:

1. ASPHALT COMP SHINGLES VERIFY COLOR W/BUILDER
2. 2x10 BARGE BOARD W/4 TRIM + GABLE ENDS W/ 1 KEYBLOCK
3. 2x10 FASCIA BOARD + EAVES
4. FRIEZE & PAINT CONTINUOUS MTL GUTTER AND DOWNSPOUTS
5. "HARDIBOARD" BEVELED SIDING W/ 1" EXPOSURE PER ELEV. INSTALL PER MANUF. SPEC. VERIFY COLOR W/BUILDER
6. "HARDIBOARD" SHINGLES INSTALL PER MANUF. SPEC. VERIFY COLOR W/BUILDER SEE ELEVS FOR SHINGLE LOCATIONS
7. 18x20 GABLE END VENT 4" WIDTH WOOD TRIM HD AND JAMBS 4" WIDTH WOOD TRIM + SILL SEE DET 6+A8
8. 2x24 GABLE END VENT 4" WIDTH WOOD TRIM HD AND JAMBS 4" WIDTH WOOD TRIM + SILL
9. 2x5 TRIM BUTT TO 2x6 TRIM AT CORNERS, TYP.
10. 6" WIDTH WOOD DOOR/WINDOW TR JAMBS 4" WIDTH WOOD WINDOW TR
11. FIREPLACE VENT TERMINAL W/WOOD 3'-0" MIN TO OPENINGS
12. BRACKET, SEE DTL 2/A8.3

Original Unit B Building Plans Approved Under 05-103350-LK.

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STATE OF WASHINGTON

The Enclave @ Fox Glen

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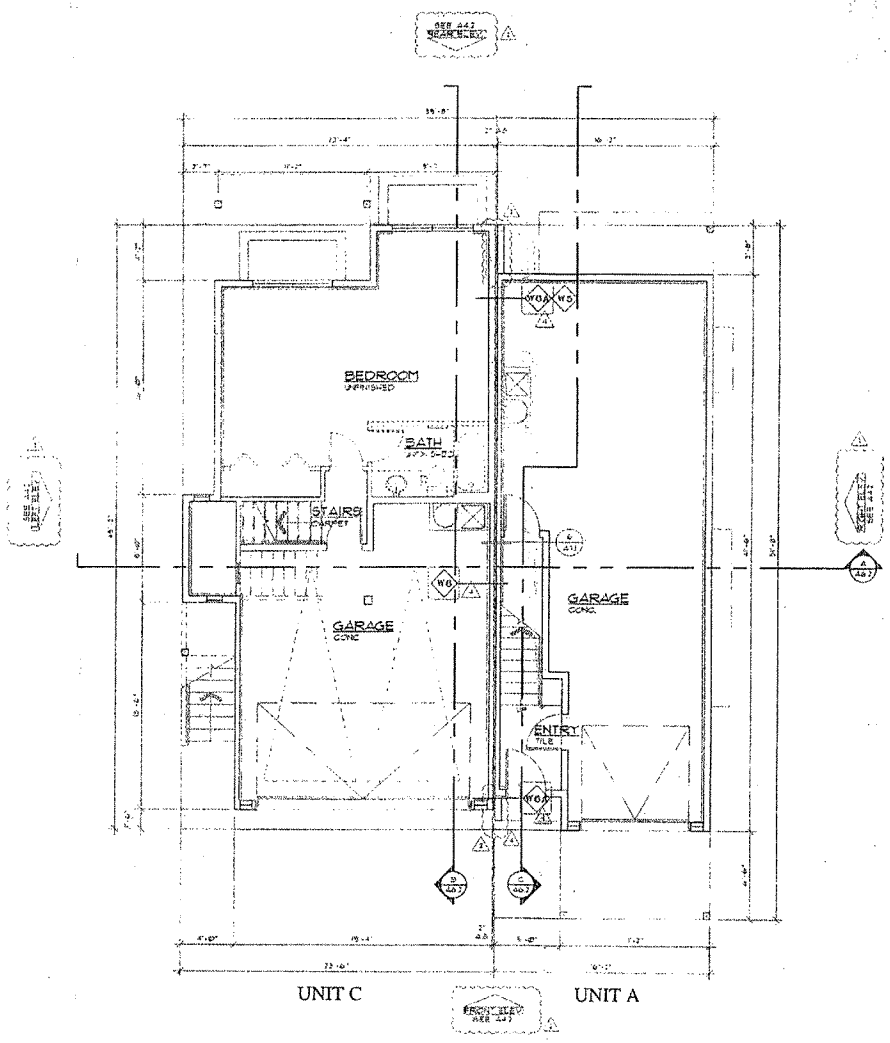
BUILDING TYPE III
UNIT B
ELEVATIONS

Date: 3/1/07
Drawn: MYA
Job #: 042
Revisions:
1. 03/26/07
2. 07/18/07
3. 07/18/07
4. 09/24/07
5. 09/24/07

A
4.3



1ST FLOOR
BUILDING TYPE II
SCALE: 1/4" = 1'-0"

New Proposed Unit A and Unit C Building Plans For Lot 9A and 9B.

GMS Architectural Group

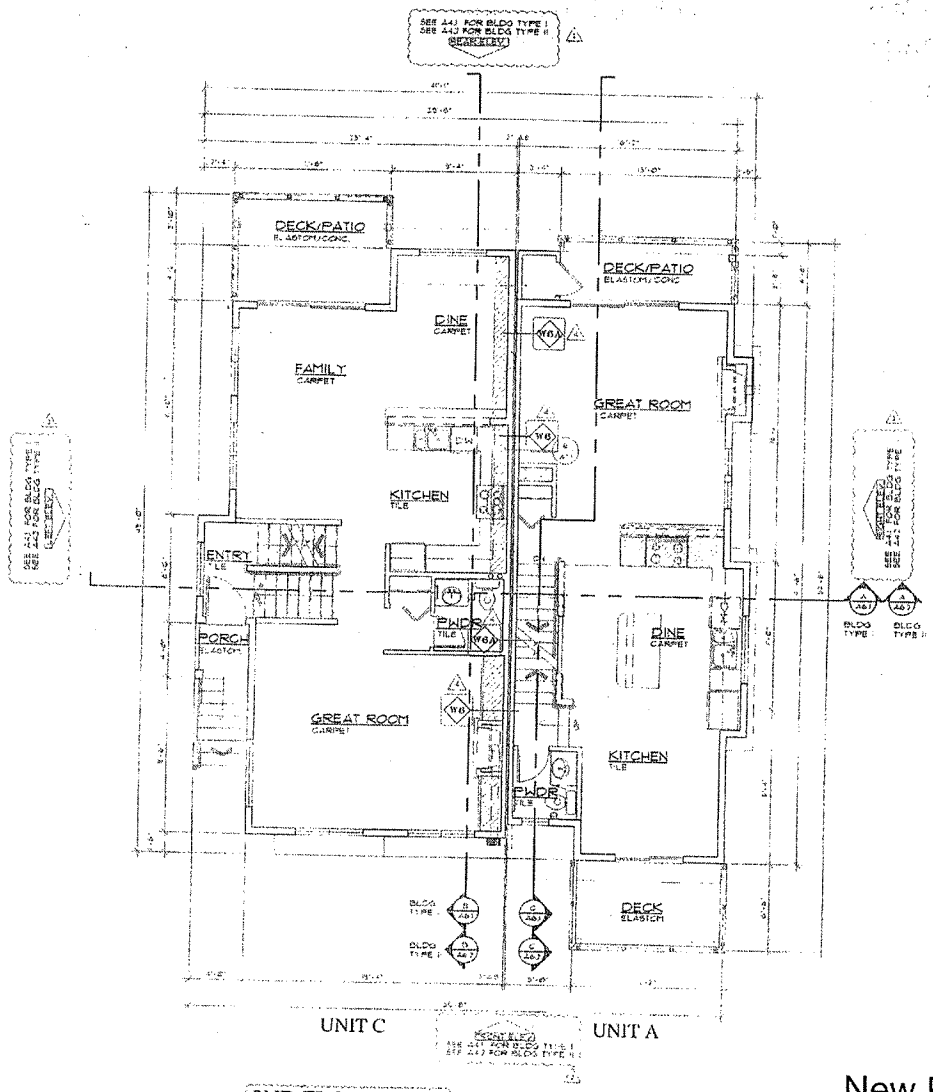
The Enclave @ Fox Glen

JOHNSON CONTRACTORS INC.

BUILDING TYPE II
UNITS A AND C
1ST FLOOR PLAN

A
5.2

RECEIVED



2ND FLOOR PLAN
BUILDING TYPE I AND II
SCALE: 1/4" = 1'-0"

New Proposed Unit A and Unit C Building Plans For Lot 9A and 9B.

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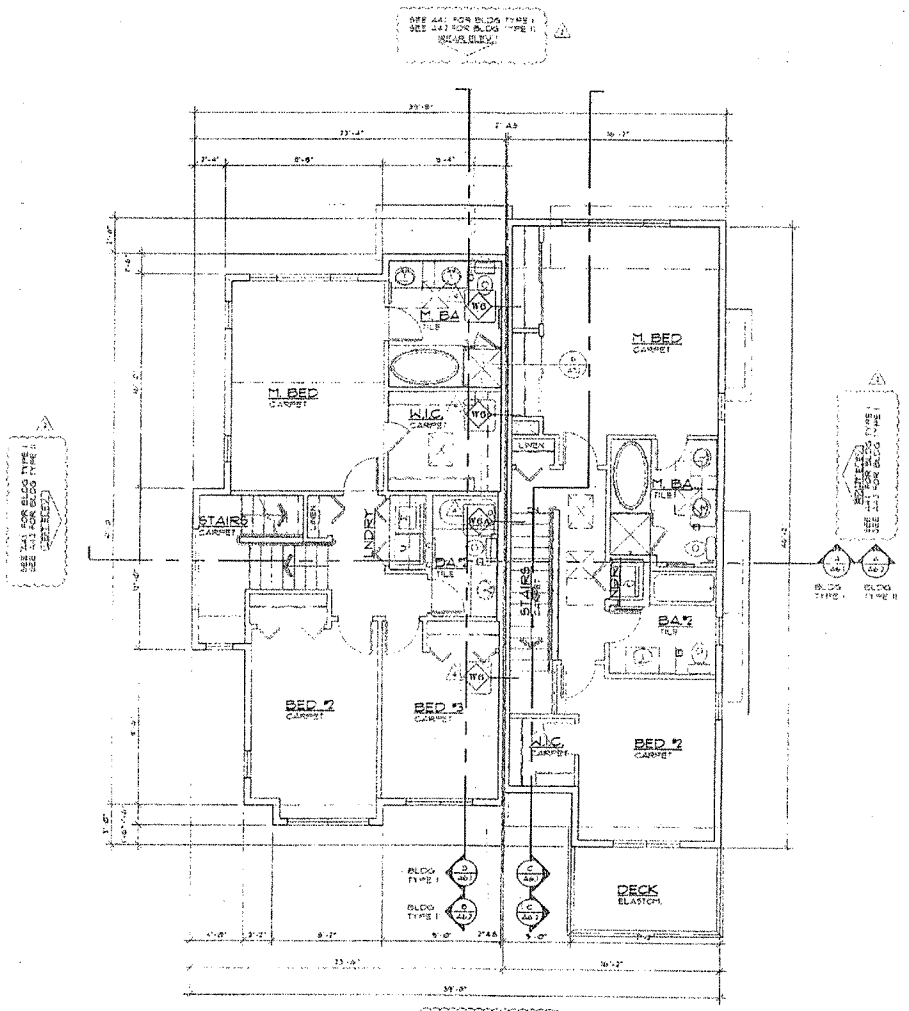
JOHNSON CONTRACTORS INC.

BUILDING TYPE I & II
UNITS A AND C 2ND
FLOOR PLAN

A 5.3

RECEIVED
NOV 2007



UNIT C

UNIT A

3RD FLOOR PLAN
BUILDING TYPE I & II
SCALE: 1/4" = 1'-0"

New Proposed Unit A and Unit C Building Plans For Lot 9A and 9B.

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BELLEVUE, WA 98009-3574
425-467-6602 F: 425-467-6623

BUILDING TYPE I & II
UNITS A AND C 3RD
FLOOR PLAN

Date: 3/1/07
Drawn: M.A.
Job #: 0423
Revisions:
03/20/07
07/10/07
07/10/07
08/24/07
03/24/07

A
5.4

RECEIVED
NOV 0 1 2007

Attachment II - Site Plans

New Proposed Unit A and Unit C Building Plans For Lot 9A and 9B

Attachment III - Original Preliminay Plat/PUD Staff Report

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
ENVIRONMENTAL COORDINATOR
11511 MAIN ST., P.O. BOX 90012
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Dennis Johnson, Freemantle Development Group

LOCATION OF PROPOSAL: 1025 and 1041 156th Avenue N. E.

NAME & DESCRIPTION OF PROPOSAL:

Application for approval of Planned Unit Development, Preliminary Plat and Design Review approvals to demolish two single-family homes and construct 25 new homes on 25 individual lots, to include twelve 2-unit buildings and one single family building. Access is from 156th Avenue N.E. via an easement. The project is located on a 106,590 sq. ft. site zoned multifamily R-10 with conditions and within a Single Family Transition Area Overlay District.

FILE NUMBER: 05-103350-LK

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Department of Planning & Community Development. This information is available to the public on request.

☐ There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on March 16, 2006.

☒ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on 9-14-06.

☐ This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project): or if the DNS was procured by misrepresentation or lack of material disclosure.

Carol Wyckoff
Environmental Coordinator

8-31-06
Date

OTHERS TO RECEIVE THIS DOCUMENT:
State Department of Fish and Wildlife
State Department of Ecology,
Army Corps of Engineers
Attorney General
Muckleshoot Indian Tribe

Attachment III - Original Preliminay Plat/PUD Staff Report

City of Bellevue
Department of Planning and Community Development
Development Services Staff Report

Proposal Name:	**The Enclave at Fox Glen**
Proposal Address:	1025 and 1041 - 156th Avenue N. E.
Proposal Description:	Request for Planned Unit Development, Preliminary Plat and Design Review approvals to demolish two single-family homes and construct 25 new homes on 25 individual lots, to include twelve 2-unit buildings and one single family building. Access is from 156th Avenue N.E. via an easement. The project is located on a 106,590 sq. ft. site zoned multifamily R-10 with conditions and within a Single Family Transition Area Overlay District.
File Number:	**05-103350-LK**
Applicant:	Dennis Johnson, Freemantle Development, Inc.
Decisions Included:	Planned Unit Development and Preliminary Plat (Process I, LUC 20.35.100) with Design Review (Process II, LUC 20.35.200)
Planner:	Julia Kruger
State Environmental Policy Act Threshold Determination:	**Determination of Non-Significance (DNS)** Carol V Helland Carol V. Helland, Environmental Coordinator
Director's Recommendation/ Decision:	**Approval of Design Review and Recommendation of Approval of the Plat and Planned Unit Development with Conditions** Carol V Helland for Matthew A. Terry, Director, Department of Planning and Community Development

Notice of Application Date:	April 6, 2006
Recommendation/Decision Publication Date:	August 31, 2006
Public Hearing Date:	September 21, 2006, with continuance scheduled on October 19, 2006, if needed.
SEPA and Design Review Appeal Deadline:	September 14, 2006

Appeal of the Design Review Decision or SEPA Determination must be filed with the City Clerk no later than 5 PM on the date noted for appeal of the decision.

Attachment III - Original Preliminay Plat/PUD Staff Report

I. REQUEST AND REVIEW PROCESS

A. Request

The applicant is requesting Planned Unit Development (PUD), Preliminary Plat and Design Review approvals to develop 12 two-unit structures and one single-family home for a total of 25 residential units and to subdivide the properties to create 25 separate residential lots. Two existing single family homes on the site will be demolished. The project site consists of two lots with a combined area of 106,590 square foot. The properties are zoned multifamily R-10 with conditions and are located within a Transition to Single-family Overlay District.

B. Approvals Requested

The applicant has requested that the decision include the following approvals as permitted by Land Use Code (LUC) sections:

- LUC 20.30D (as amended by Ordinance 5682) Planned Unit Development (PUD) to allow the approval of a subdivision of a multifamily R-10 zoned site into 25 lots with each lot smaller than the R-10 minimum lot size of 8,500 SF and to modify certain dimensional standards of the Land Use Code.
- LUC 20.35A (as amended by Ordinance 5682) Preliminary Plat approval to create the proposed 25 individual lots and common area tracts;
- LUC 20.30F Design Review approval to develop a multifamily zoned site located within a Single Family Transition Area; and
- LUC 20.20.900 F Alternative Tree Retention Option

C. Review Process

The Planned Unit Development and Preliminary Plat approvals are Process I Decisions. Process I decisions are made by the Hearing Examiner following a public hearing. The decision is based on city and state regulations, a written recommendation by the Director of Planning and Community Development and the file record established before and during the public hearing. The Hearing Examiner's decision may be appealed to the City Council. The Design Review and SEPA Determination are Process II decisions. The Design Review is an administrative decision of the Director of Planning and Community Development. The Environmental Coordinator issues the SEPA Threshold Determination. An appeal of a Process II decision is heard and decided upon by the City of Bellevue Hearing Examiner. In the case of an appeal of a Process II decision, the appeal hearing is held concurrently with the public hearing on the Process I decision.

II. EXISTING SITE DESCRIPTION, ZONING, AND LAND USE CONTEXT

A. Site

The project site, consisting of two tax lots, is located in the Crossroads subarea of northeast Bellevue. The property is internal to a large city block bounded on the north by N.E. 20th Street, on the east by 156th Avenue N.E., on the south by N.E. 8th Street and on the west by 148th Avenue N.E. It is located approximately 900 feet west of 156th Avenue N.E. with developed

multifamily properties east and south of the site and developed single family neighborhoods to the west of the site. Site access is from the northeast corner of the site via an easement along the north 30 feet of the three condominium complexes east of the site. There are two existing single family homes that will be demolished as part of the project.

The project site is connected to the public street system via a 30-foot wide access easement across the north 30 feet of the Innisfree, Ironwood and Evergreen East condominium properties. The longest portion of the easement (540 feet) is across the Innisfree condominium property immediately to the east of the project site. Parking garages for the Innisfree condominium units line the south side of the easement, such that a car exiting from one of these garages must back out directly into the easement. The easement slopes down to the project site at an approximate average six percent grade. In order to provide a more or less level entry into each garage, portions of the pavement in the vicinity of the garage entrances are warped to accommodate the grade change. In some places concrete stairs intrude a few feet into the easement. The garage eaves overhang the easement by approximately 18 inches, which does not affect passage of passenger vehicles, but are too low for fire truck passage. The Innisfree condominium owners have established parallel parking stalls along the north property line. All of these factors reduce the useable width of the 30 foot easement for vehicles and eliminate the possibility of construction of a separate pedestrian walkway within the easement to connect the site to 156th Avenue N.E.

The developer purchased Lot 35 of the plat of Fox Glen located abutting the project site at the northwest corner. An easement for the sanitary sewer and water lines across the south 20 feet of Lot 35 provides access for project utilities to be connected to the public sanitary sewer and water lines in 151ST Place N.E. An informal pedestrian path is indicated within the private 20 foot utility easement on Lot 35 to connect the project site with the public sidewalk at 151st Place N. E

The project site is an approximate square, 330 feet by 323 feet. It is heavily wooded with Douglas fir, western red cedar and big-leaf maple trees predominating. The ground slopes gradually down from an elevation of 340' at the southeast corner toward the west property line at elevations 310'-312' and toward the north to an elevation of approximately 332' at the northeast site corner. Site slopes are typically 6-10 percent. There are no Critical Areas as defined by LUC 20.25H (Ordinance 5680) on the site; therefore, the site is not within the Critical Areas Overlay District. The west 300 feet of the site is within a Transition to Single Family Overlay District.

B. Zoning (See Site Zoning Map below)

The site was rezoned from R-2.5 to R-10 in 1992 with Ordinance 4448 to comply with the State Growth Management Act (GMA), which requires that zoning be consistent with the Comprehensive Plan land use designation. The Crossroads subarea plan map designates the project site Multifamily – Low density (MF-L). The rezone ordinance (# 4448) contains a development condition requiring affordable housing if 10 or more units are built on each lot.

Attachment III - Original Preliminay Plat/PUD Staff Report

Zoning Map of Site & Vicinity

The Land Use Code requirement to provide affordable housing with new residential development was amended by Ordinance 4855 in 1996 to become a voluntary choice rather than a compulsory requirement for development. The Land Use Code amendment did not remove the rezone condition applicable to these properties. Following the adoption of Ordinance 4855, the City Council gave staff direction on how to proceed with projects subject to rezone conditions requiring affordable housing. Those properties that had received additional development potential through a rezone were considered obligated to comply with the specifically worded condition that detailed the requirement. The council provided the property owners with an option to buy out of the affordable housing commitment. The applicant for this project has chosen not to take the option and to provide the required affordable units. Therefore, the following affordable housing condition applies to each of the two properties.

> *"In the event the property is developed with ten housing units or greater, at least ten (10) percent of the units buildable under the original maximum density must be affordable units and at least twenty (20) percent of the units buildable as a result of the increase in density from the original maximum density to the total number of approved units must be affordable units. One bonus market rate unit is permitted for*

each of the affordable units provided to meet the minimum ten (10) percent requirement of the original maximum density, up to fifteen (15) percent of the original maximum density. "Affordable unit" shall be defined as set forth in LUC 20.50.010.

For the purpose of calculating the number of required affordable units, the original maximum density possible under the R-3.5 zoning is three (3) units. The units shall remain affordable for the lifetime of the R-10 zoning classification and shall be dispersed across the range of unit sizes and throughout the property.

Prior to issuance of a building permit, the owner shall sign any necessary agreements with the City to implement these requirements. The City may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for the purpose of allowing the owner to obtain financing for development of the property, consistent with any applicable provisions of the Land Use Code in effect at the time of the issuance of the development permits."

A condition of approval shall require the applicant to sign any necessary agreements with the City to implement the affordable housing requirements.

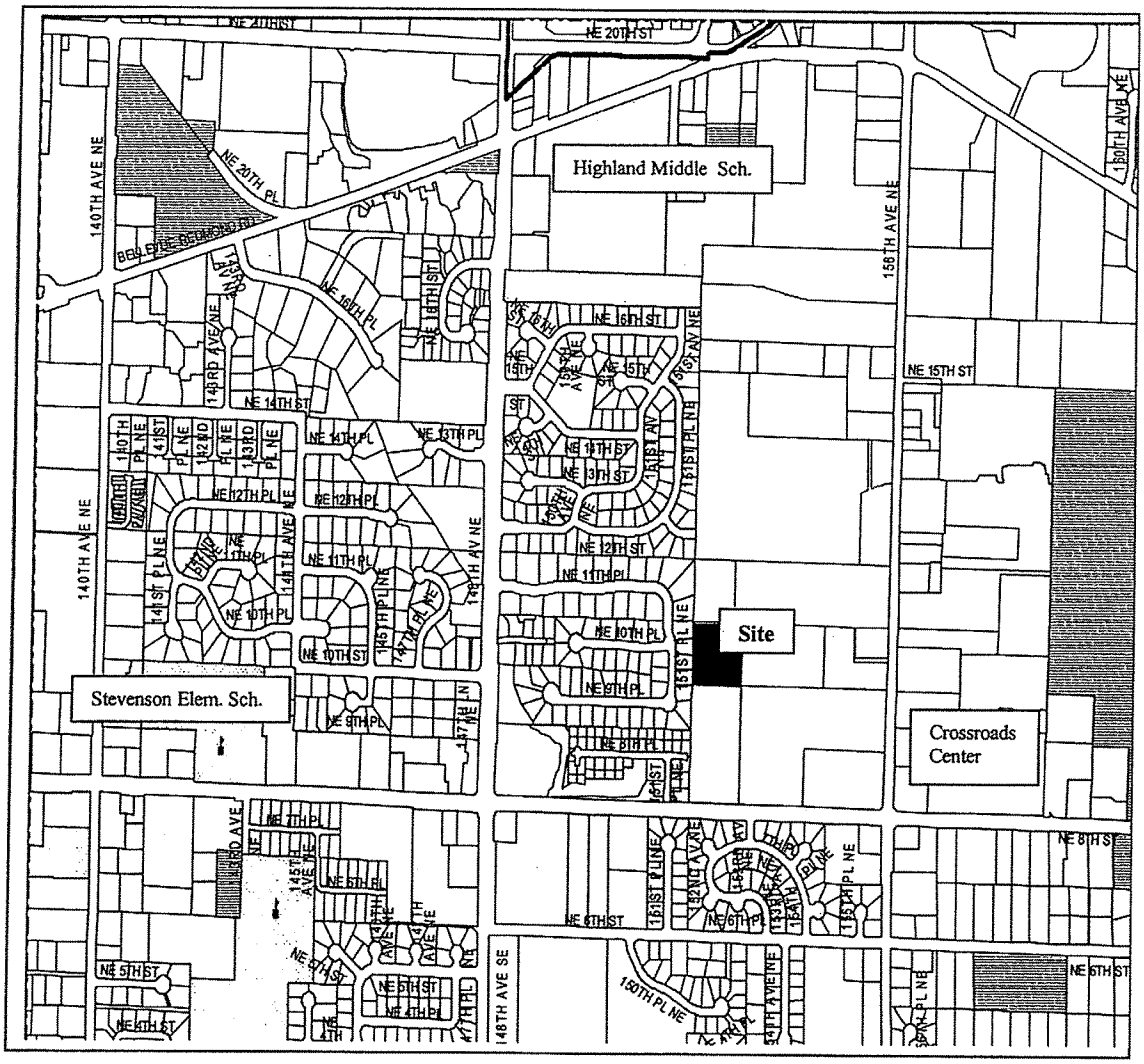
C. Land Use Context (See Vicinity Map and Aerial Photograph below.)
To the west the project site abuts a single family neighborhood consisting of three subdivisions; Highland Firs, Fox Glen and Fox Chase. To the north is an undeveloped portion of a multifamily property owned by the Cascadian- KCHA Limited Partnership. To the east the site abuts the Innisfree condominium complex. Two additional condominium complexes, Ironwood and Evergreen Estates, lie farther to the east between the Innisfree complex and 156th Avenue N. E. To the south and southeast the site abuts developed multifamily complexes in R-30 zoning.

The project site is internal to a very large block of land (approximately 218 acres or 9,500,000 sq. ft.) which does not have any public streets or pedestrian paths that extend through the block in either the north-south or east-west directions. The single family properties in the west half of the block have access to 148th Avenue N. E. via public streets that either loop back to 148th Avenue N.E. or end in cul-de-sacs. Many of the properties on the east side of the block are large with direct access to 156th Avenue N.E., N.E. 8th Street or Bel-Red Road/N.E. 20th Street. Several properties, including this site, have access to a public street only via a private easement or easements across adjacent properties.

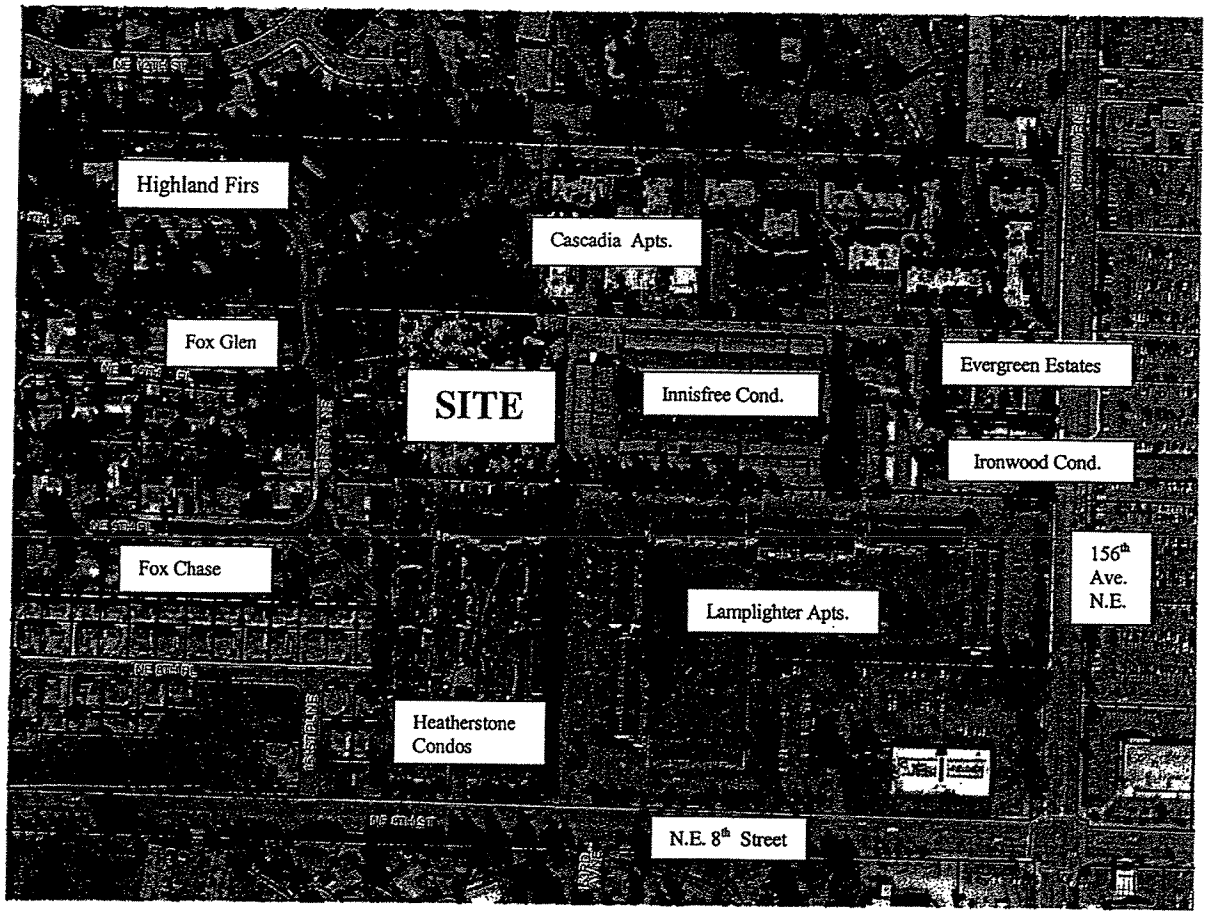
In the larger context, the project site is relatively close to two public schools that serve the site, Stevenson Elementary (± 2/3 mi.) to the west and Highland Middle School (±2/3 mi.) to the north. The Bellevue Aquatic Center is located at 601-143rd Ave N.E., approximately ¾ mile to the southwest of the site. Crossroads Shopping Center is ± 1/4 mile to the east across 156th Avenue N.E. with Crossroads Park and Community Center to the east of the center. Fire station #3 is located at 16100 N. E. 8th Street, approximately 2/3 miles from the site.

Attachment III - Original Preliminay Plat/PUD Staff Report

Vicinity Map



Aerial Photograph of the Vicinity



III. PROPOSED SITE AND BUILDING DESIGN

(See Attachment B for proposed plans.)

A. Site Design

The site design places the buildings around the exterior edge of an squared-off, oval-shaped loop road in the center of the site. The 20' wide loop road encompasses a 8,765 sq. ft. central common open space (Tract 'D') intended for passive recreation activity. A short stem road connects the loop road with the access easement at the boundary of the Innisfree Condominium property. A 5-foot wide sidewalk is proposed on the south side of the stem road to continue around the outside of the loop and connect to a crosswalk at the junction of the loop with the stem road section. Four crosswalks, one at each 'corner' of the loop, connect the residential lots with the Tract 'D' open space. All of the significant trees and most of the native understory within the central common open space are to be retained with informal trails to meander between the trees. In the northwest corner of the site an underground detention vault in Tract 'C' is to be covered with a sport court, lawn area and children's play equipment. Three additional common

open spaces, are proposed. A biofitration facility is proposed west of the vault within the 20' Transition Area landscape buffer. Tracts 'F' and 'G' , each approximately 2000 sq. ft. in area, flank the stem road at the entrance to the complex. Tract 'E' (5,914 sq. ft.) is located in the southwest corner of the site which will incorporate the preservation of 10-12 existing large trees, primarily Douglas fir. A path from the sidewalk at Tract 'E' in the southeast corner of the site is proposed through Tract 'E' and continuing to the north to connect with Tract 'C'.

A pedestrian path is proposed to connect the central loop sidewalk at Tract 'C' to a gate in the site perimeter fence located at the utility easement on Lot 35 to allow residents of the proposed plat to have safe pedestrian access across Lot 35 to the public sidewalk on 151st Place N.E. This sidewalk connects to 148th via 151st Place S.E. south to N.E. 9th Street and then west to a 10' public easement and pedestrian path connecting to 148th Avenue N.E. A condition of approval will require that the utility easement be amended to grant the residents of the plat a right of pedestrian access across Lot 35 to 151st Place N. E.

Two of the proposed buildings (4 units) are located on the west side of the loop, between the road and the single family properties to the west. These two buildings are set back a minimum of 30 feet from the west property line. A six-foot cedar fence and 20 foot landscape buffer are proposed along the property line adjoining the single family zoned properties. The remaining 11 buildings (21units) are distributed on the north, east and south sides of the loop in proximity to the R-30 multifamily zoned properties.

B. Building Design

The three-story, 2-unit buildings consist of either two three-bedroom townhomes (Unit C) or one two-bedroom unit (Unit A) and one three-bedroom unit. The lowest level includes a parking garage with stairs to the first living level. The upper two levels contain the living quarters with the bedrooms on the third level. Each building has a hipped roof with added gables on the front and rear. 'C' units have added gables on the side elevation. The side elevation of the two-bedroom 'A' unit is less complex, but includes a 1'-6" extension of the dining room beyond the main building wall with a pitched roof to add interest to that side. The roof material is a deep-brown composition shingle. The exterior walls are a combination of shingle and horizontal siding in brown and tan earth tones. Most windows have the appearance of traditional double-hung windows with divided- light upper sections. Windows have white trim and an exterior sill. See colored elevations and color/materials board in the project file.

The design of the buildings is residential in character and is comparable in bulk and floor area to the larger single family homes being constructed today. The larger three-bedroom, two-unit buildings provide typically 3,430 square feet of living space for the two units combined. However, at three stories these buildings are taller than the one and two-story single family homes and condominiums to the east and west, which were constructed 30-40 years ago. (The condominium complex to the south of the site does include some three story units, but is 10-12 feet below the project site.) Because the site slopes down toward the single family neighborhood to the west, the two buildings that are closest to the west property line will be 4'-6" above the Transition Area height limit of 30' measured from average existing grade. If the height is measured from finished grade, these two buildings would be about two feet above the 30 foot height limit of the standard dimension chart (LUC 20.20.010). This deviation can be approved through the PUD.

IV. STATE ENVIRONMENTAL POLICY ACT (See Attachment C)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. 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. Transportation-related impacts associated with 'The Enclave at Fox Glen' project are consistent with the potential projected impacts analyzed in the 2004-2015 TFP EIS. This document is available at Bellevue City Hall, 450 110th Avenue N. E.

Adverse impacts which are less than significant are usually subject to City Codes or Standards which are intended to mitigate those impacts. Where such impacts and regulatory items correspond, further documentation is not necessary. For other adverse impacts which are less than significant, Bellevue City Code Sec. 22.02.140 provides substantive authority to mitigate impacts disclosed through the environmental review process.

Amendments to the Environmental Checklist
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 except as noted below. The following amendments to the Environmental Checklist are needed. These impacts will be mitigated through exercise of code authority as well as through project-specific conditions of approval, contained in Section XIII.

A. Earth and Water

A geotechnical engineering report was prepared for the site by Dennis Joule, P.E. The site is mapped by the U.S. Soil Conservation Service as Alderwood gravelly sandy loam. Five test pits were dug to a maximum depth of 16 feet revealing the underlying material to be medium dense to dense slightly silty sand. No ground water was observed.

Standard City of Bellevue erosion control measures, including a temporary erosion and sedimentation control plan (TESCP) will be employed to minimize impacts to earth and surface water during the construction process.

A report prepared by Earthworks Services Inc. dated August 2, 2006 and submitted by the applicant on August 6, 2006, estimates the volumes of cut and fill based on the proposed grading plan. The total "cut" material is estimated at 6,450 cubic yards (cy) and the needed amount of fill is estimated to be 5,409 cy. If all the cut material were retained and reused on site, the excess to be removed from the site would be 941 cy. The "cut" material is divided into "stripping volume" (the upper 12"), which is good top soil, but not suitable for structural fill and the remaining cut volume, which may be suitable for structural fill. To the extent that the volumes of each type of "cut" material do not match the needs on site for that type of earth, additional truck trips would be required. Therefore, the applicant states that the project will require a maximum combined total of 1,600 cy cut material to be removed and new material to be trucked to the site. Using 9 cy capacity dump trucks, this would require approximately 356 truck trips (178 trips in and 178 trips out) for the clearing and grading work. The number of trips

could be reduced if an additional trailer were added to each truck, however the constraints of the easement may require the use of single trucks. The applicant is refining the clearing and grading plan with the goal of minimizing the need to export cut and import fill material. A condition of approval shall require refinement of the clearing and grading plan to minimize the need to export or import fill material.

B. Transportation

1. Long Term Impacts

The long-term impacts of development projected to occur in the City by 2015 have been addressed in the City's Transportation Facilities Plan EIS. The impacts of growth which are projected to occur within the City by 2015 are evaluated on the roadway network assuming that all the transportation improvement projects proposed in the City's current Transportation Facilities Plan are in place. The Transportation Facilities Plan EIS divides the City into Transportation Analysis Zones for analysis purposes. The Fox Glen lies within TAZ # 80, which has no growth projected in 2015 for any type of dwelling unit. This development proposes 24 duplex units and one single family residence.

It is recognized that TFP projections fall short in this area in terms of residential land use; however, the TFP is updated every two years at which time land use projections can be adjusted to meet current growth trends. With this considered, the long-term transportation impacts are fully mitigated by payment of traffic impact fees.

Traffic impact fees are used by the City to fund street improvement projects to alleviate traffic congestion caused by the cumulative impacts of development throughout the City. Payment of the transportation impact fee, as required by BCC 22.16, contributes to the financing of transportation improvement projects in the current adopted Transportation Facilities Plan. Fee payment is required at the time of building permit issuance for individual lots.

2. Mid-Range Impacts

Project impacts anticipated to occur in the next six years are assessed through a concurrency analysis. The Traffic Standards Code (BCC 14.10) requires that development proposals generating 30 or more p.m. peak hour trips must undergo a traffic impact analysis to determine if the concurrency requirements of the State Growth Management Act are maintained. This development will generate approximately 13 new p.m. peak hour trips; therefore, a concurrency analysis is not required.

3. Short Term Operational Impacts

City staff analyzed the 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. According to the City of Bellevue Trip Generation Chart, 13 p.m. peak hour trips are expected to be generated which equates to one additional trip every four minutes. This volume of traffic is not expected to create traffic congestion or safety related impact.

The existing 30-foot private road easement leading to the site has an effective travel width varying between approximately 17' and 22'. Areas used for parallel parking along the north side reduce the travel width. Stairs and driveways which ramp up to garages account for the variation in the remaining travel width. During several field visits over the coarse of several years, City Staff has observed no existing traffic operational problems despite these limitations. In fact, the reduced travel width resulting from the easement parking, stairs and garage ramps has somewhat of a traffic calming effect. Observed speeds were near 10 mph range. When two oncoming vehicles needed to pass one another, drivers typically slowed down or stopped to wait for the oncoming vehicle to pass. This may be viewed as somewhat of an inconvenience to motorists; however, this does not produce significant delays in overall travel times or safety related issues.

Few pedestrians were observed walking along this road during rush hour. However, due to low traffic speeds, pedestrian safety did not appear to be an issue.

C. Noise

Noise will be generated from the construction phase of the development. The City of Bellevue Noise Ordinance, BCC 9.18 regulates hours of noise generation related to construction and the conditions under which they may be expanded. The Bellevue Noise Ordinance BCC 9.18 limits noise levels at the property line to 60 dBA. The ordinance exempts construction noise during the hours 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. Saturdays. Expanded hours may be approved by the Director of Planning and Community Development under two conditions: a) to accommodate traffic mitigation and/or b) for construction of essential public facilities. The purpose of restricted construction times is to reduce construction noise impacts to neighboring properties. Single family, apartment and condominium homes are located adjacent to the project site. Expansion of construction hours late into the evening or to early morning hours would be disruptive to life quality of the residential neighborhood. See Section XIII. for a related Condition of Approval.

D. Air

Impacts to air quality during construction can be expected due to emissions from construction equipment and dust from exposed soils due to the grading of the site. A condition will required the applicant to employ mitigation measures to minimize impacts to air quality:

a) Use only equipment and trucks that are maintained in optimal operational condition.
b) Use car pooling or other trip-reduction strategies for construction workers.
c) Pave or use gravel on staging areas and roads that would be exposed for long periods.
d) Cover open container trucks transporting materials, wetting materials in trucks, or providing adequate freeboard (space from the top of the material to the top of the truck bed), to reduce emissions and deposition during transport.
e) Provide wheel washers to remove particulate matter that would otherwise be carried off-site by vehicles to decrease deposition of particulate matter offsite.
f) Remove particulate matter caused by project construction deposited on the easement road, public roadways, sidewalks, and bicycle and pedestrian paths to reduce mud and dust; sweep and wash streets continuously to reduce emissions.
g) Cover dirt, gravel, and debris piles as needed to reduce dust and windblown debris.
h) Route and schedule construction trucks to reduce delays to traffic during peak travel times to reduce air quality impacts caused by a reduction in traffic speeds.

E. Land Use

Potential permanent impacts to the surrounding land uses are analyzed in Section X. in response to the Planned Unit Development and the Design Review criteria of the Land Use Code. Temporary land use impacts will occur during the 9- month period of construction activity. As noted above, approximately 376 single-load truck trips are anticipated during the clearing and grading phase of the project. Additional trips (delivery of materials, construction workers, etc.) will access the site via the easement from 156th Avenue N. E. This easement is the only access route for the residents of the Innisfree and Evergreen Estates condominiums. (Ironwood has a second access to 156th Avenue N.E.) In addition, the construction of the water and sewer lines to the west through the easement across Lot 35 of Fox Glen will be a minor, temporary disruption to the single family neighborhood.

Mitigation: To mitigate construction impacts, the applicant must provide a mitigation plan to include, at a minimum:

a) Timing of the construction traffic and activity, and
b) Qualified traffic control personnel to ensure that the condominium residents are given deference for use of the easement, and
c) Use all appropriate and effective measures to maintain a safe access for residents, and construction personnel, and
d) Minimize other construction impacts such as noise and dust.

The applicant shall submit the plan for review and approval by City of Bellevue Transportation, Fire Prevention and Land Use and may not begin any project activity (demolition, site clearing, etc.) until a management plan has been approved. The applicant shall supply a copy of the approved construction management plan to the president of the board of each condominium complex and to the single family residents whose properties abut the west property line of the plat/PUD. The applicant shall designate a contact person with a phone contact number available at all times for the duration of the construction period. The contact person shall be responsible to ensure that construction activities are in compliance with the approved mitigation plan and shall be the first contact point for the residents regarding the construction activity.

V. SUMMARY OF TECHNICAL REVIEWS

A. Utility Code

The City has adequate capacity for providing water, sewer and storm drainage service for this proposal. The applicant is solely responsible for acquiring any needed off-site easements. Public water and sewer easements will be required for the water and sewer mainlines, fire hydrants and water services (meters). The storm drainage system will be privately owned and maintained.

The water, sewer and storm drainage systems have been reviewed on a conceptual basis only. There are no implied approvals of the engineering specifications for the water, sewer, storm water quality and/or runoff control components of the proposal. Engineering review will be performed through the Utility Developer Extension Agreement and will coincide with the Clear & Grade application and Building permit application review. Final civil engineering may require

changes to the site layout to accommodate the utilities. The Utility Codes and Engineering Standards contain adequate requirements to mitigate for expected water, sewer and storm drainage impacts. A condition of approval shall require that the water, sewer and storm drainage systems be designed per the Utility codes BCC 24.02, 24.04, 24.06, and the Utilities Engineering Standards. Utility Developer Extension Agreements are required for the review, approvals and inspection of the water, sewer and storm drainage improvements. The water, sewer and storm drainage design review, approvals and inspection will occur through the Utility Developer Extension process. The civil engineer shall be licensed in the state of Washington.

B. Transportation Code

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 applied for prior to issuance of any construction permit including demolition permit. This permit is issued directly by the Transportation Department.

Easements

An access tract (Tract 'A') will be provided to accommodate the private road internal to the site. A condition of plat approval shall require a 10-foot wide public pedestrian trail easement near the west boundary of the site to accommodate the public pedestrian trail listed in the City's Pedestrian and Bicycle Plan. See Attachment A. "Pedestrian Facility Plan".

Site Access

Access to the proposed project will be provided via a private road, which functions similarly to commercial driveway. This 950 foot long road connects the site to 156th Avenue NE. Traveled roadway width varies with some segments as narrow as 17' . Field observations made by city staff have revealed that this road functions adequately during peak conditions. No improvements to this road are planned as part of this development. Internal to the site a 24-foot wide private road with a 5-foot sidewalk is required to provide adequate turning radii for cars entering residential driveways off the loop road and to comply with Transportation Standards. A condition of approval will require the plans to be modified to increase the road width to 24 feet with a five foot sidewalk. To ensure Fire Department emergency access, no parking will be permitted within the 24-foot roadway on the site, unless otherwise approved based on final field inspection.

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 has last been 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. Damage to the street can be mitigated by placing an asphalt overlay well beyond the limits of the trench walls to produce a more durable surface without the unsightly piecemeal look that often comes with small strip patching.

Near the development site 156th Avenue NE is classified as "No Street Cuts Permitted". Should street cuts prove unavoidable or if the street surface is damaged in the construction process, a half-street or full-street (depending on the extent of street cuts or damage) grind and overlay will be required for 50 feet on both sides of the damaged surface as a minimum requirement.

To mitigate this proposal's contribution of increased traffic to the cumulative traffic in the area, the Transportation Department recommends the conditions of approval located in Section XIII of this report.

C. Fire Code

The Fire Department has reviewed the plans. The existing fire access to the property via the easement from 156th Avenue N.E. is sufficient for emergency access. To maintain sufficient emergency access and turnaround capacity within the plat/PUD conditions of approval will require:

1. The applicant shall provide a fire hydrant at Tract F near the entrance to the plat; and
2. No parking will be allowed along the 24 foot wide Tract A loop road or within the Tract B private drive and the access roads within the plat shall be posted and marked "Fire Lane-No Parking" per Bellevue Fire Department Standards, unless otherwise approved based on final field inspection.

VI. AFFORDABLE HOUSING AND DENSITY

The 2.45 acre (106,509 sq. ft) site is zoned R-10, which allows 10 units per acre or 24.5 residential units. The site is both required to provide affordable housing and may earn bonus unit(s) as specified by the condition of the rezone Ordinance 4448. The project is required to provide four (4) affordable units and qualifies for an affordable housing bonus of 0.9 units. Therefore the total number of units permitted is 25, of which four (4) shall comply with the Land Use Code definition for affordable housing (LUC 20.50.010).

TABLE 1.
AFFORDABLE HOUSING REQUIREMENT

Property	1025 156th Avenue N.E.	1041 156th Avenue N.E.	Total
Proposed Units (excluding bonus)	13	12	25
Original Units permitted at 2.5 density	3	3	6
Increase in Units due to rezone to R-10	10	9	19
10% of Original Units	0.3	0.3	0.6
20% of Additional Units	2.0	1.8	3.8
Total Affordable Units Required	2.3	2.1	4.4 4 Affordable Units Required
Bonus Market Rate Units Permitted	0.15 X 0.3 = 0.45	0.15 X 0.3 = 0.45	0.9 Bonus Market Rate Units Permitted

The four (4) affordable units/lots must be designated on the preliminary plat and PUD plans prior to approval of any construction permits, and on the final plat prior to recording with King County. The affordable units must be proportionally distributed among the unit types. The applicant shall record with King County an agreement in a form approved by the City requiring that the affordable units remain affordable for the life of the project. The agreement must be a covenant to run with the land. (LUC 20.20.128B.2.)

VII. COMPLIANCE WITH APPLICABLE LAND USE CODE REQUIREMENTS

A. Land Use Code Dimensional Requirements

The proposal complies with the requirements of the Land Use Code and includes a request to modify the dimensional requirements of the R-10 District and the Single Family Transition Area within the context of a Planned Unit Development, as allowed under LUC 20.30D.

Table 2
LAND USE CODE DIMENSIONAL REQUIREMENTS

Category	LUC Requirement	Proposal	Notes/Conditions
Zoning District	R-10 with conditions	No change	Affordable housing required
Overlay District: Single Family Transition Area	Site abuts Single Family zoning on the west.	Complies with Transition Area requirements except 20' primary building separation and 30' height from existing grade.	Meets PUD criteria for modification. See Section X. for discussion of PUD criteria.
Site Area per lot Minimum lot size	8,500 square feet	Varies between 1,628 sq. ft. (lot 25) and 2899 sq. ft. (lot 18)	Deviation approved through PUD
Maximum Units with R-10 zoning	2.45 acres x 10 = 24.5 units 0.9 affordable housing bonus +24.5 = 25.4 units	25 units	Complies
Affordable Housing1	4 units	4 units	Affordable units must be distributed among housing types
Lot Coverage Total	35 percent maximum	± 22 percent	Complies
Lot Coverage per Lot	35 percent maximum	33 percent (Lot 18) to 49 percent (Lot 25)	Deviation approved through PUD.
Impervious Surface (Ordinance 5683)	80 percent maximum	43. 5 percent	Complies

1 Required by Zoning Ordinance 4448

Category	LUC Requirement	Proposal	Notes/Conditions
Building Setbacks			
Front Yards	20 feet	20 feet typical	Varies by lot Deviation approved with PUD
Rear Yards **Transition Area Setback**	20 feet 30 feet on west property line. to single family zone (the district receiving Transition)	10 feet from north & south and 20 feet from east property lines 30 feet from west property line	Deviation to rear and side setback approved with PUD. Complies with Single Family Transition Area setback on west property line.
Side Yards	5 feet	4-5 feet typical	Varies by lot - deviation approved with PUD
2 Side Yards	15 feet	4-10 feet typical	Varies by lot - deviation approved with PUD
Transition Area Setback (West)	30 feet from abutting single family zone	30 feet	Complies
Transition Area Landscape Buffer	20 feet	Minimum 20 feet	Complies in dimension
Transition Area Distance Between Bldgs	20 feet	8-10 feet	Modified with PUD.
Transition Area Building Height	30 feet from average existing grade	Individual building height varies from 28'-8" to 34'6" from average existing grade	Varies with site topography. – Height above 30' approved with PUD. See Section X for discussion.
PUD Open Space (as a percentage of site area).	35% (affordable housing modification LUC 20.20.128.C.5)	58.8%	Includes open space in common tracts, landscape areas, walkways, etc. (LUC 20.50.038)
PUD Recreation Space (as a percentage of site area).	10% (10,659 sq. ft.)	18% Tracts D, E and portion of tract C	Complies
Parking Spaces	2.0/(1)single family unit = 2 1.6 /(6)2-bedroom unit = 9.6 1.8 /(17) 3-bedroom unit = 30.6 Total 42 stalls	92 stalls In garages and driveways Average 3.7 stalls per unit	Complies with requirements and provides off-street visitor parking

B. Landscaping and Preservation of Significant Trees

Perimeter and Transition Area Landscaping. The requirements for site interior, perimeter and street frontage landscaping that apply to the R-10 zoning district are contained in LUC 20.20.520F and 20.25B.040.C The landscape requirements include a 20-foot Transition Area buffer along the west property line abutting the single-family zoned properties and 10 feet of Type III landscaping along the interior property lines abutting the multi-family zoned properties.

The minimum Transition Area landscape buffer planting requirement are:

- **Ten (10) foot high evergreen trees (60%) and deciduous trees (40% max.) with a minimum of five trees per 1,000 square feet;**
- **Evergreen shrubs, height 42 inches, maximum spacing three (36") feet on center; and**
- **Living groundcover planted to cover the ground within three years.**

The minimum tree requirement for the 6,460 sq. ft. Transition Area buffer is 32 trees, of which 19 must be evergreen. The proposal retains the nine existing significant Douglas fir trees and adds 38 evergreen trees (primarily Douglas fir and western red cedar) and seven deciduous trees, all to be at least 10' high at planting. Plantings of 42-inch high evergreen (arbutus unedo, mahonia aquafolium, evergreen huckleberry) shrubs and evergreen ground covers (kinnikinnik and salal) are proposed. These are supplemented with 42-inch red twig dogwood and 6 ft. vine maples. Additional visual separation is proposed with construction of a 6 foot high cedar fence along the west property line. The denser plantings are clustered between the proposed trail and the proposed 6-foot cedar fence along the west property line.

LUC 20.25B.040 permits trails to be located in the buffer, up to a maximum of 20 percent of the buffer area. The proposed 4-foot wide trail located in the west buffer is approximately 700 sq. ft. or about 11 percent of the buffer area. A biofiltration swale is proposed in the north portion of the buffer adjacent to lot 35 of the plat of Fox Glen. The landscape plan for the area of the biofiltration swale is not consistent with the requirements of planting within a swale, therefore the applicant will be required to amend this portion of the project to permit a minimum ten-foot wide densely planted evergreen landscape buffer to include trees 12'-14' high at planting between the west property line and the recreation facilities located on the vault

Tree Preservation. All existing significant trees within the landscape perimeter of the site that do not constitute a safety hazard must be retained, except such trees may be removed for roadway, sidewalk and utility construction (LUC 20.20.900 and 20.25B.040.C).Per LUC 20.20.900D., fifteen (15) percent of the diameter inches of all significant trees within the site interior (outside the perimeter landscape area) are required to be protected. The diameter inches of the interior significant trees totals 2,051 inches. Fifteen percent of 2,051 diameter inches is 308 diameter inches. The tree protection requirements may be modified through 20.20.900F Alternative Tree Retention Option and the PUD process.

Table 3
LANDSCAPING AND TREE PRESERVATION

Category	LUC Requirement	Proposal	Notes
Landscaping of Site Perimeter			
North	10 ft. Type III	Varies 5 – 9 ft. plus open spaces Tracts C & F	LUC 20.20.520F. Note 1 permits relocation of landscaping where the adjacent zoning is multifamily.
East	10 ft. Type III	10 ft.	
South	10 ft. Type III	10 ft.	
West	20 ft. Trans. Area Buffer	20 ft. (6,460 sq. ft.) except at the north end where a biofiltration swale is proposed.	See discussion of Transition Area buffer requirements below
Tree Preservation in Perimeter			
North 10 ft. **All perimeter trees required to be saved**	There are no existing significant trees in the north perimeter	There are no existing significant trees in the north perimeter	10-12 significant fir trees are located on the abutting property within 10' of the common property line. Care should be taken to preserve the health of these trees during construction.
East 10 ft. **All perimeter trees required to be saved**	15 trees	15 trees	Complies
South 10 ft. **All perimeter trees required to be saved**	16 trees (196 inches)	13 trees (148 inches) plus 1-6" pine	Alternative Tree Retention Option required. 48 inches removed See discussion below
West 15 ft.	7 trees	7 trees plus 3-6" trees	Complies
Tree Preservation in Site Interior	15% of diameter inches 15% of 2051 dia. Inches = 308 inches	606 diameter inches	Exceeds requirement 29.5 % of 2,051 diameter inches retained 606" – 308 = 298 inches above minimum of 308 inches.

Alternative Tree Retention Option.

LUC 20.20.900 F. approval of modification of tree retention requirements. The applicant requests approval to remove 48 diameter inches (3- 16" madronas) of the significant trees within the 10 foot perimeter at the south property line and retain an additional 298 diameter inches within the site interior. The applicant proposes to locate a biofiltration swale in a portion of the buffer, which will displace the standard landscaping buffer.

LUC 20.20.900 Decision Criteria for Alternative Tree Retention Option

The Director may administratively approve a modification of the perimeter or interior tree retention requirements, if:

a. The modification proposal is consistent with the stated purpose of 20.20.900: and either:

b. The modification proposal either:

i. Incorporates the retention of significant trees equal in equivalent diameter inches or incorporates the increased retention of significant trees or naturally occurring undergrowth, to what would otherwise be required, or

ii. Incorporates the retention of other natural vegetation in consolidated locations which promotes the natural vegetated character of the site and neighborhood including use as pasture land or for agricultural purposes.

Where a modification proposal includes supplemental or replacement tress in lieu of retention, the applicant shall utilize plant materials which complement the natural character of the Pacific Northwest, and which are adaptable to the climatic, topographic, and hydrologic characteristics of the site.

Finding: The proposal meets the criteria by retaining almost 30 percent of the diameter inches of the interior significant trees on the site. The site design and grading plan provide for the retention of a substantial number of existing trees in the interior of the site. The three-18 inch madrona trees to be removed are on the south side of the site. Two 6-foot Serbian spruce trees and native shrubs, which are complementary to the site, are proposed to be planted in the vicinity of the madronas to be removed. Madrona trees are particularly sensitive to changes in their surrounding, which often affects their health or ability to survive in the new environment. Therefore replacement with younger, healthy spruce trees and shrubs is a better long-term landscape plan.

The proposal will retain at cluster of ten significant trees in the interior of the site near the southwest corner adjacent to the single family zoned property and add 18 evergreen trees with native evergreen shrubs along the south property line. The south property line abuts an R-30 zoned property that is separated from the project site by an 8'-12' rock retaining wall and is below the project site. In preserving the cluster of significant trees near the single family property and planting 18 evergreen trees with native shrubs along the south property line, the proposal uses the existing trees to preserve the natural wooded character and provide a better buffer at the single family transition, while providing an appropriate transition to the R-30 property to the south.

VIII. PUBLIC NOTICE AND COMMENT

Notice of the original application proposal submitted February 22, 2005 was published on March 31, 2005 with a public meeting held at Odle Middle School on April 18, 2005. Approximately 75 people attended the March 2005 meeting. Many written public comment letters and e-mail messages were submitted regarding the proposed 2005 design.

The Notice of Application for this proposal was published in the City's Weekly Permit Bulletin and the King County Journal on April 6, 2006. A public meeting for this proposal was held on April 25, 2006 at Bellevue City Hall. Approximately 35 people attended the meeting. The primary issue of concern expressed at each of the two public meetings and in the comment letters and e-mail messages received from the single family and the condominium residents was the direction of the vehicular access to the site, with each community advocating that access be provided from the opposite direction or that other access options be considered. Concerns were expressed by both communities regarding the possibility that any site plan would allow or encourage non-resident traffic though the site thus allowing the possibility of a connection between 148th Avenue NE and 156th Avenue NE. Similar concerns were raised regarding through pedestrian access. A list of parties of record, the submitted e-mails, petitions and letters are in the project file.

An e-mail message from Det. Michael Chui of the City Police Department recommended that in the interests of the safety and comfort of all the residents, there be some mechanism for ensuring that only the residents of the PUD have access to the path to 151st Place NE and that no lights should be installed for the sport court. See discussion in Section X and related conditions in Section XIII.

IX. HISTORY OF PROPOSAL AND CHANGES TO PROPOSAL DUE TO STAFF REVIEW

A. Project Review History

The applicant's goal is to construct the maximum permissible numbers of units on the R-10 site primarily in 2-unit multifamily structures and to subdivide the property so that each unit can be sold with its own separate lot. Vehicular access has been the primary factor determining the site design. Other requirements such as design compatibility with the surrounding properties, preservation of significant trees, active and passive recreation areas and pedestrian connections have been incorporated within the framework of the design for vehicular access.

The applicant presented conceptual plans to city staff at a pre-application meeting on November 4, 2004 with a proposal to access the site via the easement from 156th Avenue N.E. with an on-site loop road. The basic concept was similar to the current proposal with no vehicular access to 151st Place N. E. An open detention pond was proposed within the 30-foot Transition Area setback and the 20-foot landscape buffer near the west property line abutting the single family district. Conceptually, the preapplication proposal did not recognize the implications of the single family transition area or the PUD criteria. Any development of the site would require utility (sewer and water) connections to the mains in 151st Place and would required a 20 foot wide utility easement. The need for a pedestrian connection from the site to a public sidewalk or path was noted together with a concern for the ability to create a safe connection along the easement. It appeared further that the parking for the condominium use on the north side of the easement would be a hindrance to emergency vehicle traffic, although detailed information as to the conditions of the easement were not available at that time.

On November 10, 2004 the Innisfree Condominium Association's attorney, James A. Strichartz sent a letter via FAX to the applicant regarding prior disputes between the former property owner and the Innisfree Condominium Association over encroachments in the 30' easement including condominium parking on the north portion of the easement. (A copy of the letter was later submitted to the City on June 17, 2005 and is in the project file.)

Following the pre-application meeting, the applicant purchased Lot 35 of the Fox Glen subdivision abutting the west property line at the north end of the project site, which provided the means to access the sewer and water mains in 151st Place N. E. On February 22, 2005, the applicant submitted plans to the city for PUD, Plat and Design Review approval of 26 units in duplex buildings on the current project site and including Lot 35 with its existing home. The site plan proposed to provide two means of access with a connecting roadway from 156th via the existing easement and from 151st Place N. E. via a new easement over Lot 35, which the applicant now owned. One access was intended for emergency use only and the applicant proposed to prevent through traffic between the public streets by means of gate at one end of the site. However, a gated driveway could not be approved by the Fire Department as adequate for emergency access; therefore, some version of an on-site emergency vehicle turnaround was required on site. Other possibilities for access, either from the south or north were considered but were determined to be difficult, if not impossible, to achieve. No easements exist across the abutting properties to the north or south. In addition the Heatherstone Condominium property to the south is 10-12' below the project site with the grade difference accommodated by a 10-12 foot high retaining wall on the Heatherstone site.

Following the initial review and strong response from the community at the public meeting in 2005, the applicant decided to explore other access possibilities, particularly sole access to the site from 151st Place N. E. , the single family zoned property. In September 2005, the applicant submitted conceptual plans for a design with access from 151st Place N. E. and development close to maximum permitted R-10 density using a combination of single family and 2-unit buildings. However, two sections of the Bellevue City Code prohibited access to a multifamily zoned property through a single family zoned property, unless there is no other alternative (Transportation Code BCC 14.60.150.B. and LUC 20.25B.050A.1). On November 14, 2005, staff responded to the proposal with a letter explaining some of the difficulties the proposal presented and describing six possible approaches to the development of the property with the processes required and related access approaches. A second letter was sent December 14, 2005, clarifying issues raised in the November 14, 2005 letter particularly what access requirements the Fire Department was requesting and adding three additional options. Subsequent to that letter the City Fire Marshall visited the site with the Fire review staff and determined that the easement provided adequate emergency access in its existing condition. Following this determination, the applicant proceeded to submit the proposal now under review.

X. PUD DECISION CRITERIA

LUC 20.30D.150 Planned Unit Development Decision Criteria:

The City may approve or approve with modifications a Planned Unit Development plan if:

A. The Planned Unit Development is consistent with the Comprehensive Plan.

Housing Policies:

Policy HO-6: Explore opportunities to implement alternative neighborhood design concepts.

Policy HO-11. Encourage new residential development to achieve a substantial portion of the maximum density allowed on the net buildable acreage.

Policy HO-12. Encourage infill development on vacant or under-utilized sites that have adequate urban services and ensure that the infill is compatible with the surrounding neighborhoods.

Policy HO-17. Provide opportunities and incentives through the Planned Unit Development (PUD) process for a variety of housing types and site planning techniques that can achieve the maximum housing potential of the site.

Finding: The proposal is consistent with the Housing Policies. The construction of 24 residential units in 12 two-unit structures and one single family home for a total of 25 units on the 2.45 acre property maximizes the potential residential development of the site. The primary housing type is duplex buildings (two attached units) each on their own individual lot created with a plat/PUD. This differs from the more common approach for attached housing in which the condominium process limits private ownership to the interior of each unit. The "alternative" design concept results in a housing type intermediate between the single family homes to the west and the existing larger condominium developments to the east and south. The project reflects the concept expressed by Policy HO-12 by creating infill development on under-utilized properties that have adequate urban services. The discussion of compatibility occurs later in this report in response to PUD criteria 4.

Land Use Policies:

Policy LU-5. Encourage dedication of open space and preservation and restoration of trees and vegetation to perpetuate the park-like setting of Bellevue.

Policy LU-18. Provide, through land use regulation, the potential for a broad range of housing choices to meet the changing needs of the community.

Policy LU-19. Encourage adequate pedestrian connections with nearby neighborhood and transit facilities in all residential site development.

Finding: As conditioned, the project is consistent with the Land Use Policies. The proposal will add to the range of housing choices by providing 24 townhome units, each having only one common wall with another unit and located on its own private lot. In addition, the project will

provide four for-sale units available to families or individuals who qualify for affordable housing See footnote 2.

As conditioned, the project is consistent with LU-19. Pedestrian access will be provided to a public sidewalk by providing a private path from Tract C through Lot 35 to the sidewalk on 151st Place N.E. with existing connection to 148th Avenue N. E. The adopted "pedestrian –bicycle plan" requires provision for a north-south trail along the west side of the site. A portion of the trail is proposed to be constructed within the site. A condition will require the provision of an easement for a connection to future trail segments to the north and south property lines to be constructed by the City when a future connection is available.

Environmental Policies:

Policy EN-13. Restrict the runoff rate, volume, and quality of predevelopment levels for all new development and redevelopment.

Policy EN-21. Preserve existing vegetation or provide or enhance vegetation that is compatible with the natural character of Bellevue.

Policy EN-23. Minimize and control soil erosion during and after construction through the use of the best available technology and other development restrictions.

Finding: The proposal includes provisions for storm water collection and detention meeting the requirements of the Bellevue Utilities Codes and Standards. During construction the requirements of the Clearing and Grading Code will ensure control of soil erosion with the use of best available technology. Grading for the site development is designed to retain existing natural grades in the vicinity of significant trees on the site perimeter and within open space Tracts D and E to preserve clusters of existing vegetation trees. Proposed new vegetation in the 20-foot west buffer includes native and compatible plants that will be consistent with the natural character of Bellevue.

Crossroads Subarea Policies:

General Land Use: See Land Use Map below

S-CR-1. Maintain land uses as depicted on the Land Use Plan (Figure S-CR.1).

2 Affordable housing is the primary residence of a qualifying household, which is a household with an income of less than 80% of the median annual income, adjusted for family size, for the Seattle metropolitan area. The price of the unit is based upon a qualifying household paying no more than 30% of the household income for housing. (See LUC 20.50.010 for the complete definition of "Affordable Housing".)

Attachment III - Original Preliminay Plat/PUD Staff Report

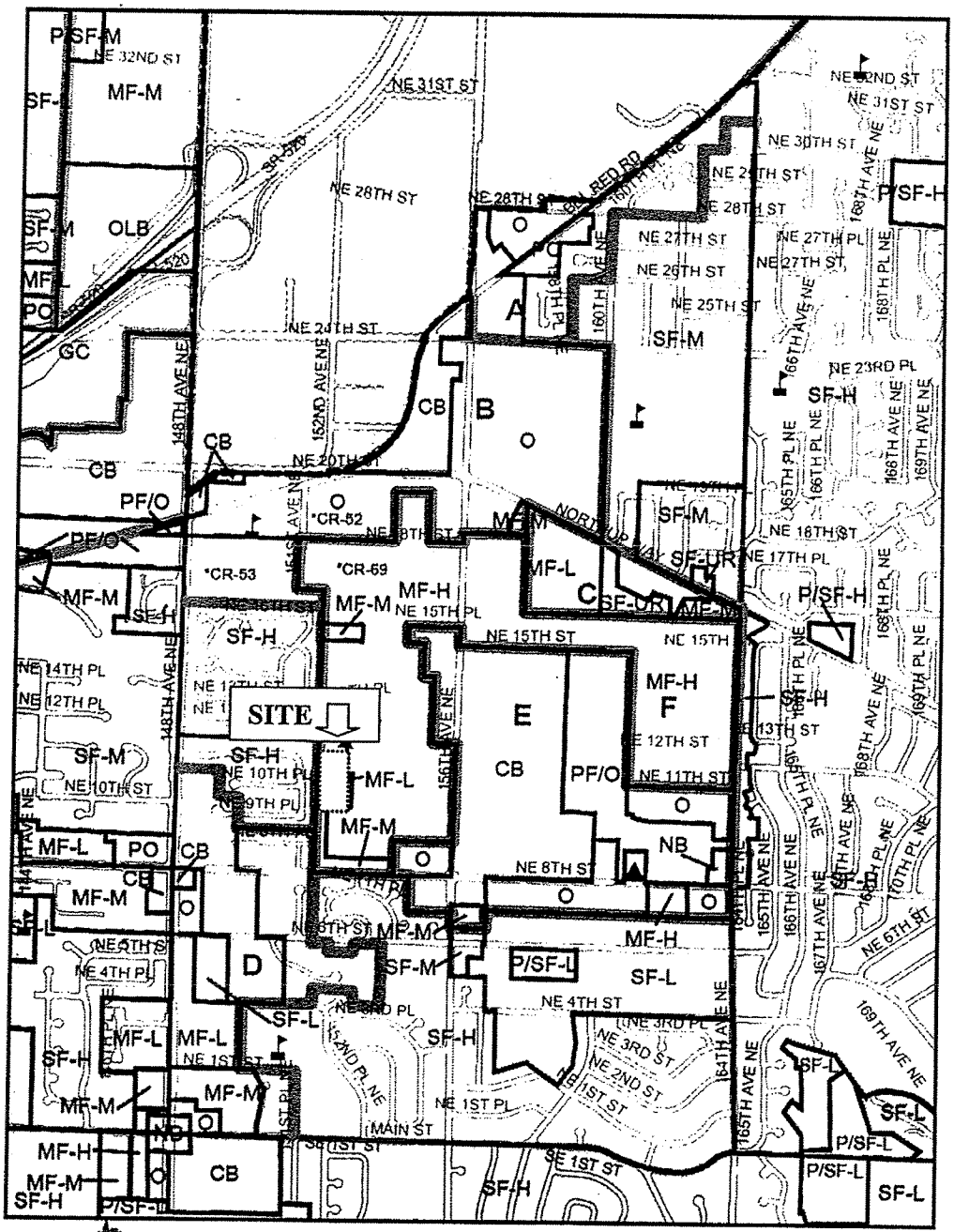


FIGURE S-CR.1
Crossroads Land Use Plan

N

SF	Single Family
MF	Multi Family
-L	Low Density
-M	Medium Density
-H	High Density
-UR	Urban Residential

PO	Professional Office
O	Office
OLB	Office, Limited Business
OLB-OS	Office, Open Space
NB	Neighborhood Business
CB	Community Business

GC	General Commercial
LI	Light Industrial
PF	Public Facility
P	Park

Fire Stations
Public Schools
Planning Districts
Bellevue City Limits (6/2005)
Lakes

Crossroads Subarea Plan *Page 40*

S-CR-2. Protect existing single family neighborhoods from encroachment by more intense uses.

S-CR-3. Ensure that any development of remaining vacant land in Crossroads is compatible with surrounding uses.

Housing:
S-CR-9. Limit multifamily development to those locations designated on the Land Use Plan (Figure S-CR-1).

S-CR-12 Encourage the preservation of open space and existing vegetation within new residential development.

Circulation:
S-CR-20. Discourage through traffic along residential streets.
S-CR-22. Ensure that non-motorized easements remain open for public access.

District F:
S-CR-73. Multifamily development is the predominant allowed use for District F and in the northwesterly corner of District F, retirement apartments and homes and the appropriate multifamily residential use.

Finding: As conditioned, the proposal is consistent with the Crossroads Subarea Plan. The proposal to construct 25 residential units with 24 duplex units and one single family unit on the site is consistent with the Multifamily-Low designation of Figure S-CR-1 and Policy S-CR-73 designating multifamily development as the predominant allowed use for District F. The project will preserve over 58 percent of the site in open space and 26 percent of the site in common open space. The site design will preserve almost all of the perimeter trees and 606 diameter inches of the interior significant trees. The project wall not create through traffic on the residential streets of the single family neighborhoods to the west. A public easement for a future pedestrian trail to connect with future trails to the north and south will be required near the west property line to implement the adopted Pedestrian Plan Projects map of the Comprehensive Plan.

B. The Planned Unit Development accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional development. Net benefit to the City may be demonstrated by one or more of the following:

1. **Placement, type or reduced bulk of structures, or**
2. **Interconnected usable open space, or**
3. **Recreation facilities, or**
4. **Other public facilities, or**
5. **Conservation of natural features, or**
6. **Conservation of critical areas and critical area buffers beyond that required under Part 20.25H;or**
7. **Aesthetic features and harmonious design, or**
8. **Energy efficient site design or building features, or**
9. **Use of low impact development techniques -**

Finding: As conditioned, the Plat/PUD is aesthetically and functionally better than a traditional development of the R-10 property. Traditional development of the multifamily zoned property would permit larger structures with up to 25 units within a single three-story building located as close as 30 feet from the west property line abutting the single family zoned properties of Fox Glen. Traditional development would permit the removal of an additional 298 diameter inches of existing significant trees from the site and would not necessarily include the recreation spaces and connected common open spaces proposed on the site.

The proposal includes interconnected usable open spaces and recreation facilities. It conserves natural features with the retention of 606 diameter inches of the interior significant trees. The retention of trees and natural vegetation in the 8,765 square foot central open space preserves a substantial area representative of the natural northwest character of the site for the enjoyment of the residents of the plat/PUD. The retention of the perimeter significant trees, supplemented with native trees and shrubs, ease the transition from the proposed development to the existing single family and condominium homes near the site. It is hoped that in retaining consolidated and connected areas of natural habitat, supplemented with native plant materials some portion of the birds and small animals (chickadees, nuthatches, Douglas squirrels, etc) that are found on the undeveloped site will be able to remain.

C. The Planned Unit Development results in no greater burden on present and projected public utilities and services than would result from traditional development and the Planned Unit Development will be served by adequate public or private facilities including streets, fire protection, and utilities.

Finding: As conditioned, the PUD does not result in a greater burden on present and projected public utilities and services than would result from traditional multifamily development. As conditioned, the proposal will be served by adequate facilities including streets, fire protection and utilities in compliance with applicable codes and standards.

D. The perimeter of the Planned Unit Development is compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes but is not limited to size, scale, mass and architectural design.

Finding: As conditioned, the perimeter of the PUD is compatible with the existing development on the properties abutting the subject property. The proposal will retain a cluster of ten significant trees in the interior of the site near the southwest corner adjacent to the single family zoned property the proposal uses the existing trees to preserve the natural wooded character and provide a better buffer at the single family transition. The PUD includes a minimum 30-foot building setback for the two buildings near the single family homes to the west and provides a 20 foot setback to the Innisfree condominiums to the east. The Heatherstone condominium to the south are separated by a 10'-12' high retaining wall and the project will provide a ten foot wide landscape buffer at the top of the wall. Generally, the bulk and scale of the proposed development is broken up through the use of open space between the units and modulation, hipped rooflines, articulated windows, window placement, varied siding material, natural colors and other residential design features.

There is an opportunity to increase the compatibility of the project with the single family homes on the west side with a minor change to the grading plan to preserve two existing Douglas fir trees (1-10" and 1-26" fir) located on lots 18 and 19. These trees would serve to mitigate the relative height of the proposed building to the existing one and two-story single family homes immediately to the west. Furthermore, the existing significant trees on the west portion of lots 16 and 17 are deciduous willow trees. To mitigate the impact of the height of this building on the residents to the west, at least three (total) 18-20 foot Douglas fir or western red cedar trees shall be planted on the west portion of lots 16 and 17. Therefore a condition of approval will require the Plat/PUD plans including the clearing and grading plans and landscape plans to be modified to preserve the two existing Douglas fir trees (1-10" and 1-26" fir) located on the west portion of lots 18 and 19. In addition, at least three (total) 18-20 foot Douglas fir or western red cedar trees shall be planted on the west portion of lots 16 and 17.

In addition, to ensure compatibility of the sport court activity with the adjacent residences, no lights shall be provided to allow activity after dark.

E. Landscaping within and along the perimeter of the Planned Unit Development is superior to that required by this Code, LUC 20.20.520, and enhances the visual compatibility of the development with the surrounding neighborhood.

Finding: As conditioned by the recommendation, the required site landscaping is superior to that required by LUC 20.20.520 and LUC 20.25B.040. The plan for the west landscape buffer includes a six-foot high indigenous plant material, such as Douglas fir, evergreen huckleberry and vine maple. These are supplemented with evergreen and deciduous shrubs, such as arbutus uneda and red twig dogwood sized and spaced to provide complete coverage within three years after installation. In addition, a condition of approval will require that the common areas in tracts shall be depicted on the final plat with notation as to the intended purpose(s) of the tract, including the retention of the significant trees to protect the existing trees to be retained. To assure protection of the trees during construction, the applicant will be required to provide a certified arborist to monitor the grading and construction activities within the rootzones of all the trees to be preserved, including the trees on the north side of the north property line, to ensure that the health of the trees is not endangered.

F. At least one major circulation point is functionally connected to a public right-of-way.

Finding: The existing paved easement road across the Innisfree, Ironwood and Evergreen Estates properties connects the site to 156th Avenue N.E. The City of Bellevue Transportation and Fire Departments have determined that the easement, as currently developed, provides a sufficient and functional connection from the site to the public right-of-way.

G. Open space within the Planned Unit Development is an integrated part of the project rather than an isolated element of the project.

Finding: The residences surround a 8,594 SF common open space in the center of the site. This open space is connected by walkways and trails to a wooded area at the southwest corner of the site and to an active recreation area at the northwest corner of the site. The wooded open space and the active recreation area are then connected with a trail within the west landscape area. The open spaces are connected to each other and integrated into the design of the

project.

H. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity.

Finding: As conditioned, the design is compatible with the existing and intended character and quality of development as well as physical characteristics of the site and immediate vicinity. The site design incorporates the retention of many of the larger existing trees on the site, with an emphasis on retaining clusters of trees in separate tracts and at the boundary of the single family neighborhood. Additional plantings of native tree and shrub species will contribute to the northwest character of the site. The buildings are residential in character, similar in form, size, color and detail to the typical townhomes or larger single family homes being constructed today.

I. That part of a Planned Unit Development in a Transition Area meets the intent of the Transition Area requirements, Part 20.25B LUC, although the specific dimensional requirements of Part 20.25B may be modified through the Planned Unit Development process.

Finding: The PUD proposal complies with the most of the Transition Area requirements, as noted in Section VII. of this report and with the intent of the Transition Area requirements. The modification to the 20' building separation requirement is mitigated by the short length of the buildings, which is comparable to the length of a single family home. The intent of the 20' building separation applicable in Transition Area is to provide a visual break between the buildings, because development in the R-10 district could be constructed to a much larger scale than the abutting single family homes. The PUD proposal to construct buildings of a single family scale and to consolidate those buildings to preserve larger common open space areas for active and passive recreation is appropriate for the site and leads to a better result. The site grading plan is designed to preserve about 30 percent of the diameter inches of the interior significant trees. Because the site slopes down to the lowest grade elevations near the west property line, the grading plan results in the two buildings in the vicinity of the west property line exceeding the 30' building height by 4'-8" when measured from existing grade and by about 2 feet when measured from the proposed finished grade. With a condition to retain two additional significant fir trees and to supplement the buffer screening with 18'-20' native evergreen trees in the area to the west of these buildings, the impact of the additional height of the two buildings will be moderated and the resulting development will be consistent with the intent of the Transition Area. The plans do not indicate any exterior lighting, however to ensure that the intent of the Transition Area is met, a condition will require that any exterior lighting between the buildings and the adjacent property line shall be shielded so that the source of light is not visible from off-site and there is no spillover of light to abutting properties .

J. Roads and streets, whether public or private, within and contiguous to the site comply with Transportation Department guidelines for construction of streets.

Finding: As conditioned, the proposal will be served by adequate public facilities including streets, fire protection and utilities. Specifically a condition is included to require the plans to be modified to reflect the proposed private road to be 24 feet in width with a five foot sidewalk. This

dimension shall be taken from the area currently described as Tract D. Existing and proposed utilities are adequate to serve the proposed development.

K. Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the proposed project.

Finding: As conditioned, the streets, sidewalks and trails are suitable to carry the anticipated traffic within the proposed project and in the vicinity of the proposed project. A condition will require that in the interests of the safety and comfort of all the residents, there be some mechanism for ensuring that only the residents of the PUD have access to the path to 151st Place NE.

L. Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, open space, recreation space, landscaping and utility area necessary for creating and sustaining a desirable and stable environment.

Finding: This proposal does not include phased construction.

XI. LUC 20.30F.145 Design Review Decision Criteria:
The Director may approve or approve with modifications an application for Design Review if:

1. The proposal is consistent with the Comprehensive Plan.

Finding: The proposal is consistent with the Comprehensive Plan as discussed in Section X of this report.

2. The proposal complies with the applicable requirements of this Code.

Finding: The proposal complies with applicable dimensional requirements (LUC 20.20.010) of this Code as modified through the PUD process (LUC 20.30D). The proposal meets the requirements for parking (LUC 20.20.590) and landscaping (LUC 20.20.520) with Alternative Tree Retention Option (LUC 20.20.900). The proposal also complies with the development standards for development within a Transition Area (LUC 20.25B), with allowable deviations that maintain the intent of the Code.

3. The proposal addresses all applicable design guidelines or criteria of this Code in a manner which fulfills their purpose and intent.

Finding: The design guidelines applicable to this site are the Transition Area Overlay Design requirements of LUC 20.25B. As conditioned, the proposal addresses the Transition Area design guidelines and criteria in a manner which fulfills their purpose and intent. See Sections VII and X of this report. .

4. The proposal is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity.

Finding: As conditioned, the proposal is compatible with and responds to the existing and intended character and appearance of development of the subject property and immediate vicinity. The site design incorporates the retention of many of the larger existing trees on the site, with an emphasis on retaining clusters of trees in separate tracts and at the boundary of the single family neighborhood. Additional plantings of native tree and shrub species will contribute to the northwest character of the site. The buildings are residential in character, similar in form, size, color and detail to the typical townhomes or larger single family homes being constructed today. While taller than the existing single family and condominium homes built in the 1960s and 1970s in the vicinity of the project site, the buildings are compatible with the form of development intended for a multi-family R-10 zoned property.

5. The proposal will be served by adequate public facilities including streets, fire protection, and utilities.

Finding: As conditioned, the proposal will be served by adequate public facilities including streets, fire protection and utilities. The site will be accessed from 156th Avenue NE via an existing easement. Existing and proposed utilities are adequate to serve the proposed development. The structures will be required to meet all applicable fire protection requirements. City of Bellevue Fire Station #3 is located approximately 0.7 miles to the west on NE 8th Street.

XII. LUC 20.45A.130 Preliminary Plat Decision Criteria:

The City may approve or approve with modifications a preliminary plat if:

A. The preliminary 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, parks, playgrounds, sites for schools and schoolgrounds; and

As discussed in the body of this report and as conditioned, the proposal includes substantial open space in separate tracts for the use of the residents of the plat/PUD. Active and passive recreation areas are provided. The plat/PUD will provide the required utilities, private streets, sidewalks and trails. A condition of approval will require the plans to be modified to reflect the proposed private road to be 24 feet in width with a five foot sidewalk. The dimension shall be taken for the area currently described as Tract D. The plat will include an easement for a public trail to implement the Pedestrian Facilities Plan. A condition will require that the common tract areas are depicted on the final plat with notation as to the intended purpose(s) of the tract. Easements shall be established for the common use of the on-site sidewalks and trails by the residents of the PUD.

B. The public use and interest is served by the platting of the subdivision; and

The public use and interest is served by the platting. The plat provides a multifamily housing type that combines of the positive attributes of a single family home and allows for development of the site to its maximum density under R-10 zoning, which is consistent with GMA and focuses development where it can take advantage of urban levels of service. Four of the homes will be affordable units.

C. The preliminary plat appropriately considers the physical characteristics of the proposed subdivision site; and

As discussed in Section X the plat/PUD, as conditioned, considers the physical characteristics of the site. The plat is designed to preserve open space area Tracts D and E and areas of the site perimeter that include groupings of significant trees which are characteristic of the existing site. Tract E preserves a cluster of significant trees near the single family neighborhood. The location, shape and grade elevation of the plat loop road provides for access to each unit and, at the same time, minimizes the need for grading in the center open space area (Tract D) so that significant trees within the loop will be retained.

D. The proposal complies with all applicable provisions of the Land Use Code, BCC Title 20, the Utility Codes, BCC Title 24, the City of Bellevue Development Standards and Chapter 58.17 RCW; and

As conditioned, the proposal complies with all applicable codes and standards. By taking its vehicular access from the easement to 156th Avenue N.E. the project complies with the Transportation Codes and the Land Use Code, including BCC 14.60.150.B and LUC 20.20.590K.3.a which state:

"Wherever available, access for commercial and multifamily property shall be provided onto streets which do not abut R-1, R-1.8, R-2.5, R-3.5, R-4, R-5 or R-7.5 land use districts."

The project will provide a pedestrian trail for the residents of the project to access the public right-of-way on 151st Place N.E. in a safe manner in compliance with LUC 20.20.590.K.8. which requires that development in an R-10 district provide internal walkways to assure safe access from public sidewalks or rights-of-way.

E. The proposal is in accord with the Comprehensive Plan, BCC Title 21; and

The proposal is in accord with the Comprehensive Plan. See the discussion regarding consistency with the Comprehensive Plan in Section X.

F. Each lot in the proposal can reasonably be developed in conformance with current Land Use Code requirements without requiring a variance, however requests for modifications to the requirements of Part 20.25H, where allowed under the provisions of that Part, may be considered together with a application for a plat so long as the resulting lots may each be developed without individually requiring a variance; and

Each lot must be developed in compliance with the approved PUD building and site development plans, which do not require a variance. The property is not subject to Part 20.25H. Critical Areas.

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

All necessary utilities and access are available to the property. The applicant has an easement across Lot 35 Fox Glen for connection to City water and sanitary sewer lines. The project storm

water detention and water quality system will connect to the City drainage system at an existing catch basin at the northwest corner of the project site. Each lot has access to the internal loop road which connects to the easement over the condominium properties and then to 156th Avenue N.E.

XIII. RECOMMENDATION AND DECISION OF DIRECTOR WITH CONDITIONS

After conducting the various administrative reviews associated with this proposal, including applicable Land Use consistency, SEPA and City Code and Standard compliance reviews, the Director of Planning and Community Development does hereby **Recommend Approval of the PUD and the Preliminary Plat and Approve the Design Review** subject to the following CONDITIONS.

The following conditions are imposed under authority referenced:

A. COMPLIANCE WITH BELLEVUE CITY CODES AND ORDINANCES

Applicable Codes, Standards and Ordinances	Contact Person
Clearing & Grading Code – BCC 23.76	Tom McFarlane, 425-452-5207
Construction Codes – BCC Title 23	Building Review Desk, 425-452-4121
Fire Code – BCC 23.11	Adrian Jones, 425-452-4122
Land Use Code – BCC Title 20	David Pyle 425-452-2973 Julia Kruger 425-452-2727
Noise Control Code – BCC 9.18	
Sign Code – BCC Title 22	
Transportation Code – BCC 14.60	Jeff Herb, 425-452-4394
Right of Way Use Code – BCC 14.30	Jon Regalia, 425-452-4599
Utility Code – BCC Title 24	Brad Ayers, 425-452-6054

B. SEPA - MITIGATION OF CONSTRUCTION IMPACTS

To mitigate construction impacts, the applicant must provide a mitigation plan to include, at a minimum:

a) Timing of the construction traffic and activity, and
b) Qualified traffic control personnel to ensure that the condominium residents are given deference for use of the easement, and
c) Use all appropriate and effective measures to maintain a safe access for residents, and construction personnel, and
d) Minimize other construction impacts such as noise and dust.

The applicant shall submit the plan for review and approval by City of Bellevue Transportation, Fire Prevention and Land Use and may not begin any project activity (demolition, site clearing, etc.) until a management plan has been approved. The applicant shall supply a copy of the approved construction management plan to the president of the board of each condominium complex and to the single family residents

whose properties abut the west property line of the plat/PUD. The applicant shall designate a contact person with a phone contact number available at all times that construction activity is occurring for the duration of the construction. The contact person shall be responsible is to ensure that the mitigation plan is followed and to be the first contact point for the residents.

AND: To minimize impacts to air quality the project shall:

a) Use only equipment and trucks that are maintained in optimal operational condition.
b) Use car/van pooling or other trip-reduction strategies for construction workers.
c) Pave or use gravel on staging areas and roads that would be exposed for long periods.
d) Cover open container trucks transporting materials, wetting materials in trucks, or providing adequate freeboard (space from the top of the material to the top of the truck bed), to reduce emissions and deposition during transport.
e) Provide wheel washers to remove particulate matter that would otherwise be carried off-site by vehicles to decrease deposition of particulate matter offsite.
f) Remove particulate matter caused by project construction deposited on the easement road, public roadways, sidewalks, and bicycle and pedestrian paths to reduce mud and dust; sweep and wash streets continuously to reduce emissions.
g) Cover dirt, gravel, and debris piles as needed to reduce dust and windblown debris.

Route and schedule construction trucks to reduce delays to traffic during peak travel times to reduce air quality impacts caused by a reduction in traffic speeds.
AUTHORITY: SEPA, LUC 20.30D. and Comprehensive Plan Policies EN-87, EN-88, S-CR-4
REVIEWER: Julia Kruger

C. GENERAL CONDITIONS

1. CONSTRUCTION NOISE CONTROL

To minimize adverse construction noise impacts to the residents of the neighborhood, the City's requirements for controlling construction noise shall be listed on the plans submitted for the clearing and grading permit and the building permit, as follows:

Construction Noise Control

a. The contractor shall not operate any diesel, pneumatic or gasoline powered equipment that is not properly muffled or silenced.
b. Noise generated by construction activity is limited to the hours between 7:00 a.m. and 6:00 p.m. on weekdays, and 9:00 a.m. and 6:00 p.m. on Saturdays and prohibited on Sundays and legal holidays.

AUTHORITY: BCC 9.18.020.F
REVIEWER: Julia Kruger

2. LIGHTING

To ensure compatibility of the sport court activity with the adjacent residences, no lights shall be provided to allow activity after dark. Further any exterior lighting between the buildings and the adjacent property line shall be shielded so that the source of light is not

visible from off-site and there is no spillover of light to abutting properties.
AUTHORITY: Land Use Code 20.30D
REVIEWER: Julia Kruger

D. PRIOR TO PUBLIC HEARING

1. PLANS TO BE MODIFIED – 24 FOOT ROAD WIDTH REQUIRED
To meet Transportation Department standards for a private road internal to the site, the applicant shall submit revised plans to increase the internal road width to 24 feet with a five foot sidewalk. This dimension shall be taken from the area currently described as Tract D. Open space and tree retention calculations shall be recalculate.
AUTHORITY: Bellevue City Code 14.60.110; Transportation Department Design Manual
REVIEWER: Jeff Herb, P.E., Transportation Department

E. 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.

AUTHORITY: Bellevue City Code 14.30
REVIEWER: Jon Regalia, Transportation Department

2. SITE (CIVIL ENGINEERING) PLANS
To meet Transportation Department standards for a private road internal to the site, a revived site (civil engineering) plan produced by a qualified engineer must be approved by the City prior to clear and grading permit approval, including the required modification to provide a 24 foot road width and five foot sidewalk. The design of all street frontage improvements must be in conformance with the requirements of the Americans with Disabilities Act and the Transportation Development Code, and the provisions of the Transportation Department Design Manual.
AUTHORITY: Bellevue City Code 14.60.110; Transportation Department Design Manual
REVIEWER: Jeff Herb, P.E., Transportation Department

3. PLANS TO BE MODIFIED - ADDITIONAL TREES TO BE PRESERVED AND ADDED TO WEST PORTION OF SITE

To mitigate the height difference between the proposed buildings on the west side of the site and the shorter single family homes adjacent to the project site, the Plat/PUD plans including the clearing and grading plans and landscape plans shall be modified to preserve the two existing Douglas fir trees (1-10" and 1-26" fir) located on the west portion of lots 18 and 19. In addition, at least three (total) 18-20 foot Douglas fir or western red cedar trees shall be planted on the west portion of lots 16 and 17.
AUTHORITY: LUC 20.30D. 150
REVIEWER: Julia Kruger

4. PLANS TO BE MODIFIED - ADDITIONAL TREES TO BE PRESERVED AND ADDED TO WEST PORTION OF SITE ADJACENT TO BIOFILTRATION SWALE

The applicant shall will be required to amend the landscape plan for the area of the biofiltration swale to provide a minimum ten-foot wide densely planted evergreen landscape buffer to include trees 12'-14' high at planting between the west property line and the recreation facilities located on the vault.
AUTHORITY: LUC 20.20.520 J. and 20.30D.
REVIEWER: Julia Kruger

5. TREE PROTECTION

To ensure the protection of the trees to be retained the clearing limits shall be revised to protect all significant trees to be retained. A six-foot high chainlink fence with driven posts, or an approved alternative, shall be installed at the clearing limits prior to any clearing and grading activity.
AUTHORITY: Land Use Code 20.30D
REVIEWER: Julia Kruger

6. CERTIFIED ARBORIST

The applicant shall provide a certified arborist to monitor the grading and construction activities to protect the rootzones of all the trees to be preserved, including the trees on the north side of the north property line, and to ensure that the health of the retained trees is not endangered.
AUTHORITY: Land Use Code 20.30D
REVIEWER: Julia Kruger

7. UTILITIES

The water, sewer and storm drainage systems shall be designed per the Utility codes BCC 24.02, 24.04, 24.06, and the Utilities Engineering Standards. Utility Developer Extension Agreements are required for the review, approvals and inspection of the water, sewer and storm drainage improvements. The water, sewer and storm drainage design review, approvals and inspection will occur through the Utility Developer Extension process. The civil engineer shall be licensed in the state of Washington.
AUTHORITY: BCC 24.02, 24.04 & 24.06
REVIEWER: Don Rust

8. FIRE HYDRANT REQUIRED
The applicant shall provide a fire hydrant at Tract F near the entrance to the plat.
AUTHORITY: Bellevue Fire Code
REVIEWER: Adran Jones

9. REFINE CLEARING AND GRADING PLANS TO MINIMIZE IMPORT AND EXPORT
The applicant shall refine the clearing and grading plan to minimize the need to export or import fill material.
AUTHORITY: Land Use Code 20.30D
REVIEWER: Julia Kruger

E. PRIOR TO ISSUANCE OF ANY BUILDING PERMIT

1. TRANSPORTATION IMPACT FEE
This development is subject to the Transportation Improvement Program requirement to pay a traffic impact fee. The amount of the fee will be determined at the time of the building permit issuance. The fee schedule in effect at the time of building permit issuance will apply.
AUTHORITY: Bellevue City Code 22.16
REVIEWER: Jeff Herb, Transportation

2. PEDESTRIAN EASEMENTS
The applicant shall record an easement to grant the residents of the plat a right of pedestrian access across Lot 35 to 151st Place N. E., and shall grant a public trail easement for a connections to future trail segments to the north and south.
AUTHORITY: LUC 20.30D
REVIEWER: Julia Kruger

3. AFFORDABLE HOUSING REQUIRED
The four (4) affordable homes must be designated on the preliminary plat and PUD plans prior to approval of any construction permits, and on the final plan prior to recording with King County. The affordable units must be proportionally distributed among the unit types. The applicant shall record with King County an agreement in a form approved by the City requiring that the affordable units remain affordable for the life of the project. The agreement must be a covenant to run with the land. (LUC 20.20.128B.2.)
AUTHORITY: ORDINANCE 4448
REVIEWER: Julia Kruger

F. PRIOR TO FINAL PLAT APPROVAL:

1. SITE ACCESS IMPROVEMENTS
All access improvements must be constructed by the applicant and accepted by the Transportation Department prior to final plat approval, except as provided for in BCC 20.40.490. Specific requirements are detailed below:

1. 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.

2. Vehicle and pedestrian sight distance must be provided per BCC 14.60.240 and 14.60.241.

3. The private road 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 Subdivision map.

4. The maintenance responsibility for the private road shall be the shared responsibility of lot owners within this development. A note to this effect must be indicated on the face of the final Subdivision map.

AUTHORITY: Bellevue City Code14.60.100, 110, 130, 150,170,190, 210, 240, 241; Transportation Department Design Manual Sections 3,4, 5, 7,11, 14,19
REVIEWER: Jeff Herb, P.E. Transportation Department

2. PAVEMENT RESTORATION

Pavement restoration associated with road trenching or to repair damaged street surfaces shall be provided as follows:

b) 156th Avenue NE: This street was recently overlaid and a five year no-street cut moratorium is currently in effect. Should street cuts prove unavoidable or if the street surface is damaged in the construction process, a half-street or full-street (depending on the extent of street cuts or damage) grind and overlay will be required.

AUTHORITY: BCC 14.60. 250; Design Manual Design Standard #21
REVIEWER: Jeff Herb, P.E. Transportation Department

3. EXISTING HOMES TO BE REMOVED

The two single family residences on the proposal site shall be demolished prior to final plat approval.
AUTHORITY: LUC 20.20.010
REVIEWER: Julia Kruger

4. COMMON AREA TRACTS, SIDEWALKS AND ON-SITE TRAILS

The common areas in tracts shall be depicted on the final plat with notation as to the intended purpose(s) of the tract. Easements shall be established for the common use of the on-site sidewalks and trails by the residents of the PUD
AUTHORITY: LUC 20.45A.130.
REVIEWER: Julia Kruger

5. AFFORDABLE HOUSING REQUIRED ON FINAL PLAT

The four (4) affordable homes must be designated on the final plan prior to recording with King County.
AUTHORITY: ORDINANCE 4448
REVIEWER: Julia Kruger

6. EASEMENT FOR FUTURE TRAIL

A ten-foot wide trail easement shall be provided for a trail along the west side of the property for a trail to be constructed by the City when a future connection is available.

G. PRIOR TO ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY

1. NO PARKING SIGNS

The access roads within the plat shall be posted and marked "Fire Lane-No Parking" per Bellevue Fire Department Standards, unless otherwise approved based on final field inspection.
AUTHORITY: Bellevue Fire Code
REVIEWER: Adrian Jones

2. ACCESS TO 151st PLACE TO BE CONTROLLED

The applicant shall provide a mechanism, such as a physical or electronic lock, on the gate to the pedestrian easement across lot 35 of the plat of Fox Glen to ensure that only residents and guests of the PUD will able to access the path.
AUTHORITY: LUC 20.30D
REVIEWER: Julia Kruger

H. AFTER ISSUANCE OF CERTIFICATE OF OCCUPANCY

1. FUTURE PROPOSED CHANGES.

Any future proposed changes to the approved project including site development, landscaping, lighting, building design, affordable housing or the installation of communication equipment must be reviewed and approved by the City.
AUTHORITY: LUC 20.30D, 20.30F
REVIEWER: David Pyle

Attachments:

A. Pedestrian Facilities Plan
B. Project Plans
C. Environmental Checklist

Attachment III - Original Preliminay Plat/PUD Staff Report

03/30/06

City of Bellevue Submittal Requirements | 27a

ENVIRONMENTAL CHECKLIST

4/18/02

If you need assistance in completing the checklist or have any questions regarding the environmental review process, please visit or call the Permit Center (425-452-6864) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4). Our TTY number is 425-452-4636.

BACKGROUND INFORMATION

Property Owner: Dennis & Deanna Johnson

Proponent: Fremantle Development, Inc.

Contact Person: Dennis Johnson
(If different from the owner. All questions and correspondence will be directed to the individual listed.)

Address: P.O. Box 3574, Bellevue, WA. 98009

Phone: (425) 467-0602

Proposal Title: Enclave @ Fox Glen

Proposal Location: 1025 and 1041 156TH AVE N.E., Bellevue
(Street address and nearest cross street or intersection) Provide a legal description if available.

Please attach an 8 ½" x 11" vicinity map that accurately locates the proposal site.

Give an accurate, brief description of the proposal's scope and nature:

1. General description: 26 unit Duplex Townhomes P.U.D.
2. Acreage of site: 2.5 acres
3. Number of dwelling units/buildings to be demolished: (2)
4. Number of dwelling units/buildings to be constructed: 26
5. Square footage of buildings to be demolished:
6. Square footage of buildings to be constructed:
7. Quantity of earth movement (in cubic yards):
8. Proposed land use: ~~Single~~ Two family residential / ~~medium density~~ buildings @ 10 units/acre
9. Design features, including building height, number of stories and proposed exterior materials: Duplex townhomes (see attached plans) max. 35' h., two floors above on-grade parking, cedar-like bevelled and shingle siding, comp. roofing and vinyl-clad windows.
10. Other

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Estimated date of completion of proposal or timing of phasing:

Approx. Fall 2007.

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. significant tree plan, soils report, wetland report.

Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. List dates applied for and file numbers, if known.

None Known

List any government approvals or permits that will be needed for your proposal, if known. If permits have been applied for, list application date and file numbers, if known.

City of Bellevue Land use approval and associated Building permits.

Please provide one or more of the following exhibits, if applicable to your proposal.
(Please check appropriate box(es) for exhibits submitted with your proposal):

☐ Land Use Reclassification (rezone) Map of existing and proposed zoning

☑ Preliminary Plat or Planned Unit Development
Preliminary plat map

☑ Clearing & Grading Permit
Plan of existing and proposed grading
Development plans

☐ Building Permit (or Design Review)
Site plan
Clearing & grading plan

☐ Shoreline Management Permit
Site plan

A. ENVIRONMENTAL ELEMENTS

1. **Earth**

a. General description of the site: ☑ Flat ☑ Rolling ☐ Hilly ☐ Steep slopes ☐ Mountains ☐ Other

b. What is the steepest slope on the site (approximate percent slope)?

Approx 30%

c. What general types of soil are found on the site (for example, clay, sand, gravel, peat, and muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

AgB, AgC Alderwood gravelly sandy Loam

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

NO

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

grading and filling To construct roads and for building foundations. Approx. 1500 cy export and 1000 cy select Pit. run import

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Possible Erosion control measures will be implemented.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

38 %

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

An Esc. plan will be prepared and approved by Bellevue prior to construction.
Turbidity monitoring require by C.O.B.

2. AIR

a. What types of emissions to the air would result from the proposal (i.e. dust, automobile odors, and industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known. exhaust from construction equipment during construction. Auto exhaust after construction.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

None Known

c. Proposed measures to reduce or control emissions or other impacts to the air, if any:

Equipment will meet current emission standards.
dust control provided during const.

3. WATER

a. Surface

(1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If

appropriate, what stream or river it flows into.

None

(2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If Yes, please describe and attach available plans.

NO

(3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None

(4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No

(5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

NO

(6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No

b. Ground

(1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description.

No

(2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.) Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

N/A

Attachment III - Original Preliminay Plat/PUD Staff Report

c. Water Runoff (Incl , storm water)

(1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

storm drainage from the site will be collected in a tightline system and will discharge to an onsite detention ~~pond~~ vault

(2) Could waste materials enter ground or surface waters? If so, generally describe.

None Known

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

storm detention system and water quality control designed per city of Bellevue requirements for approval.

4. Plants

a. Check or circle types of vegetation found on the site:

- ☑ deciduous tree: alder, maple, aspen, other
- ☑ evergreen tree: fir, cedar, pine, other
- ☑ shrubs
- ☑ grass
- ☐ pasture
- ☐ crop or grain
- ☐ wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☐ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

all vegetation in areas to be graded will be removed

c. List threatened or endangered species known to be on or near the site.

None Known

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: See Landscape plan associated with this application. Significant trees to be retained, Additional Landscape buffers Provided At site perimeter.

5. **ANIMALS**

a. Check or circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

☐ Birds: hawk, heron, eagle (songbirds) other:

☐ Mammals: deer, bear, elk, beaver, other:

☐ Fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

None Known

c. Is the site part of a migration route? If so, explain.

No

d. Proposed measures to preserve or enhance wildlife, if any:

None

6. **Energy and Natural Resources**

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy need? Describe whether it will be used for heating, manufacturing, etc.

Electricity and Natural gas for heating future homes

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

NO

c. What kinds of energy conservation features are included in the plans of the proposal? List other proposed measures to reduce or control energy impacts, if any:

New homes will comply with current city codes and Wa. State energy codes.

7. **Environmental Health**

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

NO

(1) Describe special emergency services that might be required.

None

(2) Proposed measures to reduce or control environmental health hazards, if any.

None

b. Noise

(1) What types of noise exist in the area which may affect your project (for example, traffic, equipment, operation, other)?

traffic

(2) What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example, traffic, construction, operation, other)? Indicate what hours noise would come from the site. const. noise during const. hours (7:30am - 5 pm mon - ~~Sat~~ Fri) after construction is complete, normal traffic noise will be generated by the new residents. & 9:00am - 5:00pm Sat.

(3) Proposed measures to reduce or control noise impacts, if any:

None

8. **Land and Shoreline Use**

a. What is the current use of the site and adjacent properties?

Singe family residence on-site. Multifamily adjacent

b. Has the site been used for agriculture? If so, describe.

NO

c. Describe any structures on the site.

Singe family residence and outbuildings

d. Will any structures be demolished? If so, what?

Two single family residence and outbuildings

e. What is the current zoning classification of the site?

R.10

f. What is the current comprehensive plan designation of the site?

~~Medium density~~ residential multi-family - low density

g. If applicable, what is the current shoreline master program designation of the site?

N/A

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

NO

I. Approximately how many people would reside or work in the completed project?

approximately 75

j. Approximately how many people would the completed project displace?

4

k. Proposed measures to avoid or reduce displacement impacts, if any:

None

i. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: P.V.D. process requires city review to ensure compatability with existing and projected land uses as part of the approval process.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

(26) new units, 22 market rate, 4 affordable units

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

(2) market rate

c. Proposed measures to reduce or control housing impacts, if any:

None

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? Average height 29'-4". bevelled and shake cedar-like material.

b. What views in the immediate vicinity would be altered or obstructed?

None

c. Proposed measures to reduce or control aesthetic impacts, if any:

Design elements will be consistent with single family homes

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Light from windows & auto headlamps - after dark

b. Could light or glare from the finished project be a safety hazard or interfere with views?

NO

c. What existing off-site sources of light or glare may affect your proposal?

windows and auto headlamps

d. Proposed measures to reduce or control light or glare impacts, if any:

None

12. **Recreation**

a. What designated and informal recreational opportunities are in the immediate vicinity? None JHK
City Parks, and Elementary schools (Crossroads) Stevenson are within walking distance across arterial streets

b. Would the proposed project displace any existing recreational uses? If so, describe.

NO

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Rec. space will be provided on-site to meet the City Requirements for a P.U.D.

13. **Historic and Cultural Preservation**

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

NO

b. Generally describe any landmarks or evidence of historic, archeological, scientific, or cultural importance known to be on or next to the site.

None

c. Proposed measures to reduce or control impacts, if any:

None

14. **Transportation**

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any. ~~151st pl NE and~~ 156th Ave. N.E. is accessible via private easement. JHK

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

YES, on 156th Av. NE.

c. How many parking spaces would be completed project have? How many would the project eliminate?

JHK 95 ~~88~~ new, 8 removed

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

YES, new private interior road - see plans

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

NO

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur. approx. 150 trips in morning and evening hours.

g. Proposed measures to reduce or control transportation impacts, if any:

Traffic mitigation fees will be paid

15. Public Services

a. Would the project result in an increased need for the public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

yes, incremental increase in need associated with the increase in new housing units.

b. Proposed measures to reduce or control direct impacts on public services, if any.

Traffic and school mitigation fees will be paid. Increased tax base with (26) new homes

16. Utilities

a. Circle utilities currently available at the site: (electricity) (natural gas) (water) (refuse service) (telephone) (sanitary sewer) septic system, other.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

city water, Puget Sound Energy gas and Electric, Rabanco refuse servic. Phone and cable vendors unknown. City sewer.

Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Fremantle Dev., Inc

Signature..... pres.

Date Submitted..... 2/22/05

Revised 3/30/06

B-12 and Consulting, Inc.
1103 W. Meeker St.
Kent, WA 98032-5751
(v)253-859-0515
(f) 253-852-4732

February 21, 2005

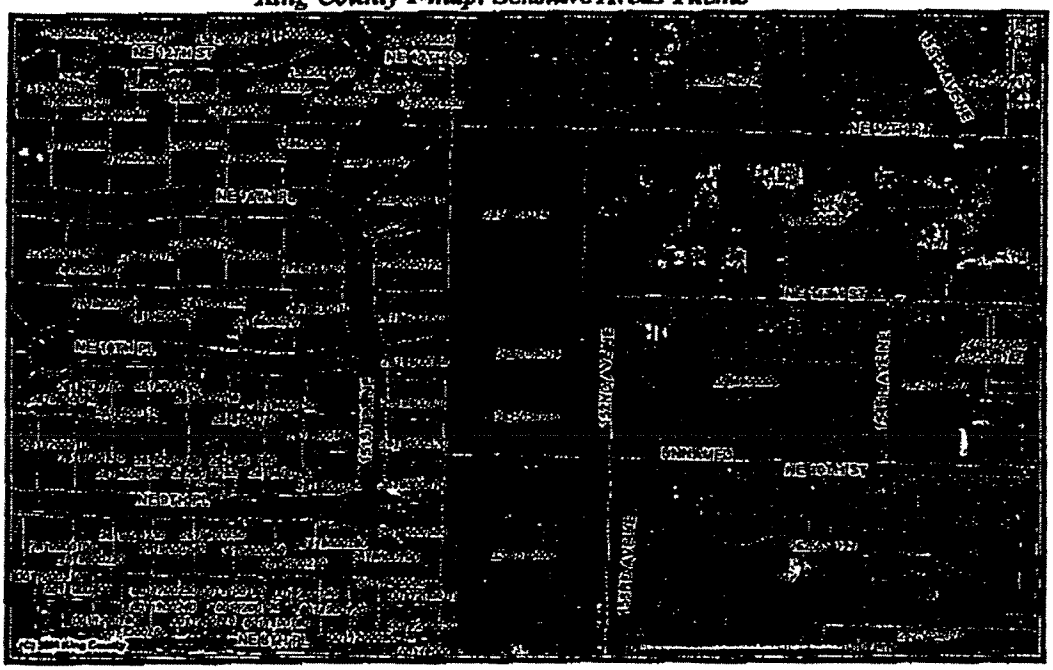
Dennis Johnson
Johnson Contractors
P.O. Box 3574
Bellevue, WA 98009

Re: Wetland and Stream Determination
B-12 Job #A5-143

Dear Mr. Johnson,

Per your request we have inspected the Johnson-Bellevue property for jurisdictional wetlands and streams. The 1.25 acre property is located at 1025 156th Avenue NE (parcel 2625059016) in the City of Bellevue, Washington.

King County I-map: Sensitive Areas Theme



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Methodology

B-12 Wetland Consulting, Inc. visited the site on February 14, 2005. A combination of field indicators, including vegetation, soils, and hydrology was used to determine whether wetlands are present on the site. The site was inspected using methodology described in the *Washington State Wetlands Identification Manual* (WADOE, March 1997). This is the methodology currently recognized by the City of Bellevue and the State of Washington for wetland determinations and delineations. Wetland areas would also be considered wetlands when using the methodology described in the ***Corps of Engineers Wetlands Delineation Manual*** (Environmental Laboratory, 1987), as required by the US Army Corps of Engineers.

Streams would be identified by the presence of a defined channel that contains flowing surface water at some time of the year.

Observations

The site currently contains one single family house with associated drive way and yard located near the east property boundary. The site's topography slopes from the east to the west and is generally vegetated with 2nd and 3rd growth mixed forest with a low underbrush. Dominant vegetation includes Douglas fir (*Pseudotsuga menziesii*), western red cedar (*Thuja plicata*), big leaf maple (*Acer macrophyllum*), Indian plum (*Oemleria cerasiformis*), Himalayan blackberry (*Rubus* armeniacus), oregon grape (*Mahonia aquifolium*), salal (*Gaultheria shallon*), sword fern (*Polystichum munitum*), Ivy (*Hedera sp.*), trailing blackberry (*Rubus* ursinus), and pacific bleeding heart (*Dicentra formosa*).

Soils pits excavated on the site revealed a 6 inch gravelly, sandy, loam A-horizon with a color or 10YR 2/2; an underlying, gravelly, sandy, loam B-horizon revealed a soil color of 10YR 3/3. Soils on the site were dry with 16 inches of the soil surface during the time of the site visit.

No wetlands or streams were observed on the property. No wetlands or streams were observed on the adjacent properties and therefore no wetland or stream buffers extend onto the site.

If you have any questions or need any additional information please contact our office at 253.859.0515 or by e-mail at aaron@b12assoc.com .

Sincerely,
B-12 Wetland Consulting, Inc.

J. Aaron Will
Wetland Scientist

Ed Sewall
President

File:aw/A5-143 Johnson-bellevue det.doc

Attachment IV - Revised Rezone SEPA Checklist

City of Bellevue Submittal Requirements	27a

ENVIRONMENTAL CHECKLIST

4/18/02

If you need assistance in completing the checklist or have any questions regarding the environmental review process, please visit or call the Permit Center (425-452-6864) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4). Our TTY number is 425-452-4636.

City of Bellevue File Number 07-122520-LQ
08/16/2007
The Enclave at Fox Glen Rezone
1025 & 1041 156th Ave NE

SEPA Checklist Reviewed By:
David Pyle, Senior Planner
425-452-2973 - dpyle@bellevuewa.gov

BACKGROUND INFORMATION

Property Owner: Dennis & Deanna Johnson

Proponent: Fremantle Development, Inc.

Contact Person: Dennis Johnson
(If different from the owner. All questions and correspondence will be directed to the individual listed.)

Address: PO Box 3574 Bellevue, 98009

Phone: 425 467 6602

Proposal Title: Enclave @ Fox Glen Rezone

Proposal Location: 1025 & 1041 156th Ave NE, Bellevue
(Street address and nearest cross street or intersection) Provide a legal description if available.

Please attach an 8 ½" x 11" vicinity map that accurately locates the proposal site.

Give an accurate, brief description of the proposal's scope and nature:

1. General description: Rezone to remove affordable Housing Concomitant
2. Acreage of site: 2.45 ac
3. Number of dwelling units/buildings to be demolished: N/A (non-project action)
4. Number of dwelling units/buildings to be constructed: N/A
5. Square footage of buildings to be demolished: N/A
6. Square footage of buildings to be constructed: N/A
7. Quantity of earth movement (in cubic yards): N/A
8. Proposed land use: R10 – No change
9. Design features, including building height, number of stories and proposed exterior materials:
   N/A
10. Other Rezone to remove affordable housing requirement imposed by ord. # 4448. Property development will be subject to current City affordable housing requirements.

This is a proposal to rezone two multi-family residential properties located at 1025 and 1041 156th Ave NE. The purpose of the rezone is to change the affordable housing concomitant requirement imposed by City of Bellevue Ordinance #4448 to the current City of Bellevue affordable housing requirement. This is a non-project action. There is no proposed change in density.

Reviewer Initials: DP

Fremantle Development Inc 4254676603 p.2

Attachment IV - Revised Rezone SEPA Checklist

. Estimated date of completion of the proposal or timing of phasing:

N/A

This is a non-project action. The proposed 25 unit Plat/PUD that has been approved was processed under file 05-103350-LK as a request for Planned Unit Development, Preliminary Plat, and Design Review approval.

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. Yes. A 26 unit PUD has been approved for this property, with Four affordable units. The rezone will result in a reduction of affordable units to two, consistent with City of Bellevue current codes.

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

N/A

A 25 unit PUD has been approved and requires 4 affordable units to be built. Approval of this rezone proposal would reduce the number of affordable units from 4 to 2. The density and form of the development would remain unchanged.

Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. List dates applied for and file numbers, if known.

Yes. Enclave at Fox Glen P.U.D. approved. Associated construction Permits Pending.

List any government approvals or permits that will be needed for your proposal, if known. If permits have been applied for, list application date and file numbers, if known.

None

Please provide one or more of the following exhibits, if applicable to your proposal.
(Please check appropriate box(es) for exhibits submitted with your proposal):

- [x] Land Use Reclassification (rezone) Map of existing and proposed zoning
  remove affordable housing concomitant per ord. # 4448
- [ ] Preliminary Plat or Planned Unit Development
  Preliminary plat map
- [ ] Clearing & Grading Permit
  Plan of existing and proposed grading
  Development plans
- [ ] Building Permit (or Design Review)
  Site plan
  Clearing & grading plan
- [ ] Shoreline Management Permit
  Site plan

The purpose of the rezone is to **change** the affordable housing concomitant requirement imposed by City of Bellevue Ordinance #4448 to the current City of Bellevue affordable housing requirement.

A. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site: [x] Flat [x] Rolling [ ] Hilly [ ] Steep slopes [ ] Mountains [ ] Other

b. What is the steepest slope on the site (approximate percent slope)? Max. 30%

c. What general types of soil are found on the site (for example, clay, sand, gravel, peat, and muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.
Alderwood gravelly sandy loam (soils report on file)

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Permanent Development, In 4254676603 p.3

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

No

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

N/A - non project action

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

N/A

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

N/A

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

N/A

2. AIR

a. What types of emissions to the air would result from the proposal (i.e. dust, automobile odors, and industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

N/A

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

N/A

c. Proposed measures to reduce or control emissions or other impacts to the air, if any:

N/A

3. WATER

a. Surface

(1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If

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Fremantle Development, In 4254676603 p.4

appropriate, state what stream or river it flows into.

None

(2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If Yes, please describe and attach available plans.

No

(3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None

(4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No

(5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No

(6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No

b. Ground

(1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description.

No

(2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.) Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

N/A

Pacemantle Development, In 4254676603 p.5

Attachment IV - Revised Rezone SEPA Checklist

c. Water Runoff (Including storm water)

(1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

N/A -

(2) Could waste materials enter ground or surface waters? If so, generally describe.

No

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

N/A non-project action

4. Plants

a. Check or circle types of vegetation found on the site:

- [x] deciduous tree: alder, maple, aspen, other
- [x] evergreen tree: fir, cedar, pine, other
- [x] shrubs
- [x] grass
- [ ] pasture
- [ ] crop or grain
- [ ] wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other
- [ ] water plants: water lily, eelgrass, milfoil, other
- [ ] other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

N/A - Rezone

c. List threatened or endangered species known to be on or near the site.

None Known

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: N/A non-project action

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5. ANIMALS

a. Check or circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

- [x] Birds: hawk, heron, eagle, songbirds, other:
- [ ] Mammals: deer, bear, elk, beaver, other:
- [ ] Fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

None

c. Is the site part of a migration route? If so, explain.

No

d. Proposed measures to preserve or enhance wildlife, if any:

N/A

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy need? Describe whether it will be used for heating, manufacturing, etc.

N/A

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No

c. What kinds of energy conservation features are included in the plans of the proposal? List other proposed measures to reduce or control energy impacts, if any:

N/A

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

No

(1) Describe special emergency services that might be required.

N/A

(2) Proposed measures to reduce or control environmental health hazards, if any.

N/A – Rezone

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Premantle Development, In 4254676603 p.7

b. Noise

(1) What types of noise exist in the area which may affect your project (for example, traffic, equipment, operation, other)?

None

(2) What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example, traffic, construction, operation, other)? Indicate what hours noise would come from the site.

N/A

(3) Proposed measures to reduce or control noise impacts, if any:

N/A – Rezone

8. **Land and Shoreline Use**

a. What is the current use of the site and adjacent properties?

Single family Residential onsite, multifamily adjacent

b. Has the site been used for agriculture? If so, describe.

NO

c. Describe any structures on the site.

(2) SFR homes.

d. Will any structures be demolished? If so, what?

N/A

e. What is the current zoning classification of the site?

R-10

f. What is the current comprehensive plan designation of the site?

multi-family Low density

g. If applicable, what is the current shoreline master program designation of the site?

N/A

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

NO

i. Approximately how many people would reside or work in the completed project?

N/A

25 multi-family units will be built as part of the approved Plat/PUD.

j. Approximately how many people would the completed project displace?

N/A

2 single family residential units will be demolished.

k. Proposed measures to avoid or reduce displacement impacts, if any:

N/A – Rezone

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Premantle Development, In 4254875603 p.8

Attachment IV - Revised Rezone SEPA Checklist
City of Bellevue SEPA Checklist The Enclave at Fox Glen Rezone

i. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: Rezone will not change the zoning classification. Land use will remain R-10, low density multi-family. Affordable housing requirement will be consistent with current city code

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. 26 new market rate units of which (2) must be "affordable". A Fee may be paid in lieu of providing affordable units, consistent with current city code.

25 multi-family units will be built as part of the approved Plat/PUD.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None

c. Proposed measures to reduce or control housing impacts, if any:

Rezone will ensure proposed development is consistent with current city code.

10. Aesthetics Non-Project action

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? N/A

b. What views in the immediate vicinity would be altered or obstructed?

N/A

c. Proposed measures to reduce or control aesthetic impacts, if any:

N/A - Rezone

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A

b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A

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c. What existing off-site sources of light or glare may affect your proposal?

N/A

d. Proposed measures to reduce or control light or glare impacts, if any:

N/A

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

Crossroads park and Stevenson Elementary school are within walking distance along arterial streets

b. Would the proposed project displace any existing recreational uses? If so, describe.

NO

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Rezone will not affect recreation

13. Historic and Cultural Preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

No

b. Generally describe any landmarks or evidence of historic, archeological, scientific, or cultural importance known to be on or next to the site.

None

c. Proposed measures to reduce or control impacts, if any:

N/A

14. Transportation

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any. Site access is Through private 30' easement From 156th Ave. N.E.

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

YES - on 156th Ave NE

c. How many parking spaces would be completed project have? How many would the project eliminate?

N/A

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not Including driveways? If so, generally describe (indicate whether public or private).

N/A

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

NO

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Fremantle Development, In 4254676603 p.10

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
Rezone will not affect traffic volume

g. Proposed measures to reduce or control transportation impacts, if any:
N/A

15. Public Services

a. Would the project result in an increased need for the public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.
No

b. Proposed measures to reduce or control direct impacts on public services, if any.
N/A - Rezone

16. Utilities

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.
N/A

Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Fremantle Development, Inc.

Signature [signature] president

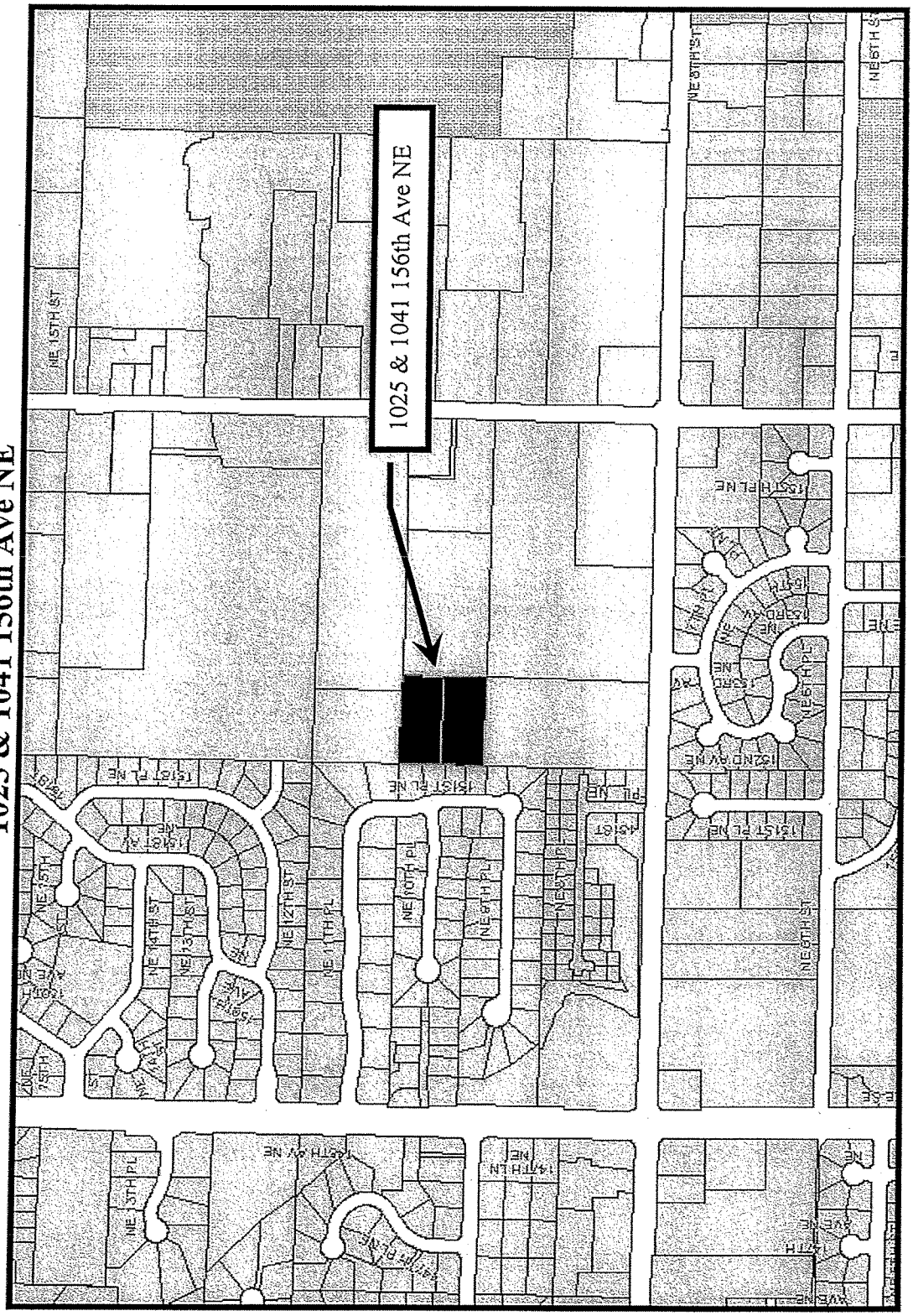
Date Submitted 8.5.07

Fremantle Development, In 4254675603 p.11

Reviewer Initials: D.R

Attachment IV - Revised Rezone SEPA Checklist

The Enclave at Fox Glen Rezone – Vicinity Map
City of Bellevue File No. 07-122520-LQ
1025 & 1041 156th Ave NE



Attachment V - Comment Letter

Pyle, David

From: pgbrun@comcast.net
Sent: Wednesday, December 12, 2007 9:34 PM
To: Pyle, David
Subject: Enclave at Fox Glen - 07-139482-L1

David,

Thank you for taking the time to explain the latest plan for the Enclave at Fox Glen.

Many of the residents of Highland Firs, Fox Glen and Fox Chase are against any addtional units. While the proposal is for just one more duplex unit, instead of a single family home, we wonder what else Dennis Johnson might want to increase? It is bothersome that Mr. Johnson can buy his way out of building affordable units to then get an equal square footage allocation for more units than allowed.

I would prefer that the design remain the same and that no additional units be allowed. There have been so many problematic incidents with this project and our neighborhood feels any more changes could bring more problems.

Thank you,
Sincerely,
Maggie Bentley
15027 NE 11th PL
Bellevue 98007

Attachment VI - Hearing Examiner's Report

HEARING EXAMINER DOCUMENTS

1. **Examiner Decision of 12/8/06 ..... 1 - 25**
2. **Hearing Examiner Scheduling Order of 9/22/06..... 26 - 27**
3. **Letters correcting 1st mailed Decision ..... 28 - 29**

BEFORE THE HEARING EXAMINER FOR THE CITY OF BELLEVUE

In the Matter of the Application of **DENNIS JOHNSON, FREEMANTLE DEVELOPMENT GROUP (ENCLAVE AT FOX GLEN)** For Approval of a Planned Unit Development, Preliminary Plat and Design Review, for a 25-Lot Residential Subdivision, Accessed Via an Easement From 156th Avenue North East.	**FILE NO: 05-103350-LK** **FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISIONS**
In the Matter of the Appeals of **INNISFREE APARTMENT OWNERS ASSOCIATION; RICHARD AND ANNA MCPHERSON** From the SEPA Threshold Determination And Design Review Approval for the Enclave at Fox Glen	**FILE NO: AAD-06-172/06-173**

SUMMARY

1. **Decisions.**

a) Applications. The Planned Unit Development and Preliminary Plat applications are approved, subject to conditions.

b) Appeals. The appeals of the Determination of Non-Significance (DNS) and the Design Review approval are denied. The DNS and the Design Review approval are affirmed.

2. **Proposal.** Dennis Johnson seeks approval of a residential subdivision project. The project will involve the demolition of two single-family homes and the construction of 25 new homes on 25 individual lots. The new homes will include 12 two-unit buildings (common wall) and one single family structure.

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The property is located on the interior of a super-sized block and does not abut a public street. The site comprises two tax-lots totaling 106,590 square feet (2.45 acres) and is within an R-10 zoning district (10 units per acre).

To the west is the Fox Glen neighborhood, a single-family residential development, fronting on 148th Avenue NE. To the east are the Innisfree, Ironwood and Evergreen East condominium developments. Access to the project site is proposed via a 30-foot easement across the north side of these condominium properties, connecting the proposed site to 156th Avenue NE to the east. It is about 950 feet from the public street to the subject site along the easement.

A pedestrian connection to the streets to the west is proposed, using a locked gate accessible only by subdivision residents.

3. **Procedure.** An initial application was submitted on February 22, 2005, and published on March 31, 2005. This proposal called for accessing the site from both the west via an easement from 151st Place, and the east via the existing easement from 158th Ave. NE. One of these was to be for emergency use only. A public meeting was held at Odle Middle School on April 18, 2005, attended by about 75 people. Many letters and email messages were made about this original proposal.

In September 2005, the applicant submitted conceptual plans showing sole access from 151st Place to the west. In discussions, the City took the position that the City Code prohibits access to multifamily property through single-family zoned property unless there is no other alternative.

The applicant then submitted the present application with sole access being to 156th Avenue NE along the easement to the east. Notice of the present application was published on April 6, 2006. On April 25, 2006, a public meeting attended by about 35 people was held in Bellevue City Hall. Numerous letters and emails were received about the present proposal.

The focus of both public meetings and the public comments was access. The residents on the west (Fox Glen) do not want access that uses their neighborhood streets to get to the property. The residents on the east (Innisfree) do not want access that uses the easement from 156th Avenue NE. Neither neighboring group wants non-resident vehicular or pedestrian traffic through the site.

The Design Review approval and the DNS were issued on the same day, August 31, 2006. The decisions were appealed on September 14, 2006, and their consideration was consolidated for hearing with the applications for Planned Unit Development (PUD) and Preliminary Plat approval.

The Hearing Examiner hearing was initially scheduled for September 21, 2006, but this was too soon to provide the City time to respond to the appeals. In addition, the City asked that the appeals be clarified. The Examiner order for clarification of the appeals and, after opening the hearing, continued the matter to October 19, 2006, with a second session, if necessary, on October 26, 2006. The

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continuance was followed by a Scheduling Order that set up the sequence for clarified appeals, City responses and the hearing.

The Hearing was held on October 19, 2006 and October 26, 2006, as scheduled. Linda Youngs, Attorney at Law, represented the Innisfree Apartment Owners Association. Richard McPherson represented himself and Anna McPherson. The applicant, Dennis Johnson, was represented by Robert Johns, Attorney at Law. The City was represented by Lisa Hutnak, Legal Planner.

Testifying for Innisfree were residents Richard McPherson, Jack Harden, William Wood, Karen Strudwick, Dan Heine, Mary Ann Heine, and Robert A. Trager. Richard McPherson also testified for himself and his wife. The appellants presented one expert, Gary Norris, Traffic Engineer.

Witnesses for the City were Julia Kruger, Senior Planner; David Pyle, Associate Planner; Chris Dreaney, Transportation Review Manager; Jeff Herb, Senior Transportation Engineer; and Adrian Jones, Fire Protection Engineer.

General public testimony was given by Tyler Parris and Maggie Bentley, residents of Fox Glen.

Dennis Johnson, the applicant, testified on his own behalf.

Exhibits were admitted, argument was made. Before and after the hearing the Examiner made visits to the site.

FINDINGS OF FACT

1. The factual matters set forth in the foregoing **SUMMARY** are adopted by the Examiner as findings.

2. The Enclave at Fox Glen (Enclave) proposal for 25 dwelling units on individual lots results in a density of approximately 10 units per acre. Proposed lot sizes vary from 1,628 square feet to 2,899 square feet.

3. The design of the buildings is residential in character. They will be comparable in bulk and floor area to the larger single family homes being constructed today. The 12 multifamily structures will have three-stories each. All buildings will have a hipped roof with added gables on the front and rear. The exterior walls will be a combination of shingle and horizontal siding in brown and tan earth tones. The roof material will be deep brown composition shingle.

4. The site is approximately square, measuring 330 feet by 323 feet. It is presently heavily wooded with Douglas fir, western red cedar and big-leaf maple trees. The property slopes gently downhill from east to west. There are no Critical Areas on site.

5. The proposed units will be oriented around the exterior edge of a squared-off loop road. The loop road will be 24 feet wide and will surround approximately 8,594 square feet of common open space (Tract D). A short stem road will connect the loop with the access easement at the northeast corner of the

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project site. A five-foot-wide sidewalk is proposed for the south side of the stem road to continue around the outside of the loop.

6. In the northwest corner of the site will be an underground detention vault in Tract C, to be covered with a sport court, lawn area and children's play equipment. This tract will also contain a biofiltration facility near the west boundary. Tract E, a 5,914 square-foot area in the southwest corner of the property, will preserve 10-12 large existing trees. Tracts F and G, each approximately 2,000 square feet in size, flank the stem road at the entrance to the complex. Overall, the project will preserve over 58 percent of the site in open space and 26 percent in common open space.

7. The applicant purchased Lot 35 of the plat of Fox Glen abutting the site at the northwest corner. An easement for the sanitary sewer and water lines across the south 20 feet of Lot 35 will provide access for connections to the public sewer and water lines in 151st Place NE. A pedestrian path within this easement will connect the project with 151st Place.

8. The pedestrian path through Lot 35 will provide a pedestrian link for the Enclave residents that will ultimately give them access by walking to 148th Avenue NE. The path will not be intended for public use. Plans are to install a locked gate with a coded keypad, permitting passage only by residents of the Enclave. In addition, a recommended condition of plat approval calls for a north-south pedestrian easement along the west side of the property to accommodate the public pedestrian trail listed in the City's Pedestrian and Bicycle Plan.

9. The site was rezoned in 1992 (Ordinance 4448) from R-2.5 to R-10. This rezone was required to obtain zoning consistency with the Comprehensive Plan land use designation of Multifamily – Low Density (MF-L). The rezone ordinance requires affordable housing if 10 or more units are built on each lot. The project must provide four affordable units. In so doing, it will qualify for an affordable housing bonus. With the bonus, the 25 units planned meet the density allowed for the 2.45 acre site.

10. The large city block that the project site lies within is bounded on the north by NE 20th Street, on the east by 156th Avenue N.E., on the south by NE 8th street and on the west by 148th Avenue NE. On all sides of the project site are existing developments fronting on these public streets. No public streets or pedestrian paths extend clear through the block in any direction.

11. To the west is a single family neighborhood consisting of three subdivisions: Highland Firs, Fox Chase and Fox Glen. The adjacent Fox Glen neighborhood is zoned R-2.5 and R-3.5 and is designated Single-Family Medium. To the east, the site abuts the Innisfree condominium complex. Further east are the Ironwood and Evergreen East condominiums. These developments are zoned R-30 (Multi-Family High Density). Immediately to the north is undeveloped multifamily property. To the

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south and southeast lie multifamily complexes in R-30 zoning. The Heatherstone condominium, directly south, is 10 to 12 feet below the project site and separated from it by a retaining wall.

12. The property is close to numerous community and commercial facilities. Stevenson Elementary School is approximately 2/3 miles to the west. Highland Middle School is about 2/3 mile to the north. Crossroad Shopping Center is ¼ mile to the east across 156th Avenue NE. Just east of the shopping center are Crossroads Park and Crossroads Community Center. Fire station #3 is located at 16100 NE 8th Street, approximately 2/3 miles from the site. There is a police station annex in Crossroads.

13. Because the neighboring development to the west is located in a single-family zone, the subject site is within a Transition Area Design District and must meet applicable transition requirements.

14. At three stories, the buildings within the Enclave will be taller than the one and two-story single family homes and condominium to the east and west, all constructed 30-40 years ago. Because the site slopes down to the west, the two buildings that are closest to the west property line will be 4'6" above the Transition Area height limit of 30 feet as measured from the average existing grade, and two feet above that limit as measured from the finished grade. This deviation can be approved through the Planned Unit Development (PUD) mechanism.

15. There will be a six-foot cedar fence and a 20-foot-wide Transition Area landscape buffer on the west border. The two buildings on the west side of the loop road (Lots 16-19) will be set back 30 feet from the west property line. The remaining buildings in the projectwill be distributed on the north, east and south sides of the loop. The plans provide a 20-foot building setback from the Innisfree condominiums on the east. A 10-foot landscape buffer behind a fence will be maintained on the north, south and east.

16. The proposal retains the nine existing significant Douglas fir trees in the Transition Area buffer and adds 38 new evergreen trees (primarily Douglas fir and western red cedar) and seven deciduous trees, all at least 10 feet high at planting. Evergreen shrubs and ground cover will also be added. A condition will be included requiring two existing Douglas fir trees on Lots 18 and 19 to be kept and at least three 18-20-foot Douglas firs or western red cedars to be planted on the west portion of Lots 16 and 17. These plantings should serve to mitigate the relative height of the proposed units on these lots.

17. The development will preserve a cluster of ten significant trees in the interior of the site near the southwest corner adjacent to the single family zoned property and add 18 evergreen trees with native evergreen shrubs along the south property line. Moreover, trees and natural vegetation will be preserved in the central open space area. Overall, 606 diameter inches of the interior significant trees will be retained, almost twice as much as required.

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18. The open space in the center of the site will be connected by walkways and trails to a wooded area at the southwest corner and to the active recreation area at the northwest corner. The wooded open space and the active recreation areas will eventually be connected with a trail within the western landscape area.

19. The proposed development varies from the standard dimensional requirements of the Land Use Code in relation to building separation, minimum lot size, individual lot coverage, height and setbacks. The major differences are in lot size, building separation, and height. If the PUD decision criteria are met, these differences may be allowed.

20. The lot size modifications are necessitated by the decision to build family homes on individual lots rather than pursue condominium or apartment development. The overall allowed density on the property remains with zoning limits. The modification of the 20-foot building separation requirement for a Transition Area is mitigated by the short length of the buildings. The length of each building is comparable to the length of a single family home. Development in this R-10 site could be constructed to a much larger scale than the abutting single family homes. The separation requirement is to provide a visual break between potentially large buildings. The height variation is of potential import only for the westerly units. The effect of their modest exceedence of the 30-foot limit will be ameliorated by landscaping requirements.

21. If the modifications sought for the PUD are allowed, each lot may be developed in accordance with Code requirements without requiring a variance.

22. The City determined that its facilities have adequate capacity for providing water, sewer and storm drainage service for this proposal. Appropriate fire protection and police protection is available. Public schools and public recreational facilities are adequate to accommodate the project. Public transportation connections are nearby.

23. Conditions to control the impacts of construction are recommended in the Staff Report.

24. The addresses of the two contiguous Fox Glen Enclave parcels are 1025 and 1041 156th Avenue N.E. The historic access to the two homes presently on site has been via the 30-foot wide easement off of 156th Avenue NE, which benefits the project site. The easement was created in 1967, located in 1971 and declared to be exclusive in 1978. The easement is for ingress, egress, and utilities.

25. Innisfree was approved in 1971 as a 40 unit development. Over the intervening years, access to Innisfree has always been provided via the same easement that the Enclave seeks to use. The easement has a paved width of 30 feet.

26. The major bone of contention in this proceeding is whether this easement can adequately serve as the connection to a public street that is needed for access to and from the proposed Enclave

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development. No improvements to this accessway are planned as a part of the Enclave project. A secondary concern is whether the plans for the development will encourage the pedestrian public to transit the interior of the block between 148th Avenue NE and 156th Avenue NE.

27. The Staff Report addresses the impacts of the development on transportation. Traffic impact fees will be required here to fund street improvement projects to alleviate traffic congestion caused by the cumulative long-term impacts of development throughout the City. A concurrency analysis is required for proposals that generate 30 or more p.m. peak hour trips, but this development will generate only approximately 13 new p.m. peak hour trips and therefore no concurrency analysis was conducted. The 13 p.m. peak hour trips equate to one additional trip every four minutes. The City does not expect this volume of traffic to create traffic congestion or any safety related impact.

28. The Staff Report stated the following in regard to the use of the easement:

> The existing 30-foot private road easement leading to the site has an effective travel width varying between approximately 17' and 22'. Areas used for parallel parking along the north side reduce travel width. Stairs and driveways which ramp up to garages account for the variation in the remaining travel width. During several field visits over the course of several years, City Staff has observed no existing traffic operational problems despite these limitations. In fact, the reduced travel width resulting from the easement parking, stairs and garage ramps has somewhat of a traffic calming effect. Observed speeds were near the 10 mph range. When two oncoming vehicles needed to pass one another, drivers typically slowed down or stopped to wait for the oncoming vehicle to pass. This may be viewed as somewhat of an inconvenience to motorists; however, this does not produce significant delays in overall travel times or safety related issues.

29. After an initial negative evaluation, the Fire Department took another look at the access easement and determined that it is sufficient for emergency access to the site, assuming that it can be made to accommodate 20 feet of access width. No parking will be allowed along the 24-foot-wide loop road inside the plat and access roads within the plat shall be posted "Fire Lane- No Parking.

30. The easement slopes downhill from 156th Avenue NE to the project site. The north side of the Innisfree structure abuts the easement along its lower length. The whole of Innisfree is rectangular with a large courtyard and pool space in the center. In addition to the easement there are paved access ways that border garage entrances around its entire perimeter. There are 17 garages at Innisfree on the subject easement.

31. The easement document does not mention any impediments to the 30-foot width. Parking on the north side of the easement opposite Innisfree, sets of cement garage stairs jutting out from the Innisfree building, and plateaus built into the downslope to aid garage access have all been added by

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Innisfree owners over time. As noted by Staff, these features all reduce the effective travel width. Landscaping and fencing on the north also contribute to this reduction.

32. No parking is provided along the north side of the easement as it passes the Ironwood and Evergreen East condos between Innisfree and 156th Avenue NE. This entire segment is identified as a fire lane.

33. The City-approved site plan for Innisfree does not show any parking within the easement on the north. Outdoor parking is shown on the other sides of the building. There is enough parking on these other sides to provide an outdoor space (in addition to garage space) for every Innisfree unit.

34. The units at the Enclave will have double garages, providing 50 parking stalls. Forty-two (42) guest vehicle spaces will be provided on unit driveways.

35. The Innisfree Apartment Owners (the Owners) presented an expert traffic engineer who testified that, in his judgment, use of the existing access easement as proposed does not meet the requirements of the Bellevue City Code or the Transportation Department's Design Manual. By his reckoning, the effective travel way of the easement at some points is only 12 feet wide. He argued that a safer and more efficient access is available to 151st Place NE via Lot 35 of Fox Glen.

36. It is not clear how the Owners' expert came up with the 12-foot figure, but this figure is the same as that used by Jack Harden, a lay witness for the Owners. Harden derived the number by creating an overlay over a portion of a topographic survey prepared professionally for the Owners. The City's expert on this point was Jeff Herb, a Senior Transportation Engineer with 17 years of experience. Herb made numerous visits to the site and measured 17 feet as the smallest usable area he could find between a set of stairs at Innisfree and the parking opposite. By general agreement, the stairs protrude approximately 4.5 feet into the paved area.

37. Herb testified that two cars, each about six feet wide, could pass each other in a 17-foot-space. He said that he saw this happen and that he also did it. After weighing the testimony and examining the exhibits, the Examiner accepts the City's estimate that the effective travel width of the easement is between 17 and 22 feet. No one argued that if two drivers meeting on the easement were unsure of the space, one could not easily wait for the other to clear.

38. The Owners' expert did not quarrel with the City's estimates of new traffic generation from the Enclave. He did not contend that use of the easement would result in traffic congestion.

39. Evidence was presented that there is at times presently some delay at the exit on 156th Avenue NE, where the easement is somewhat constricted. However, there was no evidence of frequent delays along the easement at Innisfree. Some difficulties may be experienced when a delivery truck is present, but none of the problems raised appeared to exceed the type of expectable periodic interruptions

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of flow normally experienced in most residential areas. By a preponderance, the City's prediction that the small traffic increment from the Enclave will not lead to traffic congestion is more likely than not correct.

40. The City presented Chris Dreaney, its Transportation Department Review Manager, an engineer of some 20 years experience, on the subject of whether the access easement meets the Transportation Department's Design Manual and the Bellevue City Code. In her view, none of the references made by the Owner's experts are violated by approving the access proposed. Most of the purported violations, she said, were of legal provisions that do not apply. Given no prohibitory regulations here, she stated, that the adequacy of the access is a matter of safety and functionality addressed to the reviewer's professional judgment. The Examiner agrees with the City's reviewer that the application makes appropriate provisions for access.

41. The Owners strongly urged that allowing the easement to be used for the Enclave would raise significant safety problems. They described the use of the easement by various pedestrians of various ages and abilities. They pointed out that the 17 owners with garages along the easement must back out and cannot see oncoming traffic until they are into the traffic lane. But, there was no evidence that any accidents have ever occurred along this accessway. No persuasive reasons were given for why the modest additional traffic from the Enclave would suddenly cause accidents to occur.

42. The Owners are afraid that the Enclave residents will drive too fast and present a greater hazard. They noted that the owners of the two homes on the project site had at one time created fears by this behavior and that speed bumps have been installed as a result.

43. That the impediments along the easement – the speed bumps, the stairs, the plateaus, the parallel parking – have had a calming effect on traffic was not seriously contested. No one disputed the 10-miles-per-hour figure given by the City for observed speeds. Mr. Herb noted that when cars are backing from the garages, approaching traffic on the easement can readily see them and stop to let them turn onto the accessway. He likened the situation to a parking lot in a shopping mall.

44. While there is no sidewalk along the easement, pedestrians have apparently been using it for over 30 years without serious incident.

45. Speaking for the Fire Department at the hearing was Adrian Jones, a Fire Protection Engineer with 30 years of relevant experience. He testified that applicable fire codes require that 20 feet of unobstructed accessway must be provided to satisfy fire protection standards. He said that he and the Fire Marshal had visited the site and determined that the 20-foot-width can be met, although doing so might require some modest adjustments to either the parallel parking, the landscaping, or the fencing. A condition should be added requiring that the 20-foot-width be met, following discussion among the applicant, the Fire Department, and the Innisfree Owners

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46. The Owners expressed dismay that the applicant is not a party to any maintenance agreement for upkeep of the easement. The applicant testified that he has made and continues to make an offer to contribute to easement maintenance. A condition should be added obligating the applicant to pay the Enclave's fair share of easement maintenance.

47. The Owners argued that the provision for a pedestrian connection between151st and the Enclave will open a walkway from 148th Avenue to 156th Avenue. This, they contended would bring strangers into their neighborhood and threaten their security, constituting an inappropriate use of their private easement. There is nothing in the record that tends to show that the keypad proposal will not work and that the public will be granted access to the easement via the required pathway.

48. Underlying the Owners' issues, is a concern for the quality of life in their chosen place of residence. They are undoubtedly correct that the creation of the Enclave will change things. They have for many years enjoyed a quiet and isolated existence in a very beautiful walled retreat at the end of a little-traveled easement. Now they are faced with neighbors where the landscape has been dominated by forest. It is not surprising that the residents of this little Eden do not want 25 families driving by their very doorstep to their new homes next door. But accommodation to such change is the experience of people everywhere who are faced with growth impinging on the idyllic havens they originally purchased. Land use regulations have little to do with matters of the spirit. For better or worse, these regulations, if met, allow development even where it will obviously change the quality of life for earlier residents in the vicinity.

49. No testimony was offered by residents of the Ironwood and Evergreen East Condominiums.

50. Any conclusion herein which may be deemed a finding is hereby adopted as such.

CONCLUSIONS OF LAW

1. The Examiner has jurisdiction over the persons and the subject matter of this proceeding. (LUC 20.35.015, 20.35.100(B), 20.35.250(D), BCC 22.02.080) The PUD and Preliminary Plat hearings were properly consolidated for hearing with the Design Review and DNS appeals. (LUC 20.35.080(A).)

DNS APPEAL

2. A DNS is a threshold determination under the State Environmental Policy Act (SEPA), concluding that preliminary environmental review has been sufficient to demonstrate that no Environmental Impact Statement need be prepared. The basis for a DNS is the finding that there will be no probable significant adverse environmental impacts from a proposal. (WAC 197-11-340) "Significant" as used in SEPA means a "reasonable likelihood of more than a moderate adverse impact on environmental quality." (WAC 197-11-794)

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3. On the appeal of a DNS, the appellant has the burden of proving that the determination was "clearly erroneous." *Norway Hill Preservation and Protection Assn. v. King County Council*, 87 Wn.2d 267, 552 P. 2d 674 (1976). By law, the decision of the governmental authority shall be accorded "substantial weight." (RCW 43.21C.090)

4. Here, no evidence was offered that explicitly addressed the legal test for evaluating a threshold determination. Under the facts, the Examiner concludes that the DNS appellants did not carry their burden.

DESIGN REVIEW APPEAL

5. Under LUC 20.30F.145, an application for Design Review may be approved if:

A. The proposal is consistent with the Comprehensive Plan; and

B. The proposal complies with the applicable requirements of this Code; and

C. The proposal addresses all applicable design guidelines or criteria of this Code in a manner which fulfills their purpose and intent; and

D. The proposal is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and

E. The proposal will be served by adequate public facilities including streets, fire protection and utilities.

6. The City in its Design Review decision of August 31, 2006, determined that all of these criteria have been met by the proposed Enclave project. To prevail on appeal, the appellants must prove that the Director's decision was not supported by a preponderance of the evidence. (LUC 20.35.250(F).)

7. The appellants argue that Design Review is not required here because the project is not really within a Transition Area. The assertion is that under the PUD ordinance units with common walls are considered to be single family. However, it is the applicable zoning that governs, not the form of the development.

8. Part 20.25B LUC requires Design Review for any development proposal on a property within a Transition Area that is not specifically exempt from Transition Area requirements. No specific exemption applies here. The Examiner concludes that because the subject development is in an R-10 zone within 300 feet of an R-3.5 zone it is within a "district providing transition" under the Transition Area regulations and, as such, is subject to the Design Review. (LUC 20.25B.020, 030) The fact that the Enclave will create 25 homes on 25 lots, including 12 two-unit (common wall) buildings, is irrelevant to whether Design Review applies.

9. As part of its argument on this point, the appellants contend that a PUD is a form of rezone. That is not the case. Rezones are a separate type of action, governed by their own set of criteria. (See LUC 20.30A.140.) Although the appellants objected to the rezone of the subject property to R-10 at the

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time it occurred, there has been no request to rezone this property to a lower density zoning in this proceeding. Since this is not a rezone, the "changed conditions" requirement imposed by case law does not apply.

10. The appellants contend that the Design Review decision erred in not considering the adequacy of the access easement, citing LUC 20.30F.145(D). The Examiner disagrees. The requirement for compatibility with the characteristics of property in the immediate vicinity involves an evaluation of the features of on-site development, not of off-site matters that do not involve development. (See LUC 20.30F.120.) The adequacy of the easement is properly a subject for PUD approval and Preliminary Plat approval, but not of Design Review.

11. The appeal asserts that RCW 58.17.110 applies to Design Review. This is a section of the State Subdivision Statute that is effectively incorporated into the Preliminary Plat criteria, but it has no connection with the standards for Design Review.

12. The appellants also contend the Design Review should not have specified pedestrian access between 151st Street and the Enclave. This is a misreading of the Design Review decision. The City Staff has addressed the pedestrian path under its PUD analysis in the Staff Report. Until a decision on the PUD, an appeal of this matter is premature.

13. In sum, the Examiner finds that the appellants did not demonstrate that the Director's decision on Design Review was not supported by a preponderance of evidence.

ALTERNATIVE ACCESS

14. Apart from their appeals, the Owners presentation opposed Staff's recommendations for the approval of the PUD and the Preliminary Plat. In both cases, they sought to demonstrate that requiring vehicular access to 151st Street from the Enclave is the appropriate decision and is what the Hearing Examiner should require.

15. The Transition Area regulations contain design guidelines which include the following, at LUC 20.25B.050(A)(1):

> Whenever possible, vehicular access should be designed so that traffic is not directed through an abutting residential district of lower intensity.

Similarly, the Bellevue Transportation Development Code provides, at BCC 14.60.150(B)

> Wherever available, access for commercial and multifamily property shall be provided onto streets which do not abut R-1, R-1.8, R-2.5, R-3.5, R-4, R-5 or R-7.5 land use districts.

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16. The Examiner interprets the above two subsections to contain mandatory requirements. Moreover, he is convinced that use of the existing 30-foot-wide easement is "possible" and "available" within the meaning of the Code.

17. But even were this not the case, the Examiner would not be able to require that an access to 151st Street be used as means for getting to and from this project by car. This is simply because the application at hand proposes no such thing. This is a proposal to use the existing easement from 156th Avenue for access. No other access proposal is before the Examiner. In order to consider another access plan, the City would have to formally evaluate such a proposal and the Examiner would have to conduct a hearing devoted to the differing access concept.

18. In short, all the discussion here arguing that the 151st Street access route is better than the one proposed is irrelevant. The question here is whether the easement from 156th Avenue can lawfully be approved.

PLANNED UNIT DEVELOPMENT

19. The criteria for approval of a PUD are set forth at LUC 20.30D.150, as follows:

> A. The Planned Unit Development is consistent with the Comprehensive Plan; and
> B. The Planned United Development accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional development. Net benefit to the City may be demonstrated by one or more of the following:
>
> 1. Placement, type, or reduced bulk of structures, or
> 2. Interconnected, usable open space, or
> 3. Recreation facilities, or
> 4. Other public facilities, or
> 5. Conservation of natural features, or
> 6. Aesthetic features and harmonious design, or
> 7. Energy efficient site design or building features; and
>
> C. The Planned Unit Development results in no greater burden on present and projected public utilities than would result from traditional development and the Planned Unit Development will be served by adequate public or private facilities including streets, fire protection, and utilities; and
> D. The perimeter of the Planned Unit Development is compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes, but is not limited to, size, scale, mass and architectural design; and
> E. Landscaping within and along the perimeter of the Planned Unit Development is superior to that required by this Code, LUC 20.20.050, and enhances the visual compatibility of the development with the surrounding neighborhood; and
> F. At least one major circulation point is functionally connected to a public right-of-way; and
> G. Open Space within the Planned Unit Development is an integrated part of the project rather than an isolated element of the project; and

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H. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and

I. The part of a Planned Unit Development in a Transition Area meets the Transition Area requirements, Parts 20.25B LUC, or the criteria of LUC 20.25B.040.B; and

J. Roads and streets, whether public or private, within and contiguous to. the site comply with Department of Transportation and Utilities guidelines for construction of streets; and.

K. Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the proposed project; and

L. Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, open space, recreation space, landscaping and utility area necessary for creating and sustaining a desirable and stable environment.

20. There is no serious contention that the PUD approval fails to comport with the Comprehensive Plan. The Staff Report (as corrected by Exhibit 1) amply demonstrates consistency with the Comp Plan. It encourages infill development on an underutilized site that has adequate urban service. (HO-17). It encourages preservation of open space (UD-22). It appropriately controls drainage. (EN-29). The Crossroad Subarea policies are also met.

21. The Owners contend that "superior" access must be provided under the PUD criteria. These criteria contain no such requirement. The PUD standard for accomplishing a better development than that resulting from traditional development relates to the use of permitted flexibility and variation in design. The access easement is not a part of the project design and the PUD mechanism is not be used to alter it in any way. The "better development" requirement is met here through the use of smaller structures on this multifamily property, the saving of more diameter inches of trees than required, the inclusion of interconnected usable open space and recreation facilities, and the conservation of natural features.

22. As conditioned the PUD does not result in a greater burden on present and projected public utilities. There is adequate capacity in public infrastructure to handle the impacts of development. Even though the access easement is private and not public, it too was shown to have adequate capacity.

23. As conditioned the perimeter of the PUD is compatible with the existing development on abutting properties. Given the topography, the proposed buffers and the landscaping contemplated, the size, scale, and mass of the development will fit in with its surroundings.

24. Landscaping within and along the perimeter exceeds Code requirements and enhances visual compatibility. Extensive plantings will supplement the extraordinary retention of significant trees and increase the amount of indigenous plant material on site. A condition of approval will require that the common areas shall be depicted on the final plat with notation as to the intended purposes the tract, including retention of significant trees. Another condition will assure protection of the trees during construction. The applicant will be required to provide a certified arborist to monitor the grading and

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construction activities within the rootzones of all the trees to be preserved, including the trees on the north side of the north property line.

25. The existing paved easement across the Innisfree, Ironwood and Evergreen East properties connects the site to 156th Avenue NE. This functions as an adequate connection of the site with a public right-of-way.

26. Open space within the PUD is integrated through walkway and trail connections.

27. The architectural design contributes to compatibility with characteristics of the property and of the immediate vicinity. The area is one of transition from low density residential to high density residential development. Through the use of open space, modulation, hipped rooflines, articulated windows, window placement, varied siding material and natural colors, the development will provide appropriate transition from one kind of neighborhood to another.

28. The PUD complies with most of the specific Transition Area requirements and with their intent. The building separation modifications allowed will be consistent with the visual objectives for the area and the modest height exceedences will be adequately mitigated by topography and landscape screening. A condition will require that any exterior lighting between the buildings and the adjacent property line shall be shielded so that the source of light is not visible from off-site and there is no spillover of light to abutting properties.

29. Roads and streets within the site will fully comply with Transportation Department guidelines. However, the Examiner concurs with the testimony of Chris Dreaney that the dimensional requirements of the Transportation Department's Design Manual and of the City's Transportation Code do not apply to the existing external easement accessing the site . The easement is not proposed for alteration and the standards and codes are intended to be applied to construction of new facilities.

30. Nonetheless, the PUD criterion requiring streets to be suitable and adequate to carry anticipated traffic in the vicinity should be applied here. The intent of this requirement is not to secure compliance with technical standards but a general judgment as to the capacity of the access used meet operational demands safely and without undue congestion. Under the facts, the Examiner concludes that this criterion is met by the existing easement. However, a condition should be added requiring that the applicant, through an appropriate mechanism, pay his fair share of the costs of easement maintenance and upkeep.

31. The concept of providing suitable and adequate sidewalks can similarly be satisfied by provisions proposed for pedestrian access. The Examiner agrees that a pedestrian connection of the Enclave with 151st Place NE would be desirable, so long as only the residents of the PUD have access. He concludes that there is no adequate factual basis for determining that the proposed keypad

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arrangement will not work. The contention that the pathway will provide a means for public access intruding upon the easement that serves Innisfree was not proven. A condition requiring this private pedestrian connection would be supported by LUC 20.30.D.150(K), to facilitate pedestrian access to schools and recreational facilities. (See also, LUC 20.20.590(K)(8).

32. The development does not include phased construction.

33. The Examiner concludes that, as conditioned, the proposal is consistent with the PUD approval criteria.

PRELIMINARY PLAT

34. Under LUC 20.45A.130, a Preliminary Plat may be approved if:

A. The preliminary 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, parks, playgrounds, sites for schools and schoolgrounds; and
B. The public use and interest is served by platting of the subdivision; and
C. The preliminary plat appropriately considers the physical characteristics of the proposed subdivision; and
D. The proposal complies with all the applicable provisions of the Land Use Code, BCC Title 20, the Utility Codes, BCC Title 24, the City of Bellevue Development Standards and Chapter 58.17 RCW;
E. The proposal is in accord with the Comprehensive Plan, BCC Title 21, and;
F. Each lot in the proposal can reasonably be developed in conformance with current Land Use Code requirements without requiring a variances; and;
G. All necessary utilities, streets or access, drainage and improvements are planned to accommodate the potential use of the entire property.

35. Under the facts, the "appropriate provisions" requirement for infrastructure has been met by this proposal. This conclusion specifically includes a determination that the access proposed to serve this development is adequate.

36. Critical to the "appropriate provision" for public safety, is the condition requiring 20 feet of width to be achieved on the easement for fire and emergency access.

37. The plat provides housing for high quality new infill housing for 25 families, developing the property to its maximum density while providing the attributes of single-family residential living. Urban levels of service are available. Four the homes will be affordable units. The public use and interest is served.

38. The plat conditions and design reflect the physical characteristics of the site and its surroundings. Significant open space is provided. The architecture and landscaping are designed to insure compatibility with the area.

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39. The proposal complies with applicable provisions of the Bellevue City Code, Development Standards and Chapter 58.17 RCW. The access easement is adequate for the proposed use. As discussed in Conclusion 29 above, the dimensional requirements of the Transportation Department's Design Manual and the Transportation Development Code doe not apply. The access used does not violate provisions against access to multifamily property through single family districts.

40. The Staff effectively showed that the proposal is in accord with the Comprehensive Plan.

41. With the conclusion that the proposal, as conditioned, meets PUD criteria, no variances will be required for the development of individual lots.

42. The property is being developed to its maximum density. All necessary infrastructure is available with adequate capacity to serve the entire development.

43. As conditioned, the proposal will meet the criteria for Preliminary Plat approval.

44. Any finding herein which may be deemed a conclusion is hereby adopted as such.

CONDITIONS

The Hearing Examiner does hereby **Recommend Approval of the PUD and the Preliminary Plat** subject to the following Conditions.

The following conditions are imposed under authority referenced:

A. COMPLIANCE WITH BELLEVUE CITY CODES AND ORDINANCES

Applicable Codes, Standards and Ordinances
Clearing & Grading Code – BCC 23.76
Construction Codes – BCC Title 23
Fire Code – BCC 23.11
Land Use Code – BCC Title 20
Noise Control Code – BCC 9.18
Sign Code – BCC Title 22
Transportation Code – BCC 14.60
Right of Way Use Code – BCC 14.30
Utility Code – BCC Title 24

B. SEPA - MITIGATION OF CONSTRUCTION IMPACTS

To mitigate construction impacts, the applicant must provide a mitigation plan to include, at a minimum:

a) Timing of the construction traffic and activity, and
b) Qualified traffic control personnel to ensure that the condominium residents are given deference for use of the easement, and
c) Use all appropriate and effective measures to maintain a safe access for

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residents, and construction personnel, and
d) Minimize other construction impacts such as noise and dust.

The applicant shall submit the plan for review and approval by City of Bellevue Transportation, Fire Prevention and Land Use and may not begin any project activity (demolition, site clearing, etc.) until a management plan has been approved. The applicant shall supply a copy of the approved construction management plan to the president of the board of each condominium complex and to the single family residents whose properties abut the west property line of the plat/PUD. The applicant shall designate a contact person with a phone contact number available at all times that construction activity is occurring for the duration of the construction. The contact person shall be responsible is to ensure that the mitigation plan is followed and to be the first contact point for the residents.

AND: To minimize impacts to air quality the project shall:

a) Use only equipment and trucks that are maintained in optimal operational condition.
b) Use car/van pooling or other trip-reduction strategies for construction workers.
c) Pave or use gravel on staging areas and roads that would be exposed for long periods.
d) Cover open container trucks transporting materials, wetting materials in trucks, or providing adequate freeboard (space from the top of the material to the top of the truck bed), to reduce emissions and deposition during transport.
e) Provide wheel washers to remove particulate matter that would otherwise be carried off-site by vehicles to decrease deposition of particulate matter offsite.
f) Remove particulate matter caused by project construction deposited on the easement road, public roadways, sidewalks, and bicycle and pedestrian paths to reduce mud and dust; sweep and wash streets continuously to reduce emissions.
g) Cover dirt, gravel, and debris piles as needed to reduce dust and windblown debris. Route and schedule construction trucks to reduce delays to traffic during peak travel times to reduce air quality impacts caused by a reduction in traffic speeds.

(SEPA, LUC 20.30D. and Comprehensive Plan Policies EN-87, EN-88, S-CR-4)

C. GENERAL CONDITIONS

1. CONSTRUCTION NOISE CONTROL

To minimize adverse construction noise impacts to the residents of the neighborhood, the City's requirements for controlling construction noise shall be listed on the plans submitted for the clearing and grading permit and the building permit, as follows:

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Construction Noise Control

a. The contractor shall not operate any diesel, pneumatic or gasoline powered equipment that is not properly muffled or silenced.

b. Noise generated by construction activity is limited to the hours between 7:00 a.m. and 6:00 p.m. on weekdays, and 9:00 a.m. and 6:00 p.m. on Saturdays and prohibited on Sundays and legal holidays. (BCC 9.18.020.F)

2. LIGHTING

To ensure compatibility of the sport court activity with the adjacent residences, no lights shall be provided to allow activity after dark. Further, any exterior lighting between the buildings and the adjacent property line shall be shielded so that the source of light is not visible from off-site and there is no spillover of light to abutting properties. (Land Use Code 20.30D)

D. PRIOR TO PUBLIC HEARING

PLANS TO BE MODIFIED – 24 FOOT ROAD WIDTH REQUIRED

To meet Transportation Department standards for a private road internal to the site, the applicant shall submit revised plans to increase the internal road width to 24 feet with a five foot sidewalk. This dimension shall be taken from the area currently described as Tract D. Open space and tree retention calculations shall be recalculated. (BCC 14.60.110; Transportation Department Design Manual)

E. 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.

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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.

(Bellevue City Code 14.30)

2. SITE (CIVIL ENGINEERING) PLANS

To meet Transportation Department standards for a private road internal to the site, a revived site (civil engineering) plan produced by a qualified engineer must be approved by the City prior to clear and grading permit approval, including the required modification to provide a 24 foot road width and five foot sidewalk. The design of all street frontage improvements must be in conformance with the requirements of the Americans with Disabilities Act and the Transportation Development Code, and the provisions of the Transportation Department Design Manual. (BCC 14.60.110; Transportation Department Design Manual)

3. PLANS TO BE MODIFIED - ADDITIONAL TREES TO BE PRESERVED AND ADDED TO WEST PORTION OF SITE

To mitigate the height difference between the proposed buildings on the west side of the site and the shorter single family homes adjacent to the project site, the Plat/PUD plans including the clearing and grading plans and landscape plans shall be modified to preserve the two existing Douglas fir trees (1-10" and 1-26" fir) located on the west portion of lots 18 and 19. In addition, at least three (total) 18-20 foot Douglas fir or western red cedar trees shall be planted on the west portion of lots 16 and 17. (LUC 20.30D. 150)

4. PLANS TO BE MODIFIED - ADDITIONAL TREES TO BE PRESERVED AND ADDED TO WEST PORTION OF SITE ADJACENT TO BIOFILTRATION SWALE

The applicant will be required to amend the landscape plan for the area of the biofiltration swale to provide a minimum ten-foot wide densely planted evergreen landscape buffer to include trees 12'-14' high at planting between the west property line and the recreation facilities located on the vault. (LUC 20.20.520 J. and 20.30D)

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5. TREE PROTECTION

To ensure the protection of the trees to be retained the clearing limits shall be revised to protect all significant trees to be retained. A six-foot high chainlink fence with driven posts, or an approved alternative, shall be installed at the clearing limits prior to any clearing and grading activity. (Land Use Code 20.30D)

6. CERTIFIED ARBORIST

The applicant shall provide a certified arborist to monitor the grading and construction activities to protect the rootzones of all the trees to be preserved, including the trees on the north side of the north property line, and to ensure that the health of the retained trees is not endangered. (Land Use Code 20.30D)

7. UTILITIES

The water, sewer and storm drainage systems shall be designed per the Utility codes BCC 24.02, 24.04, 24.06, and the Utilities Engineering Standards. Utility Developer Extension Agreements are required for the review, approvals and inspection of the water, sewer and storm drainage improvements. The water, sewer and storm drainage design review, approvals and inspection will occur through the Utility Developer Extension process. The civil engineer shall be licensed in the state of Washington. (BCC 24.02, 24.04 & 24.06)

8. FIRE HYDRANT REQUIRED

The applicant shall provide a fire hydrant at Tract F near the entrance to the plat. (Bellevue Fire Code)

9. REFINE CLEARING AND GRADING PLANS TO MINIMIZE IMPORT AND EXPORT

The applicant shall refine the clearing and grading plan to minimize the need to export or import fill material. (Land Use Code 20.30D)

10. FIRE AND EMERGENCY ACCESS

At least 20 feet of usable width shall be provided along the easement to insure adequate access of fire and emergency equipment. The applicant shall work with the Innisfree Apartment Owners and the Fire Department to determine how this requirement will be

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met on the ground. Adjustments to existing parking, landscaping, and fencing shall be made if necessary.

F. PRIOR TO ISSUANCE OF ANY BUILDING PERMIT

1. TRANSPORTATION IMPACT FEE

This development is subject to the Transportation Improvement Program requirement to pay a traffic impact fee. The amount of the fee will be determined at the time of the building permit issuance. The fee schedule in effect at the time of building permit issuance will apply. (Bellevue City Code 22.16)

2. PEDESTRIAN EASEMENTS

The applicant shall record an easement to grant the residents of the plat a right of pedestrian access across Lot 35 to 151st Place N. E., and shall grant a public trail easement for a connection to future trail segments to the north and south. (LUC 20.30D)

3. AFFORDABLE HOUSING REQUIRED

The four (4) affordable homes must be designated on the preliminary plat and PUD plans prior to approval of any construction permits, and on the final plan prior to recording with King County. The affordable units must be proportionally distributed among the unit types. The applicant shall record with King County an agreement in a form approved by the City requiring that the affordable units remain affordable for the life of the project. The agreement must be a covenant to run with the land. (LUC 20.20.128B.2., ORDINANCE 4448)

MAINTENANCE OF EASEMENT. The applicant shall provide an appropriate mechanism obligating him, and the lot owners that succeed him, to pay the development's fair share of the costs of maintenance and upkeep of the access easement.

G. PRIOR TO FINAL PLAT APPROVAL:

1. SITE ACCESS IMPROVEMENTS

All access improvements must be constructed by the applicant and accepted by the Transportation Department prior to final plat approval, except as provided for in BCC 20.40.490. Specific requirements are detailed below:

1. Landings on sloping approaches are not to exceed a 10% slope for a distance of

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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.

2. Vehicle and pedestrian sight distance must be provided per BCC 14.60.240 and 14.60.241.

3. The private road 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 Subdivision map.

4. The maintenance responsibility for the private road shall be the shared responsibility of lot owners within this development. A note to this effect must be indicated on the face of the final Subdivision map.

(BCC 14.60.100, 110, 130, 150,170,190, 210, 240, 241; Transportation Department Design Manual Sections 3,4, 5, 7,11, 14,19)

2. PAVEMENT RESTORATION

Pavement restoration associated with road trenching or to repair damaged street surfaces shall be provided as follows:

b) 156th Avenue NE: This street was recently overlaid and a five year no-street cut moratorium is currently in effect. Should street cuts prove unavoidable or if the street surface is damaged in the construction process, a half-street or full-street (depending on the extent of street cuts or damage) grind and overlay will be required. (BCC 14.60. 250; Design Manual Design Standard #21)

3. EXISTING HOMES TO BE REMOVED

The two single family residences on the proposal site shall be demolished prior to final plat approval. (LUC 20.20.010)

4. COMMON AREA TRACTS, SIDEWALKS AND ON-SITE TRAILS

The common areas in tracts shall be depicted on the final plat with notation as to the intended purpose(s) of the tract. Easements shall be established for the common use of the on-site sidewalks and trails by the residents of the PUD (LUC 20.45A.130)

5. AFFORDABLE HOUSING REQUIRED ON FINAL PLAT

The four (4) affordable homes must be designated on the final plan prior to recording with King County. (ORDINANCE 4448)

6. EASEMENT FOR FUTURE TRAIL

A ten-foot wide trail easement shall be provided for a trail along the west side of the property for a trail to be constructed by the City when a future connection is available.

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H. PRIOR TO ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY

1. NO PARKING SIGNS

The access roads within the plat shall be posted and marked "Fire Lane-No Parking" per Bellevue Fire Department Standards, unless otherwise approved based on final field inspection. (Bellevue Fire Code)

2. ACCESS TO 151st PLACE TO BE CONTROLLED

The applicant shall provide a mechanism, such as a physical or electronic lock, on the gate to the pedestrian easement across lot 35 of the plat of Fox Glen to ensure that only residents and guests of the PUD will able to access the path. (LUC 20.30D)

I. AFTER ISSUANCE OF CERTIFICATE OF OCCUPANCY

1. FUTURE PROPOSED CHANGES.

Any future proposed changes to the approved project including site development, landscaping, lighting, building design, affordable housing or the installation of communication equipment must be reviewed and approved by the City. (LUC 20.30D, 20.30F)

DECISION

The DNS appeals are denied. The DNS is affirmed. The Design Review appeals are denied. The Design Review approval is affirmed. The requested PUD and Preliminary Plat approvals are granted, subject to the conditions set forth above.

DONE this 8TH day of December, 2006.

Wick Dufford, Hearing Examiner

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NOTICE OF RIGHT TO APPEAL AS TO THE PLANNED UNIT DEVELOPMENT AND PRELIMINARY PLAT
(Pursuant to Resolution No. 5097)

RIGHT TO APPEAL – TIME LIMIT

A person who submitted written comments to the Director prior to the hearing or submitted written comments or made oral comments during the hearing on this matter may appeal the decision of the Hearing Examiner on the Planned Unit Development and Preliminary Plat to the Bellevue City Council by filing a written appeal statement of the Findings of Fact or Conclusions being appealed and paying the appeal fee no later than 14 calendar days following the date that the decision was mailed. The appeal must be received by the City Clerk by **5:00 p.m. on December 22, 2006.**

TRANSCRIPT OF HEARING – PAYMENT OF COST

An appeal of the Hearing Examiner's decision requires the preparation of a transcript of the hearing before the Hearing Examiner. Therefore, the request for appeal must be accompanied by an initial deposit of $100 for each tape. Should the actual cost be less than the amount of the deposit, any credit due shall be reimbursed to the appellant. Should the cost for transcript preparation be more than the deposit. The appellant will be additionally charged.

WAIVER OF TRANSCRIPTION FEE

Upon request, the City Clerk will waive the transcription fee upon submission by an appellant of the following documentation: a) an affidavit stating that the appellant's net financial worth does not exceed $20,000; b) an affidavit stating that the appellant's annual income does not exceed $5,200l; c) a brief statement of the issues sought to be reviewed; d) a designation of those parts of the record the party thinks are necessary for review; and e) a statement that review is sought in good faith.

The transcription fee waiver is available to individuals over eighteen (18) years of age and is not available for corporations, companies, partnerships, or any business enterprises, community club or any social or recreational organization.

APPEAL TO SUPERIOR COURT, SEPA THRESHOLD DETERMINATION AND DESIGN REVIEW

These decisions are the final administrative decision of the City; they may be appealed to Superior Court as set forth in LUC 20.35.070. A petition to review such a decision of the Hearing Examiner must be filed with the Superior Court and served on all parties as req2uired by applicable law within 21 days of the issuance of the Hearing Examiner's decision. For appeals to Superior Court of land use decisions of the Hearing Examiner, see Chapter 36.70C RCW.

BEFORE THE HEARING EXAMINER FOR THE CITY OF BELLEVUE

In the Matter of the Application of **DENNIS JOHNSON, FREEMANTLE DEVELOPMENT, INC. (ENCLAVE AT FOX GLEN)** For Planned Unit Development, Preliminary Plat, and Design Review Approval to Construct 25 Homes on Two Internal Tax Lots located approximately 900 Feet West of 156th Avenue NE	**FILE NOS: 05-103350 LK** **AAD 06-172** **AAD 06-173** **SCHEDULING ORDER**
In the Matter of Appeals of the Design Review and Determination of Non-Significance for the Enclave at Fox Glen **INNISFREE APARTMENT OWNERS ASSOCIATION, HOPE MCPHERSON, ANNA MCPHERSON, RICHARD MCPHERSON,** Appellants.	

The Hearing Examiner convened the scheduled hearing in this matter in the Council Chambers of Bellevue City Hall at 7:00 p.m., Thursday, September 21, 2006.

Representing the applicant were Robert Johns, Attorney at Law, and Dennis Johnson, Freemantle Development. Lesa Hutnak, Legal Planner, and Julia Kruger, Senior Planner were present for the City. Jack Harden and Richard McPherson were present for the appellants.

The Examiner announced that the consolidated hearing on the underlying application and the appeals has been continued, pending clarification of the appeal statements and preparation of a response to the appeals by the City. The following schedule was established:

1. September 29, 2006 -- Submission of clarifications to appeal statements
2. October 13, 2006 ----- Submission of City's response to the appeals
3. October 19, 2006 ----- Commencement of the Hearing at 7:00 p.m., in the Council Chambers of Bellevue City Hall
4. October 26, 2006 ----- Continuation and Completion of the Hearing (if necessary) at 7:00 p.m. in the Council Chambers of Bellevue City Hall.

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In establishing this schedule, the Examiner waived the requirement that the City's response to the appeals be submitted 14 days prior to the hearing. The Examiner also denied the City's request for separate hearing days for considering the underlying application and the appeals. The sequence at the hearing will be to take up the underlying application at the outset and thereafter entertain presentation of the appeals.

Entered this 22nd day of September, 2006

Wick Dufford

Wick Dufford, Hearing Examiner SG

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Attachment VI - Hearing Examiner's Report

City of Bellevue

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December 11, 2006

Johns, Monroe, Mitsunaga
Robert D. Johns
1601 114th Ave., SE, Suite 110
Bellevue, WA. 98004

Hope McPherson
1035 156th Ave. NE, #19
Bellevue, WA 980007

Baker, Ludlow, et al
Linda Youngs
10777 Main St., Ste# 300
Bellevue, WA. 98004

Innisfree Apartment Owners
c/o Jack Harden
1035 156th Ave. NE, #28
Bellevue, WA 980007

Richard McPherson
1035 156th Ave. NE, #20
Bellevue, WA 980007

Karen Studwick
1035 156th Ave., NE #12
Bellevue, WA 98007

Fremantle Development Inc.
Dennis Johnson
PO BOX 3574
Bellevue, WA. 98009

William Wood
1035 156th Ave. NE 14
Bellevue, WA. 98007

Tyler & Katie Parris
1008 151st Pl. NE
Bellevue, WA 98007

Dan and Mary Ann Heine
1035 156th Ave., NE #29
Bellevue, WA 98007

Robert Trager
1035 156th Ave. NE, 10
Bellevue, WA. 98007

Maggie & Peter Bentley
15027 NE 11th Place
Bellevue, WA. 98007

Re: Appeal of Enclave at Fox Glen – File No: 05-103350-LK, AAD 06-172/06-173

Enclosed for your convenience is a complete copy of the Hearing Examiner's Decision, which was mailed to you on December 8, 2006. Please note the corrections to page 24, which includes the date that the Decision was signed, and page 25 with the specific Appeal due date.

Sincerely,

Sara Gollersrud
Hearing Examiner's Office

Enclosures

City of Bellevue
Post Office Box 90012 • Bellevue, Washington • 98009 9012

December 8, 2006

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Re: Appeal of Enclave at Fox Glen – File No: 05-103350-LK, AAD 06-172/06-173

The Hearing Examiner's Decision was mailed to you on December 8, 2006. Inadvertently the specific date was not included on the Notice of Right to Appeal, which is 14 days from the date of mailing by 5:00 p.m. I have enclosed a corrected Appeal Statement page with the correct date.

Sincerely,

Sara Gollersrud
Hearing Examiner's Office

Enclosures

0922-ORD
03/15/07

Attachment VII - Ordinance # 5725
ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5725

AN ORDINANCE granting a Planned Unit Development and Preliminary Plat with conditions, on the Application of Dennis Johnson, Freemantle Development Group For a 25-lot Residential Subdivision and Planned Unit Development, on approximately 2.45 acres accessed via an Easement from 156th Avenue Northeast in the Crossroads Subarea, commonly known as the "Enclave at Fox Glen", Application No. 05-103350 LK.

WHEREAS, Dennis Johnson, Freemantle Development Group submitted an application for a Planned Unit Development and Preliminary Plat to create 25 lots on approximately 2.45 acres to be used for a single-family residence and two 12-unit buildings, located west of 156th Avenue NE and accessed by an easement in the Crossroads Subarea to be known as the "Enclave at Fox Glen", in Bellevue, King County, Washington; and

WHEREAS, a Notice of Application and Public Meeting was published in the Land Use Bulletin on April 6, 2006 and said public meeting was held on April 25, 2006; and

WHEREAS, the associated design review approval and Determination of Nonsignificance (DNS) for the Enclave at Fox Glen were appealed on September 14, 2006 pursuant to the Process II procedures of the Bellevue Land Use Code; and

WHEREAS, on September 21, 2006, October 19, 2006 and October 26, 2006, the Bellevue Hearing Examiner conducted a hearing on the application of Dennis Johnson, Freemantle Development Group for a Planned Unit Development and Preliminary Plat, Application File No. 05-103350 LK and on the Process II design review and DNS appeals, pursuant to notice as required by law; and

WHEREAS, on December 8, 2006, the Hearing Examiner issued Findings of Fact, Conclusions of Law and Decisions, approving the Planned Unit Development and Preliminary Plat with conditions and denying the Process II design review and DNS appeals; and

WHEREAS, an appeal was filed by Innisfree Condominiums; and

WEHREAS, following an appeal hearing by the City Council on March 5, 2007, the Council voted to deny the appeal and grant the application; and

WHEREAS, the City has complied with the State Environmental Policy Act and the City Environmental Procedures Code, now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council adopts the Findings of Fact and Conclusions of Law of the Hearing Examiner as set forth in "Findings of Fact, Conclusions of Law and Decisions" on Planned Unit Development and Preliminary Plat Application File No. 05-103350 LK.

Section 2. Based on the foregoing Findings of Fact and Conclusions, the City Council enters the following Decision:

The City Council concludes that appellant failed to meet its burden to prove that the Hearing Examiner's Decisions were not supported by substantial evidence in the record. The appeal is hereby denied, and the Decision of the Hearing Examiner approving the Preliminary Plat and PUD, with conditions, is approved, subject to the following conditions:

A. COMPLIANCE WITH BELLEVUE CITY CODES AND ORDINANCES

Applicable Codes, Standards and Ordinances
Clearing & Grading Code – BCC 23.76
Construction Codes – BCC Title 23
Fire Code – BCC 23.11
Land Use Code – BCC Title 20
Noise Control Code – BCC 9.18
Sign Code – BCC Title 22
Transportation Code – BCC 14.60
Right of Way Use Code – BCC 14.30
Utility Code – BCC Title 24

B. SEPA - MITIGATION OF CONSTRUCTION IMPACTS (SEPA, LUC 20.30D. and Comprehensive Plan Policies EN-87, EN-88, S-CR-4)

To mitigate construction impacts, the applicant must provide a mitigation plan to include, at a minimum:

a) Timing of the construction traffic and activity, and
b) Qualified traffic control personnel to ensure that the condominium residents are given deference for use of the easement, and
c) Use all appropriate and effective measures to maintain a safe access for residents, and construction personnel, and
d) Minimize other construction impacts such as noise and dust.

The applicant shall submit the plan for review and approval by City of Bellevue Transportation, Fire Prevention and Land Use and may not begin any project activity (demolition, site clearing, etc.) until a management plan has been approved. The applicant shall supply a copy of the approved construction

management plan to the president of the board of each condominium complex and to the single family residents whose properties abut the west property line of the plat/PUD. The applicant shall designate a contact person with a phone contact number available at all times that construction activity is occurring for the duration of the construction. The contact person shall be responsible to ensure that the mitigation plan is followed and to be the first contact point for the residents.

AND: To minimize impacts to air quality the project shall:

a) Use only equipment and trucks that are maintained in optimal operational condition.
b) Use car/van pooling or other trip-reduction strategies for construction workers.
c) Pave or use gravel on staging areas and roads that would be exposed for long periods.
d) Cover open container trucks transporting materials, wetting materials in trucks, or providing adequate freeboard (space from the top of the material to the top of the truck bed), to reduce emissions and deposition during transport.
e) Provide wheel washers to remove particulate matter that would otherwise be carried off-site by vehicles to decrease deposition of particulate matter offsite.
f) Remove particulate matter caused by project construction deposited on the easement road, public roadways, sidewalks, and bicycle and pedestrian paths to reduce mud and dust; sweep and wash streets continuously to reduce emissions.
g) Cover dirt, gravel, and debris piles as needed to reduce dust and windblown debris. Route and schedule construction trucks to reduce delays to traffic during peak travel times to reduce air quality impacts caused by a reduction in traffic speeds.

C. GENERAL CONDITIONS:

1. CONSTRUCTION NOISE CONTROL

To minimize adverse construction noise impacts to the residents of the neighborhood, the City's requirements for controlling construction noise shall be listed on the plans submitted for the clearing and grading permit and the building permit, as follows:

Construction Noise Control

a. The contractor shall not operate any diesel, pneumatic or gasoline powered equipment that is not properly muffled or silenced.

b. Noise generated by construction activity is limited to the hours between 7:00 a.m. and 6:00 p.m. on weekdays, and 9:00 a.m. and 6:00 p.m. on Saturdays and prohibited on Sundays and legal holidays. (BCC 9.18.020.F)

2. **LIGHTING**

To ensure compatibility of the sport court activity with the adjacent residences, no lights shall be provided to allow activity after dark. Further, any exterior lighting between the buildings and the adjacent property line shall be shielded so that the source of light is not visible from off-site and there is no spillover of light to abutting properties. (Land Use Code 20.30D)

D. PLANS TO BE MODIFIED – 24 FOOT ROAD WIDTH REQUIRED

To meet Transportation Department standards for a private road internal to the site, the applicant shall submit revised plans to increase the internal road width to 24 feet with a five foot sidewalk. This dimension shall be taken from the area currently described as Tract D. Open space and tree retention calculations shall be recalculated. (BCC 14.60.110; Transportation Department Design Manual)

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

1. **RIGHT-OF-WAY USE PERMIT** (Bellevue City Code 14.30)

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.

2. **SITE (CIVIL ENGINEERING) PLANS**

To meet Transportation Department standards for a private road internal to the site, a revised site (civil engineering) plan produced by a qualified engineer must be approved by the City prior to clearing and grading permit approval, including the required modification to provide a 24-foot road width and five foot sidewalk. The design of all street frontage improvements must

be in conformance with the requirements of the Americans with Disabilities Act and the Transportation Development Code, and the provisions of the Transportation Department Design Manual. (BCC 14.60.110; Transportation Department Design Manual)

3. **PLANS TO BE MODIFIED - ADDITIONAL TREES TO BE PRESERVED AND ADDED TO WEST PORTION OF SITE**

   To mitigate the height difference between the proposed buildings on the west side of the site and the shorter single family homes adjacent to the project site, the Plat/PUD plans including the clearing and grading plans and landscape plans shall be modified to preserve the two existing Douglas fir trees (1-10" and 1-26" fir) located on the west portion of lots 18 and 19. In addition, at least three (total) 18-20 foot Douglas fir or western red cedar trees shall be planted on the west portion of lots 16 and 17. (LUC 20.30D.150)

4. **PLANS TO BE MODIFIED - ADDITIONAL TREES TO BE PRESERVED AND ADDED ADJACENT TO BIOFILTRATION SWALE**

   The applicant will be required to amend the landscape plan for the area of the biofiltration swale to provide a minimum ten-foot wide densely planted evergreen landscape buffer to include trees 12'-14' high at planting between the west property line and the recreation facilities located on the vault. (LUC 20.20.520 J. and 20.30D)

5. **TREE PROTECTION**

   To ensure the protection of the trees to be retained the clearing limits shall be revised to protect all significant trees to be retained. A six-foot high chainlink fence with driven posts, or an approved alternative, shall be installed at the clearing limits prior to any clearing and grading activity. (Land Use Code 20.30D)

6. **CERTIFIED ARBORIST**

   The applicant shall provide a certified arborist to monitor the grading and construction activities to protect the rootzones of all the trees to be preserved, including the trees on the north side of the north property line, and to ensure that the health of the retained trees is not endangered. (Land Use Code 20.30D)

7. **UTILITIES**

   The water, sewer and storm drainage systems shall be designed per the Utility codes BCC 24.02, 24.04, 24.06, and the Utilities Engineering Standards. Utility Developer Extension Agreements are required for the review, approvals and inspection of the water, sewer and storm drainage

improvements. The water, sewer and storm drainage design review, approvals and inspection will occur through the Utility Developer Extension process. The civil engineer shall be licensed in the state of Washington. (BCC 24.02, 24.04 & 24.06)

8. FIRE HYDRANT REQUIRED

The applicant shall provide a fire hydrant at Tract F near the entrance to the plat. (Bellevue Fire Code)

9. REFINE CLEARING AND GRADING PLANS TO MINIMIZE IMPORT AND EXPORT

The applicant shall refine the clearing and grading plan to minimize the need to export or import fill material. (Land Use Code 20.30D)

10. FIRE AND EMERGENCY ACCESS

At least 20 feet of usable width shall be provided along the easement to insure adequate access of fire and emergency equipment. The applicant shall work with the Innisfree Apartment Owners and the Fire Department to determine how this requirement will be met on the ground. Adjustments to existing parking, landscaping, and fencing shall be made if necessary.

F. PRIOR TO ISSUANCE OF ANY BUILDING PERMIT

1. TRANSPORTATION IMPACT FEE

This development is subject to the Transportation Improvement Program requirement to pay a traffic impact fee. The amount of the fee will be determined at the time of the building permit issuance. The fee schedule in effect at the time of building permit issuance will apply. (Bellevue City Code 22.16)

2. PEDESTRIAN EASEMENTS

The applicant shall record an easement to grant the residents of the plat a right of pedestrian access across Lot 35 to 151st Place N. E., and shall grant a public trail easement for a connection to future trail segments to the north and south. (LUC 20.30D)

3. AFFORDABLE HOUSING REQUIRED

The four (4) affordable homes must be designated on the preliminary plat and PUD plans prior to approval of any construction permits, and on the final plat prior to recording with King County. The affordable units must be proportionally distributed among the unit types. The applicant shall record with King County an agreement in a form approved by the City requiring that

the affordable units remain affordable for the life of the project. The agreement must be a covenant to run with the land. (LUC 20.20.128.B.2., ORDINANCE 4448)

4. MAINTENANCE OF EASEMENT

The applicant shall provide an appropriate mechanism obligating him, and the lot owners that succeed him, to pay the development's fair share of the costs of maintenance and upkeep of the access easement.

G. PRIOR TO FINAL PLAT APPROVAL:

1. SITE ACCESS IMPROVEMENTS

All access improvements must be constructed by the applicant and accepted by the Transportation Department prior to final plat approval, except as provided for in BCC 20.40.490. Specific requirements are detailed below:

a) 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.
b) Vehicle and pedestrian sight distance must be provided per BCC 14.60.240 and 14.60.241.
c) The private road 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.
d) The maintenance responsibility for the private road shall be the shared responsibility of lot owners within this development. A note to this effect must be indicated on the face of the final plat.

(BCC 14.60.100, 110, 130, 150,170,190, 210, 240, 241; Transportation Department Design Manual Sections 3,4, 5, 7,11, 14,19)

2. PAVEMENT RESTORATION

Pavement restoration associated with road trenching or to repair damaged street surfaces shall be provided as follows:

a) 156th Avenue NE: This street was recently overlaid and a five year no-street cut moratorium is currently in effect. Should street cuts prove unavoidable or if the street surface is damaged in the construction process, a half-street or full-street (depending on the extent of street cuts or damage) grind and overlay will be required. (BCC 14.60. 250; Design Manual Design Standard #21)

3. EXISTING HOMES TO BE REMOVED

The two single family residences on the proposal site shall be demolished prior to final plat approval. (LUC 20.20.010)

4. **COMMON AREA TRACTS, SIDEWALKS AND ON-SITE TRAILS**

The common areas in tracts shall be depicted on the final plat with notation as to the intended purpose(s) of the tract. Easements shall be established for the common use of the on-site sidewalks and trails by the residents of the PUD. (LUC 20.45A.130)

5. **AFFORDABLE HOUSING REQUIRED ON FINAL PLAT**

The four (4) affordable homes must be designated on the final plat prior to recording with King County. (ORDINANCE 4448)

6. **EASEMENT FOR FUTURE TRAIL**

A ten-foot wide trail easement shall be provided for a trail along the west side of the property for a trail to be constructed by the City when a future connection is available.

H. PRIOR TO ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY

1. **NO PARKING SIGNS**

The access roads within the plat shall be posted and marked "Fire Lane-No Parking" per Bellevue Fire Department Standards, unless otherwise approved based on final field inspection. (Bellevue Fire Code)

2. **ACCESS TO 151st PLACE TO BE CONTROLLED**(Bellevue City Code 14.30)

The applicant shall provide a mechanism, such as a physical or electronic lock, on the gate to the pedestrian easement across lot 35 of the plat of Fox Glen to ensure that only residents and guests of the PUD will able to access the path. (LUC 20.30D)

I. AFTER ISSUANCE OF CERTIFICATE OF OCCUPANCY

1. **FUTURE PROPOSED CHANGES.**

Any future proposed changes to the approved project including site development, landscaping, lighting, building design, affordable housing or the installation of communication equipment must be reviewed and approved by the City. (LUC 20.30D, 20.30F)

Section 3. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 19th day of March, 2007 and signed in authentication of its passage this 19th day of March, 2007.

(SEAL)

Grant S. Degginger, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Mary Kate Berens, Deputy City Attorney

Attest:

Myrna L. Basich, City Clerk

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