



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

Date: June 26, 2008
Proposal Name: Davis Short Plat
Proposal Address: 4304 130th Place SE
Proposal Description: Subdivide a 33,405 square foot lot into 4 single-family lots.
File Number: 07-138836-LN
Applicant: Peter Davis / PDKS Properties, LLC
Decisions Included: Administrative Decision for a Preliminary Short Plat through Process II, Land Use Code 20.35.200.

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

Department Decision: **Approval with Conditions**

Reilly Pittman, Associate Planner
Dept. of Planning and Community Development

Application Date: October 19, 2007
Notice of Application: April 17, 2008
Decision Publication Date: June 26, 2008
Appeal Deadline: July 10, 2008

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

I. DESCRIPTION OF PROPOSAL

Subdivision of a 33,405 square foot single-family lot into four single-family lots. The site is located within the R-5 zoning district on the east side of a 130th Place SE at its intersection with SE Newport Way.

II. SITE DESCRIPTION AND CONTEXT

The property is located on the east side of the intersection of 130th Place SE and SE Newport Way. The site is west facing with slopes ranging from 5% to 40% or greater. The property has 160 feet of frontage at the intersection of 130th Place SE and SE Newport Way. All of the four new lots will gain access on a shared driveway from 130th Place SE and SE Newport Way. Vegetation consists of lawn, shrubs, and a number of significant trees. The site is bordered on the north, east and south by single-family lots. The properties across SE Newport Way SE are zoned R-20 and contain an apartment complex and a child day care facility. The north half of the western property line is adjacent to a retaining wall constructed by Bellevue Department of Transportation as part of a capital improvement project on SE Newport Way. The existing home on the subject property will be demolished to make way for new residences.



III. CONSISTENCY WITH LAND USE CODE/ZONING REQUIREMENTS

A. Consistency with Standard Land Use Code Requirements

BASIC INFORMATION		
Zoning District	R-5	
Gross Site Area	33,405 square feet (King County) (.77 acres)	
Critical Area and Buffer	None	
ITEM	REQ'D/ALLOWED	PROPOSED
Dwelling Units/Acre	5	4
Minimum Lot Area	7,200 square feet	7,372 square feet
Minimum Lot Width	60 feet	72 feet
Minimum Lot Depth	80 feet	86 feet
Building Setbacks		
Front Yard	20 feet	20 feet
Rear Yard	20 feet	20 feet
Min. Side Yard	5 feet	5 feet
2 Side Yard	15 feet	15 feet
Private Road	10 feet	10 feet
Tree Retention	15% or Alternative Landscaping	Approximately 47% Retention

IV. STATE ENVIRONMENTAL POLICY ACT (SEPA)

Short Plats are exempt from SEPA review pursuant to WAC 197-11-800(6)(a).

V. SUMMARY OF TECHNICAL REVIEWS

A. Utilities Review

The water, sewer and storm drainage utility systems must be designed to meet the requirements found in City of Bellevue Utility Codes and Utility Engineering Standards. Plan approval and field inspection shall be performed under the Utilities Developer Extension Agreement and permit processes. The Utilities Department review of this application is based on a conceptual design. Final Engineering approval may require changes to the site layout to accommodate the necessary utilities, including but not limited to: the building footprint, runoff control and treatment facilities, water and sewer infrastructure, parking lots and proposed utility easements.

Capital Recovery Charges (CRC) apply to the water, sewer and storm system. The dollar amount of the charge will not be determined until the final design stage. Additionally, any future connection charges assessed the property will be due prior to utility construction.

See Section IX of this report for Utility Department Conditions of Approval.

B. Fire Department Review

Fire Department reviewed and approved the proposal with conditions.

See related conditions of approval in Section IX.

C. Transportation Department Review

The Transportation Department has reviewed the plans submitted for the preliminary short plat and recommends approval based on the condition that the panels of the retaining wall on SE Newport Way be removed or realigned to provide pedestrian sight distance as per City of Bellevue standards. The final engineering plans must show all transportation-related improvements and must be consistent with the Transportation Development Code (BCC 14.60) and the Transportation Design Manual prior to approval of the plat infrastructure permit. Prior to final short plat approval, the developer must provide all transportation improvements at the developer's expense (BCC 14.60.110) or provide an acceptable financial assurance device equivalent to 150% of the cost of unfinished improvements.

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

See related conditions of approval in Section IX.

Use of the Right of Way

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

See related conditions of approval in Section IX.

Street Frontage Improvements

No street frontage improvements are required to be provided from the developer since there is existing curb, gutter, and sidewalk on SE Newport Way.

Site Access

Access to all the four lots from SE Newport Way will be from a private road. The 20 feet wide paved private road will be placed in a 25 feet wide easement. The private road will be built as per Fire Department requirements and the City's Transportation Department Design Manual Standard Drawing DEV-7. The individual lots will access the private road by means of single driveways.

Pedestrian sight distance requirements as per City of Bellevue standards cannot be achieved at the entrance to the private road from SE Newport Way due to an existing retaining wall. Hence, the approval for the site access is given only upon condition that the

panels of the retaining wall be removed or readjusted to achieve necessary pedestrian sight distance as per City standards.

See related conditions of approval in Section IX.

Pavement Restoration

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

See related conditions of approval in Section IX.

Transportation Impacts and Mitigation

City staff has analyzed the potential short term operational impacts of this proposal in order to recommend mitigation if necessary. These impacts included traffic operations conditions during the a.m. and p.m. peak hours. The site already has one house. So the Davis short plat adds trips from 3 houses to the existing traffic. The three new pm peak hour trips that will be added will not have a significant impact on the existing traffic situation.

VI. PUBLIC NOTICE AND COMMUNITY INPUT

Application Date: October 19, 2007

Public Notice (500 feet): April 17, 2008

Minimum Comment Period: May 1, 2008

Notice of Application was published in the City of Bellevue's *Weekly Permit Bulletin* on April 17, and mailed to property owners within 500 feet of the project site. A Public Information Sign was installed on the project site on the same day.

Comments were received from Karen York regarding proposed structure placement over an existing sewer easement, fire turnaround, neighborhood compatibility, and off-street parking. These issues are addressed in the Bellevue City Code which has requirements for fire turnarounds, and off-street parking. The zoning requirements in the Land Use Code have building setbacks, height limits, and lot coverage requirements which address neighborhood compatibility. Condition of approval #3 below addresses requirements for objects placed within easements.

Party of record requests were received from Tom Campbell, Mike Gunn, and Steve Lau.

VII. DECISION CRITERIA

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

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

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

Finding: City codes ensure public health, safety and general welfare through development code requirements. Project review by all review divisions has found the project to be in compliance with City codes and the project approval includes specific conditions to ensure standards are met.

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

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

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

Finding: The preliminary short plat considers the physical characteristics of the site and configuration of the original lot by maintaining only one shared vehicle access point onto SE Newport Way for all four of the proposed lots. Each of the lots will have access onto a private road. In addition the southern most portion of the retaining wall located in City right-of-way along the western portion of the site may be relocated (if warranted) further east to allow for better pedestrian visibility than currently exists for vehicles leaving the site.

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

Finding: The proposal complies with the Land Use Code requirements for R-5 zoning, the Utility Code and the City of Bellevue Development Standards. All of the lots can be developed in accordance with the City of Bellevue Land Use Code requirements including the R-5 dimensional requirements.

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

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

Single family homes are, by use type, compatible with the surrounding neighborhoods. This proposal provides new housing and in-fill development that is compatible with the surrounding land uses as encouraged by the Comprehensive Plan (Policy LU-4 and S-FA-4). The proposed short plat provides housing for Bellevue's share of the regionally adopted demand forecasts for residential uses for the next 20 years (LU-3).

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

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

Finding: Each lot can reasonably be developed to meet current dimensional standards for the R-5 land use district without requiring a variance. The proposed lots meet minimum standards for lot width, lot depth, and lot area of the R-5 land use zoning district. There are no environmental factors which further inhibit the development of this property that would warrant a variance.

See related conditions of approval in Section IX.

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

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

See related conditions of approval in Section IX.

VIII. CONCLUSION AND DECISION

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

Preliminary Short Plat **with conditions.**

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

IX. CONDITIONS OF APPROVAL

The following conditions are imposed under authority referenced:

COMPLIANCE WITH BELLEVUE CITY CODES AND ORDINANCES

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

<u>Applicable Codes, Standards and Ordinances</u>	<u>Contact Person</u>
Clearing & Grading Code – BCC 23.76	Janney Gwo, 425-452-6190
Construction Codes – BCC Title 23	Build. Division, 425-452-6864
Fire Code – BCC 23.11	Adrian Jones, 425 452-6032
Land Use Code – BCC Title 20	Reilly Pittman, 425-452-4350
Noise Control – BCC 9.18	“ “ “ “ “
Sign Code – BCC Title 22	“ “ “ “ “
Transportation Development Code – BCC 14.60	Rohini Nair, 425 452-2569
Right of Way Use Code – BCC 14.30	Tim Stever, 425-452-4294
Transportation Department Design Manual	“ “ “ “ “
Traffic Standards Code 14.10	“ “ “ “ “
Utility Code – BCC Title 24	Brad Ayers, 425-452-6054

A. GENERAL CONDITIONS

1. NOISE – CONSTRUCTION HOURS

Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance. Requests for construction hour extension must be done in advance with submittal of a construction noise expanded exempt hours permit.

AUTHORITY: Bellevue City Code 9.18

REVIEWER: Reilly Pittman, Planning and Community Development Department

2. TIME LIMITATION

This preliminary short plat approval automatically expires and is void if the applicant fails to file for approval of the final short plat within one year of the effective date of the preliminary short plat approval unless the applicant has received an extension for the preliminary short plat pursuant to Land Use Code Section 20.45B.160.

AUTHORITY: Land Use Code Section 20.45B.150; 20.45B.160

REVIEWER: Reilly Pittman, Planning and Community Development Department

3. STRUCTURES IN EASEMENTS AND SETBACKS

No structure over 30 inches in height is allowed over an easement. Per LUC 20.20.025 D, rockeries and walls on any single-family lot exceeding 30 inches in height are allowed within setbacks established in 20.20.010 provided, that no feasible alternative to location or height exists.

AUTHORITY: Land Use Code Section 20.20.025 D; 20.20.010;

REVIEWER: Reilly Pittman, Planning and Community Development Department

4. SIGNIFICANT TREE RETENTION

Fifteen percent of the diameter inches of all significant trees on the site is required to be retained on-site. If trees depicted on the preliminary plat as retained are subsequently found infeasible to retain, conformance is required to be demonstrated with LUC 20.20.900 D and/or G.

AUTHORITY: Land Use Code Section 20.20.900 D and G

REVIEWER: Reilly Pittman, Planning and Community Development Department

5. FIRE ACCESS

Detention vaults and pipes in the roadway shall be capable of supporting fire apparatus with a gross weight of 64,000 lbs. (rear axle=48,000 lbs and front axle=19,000 lbs) and shall support the weight of the ladder truck outrigger which is 45,000 lbs over an 18 inch square.

AUTHORITY: IFC 503 (Amended BCC 5749), See Structural Slab Design Loading sheet
11/90

REVIEWER: Adrian Jones, Fire Department

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

1. RIGHT OF WAY USE PERMIT

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

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

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

AUTHORITY: Bellevue City Code 14.30

REVIEWER: Tim Stever, Transportation Department

2. OFF-STREET PARKING

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

AUTHORITY: Bellevue City Code 14.30

REVIEWER: Tim Stever, Transportation Department

3. ENGINEERING PLANS

A site (civil engineering) plan produced by a qualified engineer must be approved by the City prior to clear and grading permit approval. The design of all transportation improvements must be in conformance with the requirements of the Americans with Disabilities Act, the Transportation Development Code and the provisions of the Transportation Department Design Manual. The engineering plans must correctly show all transportation-related engineering details, including but not limited to, the details of the retaining wall panel removal or adjustment, the design of the private road, the connection to SE Newport Way, pavement restoration in SE Newport Way, mailbox location, and sight distance. Appropriate standard drawings from the Transportation Department Design Manual must be included in the engineering plans.

AUTHORITY: Bellevue City Code 14.60; Transportation Department Design Manual

REVIEWER: Rohini Nair, Transportation Department

4. SIGHT DISTANCE

- a) The removal or adjustment of the retaining wall panels must be done to achieve pedestrian sight distance as per City of Bellevue standards. The engineering plans must show the information regarding the pedestrian sight distances.
- b) If necessary to meet the sight distance requirements of BCC 14.60.240 and standard drawing TE-1, existing vegetation near the access point on SE Newport Way must be trimmed. Ground vegetation within the sight triangle must be trimmed to no more than 2.5 feet above a line drawn from pavement level to pavement level. Trees within the sight triangle must be limbed up to a height of 7.5 feet above a line drawn from pavement level to pavement level. A description of any required vegetation trimming must be shown on a sheet of the clearing and grading plan set.

AUTHORITY: Bellevue City Code 14.60.240

REVIEWER: Rohini Nair, Transportation Department

5. PAVEMENT RESTORATION

The city's pavement manager has determined that this segment of SE Newport Way will require an overlay pavement restoration for any utility connections or other digging in the street surface. Pavement restoration must meet the requirements of Section 21 of the Design Manual and standard drawings ROW-1 through ROW-5. Exact copies of the appropriate trench restoration drawing(s) must be included in the final engineering plans.

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

REVIEWER: Tim Stever, Transportation Department

C. PRIOR TO FINAL SHORT PLAT APPROVAL

1. INFRASTRUCTURE IMPROVEMENTS

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

- a) Miscellaneous:

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

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

REVIEWER: Rohini Nair, Transportation Department

2. ACCESS DESIGN AND MAINTENANCE

The final Subdivision map must include a note that specifies that the owners of lots served by the private road are jointly responsible for maintenance and repair of the private road. Also, the final Subdivision map must include a note that specifies that the private road will remain open at all times for emergency and public service vehicles and shall not be gated or obstructed.

AUTHORITY: Bellevue City Code 14.60.130

REVIEWER: Rohini Nair, Transportation Department

D. PRIOR TO ISSUANCE OF SINGLE FAMILY BUILDING PERMIT:

1. TRANSPORTATION IMPACT FEE

Payment of the traffic impact fee will be required at the time of single family building permit issuance. The current impact fee is \$512.04 per new dwelling. This fee is subject to change and the fee schedule in effect at the time of building permit issuance will apply.

AUTHORITY: Bellevue City Code 22.16

REVIEWER: Rohini Nair, Transportation Department

2. LAND USE CODE GENERAL DIMENSIONAL REQUIREMENTS

In the R-5 Land Use zoning district the minimum structure setbacks of structures are as follows: Front Yard – 20 feet, Rear Yard – 20 feet, Side Yard – 5 feet, and 2-side Yards – 15 feet. These structure setbacks must be clearly shown on the subsequent site plans for building permits for the eventual single-family residences on the newly created lots.

AUTHORITY: Land Use Code 20.20.010

REVIEWER: Reilly Pittman, Planning and Community Development Department

3. UTILITIES CONCEPTUAL APPROVAL

Utility Department approval of the preliminary short plat application (07-138836 LD) is based on the conceptual design only. Changes to the site layout may be required to accommodate the utilities after utility engineering is approved.

AUTHORITY: Bellevue City Code Title 24.02, 24.04, 24.06

REVIEWER: Brad Ayers, Utilities Department

4. UTILITIES DESIGN

The water, sewer, and storm drainage systems shall be designed per the current City of Bellevue Utility Codes and Utility Engineering Standards. All design review, plan approval, and field inspection shall be performed under the Utility Developer Extension Agreements.

AUTHORITY: Bellevue City Code Title 24.02, 24.04, 24.06

REVIEWER: Brad Ayers, Utilities Department

X. LIST OF ATTACHMENTS

- A. Vicinity Map
- B. Plans and Drawings, in file

