



**City of Bellevue
Development Services Department
Land Use Division Staff Report**

Proposal Name: Mei Xian Lee Short Plat
Proposal Address: 4335 130 Place SE
Proposal Description: Preliminary Short Plat to subdivide an existing 18,103 square foot lot in the R-5 zoning district into two single family lots.
File Number: 14-147622-LN
Applicant: Mei Xian Lee

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

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

Department Decision: **Approval with Conditions**

Leah Chulsky Associate Land Use Planner
Development Services Department

Application Date: December 16, 2014
Notice of Application: January 15, 2015
Decision Publication Date: October 29, 2015
Appeal Deadline: November 12, 2015

For information on how to appeal a proposal, visit Development Services at City Hall or call (425) 452-6800 [TTY (425) 452-4636]. Appeal of the Decision must be made with the City Clerk by 5 PM on the date noted for appeal of the decision.

I. Description of Proposal

The applicant proposes to short plat an existing 18,103 square foot parcel into two single family lots in the R-5 zoning district. Lot 1 is proposed to be 10,871 square feet and Lot 2 is proposed to be 7,232 square feet. The existing parcel is located at 4335 130th PL SE. The site contains two existing structures which will remain, one on Lot 1 and the other on Lot 2.

II. Site Description and Context

The site is located in a community of single family residential homes in the Factoria Subarea of the Comprehensive Plan. The site slopes gradually downwards from the east to the west. The site contains 14 significant trees (130 diameter inches). Primary access is gained from 130th PL SE via a single driveway. The new lots will each be served by an individual driveway access. Both lots meet the 7,200 square foot minimum lot size in the R-5 zone.

Consistency with Land Use Code/Zoning Requirements

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

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

B. Consistency with Standard Land Use Code Requirements

BASIC INFORMATION			
Zoning District	R-5		
Gross Site Area	18,103		
ITEM	REQ'D/ALLOWED	PROPOSED	
		Lot 1	Lot 2
Minimum Lot Area	7,200 sq. ft.	10,871 sq. ft.	7,232 sq. ft.
Minimum Lot Width	60 feet	113.936 ft.	61.18 ft.
Minimum Lot Depth	80 feet	92.88 ft.	92.88 ft.
Minimum Lot Coverage	40%	13.3%	13%
Minimum Impervious Surface Coverage	55%	29.5%	54.9%
Building Setbacks			
Front Yard	20 feet	20 feet	
Rear Yard	20 feet	20 feet	
Min. Side Yard	5 feet	5 feet	
2 Side Yard	15 feet	15 feet	
Access Easement	10 feet	10 feet	
Tree Retention	30% = 39 inches	31% - 40 inches (a large group of trees are located within the area designated by Utilities as the required Infiltration Trench)	

IV. State Environmental Policy Act (SEPA)

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

V. Summary of Technical Reviews

A. Utilities Review

Storm Drainage

The proposed Preliminary Short Plat to create two separate lots and will trigger minimum requirements 1-5 from the Department of Ecology Stormwater Management Manual for Western Washington. Lot 1 presently drains to a dispersal trench. Lot 2 presently drains to an infiltration trench. Both facilities are working successfully at this time. Individual lot drainage will be reviewed with the BS permit at the time either lot is redeveloped.

Water

Lot 1 and Lot 2 are each presently served by their own water services.

Sewer

Lot 1 and Lot 2 are each served by their own side sewer connections.

See related condition of approval in Section VIII.

B. Transportation Review:

The Transportation Department has reviewed the plans submitted for the preliminary short plat and recommends approval. The final engineering plans must show all transportation-related improvements and must be consistent with the Transportation Development Code (BCC 14.60) and the Transportation Department Design Manual prior to approval of the plat infrastructure permit.

Street Frontage and Site Access

The 2009 Pedestrian and Bicycle Transportation Plan includes project S-356-W, which plans for a 6 foot wide sidewalk with 4 foot planter on the west side of 130th Place SE. However, City code BCC 14.60.110.E.1, allows the installation of frontage improvements to be waived if adjacent frontage improvements are unlikely to be installed in the foreseeable future. On that basis, the installation of frontage improvements on 130th Place SE is hereby waived, except for installing a standard driveway connection per standard drawing DEV-7B for Lot 1.

Access to Lot 1 and Lot 2 will be from separate single-family residential driveways. The existing driveway to Lot 2 is to remain with a modification and a new driveway to Lot 1 will be installed as shown on the plans. The driveway width for Lot 2 will be reduced to maintain a ten foot clearance distance from the face of the existing power pole to the driveway edge as shown on the plans. The driveway width for Lot 1 will be a minimum of ten feet wide and must be built per the City's Transportation Department Design Manual Standard Drawing DEV-7B. The applicant has proposed a fifteen foot driveway width for

the new Lot 1 driveway. No other access connection to city right-of-way is authorized.

Site addresses have been determined by the City's Parcel and Address Coordinator. Lot 1 has been addressed as 4335 130th Place SE. Lot 2 has been addressed as 4349 130th Place SE. No new residences are being proposed, only two separate lots. Mail is being delivered to each existing separate address for Lots 1 and 2.

Street lighting will not be required because existing lighting is in place along 130th Place SE and one street light is located across the street from Lot 2. Any new utility distribution and collection systems, including power, telephone, and TV cable, shall be installed underground.

Removal of items in the city right-of-way including portions of the existing hedge and concrete path may be required as determined in the right-of-way use permit and per the Transportation Inspector.

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.

An existing concrete path leading from the front door of Lot 1 to 130th Place SE intrudes into the right of way fronting Lot 1. Removal of this portion of the concrete path may be required with the right of way use permit.

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, 130th Place SE is classified as Overlay Required. Minimal pavement restoration for 130th Place SE will consist of a full grind and overlay for the full width of the street extending 25 feet in opposite directions of the travel lanes. The details of the grind and overlay will be specified in the Right of Way Use Permit.

Sight Distance

The access design shall meet the sight distance requirements of BCC 14.60.240. Vegetation shall be trimmed as needed within the sight triangle. There is an existing hedge in the right of way fronting Lot 1 and a portion of Lot 2, which may be a sight obstruction.

Removal of the existing hedge may be required.

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. Due to the minimal amount of new p.m. peak trips to be generated by the Mei Xian Lee Short Plat, traffic impacts from this development will be minor in nature. Therefore, no additional mitigation is required other than payment of the transportation impact fee.

See related conditions of approval in Section VIII.

VI. Public Notice and Community Input

<i>Application Date:</i>	December 16, 2015
<i>Public Notice (500 feet):</i>	January 15, 2015(Includes sign installation at the site)
<i>Minimum Comment Period:</i>	December 29, 2012

Notice of Application was published in the City of Bellevue’s *Weekly Permit Bulletin* and the Seattle Times on January 15, 2015. It was mailed to property owners within 500 feet of the project site and a Public Information Sign was installed on the project site on the same day. The City received the following comments.

Comment: The applicants are running an illegal boarding house out of one of the buildings.

Response: The City of Bellevue Code Enforcement investigated this complaint and found no Land Use Code violations. The second structure which was approved in King County in 1993 as a separate Guest Cottage is considered Legally Non-Conforming per City of Bellevue Land Use Code.

Comment: The existing site can’t be subdivided with the existing structures remaining.

Response: Prior to applying for a Short Plat the property owner modified the primary residence (13-109405-BR) so that it would comply with all future requirements of the proposed short plat.

Comment: There are too many cars parked at the residence.

Response: The City of Bellevue does not limit the number of vehicles parked at a residence. City of Bellevue Code Enforcement investigated and found that no cars were parking in City of Bellevue Right of Way and all vehicles were owned by the residences/home owners.

VII. Decision Criteria:

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

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

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

Finding: City codes ensure public health, safety and general welfare through development code requirements. The site is accessed via 130th PL SE, an improved public street. The applicant will be required to provide drainage improvements designed to service the drainage needs of the site. Existing public water and sewer facilities have been deemed adequate to serve the proposed development.

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

Finding: The public interest is served by providing additional housing opportunities in accordance with the Comprehensive Plan while ensuring compliance with City codes and standards. See related condition of approval in Section VIII.

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

Finding: The preliminary short plat considers the physical characteristics of the site by limiting topographic modifications and meeting impervious surface requirements of LUC Section 20.20.010.

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

Development Standards

Finding: The proposal complies with the Land Use Code requirements for R-5 zoning, the Utility Code and the City of Bellevue Development Standards.

Land Use Code Requirements

- A. **Dimensional Requirements:** The site is currently zoned single-family R-5 which has a minimum lot size requirement of 7,200 square feet. The dimensional requirements for the R-5 zoning district include:

- 20' Front Yard Setback
- 20' Rear Yard Setback
- 5' Side Yard Setback

- 15' Two Side Yard Setback
- 35' Maximum Building Height (pitched roof forms)
- 40% Maximum Lot Coverage by Structure
- 55% Maximum Coverage by Impervious Surface
- 60' Minimum Lot Width
- 80' Minimum Lot Depth
- 50% Minimum Greenscape

Finding: Both lots can be developed in accordance with the City of Bellevue Land Use Code requirements including the R-5 dimensional requirements.

B. Significant Tree Preservation: The tree preservation requirements under LUC Section 20.20.900 to save 30 percent of the diameter inches of significant trees on the site apply to this proposal.

Finding: The applicant is proposing to retain 31% of the significant diameter inches onsite.

See related condition of approval in Section VIII.

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

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

The single family homes are, by use type, compatible with surrounding neighborhoods. The proposal provides new housing as encouraged by the Comprehensive Plan (Policy LU-6). 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-5).

The proposal meets Comprehensive Plan polices to maintain good surface water quality (EN-24), restrict surface water runoff to predevelopment levels (EN-26), and provide traffic mitigation (TR-35).

The proposal meets utility standards (UT-1), provides development on infill or under-utilized sites with adequate urban services (HO-3), and meets the Neighborhood Quality goal (Housing Element) to ensure compatible housing and environmentally sensitive features, by providing the preservation of healthy significant existing trees on-site.

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

Finding: Each lot can reasonably be developed to current R-5 zoning standards without requiring a variance. The proposed lots meet minimum standards for lot

width, lot depth, and lot area of the R-5 land use district. There are no environmental factors which further inhibit the development of this property that would warrant a variance.

See related condition of approval in Section VIII.

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

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

VII. Conclusion and Decision:

After conducting the various administrative reviews associated with this proposal, including applicable Land Use consistency, SEPA, City Code, and standard compliance reviews, the Director of Development Services does hereby **approve** the Mei Xian Lee Preliminary Short Plat **with conditions**.

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

VIII. Conditions of Approval:

The following conditions are imposed under authority referenced:

Compliance with Bellevue City Codes and Ordinances

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

Applicable Codes, Standards and Contact Person Ordinances

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	Sean Nichols	425-452-2926
Land Use Code – BCC Title 20	Leah Chulsky	425-452-6834
Noise Control – BCC 9.18	Leah Chulsky	425-452-6834
Sign Code – BCC Title 22	Leah Chulsky	425-452-6834
Transportation Development Code – BCC 14.60	Vanessa Humphreys	425-452-2569
Right of Way Use Code – BCC 14.30	Tim Stever	425-452-4294

Transportation Department Design Manual	Vanessa Humphreys	425-452-2569
Traffic Standards Code 14.10	Vanessa Humphreys	425-452-2569
Utility Code – BCC Title 24	Chris Brooks	425-452- 6825

A. General Conditions

1. Utilities Department Approval

Utility review has been completed on the preliminary information submitted at the time of this application. The review has no implied approvals for water, sewer and storm drainage components of the project. No permits will be required at this time. The short plat can be approved. Separate permits will be required at such time as the lots redevelop. Preliminary storm drainage review was completed under the codes and standards in place at the time of this application. Easements for water, sewer, and drainage will be required and recorded on the face of the final short plat.

Authority: Bellevue City Code Title 24.02, 24.04, 24.06
Reviewer: Chris Brooks, Utilities Department

2. Transportation General Requirements

- The construction of the residential driveway for Lot 1 with a minimum paved width of ten feet. The applicant has proposed a driveway width of fifteen feet for the new driveway. The driveway approach connection to 130th Place SE is per Standard Drawing DEV-7B. Driveways must maintain a minimum 20 feet separation from adjacent driveways measured from the start of the tangent of the driveway connection to 130th Place SE.
- The existing driveway to Lot 2 is permitted to remain. The applicant has proposed to reduce the width of the driveway for Lot 2 to meet the minimum ten foot clear distance from the driveway edge to the face of the existing power pole located on the north side of the driveway.
- The modification or removal of vegetation in the right-of-way, including the hedge that fronts Lot 1 and a portion of Lot 2, may be required to enhance sight distance. Removal of a portion of the concrete walkway in the right of way fronting Lot 1 may be required as determined in the right-of-way use permit and by the Transportation Inspector.
- The city's pavement manager has determined that this segment of 130th Place SE will require a full grind and overlay for any utility connections or other digging in the street surface. Trench restoration must meet the requirements of Section 21 of the Design Manual and standard drawings ROW-1 through ROW-5. The minimum trench restoration requirement will be a full width grind and overlay extending 25 feet from the center of the street cut in opposite directions as specified on the right-of-way use permit.

Authority: Bellevue City Code 14.60 and Transportation Department Design Manual
Reviewer: Vanessa Humphreys, Transportation Department

B. Prior to Final Short Plat Approval:

1. Variance Restriction

Approval by the City of this short plat is a determination that each lot in the short plat can be reasonably developed in conformance with the Land Use Code requirements in effect at the time of preliminary short plat approval without requiring a variance. The following language shall be placed on the final short plat document:

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

Authority: Land Use Code 20.45B.130.A.6
Reviewer: Leah Chulsky, Development Services 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: Vanessa Humphreys, Transportation Department

4. Tree Preservation Plan

A Tree Preservation Plan that portrays the drip-line, the diameter size, and common name of each significant tree to be retained must be recorded with the final short plat mylar. The Tree Preservation Plan must contain the following note:

“Tree Preservation Plan”:

Designation of trees on the Tree Preservation Plan establishes a covenant by the owner to leave undisturbed all trees as shown on the Tree Preservation Plan. This covenant shall run with the land and shall be binding upon all future owners. No tree topping, tree cutting or tree removal shall occur unless required or approved by the City. Except for ordinary landscape maintenance, no construction, clearing or land alteration activities shall occur within the drip-line of trees shown on the Tree Preservation Plan, unless required or approved by the City. Activities in violation of this covenant are subject to penalty, including without limitation, fines and mitigation requirements. The City of Bellevue shall have the right, but not the obligation, to enforce the requirements, terms

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and conditions of this covenant by any method available under law. It is the obligation of the owner to comply with the terms of the Tree Preservation Plan and this covenant.”

Authority: Land Use Code 20.20.520.E

Reviewer: Leah Chulsky, Development Services Department

List of Attachments

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

