



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

Proposal Name: Silver Bright Court II

Proposal Address: 4623 129th Lane SE

Proposal Description: Preliminary Short Plat to subdivide an existing 22,916 square foot lot in the R-5 zoning district into three single family lots.

File Number: 07-132869-LN

Applicant: Howard Kwong

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

Planner: Leah Hyatt, Assistant Land Use Planner

State Environmental Policy Act Threshold Determination: Proposed activity is SEPA Exempt per WAC 197-11-800

Department's Decision: **Approval with conditions**



**Leah Hyatt
Assistant Land Use Planner**

Application Date: September 27, 2007
Notice of Application: November 1, 2007
Decision Publication Date: March 5, 2009
Appeal Deadline: March 19, 2009

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 decision.

I. Description of Proposal

The applicant proposes to short plat an existing 23,086 square foot parcel into three single family lots in the R-5 zoning district. Lot 1 is proposed to be 7,635 square feet, Lot 2 is proposed to be 7,635 square feet and Lot 3 is proposed to be 7,646 square feet. The existing parcel is located at 4623 129th PL SE; the existing home will be demolished prior to construction of the new residences.

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 upwards from the southwest to the northeast. The site contains 27 significant trees. Primary access is gained from 130th Ave SE via a 20-foot wide joint use access easement which will serve the new lots. All three 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	23,086 sq. ft.	
ITEM	REQ'D/ALLOWED	PROPOSED
Minimum Lot Area	7,200 sq. ft.	Lot 1 & 2 – 7,635 sq. ft.; Lot 3 – 7,646 sq. ft.
Minimum Lot Width	60 feet	88.12 feet
Minimum Lot Depth	80 feet	Lot 1 & 2 -88.76
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	15% or 69.3 diameter inches	46% or 214 diameter inches

IV. State Environmental Policy Act (SEPA)

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

V. Summary of Technical Reviews

A. Utilities Review

The City has adequate capacity to provide water, sewer, and storm drainage services to the proposal. The preliminary short plat application has been reviewed and no further utility revisions are needed at this time. The Utility Department approval is based on the conceptual utility design only. See Section VIII of this report for Utilities Department related condition of approval.

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 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.

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.

Site Access

Access to Lots 1, 2, and 3 will be from single driveways from a paved private access road in tract B of the adjacent Silver Bright Court I development. The access road for Silver Bright Court I (Tract A of the development) is designated as SE 46th Place. The access road in private Tract B will continue as SE 46th Place in private Tract A of the adjacent Silver Bright Court I development, and will connect to the public street system at 130th Avenue SE. Lots 1, 2, and 3 of Silver Bright Court II will be addressed from SE 46th Place. The driveway width will be a minimum of 10 feet and the minimum paved width of the access road in Tract

B will be 20 feet in a minimum tract width of 25 feet. The access road and driveways must receive Fire Department Approval and be built per the City's Transportation Department Design Standards.

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 Avenue SE is classified as "Overlay Required."

The proposed development site gains access to the public street system by means of a private road (SE 46th Place) that passes through an adjacent private development and connects to the public street (130th Avenue SE). If utility work requires any pavement disturbance on 130th Avenue SE, an overlay type of pavement restoration will 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. The three lot short plat is estimate to generate three new PM peak hour trips. The three new pm peak hour trips are not expected to have a significant impact on traffic operations conditions of the adjacent street.

See Section VIII for Transportation Department related conditions of approval.

VI. Public Notice and Community Input

<i>Application Date:</i>	October 21, 2007
<i>Public Notice (500 feet):</i>	November 1, 2007(Includes sign installation at the site)
<i>Minimum Comment Period:</i>	November 16, 2007

Notice of Application was published in the City of Bellevue's *Weekly Permit Bulletin* and the *Seattle Times* on November 1, 2007. It was mailed to property owners within 500 feet of the project site and a Public Information Sign was installed on the project site on the same day. No comments were received from the public.

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. Access to Lots 1, 2, and 3 will be from single driveways from a paved private access road in Tract B of the adjacent Silver Bright Court I development. The applicant will be required to provide drainage improvements designed to service the drainage needs of the site. Existing public water and sewer facilities have been deemed adequate to serve the proposed development.

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

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

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

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

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
- 30' Maximum Building Height
- 40% Maximum Lot Coverage by Structure
- 55% Maximum Coverage by Impervious Surface
- 60' Minimum Lot Width
- 80' Minimum Lot Depth
- 50% Minimum Greenscape

Finding: All 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 15 percent of significant trees on the site apply to this proposal.

Finding: The applicant proposes to preserve 11 trees that comprise a total of 214 diameter inches, or 46% of the diameter inches of significant trees. The proposed tree retention plan exceeds the minimum requirements and provides the opportunity to retain existing habitat onsite. This satisfies minimum tree retention requirements. See Section VIII of this report for a related condition of approval.

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

Finding: The site is located within the Factoria 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-13). The proposed short plat provides housing for Bellevue's share of the regionally adopted demand forecasts for residential uses for the next 20 years (LU-3).

The proposal meets Comprehensive Plan polices to maintain good surface water quality (EN-33), restrict surface water runoff to predevelopment levels (EN-39), and provide traffic mitigation (TR-37).

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

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

Finding: Each lot can reasonably be developed to current R-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, Development Services does hereby **approve** the Silver Bright Court II 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 Ordinances	Contact Person
Clearing & Grading Code – BCC 23.76	Savina Uzinow, 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	Leah Hyatt, 425-452-6834
Noise Control – BCC 9.18	Leah Hyatt, 425-452-6834
Sign Code – BCC Title 22	Leah Hyatt, 425-452-6834
Transportation Development Code – BCC 14.60	Rohini Nair, 425-452-2569
Right of Way Use Code – BCC 14.30	Tim Stever, 425-452-4294
Transportation Department Design Manual	Rohini Nair, 425-452-2569
Traffic Standards Code 14.10	Rohini Nair, 425-452-2569
Utility Code – BCC Title 24	Robert Hutchinson, 425-452-7903

A. General Conditions

1. Utilities Department Approval

The Utilities Department approval of the Preliminary Short Plat Application is based on the preliminary utility design. Final civil engineering of the utility design may require changes to the site layout to accommodate the utilities. The water, sewer, and storm drainage systems shall be designed per the current City of Bellevue Utility Codes and Utility Engineering Standards. Utilities design review plan approval, and field inspection is performed under the Developer Extension Agreement and Utilities Permit Processes. A Storm and Water Developer Extension Agreement will be required. Water extension to the extreme South property line with 8" mainline is required. All water, sewer and storm easements will be recorded on the face of the final short plat document.

Authority: Bellevue City Code Title 24.02, 24.04, 24.06
Reviewer: Robert Hutchinson, Utilities 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) Temporary traffic control and pedestrian detour routing for construction activities.
- e) Location of construction fences.
- f) Parking for construction workers.
- g) Construction vehicles, equipment, and materials in the right of way.
- h) All other construction activities as they affect the street system.

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 clearing 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 design of the private road, mailbox location, and pavement restoration in 130th Avenue SE if utility work results in pavement disturbance. 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. Pavement Restoration

The city's pavement manager has determined that 130th Avenue SE near the site will require 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 pavement 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

5. Tree Protection

To mitigate adverse impacts to nondisturbed areas and trees to be retained during construction:

- a. Clearing limits shall be established at the limit of nondisturbed areas and for retained trees within the developed portion of the site, outside of drip lines. Six-foot chain link fencing with driven posts, or an approved alternative, shall be installed at the clearing limits prior to initiation of any clearing and grading.
- b. No excavation or clearing should be performed within drip lines of retained trees except as specifically approved on plans. All such work shall be done by hand to avoid damage to roots and shall be done under the supervision of an arborist

approved by the city.

Authority: Bellevue City Code 23.76.060
Reviewer: Leah Hyatt, Development Services Department

C. Prior to Final Short Plat Approval:

1. Variance Restriction

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 Hyatt, Development Services Department

2. 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.

The private access road in tract B of Silver Bright Court short plat and the top lift on the private access road in Tract A of Silver Bright Court must be provided for. 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:

- The maximum cross grade of a street at the street end shall be 8%.

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

3. Access Easement and Maintenance

An access easement is to be given by Silver Bright Court short plat to the owners of the lots in Silver Bright Court II short plat for usage of the private access road in tracts A and B. This access easement must be recorded with King County before the final plat approval of Silver Bright Court II.

The final plat map must include a note that specifies that the owners of the lots in Silver Bright Court II, who are served by the private access road in tracts A and B (in an easement from Silver Bright Court I) are jointly responsible for maintenance and repair of the private access road, along with the owners of the lots in Silver Bright Court I. Also, the final plat map must include a note that specifies that the access road will remain open at all times for emergency and public service vehicles and shall not be gated or obstructed.

Lot address signs must be provided at the road bend in SE 46th Place, which will direct people to the lots 1, 2, and 3 of Silver Bright Court II.

Authority: Bellevue City Code 14.60.130
Reviewer: Rohini Nair, 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 dripline shall be determined by an arborist or surveyor. The Tree Preservation Plan must portray a minimum of 13 diameter inches of existing significant trees to remain contain the following note:

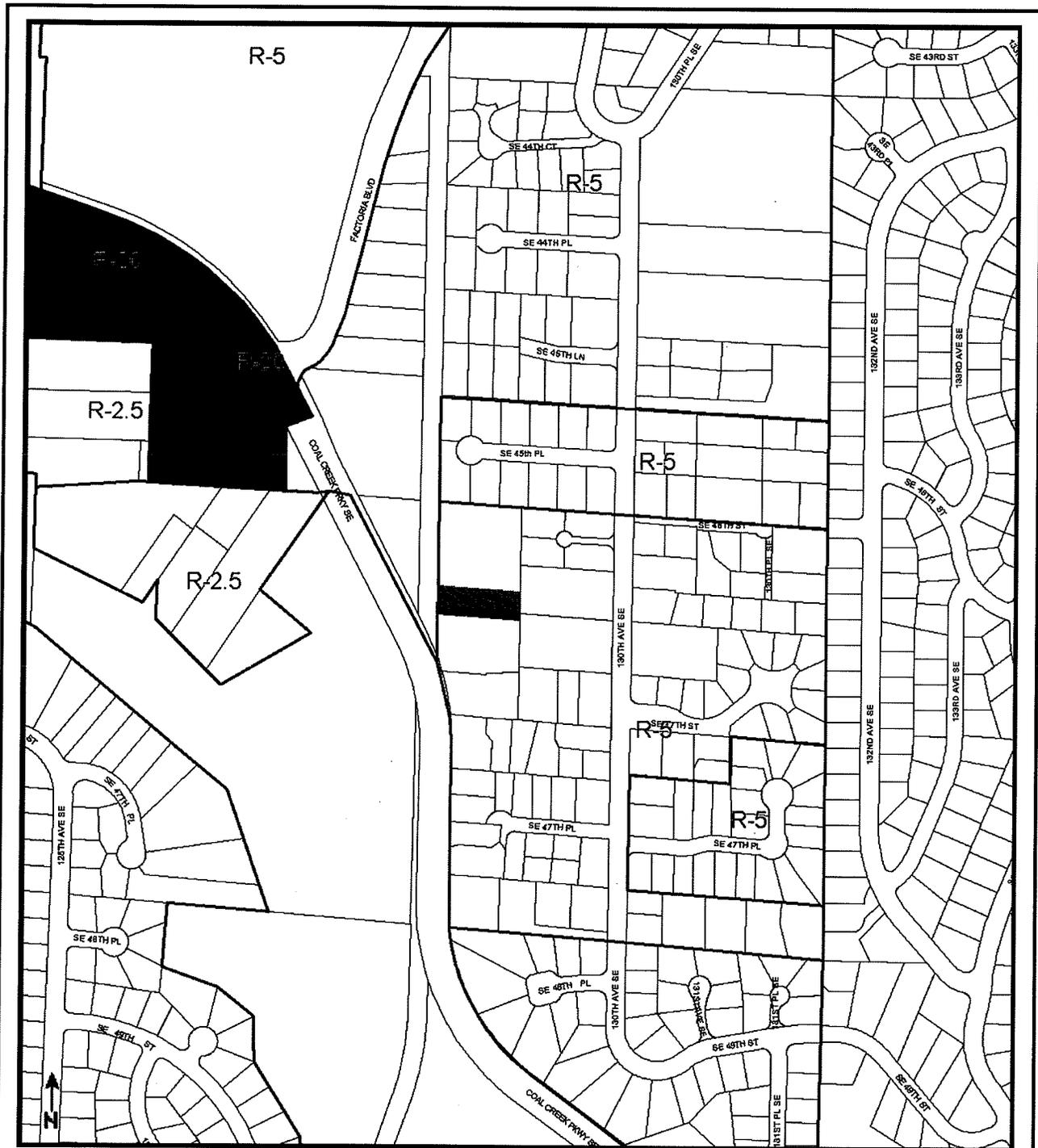
"Tree Preservation Plan:

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

Authority: Land Use Code 20.20.900.D
Reviewer: Leah Hyatt, Development Services Department

List of Attachments

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



Zoning
07-132869-LN



City of Bellevue
Information Technology
Geographic Information Services
March 04, 2009

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

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

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



VICINITY MAP

