



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

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**Proposal Name:** 108<sup>th</sup> Preliminary Short Plat

**Proposal Address:** 1215 108<sup>th</sup> Avenue SE

**Proposal Description:** To subdivide one single family lot (0.47 acres) into two single family lots in the R-4 zoning district. The existing house will remain.

**File Number:** 08-114727-LN

**Applicant:** Richard Chan

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

**State Environmental Policy Act  
Threshold Determination:** **SEPA Exempt pursuant to WAC 197-11-800(6)(a),  
BCC 22.02.032**

**Department Decision:** **Approval with Conditions**

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Carol Saari, Associate Planner  
Development Services Department

Notice of Application: 09/18/08  
Decision Publication Date: 11/20/08  
Appeal Deadline: 12/04/08

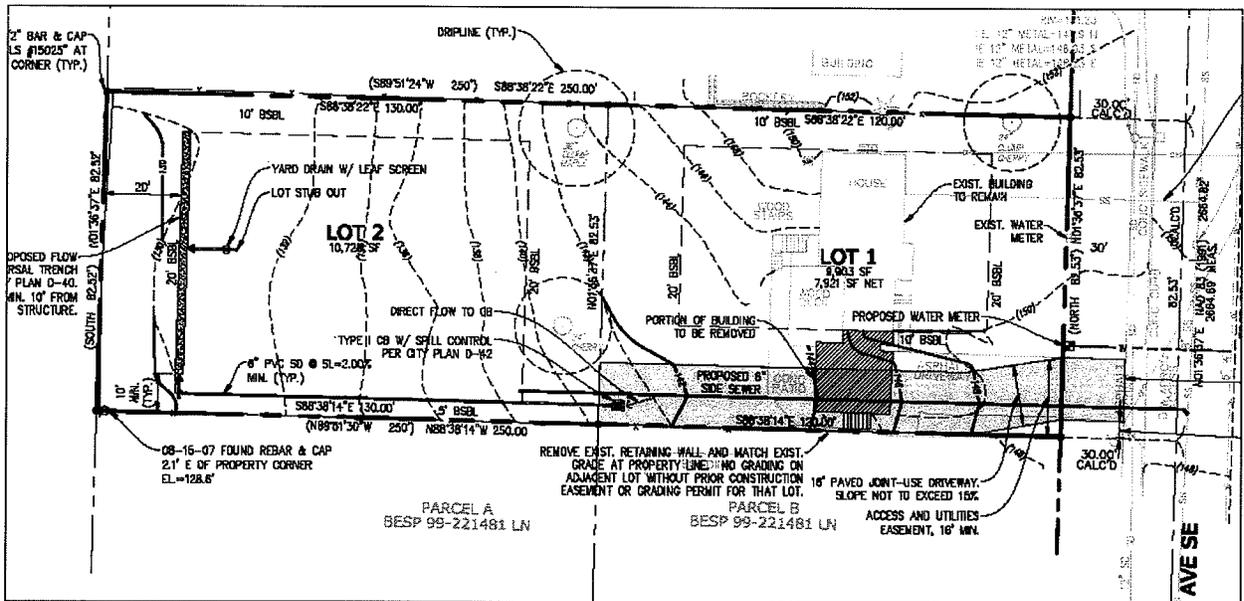
For information on how to appeal a proposal, visit the Permit Center at City Hall or call 425-452-6800 [TTY (425) 452-4636]. Appeal of the Decision must be made with the City Clerk by 5 p.m. on the date noted for appeal of the decision.

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**I. Description of Proposal**

The applicant proposes to short plat one single family lot (0.47 acres) into two single family lots. The existing house will remain. The site is located at 1215 108<sup>th</sup> Ave. SE. The property is located in the R-4 zoning district with a minimum lot size of 8,500 square feet. The applicant proposes the following:

- Lot 1: 9,903 square feet
- Lot 2: 10,728 square feet



Access to Lots 1 and 2 will be from the existing driveway location off of 108<sup>th</sup> Avenue SE. This driveway will be improved to a minimum paved width of 16 feet. City water and sewer will serve the site. Storm water runoff will be collected and piped to a dispersal trench onsite.

There are three trees onsite which the applicant proposes to save.

**See Attachment A - Plans.**

**II. Site Description and Context**

The site is located in the Southwest Bellevue Subarea, in an established single family residential area. **See Attachment B - Vicinity Map.** The site is located on the west side of 108<sup>th</sup> Ave. SE between SE 11<sup>th</sup> Street and SE 14<sup>th</sup> Street, in an area zoned R-4. **See Attachment C - Zoning Map.**

Bellevue High School is located 1/3 mile to the north of the property. The closest commercial area is the Chevron Gasoline Station ¼ mile away, along Bellevue Way SE.

There is multi-family development at the south end of 108<sup>th</sup> Ave. SE, about ¼ mile away.  
**See Attachment D – Aerial Photograph.**

The site has a gentle slope of about 10% (sloping down to the west) with an elevation change of about 25 feet from the west property line to the east property line. There are no critical areas onsite (no wetlands, riparian corridors, floodplains or steep slopes over 40%). There are three significant trees onsite (two cherry trees, one maple tree).

**III. CONSISTENCY WITH LAND USE CODE/ZONING REQUIREMENTS**

**TABLE 1**

<b>BASIC INFORMATION</b>		
<b>Zoning District</b>	R-4	
<b>Gross Site Area</b>	20,631 square feet (acres (0.47 acres)	
<b>ITEM</b>	<b>REQ'D/ALLOWED</b>	<b>PROPOSED</b>
<b>Minimum Lot Area</b>	8,500 Square Feet	Lot 1: 9,903 square feet Lot 2: 10,728 square feet <b>Meets code.</b>
<b>Minimum Lot Width</b>	65 Feet	Lot 1: 82 Feet Lot 2: 82 Feet <b>Meets code.</b>
<b>Minimum Width Street Frontage</b> (adjacent to public right-of-way)	30 feet	Lot 1: 82 Feet Lot 2: NA <b>Meets code.</b>
<b>Minimum Lot Depth</b>	80 Feet	Lot 1: 120 Feet Lot 2: 130 Feet <b>Meets code.</b>
<b>Building Setbacks</b>		<u>Lot 1</u> <u>Lot 2 (future lot):</u>
Front Yard	20 Feet	38 Feet      20 Feet
Rear Yard	20 Feet	47 Feet      20 Feet
Min. Side Yard	5 Feet	10 Feet      5 Feet
2 Side Yard	15 Feet	20 Feet      15 Feet
Access Easement	10 Feet	10 Feet *      10 Feet
		* <u>A portion of the house must be demolished in order to meet the required 10' setback from the edge of an access easement.</u> <u>See condition IX.C.1.</u> <b>As conditioned, meets code.</b>
<b>Tree Retention</b>	15% or 13 Diameter Inches	100% or 84 Diameter Inches <b>Meets code.</b>

<b>Impervious Surface</b>	50% maximum	<u>Lot 1</u>	<u>Lot 2 (future lot):</u>
		11%	50% maximum
		<b>Meets code.</b>	
<b>Lot Coverage</b>	35% maximum	19%	35% maximum
		<b>Meets code.</b>	

**IV. STATE ENVIRONMENTAL POLICY ACT (SEPA)**

Short Plats not containing Critical Areas are exempt from SEPA review pursuant to WAC 197-11-800(6)(a), BCC 22.02.032. The project proposal is exempt.

**V. SUMMARY OF TECHNICAL REVIEWS**

**A. Utilities Department Review**

The City has adequate capacity for providing water and sanitary sewer and storm drainage service for this proposal. Storm water runoff will be collected and piped to a dispersal trench onsite.

Over the counter side sewer, storm and water meter applications are required to connect to the new home. Easements will be required where storm, water and or sewer lines cross over private property to serve new lot. A Cascade Water Alliance Charge will be charged based on meter size selected. Contact the Permit Center for questions at 425-452-4187. See conditions IX.A.1, C.2.

**B. Fire Department Review**

The Fire Department has reviewed the proposal and finds that the proposal meets Fire Department requirements. No conditions of approval are necessary.

**C. Transportation Department Review**

The Transportation Department has reviewed the plans submitted for the 108th preliminary short plat and recommends approval. Final engineering plans are not required for this project as transportation-related items are minimal or already exist, namely, a joint use driveway connecting to 108<sup>th</sup> Avenue NE.

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 condition IX.B.1.

### **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 conditions IX.B.2, B3.

### **Street Frontage Improvements**

Adjacent to the project site (along 108<sup>th</sup> Avenue SE) existing street frontage consists of a five foot wide concrete sidewalk with curb and gutter and a driveway apron per DEV-7A. Said frontage is in satisfactory condition and therefore the Transportation Department will not require additional frontage improvements.

The applicant will be responsible for damages to all public infrastructure caused by construction activity related to this short plat.

### **Site Access**

Access to Lots 1 and 2 will be from the existing driveway location off of 108<sup>th</sup> Avenue SE. Said driveway will be improved to a minimum paved width of 16 feet with pavement depths per DEV-8. Access will be deemed a "joint use driveway" and placed within a 16 foot access easement (for the benefit of the new lot).

The applicant will be required to mitigate all impacts to the property of 1227 & 1225 108<sup>th</sup> Avenue SE caused by the new driveway construction at the discretion of the Transportation Inspector. It is the responsibility of the applicant to obtain all necessary easements (for construction, future maintenance, etc.) from adjacent properties if necessary.

Addressing for the new lot will be based from 108<sup>th</sup> Avenue SE. The applicant will be required to install an address sign on 108<sup>th</sup> Avenue SE for identification by emergency response to the satisfaction of the Transportation Inspector.

See conditions IX.C.3, C.4.

### **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 108<sup>th</sup> Avenue SE is classified as an "Overlay Required" street. Minimum pavement restoration 25 feet from each side of the trench cut for the full width of the street. See condition IX.B.4.

### **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 AM and PM peak hours.

Field observations during the AM and PM peak hours show that there is ample capacity on 108<sup>th</sup> Avenue SE and nearby system intersections to accommodate the new trip generation from this project.

Sight distance and driveway grade at the access connection to 108<sup>th</sup> Avenue SE meet applicable transportation code and standards.

### **D. Clearing & Grading Review**

The applicant will be required to obtain a clearing and grading permit for plat engineering and meet the requirements of the Clearing and Grading Code.

## **VI. PUBLIC COMMENT**

Notice of Application was published in the City of Bellevue's Weekly Permit Bulletin and the Seattle Times on September 18, 2008. The notice was also mailed to property owners within 500 feet of the project site and a two-sided Public Information Sign was installed on the project site on the same day.

There were several email exchanges with one neighbor of a general inquiry. There were no other emails, phone calls or letters received.

## **VII. Decision Criteria:**

Land Use Code Section 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 lots will be accessed from an existing driveway improved to City standards. Existing public water and sewer facilities have been deemed adequate to serve the proposed development. Storm

drainage will be collected and piped to a dispersal trench onsite, per City standards.

**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 establishing tree retention. See condition IX.C.5.

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

**Development Standards**

**Finding:** As conditioned, the proposal complies with the Land Use Code requirements for the R-4 zoning district, the Utility Code and the City of Bellevue Development Standards.

**Land Use Code Requirements**

**A. Dimensional Requirements:** The site is currently zoned R-4 which has a minimum lot size of 8,500 square feet. All dimensional requirements for the R-4 zoning district are listed in Section III, Table 1.

**Finding:** As conditioned, all of the lots can be developed in accordance with the City of Bellevue Land Use Code requirements including the R-4 dimensional requirements.

**B. Significant Tree Preservation:** Tree preservation requirements pursuant to LUC Section 20.20.900.D require the retention of a minimum of 15% of the diameter inches of significant trees on the site. In order to meet the 15% minimum retention requirement, the project must retain a minimum of 13 diameter inches of significant trees.

**Finding:** See Section III Table 1 on page 3. Tree retention to meet code requirements will be required as a condition of approval. No construction may occur within the dripline of significant trees to be saved. See condition IX.C.5.

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

**Finding:** The site is located within the Southwest Bellevue Subarea. The Comprehensive Plan specifies Single-Family High Density development for this property which is consistent with the R-4 zoning designation. 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-3) and helps meet Bellevue's share of the regionally adopted demand forecasts for residential uses for the next 20 years (LU-5).

The proposal 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 preserving 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:** As conditioned, each lot can reasonably be developed to current R-4 zoning standards without requiring a variance. See condition IX.C.6.

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

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

**VIII. Conclusion and Decision:**

After conducting the various administrative reviews associated with this proposal, including applicable Land Use consistency, City Code, and standard compliance reviews, the Director of Development Services Department does hereby **approve** the 108<sup>th</sup> 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.

**IX. Conditions of Approval:**

**A. GENERAL CONDITIONS:**

**1. WATER, SEWER AND STORM DRAINAGE**

Over the counter side sewer, storm and water meter applications are required to connect to the new home. Easements will be required where storm, water and or sewer lines cross over private property to serve the new lot. A Cascade Water Alliance Charge will be charged based on meter size selected. Contact the Permit Center for questions at 425-452-4187.

AUTHORITY: Bellevue City Code 24.02, 24.04, 24.06  
REVIEWER: Mark Dewey, Utilities Department, 425-452-6179

**B. PRIOR TO ISSUANCE OF ANY SINGLE FAMILY BUILDING PERMITS:**

**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 for single family homes in impact area #7 is \$429.90 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: Ray Godinez, Transportation Department, 425-452-7915

**2. 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

### 3. INFRASTRUCTURE IMPROVEMENTS

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

a) Site Specific Items:

- i) 16 foot wide, paved joint use driveway. Pavement depths per DEV-8.
- ii) Adequate mitigation for driveway construction impacts to the properties of 1225 and 1227 108<sup>th</sup> Avenue SE. Mitigation will be at the discretion of the Transportation Inspector.

b) Miscellaneous:

- iii) 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.
- iv) The maximum cross grade of the joint use driveway is 8%.
- v) 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: Ray Godinez, Transportation Department, 425-452-7915

### 4. ACCESS DESIGN AND MAINTENANCE

The final subdivision map must include a note that specifies that all lot owners within the short plat are responsible for maintenance and repair of the joint use driveway. Also, the final subdivision map must include a note that specifies that the joint use driveway 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: Ray Godinez, Transportation Department, 425-452-7915

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: Jon Regalia, Transportation Department, 425-452-4599

### **3. OFF-STREET PARKING**

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

AUTHORITY: Bellevue City Code 14.30

REVIEWER: Jon Regalia, Transportation Department, 425-452-4599

### **4. PAVEMENT RESTORATION**

The city's pavement manager has determined that this segment of 108<sup>th</sup> Avenue NE will require a full grind and overlay trench restoration for any utility connections or other digging in the street surface. Trench restoration must meet the requirements of Section 21 of the Design Manual and standard drawings ROW-1 through ROW-5. Exact copies of the appropriate trench restoration drawing(s) must be included in the final engineering plans.

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

REVIEWER: Tim Stever, Transportation Department, 425-452-4294

## **C. PRIOR TO FINAL SHORT PLAT APPROVAL:**

### **1. SETBACK REQUIREMENT FOR EXISTING HOUSE**

A portion of the house must be demolished in order to meet the required 10' setback from the edge of an access easement. The applicant must obtain a demolition permit. Proof of demolition must be provided prior to final short plat approval.

AUTHORITY: Land Use Code 20.20.010

REVIEWER: Carol Saari, Development Services Department, 425-452-2731

### **2. UTILITY EASEMENTS**

The final short plat shall portray easements where storm, water and or sewer lines cross over private property to serve the new lot.

AUTHORITY: Bellevue City Code 24.02, 24.04, 24.06

REVIEWER: Mark Dewey, Utilities Department, 425-452-6179

## 5. 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.”

An arborist report shall document the dripline of each tree to be saved and also provide a report to document the health of each tree to be saved. During plat engineering, the dripline of the trees to be saved shall be fenced to prevent clearing & grading activities within the dripline area.

AUTHORITY: Land Use Code 20.20.900.D

REVIEWER: Carol Saari, Development Services Department, 425-452-2731

## 6. VARIANCE RESTRICTION

The final short plat shall portray the following: “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: Carol Saari, Development Services Department, 425-452-2731

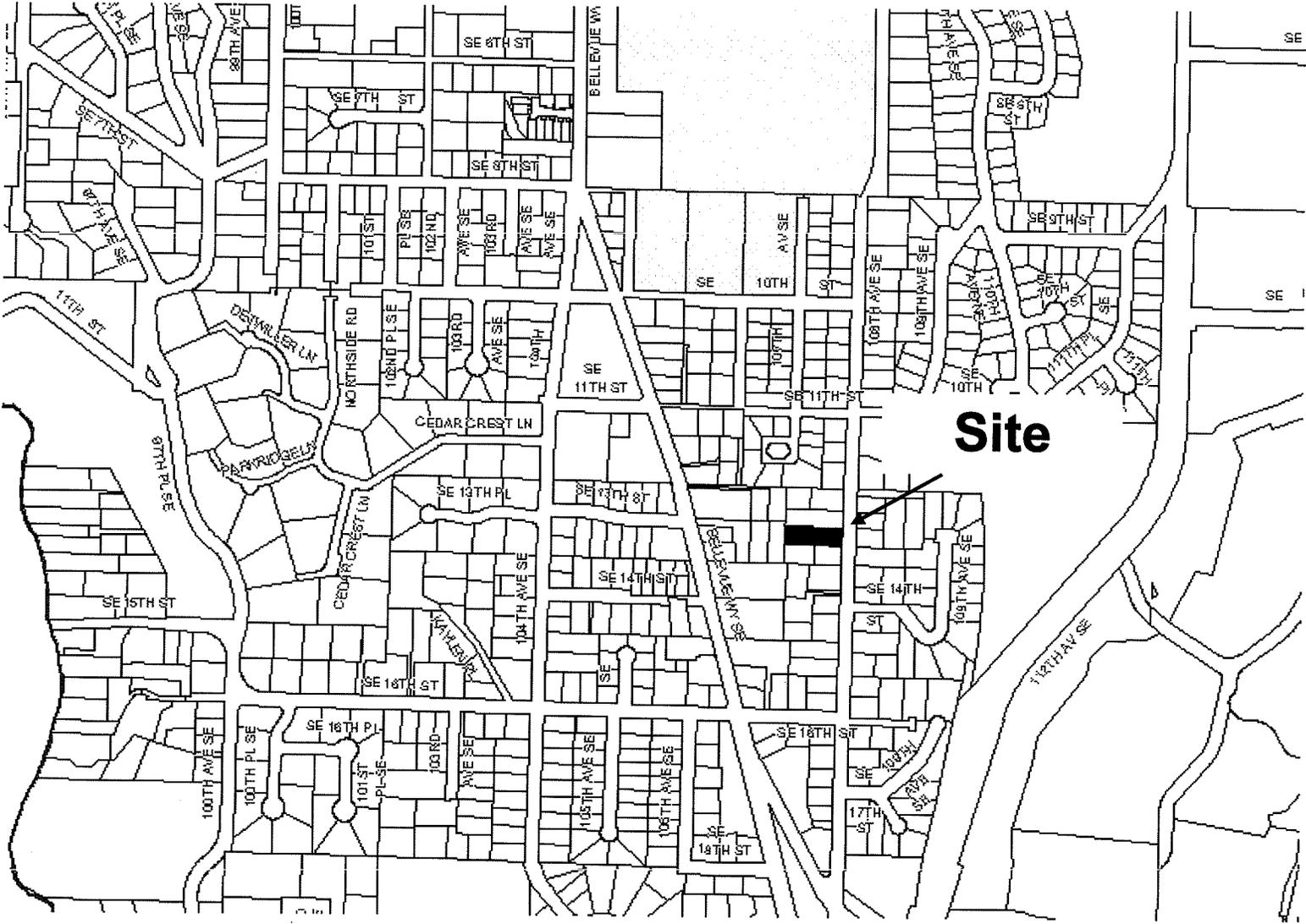
## LIST OF ATTACHMENTS

- A. Plans
- B. Vicinity Map
- C. Zoning Map
- D. Aerial Photograph





# Vicinity Map





# Zoning Map

