



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

Proposal Name: Kirby Preliminary Short Plat

Proposal Address: 2 Cascade Key

Proposal Description: Land Use Review of a Preliminary Short Plat application to subdivide 35,204 square foot lot with an existing single-family residence into two lots of 17,117 square feet and 18,087 square feet located in the R-2.5 zone. The applicant has submitted for a combined preliminary and final short plat approval as allowed under Land Use Code section 20.45B.070.

File Number: 08-132119-LN

Applicant: Jeff Kirby

Decisions Included: Preliminary and Final Short Plat (Process II)

Planner: Reilly Pittman, Associate Planner

State Environmental Policy Act Threshold Determination: Exempt

Department Decision: **Approval with Conditions**

Reilly Pittman, Associate Planner
Development Services Department

Application Date: August 28, 2008
Notice of Application: September 25, 2008
Decision Publication Date: September 3, 2009
Appeal Deadline: September 17, 2009

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 PM on the date noted for appeal of the decision.

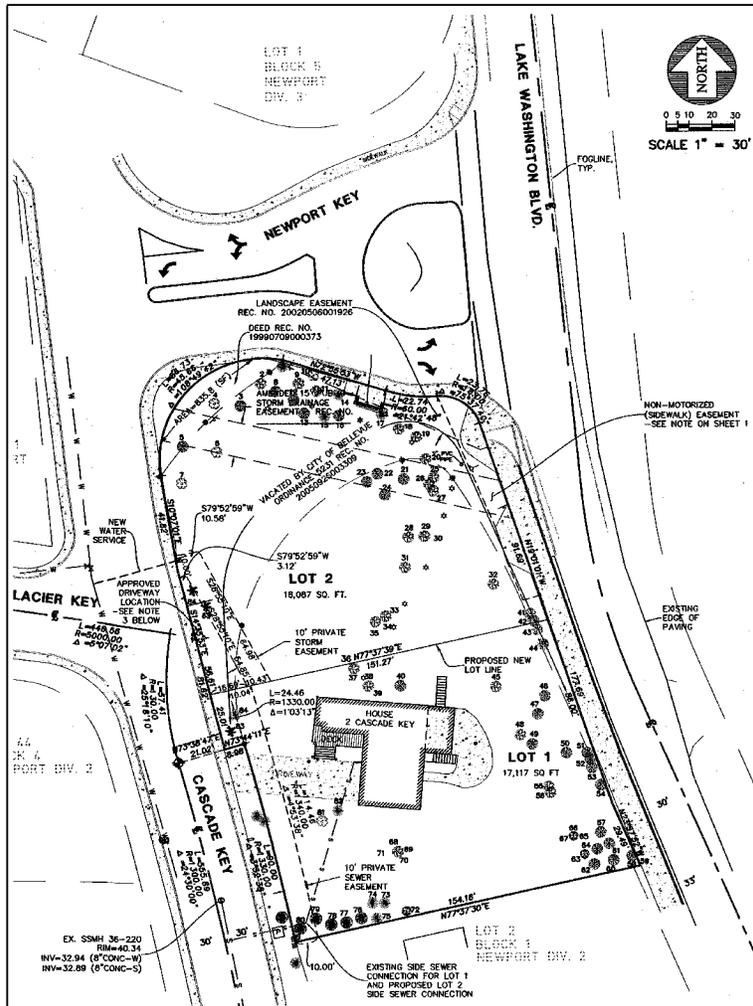
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I. Proposal Description

The applicant is proposing to subdivide a 35,204 square foot lot into two lots of 17,117 square feet and 18,087 square feet as seen in Figure 1 below. The applicant has applied for a combined preliminary and final short plat approval as allowed under Land Use Code section 20.45B.070. The site contains an existing single-family residence which will remain on proposed lot 1. The current driveway for the exiting residence on lot 1 will be maintained and a new driveway access will be provided for lot 2 to gain vehicular access from Cascade Key. The applicant proposes to retain approximately 36% of the total diameter inches of the significant trees on the site.

Figure 1 – Site Plan



II. Site Description, Zoning, and Land Use Context

A. Site Description

The project site is located at 2 Cascade Key and is located in the NW quadrant of

Section 16, Township 24 North, Range 5 East within Bellevue's Factoria Subarea. The property is zoned single-family residential (R-2.5), and has one single-family residence currently existing on-site. The existing property was created as lot 1 of the Newport Division 2 subdivision and is 35,204 square feet in area. The lot is located at the entrance to the Newport subdivision and has street frontage to the east along Lake Washington Blvd., to the north along Newport Key, and to the west along Cascade Key. The site directly abuts another residentially zoned property to the south. The property is not located within the Critical Areas Overlay District or any other overlay district. See Figure 2 below for an aerial photo of the property as it currently exists.

Figure 2



There are a number of significant trees on-site in addition to other vegetation. As this property is at the entrance to the subdivision it serves as a gateway to the neighborhood. The applicant is proposing to retain 36 percent of the existing significant vegetation and is preserving the vegetation along the street frontages of Lake Washington Blvd. and Newport Key. The retention of this vegetation is intended to preserve the character of the entrance to this neighborhood, while allowing the property to subdivide and develop.

B. Zoning

The property is zoned R-2.5, single-family residential which requires a minimum lot area of 13,500 square feet for new lots.

C. Land Use Context

The property has a Land Use designation of SF-M (Single Family Medium Density). The proposed activity is consistent with single-family development and is consistent with the City's Comprehensive Plan. The surrounding neighborhood context is entirely single-family uses both adjacent to the site and in the vicinity.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The site is located in the R-2.5 zoning district. The proposed short plat is in conformance with the general dimensional requirements of the zone as outlined below.

i. Consistency with Land Use Code Requirements

BASIC INFORMATION			
Zoning District	R-2.5		
Gross Site Area	35,204 square feet		
Critical Area and Buffer	None		
ITEM	REQ'D/ALLOWED	PROPOSED	MEETS REQ'D
Dwelling Units/Acre	2.5	2	Yes
Minimum Lot Area	13,500 square feet	Lot 1: 17,117 square feet Lot 2: 18,087 square feet	Yes
Minimum Lot Width	80 feet	Lot 1: over 80 feet Lot 2: over 80 feet	Yes
Minimum Lot Depth	80 feet	Lot 1: over 80 feet Lot 2: over 80 feet	Yes
Building Setbacks			Yes
Front Yard	20 feet	20 feet	
Rear Yard	25 feet	25 feet	
Min. Side Yard	5 feet	5 feet	
2 Side Yard	15 feet	15 feet	
Access Easements	10 feet	10 feet	
Tree Retention	15% of 1,204 diameter inches = 180.6 inches minimum	36% of diameter inches retained = 444 inches	Yes

IV. Public Notice and Comment

Application Date:	August 28, 2008
Public Notice (500 feet):	September 25, 2008
Minimum Comment Period:	October 9, 2008

The City initially notified the public of this proposal on September 25, 2008 with mailed notice and publication in the Weekly Permit Bulletin. A public information sign was installed on the site the same day. No written comments were received.

V. Summary of Technical Reviews

A. Clearing and Grading:

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development and has approved the application without any conditions of approval.

B. Fire Department:

The Fire Department has reviewed and approved the application.

C. Transportation Department:

The Transportation Department has reviewed the plans submitted for the Kirby preliminary short plat and recommends approval. The Transportation Department will not require final engineering drawings as transportation-related improvements are minor (construction of one private driveway). All transportation concerns can and will be addressed on the face of the final short plat map. Bonding for the private driveway will not be required prior to final short plat approval.

Under BCC 22.16, payment of the transportation impact fee for each new home prior to building permit issuance will adequately mitigate off-site transportation impacts. The applicant should note that said fee will increase significantly by January 1st, 2010. Builders will pay the fee in effect at the time of building permit issuance.

Site Access

Access location for lot #2 (new lot created by this short plat action) will be located approximately 110 feet away from the nearest intersection (Cascade Key and Newport Key). The final short plat map will show an "approved access driveway zone" to identify where the new driveway will be allowed. No other access connection to city right-of-way is authorized for any lot associated with this short

plat action. A note to this effect will be placed on the final short plat map.

Minimum driveway width for lot #2 is 10 feet (with the approval of the Fire Marshall) and will connect to city right-of-way via the existing rolled curb adjacent or an approved driveway approach.

Addressing for the new lot shall be off of Cascade Key and must be completed prior to issuance of signature by the Transportation Department for final short plat map recording with King County.

Street Frontage Improvements

The applicant will be required to grant the City of Bellevue a pedestrian easement along the east property line of the project site. This easement will be identified and noted as to legal use, rights for access and maintenance, etc. on the face of the final short plat map. Boundaries and legal text will be at the discretion of the City with regard to said easement.

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.

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 all adjacent public streets (Newport Key, Cascade Key and Lake Washington Boulevard) are classified as "Overlay Required" streets. Minimum pavement restoration for this type of classification consists of a full grind and overlay extending 50 feet from each side of the trench cut for the full width of the impacted street. The City reserves the right to amend pavement restoration requirements at anytime during construction associated with this project. (Specific pavement restoration requirements will be noted on the right-of-way permit).

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 trip generation (one new peak hour trip) and the adequate clear distance between the new access location and the nearest intersection impacts to existing traffic operations adjacent to the project site will be negligible. Existing sight distance, driveway grades, and transportation improvements have been found to be satisfactory adjacent to the project site.

D. Utilities Review

The Utilities Department has reviewed the submitted plans and has approved the proposal. There are no implied approvals of the utility engineering. Changes to the site layout may be required to accommodate the utilities. All water, sewer & storm drainage design review, plan approval and field inspection shall be done through the Utility Developer Extension Agreement process, water application process, side sewer permit(s) and or storm drainage connection permits. **See related conditions of approval in Section X of this report**

VI. 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. Thus, the project proposal is exempt from SEPA review.

VII. Changes to proposal as a result of City review

As a result of staff comments the applicant has proposed to retain trees along the street frontages of Lake Washington Blvd. and Newport Key in order to preserve the landscaped character of this neighborhood entrance. In addition, as this approval is for a combined preliminary and final short plat there will be no subsequent separate application for a final short plat. Final short plat mylars are reviewed by the City of Bellevue Survey as part of final short plat review. Therefore, the final short plat will need to be reviewed by the City Survey reviewer, Buck Harrison prior to staff signature on the mylar document. **See related conditions of approval in Section X of this report.**

VIII. Decision Criteria:

Land Use Code 20.45B.130 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.

Response: City codes ensure public health, safety and general welfare through development code requirements. 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.

Response: 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.

Response: The preliminary short plat considers the physical characteristics of the site by establishing tree retention and protection requirements which will maintain some of the significant trees around the perimeter of the site. Preservation of these trees should maintain the landscaped nature of the entrance to the Newport neighborhood. There are no critical areas on this site that require further protection and the site is relatively flat. **See related conditions of approval in Section X of this report.**

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.

Land Use Code Requirements

A. Dimensional Requirements: *Refer to Section III.A. of this report for conformance with dimensional requirements for the R-2.5 zone.*

Response: All of the lots shown can be developed in accordance with the City of Bellevue Land Use Code requirements, including the R-2.5 zoning district dimensional requirements.

B. Significant Tree Preservation: *Tree preservation requirements pursuant to LUC Section 20.20.900.D require the retention of 15% of significant trees on the site. In order to meet the 15% minimum retention requirement, the project must retain a minimum of 180 diameter inches of the 1,204 diameter inches of the existing significant trees.*

Response: The applicant proposes to preserve a total of 444 diameter inches or 36% of the significant trees onsite. This satisfies the minimum

15% tree retention requirements. **See related conditions of approval in Section X of this report.**

Utility Codes and City Development Standards

Response: As conditioned, the proposal complies with the Utility Code and the City of Bellevue Development Standards. **See related conditions of approval in Section X of this report.**

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

Response: The site is located within the Factoria subarea. The Comprehensive Plan specifies Single-Family Urban Residential development for this property, which is consistent with the R-2.5 zoning designation. The proposal complies with applicable Comprehensive Plan policies City-wide and for this Subarea, including the following:

Land Use Policy LU-3: *Accommodate growth targets of 10,117 additional households and 40,000 additional jobs for the 2001-2022 period. These targets represent the city's commitment to develop the zoning and infrastructure to accommodate this level of growth; they are not a commitment that the market will deliver these numbers.*

Response: This short plat will provide one lot for future single family residential development which will help to meet Bellevue's share of the regionally adopted demand forecasts for residential uses for the next 13 years

Land Use Policy LU-4: *Encourage new residential development to achieve a substantial portion of the maximum density allowed on the net buildable acreage.*

Response: This short plat will create two lots from one preexisting lot which is the maximum number of lots allowed on an R-2.5 lot of this size.

Factoria Policy S-FA-2: *Protect single family neighborhoods from encroachment by more intense uses.*

Response: The creation of a new lot will enable a new single-family residence to be constructed, which maintains the existing single-family character of the neighborhood.

Factoria Policy S-FA-4: *Encourage infill development and redevelopment in a manner that is compatible with surrounding uses and*

meets adopted design guidelines.

Response: The creation of a new lot for infill development of a new single-family residence is compatible with the surrounding uses.

Housing Policy HO-17: *Encourage infill development on vacant or under-utilized site that have adequate urban services and ensure that the infill is compatible with the surrounding neighborhoods.*

Response: This project will create one new lot and add one new single family home which is, by use type, compatible with the surrounding single-family neighborhoods. The proposal provides development on an infill or under-utilized site with adequate urban services and meets the Housing Element Neighborhood Quality & Vitality goal of ensuring 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.**

Response: As conditioned, each lot can reasonably be developed to current R-2.5 zoning standards without requiring a variance. There are no site constraints or critical areas which inhibit the development of this property that would warrant a variance. **See related conditions of approval in Section X of this report.**

- 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 location, 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 X of this report.**

IX. 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 the Development Services Department does hereby **APPROVE** the Kirby Preliminary Short Plat and Final Plat **WITH CONDITIONS**.

X. CONDITIONS OF APPROVAL:

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

Applicable Codes and Ordinances	Contact Person	Phone
Clearing and Grading Code – BCC 23.76	Savina Uzunow	425-452-7860
Construction Codes – BCC Title 23	Building Division	425-452-6864
Fire Code – BCC 23.11	Adrian Jones	425-452-6032
Land Use Code – BCC 20.25H	Reilly Pittman	425-452-4350
Noise Control – BCC 9.18	Reilly Pittman	425-452-4350
Trans. Development. Code – BCC 14.60	Ray Godinez	425-452-7915
Traffic Standards Code – BCC 14.10	Ray Godinez	425-452-7915
Right-of-Way Use Code – BCC 14.30	Tim Stever	425-452-4294
Utility Code – BCC Title 24	Arturo Chi	425-452-4119

A. GENERAL CONDITIONS:

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. No future variance application will be accepted.

AUTHORITY: Land Use Code 20.45B.130.A.6

REVIEWER: Reilly Pittman, Development Services Department

2. Noise – Construction Hours

The proposal will be subject to normal construction hours of 7 a.m. to 6 p.m., Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Proximity to existing residential uses will be given special consideration. Upon written request to DSD, work hours may be extended to 10:00 p.m. if the criteria for extension of work hours as stated in BCC 9.18 can be met and the appropriate mitigation employed.

AUTHORITY: Bellevue City Code 9.18

REVIEWER: Reilly Pittman, Development Services Department

3. Utilities

The utility has approved the combined Preliminary and Final Short Plat proposal only. There are no implied approvals of the utility engineering. Changes to the site layout may be required to accommodate the utilities. All water, sewer & storm drainage design review, plan approval and field

inspection shall be done through the Utility Developer Extension Agreement process, water application process, side sewer permit(s) and or storm drainage connection permits.

AUTHORITY: BCC 24.02, 24.04, 24.06
REVIEWER: Arturo Chi, Utilities

4. Significant Tree Retention

Fifteen percent of the diameter inches of all significant trees on the site are 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 to demonstrate that the required 15 percent of diameter inches is being retained.

AUTHORITY: Land Use Code Section 20.20.900 D and G
REVIEWER: Reilly Pittman, Development Services Department

B. CONDITIONS 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 prevent 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

Specific requirements are detailed below and will be shown on the final short plat map for this project:

a. Site Specific Items:

- i. Pedestrian easement along the eastern property line of the project site to incorporate the existing sidewalk. The Transportation Department will provide boundary limits and appropriate text to be shown on the final short plat map.
- ii. Driveway connection area to city right-of-way.

b. Miscellaneous:

- i. 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.
- ii. Vehicle and pedestrian sight distance must be provided per BCC 14.60.240 and 14.60.241.

AUTHORITY: Bellevue City Code 14.60; Transportation Department Design Manual; and Transportation Department Design Manual Standard Drawings TE-1, TE-3.
REVIEWER: Ray Godinez, Transportation Department

4. Pavement Restoration

The city's pavement manager has determined that this segment of Cascade Key will require a grind and overlay type 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 pavement restoration requirements will be specified for the right-of-way permit issued for this project.

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

REVIEWER: Tim Stever, Transportation Department

5. Access Location

The final short plat map will show an approved driveway location area. A note will state that no other driveway location can be used other than what has been shown on the final short plat map. In addition, the short plat map will include a note stating that no driveways are to be gated or otherwise obstructed for emergency vehicle access. All maintenance and repair of private access driveways are the sole responsibility of the property owner.

AUTHORITY: BCC 14.60.130

REVIEWER: Ray Godinez, Transportation Department

7. Tree Protection

To mitigate adverse impacts during all construction to the trees to be retained and trees on adjacent properties, the applicant must comply with the following:

- a. Clearing limits shall be established for retained trees within the developed portion of the site and within the public right-of-way, ***outside of the drip lines***. Six-foot chain link fencing with driven posts, or an approved alternative, shall be installed at the clearing limits (outside of the drip lines) prior to initiation of any clearing and grading.
- b. No excavation or clearing shall 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.
- c. Protection must also be provided for any trees on adjacent properties. Protection shall be provided around the portion of the drip lines that overhang the proposal property.

AUTHORITY: Bellevue City Code 23.76.060

REVIEWER: Reilly Pittman, Development Services Department

C. PRIOR TO FINAL SHORT PLAT MYLAR STAFF SIGNATURE:

1. Public Storm Easement Recorded

Prior to staff signature of the final short plat mylars the applicant shall

submit a copy of the recorded public storm utility easement.

AUTHORITY: Bellevue City Code Title 24
REVIEWER: Arturo Chi, Utilities

2. Survey Review

Prior to signature on a final short plat mylar the short plat shall be reviewed by Buck Harrison who is the City of Bellevue survey reviewer. Buck Harrison can be contacted at 425-452-4385.

AUTHORITY: Land Use Code Section 20.45B.130
REVIEWER: Reilly Pittman, Development Services Department

3. Tree Retention/Final Short Plat

Existing trees contribute substantially to the effectiveness and health of this system. The City of Bellevue urges the applicant to save as many trees as possible. The final short plat shall portray a minimum of 180.6 diameter inches of existing significant trees to remain, as proposed. 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* (recorded with King County). This Tree Preservation Plan must also contain the following note:

”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: Reilly Pittman, Development Services Department

Attachments:

1. Site Survey, Plans, and Easements – In project file

Kirby Short Plat Vicinity Map

