



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

Proposal Name: Holler Preliminary Short Plat

Proposal Address: 3273 W. Lake Sammamish Pkwy SE

Proposal Description: Application for Preliminary Short Plat approval to subdivide a 35,015 SF site (.80 acres) into 4 single family building lots, located in the R-5 zoning district.

File Number: 09-113393-LN

Applicant: Jan Holler

Decisions Included: Preliminary Short Plat (Process II)

Planner: Sally Nichols, Associate Planner

State Environmental Policy Act Threshold Determination: Exempt

Department Decision: Approval with Conditions

Sally Nichols

Sally Nichols, Associate Planner
Development Services Department

Application Date: May 12, 2009
Notice of Application: June 18, 2009
Minimum Comment Period: July 2, 2009 (14 days)
Decision Publication Date: December 3, 2009
Appeal Deadline: December 17, 2009 (14 days)
Expiration Date: December 17, 2010 (LUC 20.45B.150)

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Attachments:
Project Drawings

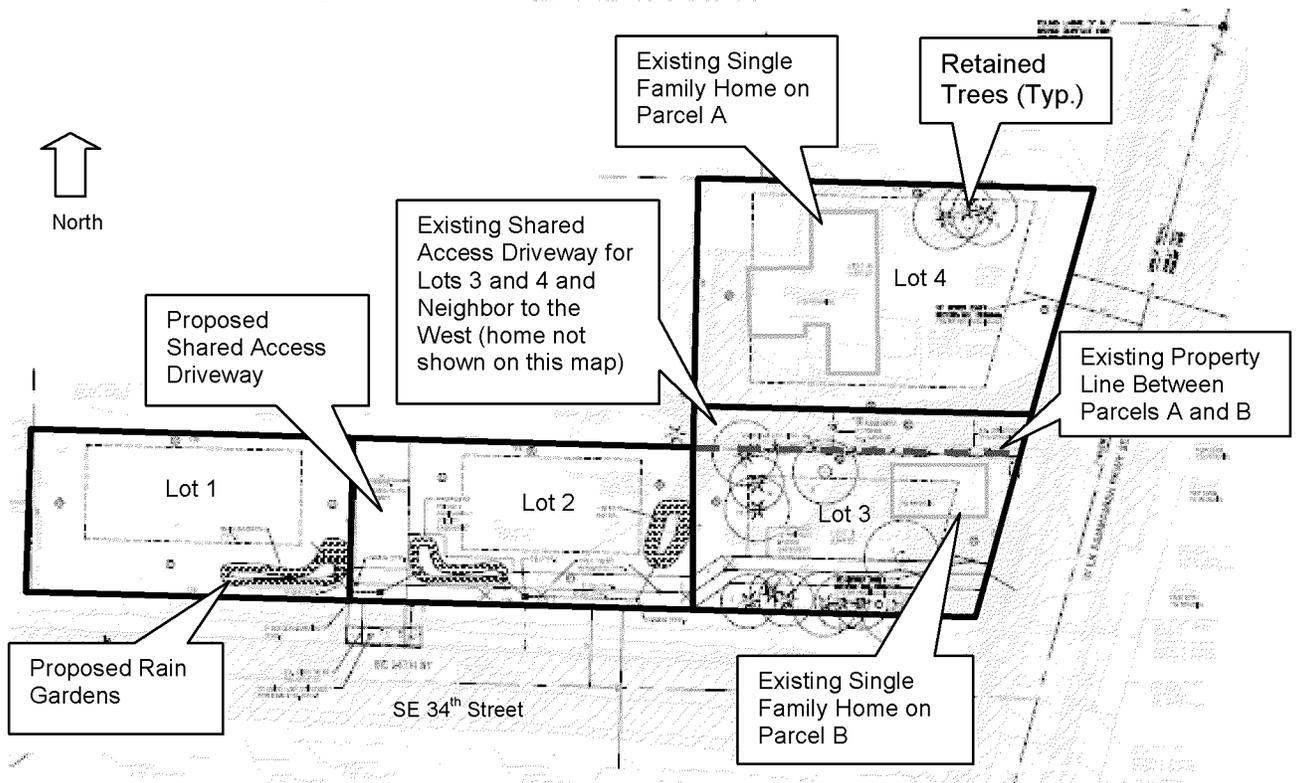
I. DESCRIPTION OF PROPOSAL

The applicant is proposing to short plat two existing single family lots (Parcel A and Parcel B) into four single-family building lots. Refer to Figure 1 – Preliminary Short Plat Site Plan below and Figure 2 – Aerial Photograph/Existing Conditions in Section II of this report.

Existing Parcel B will be divided into three new lots – proposed Lots 1, 2, and 3. The existing single family residence will remain on proposed Lot 3 and access will be maintained via the existing driveway directly off of West Lake Sammamish Parkway SE. Lots 1 and 2 will be accessed off of SE 34th Street via one curb cut and a shared driveway.

Proposed Lot 4 is on Parcel A and the existing single-family residence will remain. The current size of Parcel A will be reduced by approximately 1,800 SF by shifting the southern property line to the northern side of the existing driveway. The driveway will continue to provide access to proposed Lot 4 and to the home on the adjacent property at 3265 West Lake Sammamish Parkway SE (this lot is not included in this proposal).

Figure 1 – Preliminary Short Plat Site Plan



The applicant will be able to retain approximately 62% or 165 inches of the 265 total diameter inches of the significant trees on the site. Surface runoff for the newly created Lots 1 and 2 will be collected in rain gardens that will be connected to the existing public storm drainage system along SE 34th Street. There is also a current city project CIP PW-R-141, which will include frontage improvements to West Lake Sammamish Parkway SE

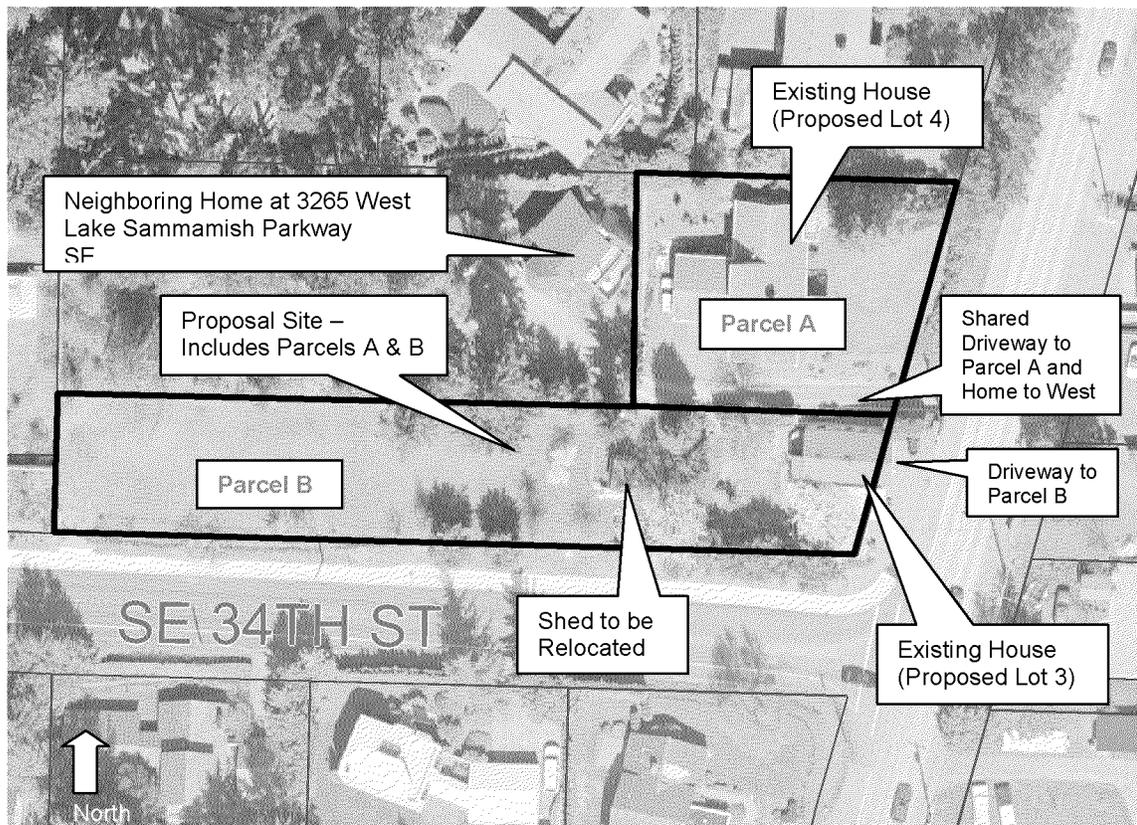
and SE 34th Street. Refer to the Transportation Department technical review in Section V of this report for additional information regarding how this CIP project will impact this short plat proposal.

II. SITE DESCRIPTION AND CONTEXT

The entire proposal site is 35,015 square feet (0.80 acres) within the Newcastle Subarea. The surrounding neighborhood is comprised of single family homes within the R-5 zoning district. Two, single family lots make up the proposal site; referred to as Parcels A and B. Refer to Figure 2 – Aerial Photograph/Existing Conditions below. Both parcels are accessed off of West Lake Sammamish Parkway SE, a minor arterial street. Parcel B is also located at the intersection of SE 34th Street and West Lake Sammamish Parkway. SE 34th Street is a heavily used street that carries vehicles between the Eastgate/I-90 corridor and Lake Sammamish.

Parcel A: Parcel A, the northernmost lot, has an area of 13,401 SF and is occupied by one 2-story, wood frame single family home, which will remain. This structure, however, is currently legally non-conforming due to the fact that a small portion of the western building façade intrudes into the rear setback. This short plat proposal will not result in a greater non-conformity for this structure and there are no plans for any changes to the structure included in this short plat application. The house

Figure 2 - Aerial Photograph/Existing Conditions



and the neighboring home to the west at 3265 West Lake Sammamish Parkway gain access from West Lake Sammamish Parkway SE via a shared driveway and access easement, which will remain in place. The topography of Parcel A rises up gently from West Lake Sammamish Parkway SE, allowing for easterly views from the house out to Lake Sammamish. There are three significant trees on this property.

Parcel B: Parcel B is a 21,561 SF corner lot that lies at the intersection of West Lake Sammamish Parkway SE and SE 34th Street. This existing 2-story home will remain. The home is non-conforming with respect to setbacks. The eastern façade of the house lies within the front setback and the northern facade lies within the side setback, which includes the 10-foot setback from the existing recorded access easement. There are no plans for any changes to the structure included in this short plat application, and the proposed short plat will not result in a greater non-conformity. There is also an existing shed located to the west of the house that will need to be relocated onto Lot 3 so that the setback requirements for proposed Lots 2 and 3 can be met. **Refer to Condition of Approval regarding the relocation of the existing shed in Section IX of this report.**

The topography of the eastern third of Parcel B (proposed Lot 3) rises up from West Lake Sammamish Parkway SE and contains twelve of the significant trees to be retained with this proposal. Parcel B then flattens out to the west along SE 34th

Figure 3 – Parcel B Looking East



View of Proposed Lots 1 and 2 taken on SE 34th Street (looking east toward Lake Sammamish)

Street. This area was once an orchard and is now covered with lawn and a few older, declining fruit trees. This relatively level part of Parcel B will become proposed Lots 1 and 2 – Refer to Figure 2 – Aerial Photograph/Existing Conditions and Figure 3 – Parcel B Looking East below.

Although there is some change in elevation, neither Parcel A or Parcel B contain any critical area steep slopes or any other critical areas, critical area buffers or protected areas as defined by Land Use Code 20.25H.

III. CONSISTENCY WITH ZONING and LAND USE CODE REQUIREMENTS

A. Zoning

The Comprehensive Plan, Newcastle Subarea Plan Map shows the land use designation on this site to be Single Family-High (with a permitted density of 5 units per acre). The area is zoned R-5 and the four proposed lots will all meet the dimensional requirements of this zoning district. Refer to Figure 4 – Zoning Map below.

Figure 4 - Zoning Map



B. Consistency with Land Use Code Requirements

<u>BASIC INFORMATION</u>		
Zoning District	R-5 Newcastle Subarea Comprehensive Plan Designation: Single-Family High (SF-H)	
Gross Site Area	35,015 SF	
ITEM	REQ'D/ALLOWED	PROPOSED
Minimum Lot Area	7,200 SF per lot LUC 20.20.010	Lot 1: 7,200 SF Lot 2: 7,561 SF Lot 3: 8,645 SF Lot 4: 11,557 SF Meets LUC requirements
Minimum Lot Width	60 Feet LUC 20.20.010	Lot 1: 60 Feet (approx.) Lot 2: 60 Feet (approx.) Lot 3: 75 Feet (approx.) Lot 4: 85 Feet (approx.) Meets LUC requirements
Minimum Lot Depth	80 Feet LUC 20.20.010	Lot 1: 120 Feet (approx.) Lot 2: 126 Feet (approx.) Lot 3: 106 Feet (min./approx.) Lot 4: 125 Feet (min./approx.) Meets LUC requirements
Building Setbacks Front Yard Rear Yard Min. Side Yard 2 Side Yards	20 Feet 20 Feet 5 Feet 10 Feet LUC 20.20.010 LUC 20.20.560 LUC 20.50.036	Lot 1: Meets LUC requirements Lot 2: Meets LUC requirements Lot 3: Legally non-conforming - existing intrusion of home into front and side setbacks. Non-conforming shed to be relocated. Lot 4: Legally non-conforming – existing intrusion of home into rear setback. This proposal will not increase the non-conformity of the existing homes on Lots 3 & 4. Meets LUC requirements <u>Refer to Condition of Approval regarding relocation of existing shed in Section IX of this report.</u>

ITEM	REQ'D/ALLOWED	PROPOSED
Access Easement Setback	10 Feet from any access easement unless a greater dimension is specified LUC 20.20.010 Note (17)	10 Feet Meets LUC requirements
Lot Coverage by Structure	Maximum: 40% Lot 1: 2,880 SF (7,200 SF lot) Lot 2: 3,024 SF (7,561 SF lot) Lot 3: 3,458 SF (8,645 SF lot) Lot 4: 4,622 SF (11,557 SF lot) LUC 20.20.010	Lot 1: N/A (no structures on-site) Lot 2: N/A (no structures on-site) Lot 3: 873 SF (10%) – includes the 120 SF shed currently on proposed Lot 2 which will be relocated to proposed Lot 3. Lot 4: 2,066 SF (18%) Meets LUC requirements
Maximum Impervious Surface	Maximum: 55% Lot 1: 3,960 SF (7,200 SF lot) Lot 2: 4,159 SF (7,561 SF lot) Lot 3: 4,755 SF (8,645 SF lot) Lot 4: 6,356 SF (11,557 SF lot) LUC 20.20.010	Lot 1: N/A (no impervious surface on-site) Lot 2: N/A (no impervious surface on-site) Lot 3: 3,537 SF or 41% - includes the 120 SF shed currently on proposed Lot 2 which will be relocated to proposed Lot 3. Lot 4: 4,028 SF or 35% Meets LUC requirements
Tree Retention	265 diameter inches on-site Required: 15% of 265 diameter Inches = 40 diameter Inches retained (minimum) LUC 20.20.900	165 diameter Inches Retained = 62 % Retained Meets LUC requirements <u>Refer to Conditions of Approval regarding tree protection and tree retention/final short plat in Section IX of this report.</u>

IV. STATE ENVIRONMENTAL POLICY ACT (SEPA)

There are no critical areas on this proposal site. Short Plats not containing Critical Areas are exempt from SEPA review pursuant to WAC 197-11-800(6)(a) and BCC 22.02.032. Therefore, the project Holler Preliminary Short Plat proposal is **EXEMPT**.

V. SUMMARY OF TECHNICAL REVIEWS

A. Utilities Review

The preliminary short plat application has been reviewed and no further utility revisions are needed. The Utility Department approval of the preliminary short plat application is

based on the conceptual utility design only, using “low impact development” techniques. This conceptual review of the proposal has no implied approvals of the engineering design and specifications. **Refer to Condition of Approval regarding the utilities department approval in Section IX of this report.**

B. Transportation Review

The Transportation Department has reviewed the preliminary plans submitted for the Holler 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. Prior to final short plat approval, the developer must provide for 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 home prior to building permit issuance 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.

Site Access

Access to proposed Lots 1 and 2 shall be from a new joint use driveway off of SE 34th Street (as shown on preliminary short plat plans submitted May 12, 2009). Access to proposed Lots 3 and 4 will be from two separate driveways off of West Lake Sammamish Parkway SE as designed per city project CIP PW-R-141. No other access connection to city right-of-way is authorized.

The joint use driveway width for Lots 1 and 2 will be a minimum of sixteen feet dependent upon final approval by the Fire Department (they may require additional width). All driveway designs shall be per the City’s Transportation Department Design Manual Standard Drawing DEV-7A.

Addressing for Lots 1 and 2 shall be from SE 34th Street. Addressing for Lots 3 and 4 shall remain the same (from West Sammamish Parkway SE).

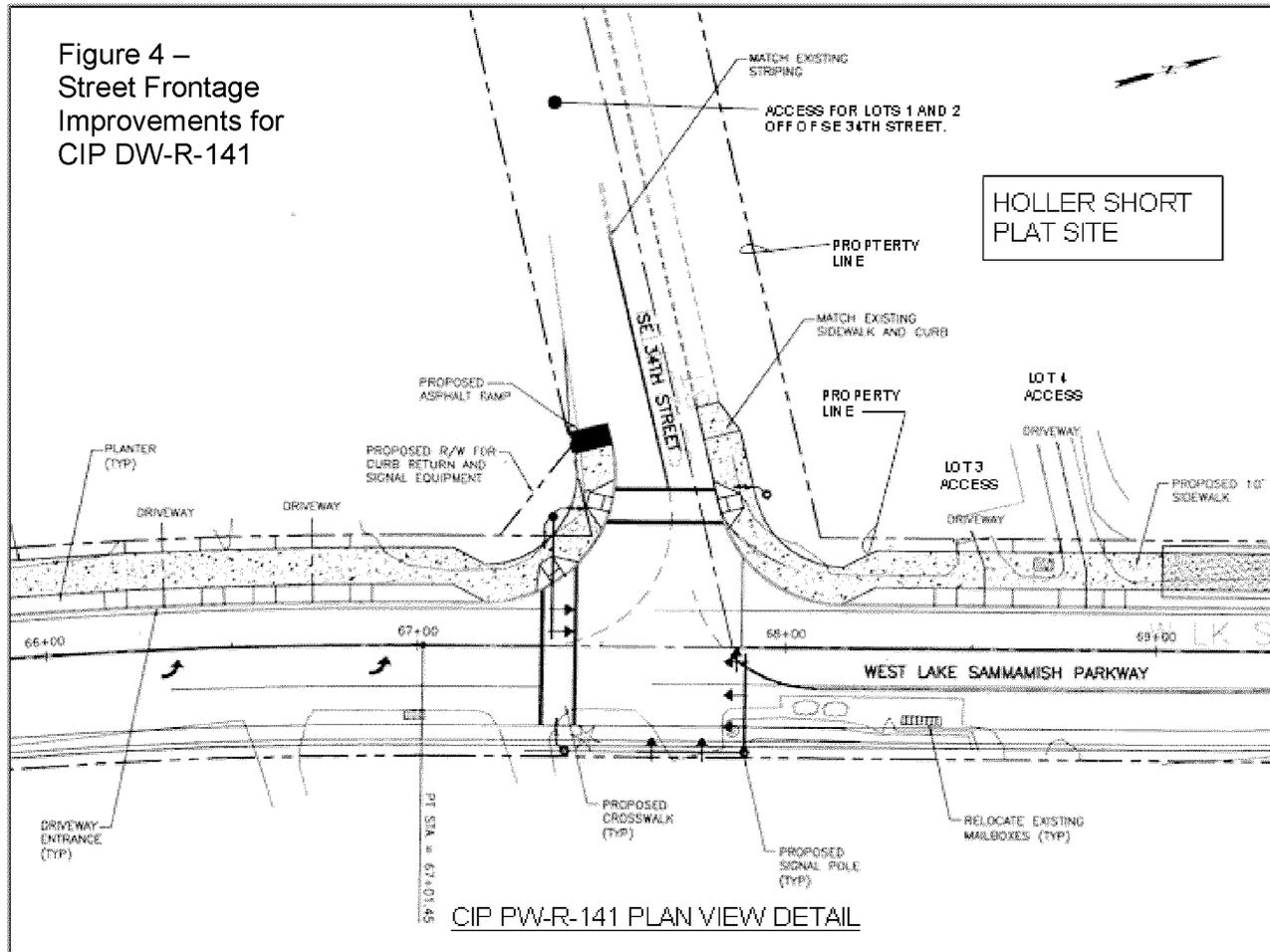
Refer to Condition of Approval regarding access design and maintenance in Section V of this report.

Street Frontage Improvements

Bellevue City Code (BCC) section 14.60.110.A states that installation of street frontage improvements is required prior to final approval of short subdivisions.

BCC section 14.60.110.B states “Complete street frontage improvements shall be installed along the entire street frontage of the property at the sole cost of the permittee as directed by the Review Engineer. Street frontage improvements may include curb, gutter, sidewalk, storm drainage, street lighting, traffic signal equipment, utility installation or relocation, landscaping strip, street trees and landscaping irrigation, street widening, and channelization.”

Figure 5 – Street Frontage Improvements for CIP DW-R-141



Per BCC section 14.60.110.C, the City will require payment to city project CIP PW-R-141 in lieu of actual construction of required frontage improvements on West Lake Sammamish Parkway and SE 34th Street as shown below. (Required frontage improvements consist of all improvements adjacent to the project site's property lines). The applicant will be responsible for all damage to city infrastructure caused by construction activity related to this development. **Refer to Condition of Approval regarding engineering plans and infrastructure improvements in Section V of this report.**

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 a demolition permit. **Refer to Conditions of Approval regarding a right of way use permit and off-street parking in Section IX of this report.**

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 West Lake Sammamish Parkway SE is classified as a "Standard Trench" restoration street and SE 34th Street is classified as an "Overlay Required" street. For "Standard Trench" restoration the applicant may use the "T" type pavement restoration techniques shown in Design Manual drawings ROW-1, ROW-3, and ROW-4. For "Overlay Required" restoration the applicant may have to provide a full grind and overlay extending 25 feet from each side of the trench cut for the full width of the street.

Ultimate pavement restoration requirements will be specified by the City's Right of Way Manager via a right-of-way permit. **Refer to Condition of Approval regarding pavement restoration in Section IX of this report.**

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. This project will create two new PM Peak hour trips. There is adequate capacity within the adjacent street system to accommodate said new trips.

Existing access for Lots 1 and 2 (on West Lake Sammamish Parkway SE) are closer than the recommended clear distance from the nearest parallel street (SE 34th Street) as specified in BCC 14.60.150.K (150 feet). The code does allow for reduction of the 150 foot clear distance due to restricting site conditions. For the Holler Short Plat, restricting site conditions include steep grades and a short length of frontage on West Lake Sammamish Parkway SE (approx. 160 feet). In addition, the design of city project PW-R-141 will greatly enhance safety conditions involving the ingress and egress from lots 3 and 4 with traffic on the adjacent streets by signaling the intersection of SE 34th Street and Lake Sammamish Parkway SE.

Access for proposed Lots 1 and 2 on SE 34th Street meet all transportation code requirements.

C. Fire Department Review

The fire department has reviewed the submitted plans and has approved the Preliminary Short Plat proposal only without conditions.

D. Clearing and Grading Department

The Clearing and Grading has reviewed the submitted plans and has approved the preliminary short plat without conditions. A Clearing and Grading Permit (GE Type) is required for the construction of the road, driveways and the utilities of this short plat.

VI. PUBLIC COMMENT

The City initially notified the public of this proposal on June 18, 2009 with mailed notice and publication in the Weekly Permit Bulletin. A public information sign was installed on the site the same day. Two written comments were received via email on the proposal at the time of this writing. Copies of these emails are in the project file at City Hall. The following is a summary of the main issues identified by the interested parties, along with the City's response:

1. *Issue/Question:* How will adjacent properties be protected?

Response: City of Bellevue development codes are in place to protect surrounding properties from any development. For example, during the preliminary short plat review, the applicant must identify all applicable dimensional requirements, including the setbacks and lot dimensions, to assure that each lot is of legal shape, size and distance from adjacent properties. The setbacks and configurations of the four proposed lots are shown on the Preliminary Short Plat drawing in Figure 1 in Section I of this report. Note that the rear setback for proposed Lot 1 will be along the western property line, thus ensuring that any new structure will be at least 20 feet away from the shared property line with the adjacent home to the west.

Approval of the preliminary short plat and final short plat does not take into consideration the design of any future buildings. When the single family homes submit plans for permits, the structures will be required to comply with the dimensional requirements, including lot coverage by structure and maximum total impervious surface, for the R-5 zoning district. Specific construction permits for new homes or home improvements would be subject to the construction codes in place at the time of application.

A minimum of 15% of the total diameter inches of the existing trees on site must be retained and protected during construction. The Holler Preliminary Short Plat will retain 62% of the existing trees, primarily on proposed Lots 3 and 4.

During construction, construction hours and noise are regulated by Bellevue City Code (BCC) 9.18. In addition, to control construction traffic (among other things) the applicant is required to obtain a right-of-way use permit.

Refer to Section III and Conditions of Approval regarding construction noise, right-of-way use permit, tree protection and tree retention/final short plat in Section IX of this report.

2. *Issue/Question:* How will drainage patterns affect homes to the west of Lot 1?

Response: Because of the existing slope of the property and general sloping of the entire neighborhood to the east down to Lake Sammamish, surface water on the sites will drain to the south and the east and should not impact any neighboring homes to the west or the north.

3. **Issue/Questions:** *How does the project address the impacts of noise and headlights on adjacent properties; particularly those to the west?*

Response: By placing the shared access driveway in between proposed Lots 1 and 2, a house will most likely effectively block any headlights to the adjacent property to the west. However, to help ensure the screening of headlights, particularly if Lot 2 is developed before Lot 1, the applicant will be required to provide landscape screening in the form of large shrubs along the western property line of proposed Lot 1. **Refer to Condition of Approval regarding a landscape plan in Section IX of this report.**

4. **Issue/Question:** *There is already excessive traffic on SE 34th Street. How can a new driveway be allowed to access this street.*

Response: The applicant has lessened the impact of access to proposed Lots 1 and 2 by combining access in one shared driveway and curb cut. The location of the shared driveway on SE 34th Street is consistent with the development patterns of surrounding homes located on this street. This reduces potential conflict points with SE 34th Street and the new lots.

Area wide Level of Service (LOS) for this area (East Bellevue) is currently rated "C". This indicates that some delays to motorists will occur during AM and PM peak hours but that generally, traffic does not come to a complete standstill (LOS F). Nearby system intersections are operating at LOS "C" or better which further indicates that the capacity of the adjacent street system is adequate to accommodate the new trip generation created by the Holler Short Plat. (Two additional PM peak hour trips will be negligible to the overall traffic conditions in this area).

Transportation Project CIP PW-R-141 will signalize the intersection of SE 34th Street and West Lake Sammamish Parkway. Upon completion of this project, traffic flow adjacent to the Holler Short Plat will become more regulated; increasing efficiency of traffic movements including ingress /egress from the Holler Short Plat.

5. **Issue/Questions:** *Will existing utility and access agreements remain in place so that adjacent homeowners will still be able to access their property?*

Response: The existing easements will remain in place. They run with the land and they are shown on the preliminary short plat drawing. In addition, they will be shown on the recorded final plat map.

VII. **DECISION CRITERIA:**

Land Use Code 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.**

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. Only one new curb cut will be allowed on SE 34th Street. **Refer to Conditions of Approval regarding infrastructure improvements and access design and maintenance in Section IX of this report.**

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 vegetated character of the surrounding neighborhood. There are no critical areas on this site that require further protection and the new Lots 1 and 2 are on a section of Parcel B that is relatively flat. The applicant will be required to plant large shrubs along the western property line of proposed Lot 1 prior to Final Short Plat approval to provide screening between the Holler property and the adjacent neighbor to the west.

Refer to Conditions of Approval regarding tree protection, tree retention, the landscape plan, landscape installation of screening shrubs, and the landscape installation and maintenance security device in Section IX 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.**

Development Standards

Response: As conditioned, 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:** *Refer to Section III.A. of this report for dimensional requirements.*

Response: All of the lots shown can be developed in accordance with the City of Bellevue Land Use Code requirements, including the R-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 40 diameter inches of the 265 diameter inches of the existing significant trees.*

Response: The applicant proposes to preserve a total of 165 diameter inches or 62% of the significant trees onsite. This satisfies the minimum 15% tree retention requirements. **Refer to Conditions of Approval regarding tree protection and tree retention on the final plat in Section IX of this report.**

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

Response: The site is located within the Newcastle subarea. The Comprehensive Plan specifies Single-Family High (SF-H) Residential development for this property, which is consistent with the R-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 for two new single family residential lots and will maintain two existing single family homes. The new homes that will be constructed on the lots 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: The four lots proposed as a result of this short plat are the maximum number of lots allowed on an R-5 lot of this size.

Newcastle Policy S-NC-11: *Promote infill development at a density consistent with the existing character of established neighborhoods.*

Response: The single family residential use and dimensional requirements are compatible with the surrounding neighborhood, which consists entirely of single family homes in the R-5 zoning district.

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 eventually add two new single family homes which are, 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 62% of the 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, all lots can reasonably be developed to current R-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. Refer to Condition of Approval regarding variance restriction in Section IX of this report.

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

Response: 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 either existing, planned or conditioned as part of this approval to accommodate the use of these lots. Refer to Conditions of Approval regarding infrastructure improvements, utilities department approval and access design and maintenance in Section IX of this report.

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 the Development Services Department does hereby **APPROVE** the Holler 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:**

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 & Ordinances

Clearing & Grading Code – BCC 23.76
Construction Codes – BCC Title 23
Fire Code – BCC 23.11
Land Use Code – BCC Title 20
Noise Control – BCC 9.18
Sign Code – BCC Title 22
Transportation Develop. Code – BCC 14.60
Traffic Standards Code 14.10
Right-of-Way Use Code 14.30
Utility Code – BCC Title 24

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Tim Stever, (425) 452-4294
Rob Hutchinson, (425) 452-7903

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.

AUTHORITY: Land Use Code 20.45B.130.A.6
REVIEWER: Sally Nichols, Land Use

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: Sally Nichols, Land Use

3. Utilities Department Approval

Utilities Department approval is based on the preliminary utility design only. Final civil engineering of the utility design may require changes to the site layout to accommodate the utilities. A Storm Developer Extension Agreement is required for the engineering review and inspection of the short plat storm utility improvements. Detention, water quality and nutrient treatment for the Storm system are triggered by the addition of over 5000 sq ft of net new impervious area in the drainage basin tributary to Lake Sammamish. Water meter applications and fees are required for each new lot and a multiuse side sewer permit for the short plat, along with a side sewer permit for each new house connection. The Developer Extension Agreement booklet(s) and submittal requirements are available from the Utility Representative at the Permit Center.

AUTHORITY: Bellevue City Code Title 24.02, 24.04, 24.06.120
REVIEWER: Rob Hutchinson, Utilities Engineering

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, Right-of-Way/Transportation

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, Right-of-Way/Transportation

3. Engineering Plans

A site (civil engineering) plan produced by a qualified engineer must be approved by the City prior to clear and grading permit approval. The plan must make reference to CIP PW-R-141 for required street frontage improvements as shown section V.C. (Street Frontage Improvements) of this report. The applicant shall obtain the most update design drawings for PW-R-141 (as it relates to the Holler Short Plat) and include them in the clear and grade plan set. Also, the plans must show the joint use driveway for Lots 1 and 2 per DEV-7A and any anticipated pavement restoration.

AUTHORITY: Bellevue City Code 14.60.110
REVIEWER: Ray Godinez, Transportation

4. Pavement Restoration

The city's pavement manager has determined that West Lake Sammamish Parkway SE and SE 34th Street will require 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 and Design Manual Design Standard # 21

REVIEWER: Tim Stever, Right-of-Way/Transportation Department

5. 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 driplines) 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 driplines that overhang the proposal property.
- d) Tree protection signage shall be installed on tree protection fencing for each group of trees required for retention. Installation of these signs shall be inspected by the land use planner **prior** to issuance of any plat engineering and/or clear and grade permits. Contact Sally Nichols at [425-452-2727](tel:425-452-2727)/spnichols@bellevuewa.gov to obtain tree protection signs and to schedule an inspection.

AUTHORITY: Bellevue City Code 23.76.060

REVIEWER: Sally Nichols, Land Use

C. PRIOR TO FINAL SHORT PLAT APPROVAL:

1. Infrastructure Improvements

- a) Submittal of \$12,000 dollars to the project fund of CIP PW-R-141.
- b) Construction of a joint use driveway for lots 1 and 2 per DEV-7A on SE 34th Street.

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. Partial reductions of the financial assurance device will not be approved except in special circumstances, determined in advance, such as phased projects. For the Holler Short Plat the construction of the joint use driveway on SE 34th Street are eligible for bonding provisions mentioned above. Monetary contribution to PW-R-141 cannot be postponed in any way prior to final short plat approval.

Improvements must be approved by the Transportation Department inspector before they are deemed complete. At completion of all transportation infrastructure items, the developer may have to provide a two year maintenance assurance device equivalent to 20% of the value of the transportation infrastructure improvements, dating from the acceptance of the improvements.

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

2. Access Design and Maintenance

The final Subdivision map must include a note that specifies that the owners of lots served by a joint use driveway are jointly responsible for maintenance and repair of the joint use driveway. Also, the final Subdivision map must include a note that specifies that the driveways serving this short plat shall not be gated or obstructed for emergency access.

AUTHORITY: BCC 14.60.130

REVIEWER: Ray Godinez, Transportation

3. Relocation of Existing Shed

The applicant shall relocate the existing shed on proposed Lot 2 on to proposed Lot 3. The new location shall be in conformance with the requirements for detached accessory structures and applicable setbacks for R-5 lots.

AUTHORITY: LUC 20.20.125 and 20.20.010

REVIEWER: Sally Nichols, Land Use

4. 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 168 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: Sally Nichols, Land Use

5. Landscape Plan

The applicant must submit a landscape plan that identifies the placement, spacing, plant type, and plant size at time of planting for the following:

- a) The tall shrub hedge planted for screening along the western property line of proposed Lot 1.
- b) The three proposed rain gardens on proposed Lots 1 and 2.

AUTHORITY: LUC 20.45B
REVIEWER: Sally Nichols, Land Use

6. Landscape Installation of Screening Shrubs and Rain Gardens

The landscape screening, shown on the preliminary short plat along the western property line, shall be installed per the submitted Landscape Plan during plat engineering and prior to issuance of the Final Short Plat.

AUTHORITY: LUC 20.45.B
REVIEWER: Sally Nichols, Land Use

D. PRIOR TO BUILDING PERMIT ISSUANCE

1. Landscape Installation and Maintenance Security Device:

The applicant must submit a combined Landscape Installation and Maintenance Assurance Device in the amount of 100 percent of the costs of the landscape work (shrubs along the western property line of proposed Lot 1 and planting of rain gardens); including labor and materials, based on an outline of costs submitted to the City by the applicant's landscape contractor. The security may be released after the vegetation has successfully been installed and maintained for a period of one year and inspected by the Land Use reviewer.

AUTHORITY: LUC 20.30P.160, 20.40.490
REVIEWER: Sally Nichols, Land Use

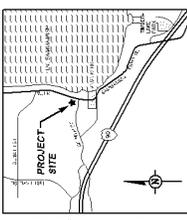


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 1215 NW 14th Street, Suite 3
 Everett, WA 98207
 Tel: 425-331-1017
 Fax: 425-331-1017

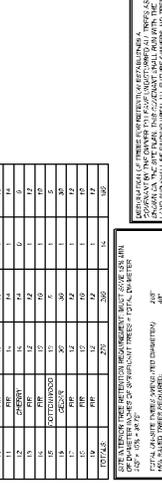
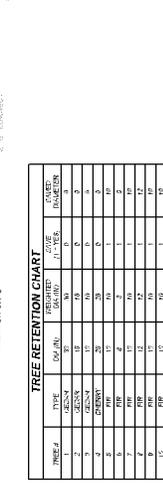
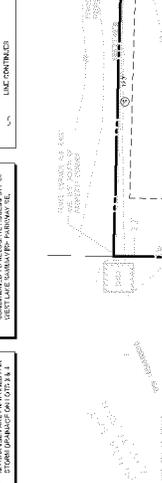
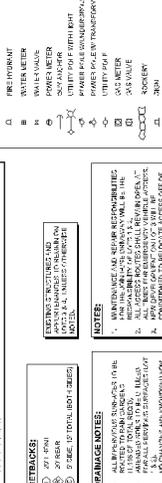
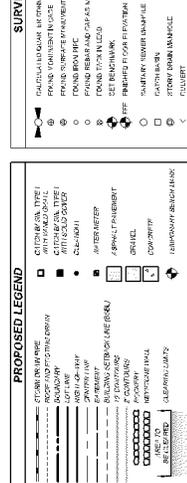
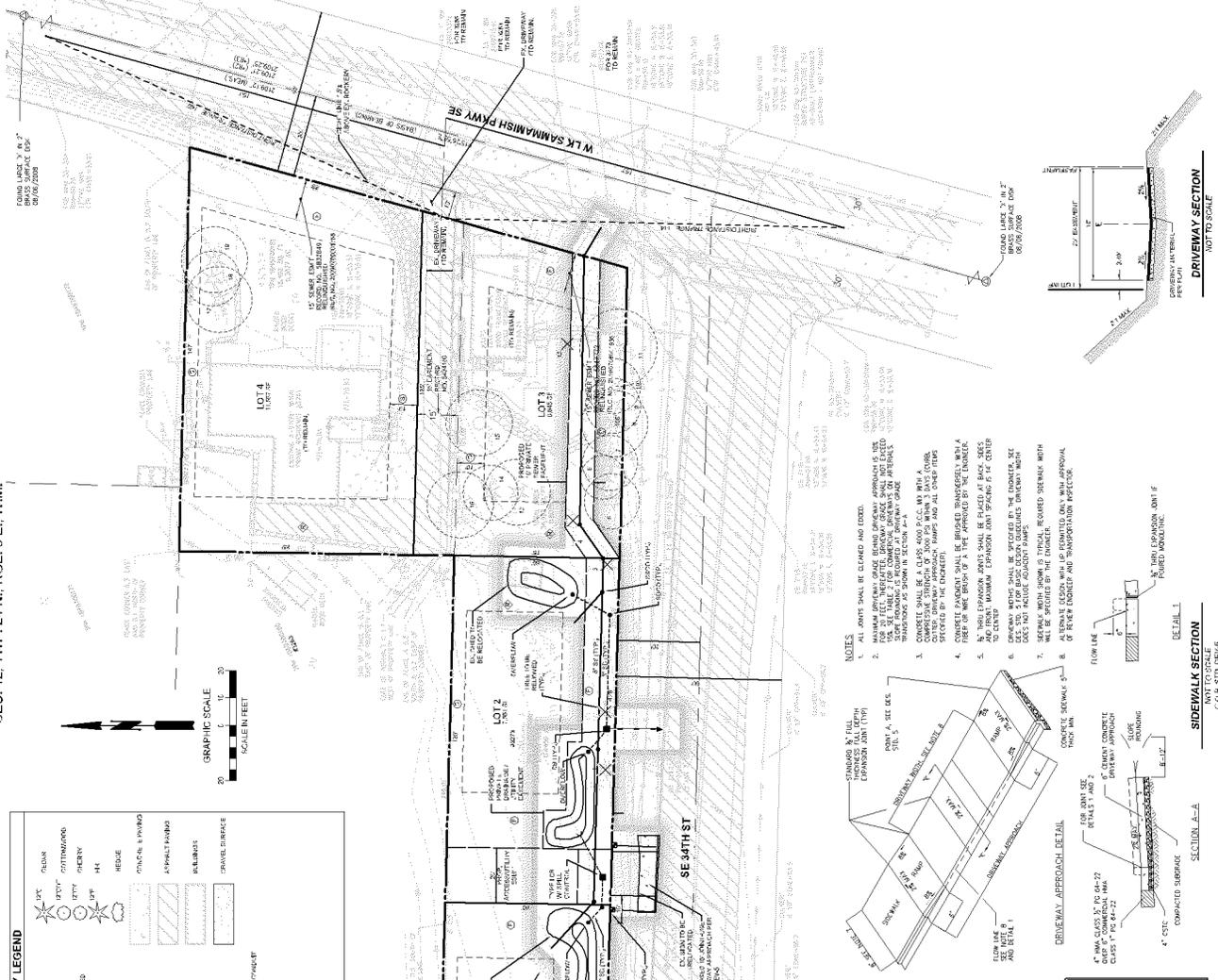
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Call 2 Working Days Before You Dig
1-800-424-5555
 Utilities (800 MIT AND OR WA)

CAUTION: Before you dig, call 800-424-5555 to locate underground utilities. It is the caller's responsibility to ensure that all utilities are properly marked and that the location of all utilities is accurately shown on the plan. The caller is responsible for any damage to utilities caused by excavation. The caller is also responsible for any damage to property caused by excavation. The caller is also responsible for any damage to the environment caused by excavation.



- REMARKS AND CONDITIONS:**
- ALL UTILITIES SHOWN ON THIS PLAN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO EXCAVATION.
 - ALL EXCAVATION SHALL BE PROTECTED BY SHIELDING OR SHIELDING EQUIVALENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES.
 - ALL EXCAVATION SHALL BE BACKFILLED WITH COMPACTED GRANULAR FILL TO ORIGINAL GRADE OR BETTER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES.
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NOTES:
 1. ALL JOINTS SHALL BE CLEANED AND FLOODED.
 2. MAXIMUM PERMITTED GRADE BEHIND DRIVEWAY APPROACH IS 15%.
 3. ALL DRIVEWAY APPROACHES SHALL BE CONCRETE ON A 4" COMPACTED GRANULAR FILL SUBGRADE.
 4. DRIVEWAY APPROACHES SHALL BE 12" WIDE.
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