



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

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**Date:** 04/11/13

**Proposal Name:** Huang Short Plat

**Proposal Address:** 441 140<sup>th</sup> Ave NE

**Proposal Description:** Subdivision of a 31,927 square foot single-family lot into two lots of 14,667 (Lot 1) and 17,260 (Lot 2) square feet.

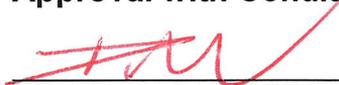
**File Number:** 12-127860-LN

**Applicant:** Thom Gebhard, Murray Franklin

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

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

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

  
\_\_\_\_\_  
David Pyle, Planner  
Development Services Department

Application Date: 11-02-12  
Notice of Application: 12-13-12  
Decision Publication Date: 04-11-13  
Appeal Deadline: 04-25-13

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For information on how to appeal a proposal, visit the Permit Center at City Hall or call (425) 452-6864 [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. DESCRIPTION OF PROPOSAL**

Subdivision of a 31,927 square foot single-family lot into two lots of 14,667 (Lot 1) and 17,260 (Lot 2) square feet. The site is located within the R-2.5 zoning district on the west side of 140<sup>th</sup> Ave NE and along a dead end private street, known as Sunset Lane, recently named as NE 5<sup>th</sup> Place. The proposed addresses for the new lots will be as follows: Lot 1 - 13990 NE 5TH PL, and Lot 2 - 13998 NE 5TH PL.

**II. SITE DESCRIPTION AND CONTEXT**

The site is flat and is accessed from NE 5<sup>th</sup> Place, a partially improved private street that takes access off of 140<sup>th</sup> Ave NE, a partially improved public street. Adjacent development consists of single-family homes. On site vegetation consists of maintained lawn, shrubs, and existing evergreen trees. There is an existing home on the site that will be demolished to allow for the division. The existing home must be demolished prior to approval of the final short plat mylar for recording,

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

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

**Protected Areas** – There are no protected areas on this site.

**B. Consistency with Standard Land Use Code Requirements**

<b>BASIC INFORMATION</b>		
<b>Zoning District</b>	R-2.5	
<b>Gross Site Area</b>	31,927 square feet	
<b>Protected Area</b>	None	
<b>ITEM</b>	<b>REQ'D/ALLOWED</b>	<b>PROPOSED</b>
<b>Dwelling Units</b>	2	2
<b>Minimum Lot Area</b>	13,500 square feet	14,667
<b>Minimum Lot Width</b>	80-feet	91.89-feet
<b>Minimum Lot Depth</b>	80-feet	159.63-feet
<b>Building Setbacks</b>		
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
<b>Tree Retention</b>	30% tree retention required	183 diameter inches to be preserved (31%)

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

There are no Critical Areas located on the subject property. Short Plats of 9 lots or less and not containing Critical Areas are exempt from SEPA review pursuant to WAC 197-

11-800(6)(a).

## **V. SUMMARY OF TECHNICAL REVIEWS**

### **A. Utilities Review**

Utility service is available to the proposed lots. The water, sewer and storm drainage systems shall be designed per Utility Codes BCC 24.02, 24.04, 24.06 and the Utilities Engineering Standards. The water, sewer and storm drainage systems shall be reviewed, approved and inspected under the water, sewer and storm drainage connection permit applications. Utility Department approval is for short plat only. There are no implied approvals of the conceptual utility design only. Final engineering plans may require changes to the site layout to accommodate the utilities. Engineering plans must be designed and stamped by a professional engineer licensed in the state of Washington and must conform to the Utilities Code and the Utilities Engineering Standards.

See related conditions of approval in Section IX.

### **B. Fire Department Review**

Future homes must meet City Of Bellevue Fire Code requirements.

See related conditions of approval in Section IX.

### **C. Transportation Department Review**

The Transportation Department has reviewed the plans submitted for the preliminary short plat and recommends approval. 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 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 Lots 1 and 2 will be from a private driveways connecting to Sunset Lane (private road off of 140th Avenue NE) as shown on the approved plans. No direct access connection to city right-of-way is authorized. The existing driveway which serves the existing house must be removed. Frontage improvements matching adjacent improvements must be provided at the location of the

removed driveway.

Driveway approaches for each lot shall be constructed per DEV-7B. Maximum driveway width is limited to 30 feet.

Street names and site addresses will be determined by the City's Parcel and Address Coordinator. The applicant will comply with all new addressing requirements at the direction of the City's Address & Parcel Coordinator.

### **Street Frontage Improvements**

This project does not front city right of way. Therefore, no street frontage improvements on 140th Avenue NE are required. The applicant will be responsible for all transportation-related improvements on Sunset Lane as needed to provide safe access.

### **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 140th Avenue NE is classified an Overlay Required street.

The applicant will be responsible for all damages to Sunset Lane caused by construction activity related to this short plat. Restoration of Sunset Lane will be at the discretion of the Transportation Inspector.

### **Sight Distance**

The access design shall meet the sight distance requirements of BCC 14.60.240. Vegetation shall be trimmed as needed within the sight triangle.

### **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 low trip generation from the new lot (10 additional daily trips, one new p.m. peak hour trip) and adequate street capacity of nearby city streets and intersections, traffic impacts from this short plat will be negligible.

## VI. PUBLIC NOTICE AND COMMUNITY INPUT

*Application Date:* November 11, 2012

*Public Notice (500 feet):* December 13, 2012, includes installation of sign

*Minimum Comment Period:* December 27, 2013

Notice of Application was published in the City of Bellevue's *Land Use Bulletin* and the on December 13, 2013. It was mailed to property owners within 500 feet of the project site and a Public Information Sign was installed on the project site on the same day.

Inquiries were made on the project by surrounding neighbors and members of the East Bellevue Community Council although no substantive comment regarding the projects compliance with City Codes and Standards was received. Comments were focused on compatibility of the project, orientation of the site's access, and the general degraded and unattractive current condition of the property.

Comments were responded to and no further communication was received. Response included a summary describing that the proposal, as filed was a proposal to divide one oversized residential lot into two standard sized residential lots and must comply with the short subdivision standards are located in the City of Bellevue Land Use Code (LUC) section LUC 20.45B. Commenters were informed that the project as proposed meets the standards of this section. The existing single family residence will be removed and two new residences will be constructed. I have attached a draft site plan for reference. Commenters were also assured that this specific property has not been part of any previous division and there is not statutory time limitation or requirement in effect, and that review of the application indicates the proposal not only meets the prescriptive code requirements of LUC 20.45B, but the spirit of the rule as well in that it forwards the goals/objectives of the City's Comprehensive Plan and provides for additional housing in an area well served by existing infrastructure.

## VII. DECISION CRITERIA

### **20.45B.130B- Decision Criteria for a Preliminary Short Plat:**

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

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

**Finding:** City codes ensure public health, safety and general welfare through development code requirements. Project review by all review divisions has found the project to be in compliance with City codes and the project approval includes specific conditions to ensure standards are met.

**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 preserving 30% of the significant trees.

**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.**

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

**Land Use Code Requirements**

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

20'	Front Yard Setback
25'	Rear Yard Setback
5'	Side Yard Setback
15'	Two Side Yard Setback
35'	Maximum Building Height
35%	Maximum Lot Coverage by Structure
50%	Maximum Impervious Surface Coverage
80'	Minimum Lot Width
80'	Minimum Lot Depth

**Finding:** All of the lots can be developed in accordance with the City of Bellevue Land Use Code requirements including the R-2.5 dimensional requirements.

See related conditions of approval in Section IX.

**B. Significant Tree Preservation:** The tree preservation requirements under LUC Section 20.20.520 to save 30 percent of significant trees on the site.

The applicant has identified significant trees on the site with a total of 591 diameter inches. In order to meet the 30% minimum retention requirement, the project must retain 177 diameter inches of significant trees and is proposing retention of 183 diameter inches.

**Finding:** Trees comprising of 177 diameter inches must be retained and must be identified on the final plat.

See related conditions of approval in Section IX.

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

**Finding:** The site is located within the Wilburton/NE 8<sup>th</sup> Street Subarea of the Comprehensive Plan. The Comprehensive Plan specifies single-family medium development for this property. The proposal complies with applicable Comprehensive Plan policies city-wide and for this Subarea.

Single family homes are, by use type, compatible with the surrounding neighborhoods. This proposal provides new housing as encouraged by the Comprehensive Plan (Policy LU-4). The proposed short plat provides housing for Bellevue's share of the regionally adopted demand forecasts for residential uses for the next 20 years (LU-3).

The proposal meets Comprehensive Plan polices to preserve existing vegetation on-site (EN-19), preserve sensitive areas on-site (EN-21-23), maintain good surface water quality (EN-33), restrict surface water runoff to predevelopment levels (EN-39), and provide traffic mitigation (TR-37).

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

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

**Finding:** Each lot can reasonably be developed to meet current dimensional standards for the R-2.5 land use district without requiring a variance. The proposed lots meet minimum standards for lot width, lot depth, and lot area of the R-2.55 land use zoning district. There are no environmental factors which further inhibit the development of this property that would warrant a variance.

See related conditions of approval in Section IX.

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

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

See related conditions of approval in Section IX.

## VIII. CONCLUSION AND DECISION

After conducting the various administrative reviews associated with this proposal, including applicable Land Use consistency, SEPA, City Code, and standard compliance reviews, the Director of Planning and Community Development does hereby **approve** the subject 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. The final short plat application may be made through the revision process for this permit.

## 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 and 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 Development Code – BCC 14.60  
Right of Way Use Code – BCC 14.30  
Transportation Department Design Manual  
Traffic Standards Code 14.10  
Utility Code – BCC Title 24

### A. GENERAL CONDITIONS

**1. Noise – Construction Hours.** The proposal will be subject to normal construction hours of 7am to 6 pm Monday through Saturday 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 PCD, work hours may be extended to 10 pm if the criteria for extension of work hours as stated in BCC 9.18 can be met.

AUTHORITY: Bellevue City Code 9.18  
REVIEWER: David Pyle, Development Services Department

**2. Time Limitation.** This preliminary short plat 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 the preliminary short plat approval unless the applicant has received an extension for the preliminary short plat pursuant to Land Use Code Section 20.45B.160.

AUTHORITY: Land Use Code Section 20.45B.150; 20.45B.160  
REVIEWER: David Pyle, Development Services Department

## **B. PRIOR TO FINAL SHORT PLAT APPROVAL**

**1. Variance/Modification Restriction.** Approval by the City of this short plat is a determination that each lot in the short plat can be reasonably developed in conformance with the Land Use Code requirements in effect at the time of preliminary short plat approval without requiring a variance. The following language shall be placed as a condition on the Final Short Plat document:

“Variance/modification 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: David Pyle, Development Services Department

**2a. Tree Preservation Plan.** A Tree Preservation Plan that portrays a future drip-line, and common name of each significant tree to be retained must be recorded with the final plat mylar. The Tree Preservation Plan must contain the following note on the final short plat document:

“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.”

**2b. Tree Tags.** Tree tags are required to be installed on all trees required for retention, and inspected prior to final short plat recording. Contact the land use planner to obtain the tree tags. Once the tags have been installed contact the land use planner below directly at (425) 452-2973 to inspect the tagged trees.

AUTHORITY: Land Use Code 20.20.520.E

REVIEWER: David Pyle, Development Services Department

### **3. INFRASTRUCTURE IMPROVEMENTS**

All street frontage and infrastructure improvements shown in the final engineering plans or required by city codes and standards must be either completed prior to approval of the final short plat or provided for with a financial assurance device. Completion of the top lift and all other transportation infrastructure items prior to completion of the homes associated with the development is allowed.

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.

Improvements must be approved by the Transportation Department inspector before they are deemed complete. At completion of all transportation infrastructure items, the developer must provide a one 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 Department (425) 452-7915

### **4. ACCESS DESIGN AND MAINTENANCE**

The final Subdivision map must include a note that specifies that the private driveways for lots 1 and 2 will remain open at all times for emergency and public service vehicles and shall not be gated or obstructed; and that the new lots share maintenance and repair responsibilities equally with all other property owners on Sunset Lane.

Huang 2-lot short plat  
File No. 12-127860-LN

AUTHORITY: BCC 14.60.130  
REVIEWER: Ray Godinez (425) 452-7915

**C. PRIOR TO ISSUANCE OF ANY BUILDING PERMIT**

**1. TREE PROTECTION**

To mitigate adverse impacts to trees to be retained during construction:

**a.** Clearing limits shall be established outside of the drip-line for retained tree within the developed portion of the site. A six-foot chain link fencing with driven posts, or an approved alternative, shall be installed at the clearing limits prior to initiation of any clearing and grading.

**b.** No excavation or clearing (including utility trenches) 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.

AUTHORITY: Bellevue City Code 23.76.060  
REVIEWER: David Pyle, Development Services Department

**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.
- k) Pavement restoration requirements.

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 prevents access. General materials storage and contractor convenience are not reasons for

Huang 2-lot short plat  
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preventing access.

AUTHORITY: Bellevue City Code 14.30  
REVIEWER: Tim Stever, Transportation Department (425) 452-4294

## **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 (425) 452-4294

## **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 (this requirement may be waived if the project qualifies for a “combo” short plat process). The design of all street frontage improvements must be in conformance with the requirements of the Americans with Disabilities Act, the Transportation Development Code, and the provisions of the Transportation Department Design Manual. The engineering plans must correctly show all transportation-related engineering details, including but not limited to, the design of the private driveways, the connection to Sunset Lane, pavement restoration in 140<sup>th</sup> Avenue NE and Sunset Lane, mailbox location, and sight distance. Appropriate standard drawings from the Transportation Department Design Manual must be included in the engineering plans.

Specific requirements are detailed below:

- a) Site Specific Items:
  - i) Single driveway approaches per DEV-7B.
  - ii) Address signing.
  - iii) Pavement Restoration on Sunset Lane.
- 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) The maximum cross grade of a street at the street end shall be 8%.
  - iii) 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  
REVIEWER: Ray Godinez, Transportation Department (425) 452-7915

## **4. SIGHT DISTANCE**

If necessary to meet the sight distance requirements of BCC 14.60.240 and standard drawing TE-1, existing vegetation near the access point on Sunset Lane must be trimmed. Ground vegetation within the sight triangle must be trimmed to no more than 2.5 feet above a line drawn from pavement level to pavement level. Trees within the sight triangle must be limbed up to a height of 7.5 feet above a line drawn from pavement level to pavement level. A description of any required vegetation trimming must be shown on a sheet of the clearing and grading plan set.

AUTHORITY: Bellevue City Code 14.60.240

REVIEWER: Ray Godinez, Transportation Department (425) 452-7915

## **5. PAVEMENT RESTORATION**

The city's pavement manager has determined that 140<sup>th</sup> Avenue NE and Sunset Lane (ne 5<sup>TH</sup> Place) will require pavement 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, Transportation Department (425) 452-4294

## **X. LIST OF ATTACHMENTS**

- A. Plans and Drawings, in file
- B. Vicinity Map, in file