



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

Proposal Name: Shin Short Plat

Proposal Address: 4488 Factoria Blvd SE

Proposal Description: Preliminary Short Plat approval to subdivide an existing parcel into two single family lots within the R-5 zoning district.

File Number: 13-112166-LN

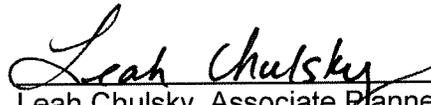
Applicant: Chang B Shin

Decisions Included: Preliminary Short Plat (Process II)

Planner: Leah Chulsky, Associate Planner

State Environmental Policy Act Threshold Determination: Exempt

Department Decision: Approval with Conditions



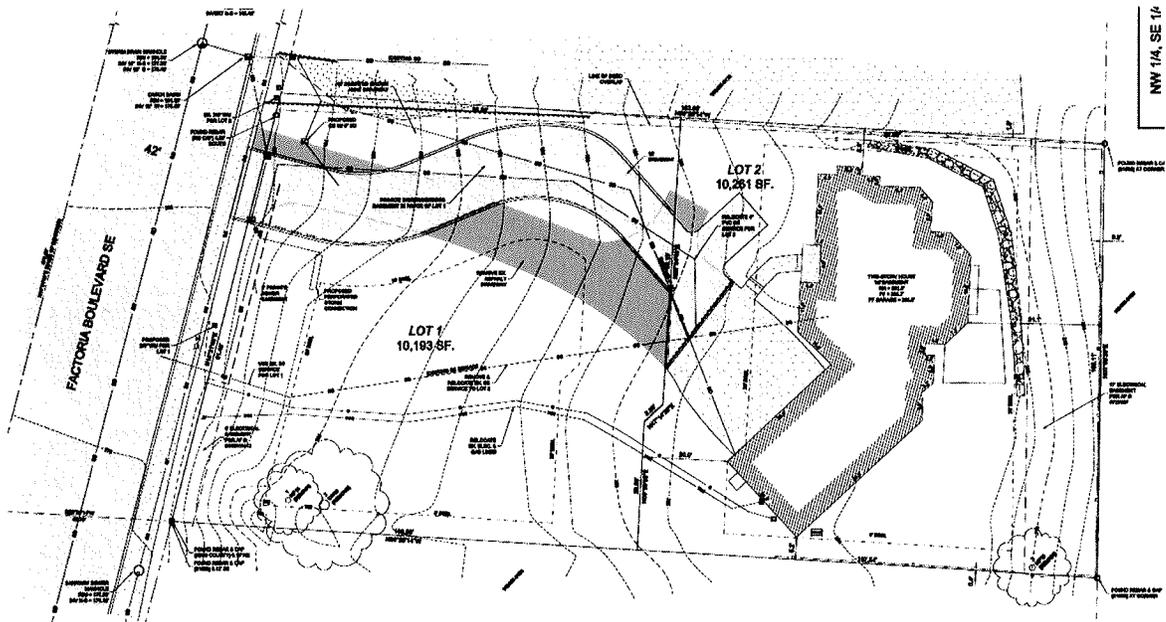
Leah Chulsky, Associate Planner
Development Services Department

Application Date: April 4, 2013
Notice of Application: May 2, 2013, 2014
Minimum Comment Period: May 16, 2014 (14 days)
Decision Publication Date: August 21, 2014
Appeal Deadline: September 4, 2014

I. DESCRIPTION OF PROPOSAL

The applicant is proposing to subdivide an existing parcel (20,454 square feet) into two single family lots. The site is zoned R-5 and is located within the Factoria Subarea. The site contains an existing single family residence which will remain. Access to the two lots will be via a joint use driveway off of Factoria Blvd SE.

Figure 1 – Preliminary Short Plat Proposal



II. SITE DESCRIPTION AND CONTEXT

The subject site is located within an existing single-family neighborhood, and is surrounded by single-family dwellings to the north, south and east with Newport High School to the west across Factoria Blvd SE. The property is located within the R-5 land use district and has a Comprehensive Plan designation of Single-Family High. The proposal aims to subdivide the existing 20,454 square foot parcel into two lots. The topography of the site slopes slightly downward from east to west. The site contains no Critical Areas as defined under LUC 20.25H.

Figure 2 – Aerial Photograph

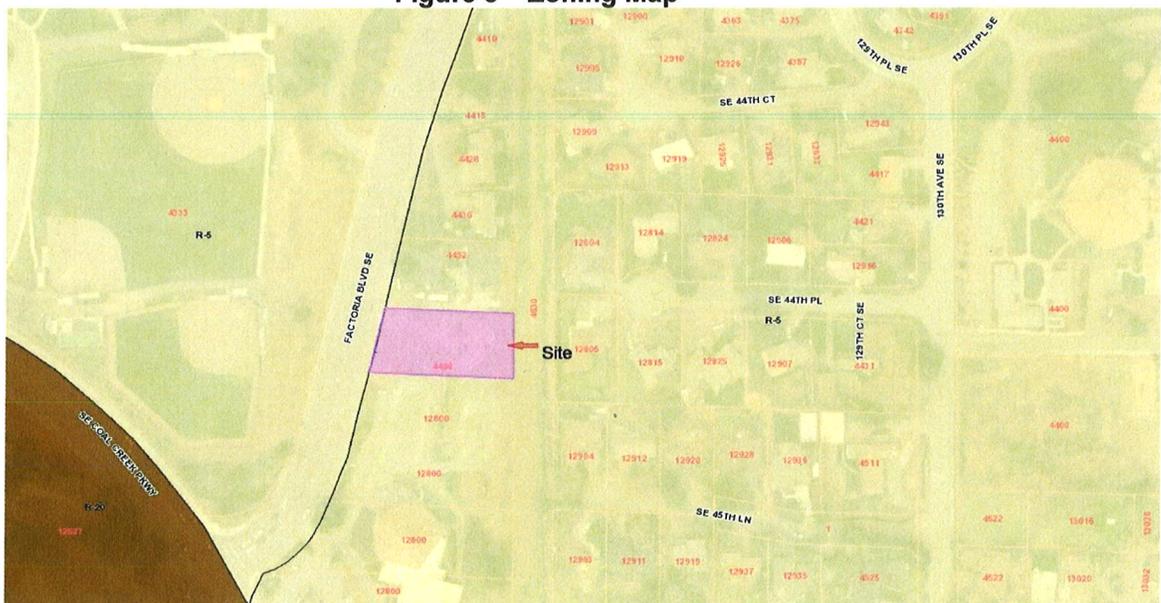


III. CONSISTENCY WITH ZONING AND LAND USE CODE REQUIREMENTS

A. Zoning

The two lots proposed with this short plat application are permitted within the R-5 land use district. Refer to Table 1 of Section III.B below for discussion of dimensional requirements.

Figure 3 – Zoning Map



B. Consistency with Standard Land Use Code Requirements

Table 1 – Dimensional Requirements

BASIC INFORMATION		
Zoning District	R-5 Factoria Subarea Comprehensive Plan Designation: Single-Family High	
Gross Site Area	20,454 square feet	
ITEM	REQ'D/ALLOWED	PROPOSED
Minimum Lot Area	7,200 Square Feet	Lot 1: 10,193 Square Feet Lot 2: 10,261 Square Feet
Minimum Lot Width	60 Feet	Lot 1: 100.64 Feet (approx.) Lot 2: 100.11 Feet (approx.)
Minimum Lot Depth	80 Feet	Lot 1: 109 Feet (approx.) Lot 2: 107.54 Feet (approx.)
Building Setbacks		
Front Yard	20 Feet	20 Feet
Rear Yard	20 Feet	20 Feet
Min. Side Yard	5 Feet	5 Feet
2 Side Yards	15 Feet	15 Feet
Access Easement Setbacks	10 Feet from easement	Lot 1: 10 Foot (North Side)

IV. STATE ENVIRONMENTAL POLICY ACT (SEPA)

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

V. SUMMARY OF TECHNICAL REVIEWS

A. Utilities Review

Storm Drainage

The project will trigger minimum requirements 1-5 from the Department of Ecology Stormwater Management Manual for Western Washington. Minimum requirement 5 is proposed to be satisfied through perforated lot stub connections to the private storm system connected to the property. All storm pipe connections to the public system shall be perpendicular to the main.

Water

Water services for the short plat will connect to the public water main running in the right of way across the property frontage. Private water easements will be required on the back side of the public domestic water meter.

Sewer

Sewer services for the short plat will connect to the public sewer main running in the right of way across the property frontage. A joint use sewer line is proposed between the two lots and will require a private side sewer easement recorded on the face of the final short plat.

Refer to Conditions of Approval regarding Utilities in Section IX of this report.

B. Fire Department Review

The preliminary short plat application has been reviewed and no further fire revisions are needed at this time.

C. Transportation Review

The Transportation Department has reviewed the plans submitted for the preliminary short plat and recommends approval. The final engineering plans must show all transportation-related improvements and must be consistent with the Transportation Development Code (BCC 14.60) and the Transportation 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 and Addressing

Access to the site will be from a joint use driveway off of Factoria Blvd. SE as shown on the approved plans submitted for the final revisions of LN 13 112166. No other access connection to the city's right-of-way is authorized. The existing driveway which serves the existing house will be removed. Street frontage improvements matching adjacent improvements must be provided at the location of the removed driveway.

The joint use driveway must be at least 20 feet from the existing edge of the driveway to the north and minimum paved width of sixteen feet with Fire Department approval and must be built per the City's Transportation Department Design Manual Standard Drawing DEV-7A. The proposed driveway will have vertical curbs on both sides of the driveway for a distance of about 100 feet from back of the sidewalk on Factoria Blvd. SE.

Landings on sloping approaches are not to exceed a 10% slope for a distance of 20 feet approaching the back of the sidewalks.

The City's Parcel and Address Coordinator has established 4478 Factoria Blvd SE as the address for the newly created Lot 1.

Street Frontage Improvements

Minor frontage improvements are required to the extent necessary to mitigate for the new joint use driveway construction that will replace the existing driveway with matching frontage improvements.

Prior to final short plat approval, the developer must provide for all transportation related 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 frontage improvements. The final engineering plans showing transportation related improvements must be consistent with the Transportation Development Code (BCC 14.60) and the Transportation Department Design Manual prior to approval of the plat infrastructure (GE) permit.

Specific engineering requirements include: removal/ replacement of existing driveway with matching frontage such as curb and gutter and construction of new joint use driveway and matching sidewalk.

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 Factoria Blvd. SE is classified as a "No Street Cut Permitted" street. Generally, for this type of street classification pavement restoration will consist of full grind and overlay. Exact restoration limits and type will be specified in the right way permit to be issued for this short plat.

Setback from BP/Olympic Pipeline

The applicant must provide at least 25 feet of setback from the existing BP/Olympic Pipeline for the new home on Lot 1 addressed 4478 Factoria Blvd. SE. The 20-inch

pipeline is running under Factoria Blvd. SE in the lane closest to the property.

Sight Distance

Vehicle and pedestrian sight distance must be provided per BCC 14.60.240 and 14.60.241. 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 background traffic volume on the adjacent street (Factoria Blvd. SE) and adequate capacity of Factoria Blvd. SE and nearby system intersection transportation impacts from this short plat will be negligible. Sight distance is adequate at the location of new driveway.

Refer to Conditions of Approval regarding Transportation in Section IX of this report.

D. Clearing and Grading Review

The Clearing and Grading Division has reviewed the submitted plans and has approved the preliminary short plat without conditions.

See attached Clearing and Grading Development Standards Memo.

VI. PUBLIC COMMENT

The City initially notified the public of this proposal on May 2, 2013, with mailed notice and publication in the Weekly Permit Bulletin. A public information sign was also installed on the site the same day. The City received one comment indicating a natural spring on the property. No spring was found or identified by the surveyor.

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.**

Finding: 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. In addition, construction noise is expected during the construction period; however, the Bellevue Noise Control Ordinance (BCC 9.18) regulates hours of construction-related noise emanating from project sites. **Refer to Condition of Approval regarding Noise/Construction Hours in Section IX of this report.**

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 adequately responding to the existing topography, which slopes slightly downward from east to west. The future construction of the joint-use driveway and single-family dwelling should not likely require any major cut or fill.

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: As conditioned, the proposal complies with the Land Use Code requirements for the R-5 land use district, the Utility Code and the City of Bellevue Development Standards.

Land Use Code Requirements:

A. Dimensional Requirements: *Refer to Section III.B. of this report for dimensional requirements.*

Response: All lots shown can be developed in accordance with the City of Bellevue Land Use Code requirements, including the R-5 land use district dimensional requirements.

B. Significant Tree Preservation: *Tree preservation requirements pursuant to LUC Section 20.20.900.D.3 require the retention of 30% of the diameter inches of significant trees on the site.*

Response: The subject property contains 64 diameter inches of significant trees. Therefore, the applicant is required to preserve a minimum of 19.2 diameter inches of significant trees onsite. The applicant proposes to retain 34 diameters inches of the existing trees onsite or 53% of the total existing diameter inches.

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

Finding: The site is located within the Factoria Subarea. The Comprehensive Plan specifies Single-Family High Density development for this property, which is consistent with the R-5 land use designation. In addition, the proposal complies with applicable Comprehensive Plan policies City-Wide and for this Subarea, including the following:

The single family homes are, by use type, compatible with surrounding neighborhoods. The proposal provides new housing as encouraged by the Comprehensive Plan (Policy LU-3) and helps meet Bellevue's share of the regionally adopted demand forecasts for residential

uses for the next 20 years (LU-5).

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

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

Finding: As conditioned, each lot can reasonably be developed to current R-5 dimensional standards without requiring a variance. **Refer to Condition of Approval regarding the 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.**

Finding: The Utilities and Transportation Departments have reviewed the preliminary short plat and determined that all necessary utilities, drainage, driveway access locations, 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 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 (DSD) does hereby **APPROVE** the Shin 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	Contact Person
Clearing & Grading Code – BCC 23.76	Janney Gwo, (425) 452-6190
Construction Codes – BCC Title 23	Building Divisions, (425) 452-6864
Fire Code – BCC 23.11	Adrian Jones, (425) 452-6032
Land Use Code – BCC Title 20	Leah Chulsky, (425) 452-6834
Noise Control – BCC 9.18	Leah Chulsky, (425) 452-6834

Sign Code – BCC Title 22	Leah Chulsky,	(425) 452-6834
Transportation Develop. Code – BCC 14.60	Abdy Farid,	(425) 452-7698
Traffic Standards Code 14.10	Abdy Farid,	(425) 452-7698
Right-of-Way Use Code 14.30	Tim Stever,	(425) 452-4294
Utility Code – BCC Title 24	Mark Dewey,	(425) 452-6179

A. GENERAL CONDITIONS:

1. Utilities

Utility review has been completed on the preliminary information submitted at the time of this application. The review has no implied approvals for water, sewer and storm drainage components of the project. Final approval will be done under separate water, sewer and storm drainage permits.

Authority: Bellevue City Code Title 24.02, 24.04, 24.06
Reviewer: Mark Dewey, Utilities Department

2. Variance Restriction

Approval by the City of this short plat is a determination that each lot in the short plat can be reasonably developed in conformance with the Land Use Code requirements in effect at the time of preliminary short plat approval without requiring a variance.

Authority: Land Use Code 20.45B.130.A.6
Reviewer: Leah Chulsky, Development Services Department

4. 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: Leah Chulsky, 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

A site (civil engineering) plan produced by a qualified engineer must be approved by the City prior to clear and grading permit approval. 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 shared driveway, the connection to Factoria Blvd. SE, pavement restoration in Factoria Blvd. SE, 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) Removal/replacement of existing driveway with matching frontage (curb and gutter and sidewalk).
 - ii) Construction of joint use driveway per DEV-7A and pavement depths per DEV-8.

- iii) Installation of vertical curb along the edge of the sites' joint driveway for a distance of 100 feet from back of the sidewalk on Factoria Blvd. SE.

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) Maximum cross grade of a street at the street 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; and Transportation Department Design Manual Standard Drawings DEV-7A, DEV-8
Reviewer: Abdy Farid, Transportation Department

4. Pavement Restoration

The city's pavement manager has determined that this segment of Factoria Blvd. SE will require full grind and overlay for any utility connections or other digging in the street surface. Grind and overlay 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. Exact pavement restoration requirements as specified by ROW manager, with 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

C. PRIOR TO FINAL SHORT PLAT APPROVAL:

1. 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; Land Use Code 20.40.490, Transportation Department Design Manual Sections 3, 4, 5, 7, 11, 14, 19
Reviewer: Abdy Farid, Transportation Department

2. Access Design and Maintenance

The final Subdivision map must include a note that specifies that the owners of lots served by the joint use driveway are jointly responsible for maintenance and repair of the private joint use driveway. Also, the final Subdivision map must include a note that specifies that the joint use driveway will remain open at all times for emergency and public service vehicles and shall not be gated or obstructed.

Authority: Bellevue City Code 14.60.130
Reviewer: Abdy Farid, Transportation Department

3. Tree Protection

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

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

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

4. Tree Preservation Plan

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

“Tree Preservation Plan”:

Designation of trees on the Tree Preservation Plan establishes a covenant by the owner

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

Authority: Land Use Code 20.20.520.E
Reviewer: Leah Chulsky, Development Services Department

ATTACHMENTS

Clearing and Grading Development Standards Memo
Project Drawings