



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

Proposal Name: Windward Factoria Townhomes
Proposal Address: 4029 129th Place SE
Proposal Description: Design Review and Critical Areas Land Use Permit approval to construct 24 attached dwelling units in a combination of six duplex buildings and four triplex buildings.
File Number: 14-134270-LD & 14-134269-LO
Applicant: Windward Real Estate Services Inc.
Decisions Included: Combined Design Review, Critical Areas Land Use Permit and SEPA (Process II)
Planner: Leah Chulsky, Associate Planner
State Environmental Policy Act Threshold Determination: Determination of Non-Significance

Carol V. Helland

Carol V. Helland, Environmental Coordinator
Development Services Department

Director's Recommendation: **Approval with Conditions**
Michael A. Brennan, Director
Development Services Department

By: *Carol V. Helland*
Carol V. Helland, Land Use Director

Application Date: June 16, 2014
Notice of Application: July 17, 2014
14-day Comment Period: July 31, 2014
Decision Publication Date: January 29, 2015
Appeal Deadline: February 12, 2015

For information on how to appeal the project, visit the Permit Center at City Hall or call (425) 452-6800. Appeal of the decision must be received in the City Clerk's office by 5 p.m. on the date noted for the appeal deadline.

I. REQUEST AND PROJECT DESCRIPTION

A. Background

The applicant requests Design Review and Critical Areas Land Use Permit approval to construct 24 attached dwelling units in a combination of six duplex buildings and four triplex buildings on two parcels totaling 2.45 acres. The site is currently undeveloped within the Factoria Subarea with a Comprehensive Plan Designation of Multifamily High. The applicant is also proposing to remove a 1,750 square foot area of steep slope critical area which was the result of the installation of 129th Place SE and adjacent construction. The applicant is proposing to mitigate the removal of this slope with 10,500 square feet of set aside open space to be designated as a Native Growth Protection Easement (NGPE) which will retain all significant vegetation (including 18 mature Douglas firs).

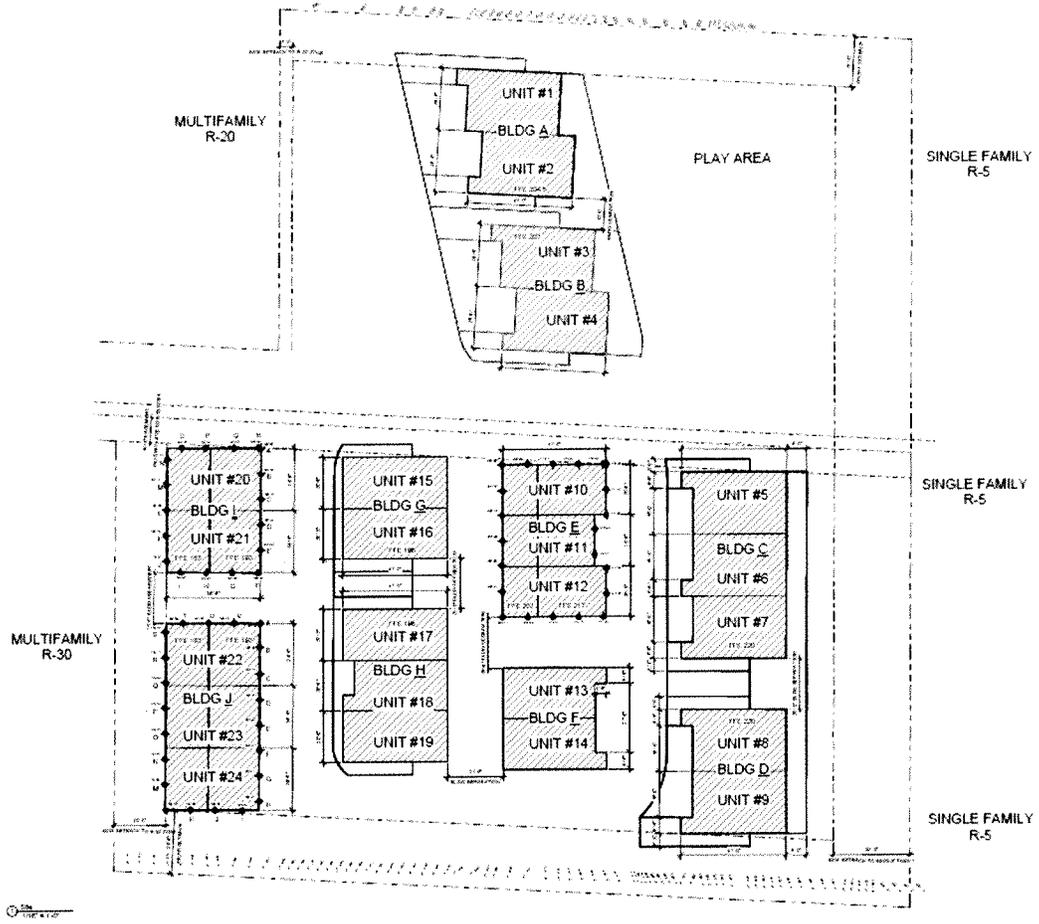
B. Review Process

Design Review and Critical Areas Land Use Permits are both Process II decisions made by the Director of the Development Services Department. The process includes public noticing with a minimum 14-day comment period. The Director's decision shall be written in a staff report to indicate whether the application has been approved, approved with conditions, or denied. The decision will be publically noticed with a mandatory 14-day appeal period. Process II decisions may be appealed by parties who submitted comments on the application. Any appeal submitted shall be heard at a public hearing before the City Hearing Examiner.

C. Site Design

The proposed development will be accessed via a 20 foot private drive/easement originating at 129th Ave SE at the north end of the site which will be the only access to the site. This access will loop through the site and provide a complete turnaround. Site topography slopes down from the eastern property line (single family neighborhood). The proposal includes intensive perimeter landscaping and the retention of all significant trees within structure setbacks from the property lines. Additional landscaping is proposed to buffer the proposed structures from the neighboring single family neighborhood. The site will contain 2,128 square feet of open play space and an additional 10,500 square feet of open space will be set aside as a Native Growth Protection Easement (NGPE) as mitigation for critical areas disturbance (this results in a mitigation rate of 6:1).

Refer to Condition of Approval regarding NGPE in Section IX of this report.



D. Building Design

In response to topography, the structures are proposed to be constructed into the slope with the garages “tucked under” and basements day-lighted at the low side of the homes – faced away from the single family neighborhood. The proposed foundations are also integrated into the slope which will allow each home to retain up to 12 feet of grade which will allow for level areas for roads with minimal grading outside of the core development area and minimal use of retaining structures. The structures will range from 30 to 40 feet measured to the peak of the roof (1:12 pitch) from average finished grade. The architectural concept is “Northwest Contemporary” using wood siding and hardie panels. Proposed detailing at the roof will enhance the residential design. The color palette of earth tones (see color board in file) is consistent with other earth toned residential buildings in the area and enhances the detailing on the buildings.



II. SITE DESCRIPTION, LAND USE CONTEXT AND ZONING

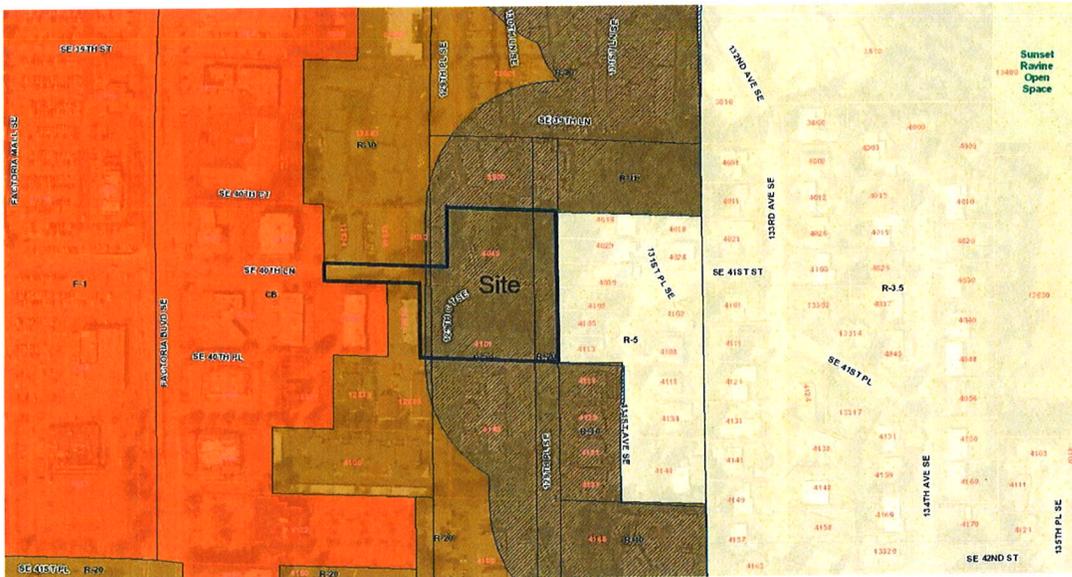
A. Site Description

This is an approximately 2.45 acre undeveloped site. The site is mostly square with a panhandle that extends to SE 40th Lane (no access is proposed to SE 40th Lane). The site slopes from east to west with 1,750 square feet of steep slope critical area. The site contains 2,112 diameter inches of significant trees.



B. Land Use Context and Zoning

The site is split zoned between R-20 and R-30 although the section which is R-30 is very small, including only the panhandle and approximately 27 feet along the western boundary. The site lies entirely within the Single Family Transition Area Design District. Multifamily uses lie to the immediate north and south. Single family lies to the immediate east and commercial to the west.



III. CONSISTENCY WITH LAND USE CODE REQUIREMENTS:

A. General Provisions of the Land Use Code

1. Use

Uses are regulated by LUC Sec. 20.10.440 (Use Charts) and 20.25B Transition Area Design District. The multifamily residential use proposed for this project is permitted in the R-20 and R-30 zones.

2. Dimensional Requirements

As conditioned, the proposal meets the dimensional requirements of the Land Use Code Section 20.20.010 and Part 20.25B.

Table 1 – Dimensional Requirements

I.	Permitted/Required	II. Proposed
Density	20 units/acre 2.13 adjusted for critical area acre site (2.45 acre site with .32 acres of critical area) = 42 units allowed LUC 20.20.010	24 Units Meets LUC requirement
Lot Coverage by Structure	35% of 104,972 SF = 36,740 SF LUC 20.20.010	19% = 20,522 SF Meets LUC requirement
Impervious Surface	80% of 106,722 = 85,377 SF LUC 20.20.010	44% = 47,315 SF Meets LUC requirement
Setbacks	R-20 in Single Family Transition Design District: Front: 20 ft. Rear: 25 ft. Side: 30 ft. (eastern property line) 2 ft. western property line. Note that in the R-30, if a building is over 30 feet above finished grade, the setback is 20 feet. LUC 20.20.010	Front: 20 ft. (north) Rear: 25 ft. (south) Side: 5 ft. (west) – except for buildings over 30 ft. in the R-30 zone, in which case the side setback is 20 ft.
Building Height	R-20: 30 feet as measured from average <u>existing</u> grade 40 feet allowed with allowed transition area bonuses LUC 20.25B.040.A	A mix of 30 to 40 feet as measured from average <u>existing</u> grade. Incorporates underground parking for more the 75 percent of the footprint and interesting roof form. Meets LUC requirement

Parking	Residential Use: Three or more bedroom unit: min. 1.8 per unit = 43 spaces LUC 20.20.590	2 garage spaces per unit (48) plus 6 visitor spaces = 54 spaces Meets LUC requirement
Landscape Requirements	Street Frontage: 20 foot wide Type III landscaping Interior Property Line Abutting District Receiving Transition: 20 foot wide Type III Interior Property Lines: 8 foot Type III landscaping (property lines not abutting a district receiving transition). LUC 20.20.520 and 20.25B.	Street Frontage: 20' wide Type III landscaping Interior Property Line Abutting District Receiving Transition: 20 foot wide Type III Interior Property Lines (not abutting a district receiving transition): 8 foot Type III landscape buffer. Meets LUC requirement
Tree Retention	Site Perimeter: 100% tree retention Site Interior: 15% LUC 20.20.900 and 20.25B.	All significant trees within 15 feet of all property lines will be retained. Site Interior: 40% Meets LUC requirement
Mechanical Equipment	Locate on the roof or below grade and visually screen, unless this requirement is modified by the City for projects requiring discretionary approval per LUC 20.20.525.C.5 & 6.	All mechanical equipment will be located inside the buildings. Meets LUC requirements

3. Landscaping

a. Tree Retention

The proposal will retain all significant trees within 15 feet of all property lines. The proposal will also retain 40 percent of the diameter inches of the significant trees in the site interior (848 diameter inches). A significant number of the inches to be retained are located along the eastern property line. As conditioned, the applicant will provide tree retention in excess of that which is required to help maintain the existing wooded character and provide for a vegetated buffer between the proposed development and the existing single family neighborhood both on the interior and perimeter of the site.

b. Perimeter Landscaping

i. Street Frontage

The proposal site is located at the end of both 129th PI SE and SE 40th Lane. A 20 foot Type III landscape buffer will be planted along the entire northern property line even

though only a portion actually abuts the street. The proposal also includes additional landscaping beyond the 20 foot buffer between the structures located at the northern end of the property. Although the panhandle portion which extends to SE 40th Lane (which is currently used for access between neighboring properties) will remain the same the applicant is proposing a 20 foot Type III landscape buffer between the end of the paved area and the proposed development.

As conditioned, the applicant will provide a landscape design that includes the following: extensive native landscaping along the eastern property line (80% of the proposed plants are native) with trees and shrubs and additional landscaping throughout the site that includes a mix of evergreen and deciduous material. In addition, the applicant has worked with the City of Bellevue to increase the amount of trees onsite and planting significant native trees, shrubs and groundcover.

See Condition of Approval regarding Final Planting Plan in Section IX of this report.

ii. Interior Property Lines Abutting Less Intense District

The applicant is proposing 20 foot landscape buffer along the eastern property line which abuts the R-5 zoning district which is receiving the transition. The approved landscape buffer shall contain additional plantings to include a minimum of 5 trees per 1,000 square feet of buffer and include shrubs and ground cover (no more than 40 percent of the trees are to be deciduous). The applicant will maintain all existing vegetation for an additional 20 feet from the edge of the required landscape buffer along the eastern property line. The proposed buffer meets the Transition Area Landscape Buffer requirements.

4. Transition Area Design Guidelines (LUC 20.25B)

A. Site Design Guidelines

i. Vehicular Access

Whenever possible, vehicular access should be designed so that traffic is not directed through an abutting residential district of lower intensity.

Response: Access to the development will be through one point at the end of 129th PI SE through an existing multifamily neighborhood. There will be no access from SE 40th Lane or from the adjacent single family neighborhood.

ii. **Loading and Refuse Collection**

Loading and refuse collection areas should be on the side of a building facing away from an abutting residential district of lower intensity, but not in a front yard setback.

Response: Refuse containers will be stored within each individual townhome and screened from the street view. As with a traditional single family neighborhood, the owners of each townhome shall provide for the return of receptacles and trash not removed from the property back into the building the day of pick-up.

iii. **Tree Retention**

In addition to the minimum requirements of LUC 20.20.520, site development should maximize the retention of existing significant vegetation in order to soften the visual impact on adjacent residential uses.

Response: The applicant proposes to retain all significant trees within 15 feet all property lines and within 20 feet of the eastern property line which abuts a single family district receiving transition. The site interior contains 2,112 diameter inches of significant trees. The applicant is proposing to retain 848 diameter inches or 40 percent. As conditioned, the proposal includes significant trees, shrubs and ground cover while maintaining the existing vegetated buffer between the subject site and the neighboring single family neighborhood.

vi. **Contextual Compatibility**

Surrounding vegetation, topography, street patterns, parking configuration and building massing should be considered in order to result in a compatible fit between the proposed development and existing residential development.

Response: The proposed building massing, orientation of the pedestrian and vehicular access off of 129th Place SE Street and architectural detailing of the facades are all single family residential in character. The buildings are designed to fit not only into the single family neighborhood around the proposal site. Residential scale landscaping and maintaining a 40 foot buffer between the R-20 and R-5 land use districts will ensure compatibility with the surrounding built environment. The structures are proposed to be constructed into the slope with the garages “tucked under” and basements day-lighted at the low side of the homes – faced away from the single family neighborhood. The proposed foundations are also integrated into the slope which will allow each home to retain up to 12 feet of grade

which will allow for level areas for roads with minimal grading outside of the core development area and minimal use of retaining structures.

B. Building Design Guidelines

i. Exterior Surfaces

Building surfaces facing abutting residential districts should be clad with materials which are similar to or compatible with surrounding uses, and which minimize reflected lights.

Response: The exterior surfaces are similar and in certain applications superior, to those found in the surrounding neighborhood, including siding and cedar shingles. None of the materials are reflective.

ii. Building Façade

Building facades should incorporate elements such as stepbacks, offsets, angled facets, deep roof overhangs, recesses and other architectural features which serve to break down the scale. The larger the building, the greater the number and variety of such elements that may be necessary to achieve the effect of diminishing scale.

Response: The applicant has used architectural modulation and detailing to create interest and break down the scale of the building. The applicant has included interesting roof pitches, custom window systems and trims, recesses, and large roof overhangs. The façade facing the R-5 zoning district will appear to only be two stories.

iii. Roof Form

Pitched roof forms are preferred in order to enhance the compatibility with nearby residential areas. However, under certain circumstances, a stepped roof form could achieve a similar effect.

Response: The pitched roof enhances the compatibility with the nearby residential areas.

iv. Communication Dishes

Communication dishes greater than one meter in diameter should not be visible from adjacent residential districts.

Response: No communication dishes greater than one meter in diameter are proposed for this project.

v. Exterior Materials and Colors

Materials and colors used on the building facades should be compatible with nearby residential buildings and the

surrounding natural environment; however, colors and materials used for the purpose of accent may be approved.

Response: The applicant proposes earth tone colors, ranging from a warm tan for the body color to dark brown for the trim and roof. The facades are also accented with cedar siding.

- 4. Performance Standards – Landslide hazards and steep slopes (LUC 20.25H.125)**
- A. Structures and improvements shall minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography;
 - B. The proposed development shall not result in greater risk or need for increased buffers on neighboring properties;
 - C. The use of retaining walls that allow the maintenance of existing natural slope is preferred over graded artificial slopes where graded slopes would result in increases disturbance as compared to use of a retaining wall;
 - D. Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer;
 - E. Where change in grade outside the building footprint is necessary, the site retention system should be stepped and regarded should be designed minimize topographic modification. On slopes in excess of 40 percent, grading for yard area may be disallowed where inconsistent with this criteria;
 - F. Building foundation walls shall be utilized as retaining walls rather than rockeries or retaining structures built separately and away from the building whenever feasible. Freestanding retaining devices are only permitted when they cannot be designed as structural elements of the building;
 - G. On slopes in excess of 40 percent, use pole-type construction which conforms to the existing topography is required where feasible. If pole-type construction is not technically feasible, the structure must be tiered to conform to the existing topography and to minimize topographic modification;
 - H. On slopes in excess of 40 percent, piled deck support structures are required where technically feasible for parking or garages over filled based construction types; and

- I. Areas of new permanent disturbance and areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation plan meeting requirements of LUC 20.25H.210

Response: The applicant is proposing to minimize alterations to the natural contours of the site by constructing tiered foundations into the existing contours. The applicant is proposing an innovative housing design which will tuck under the garages and basements at the low side of the homes. The applicant will be required to have an onsite Geotechnical Engineer during construction. These designs combined with integrated foundation walls allows each home to retain up to 12 feet of grade which in turn allows level areas for roads and building access with little grading impact outside of the core development area and minimal use of retaining structures. The proposed development will set aside 10,500 square feet of NPGE as mitigation for the removal of the small critical slope. This area will be cleared of blackberry and ivy while all significant trees and native vegetation will be retained and intensified with an additional planting plan. The mitigation area contains no impervious surfaces and will also contain a portion of the required public soft trail connecting the existing single family to the east with SE 40th Place. This mitigation area is in excess of the open space required under LUC 20.20.540 and will be in a separate area. The location of the mitigation area will be located adjacent to the existing single-family neighborhood to provide an additional vegetative buffer. All areas of temporary disturbance will be restored pursuant to the approved mitigation plan. As conditioned, the proposal will set aside 10,500 square feet of open space within Native Growth Protection Easement (NGPE) as mitigation for critical areas disturbance (this results in a mitigation rate of 6:1).

See Condition of Approval regarding maintenance in Section IX of this report.

IV. PUBLIC NOTICE

The City initially notified the public of this proposal on July 17, 2014 with mailed notice and publication in the Weekly Permit Bulletin. Two, double-sided public information signs were also installed at the site entrances on the same day. In addition, a Public Meeting was held August 5, 2014 at 7pm at Bellevue City Hall. Four members of the community attended the meeting and the City received three written comments.

Issue: Construction Impacts – specifically the loss of public right of way that has been used by the residents of Morgan Manor, site maintenance during construction activity, noise levels and people safety.

Response: City of Bellevue Right-of-Way in this location is not set aside for private users. The applicant will be required to obtain a required right-of-way use and hauling permits. The Right-of-Way Division will review these applicants to verify that they meet all City Code requirements and impose mitigation to meet these requirements. The commenter has asked that the City set aside portions of the right-of-way for Morgan

Manor residents. The ability to set aside right-of-way is not a decision criterion for this approval and Development Services does not have the authority to set aside right-of-way.

Noise levels are regulated by Bellevue City Code (BCC) 9.18. All building permits will have a condition of approval to meet maximum noise level requirements for construction related noise. The commenter asked that work not be permitted on Saturday. This is not consistent with the permitted work hours for construction noise found in BCC 9.18.

Site maintenance will be required as part of the approval of any subsequent building permits. All construction sites in Bellevue are required to be maintained to keep runoff controlled and the site clean and organized. The City has inspectors which will be visiting the site while it is under construction to verify that all activities conform to City requirements.

Issue: Opening 129th PL SE through to 129th PL SE on the other end of the property or to connect 129th PL SE to SE 40th Lane.

Response: The approved access to this site will be off of 129th PL SE and will consist of an internal private access road designed to facilitate all onsite circulation (including service vehicles) without connecting to or impacting any other adjacent right-of-way.

Issue: Will there be construction access via SE 40th Lane?

Response: No site access off of SE 40th Lane is approved with this application. Construction access will be approved as part of the building permits and right-of-way use permit applications. All construction access points will need to meet applicable City codes and standards.

Issue: Currently there are some trails that run through and around the property. Will these be kept in place for foot traffic?

Response: The City will require a Trail construction (alignment per City project T-209 and Ordinance No. 4545) from the western border of the site to SE 41st Street/ 131st Place SE. This site is subject to the requirements of City Ordinance No. 4545. This ordinance rezoned the project site to allow for a higher density with the following condition:

"At the time of any subdivision or new development of the property...the developer will be required to construct a non-motorized access facility within the easement to the requirements of the Department standards current at that time."

The referenced easement was obtained by the City from the Bennett Short Plat (08 103718 LF) located north of the project site. The trail design will be finalized during the clear and grade permit phase for this project. The developer will be responsible for constructing all elements of the trail (including trail amenities such as trail bollards with identification placards, pedestrian lighting, hand rails, stairs, etc.).

Issue: A lot of development has taken place below Monthaven (existing single-family neighborhood) over the last few years. During the development the city sewer was

brought in. Many homes above this proposed area are still on septic because the cost to connect is around \$50,000. I feel that any new construction that takes place needs to help subsidize the sewer hookup and reduce the high cost for the Monthaven neighborhood.

Response: The City does not have the Code authority to require the developer to subsidize sewer hookups for surrounding neighborhoods.

V. SUMMARY OF TECHNICAL REVIEWS

A. Utilities

Storm Drainage

The project will trigger minimum requirements 1-9 from the Department of Ecology Stormwater Management Manual for Western Washington. The project qualifies as new development under the Department of Ecology Stormwater Management Manual for Western Washington and will need to provide runoff control and treatment. The project has proposed detention to mitigate for the 100 year peak flow into the City of Bellevue stormwater conveyance system. The project proposes to replace the existing Benridge Short Plat detention tanks with a detention vault designed to provide the same stormwater release rate requirements contained in the original Benridge Short Plat Final Drainage Report. This project drains to Lake Washington through the Richards Creek Drainage Basin.

Water

The water supply for this project will connect to City of Bellevue owned water mains located in 129th Place SE, in the FA 460 pressure zone. Water improvements consist of domestic lines. The existing 12-inch watermain along the west side of the property will be replaced by a new 12-inch watermain east of the new detention facility. Existing water easement must be amended to reflect the new location. Flow modeling shows adequate supply for the proposed project.

Sewer

Sewer service for the Windward Factoria Townhomes will connect to an existing sewer manhole located in 129th Place SE to the north, and the existing 8-inch sewer main to the south. The downstream system is adequate to receive added flows from this project.

B. Transportation

Site Access

Access to the proposed project will be provided by a private access road connecting to 129th Place SE via a 20 foot wide paved private road. Maximum cross slope of the access road is set at 4%. All driveways connecting to the

private access road must meet grade standards per the specifications of the Transportation Design Manual Table 2 (Landing Grades for Private Roads and Driveways). The applicant will be responsible for coordinating addressing with the City's Addressing Coordinator.

The applicant has the option of providing street name signs from a private vendor or purchasing them from the City. City staff will provide design criteria for street name signs (fonts, line types, format, etc.).

Site Improvements

In order to provide safe pedestrian and vehicular access in the vicinity of the site, and to provide infrastructure improvements with a consistent and attractive appearance, the construction of transportation-related improvements is required as a condition of development approval. The design of the improvements must conform with the requirements of the Americans with Disabilities Act and the Transportation Development Code (BCC 14.60), and the provisions of the Transportation Department Design Manual to the extent most feasible. Where the improvements cannot meet ADA requirements the applicant will be responsible for documenting deviations at the direction of the Transportation Department. Required transportation-related improvements are listed below. Additional, minor requirements may be specified during the Clear and Grade permit phase for this project.

1. Street light analysis and installation of street lights at the connection of the private access road to 129th Place SE.
2. Private access road with pavement depths and subgrades per DEV-8. Minimum pavement width is 20 feet. In addition, curb and gutter are required at locations to be specified during the Clear and Grade permit phase for this project.
3. Driveway approach or curb returns at the connection of the private access road to 129th Place SE. Access width may range from 24 to 30 feet. Final design will be approved by the Transportation Department during the Clear and Grade permit phase for this project.
4. Sidewalk connection from the existing sidewalk on 129th Place SE to the trailhead within the site.
5. Trail construction (alignment per City project T-209 and Ordinance No. 4545) from the western border of the site to SE 41st Street/ 131st Place SE. A brief explanation as to the origin of this requirement is provided below:

This site is subject to the requirements of City Ordinance No. 4545. This ordinance rezoned the project site to allow for a higher density with the following condition:

"At the time of any subdivision or new development of the property...the

developer will be required to construct a non-motorized access facility within the easement to the requirements of the Department standards current at that time."

The referenced easement was obtained by the City from the Bennett Short Plat (08 103718 LF) located north of the project site. The trail design will be finalized during the clear and grade permit phase for this project. The developer will be responsible for constructing all elements of the trail (including trail amenities such as trail bollards with identification placards, pedestrian lighting, hand rails, stairs, etc.). See figure 1 below for the trail alignment as referenced in City Ordinance No. 4545.



Figure 1: Trail Alignment per City Ordinance No. 4545

6. Installation of street name signs as specified by the Transportation Department. (The applicant is responsible for providing the street name signs as mentioned previously).
7. No fixed objects, including fire hydrants, trees, and streetlight poles, are allowed within ten feet of a driveway edge, defined as Point A in standard drawing Dev-7A. Fixed objects are defined as anything with breakaway characteristics greater than a 4-inch by 4-inch wooden post.
8. No new overhead utility lines will be allowed within or across any right of way or pedestrian easement.

Easements

The applicant shall provide pedestrian easements connecting the existing sidewalk on 129th Place SE to the trail head within the site. There are utility easements contained on this site which are affected by this development. Any negative impact that this development has on those easements must be mitigated appropriately.

Use of the Right of Way

During Construction: 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. Sidewalks may not be closed except as specifically allowed by a Right of Way Use Permit.

After Construction: No loading or unloading from public right of way will be permitted after approved occupancy of the proposed development.

Pavement Restoration

Any street cut into 129th Place SE will require a full grind and overlay. Limits and depth of pavement restoration here will be specified in the commercial right of way permit to be issued for this project.

C. Fire

Fire has conceptually approved the proposal. Specific review for compliance with the International Fire Code will be done under subsequent building permits.

VI. SEPA

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Transportation Facilities Plan, Building Code and other construction codes adequately mitigate expected environmental impacts. Therefore, issuance of a Determination of Non-Significance is the appropriate threshold determination under the State Environmental Policy Act requirements.

Adverse impacts which are less than significant are usually subject to City Codes or Standards which are intended to mitigate those impacts. Where such impacts and regulatory items correspond, further documentation is not necessary. For other adverse impacts which are less than significant, Bellevue City Code Sec. 22.02.140 provides substantive authority to mitigate impacts disclosed through the environmental review process.

NOISE

Given the project site's close proximity to other residences, consideration of the construction noise will be particularly important. While construction noise and increased vehicle trips are expected during the construction period, the Bellevue Noise Control Ordinance, BCC 9.18, regulates hours of construction-related noise emanating from the site. The Ordinance provides for an exemption from the noise restrictions for the hours of 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. on Saturdays which are not legal holidays.

See Condition of Approval regarding noise and construction hours in Section IX of this report.

Long Term Impacts and Mitigation

The long-term impacts of development projected to occur in the City by 2024 have been addressed in the City's Transportation Facilities Plan EIS. The impacts of growth which are projected to occur within the City by 2024 are evaluated on the roadway network assuming that all the transportation improvement projects proposed in the City's current Transportation Facilities Plan are in place. The Transportation Facilities Plan EIS divides the City into several Mobility Management Areas (MMAs) for analysis purposes. The Windward Factoria lies within MMA #13, which has a 2024 total growth projection of 379 multi-family units. This development proposes 24 multi-family units. Therefore, the volume of this proposed development is within the assumptions of the Transportation Facilities Plan EIS.

Traffic impact fees are used by the City to fund street improvement projects to alleviate traffic congestion caused by the cumulative impacts of development throughout the City. Payment of the transportation impact fee, as required by BCC 22.16, contributes to the financing of transportation improvement projects in the current adopted Transportation Facilities Plan, and is considered to be adequate mitigation of long-term traffic impacts. Fee payment is required at the time of building permit issuance.

Mid-Range Impacts and Mitigation

The Traffic Standards Code (BCC 14.10) requires that development proposals generating 30 or more new p.m. peak hour trips undergo a traffic impact analysis to determine if the concurrency requirements of the State Growth Management Act are maintained. This development will generate approximately 12 new p.m. peak hour trips and, therefore, a concurrency analysis is not required.

Short Term Operational Impacts and Mitigation

City staff analyzed the short term operational impacts of this proposal in order to recommend mitigation if necessary. Issues that were analyzed included access location and design, adequate onsite circulation design and pedestrian and trail improvements for public use.

Access for this project will be provided by a private access road connecting to the existing end of 129th Place SE (a public street). Adequate turnaround space, sight distance, street lighting and pedestrian facilities have been designed at this connection in accordance with current transportation standards at this connection. The internal private access road has been design to facilitate all onsite circulation (including service vehicles) so that adjacent right of way is not impacted. In addition, this development will construct new sidewalks and trail improvements to provide a safe and comfortable route for foot traffic to nearby amenities.

See Section IX for transportation related conditions of approval.

VI. CHANGES TO THE PROPOSAL RESULTING FROM DESIGN REVIEW

A. Utilities

The applicant was required to provide onsite detention and upgraded runoff control.

VII. DESIGN REVIEW DECISION CRITERIA

A. Design Review:

The Director may approve, or approve with modifications, an application for Design Review if the proposal fulfills the Design Review Decision Criteria in LUC 20.30.F.145:

1. The proposal is consistent with the Comprehensive Plan.

The project is consistent with the Comprehensive Plan's Urban Design Element. The proposed development supports the following Subarea and Comprehensive Plan Policies:

Comprehensive Plan

The site is designated R-20 and lies within the Single Family Residential Transition Area Design District in the Factoria subarea of the Bellevue Comprehensive Plan. The Comprehensive Plan designation for this property is Multifamily High. The property lies entirely within the Transition Area and abuts a less intensive zoning district (R-5) along one property line.

Factoria Subarea Policies:

Policy S-FA-3: Maintain Land use densities that will not create vehicular congestion that exceeds adopted levels of service.

Policy S-FA-4: Encourage infill development and redevelopment in a manner that is compatible with surrounding uses and meets design guidelines.

Policy S-FA-28: Establish design standards for the Factoria commercial area. District 2 is surrounded by other neighborhoods and serves as a commercial, employment and high-density residential activity center south of I-90.

Policy S-FA-29: Utilize vegetation, sensitive site planning and superior building design to integrate multifamily and commercial development with nearby single-family neighborhood.

Response: The site is zoned Multifamily High within the Factoria Subarea of the Comprehensive Plan. By developing this site, Bellevue will move towards meeting its housing requirements under the Growth Management Act (GMA). The proposal will also utilize the existing vegetation and maintain an increased vegetated buffer between the proposed development and the existing single-family neighborhood.

The Transportation Facilities Plan Environmental Impact Statement (EIS)

divides the City into several Mobility Management Areas (MMAs) for analysis purposes. The Windward Factoria lies within MMA #13, which has a 2024 total growth projection of 379 multi-family units. This development proposes 24 multifamily units. Therefore, the volume of traffic from this proposed development is within the assumptions of the Transportation Facilities Plan EIS and will not exceed adopted levels of service.

Housing Policies:

Policy HO-2: Promote quality, community friendly multifamily development through features such as pedestrian connectivity.

Policy HO-5: Assure that site and building design guidelines create an effective transition between substantially different land uses and densities.

Policy HO-17: Encourage infill development on vacant or underutilized sites that have urban services and ensure that infill development is compatible with the surrounding neighborhoods.

Response: The site is underutilized as an undeveloped lot zoned R-20. The proposed development is surrounded by existing multifamily commercial and single family development. The proposed use and design is compatible with the design of the surrounding built environment.

Environmental Policy:

Policy EN-44: Regulate land use and development to protect natural topographic, geologic, vegetation, and hydrological features.

Policy EN-89: The surrounding residential neighborhoods will be protected from noise during construction through the implementation of the development standards, land use codes, and the code enforcement.

2. The proposal complies with the applicable requirements of this Code.

As conditioned, the proposal complies with applicable requirements of the Land Use Code.

3. The proposal addresses all applicable design guidelines or criteria of this Code in a manner which fulfills their purpose and intent.

As conditioned, the proposal complies with the Development Standards (LUC 20.25B.040) and Design Guidelines for multifamily development in a Transition Area Design District (LUC 20.25B.050). Refer to Section III of this report for how the proposal has met the Development Standards.

4. The proposal is compatible with, and responds to, the existing or intended character, appearance, and quality of development and physical characteristics of the subject property and immediate vicinity.
By creating structures that are built into the natural slope and screened with

increased vegetation the buildings will appear smaller in scale from the neighboring single family neighborhood. With the application of rich architectural detail, the proposed building is compatible with the surrounding neighborhood and will fit well within the greater single family and multifamily residential context.

5. The proposal will be served by adequate public facilities including streets, fire protection, and utilities.

All required public services and facilities are available to the site.

B. Critical Areas Report – Decision Criteria (LUC 20.25H.255):

The Director may approve, or approve with modifications, a proposal to reduce the regulated critical area buffer on a site where the applicant demonstrates:

1. The modification and performance standards included in the proposal lead to levels of protections of critical area functions and values at least as protective as application of the of the regulations and standards of this code;

The applicant submitted a geotechnical report prepared by E3RA which concludes that the steep slope is generally stable and adequate for the proposed development. The report states that the potential for slides is negligible provided the recommendations of the reports dated June 8, 2014 and May 17, 2011 are followed during site clearing and construction.

2. Adequate resources to ensure completion of any required mitigation and monitoring efforts;

The applicant will be required to provide a performance assurance device for the required mitigation measures associated with the proposed development.

3. The modifications and performance standards included in the proposal are not detrimental to the functions and values of critical area and critical area buffers off-site; and

The functions and values of the critical areas and critical area buffers on adjacent properties will be unaffected by the actions in the proposal. As discussed in Section III of this report, the applicable performance standards of LUC Section 20.25H are being met.

4. The resulting development is compatible with other uses and development in the same land use district.

The proposed development is compatible with the surrounding multifamily and commercial land use districts. The proposal is also compatible with the adjacent single family neighborhood and it meets the Transition Area requirements of LUC 20.25B and also provides an increased vegetated buffer between the existing single family homes and the proposed development.

C. Critical Areas Land Use Permit – Decision Criteria (LUC 20.30P.140):

The Director may approve, or approve with modifications, an application for a Critical Areas Land Use permit if:

1. The proposal obtains all other permits required by the Land Use Code; and

The proposal will be required to obtain all application building permits prior to construction.

2. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical areas and critical area buffer; and

The project shall be constructed and inspected by the Engineer of Record to verify implementation of the recommended procedures and practices in the geotechnical report found in the reports prepared by prepared by E3RA, on June 8, 2014 (Attachment 2) and Associated Earth Sciences, Inc on May 17, 2011. A report verifying implementation of inspection shall be submitted to Leah Chulsky prior to receipt of Temporary Certificate of Occupancy.

3. The proposal incorporates the performance standards of Part 20.25H LUC to the maximum extent applicable; and

The proposal as approved meets all applicable performance standards of Part 20.25H LUC. See section III of this approval for discussion.

4. The proposal is served by adequate public facilities including streets, fire protection, and utilities; and

All required public services and facilities are available to the site.

5. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC 20.25H.210; except that a proposal to modify or remove vegetation pursuant to an approved Vegetation Management Plan under LUC 20.25H.055.C.3.i; and

The proposal includes a conceptual mitigation plan that meets the requirements of LUC 20.25H.210. A final mitigation plan must be included with all subsequent construction permit applications. An installation and maintenance surety is required and the proposed planting will be monitored for 5 years.

6. The proposal complies with other applicable requirements of this code.

As discussed in this report, the proposal complies with all other applicable requirements of the Land Use Code.

VIII. DECISION

After conducting the various administrative reviews associated with the proposal, including applicable Land Use consistency, SEPA and City Code & Standard compliance reviews, the Development Services Department Director does hereby APPROVE WITH CONDITIONS the Design Review and Critical Areas Land Use Permit approvals for Windward Townhomes Proposal. **Approval of these Permits does not constitute a permit for construction. A building permit, clear and grade permit, and/or utility permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

Note- Expiration of Approval: In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a building permit or other necessary development permits within one year of the effective date of the approval.

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
Right-of-Way Use Code 14.30
Transportation Develop. Code – BCC 14.60
Traffic Standards Code 14.10
Utility Code – BCC Title 24

Contact Person

Tom McFarlane, 425-452-5207
Bldg. Division, 425-452-6864
Adrian Jones, 425-452-6032
Leah Chulsky, 425-452-6834
Leah Chulsky, 425-452-6834
Leah Chulsky, 425-452-6834
Tim Stever, 425-452-4294
Ray Godinez, 425-452-7915
Ray Godinez, 425-452-7915
Chris Brooks, 425-452-6825

A. GENERAL CONDITIONS: The following conditions apply to all phases of development.

1. 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 Development Services, 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.

The use of best available noise abatement technology consistent with feasibility is required during construction to mitigate construction noise impacts to surrounding uses.

AUTHORITY: Bellevue City Code 9.18.020.C & 9.18.040
REVIEWER: Leah Chulsky, Development Services Department

2. Water, Sewer, Storm Drainage Systems

The water, sewer, and storm drainage systems shall be designed per the current City of Bellevue Utility Codes and Utility Engineering Standards. The applicant will need to obtain over the counter side sewer, storm and water meter applications.

AUTHORITY: Bellevue City Code Title 24.02, 24.04, 24.06
REVIEWER: Chris Brooks, Utilities Department

3. Holiday Construction & Traffic Restrictions

Construction activities such as hauling and lane closures between November 15th and January 5th will be allowed only between the hours of 10:00 pm and 6:00 am due to holiday traffic. The Transportation Department will be monitoring traffic and may modify this restriction accordingly.

AUTHORITY: Bellevue City Code 14.30.060
REVIEWER: Ray Godinez, Transportation Department

4. Provisions for Loading

The property owner shall provide an off-street loading space which can access a public street. On-street loading and unloading will not be permitted.

AUTHORITY: Land Use Code 20.20.590.K.4
REVIEWER: Ray Godinez, Transportation Department

5. Building Permit

Approval of this application does not constitute an approval of a development permit. A building permit and any other associated development permits are required. Plans submitted as part of any permit application shall be consistent with the activity permitted under this approval.

AUTHORITY: Land Use Code 20.30P.140
REVIEWER: Leah Chulsky, Development Services Department

6. Approved Modification

This decision approves the slope modification as identified in the project site plans (Attachment 1) to construct ten structures (24 townhomes) with mitigation. This approval does not allow future structures or improvements to be located without future review and permits.

AUTHORITY: Land Use Code 20.30P.140

REVIEWER: Leah Chulsky, Development Services Department

7. Mitigation Planting Area

The reduced geologic hazard critical area requires planting to mitigate the approved structure setback reduction in accordance with the project mitigation plan included as Attachment 2. **The applicant shall submit a final planting plan as part of the clear and grade permit which is consistent with the requirements in this report.**

AUTHORITY: Land Use Code 20.25H.220

REVIEWER: Leah Chulsky, Development Services Department

8. Maintenance and Monitoring

The planting area shall be maintained and monitored for 5 years as required by LUC 20.25H.220. Annual monitoring reports are to be submitted to Land Use each of the five years. Photos from selected photo points will be included in the monitoring reports to document the planting. Annual monitoring reports are to be submitted to the Development Services Department Land Use Division at the end of the growing season by no later than November 30 for each year monitored. The reports, along with a copy of the planting plan, can be sent to Leah Chulsky at Ichulsky@bellevuewa.gov or to the address below:

Environmental Planning Manager
Development Services Department
City of Bellevue
PO Box 90012
Bellevue, WA 98009-9012

AUTHORITY: Land Use Code 20.30P.140; 20.25H.220

REVIEWER: Leah Chulsky, Development Services Department

9. Installation Device

To ensure the required mitigation and restoration of areas of temporary disturbance is completed, the applicant shall post an Installation Assurance Device prior to the building permit or clearing and grading permit issuance. The device shall be equal to 150% of the value of the approved mitigation. The device will be released when the applicant demonstrates required mitigation has successfully been installed.

AUTHORITY: Land Use Code 20.25H.125.J, 20.25H.220, and 20.40.490

REVIEWER: Leah Chulsky, Development Services Department

10. Hold Harmless Agreement

The applicant shall submit a hold harmless agreement in a form approved by the City Attorney which releases the City from liability for any damage arising from the location of improvements within a critical area structure setback in

accordance with LUC 20.30P.170. The hold harmless agreement is required to be recorded with King County prior to building permit issuance. Staff will provide the applicant with the hold harmless form.

AUTHORITY: Land Use Code 20.30P.170
REVIEWER: Leah Chulsky, Development Services Department

11. Rainy Season Restrictions

No clearing and grading activity may occur during the rainy season, which is defined as October 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

AUTHORITY: Bellevue City Code 23.76.093.A,
REVIEWER: Tom McFarlane, Development Services Department

12. Storm Water Pollution Prevention Plan

To ensure contaminated stormwater or construction-related runoff does not pollute adjacent surface water; a construction stormwater pollution prevention plan (CSWPPP) is required. The CSWPPP outline should be generally consistent with the SWPPP requirements of the National Pollutant Discharge Elimination System (NPDES) General Storm water Permit for Construction Activities.

AUTHORITY: Bellevue City Code 23.76.
REVIEWER: Tom McFarlane, Development Services Department

B. PRIOR TO CLEARING & GRADING PERMIT: These conditions must be complied with on plans submitted with the Clearing & Grading or Demolition permit application:

1. Right-of-Way Use Permit

Prior to issuance of any construction or clearing and grading permit, the applicant shall secure applicable right-of-way use permits from the City's Transportation Department, which may include:

- a) Designated truck hauling routes.
- b) Truck loading/unloading activities.
- c) Location of construction fences.
- d) Hours of construction and hauling.
- e) Requirements for leasing of right of way or pedestrian easements.
- f) Provisions for street sweeping, excavation and construction.
- g) Location of construction signing and pedestrian detour routes.
- h) 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 prevents access. General materials storage and contractor convenience are not reasons for preventing access.

AUTHORITY: Bellevue City Code 11.70 & 14.30
REVIEWER: Tim Stever, Transportation Department

2. Civil Engineering Plans – Transportation

Civil engineering plans produced by a qualified engineer must be approved by the Transportation Department prior to issuance of the clearing and grading permit. The design of all street frontage improvements and driveway accesses must be in conformance with the requirements of the Americans with Disabilities Act, the Transportation Development Code, the provisions of the Transportation Department Design Manual, and specific requirements stated elsewhere in this document. All relevant standard drawings from the Transportation Department Design Manual shall be copied exactly into the final engineering plans. Requirements for the engineering plans include, but are not limited to:

- a) Traffic signs and markings.
- b) Curb, gutter, sidewalk, ADA ramp and driveway approach design. (The engineering plans shall be the controlling document on the design of these features; architectural and landscape plans must conform to the engineering plans as needed.)
- c) Sight distance. Vehicle and pedestrian sight distance must be provided per TE-1, TE-2 and the Transportation Design Manual Trench restoration within any right of way or access easement.
- d) Location of fixed objects in the sidewalk or near the driveway approach.
- e) Trench restoration within the City right-of-way.
 - Specific requirements are detailed below. (Additional transportation-related improvements may be required during the clear and grade permit phase for this project.)
 - Private access road with a minimum paved width of 20 feet. Curb and gutter required (locations to be specified by the Transportation Department during the Clear and Grade permit phase). See Transportation Design Manual table 2 (Landing Grades for Private Roads and Driveways) for grade requirements.
 - Access connection design at 129th Place SE (either a driveway approach per DEV-7A or curb returns may be used with approval from the Addressing Coordinator).

- Driveway approach design for residential units.
- Concrete sidewalk connection from the existing sidewalk on 129th Place SE to the trailhead within the site. Sidewalk design per TE-11.
- Construction of a pedestrian trail per City Project T-209 (and Ordinance 4545). (Trail design to be specified during the Clear and Grade permit phase for this project.)
- Handrails and guardrails where necessary (per WSDOT standards) along the alignment of the private access road and all pedestrian facilities related to this development.
- Street lighting at the end of 129th Place SE.
- All utilities must be undergrounded within the project site.

AUTHORITY: Bellevue City Code 14.60; Transportation Department Design Manual
REVIEWER: Ray Godinez, Transportation Department

4. Final Landscape and Irrigation Plan and Refuse Location

The Final Landscape and Irrigation Plans shall be submitted with the building permit application to ensure compliance will all Land Use Code requirements.

Any sleeves for irrigation mainlines shall be placed within the project property lines.

The applicant shall records a copy of the approved project drawings, including the landscape and irrigation plans, and conditions of this Design Review with the King Country Division of Records and Elections and with the Bellevue City Clerk.

The location of the refuse area shall be located within the individual garages and be taken out for pick up day only and then returned to the individual garages.

AUTHORITY: Land Use Code 20.20.520, 20.20.900.G and 20.25B.040.C
REVIEWER: Leah Chulsky, Development Services Department

5. Pesticides, Insecticides, and Fertilizers

The applicant must submit as part of the required Clearing and Grading Permit information regarding the use of pesticides, insecticides, and fertilizers in accordance with the City of Bellevue's "Environmental Best Management Practices".

AUTHORITY: Land Use Code 20.25H.220.H
REVIEWER: Leah Chulsky, Development Services Department

C. PRIOR TO ISSUANCE OF BUILDING PERMIT: Unless specified otherwise below, these conditions must be complied with on plans submitted with the Building Permit Application:

1. Transportation Impact Fee

Payment of the traffic impact fee will be required at the time of building permit issuance. The impact fee is currently \$1360.00 per unit. This fee is subject to change and the fee schedule in effect at the time of building permit issuance will apply.

AUTHORITY: Bellevue City Code 22.16
REVIEWER: Ray Godinez, Transportation Department

2. Pedestrian Easements

The applicant shall provide pedestrian and utility easements to the City to accommodate City project T-209. These easements include the sidewalk connection from 129th Place SE to the established alignment of trail T-209.

AUTHORITY: Bellevue City Code 14.60.100
REVIEWER: Ray Godinez, Transportation Department

3. Addressing

A second address will be required at time of application for Building Permit.

AUTHORITY: International Fire Code 505
REVIEWER: Adrian Jones, Fire Department

4. Building and Site Plans – Transportation

The building grade and elevations shall be consistent with the curb and sidewalk grade shown in the approved civil engineering plans. During construction, city inspectors may require additional survey work at any time in order to confirm proper elevations. Building plans, landscaping plans, and architectural site plans must accommodate on-site traffic markings and signs and driveway design as specified in the engineering plans. Building plans, landscaping plans, and architectural site plans must comply with vehicle and pedestrian sight distance requirements, as shown on the engineering plans.

AUTHORITY: Bellevue City Code BCC 14.60.060, 110, 120, 150, 180, 181, 190, 240, 241
REVIEWER: Ray Godinez, Transportation Department

5. Existing Easements

There are utility easements contained on this site which are affected by this development. Any negative impact that this development has on those easements must be mitigated appropriately.

AUTHORITY: Bellevue City Code 14.60.100
REVIEWER: Ray Godinez, Transportation Department

D. PRIOR TO TCO: The following conditions are required by City Code and supported by City Policy. The conditions shall be complied with prior to issuance of the Temporary Certificate of Occupancy (TCO):

1. Landscape Maintenance Assurance Device

File with the Development Services Department a landscape maintenance assurance device prior to TCO approval for a five year period for 20% of the cost of labor and materials for all required landscaping. For the purpose of this permit, maintenance and monitoring shall be completed for a period of five growing seasons. Release of this assurance device is contingent upon receipt of documentation reporting successful establishment in compliance with the mitigation performance standards listed in the project mitigation plan. Land Use inspection of the planting after 5-years is required to release the surety

AUTHORITY: Land Use Code 20.40.490, 20.25H.125.J and 20.25H.220
REVIEWER: Leah Chulsky, Development Services Department

2. Transportation Improvements

All required improvements must be constructed as per the approved plans or at the direction of the Transportation Department inspector. Bonding or other types of assurance devices will not be accepted in lieu of construction. All transportation-related improvements must undergo a final inspection and accepted by the City Inspector.

AUTHORITY: Bellevue City Code 14.60; Comprehensive Plan Policy UT-39; Transportation Department Design Manual
REVIEWER: Ray Godinez, Transportation Department

3. Pavement Restoration

Pavement restoration will be specified in the commercial right of way permit to be issued for this project.

AUTHORITY: Bellevue City Code 14.60. 250; Design Manual Design Standard #23
REVIEWER: Tim Stever, Transportation Department

4. Geotechnical Recommendations and Inspection:

The project shall be constructed and inspected by the Engineer of Record to verify implementation of the recommended procedures and practices in the geotechnical report found in the reports prepared by prepared by E3RA, on June 8, 2014 (Attachment 2) and Associated Earth Sciences, Inc on May 17, 2011. A report verifying implementation of inspection shall be submitted to Leah Chulsky

at Ichulksy@bellevuewa.gov prior to receipt of Temporary Certificate of Occupancy.

Development Services Department
City of Bellevue
PO Box 90012
Bellevue, WA 98009-9012

AUTHORITY: Land Use Code 20.30P.140
REVIEWER: Leah Chulsky, Development Services Department

5. Native Growth Protection Easement

Record with King County a Native Growth Protection Easement that clearly delineates the area to be designated as Native Growth Area. A copy of the recorded Native Growth Protection Area Easement must be submitted to the City of Bellevue prior to the approval of the TCO.

AUTHORITY: Land Use Code 20.25H.030.B
REVIEWER: Leah Chulsky, Development Services Department

6. NGPE Boundary Fence and Signage

Prior to final building inspection, the applicant shall perform a field survey of property boundaries completed by a Washington State Licensed Surveyor. The boundary of the NGPE shall be identified, fenced, and marked with boundary signage that states:

PROTECTED AREA – NO CLEARING
This fence marks the edge of a Native Growth Protection Area.
Disturbance, vegetation removal, or tree removal beyond this fence is prohibited.

NGPE boundary fencing and signage shall be of permanent construction and shall be maintained for the duration of the development. Signs must be of size and location to be visible and the boundary fence shall be a minimum of four feet tall.

AUTHORITY: Land Use Code 20.25H.030
REVIEWER: Leah Chulsky, Development Services Department