



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

---

**Proposal Name:** Sai Short Plat

**Proposal Address:** 13009 SE Newport Way

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

**File Number:** 15-130120-LN

**Applicant:** Sindiri Sai Bharat

**Decisions Included:** Preliminary Short Plat (Process II)

**Planner:** Drew Folsom, Associate Planner

**State Environmental Policy Act Threshold Determination:** Exempt

**Department Decision:** Approval with Conditions

  
Drew Folsom, Associate Planner  
Development Services Department

Application Date: December 22, 2015  
Notice of Application: April 21, 2016  
Minimum Comment Period: May 5, 2016 (14 days)  
Decision Publication Date: July 20, 2017  
Appeal Deadline: August 3, 2017

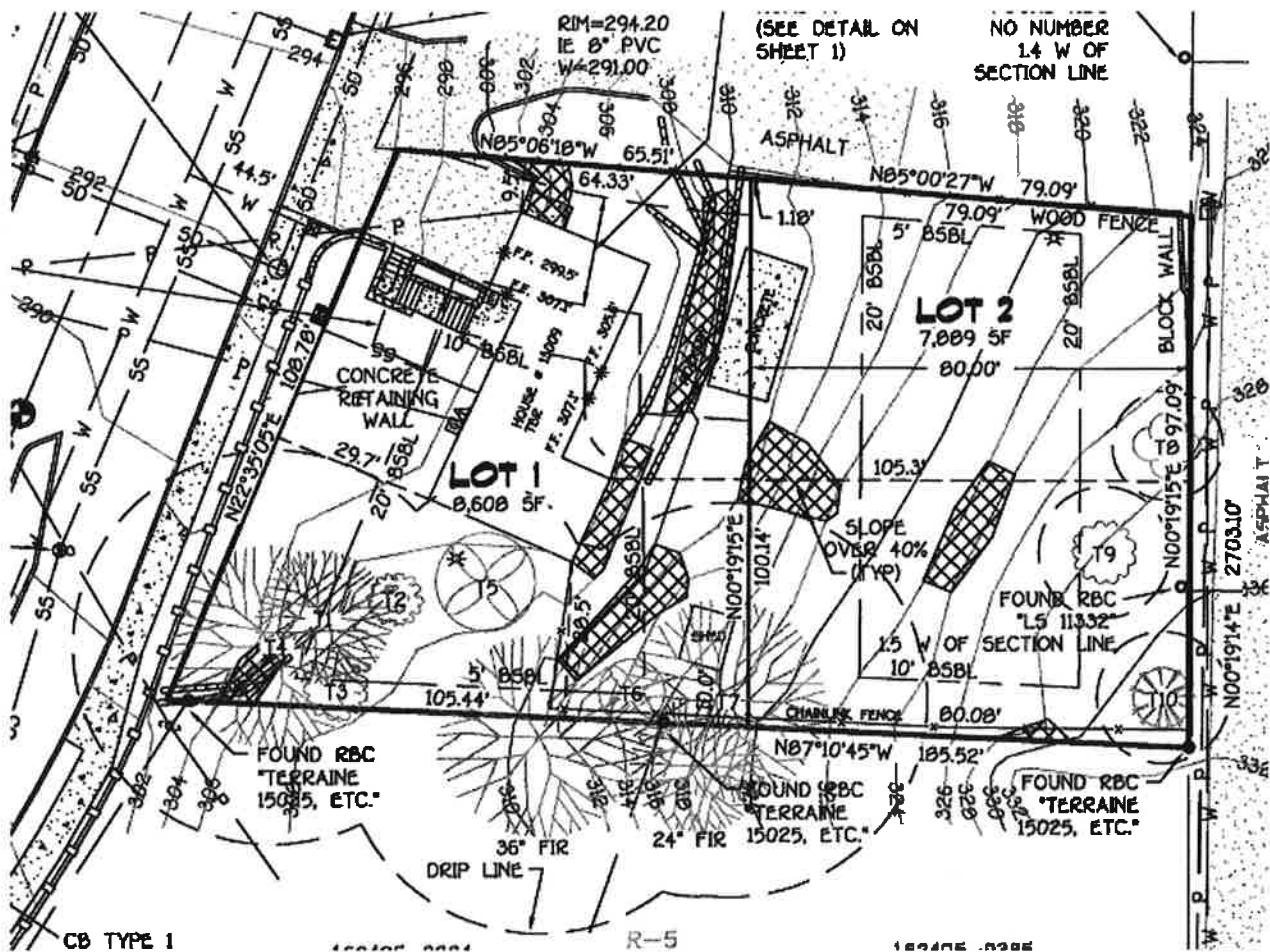
For information on how to appeal a proposal, visit the Permit Center at City Hall or call (425) 452-6800 [TTY (425) 452-4636]. Appeal of the Decision must be made with the City Clerk by 5 PM on the date noted for appeal of the decision.

---

**I. DESCRIPTION OF PROPOSAL**

The applicant is proposing to subdivide an existing parcel (16,497 square feet) into two single family lots (8,608 and 7,889 square feet). The site is zoned R-5 (a single family zoning district) and is located within the Factoria Subarea. The minimum lot size in R-5 zoning districts is 7,200 square feet. The site contains an existing single family home and detached shed both of which will be removed as part of the proposal. Access to the two lots will be from a joint-use access easement off of SE Newport Way.

**Figure 1 – Preliminary Short Plat Proposal**



## II. SITE DESCRIPTION AND CONTEXT

The subject site is located within existing single-family and multi-family neighborhoods. The site is bordered by single-family dwellings to the north, south, and east. West of the site, across SE Newport Way, are multi-family dwellings. The property is zoned R-5 and has a Comprehensive Plan designation of Single-Family High Density. The site contains several significant trees comprised mainly of Douglas fir, western red cedar, and cherry species. An existing single family home and detached shed are proposed to be removed as part of the proposal. Access to the site is gained via SE Newport Way. The frontage of the property along SE Newport Way is developed with a sidewalk and retaining wall. The retaining wall ranges in height from 6 to 10 feet travelling north to south. 131<sup>st</sup> PI SE, a private road is located east of the property. The applicant does not propose gaining access from 131<sup>st</sup> PI SE. The topography of the site slopes moderately downward from east to west. The site contains no Critical Areas as defined under LUC 20.25H.

Figure 2 – Aerial Photograph

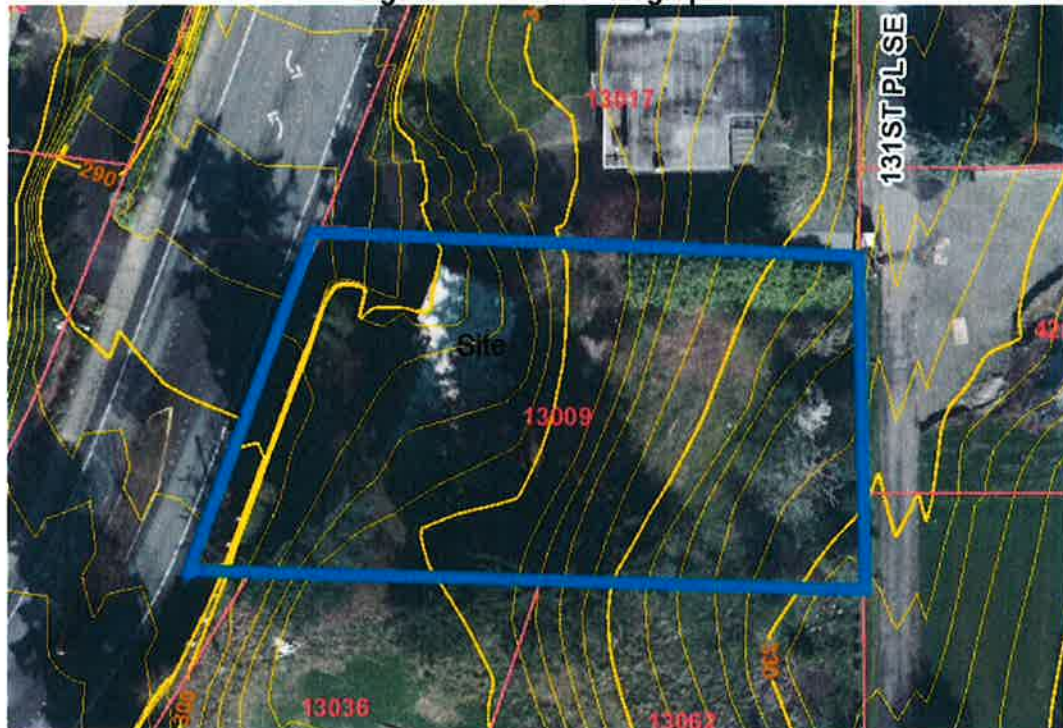


Figure 3 – Street Frontage



### III. CONSISTENCY WITH ZONING AND LAND USE CODE REQUIREMENTS

#### A. Zoning

The site and lots north and south are zoned R-5; properties to the east are zoned R-3.5; these are single family zoning districts. Properties to the west are zoned R-20, a multi-family zoning district. 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 for discussion of dimensional requirements.

Figure 3 – Zoning Map





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

**Table 1 – Dimensional Requirements**

<b>BASIC INFORMATION</b>		
<b>Zoning District</b>	R-5 Factoria Subarea Comprehensive Plan Designation: Single-Family High	
<b>Gross Site Area</b>	16,497 square feet	
<b>ITEM</b>	<b>REQ'D/ALLOWED</b>	<b>PROPOSED</b>
<b>Minimum Lot Area</b>	7,200 Square Feet	Lot 1: 8,608 Lot 2: 7,889
<b>Minimum Lot Width</b>	60 Feet	Lot 1: 100 Lot 2: 100 Feet (approx.)
<b>Minimum Lot Depth</b>	80 Feet	Lot 1: 105 Feet (approx.) Lot 2: 80 Feet (approx.)
<b>Building Setbacks</b>		
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
<b>Access Easement Setbacks</b>	10 Feet from easement	10 Feet

**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), BCC 22.02.032.

**V. SUMMARY OF TECHNICAL REVIEWS**

**A. Utilities Review**

**Storm Drainage**

The project will be required to mitigate for minimum requirements 1-5 from the Department of Ecology Stormwater Management Manual for Western Washington. The project has shown through the drainage report that the use of onsite infiltration, dispersion and LID techniques are not feasible due to poor soil and slopes. Therefore the two lots will be allowed to directly connect to the downstream drainage system is SE Newport Way.

**Water**

The water supply for this project will connect to a City of Bellevue owned water main located in SE Newport Way. One additional domestic water meter will be needed for the new single family residence. The existing water serving the house is proposed to be reused for one of the lots if sized large enough for the new home.

### **Sewer**

Sewer service will utilize the existing sanitary sewer stub currently in use by the single family home on site. The stub will be jointly connected with the new lot.

**Refer to Conditions of Approval regarding Utilities in Section X 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**

The existing lot takes access off of SE Newport Way from a driveway approach shared with the bordering lot to the north. The approach provides access to two separate driveways. SE Newport Way consists of two 11 foot travel lanes, one 12 foot center turn lane, 5 foot bike lanes on each side, concrete curb and gutter, and a 5 foot wide concrete sidewalk along the property's frontage. A concrete retaining wall stands 4 feet from the existing sidewalk along the front of the lot.

The existing lot is to be subdivided into two lots taking access from a joint-use driveway. The driveway approach shall be shared with the neighboring lot to the north and be constructed per City of Bellevue standard detail SW-170-1. The joint-use driveway shall have a minimum pavement width of 16 feet maintained for its entire length. It shall have a maximum grade of 10% for the first 20 feet from the driveway approach and a maximum of 15% for its entire length. Driveways for individual residences shall have minimum lengths and widths of 20 and 10 feet, respectively. Street names and site addresses will be determined by the City's Parcel and Address Coordinator.

### **Street Frontage 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 street frontage improvements on SE Newport Way is required as a condition of development approval. The design of the improvements must conform to the requirements of the Americans with Disabilities Act, the Transportation Development Code (BCC 14.60), and the provisions of the Transportation Department Design Manual.

The following frontage improvements shall be required:

- Remove and replace any deficient sidewalk panels along SE Newport Way.
- Remove and replace the existing shared driveway approach per City of Bellevue standard detail SW-170-1.
- Construct a joint-use driveway serving the proposed lots.
  - The driveway shall have a minimum width of 16 feet and a 20-foot wide easement.
  - Grades shall not exceed 10% within the first 20 feet behind the driveway approach or 15% for its entire length.
  - Driveways for individual lots shall have minimum lengths and widths of 20 and 10 feet, respectively.

### **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 SE Newport Way is classified as standard trench restoration.

### **Sight Distance**

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

**Refer to Conditions of Approval regarding Transportation in Section X 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.

**VI. PUBLIC COMMENT**

The City notified the public of this proposal on April 21, 2016, with mailed notice and publication in the Weekly Permit Bulletin and The Seattle Times. A public information sign was also installed on the site the same day. The City received no written public comments regarding the proposal.

**VII. CHANGES TO PROPOSAL BECAUSE OF STAFF REVIEW**

The original design was revised to retain more significant trees and retaining walls were modified to limit disturbance.

**VIII. 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 X 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 moderately downward from east to west.

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, without the need for a variance, 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. Per to LUC Section 20.20.900.G an applicant may request a modification of the tree retention requirements set for in subsection D pursuant to LUC 20.20.900.G.2.*

**Response:** The subject property contains 177 diameter inches of significant trees. Therefore, the applicant is required to preserve a minimum of 53 diameter inches of significant trees onsite. The applicant proposes to retain 53 inches of the existing trees onsite or 30% of the total existing diameter inches on site. The retained trees include a 36" Douglas fir (T7), a 10-inch alder (T9), and a 12-inch pine (T10). Tree protection and limitations on disturbance within driplines will be required during any construction activity. **Refer to Conditions of Approval regarding tree protection and tree retention in Section X of this report.**

**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, 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 (S-FA-4). The proposal helps meet Bellevue's share of the regionally adopted demand forecasts for residential uses for the next 20 years (LU-5) and provides new residential development to the maximum density allowed on the net buildable acreage (LU-6).

**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. Existing structures over 30 inches within the proposed setbacks will be required to be removed as part of the proposal. **Refer to Conditions of Approval regarding the variance and demolition restrictions in Section X of this report.**

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

**Finding:** The Utilities and Transportation Departments have reviewed the preliminary short plat and determined that all necessary utilities, drainage, driveway access 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 X of this report.**

**IX. CONCLUSION AND DECISION:**

After conducting the various administrative reviews associated with this proposal, including applicable Land Use consistency, City Code, and standard compliance reviews, the Director of the Development Services Department (DSD) does hereby **APPROVE** the Sai 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.

**X. 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:

<b>Applicable Codes, Standards &amp; Ordinances</b>	<b>Contact Person</b>
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	Sean Nichols, (425) 452-2926
Land Use Code – BCC Title 20	Drew Folsom, (425) 452-4441
Noise Control – BCC 9.18	Drew Folsom, (425) 452-4441
Transportation Develop. Code – BCC 14.60	Brendan Byron, (425) 452-4851
Traffic Standards Code 14.10	Brendan Byron, (425) 452-4851
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. Water (UC) and sewer (UA) facilities proposed for this short plat shall be reviewed and approved under individual side sewer, water permits. The applicant will be required to hand in a drainage report and storm water site plan with each building permit following the design concept proposed for this short plat application. Approval of the drainage connection will occur under each building permit.

A joint use private water, sewer and drainage easement will be required on the face of the final short plat. The following language will be included on the final short plat,

"The Private Sanitary Sewer Easement shown over and across (make reference to various areas on plat; e.g. Exterior 10 feet of Lot 1, private Tract B, etc.) is established for the benefit of the owner(s) (of Lot(s) #). The cost of maintenance, repairs or reconstruction of that portion of the sanitary sewer system used in common shall be borne in equal shares, except that the owners of any lower parcel shall not be responsible for the part of the sanitary sewer system above their connection; and when necessary to repair, clean or reconstruct the sanitary sewer system, the property owner(s) (to whom the easement benefits) shall have a right of entry for that purpose."

"The Private Storm Drainage Easement shown over and across is established for the benefit of the owner(s) (of Lot(s) 1-2 #) and for the purpose to operate and maintain a storm water runoff conveyance to a public or private surface water system or facility. The cost of maintenance, repairs or reconstruction of that portion of the storm system used in common shall be borne in equal shares, except that the owners of any lower parcel shall not be responsible for the part of the storm system above their connection; and when necessary to repair, clean or reconstruct the storm system, the property owner(s) (to whom the easement benefits) shall have a right of entry for that purpose."

"The Private Water Easement shown over and across is for the benefit of both lots 1 and 2 for the purposes to operate and maintain a water conveyance from the public water system. Each owner shall have the right to access and repair water lines located in said easement."

Authority: BCC Title 24.02, 24.04, 24.06  
Reviewer: Mark Dewey, Utilities

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

Authority: Bellevue City Code 14.30

Reviewer: Brendan Byron, Transportation Department, (425) 452-4851

## **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: Brendan Byron, Transportation Department, (425) 452-4851

## **3. Engineering Plans**

A street lighting plan, channelization plan, and 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 private road or shared driveway, the connection to SE Newport Way, pavement restoration in SE Newport Way, mailbox location, and sight distance. Appropriate standard drawings from the Transportation Department Design Manual must be included in the engineering plans.

The following frontage improvements shall be required:

- Remove and replace any deficient sidewalk panels along SE Newport Way.
- Remove and replace the existing shared driveway approach per City of Bellevue standard detail SW-170-1.
- Construct a joint-use driveway serving the proposed lots.
  - The driveway shall have a minimum width of 16 feet and a 20-foot wide easement.
  - Grades shall not exceed 10% within the first 20 feet behind the driveway approach or 15% for its entire length.
  - Driveways for individual lots shall have minimum lengths and widths of 20 and 10 feet, respectively.

Construction of all street and street frontage improvements must be completed prior to closing the clear and grade permit and right of way use permit for this project. A Design Justification Form must be provided to the Transportation Department for any aspect of any pedestrian route adjacent to or across any street that cannot feasibly be made to comply with ADA standards. Forms must be provided prior to approval of the clear and grade plans for any deviations from standards that are known in advance. Forms provided in advance may need to be updated prior to project completion. For any deviations from standards that are not known in advance, Forms must be provided prior

to project completion.

Authority: Bellevue City Code 14.60, Transportation Department Design Manual, and Transportation Department Design Manual Standard Drawings, and the Americans with Disabilities Act.

Reviewer: Brendan Byron, Transportation Department, (425) 452-4851

#### **4. Sight Distance**

If necessary to meet the sight distance requirements of BCC 14.60.240 and standard drawing RL-100-1, existing vegetation near the access point on SE Newport Way must be trimmed. Ground vegetation within the sight triangle must be trimmed to no more than 2.5 feet above a line drawn from pavement level to pavement level. Trees within the sight triangle must be limbed up to a height of 7.5 feet above a line drawn from pavement level to pavement level. A description of any required vegetation trimming must be shown on a sheet of the clearing and grading plan set.

Authority: Bellevue City Code 14.60.240

Reviewer: Brendan Byron, Transportation Department, (425) 452-4851

#### **5. Pavement Restoration**

The city's pavement manager has determined that this segment of SE Newport Way will require standard trench restoration for any utility connections or other digging in the street surface. Trench restoration must meet the requirements of Section 21 of the Design Manual and standard drawings RC-190-1 through RC 210-1. Exact copies of the appropriate trench restoration drawing(s) must be included in the final engineering plans.

Authority: Bellevue City Code 14.60.250 and Design Manual Design Standard # 23

Reviewer : Brendan Byron, Transportation Department, (425) 452-4851

#### **6. 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: Drew Folsom, Development Services Department

## **7. 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: Drew Folsom, Development Services 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.

Transportation Development Code Section 14.60.260 provides for 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, 260  
Transportation Department Design Manual Sections 3, 4, 5, 7, 11, 14, 19  
Reviewer: Brendan Byron, Transportation Department, (425) 452-4851

### **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 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: BCC 14.60.130

Reviewer: Brendan Byron, Transportation Department, (425) 452-4851

### **3. 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.”

During future home construction, the dripline of the trees to be saved shall be fenced to prevent clearing & grading activities within the dripline area.

Authority: Land Use Code 20.20.520.E, LUC 20.20.900

Reviewer: Drew Folsom, Development Services Department

### **4. Demolition of existing structures within proposed setbacks**

All existing structures within required minimum structure setbacks must be removed prior to approval of the final short plat. The applicant shall apply for a building permit to remove the structures.

Authority: Land Use Code 20.20.010, 20.45B.130.A.6

Reviewer: Drew Folsom, Development Services Department

### **5. 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. The following language shall be placed on the final short plat document:

“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: Drew Folsom, Development Services Department

Sai Short Plat - 15-130120-LN  
13009 SE Newport Way  
Page 16 of 16

**ATTACHMENTS**  
Project Drawings