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**BEFORE THE HEARING EXAMINER FOR THE CITY OF BELLEVUE**

In the Matter of the Application of )  
)  
**RON KINOSHITA** )  
)  
For Planned Unit Development and )  
Preliminary Short Plat Approvals to )  
Build a Residential Development on )  
Seven Lots on a 1.1 Acre Site at 1429 )  
and 1435 Bellevue Way )  
\_\_\_\_\_)

**FILE NOS: 11-103506-LK  
11-121570-LN**  
  
**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND DECISION**

**SUMMARY**

**1. Decision.** The application is **APPROVED**, subject to conditions.

**2. Proposal.** Ron Kinoshita seeks approval of a Planned Unit Development (PUD) and Preliminary Short Plat to build a nine-unit residential development consisting of six attached, multi-family townhome units in two buildings and three detached, single-family homes. The 1.1-acre site is on west side Bellevue Way, between SE 14th Street and SE 16th Street. The site is split between multi-family and single family zoning.

The multi-family townhomes will be situated in the southeast corner of the site. The single family homes will lie in the upper, western half of the site. Three of the townhome units and the three detached homes will be on separate lots. The other three attached townhomes will share a seventh lot.

The project will be accessed by a single shared driveway off of Bellevue Way. The detached homes will have individual garages. The townhome units will share a garage below the interior townhome building.

The dwelling units will be designed to fit into the existing neighborhood development pattern of smaller single family homes. Utilities will connect to existing urban infrastructure. All of the perimeter trees will be retained. Forty percent of the site will be devoted to open space.

1 A common recreation area will be provided. The landscape plan will meet tree retention  
2 requirements, using native and drought resistant plants.

3 **3. Procedure.** The application was filed on January 27, 2011, and notice of the  
4 application was published on March 3, 2011. The proposal is exempt from the procedural  
5 requirements of the State Environmental Policy Act.

6 A public meeting was held on March 17, 2011. No members of the public attended.  
7 Four email comments, generally seeking information, were received and responded to by staff.

8 The administrative decision approving the Preliminary Short Plat was issued on  
9 November 17, 2011, along with the Staff Report recommending approval of the Planned Unit  
10 Development. The short plat decision was not appealed. The Hearing Examiner hearing on the  
11 PUD was held upon due notice on December 8, 2011.

### 12 **FINDINGS OF FACT**

13 1. Ron Kinoshita seeks approval of a nine-unit PUD on a 1.1 acre site, consisting of six  
14 attached dwellings in two buildings and three detached single family homes.

15 2. The location is on property now comprised of three contiguous parcels, split between  
16 single-family (R-4) and multi-family zoning (R-15). The multi-family-zoned area is also within  
17 the Single-Family Transition Area. The existing parcels are addressed as 1435 and 1429  
18 Bellevue Way SE and lie within the Southwest Bellevue Subarea.

19 3. The R-15 portion will contain two buildings with three townhomes per building. Each  
20 townhome will occupy approximately 2,280 square feet. The R-4 portion of the site will have  
21 three detached single family homes of similar square footage on three separate lots.

22 4. The site is located in a developed residential neighborhood consisting of modestly-  
23 sized single-family homes. The subject proposal is designed to be compatible with the  
24 surrounding residential development by providing townhouses that have a single-family scale  
25 and detailing, and that will use materials similar to those found on nearby residences. The  
26 proposed detached homes will also be built in the townhouse style and be compatible in scale  
27 and appearance with neighboring homes.

28 5. The property slopes up steeply from Bellevue Way and then contains a gentle slope  
29 over the western two-thirds of the site. There is a rockery located at the back of the public  
30 sidewalk along the street.

12/28/2011

1           6. The multi-family townhomes will be clustered in the steeper southeastern corner of  
2 the site, set into the slope close to Bellevue Way. The single family homes will be located in the  
3 interior, the upper western half of the site. The access for all homes will be SE 15th Court (Tract  
4 E), a shared driveway off of Bellevue Way, located roughly where the existing driveway is. A  
5 day care facility and a single family home now located on the site will be removed.

6           7. The site is presently covered with mature trees --primarily Douglas Fir and Western  
7 Redcedar. The plans call for retention of 100% of the trees within the site perimeter and 18.4%  
8 of the diameter inches of the site's interior trees. Over the entire site this will result in retention  
9 of 33% of the existing diameter inches.

10           8. Forty percent of the site will become common open space, placed in separate Open  
11 Space Tracts (A -D). Between the two multi-unit buildings will be a courtyard with picnic tables  
12 and barbeques. The southwest corner of the site will become a sizable active recreation area  
13 available for small-scale field games or community events.

14           9. Near the center of the site will be another open space tract, characterized by retained  
15 trees and enhanced vegetation. A walkway connecting the multi-unit buildings to the detached  
16 single family homes will weave through this open space.

17           10. Units 1-3 (Building 1), the attached townhomes along Bellevue Way on the eastern  
18 edge of the site will be fee-simple, each on its own lot. The unit entries will be oriented west  
19 towards the courtyard. Across the courtyard, will be Units 4-6 (Building 2) also attached  
20 townhomes, but occupying a single lot. Units 7-9, the detached homes, will each have a separate  
21 lot, bringing the total number of lots in the new subdivision to seven.

22           11. Beneath Building 2 will be an underground garage providing parking for all of the  
23 townhome units. There will be 12 covered parking stalls within the garage, two per unit. Each  
24 of the detached homes will have its own two-car garage. Space will be provided for visitor  
25 parking at both the multi-unit buildings and the detached homes.

26           12. The anticipated peak hour traffic from the proposed development will actually be  
27 less than generated by the present day-care use.

28           13. The nine units provided will meet applicable density requirements of the Land Use  
29 Code. No density bonus was applied. Open space, recreation space, tree retention, lot coverage  
30

1 and building height requirements will be met. Lot areas, lot dimensions, and building setback  
2 requirements will be modified under the PUD.

3 14. Initially the applicant plans to maintain ownership of the entire site using all nine  
4 units as rental property. However, the PUD has been designed so that in the future, some or all  
5 of the lots could be sold separately.

6 15. The PUD decision criteria are set forth at LUC 20.30D.150, as follows:

- 7 A. The Planned Unit Development is consistent with the Comprehensive Plan.
- 8 B. The Planned Unit Development accomplishes, by the use of permitted  
9 flexibility and variation in design, a development that is better than that resulting  
10 from traditional development.
- 11 C. The Planned Unit Development results in no greater burden on present and  
12 projected public utilities than would result from traditional development and the  
13 Planned Unit Development will be served by adequate public or private  
14 facilities including streets, fire protection, and utilities.
- 15 D. The perimeter of the Planned Unit Development is compatible with  
16 the existing land use or property that abuts or is directly across the street  
17 from the subject property. Compatibility includes, but is not limited to,  
18 size, scale, mass and architectural design.
- 19 E. Landscaping within and along the perimeter of the Planned Unit  
20 Development is superior to that required by the Code (Section 20.20.520)  
21 and enhances the visual compatibility of the development with the surrounding  
22 neighborhood.
- 23 F. At least one major circulation point is functionally connected to a public right-  
24 of-way.
- 25 G. Open space within the Planned Unit Development is an integrated part of the  
26 project rather than an isolated element of the project.
- 27 H. The design is compatible with and responds to the existing or intended  
28 character, appearance, quality of development and physical characteristics of the  
29 subject property and immediate vicinity.
- 30 I. That part of a Planned Unit Development in a Transition Area meets the  
Transition Area requirements (Part 20.25B) or the criteria of Paragraph  
20.25B.040.
- J. Roads and streets, whether public or private, within and contiguous to the site  
comply with Department of Transportation and Utilities guidelines for  
construction of streets.
- K. Streets and sidewalks, existing and proposed, are suitable and adequate to  
carry anticipated traffic within the proposed project and in the vicinity of the  
proposed project.

1 L. Each phase of the proposed development, as it is planned to be completed,  
2 contains the required parking spaces, open space, recreation space, landscaping  
3 and utility area necessary for creating and sustaining a desirable and stable  
4 environment.

5 16. The Staff Report analyzes the proposal in light of the above criteria and finds that,  
6 as conditioned, the project will be consistent with the criteria. The Hearing Examiner concurs  
7 with this analysis and adopts the same. The Staff Report is by this reference incorporated herein  
8 as though fully set forth.

9 17. In particular, the Examiner notes: (a) the proposed development is infill in a  
10 developed area and is compatible in use, design, appearance, and scale with existing  
11 development; (b) the design includes open space, landscaping and tree retention that is better  
12 than traditionally provided; (c) transition area requirements are met; (d) existing infrastructure is  
13 adequate to meet the demands of development.

14 18. Any conclusion herein which may be deemed a finding is hereby adopted as such.

### 15 CONCLUSIONS OF LAW

16 1. The Hearing Examiner has jurisdiction over the subject matter of this proceeding.  
17 Under the Land Use Code, a Planned Unit Development is a Process I decision. (LUC  
18 20.35.015(B)(3).

19 2. Absent any appeal, the administrative approval of the Preliminary Short Plat remains  
20 undisturbed.

21 3. The project is exempt from the procedural requirements of the State Environmental  
22 Policy Act (SEPA).

23 4. The proposal, as conditioned, meets the criteria for approval of a Planned Unit  
24 Development (LUC 20.30D.150), including the conservation feature and recreation space  
25 requirement (LUC 20.30D.160.)

26 5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

### 27 CONDITIONS

#### 28 **1. Noise/Construction Hours**

29 Noise related to construction is allowed from 7:00 a.m. to 6:00 p.m. Monday through Friday  
30 and 9:00 a.m. to 6:00 p.m. on Saturday. Exceptions to the construction noise hours limitation  
contained in the Noise Control Code MAY be granted pursuant to Noise Control BCC

1 9.18.020C, only when necessary to accommodate construction which cannot be undertaken  
2 during exempt hours. Prolonged exposure to noise created by extended hour construction  
3 activity is likely to have significant impact on inhabitants of surrounding residential  
4 properties during construction. In order to minimize detriment on residential uses in the  
5 immediate vicinity of the Kinoshita PUD/Short Plat, allowances for short term work outside  
6 of normal construction hours shall be limited and will be reviewed on a case basis to verify  
7 necessity and ensure appropriate noise mitigation is utilized to protect surrounding uses and  
8 properties. If expanded hours are necessary to accommodate a specific component of  
9 construction, a written request for exemption from the Noise Control Code must be submitted  
10 no later than two weeks prior to the scheduled onset of extended hour construction activity.  
11 (Bellevue City Code 9.18.020)

12 **2. Holiday Construction & Traffic Restrictions**

13 Construction activities such as hauling and lane closures between November 15<sup>th</sup> and January  
14 5<sup>th</sup> will be allowed only between the hours of 10:00 p.m. and 6:00 a.m. due to holiday traffic.  
15 The Transportation Department will be monitoring traffic and may modify this moratorium  
16 accordingly. The applicant shall contact the Transportation Department Right-of-Way  
17 Section to confirm the specifics of this restriction prior to applying for a Right-of-Way Use  
18 Permit, which is issued directly by the Transportation Department. (Bellevue City Code  
19 14.30.060)

20 **3. Permanent Access Designation**

21 A note stating that no other access connection to city right-of-way is authorized, other than  
22 the access location approved herein on the face of the Final Plat map. (Bellevue City Code  
23 14.60.130; 14.60.150)

24 **4. Utility Conditions of Approval**

25 The Utilities Department conditions of approval for the Kinoshita PUD and Preliminary  
26 Short Plat application is based on the conceptual utility design agreed on during preliminary  
27 review. Final civil engineering of the utility design may require changes to the site layout to  
28 accommodate the utilities. The water, sewer, and storm drainage systems shall be designed  
29 per the current City of Bellevue Utility Codes and Utility Engineering Standards. Utilities  
30 Department design review, plan approval and field inspection is performed under the  
Developer Extension Agreement application and Utilities Permit Processes. Application and

1 completion of water sewer and storm drainage systems and project acceptance will be  
2 required prior to final short plat approval. (Bellevue City Code Title 24.02, 24.04, 24.06)

3 **5. Building Permit Review**

4 Approval of this PUD is not an approval of any structure or building. All structures will need  
5 to be designed to applicable technical codes. (LUC 20.30D)

6 **6. Right of Way Use Permit**

7 The applicant is required to apply for a Right of Way Use Permit before the issuance of any  
8 clearing and grading, building, foundation, or demolition permit. In some cases, more than  
9 one Right of Way Use Permit may be required, such as one for hauling and one for  
10 construction work within the right of way. A Right of Way Use Permit regulates activity  
11 within the city right of way, including but not limited to the following:

- 12 a) Designated truck hauling routes.
- 13 b) Truck loading and unloading activities
- 14 c) Hours of construction and hauling.
- 15 d) Continuity of pedestrian facilities.
- 16 e) Temporary traffic control and pedestrian detour routing for construction activities.
- 17 f) Street sweeping and maintenance during excavation and construction.
- 18 g) Location of construction fences.
- 19 h) Parking for construction workers.
- 20 i) Construction vehicles, equipment, and materials in the right of way.
- 21 j) All other construction activities as they affect the public street system.

22 In addition, the applicant shall submit for review and approval a plan for providing  
23 pedestrian access during construction of this project. Access along the frontage shall be  
24 provided at all times during the construction process. (Bellevue City Code 14.30)

25 **7. Off Street Parking**

26 The applicant must secure sufficient off-street parking for construction workers, equipment,  
27 and materials storage before the issuance of a clearing and grading, building, foundation or  
28 demolition permit. (Bellevue City Code 14.30)

29 **8. Engineering Plans**

30 A site (civil engineering) plan produced by a qualified engineer must be approved by the City  
prior to clear and grading permit approval. The design of all transportation 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

1 engineering details, including but not limited to, the design of private road, the access  
2 connection to Bellevue Way SE, pavement restoration in Bellevue Way SE, mailbox  
3 location, sidewalk panel restoration on Bellevue Way to repair the cracks and the settlement,  
4 ADA compliance of sidewalk vault lids along the existing sidewalk of Bellevue Way SE, and  
5 sight distances. Appropriate standard drawings from the Transportation Department Design  
6 Manual must be included in the engineering plans. Specific requirements are detailed below:

- 7 a) Portions of the private road leading from the site entrance to the townhouse units,  
8 will have 24 feet wide paved private roadway section and a 5 feet wide sidewalk,  
9 and will be located within a 30 feet wide tract. The segment of the private road  
10 leading to the 3 single family units from the fork in the road does not have a  
11 sidewalk and will have a paved width of 24 feet and a tract width of 25 feet. A 20  
12 foot paved width is provided on the private road portion directly in front of the 3  
13 single family units. The concrete driveway approach as per DEV-7A and  
14 approach width of 29 feet is to be provided at the private road access connection  
15 with Bellevue Way SE.
- 16 b) Curb and gutter section is required to be provided on a private road with slopes  
17 greater than 8%. The pavement layer thickness of the private road shall be as per  
18 standard drawing DEV-8.
- 19 c) Landing grades for the private road shall not exceed 10% slope for a distance of  
20 20 feet past the driveway approach. The private road slope shall not exceed 15%  
21 afterwards. The grades must be designed to prevent vehicles from bottoming out  
22 due to abrupt changes on grade.
- 23 d) The maximum cross grade of a street at the street end shall be 8%.
- 24 e) Vehicle and pedestrian sight distance must be provided per BCC 14.60.240 and  
25 14.60.241. Trimming and/or removal of vegetation and obstacles shall be done as  
26 needed to provide pedestrian and vehicular sight distance as per City of Bellevue  
27 Standards, see Condition 9 below.
- 28 f) All existing overhead utility lines in the property frontage of Bellevue Way SE  
29 are to be undergrounded.

30 (Bellevue City Code 14.60; Transportation Department Design Manual; and Transportation  
Department Design Manual Standard Drawings TE-1, TE-3)

### 26 **9. Sight Distance**

27 If necessary to meet the sight distance requirements of BCC 14.60.240 and standard drawing  
28 TE-1, existing vegetation and or obstacles (including the rockery) near the access point on  
29 Bellevue Way SE must be trimmed. Ground vegetation within the sight triangle must be  
30 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

1 from pavement level to pavement level. A description of any required vegetation  
2 trimming/obstacle removal must be shown on a sheet of the clearing and grading plan set.  
3 (Bellevue City Code 14.60.240)

4 **10. Pavement Restoration**

5 The city's pavement manager has determined that this segment of Bellevue Way SE is a "No  
6 Cut" street. A variance approval is required from the Right of Way Manager before any  
7 work involving pavement cut is planned in the "No Cut" street. The required pavement  
8 restoration will be detailed with any variance approval. (Bellevue City Code 14.60.250 and  
9 Design Manual Design Standard #21)

10 **11. Fire Department Requirements**

- 11 a) Fire Department access must be designed in accordance with chapter 5 of the IFC.  
12 You can view City of Bellevue code amendments to the IFC at  
[http://www.bellevuewa.gov/fire\\_marshall\\_message.htm](http://www.bellevuewa.gov/fire_marshall_message.htm)  
13 b) Detention vaults and pipes in the roadway shall be capable of supporting fire  
14 apparatus with a gross weight of 64,000 lbs. (rear axle = 48,000 lbs and front axle  
= 19,000 lbs).  
15 c) Fire hydrants must be located in accordance with IFC chapter 5.  
16 d) Fire sprinklers and fire alarms for residential occupancy shall be designed in  
17 accordance with chapter 9 of the IFC.  
18 e) Demolition and construction shall conform to the requirements of the  
19 International Fire Code Chapter 14.

20 (International Fire Code (IFC) 508 & BCC 5749, Bellevue Fire Department Development  
Standards (BFDDS)

21 **12. Tree Protection**

22 To mitigate adverse impacts during construction to trees to be retained, applicant must  
23 comply with the following:

- 24 a) Clearing limits shall be established for retained trees within the developed portion  
25 of the site outside of the drip lines, and shown on all subsequent construction  
26 plans. Fencing shall be installed at the clearing limits prior to initiation of any  
clearing and grading. The type of fencing shall be determined by the Clearing  
and Grading inspector.  
27 b) No excavation or clearing should be performed within the drip lines of retained  
28 trees except as specifically approved on plans, All such work shall be done by  
29 hand to avoid damage to roots and shall be done under the supervision of an  
30 arborist approved by the City. (Bellevue City Code 23.76.060)

1 **13. Bellevue Way Streetscaping/Landscaping**

2 Groundcover: As part of the streetscape improvements, the applicant shall replace the ivy in  
3 the planting area between the existing public sidewalk and curb with an approved  
4 groundcover as approved by the Parks Department. Parks Department contact is Tom  
5 Kuykendall, [tkuykendall@bellevuewa.gov](mailto:tkuykendall@bellevuewa.gov), 425-452-7924.

6 Irrigation: in addition, any damage to the existing irrigation system within the City right-of-  
7 way as a result of construction of this proposal shall be repaired at the applicant's expense  
8 under the supervision of the Parks Department.

9 (LUC 20.30D.150.E)

10 **14. Final Landscape Plan**

11 A Final Landscape Plan must be submitted to and by the Development Services Department,  
12 Land Use Division prior to the completion of Plat Engineering. All vegetation in the Open  
13 Space and Recreational tracts (Tracts A,B,C, and D) shall conform to the Preliminary  
14 Landscape Plan. (LUC 20.20.520.C & I and 20.20.900)

15 **15. Infrastructure Improvements**

16 All transportation improvements shown in the final engineering plans and conditions stated  
17 elsewhere in this staff report, or required by city codes and standards, must be either  
18 completed prior to approval of the final short plat or provided for with a financial assurance  
19 device. Completion of the top lift and all other transportation infrastructure items prior to  
20 completion of the homes associated with the development is allowed.

21 Land Use Code Section 20.40.490 allows a developer to obtain final short plat approval prior  
22 to finishing improvements with provision of an acceptable financial assurance device  
23 equivalent to 150% of the cost of unfinished infrastructure improvements. Provision of such  
24 an assurance device requires completion of the improvements by the developer within two  
25 years of final short plat approval. Installation of improvements that would negatively affect  
26 safety if left unfinished may not be delayed through use of a financial assurance device.  
27 Partial reductions of the financial assurance device will not be approved except in special  
28 circumstances, determined in advance, such as phased projects.

1 Improvements must be approved by the Transportation Department inspector before they are  
2 deemed complete. At completion of all transportation infrastructure items, the developer  
3 must provide a one year maintenance assurance device equivalent to 20% of the value of the  
4 transportation infrastructure improvements, dating from the acceptance of the improvements.  
5 (Bellevue City Code 14.60.100, 110, 130, 150, 170, 190, 210, 240, 241; LUC 20.40.490  
6 Transportation Department Design Manual Sections 3, 4, 5, 7, 11, 14, 19)

7 **16. Access Design and Maintenance**

8 The final subdivision map must include a note that specifies that the owners of lots served by  
9 the private road are jointly responsible for maintenance and repair of the private road. Also,  
10 the final Short Subdivision map must include a note that specifies that the private road will  
11 remain open at all times for emergency and public service vehicles and shall not be gated or  
12 obstructed. (BCC 14.60.130)

13 **17. Existing Structures to Demolish**

14 The applicant shall remove the existing houses and any detached accessory structures prior to  
15 final plat approval and shall provide a survey to verify that these structures have been  
16 removed. (LUC 20.20.010)

17 **18. Tree Retention Plan**

18 Existing trees contribute substantially to the effectiveness and health of this system. The  
19 City of Bellevue urges the applicant to save as many trees as possible. The final short plat  
20 shall portray a minimum of 106 diameter inches of existing significant trees within the site  
21 interior to remain, as proposed, and 126 diameter inches, or 100% (percent), of the perimeter  
22 trees to be retained. A Tree Retention Plan that portrays the drip-line, the diameter size, and  
23 common name of each significant tree to be retained must be recorded with the final short  
24 plat mylar (recorded with King County). The Tree Preservation Plan (drawing) must contain  
25 the following note:

26 **“Designation of trees on the Tree Preservation Plan establishes a covenant by the**  
27 **owner to leave undisturbed all trees as shown on the Tree Preservation Plan.**  
28 **This covenant shall run with the land and shall be binding upon all future**  
29 **owners. No tree topping, tree cutting or tree removal shall occur unless required**  
30 **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**

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**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.”**

(LUC 20.20.900)

**19. Open Space Tracts**

All open space tracts shall be recorded on the Final Plat Map, with the following requirement:

The Project landscape architect shall inspect each Tract during the fall of the first two (2) years after installation and submit a letter to the Land Use Division which summarizes the exact number and types of plants that need to be replaced. Each plant identified for replacement shall be replaced with the same size and type of plant between November 1<sup>st</sup> and December 15<sup>th</sup>.

(LUC 20.20.900 and 20.30D.150.D & E)

**20. Landscape Installation Assurance Device**

All of the required landscaping must be installed and approved (per the approved Final Landscape Plan – see Condition B.9) prior to final plat recording. If building permits and/or building occupancy on any of the homes are requested prior to completion of the landscape installation for the entire site, the applicant shall file with a landscape installation assurance device with Land Use, equal to 150% of the cost of labor and materials for any landscaping that has not yet been installed. (LUC 20.40.490)

**21. Landscape Maintenance Assurance Device**

All of the required landscaping must be installed and approved prior to final plat recording per Condition C.6 above. At the time of inspection of the installation of the landscape plantings, a Landscape Maintenance Security will be required in the amount of 20 percent of the cost of materials and labor required for installation. This security will be filed with Land Use and held for two (2) years following installation and released only after final inspection by the Land Use and receipt of the project landscape architect’s last letter summarizing the condition of the landscaping in the open space tracts – Condition C.5 above. Should any of the required plantings die during this period, replacement is required, or the security may be required to be forfeited. (LUC 20.20.520.K, and 20.20.520.L.1 and 2)

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**22. Parking**

Parking is prohibited on the 24-foot wide access road except in the approved parking spaces provided. The access road shall be posted and marked “No Parking” per Bellevue Fire Department Standards. (International Fire Code (IFC) 503, IFC Appendix D103.6)

**23. Addressing**

Addresses for all of the homes on the new road, SE 15<sup>th</sup> Court, shall be clearly identified at the entrance to the access road. (International Fire Code 505 and Bellevue Fire Dept Development Standards)

**24. Setbacks and Setback Deviations**

All final Site Plans and Landscape Plans shall show all setbacks as shown on the attached proposal drawings. The City will not approve future requests for deviations from the setbacks shown on the attached plans. This includes accommodation for elements that may not be shown on the attached plans, including minor building elements and upper level decks. (LUC 20.20.010, 20.30D.285.A & B)

**25. Variance/Modification Restriction**

A note restricting any future Variances must be placed on the Final Plat map. No building permit will be granted a variance from the approved setback/dimensional standards found in the project documents and outlined in Section III of this Staff Report in order to accommodate a building larger than will fit within the boundaries indicated on each approved lot. (LUC 20.45A.130A.6)

**26. Perimeter Fence**

A minimum six (6) foot tall fence shall be constructed along the *perimeter of the entire proposal site* (existing Parcels A, B and C) - except for the eastern property line along Bellevue Way. The finished face of the fence shall face the adjacent property owners. Submit details with the Building Permit plan set so the City may review to ensure long term durability of 25-30 years. (LUC 20.20.520)

**27. Parking Access Agreement and Recording**

A Parking Access Agreement to allow the use of the parking garage and guest spaces on Lot 4/Building 2 by residents and guests in Lots 1-3/Building 1 must be shown on the face of the Final Short Plat and recorded with the PUD/Final Plat. See Condition 4. below regarding PUD recording. (LUC 20.20.590.I.3)

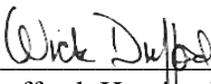
1  
2 **28. PUD/Final Plat Recording**

3 The approval of the Planned Unit Development plan constitutes the City's acceptance of the  
4 general project, including its density, arrangement and design. Upon final City approval of  
5 the Planned Unit Development, the applicant shall forward the approved Planned Unit  
6 Development/Final Short Plat to King County Department of Records and Elections for  
7 recording. No administrative approval of a Planned Unit Development/Final Short Plat is  
8 deemed final until the Planned Unit Development/Final Short Plat is recorded and proof of  
9 recording is received by the Development Services Department. See Land Use Code Chapter  
10 20.30.D.200 for recording requirements of Planned Unit Developments merged with short  
11 plat subdivisions. (LUC 20.30D.200.A)

12 **DECISION**

13 Preliminary Short Plat approval was given administratively. The Planned Unit  
14 Development (PUD) is hereby approved, subject to the conditions set forth above.

15  
16 **DONE**, this 28th day of December 2011.

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19 \_\_\_\_\_  
Wick Dufford, Hearing Examiner

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22  
23 **NOTICE OF RIGHT TO APPEAL**  
24 (Pursuant to Resolution No. 5097)

25 **RIGHT TO APPEAL-TIME LIMIT**

26 A person who submitted written comments to the Director prior to the hearing, or submitted  
27 written comments or made oral comments during the hearing on this matter, may appeal the decision of  
28 the Hearing Examiner to the Bellevue City Council by filing a written appeal statement of the Findings of  
29 Fact or Conclusion being appealed, and paying any appeal fee, no later than 14 calendar days following  
30 the date that the decision was mailed. The appeal must be received by the City Clerk by **5:00 p.m.  
January 11, 2012.**

**TRANSCRIPT OF HEARING-PAYMENT OF COST**

An appeal of the Hearing Examiner's decision requires the preparation of a transcript of the hearing before the Hearing Examiner. Therefore, the request for appeal must be accompanied by an initial deposit of \$100. Should the actual cost be less the amount of the deposit, any credit due shall be

12/28/2011

1 reimbursed to the appellant. Should the cost for transcript preparation be more than the deposit, the  
2 appellant will be additionally charged.

3 **WAIVER OF TRANSCRIPTION FEE**

4 Upon request, the City Clerk will waive transcription fees upon submission by an appellant of the  
5 following documentation: a) an affidavit stating that the appellant's net financial worth does not exceed  
6 \$20,000; b) an affidavit stating that the appellant's annual income does not exceed \$5,200; c) a brief  
7 statement of the issues sought to be reviewed; d) a designation of those parts of the record the party thinks  
8 are necessary for review; e) a statement that review is sought in good faith.

9 The transcription fee waiver is available to individuals over eighteen (18) years of age and is not  
10 available to corporations, companies, partnerships, or any business, enterprise, community club or and  
11 social recreational organization.  
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