



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

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**Proposal Name:** Leong Short Plat

**Proposal Address:** 16833 SE Newport Way

**Proposal Description:** Preliminary Short Plat approval to subdivide an existing parcel into two single-family lots within the R-3.5 zoning district.

**File Number:** 18-123987-LN

**Applicant:** Kar Ling Leong

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

**Planner:** Drew Folsom, Associate Planner

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

**Department Decision:** Approval with Conditions

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Drew Folsom, Associate Planner  
Development Services Department

Application Date: August 31, 2018  
Notice of Application: September 27, 2018  
Minimum Comment Period: October 11, 2018 (14 days)  
Decision Publication Date: December 12, 2019  
Appeal Deadline: December 27, 2019

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.

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## I. DESCRIPTION OF PROPOSAL

## II. **SITE DESCRIPTION AND CONTEXT**

The subject site is located within an existing single-family neighborhood. The site is bordered by single-family dwellings to the south, east, and west, and SE Newport Way to the north. Across SE Newport Way are also single-family dwellings. The property is zoned R-3.5 and has a Comprehensive Plan designation of Single-Family Medium Density. The site contains several significant trees comprised mainly of Douglas fir, western red cedar, big-leaf maple and alder species. An existing single-family home will remain on proposed lot 1, and a detached carport and shed will be removed as part of the proposal. Access to the site is gained via SE Newport Way. The topography of the site slopes moderately downward from south to north. The site contains no Critical Areas as defined under LUC 20.25H.

**Figure 2 – Aerial Photograph**



**Figure 3 – View of Site from SE Newport Way**



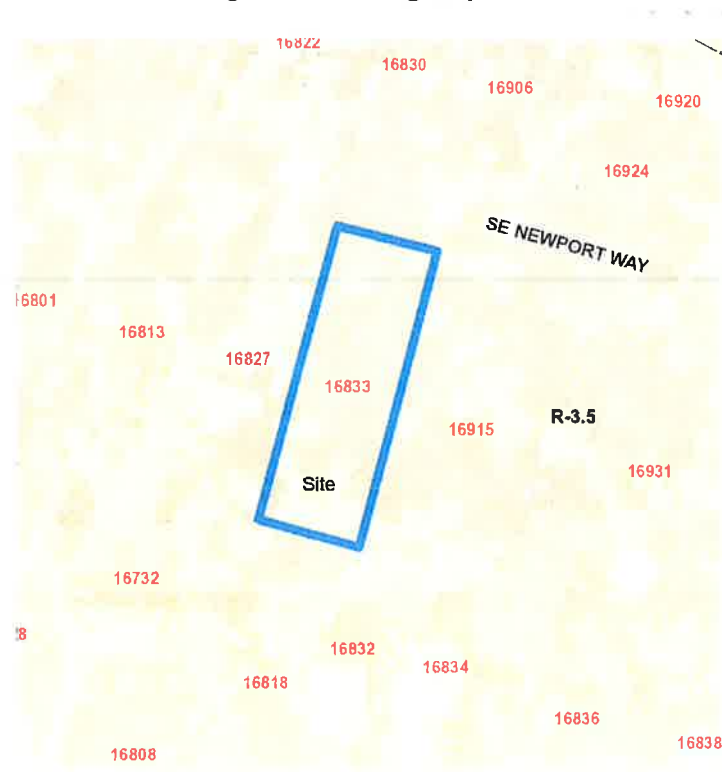


### III. CONSISTENCY WITH ZONING AND LAND USE CODE REQUIREMENTS

#### A. Zoning

The site and surrounding properties are located in the R-3.5 single-family zoning district. The two lots proposed with this short plat application are permitted within the R-3.5 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><u>BASIC INFORMATION</u></b>		
<b>Zoning District</b>	R-3.5 Newcastle Subarea Comprehensive Plan Designation: Single-Family Medium	
<b>Gross Site Area</b>	28,892 square feet	
<b>ITEM</b>	<b>REQ'D/ALLOWED</b>	<b>PROPOSED</b>
<b>Minimum Lot Area</b>	10,000 Square Feet	Lot 1: 14,350 Square Feet Lot 2: 14,542 Square Feet
<b>Minimum Lot Width</b>	70 Feet	Lot 1: 100 Feet Lot 2: 100 Feet (approx.)
<b>Minimum Lot Depth</b>	80 Feet	Lot 1: 143 Feet (approx.) Lot 2: 145 Feet (approx.)
<b>Building Setbacks</b> Front Yard Rear Yard Min. Side Yard 2 Side Yards	20 Feet 25 Feet 5 Feet 15 Feet	Existing home complies with these setbacks
<b>Access Easement Setbacks</b>	10 Feet from easement	10 Feet
<b>Tree Retention</b>	30% of 461 diameter inches = 139 minimum diameter inches	144 diameter inches = 31% diameter inches. 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.**

**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 acre 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 triggers all nine minimum requirements from the Department of Ecology Stormwater Management Manual for Western Washington. The project does not exceed the threshold for water quality treatment, minimum requirement 6. The project does not exceed the threshold for flow control, minimum requirement 7. The project will trigger stormwater via roof downspout dispersion trenches, sheet flow dispersion, downspout splash block and a storm tap to the city system. The building permits will be required to show a perpendicular

storm connection to the public storm system.

### **Water**

The existing ¾" dual water service will continue to serve lot 1 in the proposed condition. A new 1" water service and meter will be tapped off the 12" AC main in SE Newport Way for proposed lot 2.

### **Sewer**

The existing sewer service tapped off the main in SE Newport Way will be abandoned back to the main. Lot 1 and 2 will tap off the existing 8" PVC main running along the east boundary of the property. The proposed plan shows the existing sewer manhole on-site above ground due to the proposed grading. The building permits will need to be updated to show the existing manhole flush with the ground surface per standard.

**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 complete all transportation improvements at the developer's expense (BCC 14.60.110); or provided that all the requirements of BCC 14.60.260 are met, the director may accept an acceptable financial assurance device equivalent to 150% of the cost of the unfinished improvements. Installation of improvements that would negatively affect safety if left unfinished may not be delayed through use of a financial assurance device.

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 proposed two-lot short plat is comprised of an existing lot located on the south side of SE Newport Way. The parcel has one existing single-family residence that has access via a single-family driveway off SE Newport Way. SE Newport Way is a two-lane road classified as a minor arterial. There is currently a 6-foot asphalt shoulder and grass ditch along the site frontage.

Access to the short plat will be via a new joint use access easement driveway off of SE Newport Way. No other access connection to City right-of-way is authorized. The existing driveway which serves the existing house must be removed. Street frontage improvements must be provided at the location of the removed driveway. The joint use driveway must be a minimum of 16-foot wide contained within a minimum 20-foot wide shared access and utility easement. Access to lot two must be a minimum 10-foot wide and be paved all the way from the south end of the joint use driveway to the proposed single-family residence. The driveway approach onto SE Newport Way must be built per the Transportation Design manual Standard Drawings.

Street names and site addresses will be determined by the City's Parcel and Address Coordinator.

### **Street Frontage Improvements**

The Leong short plat has frontage on SE Newport Way. The lot is bordered by single-family lots to the east, west, and south. There is currently 22-feet of pavement width (one travel lane in each direction), and a 6-foot asphalt shoulder and grass ditch along the site frontage. Pavement widening and a 6-foot-wide sidewalk have been installed on the short plats located further to the east and west of the project site.

The project street frontage improvements include:

- Widen the roadway on SE Newport Way to provide 29 feet of asphalt pavement width from the marked centerline of the road to the face of the new curb along the property frontage.
- Install minimum 6-foot-wide sidewalk, minimum 4-foot-wide landscape planter, and new curb and gutter along the frontage.
- Install ADA compliant asphalt transition ramps from the east and west ends of the frontage improvements to the existing pavement.
- A sidewalk easement will be required for any portion of the sidewalk located outside of the right-of-way.
- Install a new minimum 16-foot wide joint use driveway approach per Transportation Design Manual Standards within a minimum 20-foot wide access easement.
- Provide a minimum 10-foot wide paved access from the south end of the joint access driveway to the proposed single-family residence on lot two.
- Driveway sight distance must be provided per BCC 14.60.240 and 14.60.241.
- Remove the existing single-family driveway and replace with frontage improvements (sidewalk and planter strip).
- Restore channelization on SE Newport Way as necessary.
- Restore the driveway on the adjacent property to the west if impacted by this project.
- Driveway grade is limited to 10% or less for 20 feet past the back of the sidewalk.
- New mailbox locations shall be coordinated with the U.S. Postal Service Station Master and should not impede sight lines.

- Street lighting meeting City of Bellevue's standards per BCC 14.60.210 is required on SE Newport Way. An AGI analysis will be required to verify that minimum light levels are met.

The design of the improvements and the final engineering plans showing those improvements must conform to the requirements of the Americans with Disabilities Act, the Transportation Development Code (BCC 14.60), and the Transportation Department Design Manual prior to approval of the plat infrastructure (GE) permit.

### **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 the 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 "No Street Cuts Permitted". Permission to cut into SE Newport Way must be obtained through a variance on the right-of-way use permit. Should street cuts prove unavoidable or if the street surface is damaged in the construction process, a half-street or full-street (depending on the extent of street cuts or damage) grind and overlay will be required for a minimum of 50 feet.

### **Sight Distance**

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

### **Transportation Impacts and Mitigation**

City staff has analyzed the potential short-term operational impacts of this proposal in order to recommend mitigation if necessary. These impacts included traffic operations conditions during the a.m. and p.m. peak hours. Due to the minimal number of new p.m. peak hour trips to be generated by the Leong Short Plat, traffic impacts from this development will be minor in nature. Therefore, no additional mitigation is required other than payment of the transportation impact fee and the project site improvements.

**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 September 27, 2018, 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.

- 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 north to south.

- 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:** Refer to Section III.B of this report for dimensional requirements. As conditioned, the proposal complies with the Land Use Code requirements for the R-3.5 land use district, the Utility Code and the City of Bellevue Development Standards.

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-3.5 land use district dimensional requirements. The proposal has been designed to have the single-family residence remain on lot 1 and meet all dimensional requirements.

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

**Finding:** The site is located within the Newcastle Subarea. The Comprehensive Plan specifies Single-Family Medium Density development for this property, consistent with the R-3.5 land use designation. In addition, the proposal complies with applicable Comprehensive Plan policies City-Wide and for this Subarea, including the following:

The proposal will accommodate future growth (S-NC-10) and will promote infill development at a density consistent with the existing character of the neighborhood (S-NC-11). The proposal will help 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-3.5 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 Leong 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	Travis Ripley, (425) 452-6042
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	Fay Schafi, (425) 452-4574
Traffic Standards Code 14.10	Fay Schafi, (425) 452-4574
Right-of-Way Use Code 14.30	Tim Stever, (425) 452-4294
Utility Code – BCC Title 24	Mohamed Sambou, (425) 452-6179

**A. GENERAL CONDITIONS:**

**1. Utilities - Preliminary Design, Codes and Engineering Standards**

Utility review has been completed on the preliminary conceptual information submitted at the time of this application. The review has no implied approvals for water, sewer, and storm drainage components of the project. An individual water (UC) permit will be required for the 1" service proposed to serve lot 2. Individual sewer (UA) permits will be required to connect each residence. Water and sewer utilities will be reviewed and approved under the individual water and side sewer 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.

Authority: BCC Title 24.02, 24.04, 24.06

Reviewer: Mohamed Sambou, 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 prevent access. General materials storage and contractor convenience are not reasons for preventing access.

Authority: Bellevue City Code 14.30  
Reviewer: Tim Stever, Transportation Department

## **2. Off-Street Parking**

The applicant must secure sufficient off-street parking for construction workers, equipment, and materials storage before the issuance of clearing and grading, building, foundation, or demolition permits.

Authority: Bellevue City Code 14.30  
Reviewer: Tim Stever, Transportation Department

## **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 joint use 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 infrastructure improvements are required to be constructed and shown on the engineering plans:

- Widen the roadway on SE Newport Way to provide 29 feet of asphalt pavement width from the marked centerline of the road to the face of the new curb along the property frontage.
- Install minimum 6-foot-wide sidewalk, minimum 4-foot-wide landscape planter, and new curb and gutter along the frontage.

- Install ADA compliant asphalt transition ramps from the east and west ends of the frontage improvements to the existing pavement.
- A sidewalk easement will be required for any portion of the sidewalk located outside of the right-of-way.
- Install a new minimum 16-foot wide joint use driveway approach per Transportation Design Manual Standards within a minimum 20-foot wide access easement.
- Provide a minimum 10-foot wide paved access from the south end of the joint access driveway to the proposed single-family residence on lot two.
- Driveway sight distance must be provided per BCC 14.60.240 and 14.60.241.
- Remove the existing single-family driveway and replace with frontage improvements (sidewalk and planter strip).
- Restore channelization on SE Newport Way as necessary.
- Restore the driveway on the adjacent property to the west if impacted by this project.
- Driveway grade is limited to 10% or less for 20 feet past the back of the sidewalk.
- New mailbox locations shall be coordinated with the U.S. Postal Service Station Master and should not impede sight lines.
- Street lighting meeting City of Bellevue's standards per BCC 14.60.210 is required on SE Newport Way. An AGI analysis will be required to verify that minimum light levels are met.

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 current 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; Americans with Disabilities Act.  
Reviewer: Fay Schafi, Transportation Department

#### **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 and 14.60.241  
Reviewer: Fay Schafi, Transportation Department

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



The city's pavement manager has determined that this segment of SE Newport Way is classified as "No Street Cuts Permitted". Permission to cut into SE Newport Way must be obtained through a variance on the right-of-way use permit. Should street cuts prove unavoidable or if the street surface is damaged in the construction process, a half-street or full-street (depending on the extent of street cuts or damage) grind and overlay will be required for a minimum of 50 feet. Trench restoration must meet the requirements of Section 23 of the Design Manual and standard drawings RC-190-1 through RC-220-1. 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: Fay Schafi, Transportation Department

## **6. Sidewalk/Utility Easements**

The applicant shall provide sidewalk and ramps, and utility easements to the City such that sidewalks and ramps outside of the City right of way along the property frontage are located within a pedestrian easement area.

Authority: Bellevue City Code 14.60.100  
Reviewer: Fay Schafi, Transportation Department

## **7. Tree Protection**

To minimize impacts to trees to be retained during construction the applicant shall do the following:

- 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

## **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 completed prior to approval of the final short plat. If all the requirements of BCC 14.60.260 are met, the director may accept an acceptable financial assurance device equivalent to 150% of the cost of the unfinished improvements. Installation of improvements that would negatively affect safety if left

unfinished may not be delayed through use of a financial assurance device. Improvements must be approved by the Transportation Department inspector before they are deemed complete.

Authority: Bellevue City Code 14.60.100, 110, 130, 150, 170, 190, 210, 240, 241, 260  
Reviewer: Fay Schafi, Transportation Department

## **2. Access Design and Maintenance**

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

Authority: Bellevue City Code 14.60.130  
Reviewer: Fay Schafi, Transportation Department

## **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.”

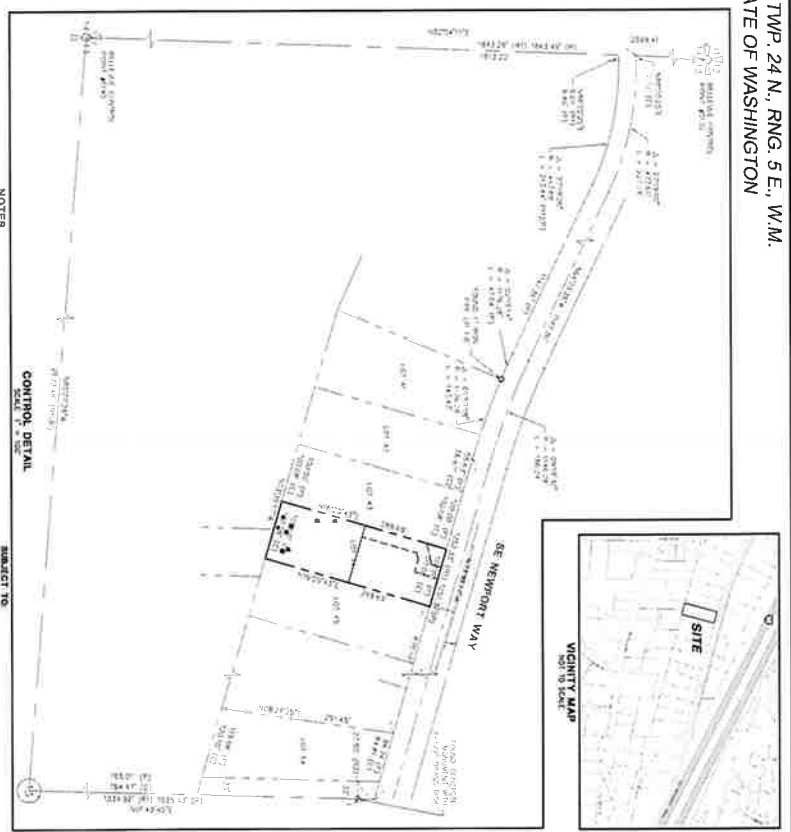
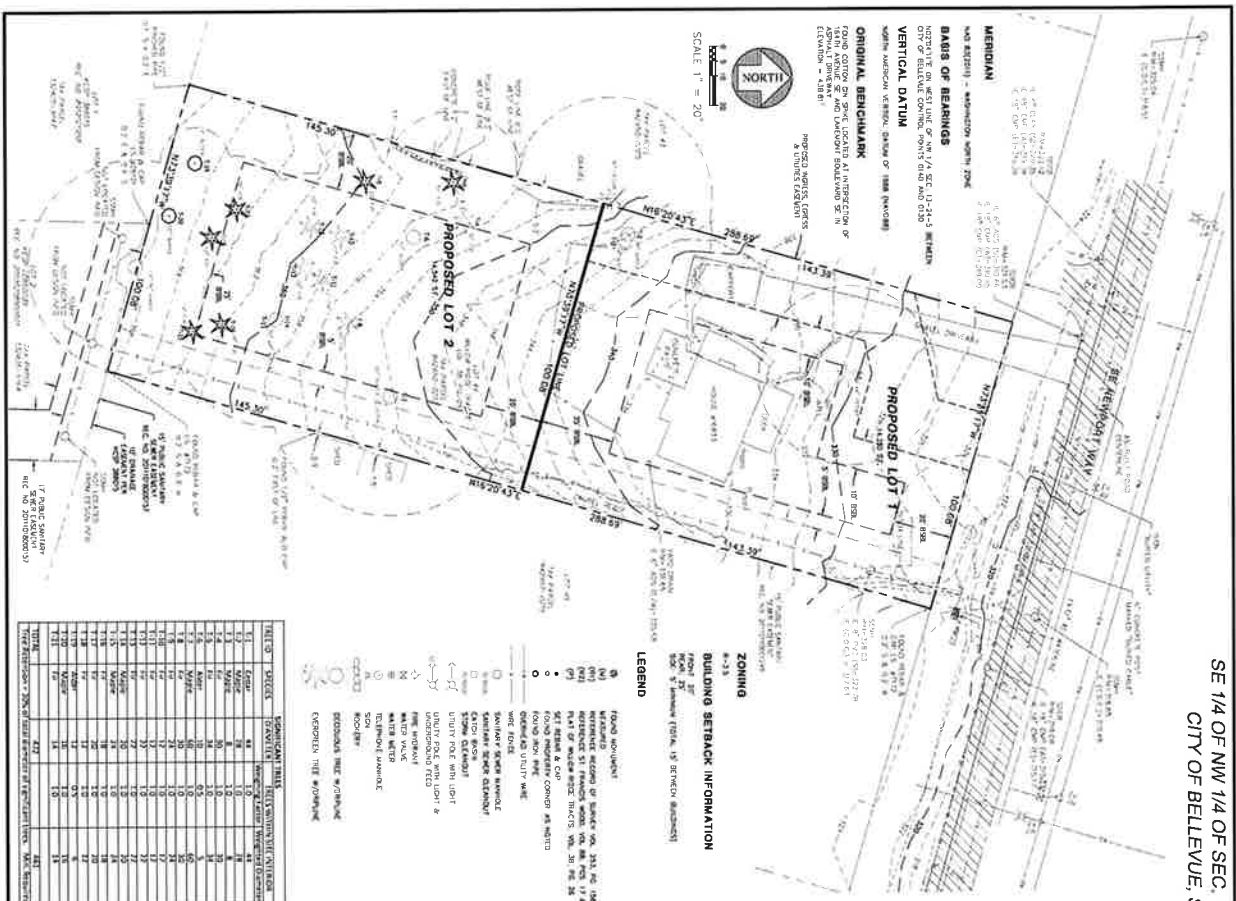
Authority: Land Use Code 20.45B.130.A.6

Reviewer: Drew Folsom, Development Services Department

#### **ATTACHMENTS**

Project Drawings

SE 1/4 OF NW 1/4 OF SEC. 13, TWP. 24 N., RNG. 5 E., W.M.  
CITY OF BELLEVUE, STATE OF WASHINGTON

[illegible]

REVISIONS		
DESCRIPTION	BY	DATE

THE REVISION SET FORTH ON THIS SHEET ARE ASSUMED TO BE THE PROPERTY OF COLUMBIAS ENGINEERING & SURVEYING