



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

Proposal Name: Linda Cook Short Plat

Proposal Address: 4554 165th Avenue SE

Proposal Description: Application for Preliminary Short Plat approval to subdivide an existing 22,787.82 sq. ft. lot (approx. 0.52 acre) into two single-family lots. The existing single-family residence will be relocated to proposed lot 1. The subject site is located in the R-3.5 land use district.

File Number: 21-110945-LN

Applicant:

Decisions Included: Preliminary Short Plat (Process II)

Planner: Kimo Burden, Senior Planner

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

Department Decision: **Approval with Conditions**

By: _____
Kimo Burden, Senior Planner
Development Services Department

Application Date: June 29, 2021
Notice of Application: July 8, 2021
Minimum Comment Period: July 22, 2021
Decision Publication Date: June 8, 2023
Appeal Deadline: June 22, 2023

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Attachments:
Project Drawings

The subject site is within an existing single-family neighborhood and is bordered by SE

45th Place to the north, 165th Ave SE to the west and existing single-family residences to the east and south. The subject property is zoned R-3.5 and has a Comprehensive Plan designation of Single-Family Medium.

The topography of the site is mostly flat with a minimal grade change that slopes gradually downward from south to north with an elevation change of approximately 4 ft. The predominate vegetation on-site is grass with trees and ornamental planting areas. Access to lot one will be via a new driveway fronting SE 45th Place and access to lot two will be via a new driveway fronting SE 45th Place, the final location for the lot two driveway has not been determined.

Figure 2 – Aerial Photograph

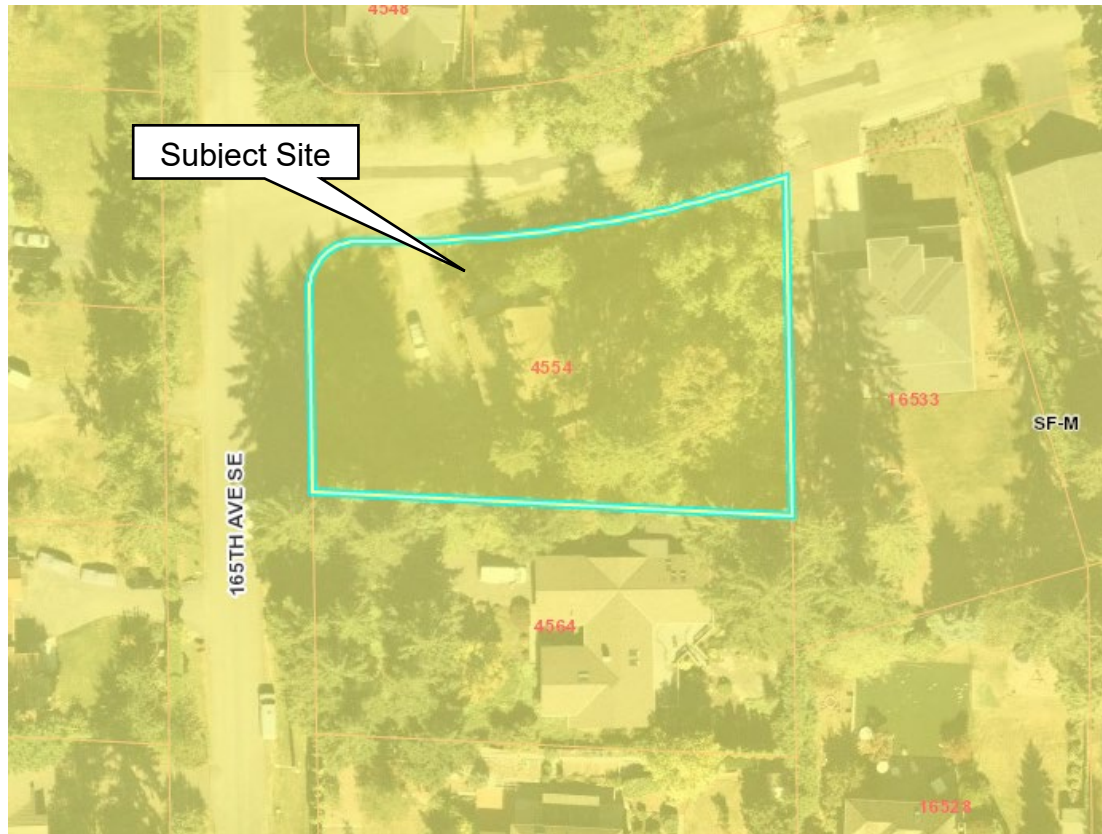


III. CONSISTENCY WITH ZONING AND LAND USE CODE REQUIREMENTS

A. Zoning

The two lots proposed with this short plat application are permitted within the R-3.5 land use district. Refer to Table 1 of Section III.B below for discussion of dimensional requirements.

Figure 3 – Zoning Map



B. Consistency with Standard Land Use Code Requirements

Table 1 – Dimensional Requirements

<u>BASIC INFORMATION</u>		
Zoning District	R-3.5 Subarea – Newcastle Comprehensive Plan Designation: Single-Family Medium	
Gross Site Area	22,787.82 sq. ft. (approx. 0.52 acre)	
Density Calculation	$22,787.82/10,000 = 2.2$ or 2 units maximum	
ITEM	REQ'D/ALLOWED	PROPOSED
Minimum Lot Area	10,000 sq. ft.	Lot 1: 10,000 sq. ft. Lot 2: 12,787.83 sq. ft.
Minimum Lot Width	70 ft.	Lot 1: 95.82 ft. (approx.) Lot 2: 104.17 ft. (approx.)
Minimum Lot Depth	80 ft.	Lot 1: 110.79 ft. (approx.) Lot 2: 110.79 ft. (approx.)

Building Setbacks		
Front Yard	20 Feet	20 Feet
Rear Yard	25 Feet	25 Feet
Min. Side Yard	5 Feet	5 Feet
2 Side Yards	15 Feet	15 Feet (5 ft. + 10 ft.)
Tree Retention	66.96 inches, 30%	144.60 inches, 64.8%

IV. STATE ENVIRONMENTAL POLICY ACT (SEPA)

There are no critical areas within the proposal site. Short Plats which do not contain critical areas are exempt from SEPA review pursuant to WAC 197-11-800(6)(a), BCC 22.02.032. Thus, the project proposal is Exempt.

V. SUMMARY OF TECHNICAL REVIEWS

A. Utilities Review

Surface Water: The project will be required to mitigate minimum requirements 1-9 from the Department of Ecology. The applicant has proposed to install a rock pad outfall that outlets into the ditch line of 165th Avenue SE for Lot 1 and utilize a new dispersion trench on Lot 2 to meet the requirements.

Water: The water supply for this project will connect to City of Bellevue owned water mains located in SE 45th Place. One new tap is proposed on SE 45th Place to serve Lot 1.

Sewer: Sewer service will be provided by a new sewer tap from the existing main sewer on 165th Avenue SE for Lot 1 and a new tap from the existing main sewer on SE 45th Place for Lot 2.

B. Fire Department Review

The Fire Department has approved the preliminary short plat.

C. Clearing and Grading Review

The Clearing and Grading Division has approved the preliminary short plat.

D. 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. **Refer to Condition of Approval regarding Engineering Plans in Section IX.A of this report.**

Site Access

The proposed two lot short plat is comprised of an existing lot located on the southeast corner of the SE 45th Place / 165th Avenue SE intersection. The site contains one existing single-family home that is accessed via one single driveway off SE 45th Place. Both SE 45th Place and 165th Avenue SE are classified as local streets and contain two travel lanes each.

The existing driveway which serves the existing house must be removed. The project currently proposes only one home to be constructed on one of the lots (Lot 1) while providing opportunity for the second house (Lot 2) to be constructed in the future. The driveway location serving Lot 2 is currently unknown and will be reviewed during the respective Lot 2 building permit. Access to the proposed lots will be via two single residential driveways off of SE 45th Place only. No other access connection to city right-of-way is authorized.

The individual driveway width will be a minimum of ten feet and must be built per the City's Transportation Department Design Manual Standard Drawing SW-190-1.

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

Street Frontage Improvements

The Linda Cook Short Plat is located on the southeast corner of the 165th Avenue SE / SE 45th Place intersection. Currently, no sidewalk, curb and/or gutter exists along the project frontages. The site currently has one existing single-family home on taking access from SE 45th Place via one single family driveway. Access for the short plat will be via two individual single-family driveways accessed from SE 45th Place.

Frontage improvements will be required and shall include:

- Install new minimum 10-foot-wide single-family driveway and driveway approach for each proposed lot per Transportation Design Manual standard drawing SW-190-1. The grade of the driveway is limited to 10% or less the first 20 feet past the back of driveway approach and limited to 15% thereafter.
- The future proposed driveway for Lot 2 must have at least 20-feet of separation from the Lot 1 driveway, measured from Point A to Point A as shown in SW-190-1.
- Install street lighting at the corner of the intersection along 165th Avenue SE

- per City of Bellevue standards.
- Sight distance requirements must be met per BCC 14.60.240 at the new driveways. Preliminary sight distance analysis was conducted at an approximate location for the Lot 2 driveway in the Traffic Impact Study. Sight distance will be analyzed at the final Lot 2 driveway location during the Lot 2 building permit phase.
- Any overhead utilities into the plat are required to be underground.
- No curb, gutter or sidewalk is required for this development due to a lack of nearby walking facilities.

Refer to Condition of Approval regarding Infrastructure Improvements in Section IX.C of this report.

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.

Refer to Condition of Approval regarding Off-Street Parking and Right-of-Way Use Permits in Section IX.B of this report.

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 45th Place and 165th Avenue SE are classified as grind and overlay. Any street cuts in either roadway will require restoration standards per Design Manual drawing RC-190-1.

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 Condition of Approval regarding Sight Distance in Section IX.A of this report

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 amount of new p.m. peak hour trips generated by the Linda Cook short plat, traffic impacts from the 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.

VI. PUBLIC COMMENT

The City initially notified the public of this proposal on July 8, 2021, with mailed notice and publication in the Weekly Permit Bulletin. A public information sign was installed on the site the same day. No written comments were received during the review of the application.

VII. DECISION CRITERIA:

Land Use Code 20.45B.130B Decision Criteria for a Preliminary Short Plat:

The Director may approve or approve with modifications an application for a Preliminary Short Plat if:

- 1. The Preliminary Short Plat makes appropriate provisions for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets, sidewalks, alleys, other public ways, water supplies, sanitary waste.**

Finding: City codes ensure public health, safety and general welfare through development code requirements. Existing public water and sewer facilities have been deemed adequate to serve the proposed development.

Construction noise is expected during the construction period, however, the Bellevue Noise Control Ordinance (BCC 9.18) regulates hours of construction-related noise emanating from project sites. **Refer to Condition of Approval regarding Noise/Construction Hours in Section IX.A 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 establishing tree retention and protection requirements which will maintain some of the vegetated character of the surrounding neighborhood. There are no critical areas on this site that require further protection. **Refer to Conditions of Approval regarding tree protection and tree retention in Section IX.C of this report.**

- 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-3.5 land use district, the Utility Codes and the City of Bellevue Development Standards.

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, which is 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 single family homes are, by use type, compatible with surrounding neighborhoods (LU-13). The proposed short plat provides housing for Bellevue's share of the regionally adopted demand forecasts for residential uses for the next 20 years (LU-5).

The proposal meets the Neighborhood Quality goal (Housing Element) by providing compatible housing (single-family in single-family district) (HO-3).

Also, by providing the preservation of healthy significant existing trees on-site, the proposal will help maintain the vegetated character in the neighborhood.

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 (proposed Lots 1 and 2) can reasonably be developed to current R-3.5 dimensional standards without requiring a variance. There are no site constraints or critical areas which inhibit the development of this property that would warrant a variance. **Refer to Condition of Approval regarding the variance restriction in Section IX.A 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, and other required improvements are either existing, planned or conditioned as part of this approval, to accommodate the use of these lots. **Refer to Conditions of Approval regarding infrastructure improvements and access design and maintenance in Section IX.C of this report.**

VIII. CONCLUSION AND DECISION:

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

Cook Preliminary Short Plat **WITH CONDITIONS.**

This approval automatically expires and is void if the applicant fails to file for approval of the final short plat within one year of the effective date of approval unless the applicant files for an extension at least 30 days prior to the expiration and the extension is granted pursuant to LUC 20.45B.150 and 160.

IX. CONDITIONS OF APPROVAL:

The following conditions are imposed under authority referenced:

COMPLIANCE WITH BELLEVUE CITY CODES AND ORDINANCES

The applicant shall comply with all applicable Bellevue City Codes, Standards, and Ordinances including but not limited to:

Applicable Codes, Standards & Ordinances	Contact Person
Clearing & Grading Code – BCC 23.76	Savina Uzunow, (425) 452-7860
Construction Codes – BCC Title 23	Building Division, (425) 452-6864
Fire Code – BCC 23.11	Keith Gordon, (425) 452-6034
Land Use Code – BCC Title 20	Kimo Burden, (425) 452-5242
Noise Control – BCC 9.18	Kimo Burden, (425) 452-5242
Transportation Develop. Code – BCC 14.60	Darwin Li, (425) 452-4598
Transportation Develop. Code – BCC 14.60	Darwin Li, (425) 452-4598
Right-of-Way Use Code 14.30	Darwin Li, (425) 452-4898
Utility Code – BCC Title 24	Jason Felgar, (425) 452-7851

A. GENERAL CONDITIONS:

1. 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: Kimo Burden, Development Services Department

2. 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.

AUTHORITY: Bellevue City Code 9.18
REVIEWER: Kimo Burden, Development Services Department

B. CONDITIONS PRIOR TO ISSUANCE OF ANY PLAT ENGINEERING/CLEAR AND GRADE PERMIT:

1. CLEARING AND GRADING PERMIT REQUIRED

The clearing and grading reviewer has reviewed the plans and materials submitted for this project and has approved the clearing and grading portion of this land use application. This approval does not constitute an approval of any construction permit. An application for a clearing and grading permit must be submitted and approved before construction can begin. Plans submitted as part of any permit application for this project shall be consistent with the activity permitted under this approval and must comply with the City of Bellevue Clearing and Grading Code (BCC 23.76).

AUTHORITY: Clearing and Grading Code 23.76.035
REVIEWER: Savina Uzunow, Development Services Department

2. SEASONAL CLEARING AND GRADING RESTRICTIONS

The clearing & grading code defines the rainy season as October 1st through April 30th. The Development Services Department may grant approval to initiate or continue clearing or grading activity during the rainy season. Any approval will be based on site and project conditions, extent and quality of the erosion and sedimentation control, and the project's track record at controlling erosion and sedimentation.

AUTHORITY: Clearing and Grading Code 23.76
REVIEWER: Savina Uzunow, Development Services Department

3. UTILITIES CONCEPTUAL APPROVAL

Utility Department approval of the short plat application is based on the final conceptual design submitted with this application. Final utility design and construction approval is not given under this permit. Small changes to the site layout may be required to accommodate the utilities after utility engineering is approved. The water, sewer, and storm drainage systems shall be designed per current City of Bellevue Utility Codes and Utility Engineering standards. Separate water UC and sewer UA permits will be required with the building permits. Drainage for each lot will be reviewed and approved under the building permit for each lot. All connection charges will be due at time of Utility permit issuance. Utility easements will be required and recorded on the face of the final short plat.

AUTHORITY: Bellevue City Code 24.02, 24.04, 24.06
REVIEWER: Jason Felgar, Utilities Department

4. 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: Mazen Wallaia, Transportation Department

5. 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: Mazen Wallaia, Transportation Department

6. 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 single-family driveways, the connections to SE 45th Place, pavement restoration in SE 45th Place and 165th Avenue SE, mailbox location, and sight distance. Appropriate standard drawings from the Transportation Department Design Manual must be included in the engineering plans.

Specific requirements area detailed below:

- a) Site Specific Items:
 - Install new minimum 10-foot-wide single family driveway and driveway approach for each proposed lot per Transportation Design Manual standard drawing SW-190-1. The grade of the driveway is limited to 10% or less the first 20 feet past the back of driveway approach and limited to 15% thereafter.
 - The future proposed driveway for Lot 2 must have at least 20-feet of separation from the Lot 1 driveway, measured from Point A to Point A as shown in SW-190-1.

- Install street lighting at the corner of the intersection along 165th Avenue SE per City of Bellevue standards.
- Sight distance requirements must be met per BCC 14.60.240 at the new driveways. Preliminary sight distance analysis was conducted at an approximate location for the Lot 2 driveway in the Traffic Impact Study. Sight distance will be analyzed at the final Lot 2 driveway location during the Lot 2 building permit phase.
- Any overhead utilities into the plat are required to be underground.
- No curb, gutter or sidewalk is required for this development due to a lack of nearby walking facilities.

b) Miscellaneous:

- Landings on sloping approaches are not to exceed a 10% slope for a distance of 20 feet approaching the back edge of sidewalks. Driveway grades must be designed to prevent vehicles from bottoming out due to abrupt changes in grade.
- The maximum cross grade of a street at the street end shall be 8%.
- Vehicle and pedestrian sight distance must be provided per BCC 14.60.240 and 14.60.241.

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; Americans with Disabilities Act.
REVIEWER: Darwin Li, Transportation Department

7. SIGHT DISTANCE

If necessary to meet the sight distance requirements of BCC 14.60.240 and standard drawings RL-100-1 and RL-120-1, existing vegetation near the access points on SE 45th Place 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: Darwin Li, Transportation Department

8. PAVEMENT RESTORATION

The city's pavement manager has determined that this segment of NE 45th Place and 165th Avenue SE will require grind and overlay 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-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: Mazen Wallaia, Transportation Department

C. PRIOR TO FINAL SHORT PLAT APPROVAL:

1. INFRASTRUCTURE IMPROVEMENTS

All street frontage and infrastructure improvements shown in the final engineering plans or required by city codes and standards must be 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
Transportation Department Design Manual Sections 3, 4, 5, 7, 11,
14, 19
REVIEWER: Darwin Li, Transportation Division

2. Existing Single-Family Residence

The existing single-family residence shall be relocated on-site, and all associated building permits (BS) shall be finalized by all inspectors prior to the approval and recording of the final short plat (LF Permit).

AUTHORITY: Land Use Code 20.20.010 and LUC 20.45B.130.A.6
REVIEWER: Kimo Burden, Development Services Department

3. TREE RETENTION

The City of Bellevue urges the applicant to save as many trees as possible. The final short plat shall portray a minimum of 223.20 diameter inches of existing significant trees to remain, as proposed. 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* (recorded with King County). This Tree Preservation Plan must also contain the following note:

“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 construction, the dripline of the trees to be saved shall be fenced to prevent clearing and grading activities within the dripline area.

AUTHORITY: Land Use Code 20.20.900.D
REVIEWER: Kimo Burden, Development Services Department

ATTACHMENTS

Project Drawings