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BEFORE THE HEARING EXAMINER FOR THE CITY OF BELLEVUE

In the Matter of the Application for

DSD File No.: 18-130014-LB

**PUESTA DEL SOL CONDITIONAL
USE PERMIT**

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATION**

SUMMARY OF RECOMMENDATION

The Bellevue School District (BSD) seeks a conditional use permit approval to demolish Bellewood Elementary School to construct a new elementary school and relocate the Puesta Del Sol magnate school, which houses the elementary Spanish immersion program for BSD. The new school is designed to serve up to 650 students. After studying the complete record and conducting a public hearing, the undersigned Hearing Examiner recommends **APPROVAL** of the conditional use permit **WITH CONDITIONS** as set out in this recommendation.

APPLICATION

The Bellevue School District (BSD) seeks a conditional use permit approval to demolish Bellewood Elementary School to construct a new one to three-story 102,143 square

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1 foot elementary school (pre-K through 5th grade) on 9.93 acres. Seventeen portables will be
2 removed, and a synthetic play field with a covered play area will be provided along with
3 revised landscaping and 110 parking stalls. The new facility is designed to serve up to 650
4 students.

5 In addition to the on-site improvements, BSD proposes off-site improvements to 151st
6 Place NE for the purpose of providing better access to the site from Main Street, the nearest
7 arterial. A left-turn lane will also be added to Main Street to access 151st Place NE.

8 The site contains three critical areas: two wetlands and one steep slope area, with
9 associated buffers. The proposal seeks to modify the buffers to locate the school and
10 playfields; therefore, BSD applied for and received a critical areas land use permit from the
11 Director of the Development Services Department (Director). The Director found that the
12 location and design resulted in the least impacts to the critical area and minimized
13 disturbance of vegetation and soils, and that the mitigation proposed complies with the
14 required standards under the code. That decision was issued on March 5, 2020 and was not
15 appealed, so it stands unchallenged and is therefore not otherwise addressed in this
16 recommendation. The Director proposed Condition of Approval XII.B and D to provide for
17 mitigation, restoration planning, plant monitoring, and maintenance, as well as a Native
18 Growth protection Easement (NGPE).

19 **CONTENTS OF THE RECORD**

20 The record consists of Exhibit C-1, the DSD project file (pages 1 through 2371);
21 Exhibit C-2, Revised Condition of Approval XII.B.12; Exhibit C-3, City’s PowerPoint
22 Presentation; and Exhibit P-1, 15 written comments from the public. The record also
23 includes the audio recording of the virtual public hearing held September 10, 2020 at 6:00
24 p.m. The Examiner heard witnesses from the City, the Applicant’s Attorney, and six
members of the public.

PROCEDURE

Conditional use applications are generally processed as Process I applications under
the Land Use Code (LUC). However, because the new school, Puesta Del Sol, will be

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1 located within the jurisdiction of the East Bellevue Community Council (EBCC), this
2 application is a Process III application that is processed pursuant to LUC 20.35.300. Under
3 Process III, the Director makes a recommendation to the Hearing Examiner, and following
4 the public hearing, the Hearing Examiner makes a recommendation to the City Council for
5 approval or disapproval. Once the City Council makes its determination, it is forwarded to
6 the EBCC for approval or disapproval.

7 The Critical Areas Land Use Permit application is a Process II application under the
8 Land Use Code. The Director makes the City's Process II decision under LUC 20.35.200.
9 Both the Director's Process III recommendation on the conditional use application and the
10 Director's Process II decision on the Critical Areas Land Use Permit are included in the staff
11 report, which comprises the first 73 pages of Exhibit C-1, the project file ("staff report").

12 **FINDINGS OF FACT**

13 1. Proposal. The Bellevue School District (BSD) seeks a conditional use permit
14 approval to demolish Bellewood Elementary School to construct a new one to three-story
15 102,143 square foot elementary school (pre-K through 5th grade) on 9.93 acres. Seventeen
16 portables will be removed, and a synthetic play field with a covered play area will be
17 provided along with revised landscaping and 110 parking stalls. The new facility is designed
18 to serve up to 650 students.

19 2. Consistency with the Comprehensive Plan. The site is located within the SF-H
20 comprehensive plan designation and the Crossroads Subarea. The Comprehensive Plan
21 designation is consistent with the zoning classification of R-5. The analysis of the plan
22 policies applicable to this proposal, as outlined on pages 53-58 of the staff report and
23 incorporated herein by reference, indicate that the proposal is consistent with the plan.
24 Nothing in the record indicates otherwise. The site has been used as an elementary school
since 1965.

3. Consistency with Land Use Code/Zoning Requirements. The site is located
within the R-5 land use district. LUC 20.10.440, the Services chart, permits primary

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1 educational facilities subject to specific approval paths. Because the desired student count is
2 proposed at 650 students and exceeds the opening day population at the existing Bellewood
3 elementary school, the LUC prescribes specific requirements for zoning, site area, bulk
4 standards, landscaping, and parking as described at pages 18-19 of the staff report and as
5 herein incorporated by reference. The staff report states that the proposal meets the
6 requirements of the code for these LUC requirements, and there is no evidence in the record
7 that would indicate otherwise.

8 4. Site context and description. The site is located within an established
9 residential community at its east and south boundaries while undeveloped properties exist to
10 north and west which are encumbered by critical areas (wetlands, stream, and steep slopes).
11 The existing Bellewood school has site access from 151st Place NE to the south and NE 4th
12 Place at its northeast corner. The site is located between 148th Avenue NE and 156th Avenue
13 NE. Site development around the site took place primarily from the 1960's and 1970's.
14 Single family development tends to be two-story and rambler style housing.

15 5. Site topography. Site topography slopes to the northwest across the site with
16 an overall elevational change of approximately 30 to 40 feet. The topography includes two
17 north-sloping plateaus (upper and lower) created through past grading on which the building
18 and playfields for the existing school were constructed in 1965. The elevation change across
19 the site occurs primarily on slopes adjacent to and between the two plateau areas. The
20 existing building and parking areas are situated on the upper plateau that extends across the
21 southern and eastern portion of the property. The lower plateau extends over the northern and
22 central portion of the site and includes the existing portable classrooms, gymnasium and
23 playfield areas.

24 6. Critical areas on site. The critical areas on site, along with their functions and
values, are described in the staff report at pages 6-11. That analysis is incorporated into the
decision by reference. There are two wetlands and a steep slope on site. Wetland A is a
Category II wetland, while Wetland B is a Category IV. The City requires a 110-foot buffer

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1 around Wetland A, and Wetland B has no buffer, since it is under 1000 square feet and is a
2 low functioning wetland.

3 7. Critical areas off site. Bellevue School District also attempted to investigate
4 the property to the west of the site, focusing on obtaining information on the critical areas
5 located on that parcel. While the owner denied BSD representatives access to the site, BSD
6 obtained a technical memo dated May 2, 2017 addressing the existing streams and wetlands
7 on that site. The memo notes that of the 8.74 acre parcel, only .83 acres is unencumbered
8 with stream and wetlands and their associated buffers. A majority of the site is categorized as
9 Category II wetlands and the stream (Kelsey Creek) is categorized as a Type F stream,
10 meaning it is fish bearing. Kelsey Creek is approximately 150 feet from the parcel boundary
11 at its nearest point; therefore, the stream and its buffer and setback are not on the property.
12 Wetland A is hydrologically connected to Kelsey Creek.

13 8. Transportation Design Choices. Consultants for BSD developed seven
14 different site iterations for the proposal that were evaluated under the predevelopment services
15 application. Called “schemes,” these site plans were developed based on four factors: 1)
16 safety and operations, 2) neighborhood concerns, 3) environment and 4) cost and schedule.
17 Each was individually scored. Scheme 2 was ultimately chosen as the proposal that best met
18 the designer’s metrics. This option splits the traffic flow with parent vehicles entering and
19 exiting from 151st Place NE and buses, district maintenance, and staff vehicles entering and
20 exiting from NE 4th Place. By separating the traffic, BSD believes that safety is improved and
21 off-site and potential congestion issues that could impact the neighborhood are mitigated. For
22 a full discussion of the various schemes developed, see the staff report at pp.13-15 and at
23 Attachment E, incorporated herein by this reference.

24 9. Off-Site Circulation Improvements. Off-site circulation improvements to 151st
Place NE and Main Street were developed through a public meeting process. Ultimately,
Option 3 was chosen. That option includes widening 151st Place NE to allow parking on both
sides of the street and providing a level sidewalk on the east side of the street. The design
includes a new six-foot sidewalk and a street composed of two 7’6” parking lanes and two

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1 nine-foot driving lanes. Driveways on both sides of the street use a flush curb design and
2 variable sidewalk height so that the whole street can be constructed within the existing right-
3 of-way and only leaves one foot of space from the back of the sidewalk to the right-of-way at
4 both sides along the entire street. It requires temporary construction easements for installation
5 and restoration. All other options are described in the staff report at pp. 34-37, which is
6 incorporated herein by reference.

7 10. Public Comment.

- 8 a. Project Need. A majority of the public comment voiced overwhelming
9 support for the relocation of the Puesta del Sol Spanish immersion
10 elementary school from 3810 132nd Avenue SE to the Bellewood site. The
11 Bellewood site offers a more central location, appropriate for a city
12 magnate school. While this aspect of the project is not one that the City
13 has jurisdiction to determine, the BSD sees the move as a chance to
14 increase program access and create a new community resource. The public
15 support does speak to its compatibility with the community, and that the
16 use will not be materially detrimental to the neighborhood, which are two
17 criteria for approving a conditional use permit.
- 18 b. Concomitant Agreement: The site was zoned R-5 in 1983. As a part of the
19 rezoning, a concomitant agreement (Ordinance No. 3228 and Concomitant
20 No. 8174) was applied to the site which stated the following concerning
21 redevelopment of the former Bellewood site:

22 *At the time of any redevelopment of the property or development
23 of now-vacant properties to the west or to the north, the School
24 District shall document a good faith effort to develop a
coordinated circulation plan (subject to review and approval by
the Department of Public Works) which would provide direct
arterial access for the subject site in order to minimize traffic
impacts upon the existing single-family neighborhoods to the
south and to the east.*

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1 The City received many comments from neighbors who asked that BSD be
2 required to develop an off-site road through the adjacent parcel to the west
3 to connect to 148th Avenue NE, as envisioned by the concomitant
4 agreement. Neighbors view this as an opportunity to lower the traffic
5 volumes on 151st Place NE and Main Street. Commenters also suggested
6 that BSD use powers of eminent domain to install the road through the
7 adjacent parcel to the west to make this connection to 148th Avenue NE.

8 As part of the record, BSD has submitted a compliance analysis into the
9 record documenting its efforts to contact the owner of the parcel about
10 completing a road through the property. That analysis is located at
11 Attachment F to the staff report and is incorporated by reference herein.
12 The owner was uncooperative, and BSD determined it to be impossible to
13 develop given the parcel's critical area constraints with the presence of
14 Kelsey Creek and adjacent wetlands.

- 15 c. Sufficiency of SEPA Review. Some commenters questioned the validity of
16 the environmental review conducted under the State Environmental Policy
17 Act by BSD. The commenters stated that BSD's Determination of Non-
18 Significance (DNS) should have included 151st Place NE and its
19 intersection with Main Street.

20 The Hearing Examiner has no jurisdiction to comment on the sufficiency of
21 the SEPA review, as SEPA review was conducted by the BSD, since it is a
22 public agency. Therefore, any questions concerning the validity of the
23 SEPA review will not be addressed in this recommendation.

- 24 d. On-site Circulation. The City received many comments regarding the
preferred design for on-site circulation at the new school. As stated above,
the BSD conducted a complex review of various alternatives, and
ultimately adopted Scheme 2, as a design that was scored in part according

1 to public preference. DSD agreed that Scheme 2 is consistent with
2 applicable City codes and standards and nothing in the record suggests
3 otherwise.

4 e. Off-site Improvements. Adjacent property owners who live on 151st Place
5 NE asked questions about the need to widen the road to accommodate
6 school traffic. In response, the BSD developed various options for
7 improving 151st Place NE, as explained above. Ultimately, Option 3 was
8 chosen. DSD found that Option 3 meets applicable city codes. According
9 to the record, letters of intent have already been signed by all affected
10 property owners along 151st Place NE.

11 f. Other Public Comments. The staff report contains a more complete catalog
12 of public comments received on the proposal at pp.28-33. This listing and
13 analysis is incorporated herein by reference.

14 11. Any finding of fact which may be deemed a conclusion of law is hereby
15 adopted as such, and vice versa.

16 CONCLUSIONS OF LAW

17 1. The Hearing Examiner has jurisdiction over this application. Under LUC
18 20.35.340.A, the following recommendation criteria apply:

19 The Examiner shall recommend approval or approval with conditions or
20 modification if the applicant has demonstrated that the proposal complies with
21 the applicable decision criteria of the Bellevue City Code. The applicant carries
22 the burden of proof and must demonstrate that a preponderance of the evidence
23 supports the conclusion that the application merits approval or approval with
24 modifications. In all other cases, the Hearing Examiner shall recommend denial
of the application.

2. Under LUC 20.35.340.C, the Hearing Examiner may include conditions to
ensure the proposal conforms to the relevant decision criteria.

3. LUC 20.35.340.D provides the relevant requirements for the Hearing
Examiner's recommendation to the City Council:

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1 D. Written Recommendation of the Hearing Examiner.

2 The Hearing Examiner shall within 10 working days following the close of the
3 record distribute a written report including a recommendation on the public
4 hearing. The report shall contain the following:

- 5 1. The recommendation of the Hearing Examiner; and
- 6 2. Any conditions included as part of the recommendation; and
- 7 3. Findings of facts upon which the recommendation, including any
8 conditions, was based and the conclusions derived from those facts; and
- 9 4. A statement explaining the process to appeal the recommendation of
10 the Hearing Examiner; and
- 11 5. The date on which the matter has been scheduled for consideration by
12 the City Council and information on how to find out whether the
13 Examiner's recommendation has been appealed.

14 4. The City may approve or approve with modifications an application for a
15 conditional use permit under LUC 20.30B.140 if:

- 16 A. The conditional use is consistent with the Comprehensive Plan; and
- 17 B. The design is compatible with and responds to the existing or intended
18 character, appearance, quality of development and physical characteristics of
19 the subject property and immediate vicinity; and
- 20 C. The conditional use will be served by adequate public facilities including
21 streets, fire protection, and utilities; and
- 22 D. The conditional use will not be materially detrimental to uses or property in
23 the immediate vicinity of the subject property; and
- 24 E. The conditional use complies with the applicable requirements of this
Code.

5. The staff recommendation has done a very thorough job of documenting how
the proposal meets the requirements for conditional use approval and the Hearing Examiner
incorporates the discussion contained in the staff report at pp. 53-62 by reference in its

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1 entirety as a part of this recommendation. The Examiner concludes that the proposal meets
2 each of the criteria for approval of a conditional use.

3 6. The Examiner agrees that the BSD has documented a good faith effort to
4 develop a direct road connection from the school site to 148th Avenue NE, as required by
5 the Concomitant Agreement. Today, almost 40 years after the Concomitant Agreement
6 was signed, environmental restrictions are far greater and the impact of the envisioned road
7 to critical areas would likely be significant. Further, the Examiner has no authority to
8 require BSD to exercise eminent domain authority to develop a road through the parcel to
9 the west.

10 7. The conditions of approval recommended by the Department are reasonable
11 and capable of being accomplished, and they should be required to assure the conditional
12 use as proposed meets the criteria of LUC 20.30B.140.

13 8. The Department requested that the Hearing Examiner modify conditions
14 XII.B.11 and XII.B.12 according to Ex. C-2 and as further modified by the Assistant City
15 Attorney at the public hearing. The applicant's representative stated that BSD had no
16 objection to the modifications. The conditions should therefore be modified in accordance
17 with the Assistant City Attorney's request.

18 **RECOMMENDATION**

19 The Hearing Examiner recommends to the City Council that it grant approval of the
20 conditional use, with the attached conditions of approval recommended by the Department.

21 **DONE**, this 24th day of September 2020.

22 

23 Barbara Dykes Ehrlichman
24 Barbara Dykes Ehrlichman
Hearing Examiner

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1 **NOTICE OF RIGHT TO APPEAL AND TIME LIMIT**

2 (Pursuant to Resolution No. 9473)

3 **RIGHT TO APPEAL-TIME LIMIT**

4 Persons and entities identified in Land Use Code (LUC) 20.35.350, may appeal the
5 recommendation of the Hearing Examiner to the Bellevue City Council by filing a written
6 statement of the Findings of Fact or Conclusions of Law which are being appealed, and
7 paying a fee, if any, as established by ordinance or resolution, no later than 14 calendar days
8 following the date that the recommendation was mailed. The written statement must be filed
9 together with an appeal notification form, available from the City Clerk. The written
statement of appeal, the appeal notification form, and the appeal fee, if any, must be received
by the City Clerk no later than **5:00 p.m. on Thursday, October 8, 2020.**

10 **TRANSCRIPT OF HEARING-PAYMENT OF COST**

11 An appeal of the Hearing Examiner’s recommendation requires the preparation of a
12 transcript of the hearing before the Hearing Examiner. Within thirty (30) days of the decision
13 which is appealed from, the appellant shall order from the City Clerk, on a form provided by
14 the Clerk, a full transcript of the hearing before the Hearing Examiner. At the time the order
for transcription is placed, the appellant shall post security in the amount of One Hundred
Dollars (\$100.00) for each hearing hour to be transcribed. If appellant fails to post security,
the appeal shall be considered abandoned.

15 Additional requirements and procedures concerning appeals filed with the Council
16 are found at Resolution 9473 and in the City of Bellevue Land Use Code.

17 **CITY COUNCIL CONSIDERATION**

18 Unless appealed, this matter has tentatively been scheduled to go before the City
19 Council on **Monday, October 19, 2020 at 8:00 pm** for consideration, and **Monday,**
20 **November 2, 2020 at 8:00 pm** for final action. After (appeal deadline) **Thursday, October**
21 **8, 2020**, interested persons may contact the Hearing Examiner’s Office at (425) 452-6934 to
find out whether an appeal has been filed.

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1
2 **ATTACHMENT: CONDITIONS OF APPROVAL**
3

4 **XII. Conditions of Approval**

5 **A. GENERAL CONDITIONS**

6 **1. Compliance with Bellevue City Codes and Ordinances:** The applicant
7 shall comply with all applicable Bellevue City Codes and Ordinances including but
8 not limited to:

9 Clearing and Grading Code - BCC 23.76	Janney Gwo	(425) 452-6190
Bellevue Development Standards	"	
10 Transportation Code - BCC 14.60	Molly Johnson	(425) 452-6175
Trans. Improvement Program - BCC.22.16	"	
11 Right-of-Way Use Permit - BCC 14.30	Tim Stever	(425) 425-4294
Bellevue Utilities Code - BCC Title 24	Mark Dewey	(425) 452-6179
12 Construction Codes - BCC Title 23	Nate Tilson	(425) 452-6866
Land Use Code - BCC Title 20	Antoinette Pratt	(425) 452-5374
Sign Code - BCC Title 22B	"	
Noise Control - BCC 9.18	"	
13 Uniform Fire Code - BCC 23.11	Glen Albright	(425) 452-4270

14 **2. Signs:** A separate sign package shall be submitted to DSD for staff review and
15 approval. Any proposed sign shall be architecturally compatible with the
16 existing building.

16 Authority: BCC 22B.10.040.B.1,2
17 Reviewer: Antoinette Pratt, (425) 452-5374

18 **3. Land Use Exemption (LUX):** If the applicant revises the building materials,
19 details or colors for this proposal, the revision shall be processed via the LUX
20 process for Development Services Department review and approval.

20 Authority: LUC 20.30B.175.A
21 Reviewer: Antoinette Pratt, (425) 452-5374

22 **4. Preliminary Design, Utility Codes and Engineering Standards:** Utility review
23 has been completed on the preliminary information submitted at the time of this
24 application. The review of this application has no implied approvals for water,

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1 sewer and storm drainage components of the project for construction purposes.
2 A developer extension agreement (UE) will be required to for construction of
3 required water, sewer and storm water infrastructure for the site. Building
4 permits will not be approved until the UE is approved. Building Certificate of
5 Occupancy will not be signed off until the utilities improvements have been
6 formally accepted by the Utilities Department under the UE permit. Final civil
7 engineering may require some changes to the site layout to accommodate the
8 utilities. The plan submittal will be required to comply with all engineering codes
9 and standards in place at the time of this application. Public easements will be
10 required as needed for the site.

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

- 13 **5. Vehicular Access Restrictions:** General vehicular access to and from the site
14 is intended to be from 151st Place NE and staff and bus access to and from the
15 site from NE 4th Place. Vehicle queuing space totaling 570 feet shall be
16 provided on the site. If vehicle queues extend from the site into the street,
17 corrective measures will be required per the Transportation Management Plan.

18 Authority: BCC 14.60.050, 060, 150, 180; Comprehensive Plan Policy TR 38
19 Reviewer: Molly Johnson, (425) 452-6175

- 20 **6. Provision for Loading:** The property owner shall provide an off-street loading
21 space which can access a public street. This must include an off-street location
22 for garbage pick-up, which must be acceptable to the garbage hauler. On-street
23 loading and unloading will not be permitted.

24 Authority: LUC 20.20.590.K.4; BCC 14.60.180
Reviewer: Molly Johnson, (425) 452-6175

25 **B. PRIOR TO ISSUANCE OF ANY CLEAR AND GRADE PERMIT**

- 26 **1. Right of Way Use Permit:** Prior to issuance of any construction or clearing
27 and grading permit, the applicant shall secure applicable right-of-way use
28 permits from the City's Transportation Department, which may include:

- 29 a) Designated truck hauling routes.
- 30 b) Truck loading/unloading activities.
- 31 c) Location of construction fences.
- 32 d) Hours of construction and hauling.
- 33 e) Requirements for leasing of right of way or pedestrian easements.
- 34 f) Provisions for street sweeping, excavation and construction.

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- g) Location of construction signing and pedestrian detour routes.
- h) All other construction activities as they affect the public street system.

In addition, the applicant shall submit for review and approval a plan for providing pedestrian access during construction of this project. Access shall be provided at all times during the construction process, except when specific construction activities such as shoring, foundation work, and construction of frontage improvements prevents access. General materials storage and contractor convenience are not reasons for preventing access.

The applicant shall secure sufficient off-street parking for construction workers before the issuance of a clearing and grading, building, a foundation or demolition permit.

Authority: BCC 11.70 & 14.30
Reviewer: Tim Stever, (425) 452-4294

- 2. Building and Site Lighting Fixtures:** More information is necessary regarding exterior lighting (building and parking lot). Prior to issuance of the Clear and Grade Permit, the applicant will be required to submit lighting details (cutouts) of all proposed lighting for the site. Said lighting shall be confined to the site with no spillover to adjacent single-family residences or the wetland and buffer.

Authority: LUC 20.20.522
Reviewer: Antoinette Pratt, (425) 452-5374

- 3. Construction Hours:** Normal hours for construction related noises are from 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturday. No deliveries shall be scheduled prior to 7:00 a.m. or after 6:00 p.m. Exceptions for construction related noise limitations contained in the Noise Control Code MAY be granted pursuant to 9.18.020C.1 when necessary to accommodate construction on schools which cannot be undertaken during exempt hours. No blanket exemption exists. Allowances for short term work outside of normal hours for construction related noise shall be limited and will be reviewed on a case by case basis to verify necessity and ensure appropriate noise mitigation is utilized to protect surrounding uses and properties. If expanded hours are necessary to accommodate a specific component of the school construction, **BSD must apply for a separate noise permit for review and approval by staff.** In this time period, the site shall be posted on all street frontages prior to the start of construction activity.

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1 Authority: BCC 9.18.040
2 Reviewer: Antoinette Pratt, (425) 452-5374

- 3 **4. Striping for Parent Queuing Lane:** The proposed site plan proposes a 570-
4 queue length along with a pass-through lane for approximately 25 vehicles from
151st Place NE. This lane shall be painted with yellow lines to denote the
queuing spaces along the perimeter of the parking lot.

5 Authority: LUC 20.20.740.A.6.a
6 Reviewer: Antoinette Pratt, (425) 452-5374

- 7 **5. Revised Median Landscaping:** Because significant landscaping will be
8 removed from the median on Main street along with trees, the Parks Department
9 recommends mitigation for the loss of this canopy cover for the entire
10 neighborhood. Because of space limitations along this stretch of Main Street,
11 this loss must be compensated through restoration of existing median space.
12 Improvement of existing median space would provide healthier, more vigorous
remaining trees and a lasting benefit to the community. Renovation of the
remaining median space between 150th-151st PI NE will be required. The
mainline for civil irrigation system runs directly beneath the medians that are
proposed for removal. Restoration of the irrigation system will be needed. The
applicant shall contact Streetscapes so they can be involved in inspection of the
irrigation restoration.

13 Authority: LUC 20.20.520.J
14 Reviewer: Antoinette Pratt, (425) 452-5374

- 15 **6. Final Off-site Landscaping Plan:** Prior to issuance of Clear and Grade Permit
16 for this proposal, BSD shall submit a final landscape plan along with the off-site
civil improvements for 151st Place NE.

17 Authority: LUC 20.25B.050.A.4
18 Reviewer: Antoinette Pratt, (425) 452-5374

- 19 **7. Fire Department Access Plans:** PDS shall be required to follow the
20 requirements of the International Fire Code (IFC), Chapter 33 *Fire Safety During*
21 *Construction and Demolition*. This includes maintaining a fire department water
22 supply/hydrants and fire apparatus access at any point that combustibles are
located on site. Fire apparatus access shall be provided in accordance with the
City of Bellevue Transportation Department Design Standards and Manual as
adopted in the International Fire Code.

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1 A plan shall be required to be developed by the owner or owner's
2 representative regarding emergency response during the project when 151st
3 Place NE is being upgraded. The plan shall include but not be limited to the
4 following:

- 5 • Providing fire apparatus and other emergency vehicles access to within
6 150' of all residences on 151st Place NE during emergency incidents.
- 7 • A designated method of communication between the contractor and the
8 City to relay changes in fire department access during construction.
- 9 • The plan shall be approved by the City of Bellevue Transportation
10 Department and the Bellevue Fire Prevention Division Prior to Clear and
11 Grade Permit issuance.

12 Authority: IFC 503

13 Reviewer: Glen Albright, (425) 452-4270

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

- 24 a) Traffic signs and markings.
- b) Roadway, curb, gutter, sidewalk, and driveway approach design for 151st
Place NE. The engineering plans shall be the controlling document on the
design of these features; architectural and landscape plans must conform
to the engineering plans as needed.
- c) Left-turn channelization lane and median reconstruction on Main Street
with associated signage and marking.
- d) Curb ramps, crosswalk revisions, and crosswalk equipment such as
pushbuttons. Reference ADA compliance or provision of MEF form.
- e) Installation or relocation of streetlights and related equipment.
- f) Street lighting.
- g) Installation of a RRFB at the crosswalk and warning signage at the
intersection of 151st Place NE and Main Street.
- h) School zone flashing beacons and signage on NE 4th Place, NE 3rd
Place, NE 3rd Street, 152nd Place NE, 151st Place NE, and Main Street.

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- i) Hardware for school zone flasher operations.
- j) Undergrounding of existing overhead utility lines, which should be coordinated with adjacent sites. Transformers and utility vaults to serve the building shall be placed inside the building or below grade, to the extent feasible.
- k) Location of fixed objects in the sidewalk or near the driveway approach.
- l) Trench restoration within any right of way or access easement.

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 Maximum Extent Feasible (MEF) 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. MEF forms must be provided prior to approval of the clear and grade plans for any deviations from standards that are known in advance. MEF forms provided in advance may need to be updated prior to project completion. For any deviations from standards that are not known in advance, MEF forms must be provided prior to project completion.

Authority: BCC 14.60; Transportation Department Design Manual;
Americans with Disabilities Act
Reviewer: Molly Johnson, (425) 452-6175

9. Final Mitigation Planting Plan and Native Growth Protection Easement

(NGPE): The wetland enhancements and additional buffer as noted on Sheets W1.0 and W5.0 will maintain the critical areas in their natural with the identified mitigations implemented for this site. The proposed planting and buffers shall be shown on the civil, landscape and architectural drawings as a Native Growth Protection Easement (NGPE).

Authority: LUC 20.25H.230
Reviewer: Antoinette Pratt, (425) 452-5374

10. Mitigation Planting and Monitoring: Mitigation planting shall be undertaken on PDS to mitigate for the reduction in buffer associated with the construction of the school along with identified mitigation. The mitigation planting shall, at a minimum, contain the plants and quantities specified in the approved mitigation planting plans (W1 – W8) as prepared by the Watershed Company. The mitigation plantings shall be monitored for a period of five years, consistent with a monitoring plan approved pursuant to LUC 20.25H.210. A report on plan health, survival, and maintenance activity shall be submitted every year for 5 years to verify that the plan is performing as proposed.

1 The reports, along with a copy of the planting plan, can be sent to Toni Pratt
2 at tpratt@bellevuewa.gov or to the address below:

3 Environmental Planning Manager
4 Development Services Department
5 City of Bellevue
6 PO Box 90012
7 Bellevue, WA 98009-9012

8 Authority: Land Use Code 20.30P.140
9 Reviewer: Antoinette Pratt, (425) 452-5374

10 **11. Construction Phasing and Permitting – Transportation:** All easements, both
11 temporary and permanent, required for the construction of 151st Place NE shall
12 be obtained at least 30 days prior to notice to proceed with Phase II. If the
13 easements needed to construct Option 3 have not been obtained by that date,
14 approval will proceed with Option 1 to avoid delay in the school opening date.
15 For each day that the permit approval is delayed, it is understood that the
16 occupancy date may be delayed at the discretion of the City.

17 Authority: BCC 14.60.060; 110; 120; 150; 180; 181; 190; 240; 241
18 Reviewer: Molly Johnson, (425) 452-6175

19 **12. Construction Management and Inspection – Transportation:** The applicant
20 will provide a full-time construction inspector with street construction experience
21 to oversee all roadway construction and minimize impacts to residents on 151st
22 Place NE. The inspector shall have a minimum of five (5) years in roadway
23 construction inspection in a municipal setting including the ability to read and
24 interpret roadway plans, and knowledge of construction materials and standard
testing procedures. The inspector shall be available each working day to
provide inspection services as needed, attend meetings, and respond to City
engineer requests within twenty-four (24) hours. The inspector shall ensure
construction meets the plans, specifications, and City standards for roadways
and review as-builts drawings prior to submission to the City.

In addition, this inspector shall be available to respond to and resolve roadway
construction issues that occur. The inspector shall provide two (2) days notice
to the City construction engineer for any activities requiring City observation and
shall complete daily inspection reports for those days upon which roadway
construction is occurring and submit these reports weekly. The inspector shall
serve as the primary liaison with the City's inspector for construction issues and

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1 support the applicant's project manager who shall serve as the primary point of
2 contact for the 151st Place NE residents. The project manager shall respond to
3 all issues identified by residents within one working day and shall maintain a log
4 of issues and resolution to be provided to the City's inspector weekly.

5 Any proposed changes to the approved plans shall be reviewed and approved
6 by the City's inspector prior to construction. The contractor shall complete all
7 work on the street and sidewalks prior to the opening of the school building to
8 students.

9 Authority: BCC 14.60.020, 060; 110; 120; 150; 180; 181; 190; 240; 241;
10 BCC 14.30.110

11 Reviewer: Molly Johnson, (425) 452-6175

12 **C. PRIOR TO ISSUANCE OF ANY BUILDING PERMIT**

- 13 **1. Building and Site Plans – Transportation:** Building plans, landscaping plans,
14 and architectural site plans must accommodate on-site traffic markings and
15 signs and driveway design as specified in the engineering plans. Building plans,
16 landscaping plans, and architectural site plans must comply with vehicle and
17 pedestrian sight distance requirements, as shown on the engineering plans.

18 Authority: BCC 14.60.060; 110; 120; 150; 180; 181; 190; 240; 241

19 Reviewer: Molly Johnson (425) 452-6175

20 **D. PRIOR TO ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY**

- 21 **1. NGPE Recording:** The Native Growth Protection Easement shall be recorded
22 prior to the issuance of certificate of occupancy. The Native Growth Protection
23 Easement shall be surveyed and shall have fencing and signage noting its
24 status as a Native Growth Protection Easement. The NGPE shall be recorded
with King County and shall have language which contains at minimum:

- A. An assurance that the NGPE will be kept free from all development
and disturbance except where allowed or required for habitat
improvement projects and vegetation management, existing
topography, and other natural features will be preserved for the
purpose of preventing harm to property and the environment,
including, but not limited to, controlling surface water runoff and
erosion, maintaining slope stability, and buffering and protecting
plants and animal habitat;

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1 B. The right of the city of Bellevue to enter to the property to investigate
2 the condition of the NGPE upon reasonable notice;

3 C. The right of the City of Bellevue to enforce the terms of the restriction;
4 and,

5 A management plan for the NGPE designating future management
6 responsibility.

7 Authority: Land Use Code 20.25H.160
8 Reviewer Antoinette Pratt, (425) 452-5374

9 **2. Street Improvements:** All street improvements and other required
10 transportation elements, including street light and traffic control revisions, must
11 be constructed by the applicant and accepted by the City Inspector. All existing
12 street light and traffic signal apparatus affected by this development, including
13 traffic controllers, pedestrian signal poles, traffic signal poles, and power
14 sources, must be relocated as necessary. Existing overhead lines must be
15 relocated underground. All required improvements must be constructed as per
16 the approved plans or as per direction of the Transportation Department
17 inspector. Bonding or other types of assurance devices will not be accepted in
18 lieu of construction, unless the City requires a delay.

19 Authority: BCC 14.60; Comprehensive Plan Policy UT-39; Transportation
20 Department Design Manual; and Transportation Department Design Manual
21 Standard Drawings
22 Reviewer: Molly Johnson, (425) 452-6175

23 **3. Transportation Management Plan:** Prior to the opening of the school, BSD
24 shall implement a Transportation Management Plan with the City of Bellevue
that will outline the monitoring of future traffic operations in a Transportation
Management Plan (TMP). The TMP will require periodic reporting will be in
place for a period of at least four years after the opening of the school.

As part of the TMP and prior to initial occupancy of the building, BSD shall
produce a Pre-Opening Day Activities Plan, an Opening Day Plan, a special
event plan and any other documents needed to manage traffic entering and
exiting the site. These or other educational materials will be provided to all
parents in the attendance area.

The TMP will require that any issues identified post-opening by BSD in their
reporting, by the Transportation Department, or by Bellevue Police

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1 Department will be immediately investigated and mitigated as appropriate.
2 The TMP shall identify a list of mitigation options to be considered by BSD that
3 provide a range of increasing intensity from education to enforcement to
4 constructing improvements. These measures shall be reviewed and approved
5 by the City as required per the Bellevue City Code.

6 Authority: BCC 14.60.180
7 Reviewer: Molly Johnson, (425) 452-6175

- 8 **4. Parking Lot Signage:** Parking lot signage and pavement markings shall be
9 provided throughout the parking lot. Designated areas for staff, visitor, and
10 Early Learning Center parking is necessary to reduce congestion within the
11 parking lot.

12 Authority: LUC 20.20.590.F.2
13 Reviewer: Antoinette Pratt, (425) 452-5374

14 **E. CONDITIONS POST OCCUPANCY**

- 15 **1. Future Transportation Condition if Significant Traffic Safety or Congestion**
16 **Problems are Identified:** If necessary to address specific concerns with safety,
17 pedestrian access, off-site traffic impacts, or other issues associated with school
18 operations, BSD will mitigate impacts in accordance with the protocol
19 established in the associated TMP.

20 Authority: BCC 14.60.050, 060, Comprehensive Plan Policy TR 35
21 Reviewer: Molly Johnson, (425) 452-617

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