

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

In the Matter of the:

**Conditional Use Permit Application
to – increase enrollment at school to
maximum of 224 students; remove
some existing structures; and
construct a new multi-purpose
building, with new internal queuing
and parking, submitted by**

THE LITTLE SCHOOL, Applicant

*(Project location is 2812 116th Ave NE,
in the Bridal Trails neighborhood in the
City of Bellevue, northeast of the I-
405/SR-520 interchange)*

DSD File No. 18-118360-LB

FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
DECISION

I. SUMMARY of DECISION.

The applicant has met its burden of proof to demonstrate that a preponderance of the evidence supports the conclusion that its application for a Conditional Use Permit (CUP) merits approval. Accordingly, the pending Conditional Use Permit application is approved, subject to conditions.

II. BACKGROUND and RELEVANT CODE PROVISIONS.

There is no dispute that a conditional use permit is mandated for this project because the application is to expand enrollment (and facilities) at an existing school that is located within Single Family Land Use Districts. *(LUC 20.10.440, Notes re: Uses in land use districts – Services, item 25; See Ex. C-2 and Staff Report, page 3, without citation to code authority).*

**DECISION APPROVING CONDITIONAL USE
PERMIT FOR THE LITTLE SCHOOL EXPANSION
PROJECT – FILE NO. 18-118360-LB**

BELLEVUE HEARING EXAMINER'S OFFICE
450 – 110TH AVENUE NE
P.O. BOX 90012
BELLEVUE, WASHINGTON 98009-9012

1 In this matter, the Hearing Examiner has jurisdiction to conduct an open record
2 public hearing regarding the Conditional Use Permit application at issue. Under applicable
3 City codes, a CUP is a Process I land use decision processed in accord with LUC 20.35.100
4 -.140.

5 As explained in LUC 20.35.140.A, the Hearing Examiner *shall approve* a project or
6 approve with modifications if the applicant has demonstrated that the proposal complies
7 with the applicable decision criteria of the Bellevue City Code, and the applicant carries the
8 burden of proof and must demonstrate that a preponderance of the evidence supports the
9 conclusion that the application merits approval or approval with modifications. In all other
10 cases, the Hearing Examiner shall deny the application. The preponderance of the evidence
11 standard is equivalent to “more likely than not.”¹

12 **Conditional Use Permit Decision Criteria:** The decision criteria for a Conditional Use
13 Permit is found in LUC 20.30B.140, which explains that the City may approve or approve
14 with modifications an application for a conditional use permit if:

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

24 III. RECORD AND EXHIBITS.

25 Exhibits entered into evidence as part of the record, and an audio recording of the
26 public hearing, are maintained by the City of Bellevue, and may be examined or reviewed
by contacting the Clerk in the Hearing Examiner’s Office.

¹ *In re Pers. Restraint of Woods*, 154 Wn.2d 400, 414 (2005).

1 **Exhibits:** The Record includes the Staff Report and Recommendation of Approval
2 for this project (21 pages), transmitted to the hearing examiner in the weeks before the
3 public hearing, and the following exhibits:

- 4 • C-1 – DSD File – a large collection of Development Services Department “Project File”
5 documents for this matter, with subparts: A) Submittal Documents; B) Staff Report
6 materials, including copy of the DNS issued for this project; C) Public Notice and Parties of
7 Record; D) Chronological collection of communications regarding the project; E)
8 Environmental materials, including SEPA Checklist; F) Miscellaneous materials, including
9 Geotech Plan Review for Building and Parking Additions, lighting information, and rolled
10 project plans;
- 11 • C-2 – PowerPoint presentation made at the public hearing by Leah Chulsky, Land Use
12 Planner for the City of Bellevue; and
- 13 • A-1 – PowerPoint presentation made at the public hearing by Dennis Erwood, project
14 designer/architect with the Studio Meng Strazzara firm.

15 **Hearing Testimony:** The following individuals presented testimony under oath at
16 the duly noticed public hearing for the underlying application, which occurred on the
17 evening of July 18, 2019:

18 *For the City of Bellevue:*

19 Leah Chulsky, Land Use Planner in the Development Services Department;

20 *For the Applicant, The Little School:*

21 Dennis Erwood, Principal at the Studio Meng Strazzara firm, project designer/architect;

22 Julie Kalmus, Head of School for the applicant, The Little School;

23 *General Public:*

24 Steve Jamieson, local resident, lives in the neighborhood to the south of The Little School
25 property, known as Saddlecrest;

26 Allison Chang, local resident, lives in abutting Saddlecrest neighborhood; and

 Dennis Pullar, local resident, lives in abutting Saddlecrest neighborhood.

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IV. FINDINGS of FACT.

Based on the Record, the undersigned Examiner issues the following Findings of Fact. Any statements contained in previous or following sections of this Decision that are deemed to be Findings of Fact are hereby adopted as such and incorporated by reference.

1. The applicant in this matter, The Little School, is a private elementary school that has been in operation at the same location since 1968. The school has educational programs serving children aged 3 – 11, between 8:30 am and 3:00 pm, with extended care starting at 8:00 am and ending at 6:00 pm. The school is located in the northeast quadrant of the I-405/SR-520 interchange in the City of Bellevue, at 2812 116th Ave NE. The property is zoned R-1.8 and R-2.5, both single family residential land use districts. (*Staff Report, page 2*).

2. As mentioned above, a conditional use permit is required to expand enrollment (and facilities) at an existing school that is located within Single Family Land Use Districts. (*See LUC 20.10.440, Notes re: Uses in land use districts – Services, item 25; See Ex. C-2 and Staff Report, page 3*).

3. In February and March of 2018, representatives from The Little School began the application process to pursue approvals necessary to accomplish their expansion and improvement plans. (*Ex. C-1, DSD File, subpart A, Submittal Documents*).

4. The Little School expansion project includes the following aspects:

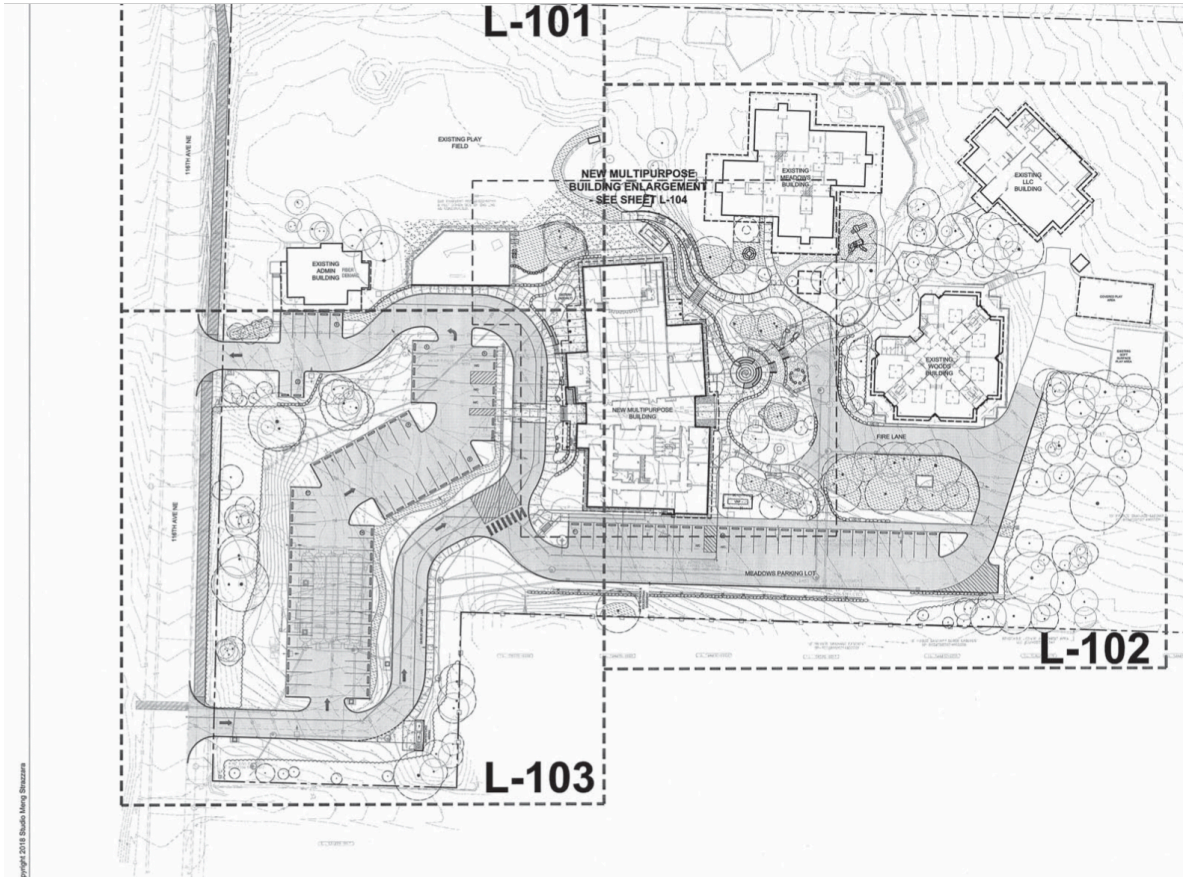
- Increase enrollment from the current enrollment (158, 159, or 168 students, different figures were used in testimony and pages 1 and 2 of the Staff Report) to a maximum of 224 students, greater than a 20% increase in potential enrollment, whichever figure is used (*understanding that the applicant claims the existing CUP for the school already permits a maximum enrollment of 200 students, meaning the increase would only be 12%. *Testimony of Mr. Erwood*);
- Demolition/removal of several existing buildings including the 3,340 square foot "School House" building, a 320 square foot storage building and a 160 square foot maintenance building (*See large 'Rolled Plans', included in the Record as part of Ex. C-1, on Sheets AS001-003, illustrating demo/construction phases of project*);
- Construction of a new 14,700 square foot, single-story Multipurpose Building; and
- Reconfigured parking, improved traffic and pedestrian circulation, and on-site queuing for pick-up/drop-off of students.

The after-construction school layout is shown on the following page, the Overall Site Plan for the Project, marked as Sheet L-100 in the Rolled Plans included as part Ex. C-1:

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1 5. After the demolition and construction activities are complete, the four structures
2 used for the school will total 38,176 square feet, an increase of 29 percent over the current
3 27,296 sq.ft. of occupied space. After the Project is complete, the school buildings would
4 still occupy less than 10% of the total site, which is 545,662 square feet. (*Staff Report,*
5 *page 2*).

6 6. The application does not seek to change current hours, and it does not mention any
7 increase in the number of teachers and staff. While the Applicant is proposing to increase
8 both the potential enrollment and building square footage, Staff deems the increase to be
9 minor in scale and the minimum needed for the school to achieve its space and education
10 goals. (*Staff Report, page 2*).

11 7. Primary vehicular access to and from the site will not change and will continue to be
12 provided via two existing driveways on 116th Ave NE, with one enter-only driveway and
13 one exit-only driveway. *Id.*

14 8. The site is surrounded by single family homes and contains a critical slope (which is
15 not much of an issue in this application) in the rear of the property.

16 9. Through April and May of 2018, Staff reviewed the application materials and the
17 applicant submitted additional reports and documentation, which were eventually deemed
18 complete for purposes of vesting and formal review. The City issued a public notice of the
19 pending application on or about May 31, 2018, inviting public comments regarding the
20 proposal. The public notice was published, mailed, and posted in accord with applicable
21 city practices. (*Staff Report, page 4; Ex. C-1, DSD File, subpart C, Public Notice*
22 *confirmation materials*).

23 10. City Staff hosted a public meeting regarding the pending application at City Hall on
24 the evening on June 5, 2018, to exchange information and receive comments from
25 interested members of the public. These comments were all considered as part of the
26 review process, as discussed and analyzed on pages 4 and 5 of the Staff Report.

After considering various reports, design details, and a SEPA Checklist submitted
by the applicant, and relevant city development regulations meant to prevent or avoid
adverse environmental impacts, the City's Environmental Coordinator issued a SEPA
Determination of Non-Significance for The Little School expansion project on or about
June 27, 2019. City codes allow for appeals of SEPA threshold determinations, like the
DNS issued for this application, within 14-days of issuance. No one appealed the DNS.

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1 12. In the weeks leading up to the public hearing regarding this CUP application, City
2 staff issued notice of the hearing, and the Staff Report, recommending approval of the
project, subject to conditions of approval.

3 13. The undersigned examiner conducted a public hearing regarding the pending CUP
4 application on July 18, 2019. Written comments submitted prior to the hearing reflected
5 many of the same concerns that were expressed at the public hearing by the three
neighboring property owners to the south of the site.

6 14. No one wrote or spoke in express opposition to the requested permit. Instead, most
7 comments were reasonable questions about how changes might impact neighboring
8 properties, with concerns about tree-removal, landscape details, views into the property,
9 fence materials (chain-link or wood), stormwater and utility lines, traffic on the local street
10 system, and speculation about activities and events that might occur at the school property
that could generate noise or other nuisances. Applicant and staff representatives answered
11 questions and comments with thoughtful responses, directing attention to conditions of
12 approval and design features that should serve to accommodate various requests, concerns,
13 and suggestions from neighbors.

14 15. The witnesses at the public hearing – applicant representatives, neighbors, and staff
15 – all demonstrated a genuine respect for one another, and how “good-neighbors” can work
16 together to address issues and generate positive outcomes.

17 16. There is no credible dispute that the current project requires a Conditional Use
18 Permit, although the applicant’s primary hearing representative asserted that the existing
19 CUP for the school already allows for enrollment up to 200 students, meaning the
20 percentage-increase in enrollment may not be as great as shown in various materials.

21 17. To close the loop on the subject, relevant provisions of the City’s Land Use Code
22 explain the type of projects that require a Conditional Use Permit (CUP). In this instance,
23 the requirement is part of the City’s longstanding policy that expressly permits schools in
24 residential zoning districts, provided that a CUP is required when the proposed addition to
or modification of an existing school facility involves: *“An increase of 20 percent or more
in the number of students occupying the school. The increase shall be measured against the
number of students for which the school was designed prior to the addition or modification,
without regard to temporary structures that may have been added to the site over time. If
there is no information establishing the number of students for which the school was
originally designed, then the increase shall be measured against the average number of
students occupying the school in the three academic years immediately preceding the
proposed addition or modification.”* (See LUC 20.10.440, Notes re: Uses in land use
25 districts – Services, Note 25(b)(i)). This record does not include sufficient evidence to
26 establish the number of students for which the existing school facilities were originally

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1 designed. Thus, the increase in enrollment must be measured against the average number
2 of students occupying the school in the years prior to the proposed addition. In this matter,
3 city staff relied on the applicant's representation that current enrollment is about 158
4 students, meaning the requested increase to 224 students would be greater than 20%.
5 Another reason this project triggers the requirement to obtain a CUP is the addition of a
6 new facility – the construction of a new 14,700 square foot Multipurpose Building – that
7 may result in impacts not anticipated at the time the original school was developed. (See
8 *LUC 20.10.440, Notes re: Uses in land use districts – Services, Note 25(b)(iii)*).

9
10 18. In the end, this project should provide several obvious benefits to the surrounding
11 area. For one, the new parking and internal queuing layout for the site are intended to
12 prevent any drop-off/pick-up of students anywhere offsite, like on 116th Ave NE. School
13 staff will be tasked with ensuring all students are transported to and from the school using
14 the designated drop-off/pick-up locations and queuing lanes. The trees removed to make
15 room for new facilities and parking will be replaced with large native trees and landscape
16 screening, meant to block light from cars driving on the school site, the parking lot on the
17 south end is designed so headlights face away from adjacent homes, and frontage
18 improvements along 116th will provide improved pedestrian routes for local residents. It
19 was interesting to hear some comments at the public hearing that expressed concern that re-
20 planted trees might be large – something rarely raised as a problem for neighbors seeking
21 privacy from a large project next door. Here, the trees will all be planted on a site that is
22 located north of adjacent homes, meaning there will be no shading or shadowing onto
23 adjacent properties. (*Testimony of Mr. Erwood*).

24 19. The applicant accepted the analysis and recommended conditions of approval as
25 provided in the Staff Report, without changes or requests for modification. (*Testimony of*
26 *Mr. Erwood*).

20. There is no evidence in this record that would provide a factual or legal basis to
deny the pending application.

21. Instead, the Staff Report, hearing testimony, application materials, and all other
exhibits included in the record constitute far more than the preponderance of evidence
required to establish that The Little School CUP application merits approval.

The application satisfies the City's decision criteria for a Conditional Use Permit.

22. As noted above, the City's decision criteria for the pending conditional use permit is
found in LUC 20.30B.140.A-E. Based on all findings set forth above, and other substantial
evidence in the record, including the un rebutted Staff Report, the Examiner finds and
concludes as follows:

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1 **A. The conditional use is consistent with the Comprehensive Plan.**

2 Finding: The project is consistent with the Comprehensive Plan's Urban Design Element. The
3 proposed development supports and implements the following Subarea and Comprehensive Plan
4 Policies:

4 **Comprehensive Plan**

5 The site is designated R-1.8 and R-2.5 and lies within the Bridle Trails subarea of the
6 Bellevue Comprehensive Plan. The Comprehensive Plan designation for this property is
7 Single-family Low and Single-family Medium in Planning District A.

7 **Land Use Element:**

8 **Policy LU-20:** Promote maintenance and establishment of small-scale activity areas within
9 neighborhoods that encourage the pedestrian patronage and provide informal opportunities
10 for residents to meet.

11 **Policy S-BT-37:** Protect residential areas from impacts of non-residential uses of a scale not
12 appropriate.

13 Finding: The proposal is consistent with the Land Use Element policies. The Conditional
14 Use will allow for small expansion to an existing educational program and facilities which
15 service many of the families in the surrounding neighborhood. Schools are identified as an
16 allowed use within residential districts with an approved Conditional Use. While the
17 Applicant is increasing the maximum potential enrollment by 25 percent and the overall
18 building square footage by 29 percent, these additional are minor in scale and appropriate
19 for the site.

15 **Bridle Trails Subarea Policies:**

16 **Policy S-BT-3:** Preserve the wooded, natural, rural, and equestrian character of the Subarea
17 and encourage horse keeping in low-density residential areas.

18 **Policy S-BT-40:** Natural vegetation should be protected and preserved to provide buffers
19 between land uses.

20 **Policy S-BT-46:** Encourage an exterior residential appearance on any portion of a
21 nonresidential or multifamily development.

22 Finding: The proposal is consistent with the Bridle Trails Subarea Plan. The proposed
23 enrollment increase will be no more than 30 percent over the existing enrollment if the
24 school is at full capacity. Considering demolition of several existing structures, the new
25 multi-use structure will only slightly increase the total lot coverage ratio and the additional
26 impervious surface will only be increased to 24 percent. Both calculations are significantly
lower than the maximums permitted. The Applicant will be leaving over half of their site in
its existing forested state. The only vegetation proposed to be removed will be for the new

1 multi-use structure and vehicular access. Per the approved planting plan (see file), the
2 applicant will be installing a three-tiered planting plan which will result in a net increase
3 over existing vegetated conditions. The plan includes threes shrubs and ground cover. The
4 proposed multi-use structure will be a one-story building with exterior materials consistent
5 with single family development in the surrounding neighborhood.

6 **B. The design is compatible with and responds to the existing or intended character,
7 appearance, quality of development and physical characteristics of the subject property
8 and immediate vicinity.**

9 The proposal does not alter the relationship of the existing structure with those in the immediate
10 vicinity. The Little School has been an ongoing school for over 51 years. The school's current
11 activities and hours will remain unchanged. The proposed expansion and building modifications
12 are designed to be compatible with the existing structure while providing additional space and
13 educational opportunities. The existing structures and play areas will remain the same. The new
14 multi-use structure will be a single story with painted wood siding and a composite roof. A 6-
15 foot tall wooden fence (NOT chain-link) will be installed on the interior edge of the landscape
16 buffer and will be residential in character. These modifications are compatible with the existing
17 development and will improve the overall consistence of the building design. The exterior
18 building colors for the portion of the building west of the entrance will be darker neutral/natural
19 colors intended to blend with the existing and proposed site vegetation. See Condition of
20 Approval IV.A.9 regarding fencing.

21 **C. The conditional use will be served by adequate public facilities including public streets,
22 fire protection and utilities.**

23 All required public services and facilities are available to the site. The site has direct access to a
24 major arterial (116th Ave NE) which has capacity to carry the additional traffic expected to be
25 attributed to the proposal (Traffic Study in project file). City water and sewer services are
26 available to the site. Two existing driveways will be retained to provide fire truck access to the
27 site.

28 **D. The conditional use will not be materially detrimental to uses or property in the
29 immediate vicinity of the subject property.**

30 The proposal does not alter the relationship of the existing structure with those in the immediate
31 vicinity. The Little School has been an ongoing business for over 51 years. The School's current
32 business activities and hours will remain unchanged. The Applicant will assign staff to the drop-
33 off and pick-up area to ensure efficiency and that queuing is contained within the site. See
34 Condition of Approval regarding staff monitoring.

35 **E. The conditional use complies with the applicable requirements of the Land Use Code.**

36 As conditioned, the conditional use complies with all applicable Land Use Code requirements as
discussed in Section iii of the Staff Report. An issued building permit is required prior to

1 starting construction. See Conditions of Approval for building permit and seasonal restrictions
2 that will apply to construction activities, including material deliveries, as explained and
emphasized at the public hearing.

3 23. The Staff Report includes a number of specific findings and conditions that establish
4 how the pending CUP application satisfies provisions of applicable law and/or can be
5 conditioned to comply with applicable codes and policies. Except as modified in this
6 Decision, all findings and statements of fact contained in the Staff Report for the pending
hearing examiner.²

7 24. The Conditions of Approval included as part of this Decision are reasonable,
8 appropriate, fully supported by testimony and evidence in the record, and capable of
accomplishment.

9 **V. CONCLUSIONS of LAW.**

10 1. As explained above, the record includes credible, un rebutted, and substantial proof that the
11 Conditional Use Permit application satisfies all applicable decision criteria specified in LUC
20.30B.140.A-E, as conditioned herein.

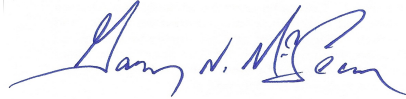
12 2. Based on the record, and all findings set forth above, the applicant established that more
13 than a preponderance of the evidence supports the conclusion that its permit application merits
approval, meeting its burden of proof imposed by LUC 20.35.140(A).

14 3. Any finding or other statement contained in this Decision that is deemed to be a Conclusion
15 of Law is hereby adopted as such and incorporated by reference.

16 **VI. DECISION.**

17 Based on the record, and for the reasons set forth herein, the requested Conditional Use
18 Permit for The Little School Expansion Project should be and is hereby approved, subject to the
following conditions of approval, which are incorporated herein by reference.

19 ISSUED this 8TH Day of August, 2019

20 

21 _____
22 Gary N. McLean
Hearing Examiner

23 _____
24 ² For purposes of brevity, only certain Findings from the Staff Report are highlighted for discussion in this Decision, and
others are summarized, but any mention or omission of particular findings or analysis provided in the Staff Report should
not be viewed to diminish their full meaning and effect, except as modified herein.

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CONDITIONS OF APPROVAL
THE LITTLE SCHOOL
EXPANSION PROJECT
 CONDITIONAL USE PERMIT NO. 18-110360-LB

I. PROJECT ELEMENTS: The Project authorized by this permit shall be developed and operated substantially as described on page 2 of Staff Report (Proposal narrative) and approved site plans included as part of the record for this matter, including without limitation removal of several existing structures and construction of a new approx. 14,700 square foot, single-story Multipurpose Building, parking improvements, and internal queuing.

II. INCREASED ENROLLMENT APPROVED: Subject to compliance with all conditions set forth herein, and upon completion of all construction work authorized in this permit, The Little School is authorized to increase enrollment to a maximum of 224 students.

III. COMPLIANCE WITH CITY CODES: The Applicant shall comply with all applicable City of Bellevue development regulations, codes, standards and ordinances, including without limitation the following:

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Construction Codes- BCC Title 23	Bldg. Division, 425-452-6864
Fire Code- BCC 23.11	Glenn Beck, 425-452-6042
Land Use Code- BCC Title 20	Leah Chulsky, 425-452-6834
Noise Control- BCC 9.18	Leah Chulsky, 425-452-6834
Sign Code- BCC Title 22B	Leah Chulsky, 425-452-6834
Transportation Code- BCC 14.60	Ian Nisbet, 425-452-2569
Right of Way Use Code- BCC 14.30	Tim Stever, 425-452-4294
Utility Code- BCC Title 24	Lori Santo, 425-452-6354

IV. CONDITIONS INCORPORATED FROM THE STAFF REPORT.

A. GENERAL CONDITIONS: The following conditions apply to all phases of development.

1. 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

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1 defined by the Bellevue City Code. Proximity to existing residential uses will be given special
2 consideration

3 The use of best available noise abatement technology consistent with feasibility is required
4 during construction to mitigate construction noise impacts to surrounding uses.

5 **AUTHORITY:** Bellevue City Code 9.18
6 **REVIEWER:** Leah Chulsky, Development Services Department

7 **2. Water, Sewer, Storm Drainage Systems**

8 Utility Department approval of the Conditional Use Permit application is based on the final
9 conceptual design submitted with this application. Final utility design and construction approval
10 is not given under this permit. Small changes to the site layout may be required to accommodate
11 the utilities after utility engineering is approved. The water, sewer, and storm drainage systems
12 shall be designed per the current City of Bellevue Utility Codes and Utility Engineering
13 Standards. Utilities Department design review, plan approval, and field inspection is performed
14 under the Utility Developer Extension Agreement (UE). Side Sewer (UA), and Water (UC)
15 permits will be required for the project. All connection charges will be due prior to issuance of
16 the permits.

17 **AUTHORITY:** Bellevue City Code Title 24.02, 24.04, 24.06
18 **REVIEWER:** Lori Santo, Utilities Department

19 **3. Provision for Loading**

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

23 **AUTHORITY:** Land Use Code 20.20.590.K.4; Bellevue City Code 14.60.180
24 **REVIEWER:** Ian Nisbet, Transportation Department

25 **4. Building Permit**

26 Approval of this application does not constitute an approval of a development permit. A
building permit and any other associated development permits are required. Plans submitted as
part of any permit application shall be consistent with the activity permitted under this approval.

AUTHORITY: Land Use Code 20.30C.155.L
REVIEWER: Leah Chulsky, Development Services Department

5. Installation Device

To ensure the required landscaping and restoration of areas of temporary disturbance is
completed, the applicant shall post an Installation Assurance Device prior to the building permit
or clearing and grading permit issuance. The device shall be equal to 150% of the value of the
approved mitigation. The device will be released when the applicant demonstrates required

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installation has successfully been installed.

AUTHORITY: Land Use Code 20.20.520.L
REVIEWER: Leah Chulsky, Development Services Department

6. Rainy Season Restrictions

No clearing and grading activity may occur during the rainy season, which is defined as October 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

AUTHORITY: Bellevue City Code 23.76.093.A,
REVIEWER: Savina Uzunow, Development Services Department

7. Storm Water Pollution Prevention Plan

To ensure contaminated stormwater or construction-related runoff does not pollute adjacent surface water; a construction stormwater pollution prevention plan (CSWPPP) is required. The CSWPPP outline should be generally consistent with the SWPPP requirements of the National Pollutant Discharge Elimination System (NPDES) General Storm water Permit for Construction Activities.

AUTHORITY: Bellevue City Code 23.76.
REVIEWER: Savina Uzunow, Development Services Department

8. Holiday Construction & Traffic Restrictions

Construction activities such as hauling and lane closures between November 15th and January 5th will be allowed only between the hours of 10:00 pm and 6:00 am due to holiday traffic. The Transportation Department will be monitoring traffic and may modify this restriction accordingly.

AUTHORITY: Bellevue City Code 14.30.060
REVIEWER: Tim Stevers, Transportation Department

9. Fencing

All onsite fencing shall be wooden and residential in nature.

AUTHORITY: Land Use Code 20.30B.140.2
REVIEWER: Leah Chulsky, Development Services Department

B. PRIOR TO CLEARING & GRADING PERMIT: These conditions must be complied with on plans submitted with the Clearing & Grading or Demolition permit application:

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PROJECT – FILE NO. 18-118360-LB**

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450 – 110TH AVENUE NE
P.O. BOX 90012
BELLEVUE, WASHINGTON 98009-9012

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1. Right-of-Way Use Permit

Prior to issuance of any construction or clearing and grading permit, the applicant shall secure applicable right-of-way use permits from the City’s Transportation Department, which may include:

- 1. Designated truck hauling routes.
- 2. Truck loading/unloading activities.
- 3. Location of construction fences.
- 4. Hours of construction and hauling.
- 5. Requirements for leasing of right of way or pedestrian easements.
- 6. Provisions for street sweeping, excavation and construction.
- 7. Location of construction signing and pedestrian detour routes.
- 8. All other construction activities as they affect the public street.

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.

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: Bellevue City Code 11.70 & 14.30
REVIEWER: Tim Stever, Transportation Department

2. Civil Engineering Plans – Transportation

Civil engineering plans produced by a qualified engineer must be approved by the Transportation Department prior to issuance of the clearing and grading permit. The design of all street frontage improvements and driveway accesses must be in conformance with the requirements of the Americans with Disabilities Act, the Transportation Development Code, the provisions of the Transportation Department Design Manual, and specific requirements stated elsewhere in this document.

All relevant standard drawings from the Transportation Department Design Manual shall be copied exactly into the final engineering plans. Requirements for the engineering plans include, but are not limited to:

- 1. Traffic signs and markings.
- 2. Curb, gutter, sidewalk, and driveway approach design. The engineering plans shall be the

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controlling document on the design of these features; architectural and landscape plans must conform to the engineering plans as needed.

3. A minimum of ten feet of vertical clearance is required above the 8-foot-wide path.
4. Curb ramps, crosswalk revisions, and crosswalk equipment such as pushbuttons.
5. Installation or relocation of streetlights and related equipment.
6. 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.
7. Traffic Signal Communication Equipment – **Coordinate with 7th floor ITS for the project's frontage requirements.** The project may need to install conduit along the public road frontage with 25TA vaults on both ends.
8. Sight distance. Show the required sight triangles and include any sight obstructions, including those off-site. Sight distance triangles must be shown at all driveway locations and must consider all fixed objects and mature landscape vegetation. Vertical as well as horizontal line of sight must be considered when checking for sight distance.
9. Landings on sloping approaches are not to exceed a 7% slope for a distance of 20 feet approaching the back edge of sidewalk. Driveway grade must be designed to prevent vehicles from bottoming out due to abrupt changes in grade.
10. City standards for driveway widths range from 30 to 36 feet on arterial streets, and 26 to 30 feet for local streets. Driveway aprons must be constructed in accordance with Design Manual Standard Drawings.
11. Location of fixed objects in the sidewalk or near the driveway approach.
12. Trench restoration within any right of way or access easement.

Specific requirements are detailed below.

1. 116th Avenue NE
 - a. Install a minimum 8-foot-wide gravel path, minimum 4-foot-wide planter strip along the frontage.
 - b. Reconstruct both driveways to meet City of Bellevue standards.
 - c. Trim back any vegetation encroaching in the pedestrian path in the Right-of-Way.
 - d. Street lighting is required to meet City of Bellevue standards.

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. Design Justification 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, Americans with Disabilities Act
REVIEWER: Ian Nisbet, Transportation Department

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1 **C. PRIOR TO ISSUANCE OF BUILDING PERMIT:** Unless specified otherwise below, these
2 conditions must be complied with on plans submitted with the Building Permit Application:

3 **1. Transportation Impact Fee**

4 Payment of the traffic impact fee will be required at the time of building permit issuance. If
5 multiple building permits will be issued, the impact fee will be tied to the primary above-ground
6 permit. Removal of existing buildings will be eligible for impact fee credit. Impact fees are
7 subject to change and the fee schedule in effect at the time of building permit issuance will
8 apply.

9 **AUTHORITY:** Bellevue City Code 22.16
10 **REVIEWER:** Ian Nisbet, Transportation Department

11 **2. Building and Site Plans – Transportation**

12 The building grade and elevations shall be consistent with the curb and sidewalk grade shown in
13 the approved civil engineering plans. During construction, city inspectors may require
14 additional survey work at any time in order to confirm proper elevations. Building plans,
15 landscaping plans, and architectural site plans must accommodate on-site traffic markings and
16 signs and driveway design as specified in the engineering plans. Building plans, landscaping
17 plans, and architectural site plans must comply with vehicle and pedestrian sight distance
18 requirements, as shown on the engineering plans.

19 **AUTHORITY:** Bellevue City Code BCC 14.60.060, 110, 120, 150, 180, 181, 190,
20 240, 241
21 **REVIEWER:** Ian Nisbet, Transportation Department

22 **3. Existing Easements**

23 Any utility easements contained on this site which are affected by this development must be
24 identified. Any negative impact that this development has on those easements must be mitigated
25 or easements relinquished.

26 **AUTHORITY:** Bellevue City Code 14.60.100
REVIEWER: Ian Nisbet, Transportation Department

**D. PRIOR TO TCO: The following conditions are required by City Code and supported by
City Policy. The conditions shall be complied with prior to issuance of the Temporary
Certificate of Occupancy (TCO):**

1. Landscape Maintenance Assurance Device

File with the Development Services Department a landscape maintenance assurance device prior
to TCO approval for a five year period for 20% of the cost of labor and materials for all required
landscaping. For the purpose of this permit, maintenance and monitoring shall be completed for
a period of one growing seasons. Release of this assurance device is contingent upon receipt of

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documentation reporting successful establishment in compliance with the mitigation performance standards listed in the project mitigation plan. Land Use inspection of the planting after 5-years is required to release the surety

AUTHORITY: Land Use Code 20.20.520.K
REVIEWER: Leah Chulsky, Development Services Department

2. Street Frontage Improvements

All street frontage improvements and other required transportation elements, including street light and traffic signal revisions, must be constructed by the applicant and accepted by the Transportation Department inspector. All existing street light and traffic signal apparatus affected by this development, including traffic controllers, pedestrian signal poles, traffic signal poles, and power sources, must be relocated as necessary. Existing overhead lines must be relocated underground. All required improvements must be constructed as per the approved plans or as per direction of the Transportation Department inspector. Bonding or other types of assurance devices will not be accepted in lieu of construction, unless the City requires a delay.

AUTHORITY: Bellevue City Code 14.60; Comprehensive Plan Policy UT-58; Transportation Department Design Manual; and Transportation Department Design Manual Standard Drawings.
REVIEWER: Ian Nisbet, Transportation Department

3. Pavement Restoration

Pavement restoration associated with street frontage improvements or to repair damaged street surfaces shall be provided as follows:

a) 116th Avenue NE: Based on this street's excellent condition, it is classified with the City's overlay program as "Overlay Required." 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.

AUTHORITY: Bellevue City Code 14.60.250; Design Manual Design Standard #23
REVIEWER: Tim Stever, Transportation Department

4. Traffic Management

The Applicant will provide a detailed staff and management plan during drop-off and pick up. Plan shall include the times during which this will occur and identify staffing needs.

AUTHORITY: Land Use Code 20.30B.140.4
REVIEWER: Leah Chulsky, Development Services Department

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**NOTICE OF RIGHTS
TO REQUEST CLARIFICATION OR RECONSIDERATION,
AND TO APPEAL**

This Decision has been issued by the Hearing Examiner who has specific authority to address Type I quasi-judicial matters following a public hearing. *See LUC 20.35.100.*

REQUEST FOR CLARIFICATION OR RECONSIDERATION – As provided in Rule 1.25 and 1.26 of the Bellevue Hearing Examiner Rules of Procedure, a party may file a written request for clarification or reconsideration of this Decision within five (5) working days after the date of issuance. Additional requirements and procedures concerning Requests for Clarification or Reconsideration are found in Rule 1.25 and 1.26 of the Hearing Examiner Rules of Procedure.

RIGHT TO APPEAL – TIME LIMIT – Persons and entities identified in Land Use Code (LUC) 20.35.150, may appeal a Process I decision of the Hearing Examiner to the Bellevue City Council by filing a written statement of the Findings of Fact or Conclusions of Law which are being appealed, and paying a fee, if any, as established by ordinance or resolution, no later than 14 calendar days following the date that the decision was mailed. The written statement must be filed 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. 14 calendar days following the date that the decision was mailed.**

TRANSCRIPT OF HEARING – PAYMENT OF COST– An appeal of the Hearing Examiner’s decision requires the preparation of a transcript of the hearing before the Hearing Examiner. Within thirty (30) days of the decision which is appealed from, the appellant shall order from the City Clerk, on a form provided by 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.

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

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