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4 **BEFORE THE HEARING EXAMINER FOR THE CITY OF BELLEVUE**
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6
7 In the Matter of an Application for a
Conditional Use Permit

8 **HIGHLAND MIDDLE SCHOOL**

9 For construction of a replacement
10 Middle School at 15027 NE Bel-Red Road

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

**FILE NOS: 17-128804 LB
18-103077 LD
17-131043 LO**

11 **SUMMARY**

12 1. Decision. The application is approved, subject to conditions.

13 2. Request. The Bellevue School District seeks a Conditional Use Permit to replace the
14 existing Highland Middle School with a new two/three story facility containing approximately
15 180,000 square feet and featuring an interior courtyard. The 20-acre site will accommodate the
16 new school, as well as a synthetic play field, revised tennis courts with a covered play area, 131
parking stalls and landscaping.

17 There will be a central public entry to the site on northeast Bel-Red Road, located to
18 coordinate with the proposed Overlake Village in the City of Redmond. Left-turn
19 channelization will be added. The new layout will significantly increase on-site vehicular
20 queueing and more than double the student drop-off area. A separate staff, service and bus
entry drive will be positioned to the east of the public entry.

21 School zone signs and a mid-block traffic light will be added on Bel-Red Road for the
22 safety of walking students. The student population at the school, currently 550, is expected to
23 increase to 1,320 in the next few years with the addition of as many as 5,000 new housing units

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1 in the adjacent area of Redmond and along the Bel-Red corridor. The area served is within the
2 Bellevue School District.

3 A 2.5-year construction period is proposed for the new facility. In the interim Highland
4 students will attend classes at the old Ringdall facility.

5 3. Procedure. The Conditional Use application was accompanied by applications for
6 Design Review and for a Critical Area Land Use Permit. The latter two requests have been
7 approved administratively and were not appealed.

8 A City-sponsored public meeting was held on January 11, 2018. No one from the public
9 attended. However, the School District held two well-attended public meetings: one on
10 February 8, 2017 and the other on October 30, 2017. The District's consultants addressed
11 questions from neighbors, mostly about transportation matters. Comments at these meetings
12 contributed to the development of mitigation measures.

13 The Hearing Examiner's public hearing was held, after due notice, on April 12, 2018. At
14 the hearing the City was represented by Antoinette Pratt, Senior Planner, and Molly Johnson,
15 Transportation Reviewer. The School District was represented by Jack McLeod, Facilities
16 Manager. There was no public testimony.

17 **FINDINGS OF FACT**

18 1. The factual matters set forth in the foregoing **SUMMARY** are adopted by the
19 Examiner as findings.

20 2. The 20-acre site is bounded on the west by 148th Avenue NE, on the north by Bel-
21 Red Road and on the east by 152nd Avenue NE. The southern boundary abuts residential
22 development. The original school buildings were built in 1934 and 1957.

23 3. The western edge of the property borders a relatively undeveloped area containing
24 part of a wetland and a dense stand of trees. The Critical Areas Land Use Permit preserves the
25 wetland and buffer in this area. The buffer will be reduced to install a required fire lane. Along
the eastern edge of the property, a large stand of conifers will maintain a natural buffer to screen
the new facilities from adjacent developments.

4. The site is located in two land use districts – Office to the north and R-5 for the
balance. This causes the north portion of the property to fall within a Single-Family Transition
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1 Area, triggering Design Review. The Land Use Code provides building and site design
2 standards for schools so located – standards which are met here.

3 5. The playing fields in the south half of the site will remain largely as they are and will
4 be upgraded with synthetic turf. The tennis courts will be relocated to the south to make room
5 for the westerly end of the new building.

6 6. The building will have a strong east/west longitudinal orientation. The topography
7 drops approximately 30 feet from east to west. The building engages with the slope on the east
8 and transitions across its length to overhanging on the west.

9 7. The building height will be 40 feet, 10 feet higher than the standard limit. The
10 additional 10 feet are permitted though a special allowance made when the mechanical
11 equipment is located within the structure and the site size is larger than five acres.

12 8. Efforts towards environmental sensitivity will include a photovoltaic array, solar
13 water heating, a well-insulated envelope, ground source loop and chilled beam HVAC system.
14 Bio-retention facilities will aid stormwater management.

15 9. The facility design, like that of other new schools in the District, emphasizes safety
16 and security. Modular buildings on an open campus are a thing of the past. The new Highland
17 Middle School will have secure interior circulation and an enclosed courtyard. Electronic
18 building locking will be controlled centrally. The grounds will exemplify a program called
19 Crime Prevention through Environmental Design.

20 10. The school serves the most ethnically diverse population within the District. School
21 programs make significant efforts to engage and support families, as exemplified by the Jubilee
22 outreach program, the health clinic and the Family Connection Center. Operation of the new
23 facility will continue to support diverse social and community activities through continuation of
24 these programs. The new commons space will accommodate performances and community
25 gatherings.

11. The School District reviewed the likely environmental impacts of the project under
the State Environmental Policy Act (SEPA) and issued a Determination of Non-Significance
(DNS) on May 3, 2017. No appeals were filed.

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1 12. Available public utilities will be able to accommodate the demands of the enlarged
2 school. Drainage will be managed through detention facilities which will discharge from the
3 site in the same location as the existing condition.

4 13. The new larger student population is expected to result in higher vehicle volumes at
5 the school. To accommodate this influx of traffic, changes adjacent to and along Bel-Red Road
6 will be needed. A professional traffic impact analysis was conducted and the City
7 Transportation Department devoted considerable effort to review of the proposal. As a result,
8 the following shall be provided:

9 A. A traffic signal at the central access to the school shall be installed in order to
10 achieve an acceptable level of service in both the morning and the evening.

11 B. A mid-block pedestrian connection will be created across Bel-Red Road and
12 will be included with the signal installation.

13 C. A 915-foot off-road queueing loop on the north side of the school will be
14 constructed for student drop-off and pick-up. This loop will provide enough space to
15 accommodate 40 vehicles, and should prevent vehicles from spilling back to Bel-Red Road.

16 D. Bel-Red Road street frontage will be improved with street widening and
17 realigned curb and gutter. A widened 8-foot sidewalk with a 10-foot landscaping planter will
18 be installed between the curb and sidewalk.

19 E. The curb location will be set back to allow enough space for a left turn lane
20 to be added for turns into the site from Bel-Red Road.

21 F. The main driveway on site will provide separately channelized left and right
22 turn lanes for egress.

23 14. The City of Bellevue will partner with the School District to jointly fund the new
24 traffic signal to allow it to be built and operational in time for the school reopening.

25 15. School zone signs and flashing beacons requiring a 20-mph speed limit will be
installed on Bel-Red Road. The beacons will operate with equipment that is tied to the school's
bell schedule. Flashing beacons may also be required on 152nd Avenue NE, if this side street is
located within the limits of the school zone.

 16. A transportation management program shall be developed and implemented to assist
with the pick-up and drop-off activity and with vehicle queueing in order to help minimize off-

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1 site traffic impacts. This program will include on-site traffic monitors and annual informational
2 mailings.

3 17. School buses will access the site at a separate entrance leading to a separate bus
4 loop on the east side of the site.

5 18. The Staff Report analyzes the project in light of the Conditional Use Permit
6 approval criteria and determines that, as conditioned, the project will meet the criteria. The
7 Hearing Examiner concurs with this analysis and adopts the same. The Staff Report is by this
8 reference incorporated herein as though fully set forth.

9 19. Any conclusion herein which may be deemed a finding is hereby adopted as such.

10 CONCLUSIONS OF LAW

11 1. The Hearing Examiner has jurisdiction over this proceeding. It is a Process I
12 decision. LUC 20.35.015(B)(1).

13 2. The requirements of SEPA have been met.

14 3. The project, as conditioned, meets the approval criteria for a Conditional Use Permit.
15 LUC 20.30B.140.

16 4. Any finding herein which may be deemed a conclusion is hereby adopted as such.

17 CONDITIONS

18 General Conditions

19 **Compliance with Bellevue City Codes and Ordinances:** The applicant shall comply with
20 all applicable Bellevue City Codes and Ordinances including but not limited to:

21 1. **Provisions for Loading:** The property owner shall provide an off-street loading space
22 which can access a public street. This must include an off-street location for garbage pick-
23 up, which must be acceptable to the garbage hauler. On-street loading and unloading will
24 not be permitted. LUC 20.20.590.K.4; BCC 14.60.180

25 2. **Signs:** A separate sign package shall be submitted to DSD for staff review and approval.
Any proposed sign shall be architecturally compatible with the existing building. BCC
22B.10.040.B.1,2

3. **Land Use Exemption (LUX):** If the applicant revises the building materials, details or
colors for this proposal, the revision shall be reviewed and approved by the Development

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Services Department as a *post issuance revision* to the Design Review pre-occupancy or as a *Land Use Exemption* (LUX) post-occupancy. LUC 20.30B.175.A

4. **Native Growth Protection Easement (NGPE):** Wetland enhancements to the identified buffer as noted on Sheets W1.0 and W5.0 will enhance the off-site Category III wetland to the west of this site. This buffer shall be shown on the civil, landscape and architectural drawings as a Native Growth Protection Easement (NGPE). Additionally, wetland and stream monitoring shall occur for a 5-year period with submittals to the DSD for annual review. LUC 20.25H.230

Prior to issuance of any Clear and Grade Permit

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:

- a) Designated truck hauling routes.
- b) Truck loading/unloading activities.
- c) Location of construction fences.
- d) Hours of construction and hauling.
- e) Requirements for leasing of right of way or pedestrian easements.
- f) Provisions for street sweeping, excavation and construction.
- 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. BCC 11.70 & 14.30

2. **Civil Engineering Plans – Transportation Plans:** 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

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1 Manual shall be copied exactly into the final engineering plans. Requirements for the
2 engineering plans include, but are not limited to:

- 3 a) Traffic signs and markings.
- 4 b) Curb, gutter, sidewalk, and driveway approach design. The engineering plans shall
5 be the controlling document on the design of these features; architectural and
6 landscape plans must conform to the engineering plans as needed.
- 7 c) Curb ramps, crosswalk revisions, and crosswalk equipment such as pushbuttons.
8 Reference ADA compliance or provision of MEF form.
- 9 d) Installation, relocation, or replacement of streetlights and related equipment.
- 10 e) A combined street tree and street light plan is required for review and approval prior
11 to completion of engineering and landscape plans. Street trees and streetlights must
12 be shown on the same plan sheet with the proper separation (generally 25 feet apart).
- 13 f) Undergrounding of existing overhead utility lines, which should be coordinated with
14 adjacent sites. Transformers and utility vaults to serve the building shall be placed
15 inside the building or below grade, to the extent feasible.
- 16 g) Drainage facilities meeting Utility Department standards will be required where
17 appropriate.
- 18 h) Location of fixed objects in the sidewalk or near the driveway approach.
- 19 i) Trench restoration within any right of way or access easement.

20 Specific project requirements:

- 21 j) Widening of NE Bel-Red Road to provide a five-lane section along the site's
22 frontage and installation of a new standard concrete curb and gutter.
- 23 k) Installation of a new standard concrete sidewalk minimum eight feet in width with a
24 minimum 10-foot landscaping planter on NE Bel-Red Road. Installation of the
25 proposed planter shall include an irrigation system, soil preparation, root barrier and
plantings. Root barrier and soil preparation are described in Standard Drawings SW-
120-1 and SW-130-1.
- l) Street lighting on both NE Bel-Red Road and 152nd Avenue NE. Existing street
lights must be converted to LED street lighting, which may require replacing poles
and fixtures to meet current standards.
- m) Traffic signal infrastructure including curb ramps, junction boxes, conduit, and
signal pole bases (designed for the appropriate mast arm and loading) and other
aspects of signal design and construction as determined. Costs for the design and
construction of the signal will be shared with the City.
- n) Installation of new standard concrete curb and gutter along the site's frontage on
152nd Avenue NE.
- o) Installation of new standard concrete sidewalk minimum six feet in width with
minimum 4 feet landscaping planter on 152nd Avenue NE. Installation of the
proposed planter shall include an irrigation system, soil preparation, root barrier and
plantings. Root barrier and soil preparation are described in Standard Drawings SW-
120-1 and SW-130-1. Landscaping in the right-of-way shall be maintained by the
abutting property owner(s) unless maintenance has been accepted by the city.

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- 1 p) School zone signage and flashing beacons on both NE Bel-Red Road and 152nd
2 Avenue NE.
3 q) On-site channelization of the parking lot, pick up/ drop off area, and queuing loop.
4 r) Installation of a concrete pad for each Metro bus stop located on NE Bel-Red Road
5 frontage to provide a pedestrian waiting and loading area.

6 Construction of all street and street frontage improvements must be completed prior to
7 closing the clear and grade permit and right of way use permit for this project. A
8 Maximum Extent Feasible (MEF) form must be provided to the Transportation
9 Department for any aspect of any pedestrian route adjacent to or across any street that
10 cannot feasibly be made to comply with ADA standards. MEF forms must be provided
11 prior to approval of the clear and grade plans for any deviations from standards that are
12 known in advance. MEF forms provided in advance may need to be updated prior to
13 project completion. For any deviations from standards that are not known in advance,
14 MEF forms must be provided prior to project completion. BCC 14.60; Transportation
15 Department Design Manual; Americans with Disabilities Act

16 **3. Building and Site Lighting Fixtures:** More information is necessary regarding exterior
17 lighting (building and parking lot). Prior to issuance of the Clear and Grade Permit, the
18 applicant will be required to submit lighting details (cutouts) of all proposed lighting for the
19 site. Said lighting shall be confined to the site with no spillover to adjacent single-family
20 residences. LUC 20.20.522

21 **4. Final Utilities Approval:** Utility Department approval of the Design Review
22 application is based on the conceptual design submitted with the design review application
23 only. Changes to the site may be required to accommodate the utilities after utility
24 engineering is approved. The water, sewer and storm utilities for the site shall be designed
25 per current City of Bellevue Utility Codes and Standards. A Utility developer extension
agreement will be required for water, sewer and storm improvements along with separate
commercial side sewer and water meter permits. Utilities Department plan approval and
field inspection will occur under the Developer Extension Agreement. All connection
charges will be due at time of approval for the Utility Developer Extension permit. Any
public easements will be recorded at the end of the project. Portions of existing water
easements for this project may need to be relinquished and new easements recorded. BCC
Title 24.02, 24.04, 24.06

5. Covered Loads: Construction vehicles and heavy construction equipment shall emit the
least amount of air pollution as possible. While on city streets, all construction vehicles shall
meet the requirements of the Revised Code of Washington 46.61.655 for covered loads. State
Environmental Policy Act, Bellevue City Code, 23.76, Revised Code of Washington
46.61.655

6. 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

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1 shall be scheduled prior to 7:00 a.m. or after 6:00 p.m. Exceptions for construction related
2 noise limitations contained in the Noise Control Code MAY be granted pursuant to
3 9.18.020C.1 when necessary to accommodate construction on schools which cannot be
4 undertaken during exempt hours. No blanket exemption exists. Allowances for short term
5 work outside of normal hours for construction related noise shall be limited and will be
6 reviewed on a case by case basis to verify necessity and ensure appropriate noise mitigation
7 is utilized to protect surrounding uses and properties. If expanded hours are necessary to
8 accommodate a specific component of the school construction, **the District must apply for
9 a separate noise permit for review and approval by staff.** In this time period, the site
10 shall be posted on all street frontages prior to the start of construction activity. BCC
11 9.18.040

12 **Prior to issuance of Any Building Permit**

13 1. **Building and Site Plans – Transportation:** Building plans, landscaping plans, and
14 architectural site plans must accommodate on-site traffic markings and signs and driveway
15 design as specified in the engineering plans. Building plans, landscaping plans, and
16 architectural site plans must comply with vehicle and pedestrian sight distance
17 requirements, as shown on the engineering plans. BCC 14.60.060; 110; 120; 150; 180; 181
18 190; 240; 241

19 2. **Existing Easements:** Any utility easements contained on this site which are affected by
20 this development must be identified. Any negative impact that this development has on
21 those easements must be mitigated or easements relinquished. BCC 14.60.100

22 3. **Sidewalk/Utility Easements:** The applicant shall provide sidewalk and utility
23 easements to the City such that sidewalks outside of the City right of way along the property
24 frontage are located within a pedestrian easement area. BCC 14.60.100

25 **Prior to issuance of any Certificate of Occupancy**

1. **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 City 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. BCC 14.60;
Comprehensive Plan Policy UT-39; Transportation Department Design Manual; and
Transportation Department Design Manual Standard Drawings

1 **2. Pavement Restoration:** Pavement restoration associated with street frontage
2 improvements or to repair damaged street surfaces shall be provided as follows:

3 NE Bel-Red Road has been classified as “Standard Trench” restoration. NE Bel-Red
4 Road is listed as a pavement overlay candidate in 2020. If the street is resurfaced
5 prior to the applicant’s work in the right of way, permission to cut into NE Bel-Red
6 Road will be required. 152nd Avenue NE is “Grind and Overlay Required” and will
7 require a full grind and overlay for a minimum of 50 feet as described in the right of
8 way use permit. Details will be specified in the right of way use permit for this
9 project. BCC 14.60. 250; Design Manual Design Standard #23

10 **3. Transportation Management Program:** BSD and the administrators of HMS shall
11 implement a transportation management program with the goal of accommodating pick-up
12 and drop-off activity and vehicle queuing on-site as much as feasible, with minimal off-site
13 traffic impacts. The plan shall include measures such as on-site traffic monitors and signage
14 to control parking lot operations. Parent education materials shall be provided to each
15 household prior to the beginning of the school year, including information about reducing
16 vehicle trips through walking, biking and carpooling.

17 The BSD and the administrators of HMS shall be responsible to review and revise the traffic
18 management program as needed in order to improve and implement the program for the
19 long-term with the intent of achieving the goal stated above; that is, to accommodate pick-
20 up and drop-off activity and vehicle queuing on-site as much as feasible, with minimal off-
21 site traffic impacts. This may include revising or improving operations during the school
22 year if problems arise. The program shall also include a policy on how to notify each new
23 school administrator about the requirements of the program and a policy requiring each
24 administrator to continue the program each year. The program shall include a method for
25 addressing reports of school-related traffic problems from nearby residents. BCC 14.60.180

4. Parking Lot Signage: Parking lot signage and pavement markings shall be provided
throughout the parking lot. Designated areas for staff and visitor parking is necessary to
reduce congestion within the parking lot. LUC 20.20.590.F.2

Conditions Post Occupancy

1 **1. Future Transportation Condition if Significant Traffic Safety or Congestion
2 Problems are Identified:** If necessary to address specific concerns with safety, pedestrian
3 access, off-site traffic impacts, or the required transportation management program, the
4 school district may be required to obtain the services of transportation consultants and/or to
5 pay for city staff review time through a Predevelopment Services application or similar
6 procedure. Based on the results of such work, the school district may be required to make
7 changes in the traffic management program, the crossing guard program, or other non-
8 capital transportation programs or services. BCC 14.60.050, 060, Comprehensive Plan
9 Policy TR 35

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DECISION

The requested Conditional Use Permit for the replacement of Highland Middle School (File No. 17-128804 LB) is **APPROVED**, subject to the conditions set forth above.

DONE, this 24th, day of April, 2018.

Wick Dufford
Wick Dufford, Hearing Examiner KH

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