

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5441

AN ORDINANCE granting a Conditional Use Permit, with conditions, on the Application of the Bellevue School District Sammamish High School to allow for Replacement of an existing Auditorium with a new Performing Arts Center, and new Administrative Wing and Entryway, Application No. 02-149719-LB.

WHEREAS, on December 4, 2002 the Bellevue School District submitted an application for Conditional Use Permit to allow for replacement of the existing Auditorium at the Sammamish High School with a new Performing Arts Center, and new Administrative wing and entryway; and

WHEREAS, a courtesy public hearing was held on the application on February 4, 2003 before the East Bellevue Community Council; and

WHEREAS, on March 20, 2003, the Bellevue Hearing Examiner conducted a hearing on the application of for a Conditional Use Permit, Application No. 02-149719-LB, Bellevue pursuant to notice as required by law; and

WHEREAS, on March 28, the Hearing Examiner issued Findings of Fact, Conclusions of Law and Recommendation, recommending approval of Conditional Use Permit Application No. 02-149719-LB with conditions; and

WHEREAS, the City has complied with the State Environmental Policy Act and the City Environmental Procedures Code, now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES  
ORDAIN AS FOLLOWS

Section 1. The City Council adopts the Findings of Fact and Conclusions of Law of the Hearing Examiner as set forth in "Findings of Fact, Conclusions of Law and Recommendation" on Conditional Use Permit Application No. 02-149719-LB, issued on March 28, 2003.

Section 2. Based on the foregoing Findings of Fact and Conclusions, the City Council enters the following Decision:

Conditional Use Permit Application No. 02-149719-LB is hereby approved, subject to the following conditions:

- A. Signs. If any change is made to the existing signage, a separate sign package shall be submitted to PCD for staff review and approval. Any proposed sign shall be architecturally compatible with the existing building. (BCC 22B.10.040.B.1, .2)
- B. Landscape Requirement: Additional deciduous trees are required to be planted in the north elevation planter island to provide an overstory screen adjacent to the building elevation. The understory materials are sufficient as proposed. (LUC 20.20.520.F.6)
- C. Right of Way Use Permit: Prior to issuance of any Demolition, Construction or Clearing and Grading Permits, the applicant shall secure a Right-of-Way Use Permit(s) from the City's Transportation Department. More than one Right-of-Way Use Permit may be needed, such as one for hauling and one for construction work within the right-of-way. In some cases, Right-of-Way Use Permits for different purposes may be combined into one document. A Right-of-Way Use Permit may require the following:
  - 1. Designated truck hauling routes
  - 2. Truck loading/unloading activities
  - 3. Location of construction and hauling
  - 4. Hours of construction and hauling
  - 5. Provisions for street sweeping, excavation and construction
  - 6. Provisions for pavement for sidewalk restoration
  - 7. Location of construction signing and pedestrian detour routes
  - 8. Provision of sufficient off-street parking for construction workers, construction vehicles, and staging activities.
  - 9. Management of all other construction activities as they affect the public street system.

If it is necessary to cut a no-cut street, the developer must write a letter to the Director of the Transportation Department, with a copy of the development review engineer, requesting an exception to the "no-cut" policy, and stating the compelling reasons why an exception should be granted consistent with BCC 14.60.250. If the City grants an exception, the required pavement restoration shall be identified in a letter from the Transportation Department. The pavement restoration requirements will also become part of the Right-of-Way Use Permit. (BCC 14.30 and BCC 14.60.250)

- D. Final Engineering Plans: Prior to issuance of a Building Permit, the engineering plans must be complete and must correctly show all street frontage improvements and access points. All work within any street right-of-way must meet the requirements of City Code and the Development Manual (BCC 14.60.110)
- E. Construction Parking and Staging: Parking for all construction vehicles and the workers' personal vehicles shall be accommodated on-site in a manner

- that does not adversely affect adjacent properties. All loading, unloading and storage of construction materials shall be accommodated on-site (LUC 20.20.590.K11, BCC 14.30.080)
- F. Final Utilities Approval: The Utilities Department approval of the Conditional Use Permit application is based on the preliminary utility design. Final civil engineering of the utility design may require changes to the site layout to accommodate the utilities. (BCC Titles 24.02, 24.04, 24.06)
- G. Developer Extension Agreement: The water, sewer, and storm drainage systems shall be designed per the current City of Bellevue Utility Codes and Utility Engineering Standards. Utilities Department design review, plan approval, and field inspection is performed under the Developer Extension Agreement and the Utilities permit processes (BCC Titles 24.02, 24.04, 24.06)
- H. Mechanical Smoke Removal: The contents of the letter issued December 18, 2002 (Exhibit A to the Staff Report, and by this reference is incorporated herein) apply to the Conditional Use Permit application, in addition to the following items: Mechanical smoke removal with a standby electrical supply shall be provided to protect the new legitimate stage planned for this school. A proscenium curtain shall be provided. The smoke detection currently shown is in excess of code requirements. (UBC 405.3.3.1, 405.3.4 and per UFC Article 9)
- I. Construction Hours: To conduct construction activities outside of normal construction hours, the District shall file a written request two weeks prior to the time requested for City review and approval. (BCC 9.18.040)
- J. Mural Art: Upon conclusion of the District's internal review process for the proposed art work, the District shall be required, through the Land Use Exemption ("LUX") process, to submit the mural proposal to City staff for final review and approval of size and location of art to be located at the north elevation. (LUC 20.30B.140.D)
- K. Land Use Exemption: The applicant shall submit any revisions to building materials, details and/or colors for review and approval by the Department of Planning and Community Development through the LUX process.
- L. Lighting Analysis: To determine if existing parking lot lighting will be sufficient for the Performing Arts Center, the District shall be required to conduct a lighting analysis of the parking lot for pedestrian security during evening performances. Information regarding proposed wall lighting from the PAC shall be reviewed and approved prior to the issuance of a Building Permit.

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Section 3. This ordinance shall take effect and be in force five days after its passage and legal publication.

Passed by the City Council this 28th day of April, 2003, and signed in authentication of its passage this 28<sup>th</sup> day of April, 2003.

(SEAL)

Connie B. Marshall, Mayor

Approved as to form:

Lori M. Riordan, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

Published May 2, 2003