



DEVELOPMENT SERVICES DEPARTMENT  
 ENVIRONMENTAL COORDINATOR  
 450 110<sup>th</sup> AVENUE NE  
 BELLEVUE, WA 98009-9012

## DETERMINATION OF NON-SIGNIFICANCE

**PROPONENT:** Eastside Learning Community

**LOCATION OF PROPOSAL:** 12443 NE Bel-Red Road

**DESCRIPTION OF PROPOSAL:** To establish a specialty middle school. No exterior changes are proposed to the existing building.

**FILE NUMBER:** 11-114019 LA

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

- There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on \_\_\_\_\_.
- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on September 1, 2011.
- This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on \_\_\_\_\_. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5 p.m. on \_\_\_\_\_.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); or if the DNS was procured by misrepresentation or lack of material disclosure.

  
 Environmental Coordinator

8-11-11  
 Date

**OTHERS TO RECEIVE THIS DOCUMENT:**

- State Department of Fish and Wildlife
- State Department of Ecology,
- Army Corps of Engineers
- Attorney General
- Muckleshoot Indian Tribe



City of Bellevue  
Development Services Department  
Land Use Staff Report

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Proposal Name: **Eastside Learning Community**

Proposal Address: 12443 NE Bel-Red Road

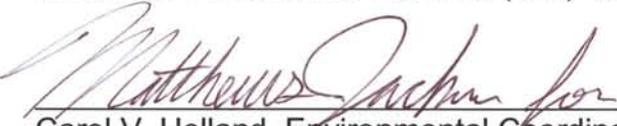
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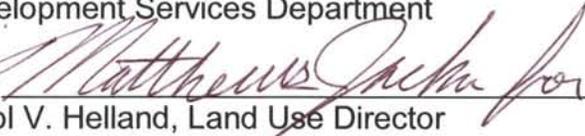
Applicant: Eastside Learning Community, Inc.

Decisions Included: Administrative Conditional Use, Process II

Planner: Antoinette Pratt, Senior Planner, (425) 452-5374

State Environmental Policy Act Threshold Determination:   
Carol V. Helland, Environmental Coordinator  
Development Services Department

Director's Decision: **Approval with Conditions**  
Michael A. Brennan, Director  
Development Services Department

By:   
Carol V. Helland, Land Use Director

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Application Date: May 13, 2011  
Public Notice (500 feet): June 16, 2011  
Public Meetings: July 7, 2011  
Minimum Comment Period: June 30, 2011  
Bulletin Publication Date: **August 18, 2011**  
Appeal Deadline: **September 1, 2011**

For information on how to appeal a proposal, visit Development Services at City Hall or call (425) 452-4570. Appeal of the Decision must be made by 5 p.m. on the date noted for appeal of the decision.

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## I. Request and Project Description

Eastside Learning Community, Inc. requests Administrative Conditional Use approval to create a specialty middle school. No changes will be made to the building exterior or existing site conditions. Eastside Learning Community, Inc. has been in operation since September 2009 and originally started as a tutoring service for students with special needs. In 2010, the Washington State Board of Education gave accreditation to Eastside Learning Community, Inc. converting it from a tutoring service to a full time, private school (see Attachment A). However, upon this conversion, an Administrative Conditional Use permit was required. The school administrator has rectified this requirement by applying for this permit approval.

Eastside Learning Community, Inc. was developed out of a need to bring two independent middle school programs together to benefit unique students in 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> grade: those students who require one-on-one mentoring for their individualized academic program and those who benefit from a social skills group program. The school offers 174 instructional days with no summer program. In the future, they may offer a summer program with a maximum of 15 students.

Eastside Learning Community, Inc. will conduct a tenant improvement to modify the building interior under permit number 11-113963 BY (which is currently under review). The remodel is scheduled to begin upon completion of City review.

## II. Site Context and Description



This site is located south of Bel-Red Road and east of 124<sup>th</sup> Avenue NE. The existing building was constructed in 1980 and met the applicable codes in effect for an office building. The site is surrounded by other commercial uses at its east, west and south property boundaries. The site contains two office complexes with various suites. This school is located within Suite 38 and has been assigned 12 parking stalls. The applicant is not proposing to change any of the existing site conditions.

## III Proposed Site and Building Design

The building footprint is square in form and is one story in height with a pitched roof form. If the applicant decides to make exterior changes or modify signage, a Land Use Exemption and/or sign permit applications will be required. See Section X for related condition.

#### IV. Consistency with Land Use Code/Zoning Requirements

##### A. General Provisions of the Land Use Code



This site is located within the Bel-Red Office/Residential Transition (BR-ORT) zoning district, in transition from single-family uses located to the south. As such, the Land Use Code (LUC) 20.10.440, Services (chart) permits primary and secondary educational facilities subject to prior Administrative Conditional Use approval. The applicant has fulfilled this requirement by submitting this application for review and approval.

##### B. Schools

LUC Chapter 20.20.740 provides development standards for schools in office districts. The proposal meets the dimensional standards for schools in regards to building setbacks, lot coverage, landscaping, and site and building design guidelines.

##### C. Parking Standards and Site Circulation

LUC 20.20.590 does not define the number of parking stalls required for an educational facility. As such, this proposal is classified as an unspecified use per 20.20.590.F.2. To comply with the standards for unspecified uses, the applicant has submitted a parking analysis for staff review from Traffic Solutions, Inc. dated October 25, 2010. This report determined that a total of 10 parking stalls were necessary for this facility based upon the size of the suite which is 2,100 square feet and the projected student ratios. Teachers and students will carpool; thus, lowering the amount of stalls necessary for this proposal.

This facility has been assigned 12 parking stalls for their use. The school administration has created a defined drop off/pick up procedure that requires a signed parent/guardian agreement (see attached). Vehicles will enter the site from the south driveway off of NE 10<sup>th</sup> Place. Once on site, vehicles queue up to drop off their student in the marked loading zone adjacent to the front door. Teachers are positioned in this location to assist students to the front door. Vehicles then head north and exit onto Bel-Red Road. See Attachment B–Drop Off/Pick Up Procedures and Parental Parking Agreement. This system is operational Monday through Friday from 8:00 a.m. to 8:45 a.m. with afternoon hours from 3:00 p.m. to 3:15 p.m.

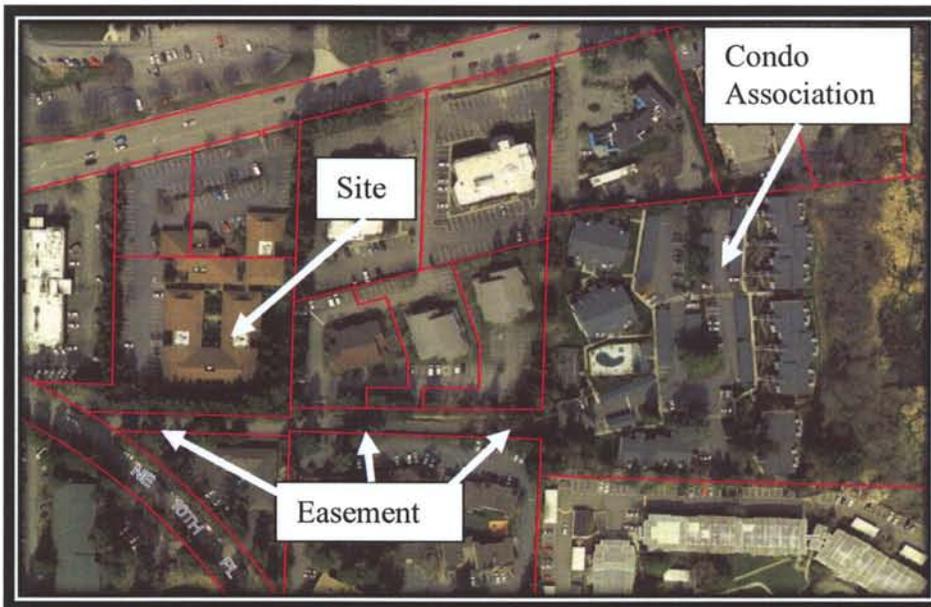
##### Findings and Conclusions:

Currently, this school has one full time student. Now that state accreditation has been given, maximum student count is projected to increase to 15. The school administration has determined that if future demand for this facility exceeds 15 students, they will create another facility in a different location. Their objective is to offer teacher/student ratios to address the special needs of their students.

The school offers two programs: one morning and one afternoon. The morning program begins at 8:30 a.m. to 12:45 p.m. except for Wednesday where there is dismissal for all programs at 1:00 p.m. The afternoon program, for those students who need it, will allow continued instruction until 3:00 p.m. except for Wednesdays. Eventually, when the number of students increases to 15, the teacher count will increase accordingly but will be split between the morning and afternoon programs. However, student count will still be monitored in accordance with 20.10.440, subnote 25.b. (i) to ensure that any increase in student growth beyond 20 percent shall require subsequent Conditional Use review if the school administration decides to remain at this location. See Section XI for related condition.

## V. Public Comment

The Land Use Code (LUC) requires that the City hold a public meeting on this proposal. Staff held this meeting on July 7, 2011. One person attended this meeting along with the applicants. To date, staff has received two letters of written correspondence on this proposal.



The primary concern of the person attending the public meeting and written correspondence has been use of an existing easement located south of this parcel (see aerial above). There is a language school that is located within an adjacent suite in the same office complex as Eastside Learning Community. Traffic from the language school utilizes the easement to the south for temporary parking and loading/unloading activities. This easement is not owned by the City of Bellevue and is a private easement owned by the Bellevue Condominium Homeowner's Association (HOA). The HOA has expressed concerns about these activities taking place in the street where potential accidents could occur. It is the only point of ingress/egress for their site.

Through research of this matter, it was found that the HOA could sign this easement "no parking" and enforce it through towing. Since the easement is not owned by the City, the HOA would be responsible for its enforcement. Contact has been made with the owner of the language school so that she can encourage her clientele to park in her assigned spaces on-site.

## **VI. City Department Analysis**

### **1. Transportation Department**

The Transportation Department has reviewed and approved this permit, based on the applicant's statements that she is not making any changes to the site, not changing an existing use, will implement an adequate drop-off and pick-up procedure, and will not exceed the total number of students permitted by this Administrative Conditional Use.

### **2. Clear and Grade Division**

The Clear and Grade Division has reviewed and approved this permit.

### **3. Utilities Department**

The Utilities Department has reviewed and approved this permit.

### **4. Fire Department**

The Fire Department has reviewed and approved this permit.

## **VII. State Environmental Policy Act (SEPA)**

The environmental review indicates no probability of significant adverse environmental impacts resulting from the proposal. Issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

Adverse impacts which are less than significant are usually subject to City Codes or Standards which are intended to mitigate those impacts. Where such impacts and regulatory requirements correspond, no further documentation is necessary. For other adverse impacts which are less than significant, Bellevue City Code Section 22.02.140 provides substantive authority to mitigate impacts disclosed through the environmental review process.

### **A. Transportation**

The applicant submitted a traffic analysis prepared by Transportation Solutions, Inc., dated October 25, 2010. A copy of the analysis is available in the City's file for this project. The analysis indicated that with the maximum number of students (15) and staff (14) expected to use the site at any one time, trip generation for the school would be 29 trips in the AM peak hour. In the afternoon, the students and teachers will depart prior to 4 PM. Only administrative staff, who would generate two trips, are expected to depart in the peak period between 4 and 6 PM. At that level of trip generation, no concurrency analysis or additional traffic analysis is required.

The analysis by Transportation Solutions, Inc. also concluded that on-site parking and circulation are adequate, provided that the drop-off and pick-up procedure prepared by the applicant will be implemented. With adequate parking, circulation, and implementation of an adequate drop-off and pick-up procedure, no significant adverse impacts are expected.

## VIII. Applicable Decision Criteria

**Administrative Conditional Use:** The Director may approve or approve with modifications an application for Administrative Conditional Use if it complies with the decision criteria of Land Use Code Section 20.30E.140. Approval of an Administrative Conditional Use may at any time be revoked if the use of on-site facilities is changed from the stated application. See Section XI for related condition.

After conducting the various administrative reviews of this project, including Comprehensive plan goals and policies and the Land Use Code provisions, the following conclusions are made with regard to the Administrative Conditional Use decision criteria:

### 1. The Administrative Conditional Use is consistent with the Comprehensive Plan.

This proposal is located within the Bel-Red Subarea. The Comprehensive Plan designation for this site is Bel-Red, Office/Residential Transition (BR-ORT), which is consistent with the BR-ORT zoning classification. This proposal is consistent with the Comprehensive Plan's goals and policies.

The following are applicable Comprehensive Plan policies for the Bel-Red subarea:

**Policy S-BR-2.** *Promote a differentiated economic niche for Bel-Red, retaining many existing businesses while attracting new businesses in a form not found elsewhere in Bellevue. Take advantage of opportunities afforded by Bel-Red's strategic location between Downtown Bellevue and Redmond's Overlake employment center, as well as the opportunities brought about by light rail and high capacity transit coming through the area.*

**Policy S-BR-10.** *Accommodate the continued operation of existing, and allow new, service uses that are compatible with planned future land uses. Accommodate existing service uses that are less compatible with residential and higher intensity, mixed use development (i.e., those that create noise, odor, fumes, aesthetic or other impacts), but preclude the new establishment of these types of service uses in transit nodes and in stand-alone residential areas.*

Response: This facility is located within a mixed use zoning district. Currently, this school contains one student but is expected to have a maximum student enrollment of 15 students. This facility will allow for a 20 percent increase by approximately three students which is a modest increase beyond their current population. This facility will provide an alternate school model that addresses and supports students with special needs.

### 2. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity.

The building exterior will remain in its current form. As required, the applicant has filed a tenant improvement permit 11-113963 BY that is currently in review.

### 3. The Administrative Conditional Use will be served by adequate public facilities, including streets, fire protection and utilities.

The site will be served by adequate public facilities including fire protection and utilities.

The Transportation Department determined that the project will be served by adequate streets, provided that the proposed operation does not change in a way that would generate significantly more traffic. See Section XI for related conditions of approval.

**4. The Administrative Conditional Use will not be materially detrimental to uses or property in the immediate vicinity of the subject property.**

As conditioned, this facility will not be materially detrimental to adjacent uses in the vicinity of this site. Staff has reviewed transportation and parking impacts and finds conclusions reached to be acceptable. See Section X and XI for related conditions.

**5. The Administrative Conditional Use complies with the applicable requirements of this Code.**

New school facilities are permitted to be located within office zones as an Administrative Conditional Use. As conditioned, the proposal meets the requirements of the LUC. See Sections X and XI for related conditions.

**IX. Decision of the Director**

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

**X. Conditions of Approval Prior to Issuance of the Tenant Improvement Permit:**

- 1. Signs:** If any change is made to the existing sign, 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.

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

- 2. Land Use Exemption (LUX):** If any exterior changes are made to this structure, a Land Use Exemption application will be required.

Authority: LUC 20.30E.175.C  
Reviewer: Antoinette Pratt (425) 452-5374

**XI. Conditions of Approval Prior to Certificate of Temporary Occupancy and Certificate of Occupancy:**

- 1. Future Land Use Review:** The applicant shall be required to apply for a full conditional use if the number of students increases beyond 20 percent of the 15 students approved for this facility.

Authority: LUC 20.10.440, subnote 25, b.i  
Reviewer: Antoinette Pratt, (425) 452-5374

- 2. Revocation of Administrative Conditional Use permit:** Approval of an Administrative Conditional Use permit may at any time be revoked if the uses of on-site facilities, traffic pattern/parking or transportation methods are changed from the submitted application.

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

- 3. Implement Drop-off and Pick-up Procedure:** The applicant must implement and continue to enforce a drop-off and pick-up procedure as described in the applicant's materials, or equivalent.

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

**Attachments**

- A. State Accreditation Document
- B. Drop Off/Pick Up Procedures and Parental Parking Agreement

**ATTACHMENT A**  
**(State Accreditation Approval)**

WASHINGTON STATE BOARD OF EDUCATION  
CERTIFICATE OF PRIVATE SCHOOL APPROVAL

2010-11

*Eastside Learning Community*

*Bellevue WA*

Based upon a review of the information submitted in the State Standards Certificate of Compliance, the above named school is recognized as having met all conditions specified in Chapter 28A.195 RCW and Chapter 180-90 WAC.

Signed this 15<sup>th</sup> day of July 2010



A handwritten signature in cursive script, appearing to read "Jeff Vincent".

Jeff Vincent, President  
State Board of Education

**ATTACHMENT B**  
**(Drop Off/Pick Up Procedures and Parental Parking Agreement)**

# Eastside Learning Community Drop Off and Pick Up Procedure

- Please arrive through the South driveway off NE 10<sup>th</sup> Place (accessible via 124<sup>th</sup> Ave NE or NE 8<sup>th</sup>)
- Wait until you are directly in front of our entry door in the designated Unloading Zone before allowing your student to get out. This area is marked by lime green traffic cones and signs.
  - Teachers will be positioned in this drop off area to supervise students entering and exiting the school
- Once your child is dropped off, continue through the parking lot to the north exit
- Exit eastward onto Bel-Red Road (only right-hand turns are permitted)
- Please use the map below as a reference

## Please Note

- This system must be executed Monday through Friday from 8:30 a.m.–8:45 a.m. and from 3:00p.m.–3:15 p.m.
- Cars should never be left unattended during drop off or pick up. If you need to come into the school, please use one of our designated parking spots.



## Key:

→ Drop Off/Pick Up Route

■ Loading Zone Area

**Eastside Learning Community**  
**Drop Off and Pick Up Procedure**  
**Agreement**

*Please sign and date the agreement below. Once both parents/guardians have signed this agreement, please return it to the front desk.*

I, \_\_\_\_\_, have read and understand the Drop Off and Pick Up Procedure. I agree to comply with this procedure at all times.

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Parent / Guardian

Date

I, \_\_\_\_\_, have read and understand the Drop Off and Pick Up Procedure. I agree to comply with this procedure at all times.

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Parent / Guardian

Date

