City of Bellevue
Development Services Department
Land Use Staff Report

Proposal Name:	**Eastside Academy**
Proposal Address:	1800 100th Avenue NE
Proposal Description:	To increase the number of Eastside Academy students from 40 students to 50 students – an increase of 10 students. There will be no change in the school operation or programs offered at the Eastside Academy.
File Number:	**14-128560-LI**
Applicant:	Toni Esparza, Eastside Academy
Decision Included:	Administrative Amendment to Conditional Use
Process:	Process II (Land Use Code 20.35.200)
Planner:	Carol Hamlin, Senior Planner, 425-452-2731 CHamlin
State Environmental Policy Act Threshold Determination:	Exempt per Bellevue City Code 22.02.032.B and Washington Administrative Code 197-800(6)
Director's Decision:	**Approval with Conditions** Michael A. Brennan, Director Development Services Department

Carol V Helland
By Carol V. Helland, Land Use Director

Application Date:	04-03-2014
Completeness Date:	04-16-2014
Notice of Decision Date:	07-31-2014

Administrative Amendment to Conditional Use (LI) Appeal Deadline: 08-14-2014 at 5pm

For information on how to appeal a proposal, visit the Development Services Center at City Hall or call (425) 452-6800. Appeals must be received in the City Clerk's Office by 5 pm on the date noted for appeal of the decision.

I. Request and Project Description

The applicant requests approval to increase the number of Eastside Academy students from 40 students to 50 students – an increase of 10 students. There will be no change in the school operation or programs offered at the Eastside Academy.

Eastside Academy is a private Christian non-profit alternative high school for at-risk students. It will not include any elementary or middle/junior high school student programming. See condition VIII.1.

The original approval for the church is the 1993 Conditional Use permit approval (CUDN-91-7537). The Eastside Academy received approval in 2007 to establish an at-risk high school (07-107539-LI) under city approval of an Administrative Amendment to Conditional Use for 40 students. Eastside Academy operates Monday through Friday, 8:30am-3pm, with limited after-school activities. The school location is the campus of the First Presbyterian Church of Bellevue. Eastside Academy is a permitted use subject to Conditional Use approval, in addition to the other uses provided at the church (worship, community outreach, nursery school, fellowship, and Sunday school).

There is currently a preschool/daycare (approximately 110 students) operated by the church on the church campus that will continue to operate. This use has operated since 2000 and is an allowed use per LUC Section 20.20.160.E.

See Attachment A for a site plan of the existing Eastside Academy building.

II. Site Context and Description

The site is the existing Eastside Academy building located at 1800 100th Avenue NE. It is located on the campus (9.95 acres) of the First Presbyterian Church located at 1717 Bellevue Way NE. See Attachment B for vicinity map. The existing church buildings chapel include the main sanctuary, chapel and Eastside Academy building.

The church property is surrounded by residential properties on all sides. Single family neighborhoods surround the church with some multi-family residences to the northeast and southeast.

The site slopes from west (high) to east (low) with an overall slope of about 4% and a drop in elevation of 52 feet. There is a Type B wetland (from the 1993 Conditional Use permit staff report, vested under the prior Sensitive Areas Code) located in the southeast corner of the site.

III. Consistency with Land Use Code/Zoning Requirements

A. General Provisions of the Land Use Code

This site is located within the R-3.5 and R-4 zoning districts. See Attachment C for zoning map. As such, the Land Use Code (LUC) 20.10.440, Services (chart) permits primary and secondary educational facilities subject to Conditional Use approval. Because the church previously received Conditional Use Permit approval (CUDN-91-7537), the Eastside Academy application seeks to amend that existing Conditional Use Permit approval and

their 2007 Administrative Amendment to Conditional Use which approved the school use (07-107539-LI) per LUC Section 20.30B.175 D.

B. Schools

LUC Section 20.20.740 provides development standards for schools in regards to dimensional requirements (building setbacks, building height, lot coverage), landscaping, and site and building design guidelines. No changes are being sought to the site plan or building with this application. All standards were reviewed under the prior 2007 approval for Eastside Academy.

C. Parking for the Eastside Academy

LUC Section 20.20.590 does not define the number of parking stalls required for an educational facility. As such, this school use is classified as an unspecified use per Land Use Code Section 20.20.590.F.2. To comply with the standards for unspecified uses, the applicant provided a parking study for the 2007 application for Eastside Academy (07-107539). This study documented that parking demand for the Eastside Academy (teachers, staff and students) will be accommodated on site. The study showed that 16 stalls will be required for the school (11 stalls for teachers/administrative staff and 5 stalls for students). The majority of the students takes the bus or are dropped off at school. There are 590 stalls on the church property.

The parking analysis for Eastside Academy showed no parking overflow onto adjacent neighborhood streets. The City concurs with this analysis for Eastside Academy parking needs, including the 10 new students. Eastside Academy anticipates that a maximum of 1 out of 10 new students would drive and park in the lower lot. Then they anticipate that a maximum of 1 out of the 10 new students would be dropped off by a parent. Then, the remaining new students (8 out of 10) would take the Metro bus or carpool with a peer.

A condition of approval of this permit is that Eastside Academy shall not generate any overflow parking onto adjacent neighborhood streets. See condition VIII.2.

IV. Public Comment

The City and applicant held an optional public meeting for this application to discuss neighbor concerns. The meeting took place at the Eastside Academy school auditorium on May 22, 2014. The meeting was noticed on May 8, 2014 in the Weekly Bulletin, notice was sent to all property owners within 500 feet, and two public information signs were installed on the property. No members of the public attended. Twelve members of the church/school attended. The city received written comments from one neighbor. Her concerns are listed below with response.

1. Student Group Homes associated with Eastside Academy have an impact on the neighborhood. And, there is de-stabilization of the neighborhood due to the transitional housing for students moving in and out of Eastside Academy homes.

   Response: In the neighborhood adjacent to Eastside Academy there are 2 homes owned by First Presbyterian Church that are used for housing Eastside Academy students. In each home six students live with a caregiver couple. According to Eastside Academy, there are no plans to increase the number of homes in the area used for housing Eastside Academy students. These homes are not conditioned or restricted by the City. They meet the City's definition of family (LUC 20.50.020) and, consistent with the federal Fair Housing law, are

allowed as any other family home.

Eastside Academy and the City of Bellevue worked with the neighborhood to address concerns and potential impacts through a series of meetings and mediation. Eastside Academy voluntarily hosted neighborhood meetings on January 19th and February 8th 2012. Following those meetings, a group of representatives from the church, the school and the neighborhood met over several months in 2012 with City of Bellevue Mediation staff. Neighbors' concerns included public safety and property values. The meetings resulted in better understanding of the issues and improved channels of communication between neighbors and the Eastside Academy.

Toni Esparza at Eastside Academy should be contacted at 425-452-9920 about any concerns from neighbors involving residents of these homes. If there are any illegal activities taking place, neighbors should call the Police at 911.

2. What is an "at-risk" student?

Response: An "at-risk" student has a greater disadvantage of succeeding in life. They may have been exposed to violence, substance abuse and other negative influences at a very young age. The following are indicators of a student that may be at risk:

School	Failing at school, skipping school, sleeping frequently in class, getting into fights and in conflict with authority, being bullied.
Family life	Arguing with parents and siblings, running away from home.
The law	Getting caught for shoplifting, smoking, glue sniffing, rioting, gang related activities and vandalizing public property.
Unusual behavior	Extreme violence, lose their cool easily, spend lots of time alone, extreme mood swings, loss of appetite or binge eating and is sexually active.
Self-belief	Low in confidence, unmotivated, gives up easily and has an 'I don't care' attitude.

At-risk students respond better to smaller schools, individual education plans, credit recovery classes, counseling, access to housing, mentors and alumni support. Eastside Academy strives to provide these services to their students.

3. Is it fair to place a regional school in a small neighborhood setting and continue to expand?

   Response: The Land Use Code does not regulate a regional school versus a neighborhood school location. The school may expand as long as the city approves the expansion with the application process and meeting all codes and standards, i.e. Land Use Code, Transportation Code, Building Code, Fire Code, etc.

4. On street Parking: Church and/or Eastside Academy students People are parking on our neighborhood streets.

   Response: Eastside Academy has a strict parking policy that any student must park on the lower lot adjacent to Bellevue Way NE. The vast majority of students carpool or take public transportation. The proposed 10 additional students will not create 10 new cars since most of the students do not drive to the school. The prior city approval has a condition that there shall be no overflow parking from the Eastside Academy activities

onto adjacent neighborhood streets. Drop-off and pick-up of students must occur within the church property and not on adjacent streets. If neighbors see drop-off or pick-up on adjacent streets, they should immediately contact Toni Esparza of Eastside Academy at 425-452-9920 or the city's Code Compliance officers at 425-452-4570 to file a complaint. See condition VIII.2.

5. Pass-Through Traffic: Even with the sign that says "Not a Thru Street," there is still pass-through traffic.

   Response: Research shows that when citizens believe they see pass through traffic, it turns out that the traffic often has a valid reason to be there. If anyone sees traffic that is truly passing through on a street designated "Not a Thru Street," and that traffic is known to be associated with Eastside Academy, please call Toni Esparza of Eastside Academy at 425-452-9920. For general concerns about pass-through traffic, please call the Transportation Department, Neighborhood Traffic Safety Services, at 425-452-6457.

6. Why can't the 10 new students go to the Redmond Eastside Academy campus?

   Response: The City of Bellevue has no authority to require the 10 new students to attend another school.

7. What's to stop Eastside Academy from incrementally increasing the student population each year?

   Response: The school may increase student population as long as the city approves the increase with the applicable application process and meeting all codes and standards, i.e. Land Use Code, Transportation Code, Building Code, Fire Code, etc. If the number of students is increased or additional grades are added, a new full Conditional Use permit approval will be required, including an analysis of parking demand and supply. See condition VIII.1.

V. City Department Analysis

Transportation Department

Based on information provided by the applicant in 2007, and recently reconfirmed, the Eastside Academy has relatively low trip generation per student compared to other high schools, because a relatively low percentage of students drive. Traffic analysis done in 2007 concluded that for 40 students plus staff, the Academy would generate approximately 45 vehicle trips per day, of which approximately 10 would be in the PM peak hour (the highest hour between 4 and 6 PM on weekdays). PM peak hour trips are mostly due to staff departing at the end of the school day. The proposal to increase the student population from 40 to 50 would be a 25 percent increase. If trip generation increases proportionately, the total traffic associated with the school would be 56 daily trips and 13 PM peak hour trips. These increases will be negligible, provided that all parking and pick-up and drop-off activity occur on-site. Traffic volumes in that range do not necessitate a traffic impact analysis under BCC 14.60.050 or a concurrency test under BCC 14.10. Street frontage improvements are not required as part of this application, as adequate frontage improvements already exist on Bellevue Way and NE 17th Street, which are the streets that would be accessed by nearly all staff and student trips.

The Conditional Use Permit approved in 1993 included no requirements to limit or manage weekday or weeknight traffic, except for Condition of Approval 10.I, which states, "Rental use of the sanctuary requiring 90 or parking stalls shall not commence earlier than 7:00 PM on week

nights." The Eastside Academy is not likely to have events requiring 90 or more parking stalls, but if they do, then Condition of Approval 10.I would apply only if such uses would be considered rentals.

In conclusion, the Transportation Department recommends approval of the application with no transportation-related conditions other than to reiterate the requirement that all parking and pick-up and drop-off activity related to the Eastside Academy must occur on-site.

VI. State Environmental Policy Act (SEPA)

The project is exempt per Bellevue City Code 22.02.032.B and Washington Administrative Code 197-800(6) as a Land Use Action without a building addition over 4000 square feet and 20 parking stalls. Also, the addition of 10 students to the existing school is exempt from environmental review since it will not generate a net increase of 30 or more PM peak hour trips.

VII. Applicable Decision Criteria

Administrative Amendment to Conditional Use: The Director may approve or approve with conditions an application for Administrative Amendment to Conditional Use if the application complies with the decision criteria of Land Use Code Section 20.30B.175.D. After conducting the various administrative reviews of this application, the Director makes the following conclusions with regard to the Administrative Amendment to Conditional Use decision criteria.

20.30B.175.D. Administrative Amendment to Conditional Use

a. The amendment maintains the design intent or purpose of the original approval.

The original approval for the church is the 1993 Conditional Use permit approval (CUDN-91-7537). The Eastside Academy received approval in 2007 to establish an at-risk high school (07-107539-LI). The school has been operating under that approval since 2007. The school would now like to add 10 students. The additional students will be within the intent and purpose of the 2007 approval for Eastside Academy. The school use is consistent with the church's mission and existing operations and programming. Providing Christian educational opportunities for at-risk youth is part of the church's religious mission.

Eastside Academy is a Christian non-profit alternative high school that serves at-risk students who have been unable to succeed in the traditional public school system. Eastside Academy offers high school education, Christian programming, drug and alcohol counseling, and a supportive environment, working to invest in all aspects of each student's life.

The 10 additional students at the school will have no effect on the design intent or purpose of the existing Conditional Use Permit or Eastside Academy application since it will be located in the existing education building on the church property.

b. The amendment maintains the quality of design or product established by the original approval.

The addition of the 10 students at the school is consistent with and will not affect the design or purpose established by the 1993 Conditional Use Permit or prior Eastside Academy application from 2007. The school use is located in the existing approved education building on the church property.

c. The amendment is not materially detrimental to uses or property in the immediate vicinity of the subject property.

As conditioned, the school will not be materially detrimental to the uses or property in the immediate vicinity. In order to address neighbor concerns, conditions will be placed on this approval for the following:

- limiting the maximum number of students to 50 students
- prohibiting overflow parking
- requiring drop-off and pick-up to be located onsite
- requiring a new full Conditional Use permit approval for changes, including increasing the number of students

All prior conditions of approval from the 2007 application are included as a part of the current approval package. See conditions Section VIII 1-3 below.

d. The amendment is not precluded by the terms of the Bellevue City Code or by state law from being decided administratively.

The proposal is not precluded by the terms the Bellevue City Code or state law that precludes the City from approving this proposal administratively.

VIII. Decision of the Director

After conducting the various administrative reviews associated with this proposal, including applicable Land Use consistency, and City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **APPROVE WITH CONDITIONS** the subject Eastside Academy Administrative Amendment to Conditional Use application. The City may revoke this approval pursuant to the provisions set forth in LUC 20.30B.170.B.

1. **Maximum Number of Students and Grade Levels:** This approval is limited to **HIGH SCHOOL** students only (between grades 9-12) and the maximum number approved with this application is **50** students. Eastside Academy shall not provide any elementary or middle/junior high school student programming. If the number of students is increased or additional grades are added, a new full Conditional Use permit approval will be required, including an analysis of parking demand and supply.

   Authority: LUC 20.30B.175, Comprehensive Plan Policies TR-38, S-NB-17
   Reviewer: Carol Hamlin, 425-452-2731

2. **No Overflow Parking onto adjacent Streets and Drop-off /Pick-up:** There shall be no overflow parking from the Eastside Academy activities onto adjacent neighborhood streets. Drop-off and pick-up of students shall occur within the church property and not on adjacent streets. Eastside Academy shall provide written notice to parents and students for required onsite drop-off and pick-up. If neighbors see drop-off or pick-up on adjacent streets, they should immediately contact Toni Esparza of Eastside Academy at 425-452-9920 or the city's Code Compliance officers at 425-452-4570 to file a complaint.

   Authority: LUC 20.20.590, Comprehensive Plan Policy TR-38
   Reviewer: Carol Hamlin, 425-452-2731

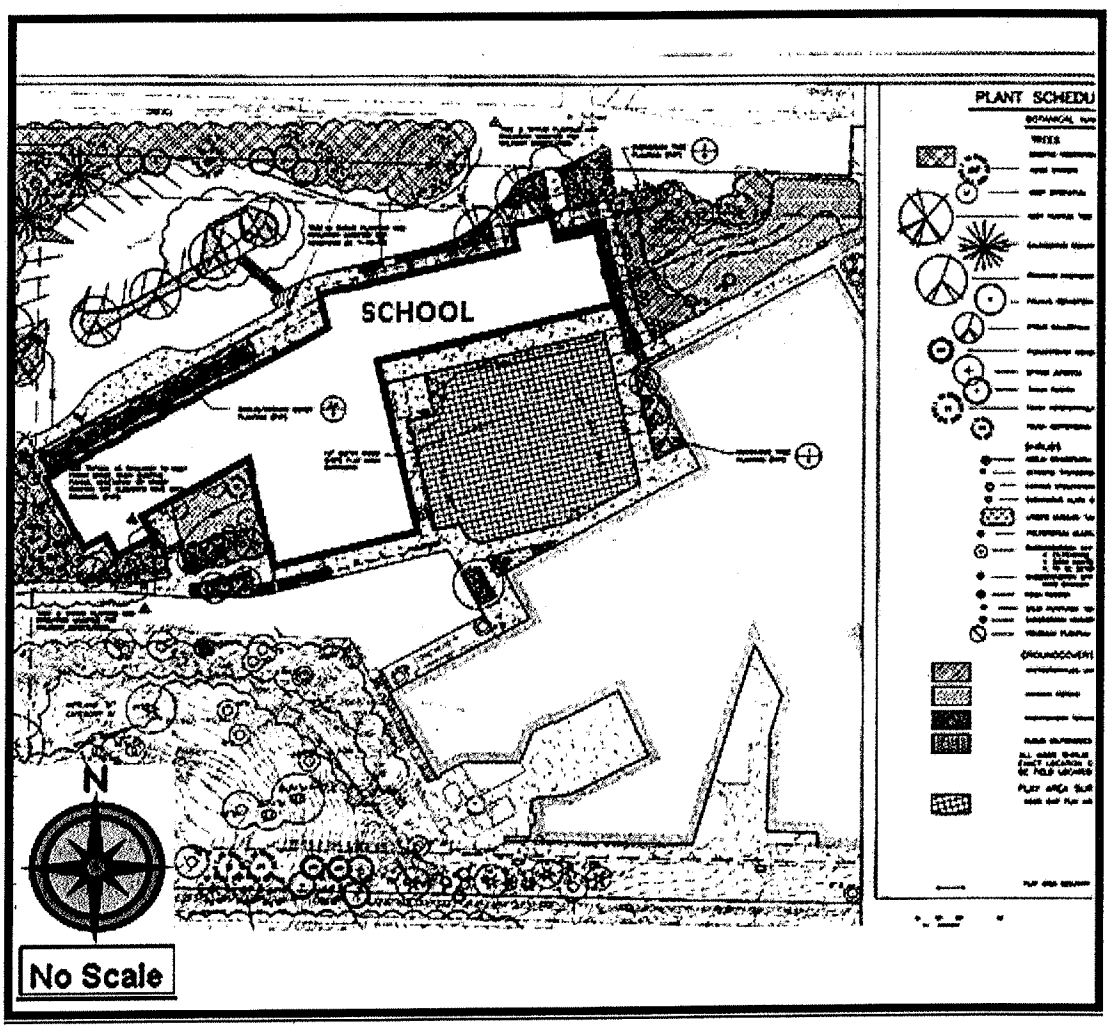
3. **Conditions of Approval from Prior Application (07-107539-LI):** All conditions of the prior approved administrative amendment (07-107539-LI) are still in effect. A copy of these conditions is attached to this staff report as Attachment D.

   Authority: LUC 20.30B.175.D
   Reviewer: Carol Hamlin, 425-452-2731

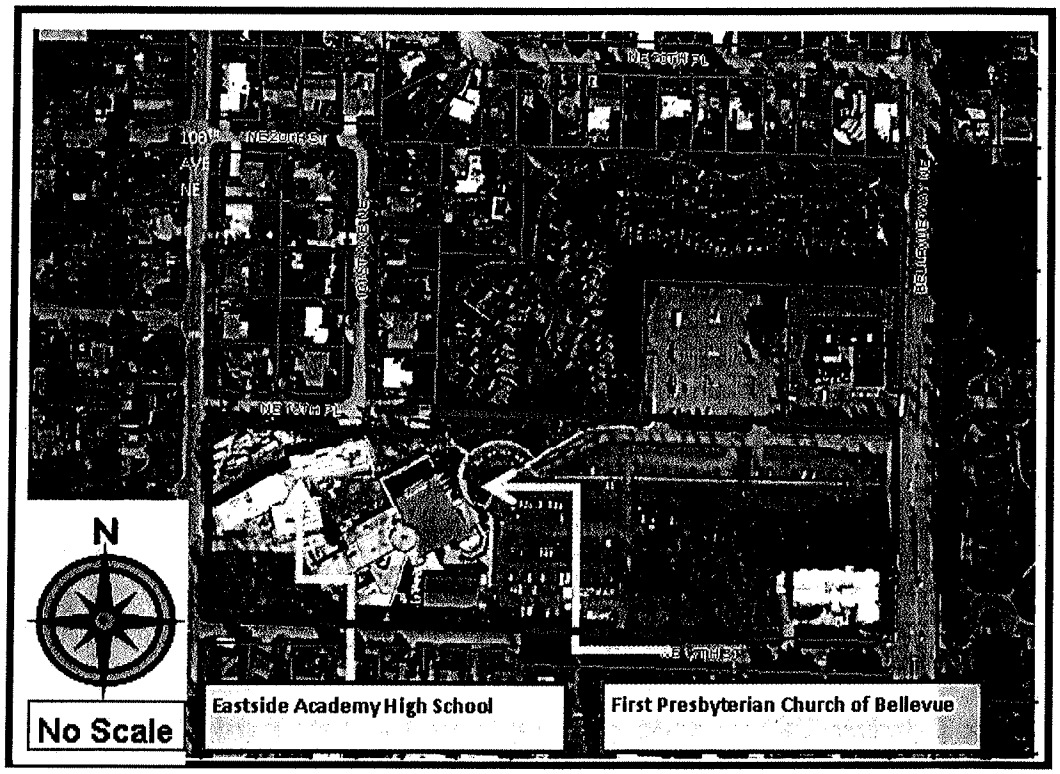
Attachments

A. Site Plan
B. Vicinity Map
C. Zoning Map
D. Prior Conditions of Approval from 2007 (07-107539-LI)

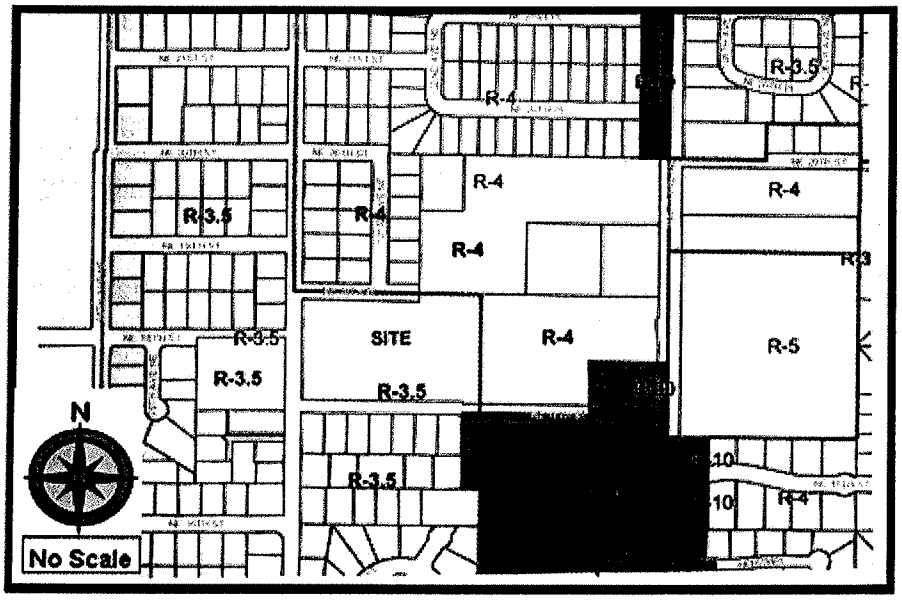
Attachment A
Site Plan



Attachment B
Vicinity Map



Attachment C
Zoning Map



Attachment D
Prior Conditions of Approval from 2007 (07-107539-LI)

1. **Maximum Number of Students and Grade Levels:** This approval is limited to **HIGH SCHOOL** students only (between grades 9-12) and the maximum number approved with this application is 40 students. Eastside Academy shall not provide any elementary or middle/junior high school student programming. If the number of students is increased or additional grades are added, a new Land Use approval will be required, including an analysis of parking demand and supply.
   Authority: LUC 20.30B.175.D.2.c, Comprehensive Plan Policies TR-38, S-NB-17
   Reviewer: Carol Saari, (425) 452-2731

2. **After-school Activities:** After-school activities shall be limited to no more than 15 events per year, each with a draw of a maximum 40 people (in addition to students and team staff). Such after-school activities shall not cause overflow parking onto adjacent neighborhood streets. Special graduation events shall be allowed, provided that they do not cause parking overflow onto adjacent streets. After-school activities shall be complete by 10 pm so traffic will not disrupt the local neighborhood. If any of these conditions increase, a new Land Use approval will be required, including an analysis of parking demand and supply and traffic patterns in the neighborhood.
   Authority: LUC 20.30B.175.D. 2.c, Comprehensive Plan Policies TR-38, S-NB-17
   Reviewer: Carol Saari, (425) 452-2731

3. **No Overflow Parking onto adjacent Streets and Drop-off /Pick-up:** There shall be no overflow parking from the Eastside Academy activities onto adjacent neighborhood streets. Drop-off and pick-up of students shall occur within the church property and not on adjacent streets. Eastside Academy shall provide written notice to parents and students for required onsite drop-off and pick-up. If neighbors see drop-off or pick-up on adjacent streets, they should immediately contact Toni Esparza of Eastside Academy at 425-452-9920.
   Authority: LUC 20.20.590, Comprehensive Plan Policy TR-38
   Reviewer: Carol Saari, (425) 452-2731

4. **Rats:** A Certified Rat Abatement Specialist will be hired during the excavation/construction of the new education building (under separate permit review).
   Authority: LUC 20.30B.175.D. 2.c, Comprehensive Plan Policy HS-2
   Reviewer: Carol Saari, (425) 452-2731

5. **Eastside Academy Smoking Policy:** Eastside Academy shall maintain and continue to strictly enforce its policy prohibiting smoking within ½ mile of the Church. If area neighbors believe they see Eastside Academy students smoking within ½ mile of the Church, they should immediately contact Toni Esparza of Eastside Academy at 425-452-9920. .
   Authority: LUC 20.30B.175.D. 2.b, Comprehensive Plan Policy HS-2
   Reviewer: Carol Saari, (425) 452-2731

6. **Signs:** If any change is made to the existing sign, a separate sign package shall be submitted for review and approval. Any proposed sign shall be architecturally compatible with the building.
   Authority: BCC 22B.10.090
   Reviewer: Carol Saari, (425) 452-2731