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

In the Matter of the Application of )  
)  
**BELLEVUE SCHOOL DISTRICT 405** )  
)  
For a Conditional Use Permit for )  
Modernization of Bellevue High School )  
including Creation of a new Access for )  
Vehicles and Reconfiguration of Parking. )  
)  
)

**FILE NO: 09-119090 LB**

**CORRECTED  
FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER**

**SUMMARY**

**1. Decision.** The application is **APPROVED**, subject to conditions.

**2. Proposal.** Bellevue School District seeks approval for the substantial remodeling of Bellevue High School. The project will involve the construction of a 196,867 square foot addition to the west of the existing built area. The addition will consist of three academic wings, career and technology education space, administrative offices, and a library. Remodeling will occur in 60,444 square feet of existing space, including modernization of gym and locker room areas. Infill construction will connect a new commons/cafeteria area with both the existing gym and multi-purpose buildings and the new addition. The final phase of the project will involve demolition of three structures and part of a fourth on the east side of the site, now housing classrooms, library, auxiliary gym and administration. A new Performing Arts Center will be added in the northerly part of the demolition area. Two modulars will be removed.

The final result will be a facility containing 227,054 square feet in one structure. The design will accommodate a possible student population of 1,600, but is not intended to increase enrollment, Presently 1,327 are enrolled.

The project will be conducted in phases so that students will able to remain on campus throughout. Students will use the existing classrooms to the east while the new academic spaces are being built on the west side of the site. When the west-side additions are complete, the

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1 students will move into them and the existing classrooms on the east side of the site will be  
2 demolished.

3 Revisions will be made to the parking areas, drop off areas and site circulation to improve  
4 safety and traffic flow. A new driveway connection will be made to 108th Avenue SE near the  
5 northeast corner of the site. Traffic flow will be managed by the use of gates controlling ingress  
6 and egress during peak periods. Exterior athletic fields will be retained. No modifications are  
7 proposed to the existing stadium.

8 **3. Procedure.** The application was formally filed on July 1, 2009 and deemed complete  
9 on July 29, 2009. Notice of Application was made on August 6, 2009.

10 A Determination of Non-Significance (DNS) was issued by the School District on July  
11 16, 2009. The DNS was not appealed.

12 The School District and its architects held three community meetings on the proposal,  
13 prior to the City's hearing process: July 23, 2008, March 4, 2009, and April 22, 2009. After this  
14 the District held four separate meetings with representatives of the 108th Avenue neighborhood:  
15 June 1, 2009, June 11, 2009, July 17, 2009, and August 18, 2009. The dominant concern at these  
16 meetings was the impact of the project on traffic on 108th Avenue SE.

17 The City held a public meeting on August 27, 2009, where the principal concerns were  
18 traffic and safety. As a result of requests at that meeting, the City put together a round table  
19 meeting on November 5, 2009 where stakeholders could engage in a solution-oriented forum  
20 using alternative layouts. Representatives were chosen from each of the neighborhoods within  
21 the Bellevue High School service area.

22 At the round table consensus was reached around a site design with specific features  
23 aimed at improving public safety(emergency vehicle access), minimizing traffic on adjacent  
24 streets, and efficient traffic circulation in connection with drop-offs within the school grounds.  
25 The consensus design included a new vehicular access on 108th Avenue SE at the northeast  
26 corner of the site.

27 The results of the round table meeting were reported at a final City-held public meeting  
28 held on November 19, 2010.

29 Over the course of the permit-consideration period, Staff received an extraordinary  
30 number of emails regarding the project. Most of these emails raise questions about

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1 transportation. The Staff Report contains a consolidated summary of concerns raised and the  
2 City's responses.

3 The Hearing Examiner hearing was held on March 4, 2009, upon due notice. The City's  
4 Staff Report was presented by Anoinette Pratt, Senior Planner. Andrew Kidde, City Mediation  
5 Director, and Carl Wilson, Transportation Department, also testified for the City. The School  
6 District testified through Peter Bentley, School Board President, and Jack McLeod, Facilities  
7 Director.

8 Public testimony was given by 18 citizens. The focus of the testimony was on process,  
9 traffic and safety. By far the greater number testifying endorsed the process followed in this  
10 matter and favored approval of the permit. Those opposed complained that their point of view  
11 had not been adequately taken into account and urged that the second driveway on 108th Avenue  
12 be rejected outright or used only for emergency vehicle access.

#### 13 **FINDINGS OF FACT**

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

16 2. Bellevue High School is located at 10416 Wolverine Way on a 40.2 acre campus  
17 situated atop a ridge above Bellevue Way on the west and 108th Avenue SE on the east.

18 3. The elevation of the site varies from 200 feet at the north end to 160 feet near the  
19 football stadium at the south. Near both the east and west edges, the property slopes down  
20 significantly, with an elevation change to the bordering streets of as much as 60 feet.

21 4. The campus is on a single lot in the Southwest Bellevue Subarea within a Single  
22 Family Residential District (R-4). This zoning consistent with the Comprehensive Place  
23 designation for the site of Single-Family-High. Adjacent property to the north, south and east is  
24 devoted to single-family uses. On the west there is multifamily zoning, with the exception of a  
25 small pocket of Office zoning at the northwest corner. The campus is separated from Bellevue  
26 Way on the west by a strip of development along the street. Both the westerly and easterly  
27 portions of the campus are forested. Though surrounded by trees and bordered by residential  
28 uses, the campus is just a few blocks south of Bellevue's Central Business District.

29 5. The school property is bordered on the east side by 108th Avenue SE, except for the  
30 area east and south of the football stadium. A significant forested area lies between the

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1 developed portion of the campus and 108th Avenue SE. Across that street from the school  
2 property are private residences. East and south of the football stadium, SE 10th Avenue and  
3 107th Avenue SE are the bordering streets, with residences across the street from the school  
4 property.

5 6. Bellevue High School was originally constructed in 1948. It is an example of low-  
6 profile post-war modern architecture, featuring breeze-ways open to the outdoors. The proposed  
7 modernization creates an enclosed structure with interior corridors, in keeping with current  
8 security demands.

9 7. Most of the present high school complex occupies the easterly portion of the flat  
10 ledge at the top of the ridge. The new addition will be on the westerly portion. Three classroom  
11 wings will be cantilevered over a lower level parking area. The lower structural level, excavated  
12 into a steep slope, will house the career and technology education (CTE) programs. Above the  
13 CTE spaces will be the wings of classrooms separated by courtyards. Behind the classrooms will  
14 be a floor of administrative offices and conferences rooms with a library above on the second  
15 story.

16 8. Between the new addition and the older portion of the school will be a new enclosed  
17 commons and cafeteria area, fronted by a large entry courtyard. On the east will be the  
18 remodeled gym, physical fitness and locker room areas. To the north of those facilities will be a  
19 new Performing Arts Center and spaces for music instruction and performance.

20 9. The Performing Arts Center will rise as high as 58 feet. The rest of the school will be  
21 from 30 to 40 feet high. Overall the project will create a single structure containing 227,054  
22 square feet.

23 10. This large structure will be surrounded by parking lots and athletic fields. Present  
24 sports spaces including the tennis courts, baseball fields, football stadium and track will remain  
25 unchanged. The setbacks of the building from the property lines will be substantial: 224 feet on  
26 the east, 270 feet on the west, 638 feet on the north, and 674 feet on the south.

27 11. The total number of parking stalls will remain the same at 550. Present parking is  
28 underutilized and the proposed modernization will not create a need for more parking. However,  
29 two new lots will be built on the east side of the campus in areas where the existing school  
30 structures are located, replacing some parking that is now on the west side. There are now 365

1 stalls on the west, 60 in the center and 125 on the east. The new configuration will be 180 stalls  
2 on the west, 45 in the center and 325 on the east. The end result will be three lots in a north-  
3 south orientation that will (with the exception of entry roads) form the easternmost developed  
4 portions of the site. These lots will be located on the ledge substantially above 108th Street and  
5 separated from it by a thick vegetative screen. To the west of the new building will be the  
6 principal westerly parking area, with a smaller lot for visitors and some staff constructed  
7 adjacent to the administration area entry. The westerly parking lot is bordered by a substantial  
8 green belt.

9 12. The current (2009-2010) student population at Bellevue High School is 1,327. When  
10 the school first opened in 1948 there were 1,450 students. As recently as 2006, the enrollment  
11 was 1430. The modernization project is designed to accommodate as many as 1600 students,  
12 while meeting mandated student-teacher ratios. This would be an increase over the present of  
13 about 23%.

14 13. Though the re-developed school is designed with 1600 students in mind, that number  
15 of students may not, in fact, ever be reached. Bellevue High is a closed facility, meaning, in the  
16 main, that only students who live within the attendance boundaries for the facility can attend.  
17 The attendance radius includes the following neighborhoods: Woodridge, Enatai, West Bellevue,  
18 Medina, Clyde Hill, Hunts Point and Yarrow Point. The service area extends from Lake  
19 Washington on the west to approximately 136th Avenue on the east and from I-90 to SR-520.  
20 More than three quarters of the student enrollment lives north of the school site. The proposed  
21 modernization project will not itself cause enrollment to change.

22 14. There are currently three access points to the high school, Wolverine Way enters  
23 the campus on the northwest, leading up from Bellevue Way past 105th Avenue SE. On the east  
24 side there is an entrance from 108th Avenue SE slightly south of the middle of the campus, just  
25 north of the tennis courts. A relatively minor third access is an entry from the south through a  
26 private drive from SE 10th that leads a small parking area.

27 15. The present configuration of entries, parking and interior circulation is resulting in  
28 traffic problems off-site. There is a large amount of parent drop off/pick up that takes place on  
29 campus from the Wolverine Way access on the west side and on the east side from the driveways  
30 to 108th Avenue SE and SE 10th. During peak hours, this activity results in queuing of traffic

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1 trying to get into the site that backs up onto the off-site streets. Bellevue Way experiences  
2 significant backups during peak school drop-off hours, particularly in the southbound direction.  
3 These backups can extend as far north as to slow traffic at the Bellevue Way-Main Street  
4 intersection.

5 There is also a significant southbound queue that develops on 108th SE at peak hours. At SE  
6 10th there is no drop-off area which leads to problems when drop-offs are attempted.

7 16. Planning for the modernization project has focused substantial energy on improving  
8 the off-site traffic problems. After analysis of a range of alternatives, traffic engineers identified  
9 a new entrance to the site from 108th Avenue SE as necessary to accommodate the existing  
10 school, as well as any growth in access needs that may occur. In addition, concerns for  
11 emergency access reinforced the need for a new access point to help reduce school-related off-  
12 site congestion that could impede emergency response.

13 17. After much discussion and evaluation of alternative entry points, the City's  
14 Transportation Department has recommended that the new driveway connecting to 108th  
15 Avenue SE be located approximately 90 feet south of the site's northeastern corner. The  
16 driveway will be designed to meet Fire Department standards for width, grade and curvature.

17 18. Along with the proposed new 108th Avenue SE entrance, a new drop off/pick up  
18 area is planned to be located north of the plaza that will separate the old and new building areas  
19 in the center of the campus. This drop off/pick up area will be accessible from both the  
20 Wolverine Way entry and the new 108th Avenue SE entrance.

21 19. Bellevue Way is a four-lane major arterial running into, out of, and through the  
22 Central Business District, and carrying roughly 26,000 vehicles per day between Main Street  
23 and Wolverine Way. 108th Avenue SE is a two lane collector arterial carrying approximately  
24 4,200 vehicles per day south of Main Street. In recent years the City has tried to curtail through  
25 traffic on 108th Avenue SE with the installation of speed bumps. There is no evidence that  
26 the proposed modernization project will increase through traffic on 108th Avenue SE.

27 20. The major bone of contention regarding the proposed modernization project has been  
28 over the creation of the second driveway off of 108th Avenue SE. Some of the neighbors in the  
29 immediate vicinity of the new driveway argue that it will increase traffic overall on 108th and  
30 therefore increase traffic problems experienced by those who live nearby. They would like

1 either rejection of the new driveway or limitation of its use solely to emergency vehicles. The  
2 view of the City's Transportation Department's is that the addition of the new driveway,  
3 accompanied by improvements in internal site circulation, will actually relieve peak hour  
4 congestion and improve the situation on 108th Avenue SE. At the same time, they forecast that  
5 back-ups on Bellevue Way will be alleviated - an overall win-win situation for traffic.

6 21. The final version of the Transportation Department's recommendation is the  
7 outgrowth of a round table meeting at which representatives of stakeholder groups considered a  
8 list of concerns identified by the groups in advance, primarily focused on transportation issues.  
9 The participants separated into two groups, one led by the City's Land Use Director and the other  
10 by the City's Mediation Program Manager. The result was consensus around a hybrid design  
11 intended to promote efficient circulation so that queuing will occur on site rather than on the  
12 adjacent streets. The consensus design contained the following components:

13 (1.) A new vehicular access on 108th Avenue SE at the northeast corner of the site. This  
14 access would be controlled with gates which would control ingress and egress in the peak hour  
15 periods.

16 (2.) An emergency warning sign at the top of SE Wolverine Way to signal and allow  
17 access for emergency vehicles.

18 (3.) A warning sign at the top of the new northeast access to warn drivers when the gates  
19 are closed to 108th Ave. SE.

20 (4.) A gate between the north and south parking lots to control circulation to and from  
21 108th Ave. SE.

22 (5.) Pick up and drop off from the existing 108th Avenue SE driveway would be  
23 accommodated in the south parking lot for vehicles arriving from the south. Vehicles would be  
24 permitted to return south but be prevented from continuing north.

25 (6.) Parking for students would be based upon the direction of their home addresses so  
26 that a student arriving from the west would not be assigned a parking stall on the east side of the  
27 campus.

28 (7.) Teacher and student parking would be accommodated in both the east and west  
29 parking lots.  
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1 (8.) If a separate neighborhood review process supports the decision, the southbound left  
2 turn movement from 105th Avenue SE to Wolverine Way could be curtailed.

3 22. Subsequent analysis by transportation consultants identified an issue with item (5)  
4 above. Forecasts showed that if vehicles were not permitted to continue north out of the present  
5 108th Avenue SE driveway, they would avoid this access in favor of the de facto drop off at SE  
6 10th Avenue. To avoid such a result, allowing the north out movement for the southerly 108th  
7 Avenue SE driveway was recommended.

8 23. The consensus on design did not definitively address operational concerns.  
9 However, consistent with the intent of the consensus, the Transportation Department envisions  
10 the following scenario.

11 (1) The lower gate at the new driveway on 108th Avenue SE would be open only to  
12 inbound traffic during peak arrival hours from 6:30 a.m. to 8:00 a.m. The gate would be open  
13 only to outbound traffic during the peak departure hours of 2:00 p.m. to 3:30 p.m.

14 (2) A gate between the new driveway and the two more southerly eastside parking lots  
15 would be closed during school hours forcing traffic arriving via the new driveway to exit to the  
16 west via Wolverine Way.

17 (3) Drop/offers and pickups would be allowed in the south parking lot with cars exiting  
18 from the same southerly 108th Avenue NE entrance that they entered.

19 (4) A monitor would be stationed on-site to evaluate the effectiveness of the circulation  
20 program.

21 24. The Transportation Department envisions a three year trial period after the new  
22 classroom buildings are occupied for observation and evaluation of the operation of the school's  
23 driveways and on-site circulation and for traffic counts on nearby streets and intersections. An  
24 on-site traffic monitor will manage peak on-site traffic flow as needed. Annual reports will be  
25 made and adjustments in the system will be made if needed.

26 25. The traffic predictions for the proposed new four-driveway scheme, with the  
27 attendant internal circulation features, are based on an assumption of 1600 students in the year  
28 2012. As noted, this number may never be reached. Using the consensus design, the City  
29 estimates a daily a.m. peak hour volume (total both ways) of 470 at the 108th Avenue SE north  
30 school boundary without the new driveway and a daily volume (total both ways) of 570 at the

1 same point with the new driveway. This represents a shift of about 100 cars from Wolverine  
2 Way to the new driveway entrance. On Wolverine Way, the approximate total of a.m. peak  
3 hour traffic (total both ways) is estimated at 800 without the new driveway, and at 800 with the  
4 new driveway. However, under the new circulation regime, the figures for Wolverine Way  
5 reflect many more exiting movements than entering ones.

6 26. Despite the higher volumes of a.m. peak traffic on 108th Avenue NE with the new  
7 driveway, the transportation experts are convinced that the availability of the new entrance  
8 utilizing the one-way gate system will actually result in less congestion of that street.  
9 Congestion will be lessened on Bellevue Way with the elimination of a large number of inbound  
10 movements. While the opponents do not agree, they presented no evidence to the contrary. The  
11 Examiner concludes that the proposal, as conditioned will likely, improve the presently  
12 congested traffic situation on both sides of the campus.

13 27. The new Performing Arts Center will encourage community use as well as school  
14 use of the facility. The capacity of the new center will be 450 seats. It is anticipated that events  
15 there will add to the traffic that comes and goes from the school, but such traffic will  
16 be at off peak hours and is not expected to add to the congestion experienced at the site.

17 28. Objections to the proposal included concerns from neighbors in the Westwood  
18 development across 108th Avenue SE about headlights from exiting cars on the new driveway  
19 shining into their homes. The conditions of approval recommended address this by providing for  
20 a vegetative visual screen adjacent to the eastern edge of 108th Avenue SE opposite the new  
21 driveway connection. A guard rail may be installed behind the curb if warranted. If the hedge  
22 does not reduce light swipes, a sight screening fence will be installed.

23 29. Additionally more landscaping will be required at the northeast corner of the school  
24 site to mitigate headlight sweeps that might affect the adjacent property to the north. On-site  
25 lighting will have a cut-off function and will be shielded to prevent spillover lighting onto  
26 adjacent property.

27 30. The project, as proposed will involve two major phases, staggered in order to allow  
28 the students to remain on campus throughout the construction. Phase I (summer of 2010 and  
29 2010-2011 academic year) will focus on construction of new academic and CTE classrooms, the  
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1 administration suite, the library and the commons/kitchen facilities. Students will be located in  
2 the existing classrooms during this phase.

3 31. Phase II (2011-2012 academic year) will focus on construction of the new PAC  
4 along with adjacent music and drama classrooms. In January of 2012, students will be moved  
5 from the existing classrooms to the new classroom wings. Demolition and modernization of  
6 existing structures will then take place.

7 32. Within this larger scheme, there will be nine internal phases of construction  
8 activities. The School District and the contractor will address issues of student safety , the  
9 isolation of construction work areas, and the maintenance of ingress/egress routes during  
10 construction through submission of a phasing plan that is subject to review and approval by the  
11 City.

12 33. Also a part of the construction process will be the production of an interim parking  
13 and circulation plan during the phased occupancy period for the site. Preliminary analysis  
14 indicates that parking and circulation concerns can be accommodated, but it will involve  
15 successfully encouraging students to use alternatives to single-occupant vehicles, including  
16 busses, carpools and bicycles.

17 34. During the construction period, the School District may obtain temporary off-site  
18 parking, perhaps at churches located on the west side of Bellevue Way south of SE 10th Street.  
19 If this is done, a trail on school property along vacated SE 10th Street will be improved,  
20 consistent with constraints imposed by a Puget Sound Energy easement. Such improvements can  
21 be maintained even after the temporary parking is no longer needed.

22 35. The transportation analysis for this project has been elaborate and thorough. Certain  
23 possible improvements that could reduce congestion have, however, not been quantified. One is  
24 the possibility that programs encouraging car pooling are successful. (Indeed some of the  
25 carpooling initiated during the construction phase may carry over.) Another is the possibility  
26 that larger numbers of students can be convinced to take busses.

27 36. Currently bus transportation to the school is supplied solely by regular Metro busses  
28 and not directly by the school district. For the 2009-2010 school year, the school issued 895  
29 Metro bus passes for students living beyond a one-mile walking radius of the school. However,  
30 bus usage is not high. This is probably because the bus routes and bus stops are not particularly

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1 convenient for students. Transfers are required on some routes. And the bus stops are from  
2 1100 to 1600 feet from the school buildings. Opportunities for moving bus stops on 108th  
3 Avenue SE are limited because of the narrow shoulders and steep side slopes. However, it might  
4 be feasible to relocate the southbound bus stop to take advantage of improved pedestrian  
5 connections proposed between the modernized school and 108th Avenue SE adjacent to the  
6 existing driveway.

7 37. The applicable decision criteria for a Conditional Use Permit are set forth at  
8 LUC 20.30B.140. The first criterion is that the Conditional Use is consistent with the  
9 Comprehensive Plan. The Staff Report thoroughly analyzes the application in light of applicable  
10 Comprehensive Plan policies and finds that, as conditioned, the project, will be consistent  
11 with them. The Hearing Examiner concurs with this analysis and adopts the same. The Staff  
12 Report is by this reference incorporated herein as though fully set forth.

13 38. One project opponent argues that the proposal violates Policy S-SW-1 which states:

14 *Supports the existing land use patterns and densities as shown on the*  
15 *land Use Map (Figure 2-SW-1) with the maintenance of capital facilities*  
16 *and services.*

17 The argument is that the project will direct traffic through abutting residential districts of lower  
18 intensity (Single-family Medium, not Single-family High). The Examiner finds that the project  
19 itself will not direct traffic to other districts. On the record made, any diversion of traffic that  
20 may be a by-product of the modernization is likely to be distinctly minor. The zoning will not  
21 change. The use of surrounding land will not change. The use of the school will remain what it  
22 has been since 1948. Densities will not be affected. With the improvements made, available  
23 infrastructure will be adequate to accommodate the modest additional design capacity being  
24 made to accommodate student demand that may occur in the future.

25 39. The second criterion for Conditional Use approval is that the design is compatible  
26 with and responds to the existing character, appearance, quality of development and physical  
27 characteristics of the subject property and immediate vicinity. The proposal, as designed, will  
28 be constructed of colors and materials that will complement adjacent residential development.  
29 Further, because of the dense vegetative buffers and elevation differences, the on campus  
30 development will largely not be visible from other property in the area.

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1           40. The third criterion is that the Conditional Use will be served by adequate public  
2 facilities, including streets, fire protection and utilities. The City's view is that the school as  
3 it is at present fails to meet this criterion because of the spillover of backed-up traffic onto  
4 public streets and potential problems with access in case of an emergency. The proposed new  
5 access and circulation provisions address these concerns and make the proposal consistent with  
6 this standard.

7           41. The fourth criterion for Conditional Use approval is that the use will not be  
8 materially detrimental to uses or property in the immediate vicinity of the subject property.  
9 The anticipated reduction of traffic back-ups will be a benefit, not a detriment to the  
10 neighborhood. The provisions for limiting the impact of headlights on neighboring properties  
11 will satisfactorily mitigate that concern. The neighbor to the immediate north of the new  
12 driveway contended (by letter) that the driveway will be materially detrimental to his property,  
13 but did not make a compelling case. Additional landscaping should take care of any concerns  
14 about intrusive light. While it may be true that cars making the turn into the new driveway will  
15 slow in front of his house, this was not shown to be more than a transitory inconvenience.

16           42. The fifth and last criterion for Conditional Use approval is that the use complies with  
17 the applicable requirements of the Code. The Conditional Use requirement applies in this case  
18 because (1) the classroom wing will be 40 feet, rather than the 30 feet high, and (2) the  
19 Performing Arts Center (at 58 feet) will exceed 40 feet. LUC 20.20.740(A)(3)(a) permits school  
20 facilities to increase the maximum building height by 10 feet if no mechanical equipment is  
21 placed on the roof and the site size is five acres or larger. Those requirements are met by the  
22 classroom wing here. Further under LUC 20.20.740(A)(3)(b), the greater height of the  
23 Performing Arts Center also meets relevant criteria, namely: The increase in height is  
24 functionally related to an educational program. (Performing arts centers are a specifically listed  
25 example.) The portion of the structure exceeding the maximum building height is set back from  
26 any property line a distance equal to 1.5 times the height of the structure. The building and site  
27 design minimize the impact of the additional height on the surrounding land uses. The school is  
28 located on a site of at least five acres. The height of the structure does not exceed 75 feet. The  
29 58 foot height is needed as a programmatic component to "fly" scenery from sight during  
30 theatrical performances.

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1 43. Except for height, the proposal will readily meet Land Use Code dimensional  
2 requirements. Relevant requirements for perimeter landscaping, vehicular and pedestrian  
3 circulation, mechanical equipment, site design and building design will be met. Protection of  
4 significant trees will substantially exceed the standard.

5 44. Thorough geotechnical evaluation was made of the proposed construction affecting  
6 steep slope areas. The City found that the proposal will not adversely impact slope stability or  
7 adjacent structures and that it meets the criteria for a Critical Areas Land Use Permit.

8 45. The efforts made at securing public input on this proposal were extraordinary.  
9 Members of public generally and the affected neighborhoods specifically were given numerous  
10 opportunities to be heard. Nonetheless, there were complaints about the process from some of  
11 the neighbors. The Examiner observes that the opportunity to be heard does not equate to a  
12 necessity to be agreed with. The Examiner finds no failure to provide adequate notice and  
13 opportunity to participate in the hearing process. It is apparent from the voluminous record that  
14 all citizens' concerns were exhaustively evaluated.

15 46. Any conclusion herein which may be deemed a conclusion is hereby adopted as  
16 such.

### 17 CONCLUSIONS OF LAW

18 1. The Hearing Examiner has jurisdiction over the subject matter of this proceeding.  
19 Under the Land Use Code, this is a Process I decision. LUC 20.35.015(B)

20 2. The requirements of the State Environmental Policy Act (SEPA) have been met.

21 3. The increased height of the facility requires a Conditional Use Permit. LUC  
22 20.10.440 (Services) - Footnote 25, b(iii).

23 4. The proposal meets the special criteria for increased height. LUC 20.20.740.

24 5. The proposal, as conditioned, meets the general criteria for Conditional Use Permit  
25 approval. LUC 20.30B.140.

26 6. Any finding herein which may be deemed a conclusion is hereby adopted as such.

### 27 CONDITIONS

#### 28 General Conditions.

29 1. The Critical Areas Land Use Permit shall become void if the applicant fails to file  
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1 a Clearing and Grading Permit or other necessary development permits with one year of the  
2 effective date of approval.

3 2. The vested status of the Conditional Use Permit shall expire two years from the date of  
4 the City's final decision, unless a completed building permit application is filed before the end of  
5 the two year term. Upon issuance of a building permit, the vested status of the land use approval  
6 shall be extended for the life of the project.

7 **Discretionary Condition of Approval**

8 1. See staff report

9 **Conditions of Approval Prior to Issuance of a Clear and Grade and Building Permits**

10 1 -- 21. See staff report

11 **Conditions of Approval Prior to Certificate of Occupancy**

12 1 -- 13 See staff report

13 [Add a final condition 14, as follows:]

14 14. **Special Notification of Modification Proposals.** For a period of three years from  
15 the date of final decision, all parties of record including the official  
16 representatives of the Surrey Downs Community Club will be notified by the  
17 City of Bellevue under separate cover, in addition to receiving the standard  
18 permit bulletin should any change to the Bellevue High School Remodel  
19 Conditional Use Permit (File 09-1109090 LB) be considered; specifically  
20 changes related to use of on-site gates, traffic flow, added neighborhood  
21 traffic, traffic studies, parking, noise and lights. Failure of the parties to  
22 receive such notifications shall not be grounds to nullify any future decisions  
23 of the City related to this application.

24 **DECISION**

25 The requested Conditional Use Permit is approved, subject to the conditions set forth  
26 above.

27  
28 DONE this 23rd day of March, 2010.

29   
30 Wick Dufford, Hearing Examiner 

**Attachment: Staff's Conditions of Approval**

3/23/10

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**NOTICE OF RIGHT TO APPEAL**  
(Pursuant to Resolution No. 5097)

**RIGHT TO APPEAL-TIME LIMIT**

A person who submitted written comments to the Director prior to the hearing, or submitted written comments or made oral comments during the hearing on this matter, may appeal the decision of the Hearing Examiner to the Bellevue City Council by filing a written appeal statement of the Findings of Fact or Conclusion being appealed, and paying any appeal fee, no later than 14 calendar days following the date that the decision was mailed. The appeal must be received by the City Clerk by **5:00 p.m. April 5, 2010.**

**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. Therefore, the request for appeal must be accompanied by an initial deposit of \$100. Should the actual cost be less the amount of the deposit, any credit due shall be reimbursed to the appellant. Should the cost for transcript preparation be more than the deposit, the appellant will be additionally charged.

**WAIVER OF TRANSCRIPTION FEE**

Upon request, the City Clerk will waive transcription fees upon submission by an appellant of the following documentation: a) an affidavit stating that the appellant's net financial worth does not exceed \$20,000; b) an affidavit stating that the appellant's annual income does not exceed \$5,200; c) a brief statement of the issues sought to be reviewed; d) a designation of those parts of the record the party thinks are necessary for review; e) a statement that review is sought in good faith.

The transcription fee waiver is available to individuals over eighteen (18) years of age and is not available to corporations, companies, partnerships, or any business, enterprise, community club or and social recreational organization.



## **XI. Discretionary Condition of Approval:**

1. **Pedestrian Trail/SE 10<sup>th</sup> Street:** If the existing trail connecting to Bellevue Way along the former right of way of SE 10<sup>th</sup> Street will be used for pedestrian access to off-site parking or other school-related activity, then the BSD is required to improve and maintain the trail. Improvements should include widening the trail to at least five feet (to accommodate two pedestrians side by side), clearing conflicting vegetation, and installing a compacted gravel surface per standard drawing DEV-19 or equivalent. Due to topographic constraints, including grades in excess of 20%, compliance with the Americans with Disabilities Act is presently not feasible on this route.

## **XII. Conditions of Approval Prior to Issuance of a Clear and Grade and Building Permits:**

1. **Final Engineering Plans for Transportation:** Prior to issuance of a clearing and grading permit, the engineering plans must correctly show all street frontage modifications and all revisions within the site that affect the access points or pedestrian or vehicular circulation. All new frontage improvements must meet the requirements of City Code, the Americans with Disabilities Act, the Transportation Department Design Manual, and any requirements stated in this Staff Report. Final engineering plans must include all details needed for construction, including any applicable detail drawings from the Transportation Department Design Manual or other sources. Items to be shown in the engineering plans include, but are not limited to, the following:
  - a) Construction of a new driveway with a sidewalk connecting to 108<sup>th</sup> Avenue SE approximately 90 feet south of the northeastern property corner. Details must include curb radii, widths, ADA ramps, and gate and post details. The grade of the new driveway shall not exceed fifteen percent at any point, and shall not exceed seven percent for the first 30 feet behind the 108th Avenue SE sidewalk. The landscape plans shall include details of a vegetative screen on the eastern side of 108th Avenue SE near the new driveway.
  - b) The BSD shall cooperate with the Bellevue Transportation Department to evaluate the possible need to install a guardrail adjacent to the eastern edge of 108th Avenue SE opposite the new driveway. If a guardrail is warranted, then the BSD may be required to share proportionately in the installation cost.
  - c) Revise the existing driveway connection to 108th Avenue SE as described in the Transportation Department's Preferred Mitigation Scenario. The final engineering plans must show all details needed for construction, including curb radii, traffic control devices, and details of the removable island.
  - d) Show sight distance triangles as needed to analyze the safety of both driveway connections to 108th Avenue SE, consistent with Bellevue City Code 14.60.240 and 241.
  - e) Show details of any traffic control markings, signs, gates, speed humps, internal sidewalks, crosswalks, or raised crosswalks that need to be added or revised within the internal circulation routes or where the internal routes connect to City streets in order to control internal circulation and provide pedestrian safety. These devices must be designed and located so as not to impede traffic entering or exiting the site, except as intended by the gates and islands described herein.
  - f) Indicate any required pavement restoration within any City street.

Authority: BBC 14.60.060, 110, 150, 181, 190, 240, and 241; LUC 20.20.740 A 6  
Reviewer: Carl Wilson, 425-452-4228

2. **Right of Way Use Permit(s):** The applicant is required to apply for a right of way use permit from the City of Bellevue Transportation Department before the issuance of any clearing and grading, building, foundation, or demolition permit. In some cases, more than one right of way

use permit may be required, such as one for hauling and one for construction work within the right of way. A right of way use permit regulates activity within the City right of way, including but not limited to the following:

- a) Designated truck hauling routes.
- b) Truck loading and unloading activities.
- c) Hours of construction and hauling.
- d) Continuity of pedestrian facilities.
- e) Temporary traffic control and pedestrian detour routing for construction activities.
- f) Street sweeping and maintenance during excavation and construction.
- g) Location of construction fences.
- h) Parking for construction workers.
- i) Construction vehicles, equipment, and materials in the right of way.
- j) 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 the construction of any work affecting City sidewalks. 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 will secure sufficient off-street parking for construction workers before the issuance of a clearing and grading, building, a foundation or demolition permit.

Authority: BCC 11.70 & 14.30  
Reviewer: Jon Regalia (425) 452-4599

3. **Native Growth Protection Easement (NGPE):** The western portion of the site that is located west of the existing parking lot is designated as a critical area. This buffer area shall be shown on the civil, landscape and architectural drawings as a Native Growth Protection Easement (NGPE).

Authority: LUC 20.25H.230  
Reviewer: Antoinette Pratt, (425) 452-5374

4. **Project Phasing:** Provide a clear phasing plan for the removal of water mains, fire hydrants and access to buildings, fire hydrants and fire protection systems during construction. The plan shall clearly show access to the existing school, fire hydrant and fire department connections and shall show access to the new construction with the similar fire system access. Keep construction vehicles, construction activities and materials clear of fire access roads and fire appliances.

Authority: International Fire Code (IFC) 508  
Reviewer: Adrian Jones, (425) 452-6032

5. **Water Main:** The water main will not be looped. Provide fire flow calculations for the new school building at the fire hydrant and point where the sprinkler line enters the building.

Authority: IFC 508  
Reviewer: Adrian Jones, (425) 452-6032

6. **Vehicle Access:** The highest floor is over 30 feet above the lowest level of fire department vehicle access at stairs 0168 & 0167. At each stair a 2 1/2 inch stand pipe is required.

Authority: IFC 905.4

Reviewer: Adrian Jones, (425) 452-6032

7. **Aerial Apparatus:** Some areas of the building are over 30 feet above the lowest level of fire department vehicle access and a 26 foot wide fire aerial apparatus access road is required at these locations where an access road is shown on the plans.

Authority: BFDDS 3.05

Reviewer: Adrian Jones, (425) 452-6032

8. **Landscape Plans:** Revise landscape plans to allow for a minimum of 3 feet clearance around all fire appliances.

Authority: IFC 953

Reviewer: Adrian Jones, (425) 452-6032

9. **PAC:** The Theater audio system shall automatically shut down during any fire alarm activation.

Authority: NFPA 13

Reviewer: Adrian Jones, (425) 452-6032

10. **Demolition:** Demolition/construction shall conform to the requirements of the IFC. Fencing or other method shall be used to keep non-construction personnel out of the demolition/construction area.

Authority: IFC, Chapter 14

Reviewer: Adrian Jones, (425) 452-6032

11. **Detention Vaults and Pipes:** The detention and water quality vaults in the parking lot area shall be capable of supporting fire apparatus with a gross weight of 64,000 lbs. (rear axle=48,000 lbs and front axle=19,000 lbs) and shall support the weight of the ladder truck outrigger which is 45,000 lbs over an 18 inch square.

Authority: BFDDS 6-3 & Development Information Sheet

Reviewer: Adrian Jones, (425) 452-6032

12. **Final Utilities Approval:** The Utilities Department approval of the Conditional Use 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.

Authority: BCC Title 24.02, 24.04, 24.06

Reviewer: Mark Dewey, (425) 452-6179

13. **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 Utilities Permit Processes.

Authority: BCC Title 24.02, 24.04, 24.06  
Reviewer: Mark Dewey, (425) 452-6179

14. **Construction Hours:** Noise related to construction is allowed 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. Exceptions to the construction noise hours limitation contained in the Noise Control Code MAY be granted pursuant to 9.18.020C.1 when necessary to accommodate construction on schools which cannot be undertaken during exempt hours. Prolonged exposure to noise created by extended hour construction activity is likely to have a significant impact on inhabitants of surrounding residential properties during the proposed timeline for construction that extends from June 2010 to August 2012. In order to minimize detriment on residential uses in the immediate vicinity of BHS, the District and the Contractor shall not rely on City issuance of a blanket exemption from the Noise Control Code during the pendency of the construction period. Allowances for short term work outside of normal construction hours shall be limited and will be reviewed on a case by case basis to verify necessity and ensure appropriate noise mitigation is utilized to protect surrounding uses and properties. If expanded hours are necessary to accommodate a specific component of the school construction, **the District must apply for a separate noise permit for review and approval by staff**

Authority: BCC 9.18.040  
Reviewer: Antoinette Pratt (425) 452-5374

15. **Chain Link Fence:** A temporary, 6-foot chain link fence is required to protect identified conifer stands that are near areas of construction. These fences shall be erected prior to the issuance of clearing and grading and building permits. Furthermore, a site inspection from City staff shall take place prior to the start of construction activities.

Authority: LUC 20.20.520.E.2.a  
Reviewer: Antoinette Pratt, (425) 452-5374

16. **Site Lighting:** Examples of the proposed site lighting on the building exterior, parking lot lighting and lighting within the site along with a with a cutoff function shall be submitted for review and approval prior to issuance of permits. Shields and cutoffs shall be required as well to prevent spillover lighting to adjacent property.

Authority: LUC 20.20.522  
Reviewer: Antoinette Pratt, (425) 452-5374

17. **Off-Site Landscaping Installation on 108<sup>th</sup> Avenue SE:** A Type I landscape hedge shall be installed off-site along the east side of 108<sup>th</sup> Avenue SE to limit light sweeps into the Westwood neighborhood. If it is found, at a later date, that the hedge does not reduce light swipes, a sight screening fence shall be required to be located within the public right-of-way. The BSD shall be required to mitigate the headlight sweep impact on the Westwood neighborhood.

Authority: LUC 20.25B.040.D.1  
Reviewer: Antoinette Pratt, (425) 452-5374

18. **NE Property Corner Landscaping/Landscape Buffer Adjacent to 108<sup>th</sup> Avenue SE:** The BSD has proposed additional landscaping at the northeast corner of the site to upon removal of invasive species in this area. Replanting shall occur with a combination of overstory/understory vegetation to mitigate head light sweeps. Invasive removal shall occur in the landscape area

adjacent to 108<sup>th</sup> Avenue SE. The BSD shall take steps to lower the re-establishment of invasive species in this area.

Authority: LUC 20.20.520

Reviewer: Antoinette Pratt, (425) 452-5374

19. **Project Phasing:** This proposal contains nine internal phases of construction activities. The BSD shall be required to work with the selected contractor to determine how construction patterns and staging will take place on the site. The BSD and contractor must also address how students will be protected as demolition and construction activities take place from one building to another. Construction work areas and staging areas must be isolated from occupied areas of the building and from egress routes leading from those occupied areas to the public way. To address these issues, the BSD and selected contractor are required to submit a phasing plan for review and approval by the City before each phase change in construction that effects fire access or occupants ingress/egress. This information should be part of the BSD bid package to inform the selected of the phasing responsibilities and student protection issues. Additionally, phased construction and simultaneous occupancy of adjacent areas must be **APPROVED** by the City of Bellevue **BEFORE** such conditions can be permitted. A fire/life safety plan shall be submitted for the project immediately upon notice of award of contract (IBC/IFC).

Authority: IBC Section 109.1, IBC Chapter 33

Reviewer: Mark Chang, (425) 452-6997 and Adrian Jones, (425) 452-6032

20. **Interim Parking/Circulation Plan:** Vehicular circulation and parking will be very limited on this site. The BSD shall develop an interim parking and site circulation plan during the phased occupancy period for this site for staff review and approval. Parents shall be encouraged to have students avail themselves to other commute options such as busses, carpools or bicycles. Additionally, parents shall be encouraged to drop off and pick up their students at any off-site location secured by the BSD to reduce on-site access.

Authority: LUC 20.20.590

Reviewer: Antoinette Pratt, (425) 452-5374

21. **Mechanical Equipment:** No mechanical equipment will be located on the roof of the new PAC or the classroom wing. Mechanical equipment shall be located in the attic of this facility. Any modifications to existing mechanical systems (HVAC) units on the renovated buildings will be required to be screened with this application.

Authority: LUC 20.20.525

Reviewer: Antoinette Pratt, (425) 452-5374

### **XIII. Conditions of Approval Prior to Certificate of Occupancy:**

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. **On-Site Parking, Internal Circulation, and Monitoring:** The BSD shall implement on-site parking, pedestrian, and circulation improvements as shown in the final site plans and engineering plans. On-site circulation and safety shall be enhanced with pavement markings, directional signs, and stop signs as needed. Speed humps or raised crosswalks may be implemented as desired by the district, provided they are designed to allow adequate passage by emergency and transit vehicles, and do not impede the flow of traffic into or out of the site.

The BSD shall provide an on-site traffic monitor whose duties include managing peak on-site traffic flow as needed. At the beginning of the school year and periodically as needed, the BSD shall provide information to parents, staff, and students regarding proper traffic and pedestrian behavior and safety. Prior to initial occupancy of the new classroom building, the BSD shall provide a letter to city staff indicating the district's commitment to the programs required in this section and how those programs will be carried out.

Authority: BBC 20.20.590 K and BCC 20.30E.140  
Reviewer: Carl Wilson, 425-452-4228

3. **Completion of Transportation Improvements:** Prior to initial occupancy of the final building associated with this development, all street frontage improvements, internal transportation improvements, and transportation conditions shown on the final engineering plans or required by City codes or standards or the Conditions of Approval herein must be completed to the satisfaction of the Transportation Department and approved by the Transportation Department's inspector.

Authority: BBC 14.60.110  
Reviewer: Carl Wilson, 425-452-4228

4. **Gates:** To control site access during ingress or egress from this site, gates are proposed to control vehicular traffic. Colored materials shall be selected and approved by the City to ensure neighborhood compatibility for these gates to diminish their presence. To ensure Fire Department visibility, reflectors are required.

Authority: LUC 20.25B.B.5  
Reviewer: Antoinette Pratt, 425-452-5374 and Adrian Jones, (425) 452-6032

5. **Decreased Reliance on Single-Occupancy Vehicles by Students:** Prior to initial occupancy for the classroom buildings, the BSD shall provide a letter to city staff indicating the district's commitment to support on-going bus service to the site, including any potential methods to enhance bus ridership by students. Such methods might include providing more direct or more frequent bus service, and providing incentives for carpools and disincentives for single-occupancy vehicle use by students.

Authority: LUC 20.20.740.A.6, EN-79, and TR-14  
Reviewer: Carl Wilson, 425-452-4228

6. **Indemnification Agreement for Rockery in Right of Way:** Prior to initial occupancy of the final building phase, the BSD shall provide an indemnification agreement, using the Transportation Department's standard form, for that part of any rockery or retaining wall that extends into any city street right of way.

Authority: BCC 14.30  
Reviewer: Carl Wilson, 425-452-4228

7. **Trial Period and Annual Evaluation:** Prior to initial occupancy for any classroom building, the BSD shall provide a letter to the city staff indicating the district's commitment to the work required by the Trial Period and Annual Evaluation program per Section VI, Transportation. The three-year trial and evaluation period will begin during the first year of classes following full occupancy of the main classroom building. Any consultant studies, program modifications, or physical revisions required within the three-year trial period shall be performed or funded by the BSD.

Authority: BCC 14.60.060, LUC 20.20.740.A.6, LUC 20.30B.170; TR-38  
Reviewer: Carl Wilson, 425-452-4228

8. **Fire Sprinklers/Fire Flow/Fire Hydrants:** Automatic fire sprinklers shall be provided throughout the building under separate permit—particularly for hazard storage areas such as tire storage and auto shop. Additionally, sprinkler systems shall not be taken out of service while school has anyone in said buildings. Provide adequate fire flow for this facility. The applicant shall also be required to provide a fire hydrant between SE 10<sup>th</sup> Street and the hydrant at the tennis courts. Relocation of identified hydrants shall occur with this application.

Authority: IFC 508 and 902, IFC Appendix B and C  
Reviewer: Adrian Jones, (425) 452-6032

9. **Sprinkler Valve Room:** Relocate proposed sprinkler valve room to an exterior wall.

Authority: NFPA 13  
Reviewer: Adrian Jones, (425) 452-6032

10. **Kitchen Hood Suppression System:** Provide a Kitchen hood suppression system under separate permit.

Authority: IFC 609  
Reviewer: Adrian Jones, (425) 452-6032

11. **Fire Alarm Panel and Notification System:** A fire alarm panel or annunciator panel shall be located at the main entrance to the building along with a fire alarm notification system throughout the building.

Authority: IFC 907, NFPA 72, and City Amendment 903.4  
Reviewer: Adrian Jones, (425) 452-6032

12. **Science/Shop/Art Related Activities:** Provide additional information regarding the proposed dust collection system for the wood shop. The same information is required for the science classrooms for stored chemicals and the art program regarding use of kiln for ventilation, etc.

Authority: IFC Chapter 13 and 27, NFPA 664 and the IMC 502  
Reviewer: Adrian Jones, (425) 452-6032

13. **Modification of Conditional Use Permit:** The City may initiate a modification to an approved Conditional Use Permit. A modification will be processed through Process I, LUC 20.35.100. Through the modification procedure, the Hearing Body may delete, modify or impose additional conditions upon finding that the use for which such approval was granted has been intensified,

changed or modified by the property owner or by person(s) who control the property without approval so as to significantly impact surrounding land uses.

Authority: LUC 20.30B.170.A

Reviewer: Antoinette Pratt, (425) 452-5374