

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

In the Matter of the Application of)	No. LAND-2019-00545, PR-2019-00101
)	
Brian Trapp and Martin Grube,)	DigiPen Building B
JPC Architects)	
)	FINDINGS, CONCLUSIONS,
For a Conditional Use Permit)	AND DECISION
)	
_____)	

SUMMARY OF DECISION

The requested conditional use permit to expand the existing DigiPen Institute of Technology into a 15,559 square foot portion of Building B of Willows Commerce Park is **APPROVED** subject to conditions.

SUMMARY OF RECORD

Request:

Brian Trapp and Martin Grube of JPC Architects (Applicant) requested approval of a conditional use permit to expand the existing DigiPen Institute of Technology, which is currently limited to Building E of Willows Commerce Park (9931 Willows Road in Redmond). The expanded use would also occupy 15,559 square feet of Building B of Willows Commerce Park (9825 Willows Road).

Hearing Date:

The City of Redmond Hearing Examiner conducted an open record hearing on the request on September 9, 2019.

Testimony:

At the open record hearing, the following individuals presented testimony under oath:

Elise Keim, City of Redmond
Sarah Pyle, City of Redmond
Brian Trapp, JPC Architects
Martin Grube, JPC Architects
Daniel Turnbow, Applicant Representative
Christopher Comair, Applicant Representative

Exhibits:

At the open record hearing, the following exhibits were admitted in the record:

1. Technical Committee Report to the Hearing Examiner, with the following attachments:

- A. Application
 - B. Project Narrative
 - C. Plan Set
 - D. Site Photos
 - E. Notice of Application and Certificate of Posting
 - F. Notice of Public Hearing
 - G. SEPA Exemption
 - H. Hearing Examiner approval in L090372, DigiPen conditional use permit, issued October 29, 2009
2. Planning Staff's PowerPoint presentation

Upon consideration of the testimony and exhibits admitted into the record, the Hearing Examiner enters the following findings and conclusions:

FINDINGS

1. The Applicant requested approval of a conditional use permit to expand the existing DigiPen Institute of Technology, which is currently limited to Building E of Willows Commerce Park (9931 Willows Road in Redmond). The proposal would expand the educational institution use to occupy 15,559 square feet of Building B of Willows Commerce Park (9825 Willows Road, hereafter "subject property"). *Exhibits 1, 1.A, 1.B, 1.C, and 1.D.*
2. The application was determined to be complete on July 15, 2019. *Exhibits 1 and 1.E.*
3. The subject property is 1.5 acres in area and is developed with a 55,083 square foot building (Building B of Willows Commerce Park), which is currently used as an office and warehouse. Building B is located southwest of the existing DigiPen site. The Applicant proposes to establish the educational use within the northern portion of Building B. *Exhibits 1, 1.B, and 1.C.*
4. The subject property and all surrounding parcels are zoned Business Park (BP). Surrounding land uses include the existing DigiPen educational use to the north; business, professional, scientific, and technical services to the east and west; and manufacturing and wholesale trade and an electrical substation to the south. *Exhibit 1.*
5. Educational uses with more than 150 students are allowed in the BP zone with approval of a conditional use permit. The City granted conditional use permit approval to establish the DigiPen Institute of Technology in 2009. The approved scale and location of the educational use was 104,463 square feet of Building E of Willows Commerce Park. The expected capacity was 900 students and 90 staff. *Exhibits 1 and 1.H.* An Applicant representative estimated that there are currently approximately 1,100 students enrolled in

the school. *Christopher Comair Testimony*. This current enrollment, if accurate, would be approximately 22% higher than the enrollment capacity approved in the 2009 CUP. *Exhibit 1.H*. Planning Staff did not report any complaints arising from student numbers at the existing facility. *Testimony of Elise Keim and Sarah Pyle*.

6. The Building B expansion area would be used to house the school's library and project team studios. The project does not include increased student enrollment, and the proposed physical expansion would not entitle the Applicant to student enrollment in excess of the originally approved level. Without a current increase in enrollment, the proposed expansion would not require additional transportation mitigation. City Staff reviewed the proposal and determined that no additional parking and no update to the DigiPen transportation management plan (TMP) would be required due to the fact that there would be no increase in enrollment. *Exhibits 1 and 1.B; Testimony of Sarah Pyle and Elise Keim*.
7. The Applicant proposes only internal modification of Building B to establish the educational use (requiring a tenant improvement permit); no exterior modifications to the building or changes to grading, utilities, or landscaping are proposed. The building was constructed in 1994, prior to adoption of Willows/Rose Hill Neighborhood regulations relating to screening and open space. Because no external changes are proposed, the expansion would not trigger compliance with the neighborhood regulations. *Exhibit 1; Elise Keim Testimony*.
8. Existing pedestrian safety features include sidewalks, intermittent speed bumps along the internal drives, and striped pedestrian crossings of the drive aisles. *Exhibits 1.B and 1.D*.
9. Building B is already served by public facilities. *Exhibits 1 and 1.B*.
10. The City of Redmond Comprehensive Plan contains policies to ensure that the land use pattern fits with existing uses; to ensure that the land use pattern retains and encourages research and development, high technology and manufacturing uses within the Willows and other neighborhoods; to encourage Redmond as a center for intellectual and technological innovation; and to support educational institutions to encourage the development of programs that meet the changing needs of employers and employees. DigiPen provides instruction in high technology fields, which supports the needs of technology employers in Redmond. *Exhibits 1 and 1.B*.
11. Notice of application was published on the City website; posted at City Hall, the Redmond Regional Library, and on the subject property; and mailed to owners of property within 500 feet of the site on July 22, 2019. There was no public comment in response to the notice of application. *Exhibits 1 and 1.E*.
12. On August 8, 2019, the City of Redmond determined that the proposal is exempt from review under the State Environmental Policy Act pursuant to Washington Administrative Code (WAC) 197-11-800(2)(f). *Exhibit 1.G*.

13. Notice of the public hearing was mailed to owners of property within 500 feet of the site and posted at City Hall and the Redmond Regional Library on August 16, 2019; notice of hearing was published in *The Seattle Times* and posted on site on August 19, 2019. *Exhibit 1.F.* There was no public comment on the application. *Elise Keim Testimony.*

CONCLUSIONS

Jurisdiction:

Pursuant to RZC 21.76.050.C (Table B) and RZC 21.76.060.F, the Hearing Examiner has jurisdiction to hear and issue the City's final decision on requests for a conditional use permit.

Criteria for Review:

Conditional Use Permit

Pursuant to RZC 21.76.070.K.4, applications for conditional use permit may be approved if the Applicant demonstrates compliance with the following criteria for approval:

- a. The conditional use is consistent with the RZC and the Comprehensive Plan;
- b. The conditional use is designed in a manner which 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;
- c. The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
- d. The type of use, hours of operation, and appropriateness of the use in relation to adjacent uses minimize unusual hazards or characteristics of the use that would have adverse impacts;
- e. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
- f. The conditional use will be supported by adequate public facilities or services, and will not adversely affect public services to the surrounding area or conditions are established to mitigate adverse impacts on such facilities.

Conclusions Based on Findings:

1. As conditioned, the proposed conditional use is consistent with the RZC and the Comprehensive Plan. There are no site requirements applicable to the proposed interior changes to the building. The expanded use would remain consistent with Comprehensive Plan policies relating to technology land uses and encourages Redmond as a center for intellectual and technological innovation. *Findings 4, 5, 6, 7, and 10.*

2. The proposed interior improvements would not affect the character, appearance, quality, or physical characteristics of the subject property or improvements in the immediate vicinity. *Findings 4 and 7.*
3. No new buildings, structures, walls, fences, or screening vegetation are proposed or are required for the expanded use. *Findings 6 and 7.*
4. No unusual hazards or potential adverse impacts have been identified in review of the project. The project comprises an expansion of an existing educational use, the characteristics of which would not change. The conditions of approval include a requirement that separate conditional use permit approval be obtained if increased enrollment is proposed in the future. *Findings 5 and 6.*
5. Given that the proposal would not increase enrollment, and given the existing striped walkways and sidewalks within the business park, pedestrian and vehicular traffic associated with the expanded use would not be hazardous or conflict with existing or anticipated traffic. *Findings 6 and 8.*
6. The expanded conditional use would continue to be supported by adequate public facilities and services and would not adversely affect public services to the surrounding area. *Finding 9.*

DECISION

Based on the preceding findings and conclusions, the requested conditional use permit to expand the existing DigiPen Institute of Technology into a 15,559 square foot portion of Building B of Willows Commerce Park at 9825 Willows Road is **APPROVED** subject to the following conditions:

A. Site Specific Conditions of Approval

1. The project scope as described in the application materials does not modify the building's exterior, the site plan, or increase enrollment capacity at DigiPen. Should further expansion of the school facilities occur resulting in additional enrollment or additional floor area, it will be required to obtain separate conditional use permit approval.
2. Any alteration to the building's exterior or the site plan shall result in further permitting including but not limited to administrative modifications, site plan entitlements, civil construction review or other permits or processes as necessary.
3. Pursuant to RZC 21.76.090.C.1, Approval of Type III application shall expire two years from the date approval was final unless significant action proposed in the application has been physically commenced and remains in progress.

4. Conditional use permits may be developed in phases. If more than three years have lapsed since final approval of the project, uncompleted phases shall be subject to the current City standards. RZC 21.76.070.K.3
5. The following table identifies those materials that are approved with conditions as part of this decision.

Item	Date Received	Notes
Plan Set Dated 06/07/2019	07/10/2019	and as conditioned herein.

The following conditions shall be reflected on the Building Permit Drawings, unless otherwise noted:

1. Fire Department

Reviewer: Stan Noble, Deputy Fire Marshal

Phone: 425-556-2239

Email: snoble@redmond.gov

- a. The current submittal is generally adequate for Conditional Use Permit Approval, but does not fully represent compliance with all requirements. The following conditions are integral to the approval and shall be complied within Building Permit Submittals, Fire Code Permit submittal, and/or other applicable processes:

The structure is currently a B and S Occupancy per the Building and Fire codes. It is not currently listed as an E Occupancy: which is "...for Educational purposes through the 12th grade." If the space being used would include education for 12th grade or below, then it would have to be considered as a potential change of use to an E occupancy.

Code Authority: RMC 15.06; RZC Appendix 3, RFD Standards, RFDD&CG

2. Planning Department

Reviewer: Elise Keim, Associate Planner

Phone: 425-556-2480

Email: ekeim@redmond.gov

- a. **Tree Preservation Plan.** A Tree Preservation Plan depicting all significant and landmark trees required to be preserved must be provided with the building permit.

Code Authority: RZC 21.72.060.D

Condition Applies: Building Permit

- b. **Impact Fees.** For the Purpose of Impacts, the conversion of a 15,559 square foot portion of a 55,083 square foot building does not result in any impact fees for fire or parks. Peak PM trips generated by the library and studio spaces do not result in any transportation impact fees.

Code Authority: RMC 3.10
Condition Applies: Building Permit

- c. **Construction Parking Requirements and Contact Information.** A sign shall be posted on-site visible to the public the duration of all construction activity per the Construction Contact Sign Handout. Construction activities consist of all site work including, but not limited to grading, landscaping, infrastructure and building permit related construction. Applicant and contractor shall work with city planner prior to mylar signing to determine location(s) of sign(s). Contact information shall remain up-to-date and visible at all times. The assigned city planner shall be notified within two business days when contact person has been changed and a picture of the updated sign shall be e-mailed. Construction parking requirements for the project shall be denoted on the bottom portion of the sign per handout instructions.

B. Compliance with City of Redmond Codes and Standards

This approval is subject to all applicable City of Redmond codes and standards, including the following:

Fire

RMC 15.06:	Fire Code
RZC Appendix 3:	Construction Specification and Design Standards for Streets and Access
City of Redmond:	Fire Department Design and Construction Guide 5/6/97
City of Redmond:	Fire Department Standards

Planning

RZC 21.14:	Commercial Regulations
RZC 21.14.030:	Business Park
RZC 21.58-21.60	Design Standards
RMC 3.10	Impact Fees
RZC 21.32, 21.72:	Landscaping and Tree Protection

RZC 21.34: Exterior Lighting Standards
RMC 6.36: Noise Standards
RZC 21.40: Parking Standards
RZC 21.44: Signs

Building

2015 International Building Codes (IBCs)
2015 Uniform Plumbing Code

Decided September 23, 2019

By:



Sharon A. Rice
City of Redmond Hearing Examiner

Note: Pursuant to RZC 21.76.050.H.1, the decision of the Hearing Examiner in this Type III permit process is appealable to King County Superior Court.