

NON-CODE

**CITY OF REDMOND  
ORDINANCE NO. 2872**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADOPTING THE HEARING EXAMINER'S JANUARY 19, 2017, RECOMMENDATION TO APPROVE WITH CONDITIONS THE NEW ELEMENTARY SCHOOL IN NORTH REDMOND CONDITIONAL USE PERMIT (FILE NO. LAND-2016-01086) AND SITE PLAN ENTITLEMENT (FILE NO. LAND-2016-01087), AND ESTABLISHING AN EFFECTIVE DATE

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WHEREAS, the Lake Washington School District submitted a Conditional Use Permit application to allow for the construction of a new 77,567-square-foot elementary school at 12011 172<sup>nd</sup> Avenue NE; and

WHEREAS, a Conditional Use Permit is a Type IV permit decision and a Site Plan Entitlement is a Type II permit decision; and

WHEREAS, the Redmond Zoning Code authorizes the Hearing Examiner to conduct an open record hearing for the Conditional Use Permit and Site Plan Entitlement and make a recommendation with findings of fact, conclusions of law, and conditions of approval for the Conditional Use Permit and Site Plan Entitlement to the City Council for consideration; and

WHEREAS, on December 12, 2016, the Hearing Examiner conducted an open record hearing to receive and review the application record and to hear verbal testimony relative to the New Elementary School in North Redmond proposal (File Nos. LAND-2016-01086 and LAND-2016-01087); and

WHEREAS, on January 19, 2017, the Hearing Examiner recommended approval of the New Elementary School in North Redmond Conditional Use Permit (File No. LAND-2016-01086) and Site Plan Entitlement (File No. LAND-2016-01087) subject to conditions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings, Conclusions, and Conditions of Approval. After carefully reviewing the record and considering the evidence and arguments in the record and in the Hearing Examiner's Recommendation, the City Council hereby adopts the findings, analysis, and conclusions in the Hearing Examiner's Recommendation (Exhibit 1) for the New Elementary School in North Redmond proposal dated January 19, 2017.


Section 2. Approval. The City Council hereby approves the New Elementary School in North Redmond Conditional Use Permit and Site Plan Entitlement, subject to the conditions of approval identified in the Hearing Examiner's Recommendation dated January 19, 2017.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4.      Effective Date.      This ordinance shall take effect five days after publication of an approved summary thereof consisting of the title, or as otherwise provided by law.

ADOPTED by the Redmond City Council this 21<sup>st</sup> day of February, 2017.

CITY OF REDMOND

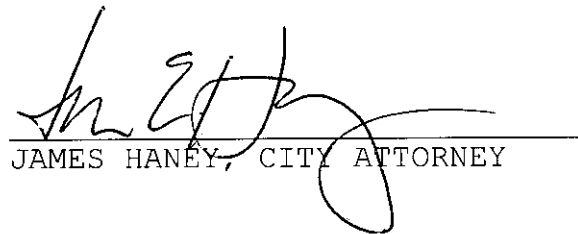
  
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JOHN MARCHIONE, MAYOR

ATTEST:

  
\_\_\_\_\_  
MICHELLE M. HART, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:      February 7, 2017  
PASSED BY THE CITY COUNCIL:      February 21, 2017  
SIGNED BY THE MAYOR:              February 24, 2017  
PUBLISHED:                              February 27, 2017  
EFFECTIVE DATE:                        March 4, 2017  
ORDINANCE NO.: 2872

YES: BIRNEY, CARSON, MARGESON, MYERS, SHUTZ, STILIN

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

3  
4 In the Matter of the Application of ) FILE NOS.  
5 ) LAND-2016-01086 Conditional Use Permit  
6 Lake Washington School District ) LAND-2016-01087 Site Plan Entitlement  
7 ) **New Elementary School in North Redmond**  
8 For Approval of a Conditional Use Permit and Site )  
9 Plan Entitlement for a new elementary school in ) **CERTIFICATE OF SERVICE**  
10 North Redmond

11 CERTIFICATE OF SERVICE

12 I HEREBY CERTIFY that on this 19th day of January, 2017, a true and correct copy of the  
13 FINDINGS, CONCLUSIONS AND RECOMMENDATION in the Matter of the Application of the  
14 Lake Washington School District, for approval of the **New Elementary School in North Redmond,**  
15 **LAND-2016-01086 and LAND-2016-01087,** was sent via United States Postal Service first class  
16 mail, with adequate postage prepaid, to the Hearing Examiner and the Parties of Record; and via  
17 Interoffice Mail to the City of Redmond Mayor, Staff Planner, and Members of the City Council.

18  
19  
20  
21 January 19, 2017

22 Date

23  
24 Cheryl Xanthos

25 Cheryl Xanthos, CMC  
26 Deputy City Clerk  
27 City of Redmond, Washington  
28  
29  
30



## QUASI JUDICIAL

DATE: January 19, 2017

MEMO TO: Mayor, City Council, and Parties of Record

FROM: Office of the Hearing Examiner, 425-556-2191, [cdxanthos@redmond.gov](mailto:cdxanthos@redmond.gov)

SUBJECT: **NEW ELEMENTARY SCHOOL IN NORTH REDMOND** – Conditional Use Permit, LAND-2016-01086, and Site Plan Entitlement LAND-2016-01087

Enclosed is a copy of the Hearing Examiner's Recommendations on the New Elementary School in North Redmond – Conditional Use Permit and Site Plan Entitlement application. Pursuant to the Redmond Zoning Code (RZC) 21.76.060(K)(7) any party of record may file a written request with the Hearing Examiner for reconsideration within 10 business days of the date of the Hearing Examiner's recommendation. This request shall set forth alleged errors of procedure, law, or fact. No new evidence may be submitted as part of a request for reconsideration. Reconsideration requests must be received by the Office of the Hearing Examiner of the City of Redmond, and can be submitted by mail, email, personal delivery or by fax, prior to **5:00 p.m. on Thursday, February 2, 2017.**

### City of Redmond Office of the Hearing Examiner Contact Information:

**Mailing Address**  
Office of the Hearing Examiner  
PO BOX 97010, M/S: 3NFN  
Redmond, WA 98073-9710

**Physical Address**  
City Hall, 2nd Floor  
Customer Service  
15670 NE 85th Street  
Redmond 98073

Phone: 425-556-2191  
Fax: 425-556-2198  
Email: [cdxanthos@redmond.gov](mailto:cdxanthos@redmond.gov)

Request for Reconsideration forms are available at:

<http://www.redmond.gov/Government/HearingExaminer/RequestforReconsideration/>

### FURTHER PROCEEDINGS

The foregoing Findings, Conclusions, and Recommendation for the New Elementary School in North Redmond – Conditional Use Permit and Site Plan Entitlement application will be referred to the City Council. The City Council shall, at a closed record public meeting, consider and take final action on the application. The City Council will not accept new information, written or oral, on the application but shall consider only the complete record developed before the Hearing Examiner and his recommendation. The City Council shall either: (1) approve the application; (2) approve the application with modifications; or (3) deny the application. RZC 21.76.060(N)

This matter has been labeled "quasi-judicial" to alert City Council members and the public that it is subject to strict procedural requirements under the laws of the State of Washington. These requirements are intended to ensure that the process is fair in fact and that it appears to be fair.

The principal procedural requirement is that the Hearing Examiner and the City Council members, who participate in making the decision, must not discuss the matter with any interested party outside of the public hearing and public meeting process. This ensures that all interested persons have equal access to information that may influence the decision.

Members who participate in making a decision on a quasi-judicial matter must also be careful that they do not have any financial, employment, ownership or other interest which would be likely to influence their decision, or which would reasonably appear to do so.

Please assist your public officials in their efforts to adhere to Washington State's Appearance of Fairness Doctrine. Do not contact the decision-making official(s) directly to discuss the case during the reconsideration or appeal periods, or while a decision on a Request for Reconsideration or an appeal is pending. All communications with the decision-making official must be at a hearing (if applicable) or in writing.



CITY OF REDMOND  
Office of the Hearing Examiner  
PO BOX 97010, M/S: 3NFN  
Redmond, WA 98073  
Email: cityclerk@redmond.gov

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

**FINDINGS, CONCLUSIONS AND RECOMMENDATION OF APPROVAL  
TO THE CITY COUNCIL, SUBJECT TO CONDITIONS**

**PROJECT NAME:** NEW ELEMENTARY SCHOOL IN NORTH REDMOND

**APPLICATIONS/  
FILE NUMBERS:** CONDITIONAL USE PERMIT, TYPE IV (LAND-2016-01086) AND  
SITE PLAN ENTITLEMENT, TYPE II (LAND-2016-01087).

**APPLICANT:** LAKE WASHINGTON SCHOOL DISTRICT  
P.O. Box 97039 A/P DEPT.  
REDMOND, WA 98073  
APPLICANT'S REPRESENTATIVE: MR. FOREST MILLER

**PARCEL NUMBERS:** 2526059072 & 2526059045

**LOCATION:** THE PROJECT SITE IS LOCATED IN THE NORTH REDMOND  
NEIGHBORHOOD, ON TWO UNDEVELOPED PARCELS IN THE  
SOUTHWEST CORNER OF NE 122<sup>ND</sup> STREET AND 172<sup>ND</sup> AVENUE NE,  
IDENTIFIED AS 12011 172<sup>ND</sup> AVENUE NE, REDMOND, WA 98052.

**REVIEW PROCESS:** CONDITIONAL USE PERMITS ARE REVIEWED USING THE CITY'S TYPE  
IV PROCESS; SITE PLAN ENTITLEMENT IS NORMALLY REVIEWED  
USING THE CITY'S TYPE II PROCESS, BUT HERE, THE TWO REVIEWS  
HAVE BEEN CONSOLIDATED INTO A SINGLE TYPE IV PROCESS,  
REQUIRING A HEARING BEFORE AND RECOMMENDATION FROM THE  
HEARING EXAMINER TO THE CITY COUNCIL, WHICH MAKES THE  
FINAL DECISION. SEE RZC 21.76.050.

**DATE OF PUBLIC HEARING:** DECEMBER 12, 2016  
**DATE THAT RECORD CLOSED:** DECEMBER 30, 2016  
**DATE OF RECOMMENDATION:** JANUARY 19, 2017

**SUMMARY OF RECOMMENDATION:** *APPROVAL*, SUBJECT TO CONDITIONS

## I. INTRODUCTION, PROJECT DESCRIPTION

Applicant, the Lake Washington School District, seeks approval of a Conditional Use Permit and Site Plan Entitlement to build a new, two-story, 77,567 square foot elementary school with five (5) portable classrooms, a playfield, a playground, bus drop-off area and 80 parking spaces on a 9.0 acre site, located in an R-4 (Single-Family Urban Residential) Zone that is part of the North Redmond Neighborhood. A Conditional Use Permit is required for all “Grade Schools (K-12)” proposed in the R-4 Zone. RZC 21.08.060C(29). And, while a Site Plan Entitlement is ordinarily a Type II Administrative decision, for this project, such approval process has been consolidated with the Type IV Conditional Use Permit review process. RZC 21.76.050.E.

During the Public Hearing and in post-hearing materials submitted by the District, the applicant expressly agreed and accepted all recommended conditions and findings included in the Technical Committee Report to the Hearing Examiner, except for those regarding two items: 1) 1,600 feet of onsite queuing, and 2) an ongoing Transportation Management Plan for the new school. The District generally argued that the City does not have authority to impose what it calls “extraordinary conditions” that would provide 100% onsite queuing for drop-off and pick-up of students, and that the staff’s recommended TMP (Transportation Management Plan) is not “collaborative” and may not be necessary at all if 100% onsite queuing is required. In response, City staff presented evidence and citations to authority that they believe to be sufficient to support their recommended conditions of approval.

At the public hearing, City staff explained that their recommendation would be to deny the pending applications if the challenged conditions were removed or reduced to the level requested by the applicant.

*Question by the Examiner:* So, is it the City Technical Committee’s position that if the queuing onsite requirement was reduced to a level consistent with every other elementary school in Redmond, that staff would recommend denial of the CUP?

*Answer by Mr. Sticka, speaking for City staff:* The answer is yes, the city would not be comfortable and would recommend denial of the project.

This Recommendation focuses on the two proposed conditions challenged by the District, as the others are not in dispute.

## **II. CONTENTS OF RECORD**

### **Exhibits:**

The following exhibits were admitted into the record for this matter. Exhibits 1 through 5, with all attachments, were submitted to the Examiner and/or admitted into the record during the public hearing on December 12, 2016. The other exhibits were submitted after the hearing, as requested by the Examiner.

Exhibit 1. Technical Committee Report to the Hearing Examiner, including Recommendation of Approval, subject to conditions, with the following Attachments, referenced in this Recommendation as "Ex. 1.1, 1.2, 1.3" etc.

- Attachment 1 - Completeness Letter
- Attachment 2 - General Application Form
- Attachment 3 - Vicinity Map
- Attachment 4 - Plan Set
- Attachment 5 - Notice of Application Certificate of Public Notice and Public Notice
- Attachment 6 - Notice of Application Public Comment Letters
- Attachment 7 - SEPA Environmental Checklist
- Attachment 8 - Neighborhood Meeting Notice
- Attachment 9 - Notice of Public Hearing and Certificate of Posting
- Attachment 10 - SEPA DNS Certificate of Posting
- Attachment 11 - Traffic Study
- Attachment 12 - Stormwater Report
- Attachment 13 - Utility Plan
- Attachment 14 - Critical Area Report
- Attachment 15 - Geotechnical Report
- Attachment 16 - Public Notice Tree Preservation Plan
- Attachment 17 - Tree Exception Letter

- Exhibit 2 - Transportation Master Plan Videos (on file in the Clerk's Office)
- Exhibit 3 - Public Comments and City Response
- Exhibit 4 - Proposed Condition Change Memo
- Exhibit 5 - PowerPoint Presentation made by City staff at the public hearing
- Exhibit 6 - Min Luo, Queuing Storage Remarks
- Exhibit 7 - Forrest Miller Remarks
- Exhibit 8 - Chris Forster Queuing Storage Memo
- Exhibit 9 - Hillinger Revised Public Comment



Exhibit 10 - Public Comment Log  
Exhibit 11 - Examples of Traffic Complaints for Audubon Elementary  
Exhibit 12 - Other School Traffic Monitoring Reports  
Exhibit 13 - School Traffic Changes  
Exhibit 14 - School Site Soils report

Post-Hearing Brief from City Staff, transmitted to the Examiner on December 19, 2016;

Post-Hearing Brief from LWSD, transmitted to the Examiner on December 19, 2016;

Post-Hearing Scheduling Order from the Examiner, issued on December 27, 2016, inviting either party to provide an objection or response to the other party's post-hearing brief and/or supporting materials, noting that such responses were due by December 29, 2016, and any objection or reply to the other party's response was due by Friday, December 30, 2016.

City's post-hearing response, dated December 27, 2016;

LWSD's Response and Objections to the City's Post-Hearing Submittal, submitted on December 29, 2016.

(NOTE: Neither party submitted materials on December 30, 2016, the date the Record closed for this matter).

**Testimony/Comments:** The following persons were sworn and provided testimony under oath at the open-record public hearing:

1. Ben Sticka, Planner for the City of Redmond, primary staff assigned to the matter;
2. Min Luo, Senior Transportation Engineer for the City of Redmond;
3. Jeff Palmer, Program Administrator, Public Works, Traffic Operations for the City of Redmond;
4. Rob Crittenden, Engineering Manager, Public Works, Traffic Operations for the City of Redmond;
5. Forest Miller, Director, Support Services, for the applicant, Lake Washington School District (LWSD);
6. Chris Forster, Transportation Engineering consultant for the applicant, LWSD, with TENW (Transportation Engineering Northwest);
7. Brian Buck, Associate Director of Support Services, for the applicant, LWSD;
8. Howard Hillinger, resident of 188<sup>th</sup> Place NE, volunteer citizens committee member for several school bond measures;
9. Noam Topaz, resident of NE 120<sup>th</sup> Street, in neighborhood surrounding proposed project; and

10. • Elizabeth Topaz, resident of NE 120<sup>th</sup> Street, in neighborhood surrounding proposed project (NOTE: Mr. and Mrs. Topaz also submitted a Comment Form that is included in the Record as part of Ex. 3).

### **III. APPLICABLE LAW**

#### ***Conditional Use Permit Decision Criteria.***

RZC 21.76.070.K.1 expressly provides that “a conditional use is a use which *may* be appropriate on a specific parcel of land within a given zoning district under certain conditions, but which is not appropriate on all parcels within the same zoning district. A Conditional Use Permit allows the City to consider the appropriateness of the use on a specific parcel in terms of compatibility with other uses in the same zone and vicinity and to impose conditions to ensure such compatibility.”

The City’s decision criteria for a Conditional Use Permit is found in RZC 21.76.070(K)(4) and reads as follows:

***RZC 21.76.070(K)(4) Decision Criteria.*** The City may approve or approve with modifications the conditional use only if the applicant demonstrates that:

- 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;
- 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.

***Review criteria for Site Plan Entitlement.***

Under RZC 21.76.070(Y)(1), the purpose of a Site Plan Entitlement approval:

“is to ensure that site plans reviewed individually or collectively by the Technical Committee, Design Review Board, Landmarks and Heritage Commission, and Code Administrator achieve the following purposes:

- a. Compliance with the provisions of the RZC and all other applicable law;
- b. Coordination, as is reasonable and appropriate, with other known or anticipated development on private properties in the area and with known or anticipated right-of-way and other public projects within the area;
- c. The encouragement of proposals that embody good design principles that will result in high-quality development on the subject property;
- d. The adequacy of streets and utilities in the area of the subject property to serve the anticipated demand from the proposal.
- e. Determination that the proposed access to the subject property is the optimal location and configuration for access.

Under RZC 21.76.070(Y)(3)(a), the Decision Criteria for Site Plan Entitlement reads as follows:

The Technical Committee, composed of the Departments of Planning and Public Works, shall review all Development Review permits with the State Environmental Policy Act and the RZC.

***Other relevant provisions of the Redmond Zoning Code that apply in this matter.***

Because both applications require the applicant to demonstrate consistency and/or compliance with applicable provisions of the City’s zoning code<sup>1</sup>, the following provisions of the RZC are worth noting in this Recommendation:

RZC 21.17.010.F.2.c, regarding adequate streets, sidewalks and trails for development projects includes the following mandate:

The proposed development and the traffic, pedestrians, and bicyclists generated by or attracted to the development will not create safety hazards on nearby streets and sidewalks or those hazards will be corrected by the applicant.”

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<sup>1</sup> See above, particularly RZC 21.76.070(K)(4)(a), RZC 21.76.070(Y)(1)(a), and 21.76.070(Y)(3)(a).

<sup>2</sup> See ITE Safe Routes to School Briefing Sheets, Chapter 6 re: School On-site Design, DESIGN AND OPERATION

RZC 21.52.020, regarding a Transportation Management Program (TMP), reads in relevant part:

A. Applicability.

1. All development applications that warrant transportation mitigation are required to comply with this division. A Transportation Management Program (TMP) is required:

a. When a nonresidential development generates demand for more than 25 mobility units, provided that under this requirement in mixed use developments a TMP is required only for the nonresidential portion of the development;

***Consolidated Approval Process.***

Under RZC 21.76.050(E), where the Zoning Code requires more than one land use permit or approval for a given development, all land use applications (except Type I applications) may be submitted for review collectively according to the consolidated review process established by such section. Accordingly, public notices, staff reviews, and the public hearing process for both pending applications have been consolidated into this single review process, addressed in this Recommendation.

***Burden of Proof, Preponderance of the Evidence.***

As explained in RZC 21.76.060(K), after conducting a public hearing and considering the evidence in the record for a Type IV matter, the Hearing Examiner shall make a written recommendation to approve a project or approve with modifications if the applicant has demonstrated that the proposal complies with the applicable decision criteria of the RZC.

The same portion of the City's code explains that the applicant bears the burden of proof and must demonstrate that a preponderance of the evidence supports the conclusion that the application merits approval or approval with modifications. In all other cases, the Hearing Examiner shall make a recommendation to deny the application. The Hearing Examiner may include conditions in the recommendation to ensure a proposal conforms to the relevant decision criteria.

Finally, as with all land use permits issued by the City of Redmond, the project application must be supported by proof that it conforms to the applicable elements of the City's development regulations and the Comprehensive Plan, and that any significant adverse environmental impacts have been adequately addressed. See RZC 21.76.070(B)(3)(c).

#### **IV. ISSUE PRESENTED**

Whether a preponderance of evidence in the Record demonstrates that the applicant has satisfied its burden of proof to meet the criteria for Conditional Use Permit approval and the criteria for Site Plan Entitlement?

**Short Answer:** As conditioned by this Recommendation, yes to both applications.

#### **V. FINDINGS of FACT**

Upon consideration of all the evidence, testimony, codes, policies, regulations, and other information contained in the Record, the undersigned Examiner issues the following findings, conclusions and Recommendation to approve the pending applications subject to conditions, as set forth below.

1. Any statements of facts in previous or following sections of this document that are deemed findings are hereby adopted as such, and are incorporated herein by this reference.

##### ***Project Summary and Justification.***

2A. In this matter, the applicant, Lake Washington School District, seeks two connected approvals – one, a Conditional Use Permit required to build a new elementary school in an R-4 (Single Family Urban Residential) Zone, and the other called Site Plan Entitlement.

2B. Forrest Miller, the District's Director of Support Services, credibly summarized the justification and need for a new elementary school, in such a thriving community. He noted that the school district faces a huge challenge in providing enough capacity (space) to house students. This year's student enrollment is 29,008 students, which is 1,178 more students than last year. For the past 2 years, the District enrollment grew 4% each year whereas other school districts in the region have grown less than 2%. 2 years ago, the LWSD was the 6th largest school district in the state. Last year, it was the 4th largest. This year, the LWSD has become the 3rd largest school district in the state. Mr. Miller believes that the current trend will continue and that the District may become the 2nd largest school district in the state within the next 2 years. He observed that the District's growth is driven by local employers and commercial development. As a result, the District has an urgent need to provide additional classroom space at all levels. *(Testimony of Mr. Miller; Exhibit 7, copy of Mr. Miller's remarks at the public hearing).*

2C. The District currently has 27 elementary schools, with 6 of those elementary schools located in the City of Redmond – they are Audubon, Einstein, Mann, Redmond, Rockwell, and Rush Elementary Schools. *Id.*

2D. Mr. Miller expressed the District's gratitude for the support of the City of Redmond and voters in the recent passage of the District's 2016 bond, which provides funding for 8 school projects. The new elementary school in North Redmond is one of those projects. The District hopes that the new school will open in the fall of 2018. *Id.*

2E. The proposed Site Plan and application materials reflect a two-story, 77,567 square foot elementary school with five (5) portable classrooms, a playfield, a playground, bus drop-off area and 80 parking spaces on a 9.0 acre site. The Site Plan reflects City staff's recommended "onsite queuing area", with 1,600 feet of space for about 70 cars to drive in and out of the school property to pickup and drop off students.

2F. While the planned capacity for the proposed elementary school is 550 students with 40 teachers and staff, the District's application seeks permit approval to include up to 5 portable classrooms on the site, which would bring the capacity to 665 students and 45 staff. (*Ex. 1.11, Transportation Impact Study, Introduction, at page 4*).

2G. Because the District seeks permit approvals up to the full-capacity figures, the City's recommended Conditions of Approval are based on those numbers, not the smaller enrollment estimates.

2H. The Examiner finds that it would not be prudent to approve a project that is conditioned for minimal impacts, when the applicant is authorized to build and operate a new project up to a level that exceeds the level of mitigation provided by applicable conditions. After-the-fact conditions could prove inadequate, more expensive, and difficult to implement, once the new school is up and running.

2I. The Record includes substantial evidence to demonstrate the need for a new school. As shown below, it also includes substantial evidence to support each and every condition of approval recommended by the City's Technical Committee. Without the conditions, particularly the two that are challenged by the District, the Examiner finds that the proposed new elementary school would not be appropriate on the specific parcels of land within an R-4 zoning district at issue in this matter, although the school might be appropriate, without similar conditions, on some other parcel(s) within the same zoning district.

***Public Notice, SEPA compliance.***

3. There is no dispute that the City staff complied with applicable public notice and comment procedures set forth in applicable city codes. The District exercised its authority to complete the SEPA process for this project. The Record includes un rebutted records and testimony that confirm compliance with notice, comment, public meeting, and public hearing requirements associated with the pending applications.

***Technical Committee Report and Recommendation of Approval.***

4. The City of Redmond Technical Committee is comprised of staff from different departments and disciplines who analyze project applications for compliance with City codes and regulations. Based on this analysis, the Technical Committee provides responses, conclusions, and recommendations to the Hearing Examiner. For this matter, the Technical Committee report is included in the Record as *Exhibit 1*, with hundreds of pages of attachments, described above. Under city codes referenced above, the Hearing Examiner conducts a public hearing to review the Technical Committee's analysis and recommendations regarding the pending Conditional Use Permit and Site Plan Entitlement applications. On the day of the public hearing, the Examiner received public testimony regarding the proposal and conducted a site visit to the project site and its surrounding roadways and neighborhoods. Based upon the Technical Committee's recommendations and testimony received at the public hearing, the Hearing Examiner must issue a Recommendation to approve, approve with conditions, or deny the pending applications.

5. The Technical Committee Report and recommendation of approval, (*Ex. 1*) includes a number of specific conditions that establish how the combined applications can satisfy provisions of applicable law. With the exception of the two issues challenged by the District in the public hearing (1,600 feet of onsite queuing reflected on the recommended site plan and traffic management plan conditions), the Examiner finds that the Technical Committee Report, and the extensive professional reports and studies attached thereto, and testimony by city staff, stands unchallenged through the open record hearing process as credible, convincing, un rebutted, and substantial evidence establishing that the proposed applications, as conditioned, satisfy applicable review criteria, including without limitation, those addressing: public notice; SEPA; landscaping; Tree Protection; critical areas; open space; transportation; stormwater; and utilities.

6. During the public hearing, and in post-hearing materials, both District and City officials emphasized their respect and reliance on information and studies used by the Institute of Transportation Engineers (ITE). The District's Transportation Impact Study, prepared by TENW, reads in relevant part: "The Institute of Transportation Engineers' (ITE) *Safe Routes to School Briefing Sheets*, available on the ITE website, reference several studies/guidelines with recommendations for drop-off/pick-up lane queue storage." (*Ex. 1.11, Updated Transportation Impact Study for the 'New Elementary School in North Redmond', Prepared by TENW for the School District, dated October 28, 2016, at page 45*). Based on this reference, the Examiner takes official notice of the ITE publication, and reviewed it on the ITE website.

7. The ITE Briefing Sheets include a recommendation that is helpful in weighing the issues at hand. It reads as follows:

*“Provide an adequate driveway length for queuing cars on site. The length of the car pick-up zone should be determined as a function of the expected number of cars.”<sup>2</sup>*

8. While the District focused most of its objection to the challenged conditions on the fact that most schools don't have the same amount of on-site queuing storage recommended by City officials, that the cost of extra pavement causes increased stormwater expenses, and generally implying that ITE traffic projections support a much smaller queuing storage figure, one key fact jumped into the Record and never was rebutted by any of the District's very capable representatives. That fact is of great relevance, was repeated and unrebutted through the hearing and post-hearing arguments. It solidly supports the recommendations found in the City staff recommendations for this project. Min Luo, the City's Senior Transportation Engineer, credibly testified as follows:

*“Existing elementary school trip rates [in and around Redmond] tend to be much higher than the national average. Table 3 in the Transportation Impact Study by TENW dated October 28, 2016 shows that the trip rate per student in the AM peak hour and in the school afternoon peak hour are 85 percent higher than the ITE average trip rate, which represents more driving activity in the local elementary schools. When more driving occurs, more onsite queue storage is more likely needed.”<sup>3</sup>*

9. The City's Transportation Engineer appropriately relied on the applicant's Traffic Study by TENW to recommend the 1,600 figure for onsite queuing storage. In her public testimony, and as repeated in the City's post-hearing brief, Ms. Lau raised a critical fact that has not been rebutted by the District or its traffic consultant.

10. Specifically, recent, credible, local studies conducted to determine the “trip rate per student” figures for several Lake Washington School District schools in or around the City of Redmond establish that the LWSD trip rate per student is 85% higher than what the ITE national average is reported to be. 85% is a huge deviation from national averages. It is a local reality, and any conditional use permit should and must be conditioned to address local conditions.

11. Just as the applicant has asserted that an independent fee calculation should be used to determine its traffic impact fee assessment, so too that specific, local trip rate per student figures should prevail over the general, national, ITE estimates that have proven to be invalid for use in or around schools in the Lake Washington School District.

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<sup>2</sup> See *ITE Safe Routes to School Briefing Sheets, Chapter 6 re: School On-site Design, DESIGN AND OPERATION OF DROP-OFF AND PICK-UP ZONE guidelines, on page 2 of 4.*  
<http://library.ite.org/pub/e2660aa0-2354-d714-510d-6a9aed049d40>

<sup>3</sup> *Testimony of Ms. Luo; and Ex. 6, copy of Ms. Luo's queuing storage remarks made at the public hearing.*



12. The City's post-hearing brief reiterated this point, and provided details that were never rebutted by the District in its two post-hearing briefs and supplemental materials, including one from its traffic consultant with TENW. The City's brief asserts that existing elementary school trip rates tend to be higher than the national average. It relies on Table 3, found in the Transportation Impact Study by TENW (*Ex. 1.11, at page 18*), and ITE-data, and compares the ITE's "Trip Rate (per student)" national figures with those established based on recent trip generation studies (traffic counts) for existing elementary schools in the Redmond area. Table 3 shows that the average Trip Rate (per student) at Rosa Parks Elementary, Einstein Elementary, Redmond Elementary, Horace Mann Elementary and Audubon Elementary for studies conducted at various times covering 2013-2015 was as follows: AM Peak Hour = .83 / PM Peak Hour = .52. The City's post-hearing brief notes that the national ITE figures are as follows: AM Peak Hour = .45 / PM Peak Hour = .28.

13. Using simple math, the Trip Rate Per Student at Redmond-area elementary schools is somewhere near 85% higher – that's eighty-five-percent higher – than national averages reported by the ITE.

14. The District's Transportation Impact Study notes that the City of Redmond requested a comparison of existing elementary schools' forecasted vehicular trip generation at the time of opening vs. the current vehicular trip generation figures generated based on TENW's recent traffic counts. (*Ex. 1.11, TENW Study, at page 20*). No one was able to locate an old traffic study for Audubon, but studies for two schools, Horace Mann and Redmond Elementary, were located. (*id.*) As shown on Table 7 of the TENW Study, at page 20, the 'historical' trip generation forecasts were dramatically lower than the true figures established during recent studies.

15. Specifically, at Horace Mann Elementary, a 2001 Traffic Study forecasted a .70 Trip per student in the AM, and a .31 number for the Afternoon – however, an October 2014 traffic count shows that the AM number is really .93, and the Afternoon number is really .68. The AM number was obviously underestimated (.70 vs .93), and the PM number more than doubled (.31 vs .68). (*See Ex. 1.11, Table 7, on page 20*).

16. Redmond Elementary traffic studies show similar results – where old studies grossly underreported Trips per Student. Comparing a 1996 study with a December 2014 traffic count, Table 7 shows that 1996 vs 2014 figures for the AM are .30 in 1996 and .87 in 2014, and for the Afternoon, they are .25 in 1996 and .56 in 2014. (*See Ex. 1.11, Table 7, on page 20*).

17. The TENW Study correctly observes that: "traffic studies for these elementary schools in 1996 and 2001 estimated relatively low trip generation relative to current traffic counts, and likely did not account for local conditions where a majority of parents drive their children to school rather than using bus service. It is not clear whether this phenomenon has evolved into the current situation over the last 15-20 years, or if the traffic studies simply underestimated trip

generation from the start. We have concluded that the use of nationally published studies from ITE that formed the basis of some of these original traffic studies does not appear to adequately account for the current local conditions.” (Ex. 1.11, pages 20-21).

18. The District’s primary objection, that the queuing requirements are “extraordinary,” is not well-founded. First, comparisons to existing schools as a reason to reduce the recommended on-site queuing requirements are not credible or convincing. The District’s own traffic studies show how Redmond area parents generate up to 85% more drop-off/pickup trips around schools than ITE national averages. Historic data for Redmond area schools confirms that old forecasts have been dramatically wrong – because local conditions, for whatever reason, show that a vast majority of local parents drive their children to school rather than using bus service. Videos and observations by City staff confirm that pedestrian safety is a major concern around Redmond schools. If the District and the City have an opportunity to correct past mistakes, like underestimating the volume of cars that will drop-off/pick up students, then they should join hands to do so. The ITE guidelines clearly state that schools should “Provide an adequate driveway length for queuing cars on site. The length of the car pick-up zone should be determined as a function of the expected number of cars.” In Redmond, the expected number of cars is high, compared to national averages. This is a reality that must control in reaching decisions on the issues challenged by the District during this hearing process.

19. To support its position, the District asserts that the challenged conditions are based on “Worst-case” scenarios, like maximum enrollment. The District witnesses and post-hearing materials focus a great deal of attention on this fact.

20. In addition, the District strenuously argues that City staff is mistaken, and is overreaching, by imposing conditions for the new school that are partly based on observations and experiences at another elementary school located within the City of Redmond, Audubon Elementary.

21. The Record shows that five (5) portable classrooms are included as part of the District’s application for this Conditional Use Permit, which, if approved, would mean that the District has authorization from the City to construct a new free-standing school, with 5 portable classrooms placed on the site. That is the District’s own “worst-case scenario.” The proposed permit would allow the portables, as requested by the District.

22. Every added student increases the number of trips to/from the school. And, every additional space covering portions of now-vacant land factors into calculations used by regulators to impose stormwater treatment conditions, like storage, infiltration, treatment, and discharge. Less coverage on the site means fewer, presumably less-expensive stormwater conditions. More means more.

23. In this matter, it is the District, and not the City, that included 5 portable classrooms to serve the needs of a large enrollment projection. The students need a classroom, and the portables will rest atop their own footprints outside the main building.

24. If the District fully expects larger enrollment, and wants to reduce stormwater-regulation costs, it could undergo “value-engineering”, or other exercises to modify its plans so that *ALL* true costs of building a new school within a burgeoning residential neighborhood in an auto-dependent community with legitimate traffic flow and pedestrian-safety concerns, are fully considered. The Record establishes that City officials who reviewed the pending applications are sincere, competent and qualified to weigh-in and regulate developments that impact residential neighborhoods, traffic flow, and pedestrian-safety.

25. The key point of contention is obviously “who pays?” The District, or the City?

26. Here, the District all but concedes that its Traffic Engineering Consultant’s report supports the need for approximately 1,600 feet of queuing – but, the District would prefer that such space be provided off-site, on city streets and parking spaces surrounding the School District property. In other words, on land and right-of-way controlled by the City, at the City’s expense, and not the District’s. (*Testimony, Exhibits, and Post-Hearing Briefs submitted by the District*).

27. Private developers frequently seek to shift the costs of mitigating potential impacts onto others, just as the District argues in this matter. However, it is worth noting that private subdivision developments are mandated by Redmond City codes and state law to pay for sidewalks and other planning features that provide safe walking conditions for students who walk to and from school. And, the District also collects more than \$10,000 for each single family residential building permit issued by the City, based on the City’s 2017 Fee Schedule.

28. Complaints about excessive storm-water requirements, and the costs of meeting stormwater retention mandates, are common in many development projects throughout the Puget Sound region. The Examiner has had experience with hospitals, subdivisions, roadways, large commercial buildings, hotels, and other proposals that involved applicants that were surprised, frustrated, angry, and confused by stringent conditions that are derived from Federal Clean Water Act and Department of Ecology requirements imposed on all developments covered by recently revised permits that all local jurisdictions, like the City of Redmond, must enforce. The School District is no exception, and it is required to meet environmental standards that are applied to other development projects.

29. State Energy Codes, Building Code Updates, new seismic standards, ADA-design requirements, environmental codes, and stormwater control measures, are just some of the factors that cause development projects to experience challenging situations, especially where initial budget forecasts failed to accurately estimate or include all costs. That appears to be the

situation in this matter, where the District's opposition to the two challenged conditions appears more financial than based on facts or the law.

30. Simply put, the City's codes and the facts in the Record fully support all of the recommended conditions. While there is no code mandating that 100% of projected drop-off/pick-up ("queuing") space should be accommodated on the school property, it does not have to say that. More importantly, the Record demonstrates that based on experiences with other Redmond schools, the 1,600 feet of queuing space for 70 cars may not be enough. The TMP is designed to ensure that student safety continues to be a priority, for City staff and District officials, all of whom showed a sincere commitment to working together for the good of students in the Redmond community.

31. In this matter, it is entirely reasonable, appropriate, and supported by evidence in the Record, including without limitation the District's own Traffic Study, ITE guidelines for schools, and videos of traffic/pedestrian conflicts around Redmond area schools, that the City would strive to avoid future student injuries or tragic incidents by using the best available data – which shows that Redmond area parents will be dropping off and picking up their children in numbers far greater than national averages. Thus, their impacts on surrounding streets and neighborhoods are already far greater than national averages. Current studies fully support changes, and modifications in how queuing strategies can be implemented. Yes, it might be less expensive for the District if much of the queuing is shifted onto public streets, but the Record confirms that is not the best option, and it is also contrary to ITE guidance, which is that schools should *"Provide an adequate driveway length for queuing cars on site."*

32. As noted elsewhere, the open-record public hearing for this matter took place on December 12, 2016, wherein the undersigned Examiner presided, and all persons wishing to provide comments were heard, providing testimony under oath.

33. The Examiner visited the site of the proposed project, and the surrounding road network, on the day of the hearing. The Examiner observed that the new school will be located in the midst of many newly constructed homes, with newer residential streets using a relatively narrow roadway prism (as compared to wider streets in commercial areas), with an extensive use of traffic calming features in surrounding neighborhoods. Obviously, slowing traffic is something that the City seeks to do, which is of benefit to students and other pedestrians.

34. Evidence in the Record establishes that local schools commonly experience problems with parents who drop off or pick up students in a manner that is disruptive to traffic or pedestrian safety. Videos submitted by the city reflect cars parking on streets away from the school, waiting to pick-up students, cars stopping close to intersections loading/unloading young people with other traffic waiting behind, children walking into traffic routes to get to school or cars parked along roadways, and other hazards that can be avoided if adequate queuing space is provided onsite and parents are educated to utilize the designated drop-off/pick-up lanes.

35. The Examiner finds that many, and hopefully all, of the most common complaints about school-related traffic can be greatly reduced by implementation of the development conditions challenged by the school district. Specifically, the Examiner finds that the District and the City are far more likely to reduce the following pedestrian and traffic safety issues if adequate on-site queuing space is provided on the school property, as reflected in the proposed site plan, and if a Transportation Management Plan is used to adjust or supplement safety measures based on real-world observations made after the new elementary school is operational<sup>4</sup>:

**Most Frequently Cited Safety Issue(s)**

- Improper use of off-site areas for pick-up/drop-off;
- Blocking driveways, crosswalks, sidewalks & impairing sight distance;
- Excessive volume, traffic diversion, blocking thru-lanes, delay; and
- Illegal parking & turns.

36. Based on testimony by city witnesses and exhibits included in the Record, the Examiner finds and concludes that the pedestrian and vehicular traffic associated with the proposed new school would present an unreasonable hazard or conflict with existing and anticipated traffic in the surrounding neighborhood, unless it is conditioned to include the 1,600 feet on onsite queuing storage recommended by City staff, and supported by the local traffic study findings for other schools in the Redmond area. Without such condition, the new school would not satisfy the conditions of approval for a Conditional Use Permit, including without limitation RZC 21.76.070(K)(4)(e).

37. The Examiner finds and concludes that the challenged conditions are necessary and appropriate to ensure that the proposed new school will not adversely affect public services in the surrounding area. The challenged conditions are reasonable and capable of accomplishment. They are supported by local traffic studies, staff observations, and real-life circumstances in the City of Redmond, where far more parents choose to drive their children to and from school than in other communities.

38. The Record includes credible and convincing evidence which shows that prior projections for Redmond area schools have proven horribly wrong, greatly underestimating traffic figures generated by parents dropping off/picking up students at local schools. Thus, the 1,600 feet of onsite queuing space (enough for about 70 cars) may prove too small, so the ongoing TMP will help ensure that conditions are regularly monitored so solutions can be implemented before problems, or a pedestrian tragedy, occur(s).

39. The Record reflects that the proposed new elementary school will generate 133 mobility units. (*City's Post-Hearing Brief, at page 5*). RZC 21.52.020(A)(1)(a) mandates a Transportation Management Program/Plan whenever a nonresidential project, such as a school, generates demand for more than 25 mobility units.

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<sup>4</sup> See Videos of school zone traffic in Ex. 2; and Summary of School Related Complaints, 4 page Attachment 1, provided with the City's Post-Hearing Brief, covering the period 2011-2016.

40. The District's arguments and justifications for seeking a lower onsite queuing number, and/or elimination of the TMP requirement, must fail. The evidence in the Record, and real-life conditions present in the Redmond area, fully warrant both of the challenged conditions for the new elementary school.

41. The Technical Committee Report, testimony of City witnesses, traffic data and studies included in the Record, constitute(s) credible and substantial evidence supporting staff's recommendation of approval and all of the proposed conditions of approval.

42. Except as modified in this Recommendation, all findings, and statements of fact contained in the Technical Committee Report (Exhibit 1), are incorporated herein by reference as Findings of the undersigned hearing examiner.

***The Application satisfies applicable approval criteria.***

43. The Record contains substantial evidence to demonstrate that, as conditioned, appropriate provisions have been made to satisfy all of the review criteria for Conditional Use Permit approval.

***The Application for Site Plan Entitlement satisfies the City's approval criteria.***

44. The Record contains substantial evidence to demonstrate that, as conditioned, appropriate provisions have been made for the new school project to satisfy the review criteria for approval of the requested Site Plan Entitlement.

## **VI. CONCLUSIONS of LAW**

1. Based on the Findings as summarized above, the undersigned examiner concludes that the proposed new elementary school can conform to all applicable zoning and land use requirements and appropriately mitigate adverse impacts through compliance with all conditions recommended by the City's Technical Committee.
2. The recommended conditions of approval included in the Technical Committee Report are reasonable, fully authorized by applicable codes, supported by the evidence, and capable of accomplishment.
3. The onsite queuing space (1,600 feet for 70 cars) and the Transportation Management Plan requirements are each supported by findings and evidence summarized above. They are also conditions necessary to ensure that the new elementary school can meet approval criteria set forth in applicable city codes, including without limitation RZC

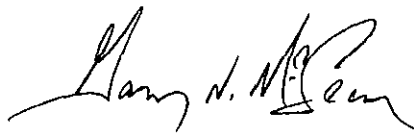
21.76.070(K)(4), RZC 21.76.070(Y), RZC 21.17.010(F)(2)(c), and RZC 21.52.020(A)(1)(a).

4. Any Finding or other statements in previous or following sections of this document that are deemed Conclusions are hereby adopted as such.

## VII. RECOMMENDATION

Based upon the preceding Findings of Fact and Conclusions of Law, evidence presented through the course of the open record hearing, all materials contained in the contents of the Record, and the Examiner's site visit, the undersigned Examiner *Recommends that the City Council APPROVE* the Conditional Use Permit and Site Plan Entitlement, subject to Conditions of Approval as set forth below, for the new elementary school in North Redmond.

Issued: January 19, 2017.



Gary N. McLean  
Hearing Examiner Pro-Tem for the City of Redmond

***Request for Reconsideration*** – Any party of record may file a written request with the Hearing Examiner for reconsideration within 10 business days of the date of the Hearing Examiner's recommendation. The request shall explicitly set forth alleged errors of procedure, law, or fact. No new evidence may be submitted in support of or in opposition to a request for reconsideration. The Hearing Examiner shall act within 10 business days after the filing of the request for reconsideration by either denying the request or issuing a revised decision. The decision on the request for reconsideration and/or the revised recommendation shall be sent to all parties of record. RZC 21.76.060(K)(7).

***NOTE:*** All Hearing Examiner recommendations on Type IV permits shall be transmitted to the City Council for final action, as provided in RZC 21.76.060.N.

**Recommended**  
**CONDITIONS OF APPROVAL**

*NEW NORTH REDMOND ELEMENTARY SCHOOL*

*CONDITIONAL USE PERMIT, FILE NO. LAND-2016-01086, AND  
SITE PLAN ENTITLEMENT, FILE NO. LAND-2016-01087*

**A. Site Specific Conditions of Approval**

The following table identifies those materials that are approved with conditions as part of this decision.

<b>Item</b>	<b>Date Received</b>	<b>Notes</b>
Plan Set, [pages 1-60]	11/09/16	<i>and as conditioned herein.</i>
SEPA Checklist	10/28/16	<i>and as conditioned herein and as conditioned by the SEPA threshold determination on June 10, 2016</i>
Architectural Elevations	11/03/16	<i>and as conditioned herein.</i>
Design Review Board Approval/Plans	10/28/16	<i>and as conditioned herein.</i>
Conceptual Landscaping Plan	10/28/16	<i>and as conditioned herein.</i>
Conceptual Lighting Plan	10/28/16	<i>and as conditioned herein.</i>
Proposed Tree Retention Plan	10/28/16	<i>and as conditioned herein.</i>
Traffic Mitigation Plan	10/28/16	<i>and as conditioned herein.</i>
Stormwater Design	10/28/16	<i>and as conditioned herein.</i>

The following conditions shall be reflected on the Civil Construction Drawings, unless otherwise noted:

**1. Development Engineering - Transportation and Engineering**

**Reviewer:** Min Luo, Senior Engineer  
**Phone:** 425-556-2881  
**Email:** mluo@redmond.gov

- a. **Easements and Dedications.** Easements and dedications shall be provided for City of Redmond review at the time of construction drawing approval and finalized for recording prior to issuance of a building permit. The existing and proposed easements and right-of-way shall be shown on the civil plans. Prior to acceptance of the right(s) of way and/or easement(s) by the City, the developer will be required to remove or subordinate any existing private easements or rights that encumber the property to be dedicated.



i. Easements are required as follows:

- (a) 10 foot wide sidewalk and utility easement, granted to the City of Redmond, abutting right-of-way on the west side of 172<sup>nd</sup> Avenue NE.
- (b) 10 foot wide sidewalk and utility easement, granted to the City of Redmond, abutting right-of-way on the south side of NE 122<sup>nd</sup> Street.
- (c) At the time of construction, additional easements may be required to accommodate the improvements as constructed.

ii. Dedications for right-of-way are required as follows:

- (a) New right-of-way lines joining at the southwest corner of the intersection of NE 122<sup>nd</sup> Street and 172<sup>nd</sup> Avenue NE shall connect with a 25-foot radius, or with a chord that encompasses an equivalent area. The area formed by this radius or chord shall also be dedicated as right-of-way.

(Code Authority: RZC 21.52.030 (G); RMC 12.12)

- b. **Construction Restoration.** In order to mitigate damage due to trenching and other work on NE 122<sup>nd</sup> Street and on 172<sup>nd</sup> Avenue NE, the asphalt street shall be planed, overlaid, and/or patched, as determined by the Traffic Operations and Safety Engineering Division in Public Works. Contact Rob Crittenden at 425-556-2838.

(Code Authority: RMC 12.08; Redmond Standard Specifications & Details; RZC 21 Appendix 2-A.8.e)

c. **Street Frontage Improvements**

i. The frontage along NE 122<sup>nd</sup> Street must meet current City Standards which include asphalt paving ranging from 16-foot to 17.5-foot from centerline to face of curb with appropriate tapers, type A-1 concrete curb and gutter, 5-foot wide planter strips, 6-foot wide concrete sidewalk, storm drainage, street lights, street trees, street signs and underground utilities including power and telecommunications. The minimum pavement section for the streets shall consist of:

- 7-inches HMA Class ½" PG 64-22
- Subgrade compacted to 95% compacted maximum density as determined by modified Proctor (ASTMD 1557)
- Street crown 2% sloped to drain system

(Code Authority: RZC 21.52.030; 21.17.010; RMC 12.12; RZC 21 Appendix 2; Redmond Standard Specifications & Details )

- ii. The frontage along 172<sup>nd</sup> Avenue NE must meet current City Standards which include asphalt paving 17.5-foot from centerline to face of curb with appropriate tapers, type A-1 concrete curb and gutter, including 7-foot wide parking lane, 5- foot wide planter strips, 12-foot wide concrete sidewalks and bike shared lane, 4- foot wide gravel path, storm

drainage, street lights, street trees, street signs and underground utilities including power and telecommunications. The minimum pavement section for the streets shall consist of:

- 4-inches HMA Class ½" PG 64-22
- 5-inches HMA Class 1" PG 64-22
- Subgrade compacted to 95% compacted maximum density as determined by modified Proctor (ASTMD 1557)
- Street crown 2% sloped to drain system

(Code Authority: RZC 21.52.030; 21.17.010; RMC 12.12; RZC 21 Appendix 2; Redmond Standard Specifications & Details)

iii. At the intersection of NE 122<sup>nd</sup> Street and 172<sup>nd</sup> Avenue NE, the northwest corner and the southwest corner shall be re-constructed so that school buses can maneuver between NE 122<sup>nd</sup> Street and 172<sup>nd</sup> Avenue NE without encroaching into adjacent lanes and adjacent curbs. The applicant's proposed improvement options for the northwest corner and the southwest corner based on auto turn analysis shall be further reviewed and finalized in the civil plan review process. The intersection control type (two-way stop versus all-way stop sign control) at this intersection shall be reviewed and finalized in the civil plan review process.

(Code Authority: RZC 21.52.030 (F); RZC 21 Appendix 2; Redmond Standard Specifications & Details; RCW 47.24.020)

iv. At the intersection of NE 120<sup>th</sup> Way and 172<sup>nd</sup> Avenue NE, measurement of the delay for vehicles exiting NE 120<sup>th</sup> Way for the first two years after the school opening shall be required. If the delay exceeds the standard for level of service D (greater than 35 seconds for the side street) for this intersection approach during the school pick up or drop off times, then LWSD will work with City of Redmond staff and the neighborhood along NE 120th Way to determine acceptable mitigation measure(s) to reduce this delay. The measurement of the delay will be determined via monitoring required in the Transportation Management Plan

(Code Authority: RZC 21.52.030 (F); RZC 21 Appendix 2; Redmond Standard Specifications & Details; RCW 47.24.020)

v. A separate channelization plan is required for any public street being modified or constructed. The plan shall include the existing and proposed signs, striping and street lighting and signal equipment for all streets adjacent to the site and within at least 150 foot of the site property line (both sides of the street). The plan shall conform to the requirements in the City of Redmond Standard Specifications and Details Manual. As part of this plan, the applicant is required to design and install up to four school zone speed radar signs (per COR standard detail #485) on 172<sup>nd</sup> Avenue NE and NE 122<sup>nd</sup> Street at locations agreed upon with the City to establish school zones for this Elementary school.

(Code Authority: RZC 21.52.030 (F); RZC 21 Appendix 2; Redmond Standard

Specifications & Details; RCW 47.24.020)

vi. Sidewalks constructed to City standards are required at the following locations adjacent to school property only:

- 12-foot wide sidewalk and bike shared lane and additional 4 foot wide gravel path along 172<sup>nd</sup> Avenue NE
- 6-foot wide sidewalk along NE 122<sup>nd</sup> Street

(Code Authority: RZC 21.10.150; RZC 21.17.010; RZC 21.52.050; RMC 12.12)

d. **Access Improvements**

i. The type and location of the proposed site accesses are approved as shown on the New Elementary in North Redmond site plan prepared by AHBL on October 31, 2016.  
(Code Authority: RZC 21.52.030 (E); RZC 21 Appendix 2)

ii. The following driveways are required to be improved as specified below:

- The bus entering and exiting driveway must be designed in a way that school buses will not encroach into adjacent lanes and curbs.

(Code Authority: RZC 21 Appendix 2)

e. **Underground Utilities.** All existing aerial utilities shall be converted to underground along the street frontages and within the development. All new utilities serving the development shall be placed underground.

(Code Authority: RZC 21.17.020; RZC 21 Appendix 2 – A.11)

f. **Street Lighting.** Illumination of the street(s) along the property frontage must be analyzed to determine if it conforms to current City standards. Streetlights may be required to illuminate the property frontage. Luminaire spacing should be designed to meet the specified criteria for the applicable lamp size, luminaire height and roadway width. Contact Paul Cho, Transportation Operations at (425) 556-2751 with questions. The street lighting shall be designed using the criteria found in the City's Illumination Design Manual which can be accessed at:

<http://www.redmond.gov/development/CodesAndRules/StandardizedDetails>

(Code Authority: RZC 21.52.030 (F); RZC 21 Appendix 2)

g. **Safe Walking Route(s).** The Redmond Zoning Code requires that safe pedestrian linkages be provided between new developments and existing neighborhoods. Prior to building occupancy, the applicant must provide the City with a designated school walk route map covering a one-mile radius around the proposed school. Additional construction shall be required beyond the property frontage to the minimum extent to ensure safe walking conditions for students who walk to and from school within one-tenth (1/10) of a mile on NE 122<sup>nd</sup> Street and on 172<sup>nd</sup> Avenue NE. A short section (approximately 340 linear feet) on the south side of NE 122<sup>nd</sup> Street west of the property is required to be improved with an all-weather surface interim walkway. The interim walkway shall be at least four foot wide, constructed of asphalt or concrete, and separated from the edge of street by at least four feet. No storm water collection and/or treatment or right-of-way acquisition will be required for this interim walkway. This interim walkway must be constructed prior to occupancy of any buildings. In addition, the applicant is responsible for the design and construction of any crosswalks along the property frontage needed to provide safe street crossings for students and parents. This could include signage, crosswalk markings, curb bulb-outs, and lane channelization.

(Code Authority: RZC 21.17.010(F)(2); RZC 21.52.030; RZC 21.74.020(I))

**2. Development Engineering – Water and Sewer**

**Reviewer: Zheng Lu, Senior Utility Engineer**

**Phone: 425-556-2844**

**Email: zlu@redmond.gov**

- a. **Water Service.** Water service will require a developer extension of the City of Redmond water system as follows: 8-inch water main will be extended from City water main located on NE 122<sup>nd</sup> Street, 172<sup>nd</sup> Avenue and NE 120<sup>th</sup> Street. The water system on campus will be gridded with the existing water system in the area. All water mains shall be under paved road and all water pipes are accessible from paved road. One 3-inch domestic water meter will be installed at main entrance on 172<sup>nd</sup> Avenue. Additional irrigation water meter may be required. Four hydrants will be installed around the main building.  
(Code Authority: RZC 21.74.020(D), RZC 21.17.010)
- b. **Sewer Service.** Sewer service will require a developer extension of the City of Redmond sewer system as follows: An 8-inch sewer main will be extended from the existing sewer main located at 172<sup>nd</sup> Avenue through NE 122<sup>nd</sup> Street. Three side sewers from the new building will be connected to this new sewer. All sewer manholes are accessible from the paved road and paved parking area.  
(Code Authority: RZC 21.17.010, RZC21.54.010)
- c. **Easements.** Easements shall be provided for all water and sewer improvements as required in the Design Requirements for Water and Sewer System Extensions. Easements for the water and sewer mains shall be provided for City of Redmond review at the time of construction drawing approval. Offsite easements must be recorded prior to construction drawing approval.  
(Code Authority: RZC Appendix 3)
- d. **Reimbursement Fees:** Reimbursement fees for connection of water are required in the amount of \$39,971.39. These fees are due prior to the sale of water and side sewer permits for this project.  
(Code Authority: RMC 13.12.120)

**3. Development Engineering – Stormwater/Clearing and Grading**

**Reviewer: Cindy Wellborn, Senior Stormwater and Utility Engineer**

**Phone: 425-556-2495**

**Email: cwellborn@redmond.gov**

- a. **Water Quantity Control:**
  - i. Stormwater discharges shall match the developed discharge duration to the predeveloped duration for the range of predeveloped discharge rates from 50% of the 2-year peak flow up to the full 50-year flow. Detention for on-site stormwater shall be provided in a privately maintained vault. Detention for off-site stormwater shall be provided in a publically maintained tank.

- ii. Provide for overflow routes through the site for the 100-year storm.  
(Code Authority: RMC 15.24.080)(2)(d)

**b. Water Quality Control**

- i. Enhanced water quality treatment for on-site stormwater shall be provided in a privately maintained treatment train comprised of a combined detention and wet vault followed by a media filter vault and Filterra Bio-retention System. Enhanced water quality treatment for off-site stormwater shall be provided in a publically maintained Filterra Bio-retention System. Treatment is required for the 6-month, 24 hour return period storm.

(Code Authority: RMC 15.24.080(2)(c))

- c. **Easements.** Easements will be required for any public stormwater conveyance systems on private property. Easements shall be provided for City of Redmond review at the time of construction drawing approval and finalized for recording prior to issuance of a building permit or issuance of water meter or side sewer permits. The existing and proposed easements shall be shown on the civil plans. Prior to acceptance of the easement(s) by the City, the developer will be required to remove or subordinate any existing private easements or rights that encumber the property to be dedicated.  
(Code Authority: RMC 15.24.080(2)(i))

- d. **Private Stormwater Easements.** Private stormwater easements will be required where drainage systems are located across adjacent properties and will remain under private ownership. Maintenance of private drainage systems will be the responsibility of the property owners benefiting from the easement. Prior to construction drawing approval and final short subdivision recording, fully executed and recorded easements shall be provided to the Development Engineering Division.

**Code Authority: RZC 21.74.020(C), Appendix 3**

**Condition Applies: Civil Construction, Short Subdivision Document**

**e. Clearing and Grading.**

- i. Detention vault number 1 shall discharge to the public stormwater system in NE 122<sup>nd</sup> Street.
- ii. Detention vault number 2 shall discharge to the public stormwater system in 172<sup>nd</sup> Avenue NE.
- iii. Detention vault number 1 shall be connected to a media filter vault to provide enhanced treatment of stormwater.
- iv. Stormwater runoff from the parking lot in the southeast corner of the project shall be routed to a Filterra Bio-retention System then discharge to the public stormwater system in 172<sup>nd</sup> Avenue NE.
- v. Four bio-retention cells having the capacity to collect approximately 1.14 acres of contributing surface area shall be installed on site.
- vi. Detention and enhanced water quality solely for off-site roadway stormwater shall be located within right-of-way, separate from the on-site facilities.
- vii. (Code Authority: RMC 15.24.080)

- f. **Temporary Erosion and Sediment Control (TESC).**
  - i. Rainy season work permitted October 1<sup>st</sup> through April 30<sup>th</sup> with an approved Wet Weather Plan.  
(Code Authority: RMC 15.24.080)
- g. **Landscaping.**
  - i. All new landscaped areas within the project site are required to have compost amended soils. See City or Redmond Standard Detail 632 for requirements  
(Code Authority: RZC 21.32)
- h. **Department of Ecology Notice of Intent Construction Stormwater General Permit.** Notice of Intent (NIO) must be submitted to the Department of Ecology (DOE) at least 60 days prior to construction on a site that disturbs an area of one acre or larger. Additional information is available at: [www.ecy.wa.gov/pubs/0710044.pdf](http://www.ecy.wa.gov/pubs/0710044.pdf).  
(Code Authority: Department of Ecology Rule)

**5. Fire Department**

**Reviewer: Stan Noble, Deputy Fire Marshal**

**Phone: 425-556-2239**

**Email: [snoble@redmond.gov](mailto:snoble@redmond.gov)**

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

- a. Site Plan Condition The Designated Fire Lane Access Roadway shall be recorded in an Easement and shall have Fire Lane marking per Redmond Standard 2. The two gates shown on the drawings shall have an automatic opening ability by Opticom or by Click2Enter. The gates shall also have a Knox Box at each location as well.
- b. Fire Code Permits will be required at the site, they will include permits like: Fire Sprinkler, Fire Alarm, and Emergency Responder Radio Repeater System.  
(Code Authority: RMC 15.06; RZC Appendix 3, RFD Standards, RFDD&CG)

**6. Planning Department**

**Reviewer: Ben Sticka, Planner**

**Phone: 425-556-2470**

**Email: [bsticka@redmond.gov](mailto:bsticka@redmond.gov)**

- a. **Street Trees.** The following street trees are required to be installed in accordance with RZC Section 21.32.090. The minimum size at installation is 2 ½ inch caliper.

Street	Species	Spacing
172 <sup>nd</sup> Ave NE and NE 122 <sup>nd</sup> St	Autumn Blaze Maple	30-foot on-center

(Code Authority: RZC 21.32.090)

b. **Tree Preservation Plan.** A Tree Preservation Plan depicting all significant and landmark trees required to be preserved as part of the site development must be provided with the civil construction drawings. A plan showing the location of preserved trees and containing protection language approved by the City shall be shown on the face of the deed or similar document and shall be recorded with the King County Department of Records and Elections.  
(Code Authority: RZC 21.72.060(D)(2))

c. **Transportation Management Plan.** A Transportation Management Plan (TMP) shall be submitted and approved by the City's Transportation Demand Management Division prior to building occupancy. This document shall include the items outlined in the most recent TMP prepared by the applicant, reviewed, and approved by the City, and must also include the following elements:

- A requirement to re-open and revise the TMP in the future if the Lake Washington School District changes the enrollment boundaries for this school.
- A plan for the school to manage any special event parking that may spill over onto adjacent neighborhood streets, including signage, monitoring, and communications with affected residents.
- Identification of potential areas on-site that could be used for future expansion and/or pick up and drop off queuing storage.

(Code Authority: RZC 21.52.020)

d. **Design Review Board Approval.** The Design Review Board approved the proposed project at their December 1, 2016 meeting. Revised elevations or plans that reflect the conditions of approval issued by the Design Review Board must be submitted with the building permit application or civil drawings. All plans must be prepared by a licensed architect or licensed engineer. The Design Review Board's conditions of approval are:

i. Where inconsistencies between the floor plan and elevations are found after the Design Review Board has approved this project, the elevations approved by the Design Review Board at this meeting will prevail.  
[Code Authority: 21.76.060(G)]

ii. If, after this Design Review Board approval, there are any inconsistencies found in the information provided for the elevations, floor plans, landscape plans, lighting plans, materials and color between the presentation boards and the 11 x 17" submitted drawings, the Design Review Board and Redmond Planning Staff will review and determine which design version will be followed for Site Plan Entitlement and Building Permits.  
[Code Authority: 21.76.060(G)]

**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:

## **Transportation and Engineering**

RMC 6.36:	Noise Standards
RZC 21.52:	Transportation Standards
RZC 21.40.010(E):	Design Requirements for Parking Facilities
RZC 21.54:	Utility Standards
RMC 12.08:	Street Repairs, Improvements & Alterations
RMC 12.12:	Required Improvements for Buildings and Development
RMC 12.16:	Highway Access Management
RZC 21.76.100(F)(9)(c):	Nonconforming Landscaping and Pedestrian System Area
RZC 21.76.020(G):	Site Construction Drawing Review
RZC 21.76.020(H)(6):	Preconstruction Conference
RZC 21.76.020(H)(7):	Performance Assurance
RZC Appendix 3:	Construction Specification and Design Standards for Streets and Access
City of Redmond:	Record Drawing Requirements, July 2015
City of Redmond:	Standard Specifications and Details (current edition)

## **Water and Sewer**

RMC 13.04:	Sewage and Drainage
RMC 13.08:	Installing and Connecting Water Service
RMC 13.10:	Cross-Connection and Backflow Prevention
RZC 21.17.010:	Adequate Public Facilities and Services Required
RZC Appendix 4:	Design Requirements for Water and Wastewater System Extensions
City of Redmond:	Standard Specifications and Details (current edition)
City of Redmond:	Design Requirements: Water and Wastewater System Extensions - January 2012.

## **Stormwater/Clearing and Grading**

RMC 15.24:	Clearing, Grading, and Storm Water Management
RZC21.64.060 (C):	Planting Standards
RZC 21.64.010:	Critical Areas
RZC 21.64.040:	Frequently Flooded Areas
RZC 21.64.050:	Critical Aquifer Recharge Areas
RZC 21.64.060:	Geologically Hazardous Areas
City of Redmond:	Standard Specifications and Details (current edition)
City of Redmond:	Stormwater Technical Notebook, 2012
Department of Ecology:	Stormwater Management Manual for Western Washington (revised 2005)

## **Fire**

RMC 15.06:	Fire Code
RZC Appendix 3:	Construction Specification and Design Standards for



City of Redmond:  
City of Redmond:

Streets and Access  
Fire Department Design and Construction Guide 5/6/97  
Fire Department Standards

**Planning**

RZC 21.58-21.62  
RMC 3.10  
RZC 21.32, 21.72:  
RZC 21.34:  
RZC 21.38:  
RZC 21.40:  
RCZ 21.64:

Design Standards  
Impact Fees  
Landscaping and Tree Protection  
Exterior Lighting Standards  
Outdoor Storage and Service Areas  
Parking Standards  
Critical Areas

**Building**

2012 International Building Codes (IBCs)  
2012 Uniform Plumbing Code  
2012 International Residential Code (IRC)