

**APPEAL (LAND-2021-00035)
OF SEPA DNS FOR THE PROPOSED EXPANSION OF CASCADIA SCHOOL
PLANNING DEPARTMENT REPORT TO THE HEARING EXAMINER**

MEMO TO: Ms. Sharon Rice, Hearing Examiner

FROM: Planning Department, City of Redmond

DATE: March 5, 2021

PREPARED BY: Ben Sticka, Senior Planner (425) 556-2470

SUBJECT: ADMINISTRATIVE APPEAL OF THE SEPA DNS (SEPA-2019-01173) ISSUED ON DECEMBER 18, 2020, FOR THE PROPOSED EXPANSION OF THE CASCADIA SCHOOL LOCATED AT 4239 162 AVENUE NE, REDMOND, WA 98052

REQUEST: The Appellant is appealing the Technical Committee's issuance of a SEPA DNS for the proposed expansion of the existing Cascadia School.

HEARING DATE: March 29, 2021

ATTACHMENTS

1. LAND-2021-00035 – Appeal Application, January 19, 2021
2. SEPA-2019-01173 – SEPA DNS, December 18, 2020
3. SEPA Notice and Certificate of Posting
4. Phase 1 Traffic Study
5. Transportation Management Program
6. Appeal Hearing Certification of Noticing
7. Issues Matrix
8. Jordan response email December 29, 2020
9. Jordan response email January 15, 2021
10. Summary of previous approvals
11. Critical Areas Report
12. General Application
13. Plan Set
14. SEPA Application

BACKGROUND

Appellant: Mr. James Jordan
16222 Northeast 45th Court
Redmond, WA 98052

Project Applicant: Mr. Philip Keeton
Cascadia School
4239 162nd Avenue NE
Redmond, WA 98052

SEPA DNS Issuance Date: December 18, 2020

Appeal Filed: January 19, 2021

Hearing Date: March 29, 2021

Location: 4239 162nd Avenue NE

Parcel Size: The total area of the site is approximately 2.4 acres or 104,544 square feet.

Neighborhood: The proposed project is located within the Overlake Neighborhood.

Land Use Designation: This property's Land Use Designation is Single-Family Urban Residential.

Zoning Designation: The subject site is zoned R-4 (Single-Family Urban Residential) zone.

Surrounding Land Use Zoning:

	Existing Land Use	Zone
North	Single-Family Residential	R-4 (Single-Family Urban Residential) zone
South	Single-Family Residential	R-4 (Single-Family Urban Residential) zone
East	Right-of-Way and Single-Family homes	162 ND Avenue NE and R-4 (Single-Family Urban Residential) zone
West	Multi-Family Residential	R-6 (Single-Family Urban Residential) zone, R-12 (Multi-family Urban Residential) zone and R-30 (Multi-Family Urban Residential) zone

Access: Primary vehicle access for the site is gained from 162nd Avenue Northeast (public) street.

State Environmental Policy Act (SEPA)(SEPA-2019-01173): Pursuant to RZC 21.70.190.E, all SEPA appeals are required to follow the procedure for appealing the underlying action for which the SEPA determination is made. The underlying action is a consolidated Conditional Use Permit and Site Plan Entitlement Type III. The associated SEPA procedure is elevated to a Type III process.
Determination of Nonsignificance (DNS) Issued: December 18, 2020
Appeal Deadline: January 19, 2021
Appeal Filed: January 19, 2021

NOTICE OF DECISION: Consolidated Conditional Use Permit (LAND-2019-00999) and Site Plan Entitlement (LAND-2019-01000) Type III, Technical Committee recommended approval to the Hearing Examiner on February 10, 2021.

JURISDICTION

In accordance with RZC Section 21.70.190.B, Appeals of a SEPA Threshold Determination are required to be in writing and must set forth the basis for the appeal. An appeal must be based on an error of law or fact, procedural error, or new evidence which could not have been reasonably available at the time the recommendation of the Technical Committee was made. The Appellant must provide: 1) facts demonstrating that they were adversely affected by the decision; 2) a concise statement identifying each alleged error of fact, law or procedure which justifies overturning the decision; 3) the specific relief requested; and 4) any other information reasonably necessary to make a decision on the appeal. The Hearing Examiner will also hold an open record public hearing on March 29th on the consolidated Type III application for both the Conditional Use Permit and Site Plan Entitlement.

APPELLANT'S BASIS FOR APPEAL

The Appellant has appealed the Technical Committee's issuance of a SEPA Determination of Non-Significance (SEPA-2019-01173) associated with the proposed expansion of the Cascadia School. The Appellant asserts the following:

- 1) "Vehicle queuing, especially during the morning peak traffic period is likely to block *intersections (sic)*, stop the flow of traffic, and cause conditions where pedestrians and cyclists would have a substantially greater risk of accidents."

RELIEF SOUGHT BY APPEAL

The Appellant is seeking the following relief through this appeal:

- 1) "The project should not be allowed to move forward until a proper analysis of the impacts of *vehicle (sic)* queuing on traffic and public safety has been conducted. Depending on the results of the analysis, Cascadia School may need to reduce enrollment rather than increase it."

ANALYSIS OF APPLICANT'S BASIS FOR APPEAL

Summary of Project History and Party Positions: The appeal application (LAND-2021-00035) was submitted by Mr. James Jordan on January 19, 2021. The Appellant asserts City made procedural errors and errors, omissions, and misstatements of facts in the SEPA checklist and supporting documents when it issued the SEPA DNS (SEPA-2019-01173) on December 18, 2020.

The Appellant's assertions are erroneous and based on opinions and not fact. The State Environmental Policy Act requires applicants to disclose potential impacts to the environment that may occur as a result of their project. The Environmental Checklist submitted by the applicant adequately disclosed

anticipated environmental impacts as a result of their project. City of Redmond codes and regulations adequately mitigate for the anticipated environmental impacts. The project will not have a significant adverse environmental impact, and the SEPA DNS for this proposal was appropriately issued by the Technical Committee.

The project applicant submitted project permits for the expansion of the Cascadia School on October 18, 2019. The City of Redmond reviewed and deemed the Consolidated Type III application complete on October 18, 2019. The consolidated application consists of a Conditional Use Permit (LAND-2019-00999) and Site Plan Entitlement (LAND-2019-01000).

The proposed consolidated Type III permits seek to modify the original Site Development Permit (SDP-83-4), which allowed the subject school with a maximum of 75 students and was approved on September 6, 1983. On February 16, 1994, a Site Plan Review (SPR-94-01) was approved to allow the addition of a second classroom to the existing school. On April 29, 1988, a Site Plan Review (SPR-97-054) was approved to allow a 1,721 square-foot addition to the existing campus located at 4239 162nd Avenue NE. The applicant is proposing the following as a part of the consolidated permit:

1. An increase of 55 additional students to the existing 75 student capacity as permitted through Site Development Permit (SDP-83-4). If approved, a total capacity of 130 students, would occupy the school. Additionally, the school would add four staff members to the existing 17 staff members, for a total of 21 total staff members. While the student count will not change, staffing could adjust based upon programming, successes of class sizes, support needs and State requirements. The school offers Pre-K through 5TH grade education but was allowed Pre-K through the 6th grade. The applicant would like to retain this as a part of the subject application.
2. Three existing buildings on-site include:
 - a) Building "A" 3,300 square feet to remain unchanged.
 - b) Building "B" 360 square feet to remain unchanged.
 - c) Building "C" 3,000 square feet "residential occupancy" use, but changing to "educational occupancy use"; including the addition of 610 square feet.
3. The project will also add eight parking spaces to the existing 10 spaces on-site, which will total 18 parking spaces.

The SEPA Determination of Non-Significance (SEPA-2019-01173) was issued by the City of Redmond Technical Committee on December 18, 2020. The SEPA appeal deadline was January 19, 2021. Mr. James Jordan timely submitted his appeal on January 19, 2021. The Technical Committee forwarded a recommendation of approval of the Type III consolidated application to the Hearing Examiner on February 10th for hearing on March 29, 2021.

The following staff report will show that a thorough analysis by City staff was undertaken. Staff's review was based on professional reports, plans and studies including all transportation review items. As described in the City responses to alleged errors, the staff transportation review experts have conducted a comprehensive review of the traffic and parking studies, they have concluded that the transportation reports were accurate and conducted in a manner that is consistent with professional standards, and that applicable code requirements will address the anticipated project impacts. Mr. Jordan has failed to demonstrate that impacts he fears are likely to occur. The project impacts were properly evaluated prior to issuance of the SEPA DNS, and the appeal of the Technical Committee action should be denied.

Criteria for Applying for an Appeal: Section 21.70.190.B of the Redmond Zoning Code sets forth the requirements for filing a SEPA appeal. Staff has prepared an outline of responses provided by the Appellant together with an analysis of whether the appeal application criteria have been met.

1. Facts demonstrating that the person is adversely affected by the decision;

Appellant Statement of Facts: The appeal application indicates that the appellant lives “approximately 600 feet from the proposed project” and is concerned about negative impacts on his “neighborhood due to increased on-street parking, traffic congestion and risks to public safety.”

City Response: The Appellant has failed to demonstrate that he has standing to appeal the DNS, and that he would personally suffer an adverse impact if the DNS were allowed to stand. The Appellant has indicated he lives somewhat proximate to the proposed project. He has also identified elements of the environment (parking, traffic, safety) that are within the scope of SEPA review. However, Mr. Jordan has failed to allege anything more than a generalized concern about negative impacts to his neighborhood. He has provided no factual information supported by studies or evidence about how he will be specifically and perceptibly harmed by issuance of the SEPA DNS, or why the applicable codes and conditions on the approval will fail to mitigate any individualized harm he would experience. The appellant has not met the burden of proof necessary to demonstrate that he has standing to appeal.

2. A concise statement identifying each alleged error of fact, law, or procedure which the appellant alleges justify overturning the decision;

Appellant Alleged Procedural Errors:

Appellant Alleged Error 1. *As a party of record, on December 22, 2020, I received a copy of the SEPA DNS for the project stating that the DNS issuance was December 18, 2020, and that comments had to be submitted by January 4, 2021. I assume that the high volume of Christmas mail was responsible for the long delivery time. On December 23, I emailed Ben requesting a copy of the checklist and related documents. Normally, when I have made requests of this nature to the City of Redmond the materials would be in my email box within an hour. I did not hear back from Ben by email until December 28. Upon receipt of his email, I called Ben and was told that I would need to make a public information request for some documents pertaining to earlier conditional use permits for the site despite the fact that the DNS states, “This decision was made after a review of completed environmental checklist and other information on file with the lead agency. This information is available on request.”*

City Response to 1:

The Appellant fails to show facts or evidence demonstrating that the City erred in the issuance of the SEPA DNS. The SEPA checklist was reviewed and signed off by City staff on December 8, 2020. Code compliance was verified by the following disciplines: Stormwater Engineering, Planning, Natural Resources, Fire Department, Utility Engineering and Transportation Engineering prior to the Technical Committee undertaking its review.

The Technical Committee issued the SEPA DNS (SEPA-2019-01173) on December 18, 2020 pursuant to WAC-197-11-340(2) which included a 14-day comment period followed by a 14-day appeal period in compliance with local regulations and State law. The comment period ended on January 4, 2021, which was a total of 17 calendar days. Additional days were added to account for the holidays and City Hall being closed. The appeal period ended on January 19, 2021, which was a total of 15 calendar days; an additional day was added due to the holiday and City Hall being closed. The City issued a compliant notice (Attachment 3) and exceeded the minimum requirements of both the comment period and appeal period. The Appellant has failed to demonstrate that the City did not comply with applicable notice timing requirements. This alleged procedural error does not have merit.

Appellant Alleged Error 2: *When I drove by the site on December 28th, I observed that the project site notice was not displayed properly. An old yellow project sign that has been in front of the project for months and months has been used to display the DNS notice. Copies of the DNS were packed into a plastic sleeve so that the public could take copies. Unfortunately, the copies were placed in the sleeve backwards so that only a vicinity map was showing and the actual DNS notice was not visible.*

City Response to 2: The Appellant fails to show how the City erred in the notice of the SEPA DNS. The SEPA DNS was posted at both City Hall and on the subject site on December 18, 2020 in accordance with RZC 21.76.080.4.a&b. *Notices*, which states:

- a. *At least one public notice board shall be posted on the site or in a location immediately adjacent to the site that provides visibility to motorists using adjacent streets. Additional signs shall be placed where needed to ensure individuals can access a sign easily and safely. The Administrator shall establish standards for size, color, layout, design, wording, and placement of the notice boards.*
- b. *A public notice shall also be posted at a designated location within City Hall and at least one other public building, such as the library, post office, or community center.*

On December 18, 2020, staff coordinated the pickup of the SEPA DNS notice to be placed on-site in order to satisfy legal posting requirements pursuant to RZC 21.76.080.4a&b. The applicant (Philip Keeton) emailed City staff on December 18, 2020, and attached a photograph of the sign and SEPA notice posted on-site (Attachment 9), which is the response to Mr. Jordan email dated January 15, 2021. The Appellants assertion that a “corrected sign” was not posted until December 29th or 30th is not accurate, as the photograph provided by the project applicant (Mr. Philip Keeton) on December 18th clearly shows the SEPA DNS was properly installed pursuant to RZC 21.76.080.4.a&b. The photo makes it clear that the notice was in fact facing toward the street, instead of “backwards” as asserted by the Appellant.

The Appellant has failed to show how the City erred in its posting requirements of the SEPA DNS. The notice was posted in a timely manner and no error nor photos prior to December 29th were provided to support the Appellant’s assertion regarding errors in the posting notice. The project has complied with all noticing requirements and therefore this alleged procedural error does not have merit.

Appellant Alleged Error 3: *While technically not illegal, practically no one holds a public comment during the Christmas/New Year period when the public is involved with religious and social activities, so that citizens and agencies only have a minimal review time. It would be interesting to see when the*

documents were provided to the City and subsequently reviewed to understand how the comment period fit so nicely into the holiday season.

City Response to 3: The Appellant fails to show how the City erred in the issuance of the SEPA DNS. By the Appellant's own admission, a comment period that runs during the winter holiday season is not "illegal." The City of Redmond Technical Committee issued the SEPA DNS (SEPA-2019-01173) on December 18, 2020, pursuant to WAC-197-11-340(2) which included more than the minimum 14-day comment period followed by an appeal period that also exceeded the minimum number of days. The Appellant has failed to show how any procedural error has occurred. All timelines, not only met, but exceeded the minimum requirements found in WAC-197-11-340(2). The Appellant has failed to show any procedural error regarding the timing of the public comment period. The Appellant's alleged procedural error does not have merit.

Appellant Alleged Error 4: *My neighbor and I submitted several pages of comments on the DNS on January 4, 2021, before the end of the comment period. I spoke with Ben Sticka, the project planner, several days later and was told our comments were being evaluated. As of January 14th, we had received not a single response to our comments. I did receive an email from Andy Chow on January 14th stating that staff was still reviewing our comments. I don't understand how the City can be closing the appeal period before we know what changes to documents may have been made as a result of our comments. It is disappointing that the City Planning staff needs more time to review a citizen's comments than a citizen had time to review documents and submit their comments.*

City Response to 4: Ben Sticka replied to Mr. Jordan's e-mailed questions regarding noticing procedures, on-site parking demand and perceived impacts to the adjacent neighborhood on January 15, 2021, (Attachment 9).

WAC-197-11-340.F states that, "*The SEPA Rules require the responsible official to consider all timely comments made on a DNS. The lead agency may then choose to retain the DNS, issue a revised DNS, or if a significant adverse impact has been identified they may withdraw the DNS and issue a determination of significance (DS).*

The Appellant submitted comments to the City on January 4, 2021. Consistent with WAC-197-11-340.F, these comments were reviewed, considered, and included in the presentation and decision by the Technical Committee to allow the DNS to stand.

On January 15, 2021, staff replied to the Appellant's comments, which was four days prior to the end of the appeal period on January 19, 2021. The City did not find any relevant information in the comments submitted by the Appellant that would require the responsible official to retract the DNS, issue a revised DNS, or withdraw the DNS.

The Appellant provided no facts or evidence that would require the DNS issued by the Technical Committee on December 18, 2020 to be withdrawn. The Appellant has failed to show how the City erred in its response to the SEPA DNS comments. Therefore, this alleged procedural error does not have merit.

Appellant Alleged Errors, Omissions and Misstatements of Fact:

Appellant Alleged Error 1: Project Description – General. *The project description lacks basic information needed to evaluate project impacts. For example, how many classrooms are currently at the school and how many will there be after full build out? This information is important to check on-site parking requirements. The description fails to mention the fact that the school currently uses excursion buses for field trips. How many busses are used now and what would future use be? What is the baseline enrollment for analysis for the proposal?*

City's Response to 1: The Appellant fails to show how the language of the project description impacted the technical review supporting issuance of a SEPA DNS. Review and analysis of project impacts is based on a comprehensive review of the project file which is available to reviewers and the public alike. The description is a brief summary of the project characteristics meant to provide an overview of the project and items significantly relevant to the permit type and compliance. The number of classrooms proposed is not a part of the compliance review, not is it a regulated element of school design under the RZC. The scope of potential impacts related to a school development project are evaluated based upon total number of students proposed and factors such as the project square footage, staffing and anticipated extracurricular activities reasonably necessary to support the increased student count.

All application materials were reviewed by City staff, and the Technical Committee concluded that a DNS was appropriate for the proposed expansion for the existing Cascadia school. The major elements of the proposed school expansion project are easily identifiable on page 2 of the SEPA checklist by the reference to "see A1.02 in the plan set." Sheet A1.02 shows a total addition of 610 square feet. The 610 square feet is proposed to be added to Building "C." Three existing buildings are located on-site which includes the following: 1) Building "A" 3,300 square feet to remain unchanged; 2) Building "B" 360 square feet to remain unchanged; 3) Building "C" 610 square feet to be added to an existing 3,000 square-foot building which is currently "residential occupancy," but changing to "educational occupancy."

Page 1 of the "Updated Phase 1 Traffic Study" dated October 21, 2020, prepared by Amy Wasserman with TENW (Transportation Engineering Northwest) clearly states that: *The proposed Cascadia expansion project would add up to 55 new students and 4 staff to accommodate a total capacity of up to 130 students and 21 (14.5 FTE's) staff members. The school currently has 75 students and 17 staff members (11.5 FTE's).*

City staff also informed the applicant during the review process that a Transportation Management Plan (TMP) would need to be submitted and approved by the City's Transportation Demand Management Division prior to issuance of any building permit or other development for this project. The TMP will be a safety net to ensure that the traffic associated with student drop off, employee ingress and egress and extracurricular activities will be effectively managed to ensure that unanticipated impacts do not arise if the expansion is approved.

The Appellant fails to show how the project description precluded a comprehensive and accurate review of the proposal prior to Technical Committee issuance of the DNS. The Appellant alleged error incorrectly assumes that the description alone would be used as the sole basis to evaluate the project impacts. The number of classrooms proposed are not a part of the compliance review. The number of students, number of staff, other school activities, traffic studies, transportation management plan, related studies and plan sets were all evaluated to support the City's Issuance of a DNS. This alleged error does not have merit.

Appellant Alleged Error 2. Project Description On-Site Parking – *After checking remote sensing generated photos (Google Earth) and websites for both public and private schools in Redmond, we believe that Cascadia is the only school in the City that does not provide sufficient on-site parking for all vehicles that are part of daily operations. Off-site parking is an important neighborhood issue because it is directly related to traffic congestion and public safety. From remote sensing data, we know that currently (pre-COVID19) there are eight parking spaces on the site and according to a memo from Mr. Keeton as many as three vehicles regularly park (illegally) on internal roadways that are also fire lanes. Typically, three to four vehicles associated with the school park on 162nd Avenue NE on school days. In other words, what can we tell the real current demand for parking spaces is 15?*

The proposed increase in parking spaces to 18 is not based on any analysis of future demand for parking, instead it is based on a statement in the engineering report saying that the civil engineer could only find room for a total of 18 spaces. The traffic and parking analysis neither agree nor disagrees with his conclusion. After reviewing a (Google Earth) image of the site, I believe that the engineer did not look too hard for additional parking spaces. City planning staff should have seen this opportunity for more parking spaces months ago and commented to Cascadia.

One indicator of the likely demand for parking spaces is the number of classrooms and other instructional rooms. The project description only discusses the increases in square footage that result from the proposal, but not the increases in personnel that would be caused.

We have asked for and never received an answer to a very simple question, what is the peak number of people and vehicles that could be at the site after the proposed expansion? A description of the faculty FTE's is simply insufficient. In addition to faculty, there are likely to be contract employees (like janitors and grounds workers, service and delivery workers and vehicles, visitors and business people to name a few. Adding just three parking spaces for more than 55 students is not even remotely sufficient. Without better information we estimate that the total number of on-site parking spaces should be 26 to 28. The City needs to make Cascadia understand that is they are unwilling to develop more parking spaces; they don't have an acceptable project.

City Response to 2: The Appellant has provided no studies, information, nor facts that support their assertion: *Cascadia is the only school in the City that does not provide sufficient on-site parking for all vehicles that are part of daily operations.* All schools are required to provide parking studies as well as Transportation Management Plans. As the City requires annual reviews of the TMP's, it's not uncommon for them to be revisited and updated to mitigate any issues that arise and provide assurances that these issues will not reoccur. Therefore, the Appellant is incorrect in their assertion, that these concerns are unique to Cascadia. Furthermore, the application materials demonstrate compliance and provide sufficient on-site parking in addition to a Phase 2 Traffic Study and a Transportation Management Plan, which were reviewed and approved by City transportation staff Andy Chow, P.E. a licensed engineer. Both documents were found to have been prepared consistent with professional standards, and the accuracy of their conclusions were confirmed. The TMP will be revisited on a year basis to ensure that it is successful. A total of 18 parking spaces were deemed adequate to support future parking needs on-site when managed through a TMP. City transportation staff Andy Chow, P.E. and Bruce Newman, P.E., licensed engineers, reviewed and approved the applicant's Phase 1 Traffic Study in addition to the applicant's Transportation Management Plan.

The Appellant assertion that they have never received answers to their simple question is not accurate. Staff provided responses to the Appellant on January 15, 2021 (Attachment 9). In that email, staff shared that: 1) The proposed application is to add 55 additional students to the existing 75 student capacity, as was permitted through Site Development Permit (SDP-83-4). A total of 130 students will occupy the school if the consolidated Type III Conditional Use Permit (LAND-2019-00999) and Site Plan Entitlement (LAND-2019-01000) are approved. 2) The parking study is calculated based on the ITE Parking Analysis guidelines, and the City Code RZC 21.08.060.C, which requires the parking ratio for private schools to adequately accommodate for peak use. Per the parking analysis, the traffic engineer used Wednesday for her assessment which according to the school has the highest number of staff on-site of any of the weekdays. All existing and new parking stalls are outside of the fire land for emergency vehicle access.

The City did not err in its review of the traffic study or parking study as a total of 18 parking stalls will be provided on-site, including adequate space for vehicle queuing. This is reflected on the site plan, parking study and traffic study reviewed and approved by City staff. The Appellant asserts that 26-28 parking spaces should be provided on-site. The Appellant has not provided any facts, data, reports nor evidence that meet the required Technical approaches, as defined by adopted Codes and Manuals. The Appellant asserts that Google Earth was used as their primary tool for evaluation and analysis of existing site conditions and necessary improvements. Google Earth is not an industry standard tool for purpose of evaluation parking and traffic demand, and does not incorporate techniques consistent with best professional practices and the ITE manual. Additionally, the observations and analysis gathered by the Appellant was not completed nor evaluated by a licensed traffic engineer. Therefore, the Appellant's use of Google Earth is not adequate for a comparable analysis and does not demonstrate an error in the City's findings. Finally, the alleged error is unsupported by evidence or factual data that refutes the conclusions reached in the traffic and parking study reviewed and approved by the Redmond technical staff.

As a part of the Transportation Management Program (TMP) review, staff required the school to include the following language in the TMP under "Section G: On-Street Parking/Loading Signs": *The property owner will provide and install up to eight regulatory parking/loading signs, if determined necessary by the City of Redmond Traffic Operations Department based on the adopted operational standards and observed operations. This may include parking prohibitions on one or both sides of 162nd Avenue NE., time limited parking (e.g. 10-minute parking), loading zone restrictions, prohibitions of loading/stopping/standing, etc. In accordance with the TMP objectives, the objectives of this program element are to address parking and loading issues obstructing 162nd Avenue NE. Work shall be within existing right-of-way or on Cascadia Property, and shall be completed according to City of Redmond Standard Details and Specifications.* As indicated in the TMP for Cascadia School: *The goals of the TMP is zero minutes of vehicle queue spillover on 162nd Avenue NE during the peak drop-off and peak pick-up periods. The secondary goal of the TMP is to manage on-site parking so that all employees park on-site, and off-site (on-street) parking is discouraged to minimize impacts to adjoining neighborhoods and streets. The property owner will make good faith efforts to ensure that the elements of the TMP are implemented by direct provision, contracted services a lease agreement, voluntary compliance of tenants, or any combination of these methods. The TMP also requires: An annual report on the TMP activities and progress towards meeting the TMP goals will be prepared and submitted to the City of Redmond Transportation Management Program Administrator by July 31st of each year or date mutually agreed upon by property owner and the City.*

The Appellant has not submitted factual data that refutes the City's findings. The City did not err in reviewing the traffic impacts of the project and this alleged error does not have merit.

Appellant Alleged Error 3. Project Description Off-Site Parking - *Andy Chow, the City engineer responsible for parking and traffic analysis, told me that the City was considering allowing parking on both sides of 162nd NE by reducing lane width from the City standard of 12 feet to a below standard width of 10 feet and reducing the parking space width from the City standard to eight feet to a below-standard width of six feet. If the City plans to do this, it is never mentioned in project description. In my comments on the DNS I provided the following explanation of why parking on both sides would be a danger to public safety and in violation of standards in the Americans with Disabilities Act.*

The traffic analysis asserts that in the vicinity of the school vehicles can safely park on both sides of 162nd Avenue NE. This is simply not true and the west side of 162nd should be signed for "No Parking". In the vicinity of Cascadia School, 162nd Avenue NE is a two-lane street with no bulb outs and planters on the east side to serve as traffic calming features. The two lanes are each a standard 12-foot width. There are five-foot wide sidewalks on both sides of the street along with a two-foot wide roll curb and gutter on each side. The actual pavement is 32 feet wide. A standard eight-foot wide parking space on the west side. South of Cascadia School, across from Cascade View Park, the west side of 162nd Avenue NE is posted for "No Parking".

If parking is allowed on the west side of 162nd Avenue NE, there are several factors that would create a significant impact to traffic and public safety. The Americans with Disabilities Act (ADA) rules state that sidewalks must have a clear and unobstructed pathway for disabled persons that is at least 36-inches wide (which is wide enough for a wheelchair). Redmond has incorporated this rule into their street design. Incidentally, this three-foot wide pathway is also well-used by the general public. One of the things that would create an obstruction to the pathway are open car doors. It is not uncommon for open car doors to stand out four feet from the body of a car. Redmond's street design has taken both the pathway width, plus the two-foot wide curb and gutter for opening car doors and other temporary obstructions. Those factors bring the edges of the parking space to the edge of the pavement. (Again, consistent with Redmond street design).

Andy Chow, a City transportation engineer, told us that the City might consider reducing parking space width from the standard of eight feet to a narrower six-foot width and lane width from the City standard 12 feet down to 10 feet so that parking could fit into both sides of 162nd Avenue NE. One of my questions is why the City would want to deviate from longstanding City standards? There are serious negative impacts to both traffic and flow and public safety if the City allows parking on both sides of 162nd Avenue NE. First of all, some drivers are likely to prefer avoiding a queue and park on 162nd Avenue NE escort their student back to school. Once the driver opens his door to its full extent (four feet) they will immediately block part of the adjacent travel lane and reduce the lane's width down to six feet so that a vehicle would have to stop until the door is closed. Additionally, there is a high risk that the driver could be struck by a vehicle trying to pass on a too narrow lane. The open door also poses a barrier to bicycles and personal electric scooters that have relatively minimal lighting which tends to be focused down the roadway rather than towards an open vehicle door. Again, the risk of an accident may be high. Both interruption of the traffic flow during a peak travel period in the morning and the risk of accidents are good reasons not to allow parking on both sides of 162nd Avenue NE.

A parking scenario was also considered under which vehicles could parallel park with passenger side wheels that interface between the sidewalk and the roll curb gutter. This would be an unworkable approach, since the sidewalk is higher than the nearby pavement, causing the passenger side of the vehicle to sit up higher than the driver's side. The result is that passengers would have to exert pressure not only to open the door with a sideways motion, but also an upward motion that would be difficult for children, disabled persons, and the elderly to manage. If the vehicle's wheels are moved down the slope of the gutter, the efforts to open the passenger side would lessen, but the passenger would have to step out onto a sloped surface that, when wet, would be slippery and unstable. The end result is that the only safe place to park is at the gutter/pavement interface with the same safety problems as in the scenario described above.

City Responses to 3: The Appellant has incorrectly stated the existing roadway width dimensions per the discussion with Andy Chow, P.E. who is the Development Engineering Manager, licensed engineer and transportation engineer who reviewed the project. The existing roadway width on 162nd Avenue NE is 34 feet in width from face-of-curb to face-of-curb. The typical travel lane width for a local access road such as 162nd Avenue NE is 10 feet wide in each direction. For residential neighborhoods with 34 feet wide local access roads, there are no on-street parking restrictions on either side of the roadway. Minimum fire lane is 20 feet wide, which is the equivalent to two travel lanes (one on each direction). The additional seven-foot roadway on each side, can accommodate on-street parking. The speed limit for 162nd Avenue NE local access road is 25 mph and there are no dedicated bike lanes. This roadway configuration is commonly used in this neighborhood and other residential neighborhoods throughout the City.

As a part of the Transportation Management Program (TMP) review, staff required the school to include the following language in the TMP under Section "G" of On-Street Parking/Loading Signs. *"The property owner will provide and install up to eight regulatory parking/loading signs, if determined necessary by the City of Redmond Traffic Operations department based on the adopted operational standards and observed operations. This may include parking prohibitions on one or both sides of 162nd Avenue NE., time limited parking (e.g. 10-minute parking), loading zone restrictions, prohibitions of loading/stopping/standing, etc. In accordance with the TMP objectives, the objective of this program element is to address parking and loading issues obstructing 162nd Avenue NE. Work shall be within existing right-of-way or on the Cascadia property and shall be completed according to City of Redmond Standard Details and Specifications."* The TMP addresses the Appellant's concerns on 162nd Avenue NE within the limit of the City's authority for a project that has demonstrated compliance with all applicable standards. The Appellant has not submitted factual data that the City review of the project was based on inaccurate information regarding existing roadway widths, and this alleged error does not have merit.

Appellant Alleged Error 4. Project Description and Analysis – Vehicle Queuing: *In this case, vehicle queuing refers to the number of vehicles that could accumulate during their arrival, dropping off of students or parking of staff, and safe departure of vehicles from the area. In cases where queues become too long, streets and intersections can be blocked, and the flow of traffic could be impeded.*

The project description does not address the issue of AM vehicle queuing and the interest in having parking on both sides of 162nd Avenue NE. The traffic analysis seems to use the ITE Trip Generation Manual to estimate how many vehicle trips the school would cause during the morning peak period. This is a completely wrong approach to analyze queuing, since we already know that 130 students need to

get to school between 8:00 AM and 9:30 AM. City Planning staff should have seen this obvious and simple methodological approach months ago and told Cascadia to do a correct queuing analysis. If Cascadia had provided a credible estimate of the number of faculty and staff after expansion, we could easily begin to estimate the total number of vehicles arriving and departing during the AM peak period.

In traffic analysis, peak period vehicle volumes are typically used, not off-peak or average volumes. The same is true for a SEPA analysis. Reasonable worst-case scenarios are developed on available data, observations, information about the area, and behavioral assumptions. Here are factors the queuing analysis will need to consider:

- Cascadia School is situated near the top of a hill that has steep grades in some places making it difficult to traverse by young children to the extent that they are transported to the school.*
- Winter weather in Redmond is cold and rainy, sometimes with snow and fog; with these conditions, there will be mornings when all students will be transported to school. Similarly, these same weather conditions will encourage all faculty and staff to drive to school.*
- 162nd Avenue NE is too narrow to allow parking on both sides without causing traffic delays and greatly increasing risks to public safety. In earlier information submitted to the City we stated that the American with Disabilities Act had design standards that made it difficult to fit in parking on both sides of 162nd Avenue NE. Even if vehicles were allowed to park at edge of sidewalk the difficulty children, elderly and disabled would have opening vehicle doors and existing and entering vehicles precludes that as an option.*
- To enter and exit the school property vehicles need to cross a raised sidewalk that will cause vehicles to slow down to prevent a severe jolt.*
- I assume that there will be only one student per vehicle, since dropping off as student is likely to be a part of the AM journey to work.*
- Unlike public school, a private school can have a much larger drawing area for students than public schools, lessening opportunities for carpooling.*
- I assume that each vehicle will require a space of 20 feet to allow for the vehicle length and some safe spacing between vehicles.*

On several occasions, we have asked that a queuing analysis be conducted in front of the school and at the NE 40th/162nd Avenue NE intersection, since the AM peak traffic period for the school would coincide with the peak period for Microsoft and other nearby businesses.

In this scenario, there would be 130 students arriving between 8:00 AM and 9:30 AM and perhaps 25 staff arriving between 8:00 AM and 9:00 AM. I am certainly not an expert in queuing analysis, but it would appear that a queue at least 3,000 feet long would need to be cycled through the project on some mornings, blocking several intersections. None of this is documented in the SEPA checklist or the traffic analysis. Perhaps that is why parking on both sides of the street was being considered.

Finally, the City Planning Department needs to remember that, while a private school is an allowed land use in a residential zone, it is also a for-profit business and should be subject to the same conditions and regulations as other businesses in the City.

I think that any further action on this proposal should be tabled until a more acceptable traffic analysis can be prepared. Queuing may be enough of a current problem that enrollment at Cascadia School may need to be decreased for safety reasons.

City's Response to 4:

The Appellant has not submitted factual data that refutes any of the City's findings. As demonstrated by the record, the application was analyzed in a manner that is consistent with similarly situated school uses in the City, as required by the Code. The traffic study is consistent with City guidelines and was prepared based on industry standards and current established traffic engineering practices by a traffic consultant (Amy Wasserman) who is employed by a Washington State registered transportation engineering firm (Transportation Engineering Northwest or TENW). Based on the traffic study, the trip generation is based on the AM and PM peak hour trips and not the average weekday trips.

The School is required to have a Transportation Management Program (TMP) as part of Conditional Use approval. The objective of the TMP is to manage site access, manage the on-site traffic at and around school start and dismissal times, and include elements to minimize impacts to adjoining neighborhoods and streets in accordance with RZC 21.52.020.B. Staff is unaware any existing concerns about the queuing at 162nd Ave NE and NE 40th ST intersection. If there is a future queuing issue, the Transportation Management Program for the school can be administrated by the City to minimize impacts as noted above.

The Appellant has not submitted factual data that refutes the accuracy of the City's findings, and the error alleged by the Appellant does not have merit.

3. The specific relief requested:

Appellant Requested Relief: *The project should not be allowed to move forward until a proper analysis of the impacts of vehicle queuing on traffic and public safety has been conducted. Depending on the results of the analysis, Cascadia School may need to reduce enrollment rather than increase it.*

City Response to Requested Relief: The Appellant has failed to show how a "proper analysis" was not conducted by City staff. It is the burden of the Appellant to illustrate how the City erred in its decision to issue a SEPA DNS. A "proper analysis" was completed by City staff. The City reviewed the Phase 1 Traffic Study, Transportation Management Plan, SEPA Checklist and Plan Set as a part of its review to understand the impacts of vehicle queuing on traffic and public safety against all adopted Codes and Manuals. These materials were submitted by the applicant and recommended to the Technical Committee as a part of their issuance of a SEPA DNS, which was issued on December 18, 2020. The SEPA checklist was included as a part of the Technical Committee's recommendation and was signed by Ben Sticka, Senior Planner on December 8, 2020 and is fully annotated with Code citations and references each applicable Code section, as it pertains to the individual discipline and reviewer. Andy Chow P.E., Development Review Manager and the transportation engineer who reviewed the proposed Cascadia project has shared with the Appellant the following:

- The Phase 1 Traffic Study submitted by the applicant is consistent with City guidelines and was prepared based on industry standards and current established traffic engineering practices. During the review of the proposal, transportation engineering staff asked the applicant for additional information during two separate rounds of review. This included both updates to the applicant's traffic study, providing a Traffic Management Plan and also updating their plans to reflect a total of 18 parking spaces to accommodate the proposed parking demand. This is all reflected in the issue's matrix used by City staff during its review of all land use entitlement

applications. The school is required to have a Transportation Management Plan (TMP) as a part of the Conditional Use Permit/Site Plan Entitlement approval conditions. The objective of the TMP is to manage site access, manage the on-site traffic at and around school start and dismissal times, and include elements to minimize impacts to adjoining neighborhoods and streets in accordance with RZC 21.52.020.B. As indicated in the TMP for Cascadia School: *The goals of the TMP is zero minutes of vehicle queue spillover on 162nd Avenue NE during the peak drop-off and peak pick-up periods. The secondary goal of the TMP is to manage on-site parking so that all employees park on-site, and that off-site (on-street) parking is discouraged to minimize impacts to adjoining neighborhoods and streets. The property owner will make good faith efforts to ensure that the elements of the TMP are implemented by direct provision, contracted services, a lease agreement, voluntary compliance of tenants, or any combination of these methods.* The TMP also requires: *An annual report on the TMP activities and progress toward meeting the TMP goals will be prepared and submitted to the City of Redmond Transportation Management Program Administrator by July 31st of each year or date mutually agreed upon by property owner and the City.*

- The Parking Analysis is based on a combination of existing field data and the ITE (Institute of Transportation Engineers), Parking Analysis guideline, and the Redmond Zoning Code RZC 21.08.060.C requires the parking ratio for private schools to adequately accommodate for peak use. The future peak parking demand of the school was based on the detailed parking analysis and ITE guidelines. Per the parking analysis, the traffic engineer has used one of the most conservative days (Wednesday) which according to the school has the highest number of staff on-site of any of the weekdays. The ITE Parking Analysis guidelines requires estimating the parking ratio per number of staff for Private School (K thru 8).
- The subject site is located in an R-4 (Single-Family Urban Residential) zone. A Grade school (K-12) is required to provide “parking adequate to accommodate peak use” pursuant to RZC 21.08.060.C. As previously shared in “Staff Response to Comment 2”: Mr. Andy Chow P.E., City staff, stated the following:

“The parking study is calculated based on the ITE Parking Analysis guideline, and the city code RZC 21.08.060C require the parking ratio for private school to adequately accommodate for peak use. Per the parking analysis, the traffic engineer has used one of the most conservative days (Wednesday) which according to the School has the highest number of staff on-site of any of the weekdays. The ITE Parking Analysis guideline requires estimating the parking ratio per no. of staff for private school (K-8).”

- 18 total parking spaces will be provided on-site and is appropriate based on the studies provided by the applicant’s traffic consultant (Amy Wasserman, Senior Project Manager) and has been reviewed and approved by City transportation engineering staff (Andy Chow P.E.).

The Appellant has failed to show how a “proper analysis” was not conducted by City staff. It is the burden of the Appellant to illustrate how the City has erred in its decision to issue the SEPA DNS. A

“proper analysis” was completed by City staff. The City reviewed the Phase 1 Traffic Study, Transportation Management Plan, SEPA Checklist and Plan Set, as a part of its review to understand the impacts of vehicle queuing, as it relates to the proposal’s impacts on traffic and public safety. Staff has shared with the Appellant that its reviews were based on a Traffic Study prepared by senior project manager (Amy Wasserman) who is employed by a Washington State registered transportation engineering firm known as TENW (Transportation Engineering Northwest). The study has concluded that the max. on-site queue during drop-off or pick-up is estimated to be up to 10 vehicles, and the forecast queue of 10 vehicles in the drop-off/pick-up lane would occur entirely on-site and would not be expected to extend off-site onto 162nd Ave NE at any time. Also based on the results of the existing parking demand study, the proposed additional of eight (8) stalls to the existing on-site parking supply (10 stalls) would be expected to accommodate the total future parking demand with the expansion (Attachment 4). In addition, a Traffic/Transportation Management Plan (TMP) was reviewed and required to remain in-place for the School. The traffic study findings and proposed TMP were confirmed against the Redmond Zoning Code, industry standards and current established practices as reviewed by Andy Chow, P.E., Development Review Engineering Manager and the transportation engineer and Bruce Newman, P.E. Traffic Operations engineer assigned to the Cascadia school project. The burden falls on the Appellant to illustrate how the City erred in its decision to issue the SEPA DNS. The Appellant has failed to point out or illustrate any errors in the City’s decision to issue a DNS. Therefore, this alleged error does not have merit.

STAFF RECOMMENDATION

Based on the analysis included in this report, staff has concluded that the errors alleged by the Appellant do not have merit and recommends that the Hearing Examiner deny the appeal of the Appellant’s request to re-issue SEPA. The City of Redmond has shown that adequate studies were submitted and analyzed, and that all plans and data were evaluated and considered in the City of Redmond’s Technical Committee issuance of the SEPA DNS.

CONCLUSIONS IN SUPPORT OF THE STAFF RECOMMENDATION

The Appellant has the burden to prove that the City erred in the issuance of the SEPA DNS. The Appellant has not provided evidence to meet that burden and cannot establish that the City erred procedurally or substantively in issuing the SEPA DNS.



Carol V. Helland, Director
Department of Planning and
Community Development



Dave Juarez, Director
Department of Public Works