



QUASI JUDICIAL

DATE: April 15, 2021

MEMO TO: Parties of Record

FROM: Office of the Hearing Examiner, 425-556-2190, kbiegel@redmond.gov

SUBJECT: JORDAN SEPA APPEAL OF A DETERMINATION OF NON-SIGNIFICANCE LAND-2021-00035, CASCADIA SCHOOL CONSOLIDATED CONDITIONAL USE PERMIT AND SITE PLAN ENTITLEMENT LAND-2019-00999 & LAND-2019-01000

Reconsideration of the Hearing Examiner's Decision

Enclosed is a copy of the Hearing Examiner's Findings, Conclusions, and Decision on the Jordan SEPA Appeal of a Determination of Non-Significance, LAND-2021-00035, and Cascadia School Consolidated Conditional Use Permit and Site Plan Entitlement LAND-2019-00999 & LAND-2019-01000. Pursuant to the Redmond Zoning Code, any party of record may file a written request for reconsideration with the Hearing Examiner. To be considered, a request for reconsideration must explicitly set forth alleged errors of procedure or fact, and must be filed within ten business days of the Hearing Examiner's Decision in this matter. Reconsideration requests must be received by the Office of the Hearing Examiner of the City of Redmond and can be submitted by email prior to 5:00 p.m. on April 28, 2021.

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

Phone: 425-556-2190
Fax: 425-556-2198
Email: kbiegel@redmond.gov

For your convenience, Request for Reconsideration forms are available online:
<https://www.redmond.gov/913/Request-for-Reconsideration-or-Appeal>

FURTHER PROCEEDINGS

The decision of the Hearing Examiner for this consolidated Type III permit is appealable to the King County Superior Court by filing a land use petition which meets the requirements set forth in RCW Chapter 36.70C. The petition must be filed and served upon all necessary parties as set forth in State law and within the 21-day time period as set forth in RCW Section 36.70C.040.

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

| | | | |
|--|---|---|-----------------|
| In the Matter of the Appeal of |) | Nos. | LAND-2021-00035 |
| |) | | |
| James Jordan |) | | |
| |) | | |
| Of the December 18, 2020 State Environmental Policy Act Determination of Non-Significance #SEPA-2019-01173 |) | | |
| |) | | |
| and in the related Applications by |) | | LAND-2019-00999 |
| |) | | LAND-2019-01000 |
| Cascadia School |) | | |
| |) | | |
| For a Conditional Use Permit and Site Plan Entitlement for school expansion at 4239 – 162nd Avenue NE, Redmond |) | FINDINGS, CONCLUSIONS, AND DECISIONS | |
| |) | | |

SUMMARY OF DECISIONS

The appeal of the December 18, 2020 SEPA determination of non-significance is **DENIED**. The requested conditional use permit and site plan entitlement to expand the existing Cascadia School by enlarging an existing residential building on site by a total of 610 square feet and converting it to school use, increasing the student capacity by 55 students (to a total of 130 students), and adding eight parking spaces (to a total of 18 parking spaces) are **GRANTED** subject to conditions.

SUMMARY OF RECORD

Requests

Cascadia School (Applicant) requested approval of a conditional use permit (LAND-2019-00999) and site plan entitlement (LAND-2019-01000) to expand the Cascadia School by enlarging an existing residential building by a total of 610 square feet and converting it to school use, increasing the student capacity by 55 students (to a total of 130 students), and adding eight parking spaces (to a total of 18 parking spaces).

The City of Redmond acted as lead agency for review of the proposal for compliance with the requirements of the State Environmental Policy Act (SEPA) and, in this capacity, issued a SEPA determination of non-significance (DNS, SEPA-2019-01173) on December 18, 2020. The DNS was timely appealed by James Jordan (Appellant) on January 19, 2021.

Pursuant to Redmond Zoning Code (RZC) 21.70.190.E, the SEPA appeal hearing was consolidated with the open record hearing on the underlying permits for which the SEPA determination was made.

Procedural History

A virtual pre-hearing conference was conducted with the Appellant and Applicant and City representatives on February 16, 2021. Scheduling of the hearing, dispositive motions, and pre-hearing document exchange were discussed in the conference, the details of which are outlined in the Hearing Examiner’s February 16, 2021 *Order Setting Hearing and Pre-Hearing Schedule*.

The Applicant filed a motion to dismiss the SEPA appeal on February 18, 2021, arguing that the project is categorically exempt from SEPA environmental review, and that the issues on appeal are beyond the scope of review allowed for otherwise-exempt projects located in a critical area. After considering the motion, the Appellant’s February 24, 2021 response, and the Applicant’s March 1, 2021 reply, the Hearing Examiner denied the motion on March 8, 2021.

The Hearing Examiner conducted a virtual hearing on the appeal and on the related permits on March 29, 2021. The Hearing Examiner allowed the parties to the appeal until April 5, 2021 to submit written closing arguments. All parties timely submitted written arguments. The record of the permit hearing was held open until March 31, 2021 to allow any members of the public having difficulty joining the virtual hearing to submit written comments, with time scheduled for responses from the parties. No post-hearing comments were submitted, and the permit record closed on March 31, 2021.

Issues on Appeal

In his appeal statement, the Appellant alleged the following errors (paraphrased):

1. Procedural issues related to posting of notice and the adequacy of available information on file with City;
2. Lack of baseline information about existing use in order to allow analysis of proposed expansion;
3. Lack of information about number of classrooms and staff, from which to determine the needed number of off-street parking stalls;
4. There will be traffic congestion from buses and parent vehicles on 162nd during drop off/pick up;
5. Inadequate off-street parking - 18 spaces are not justified; and
6. Inadequate queuing analysis.

/

/

/

Testimony

Witnesses called by the Appellant

James Jordan, Appellant

Witnesses called by the Applicant

Teri Keeton, Head of School, Cascadia School

Philip Keeton, Head of Strategy and Operations, Cascadia School

Amy Wasserman, Senior Project Manager, TENW

Kevin Flanagan, Managing Principal, NAC Architecture

Witnesses called by the City

Ben Sticka, Senior Planner, City of Redmond

Andy Chow, Development Engineering Manager, City of Redmond

Bruce Newman, Senior Engineer, City of Redmond

Attorney Representation

Appellant James Jordan appeared *pro se*.

Amit Ranade and Ann Gygi, Attorneys, Hillis Clark Martin & Peterson PS, represented the Applicant.

James E. Haney, Ogden Murphy Wallace, PLLC, represented the City of Redmond (City).

Exhibits

The following exhibits were admitted in the record of this matter:

For Appellant James Jordan (denoted in findings with 'J' prefix):

- J1. Alternative On-Site Parking Plan (modified from NAC/Jacobson drawing C2.00 East Building Remodel and Addition by J. Jordan 3/10/21)
- J2. Existing 162nd Ave. NE Traffic Lane and Parking Configuration (hand drawn by J. Jordan 3/10/21)
- J3. Proposed 162nd NE Ave. Traffic Lane and Parking Configuration (hand drawn by J. Jordan 3/10/21)

For the Applicant, Cascadia School (denoted in Findings with an 'C' prefix):

- C1. Updated Phase 1 Traffic Study, by Amy Wasserman, dated December 1, 2020.
- C2. Transportation Management Plan for Cascadia School, by Amy Wasserman (undated)
- C3. Cascadia Montessori School East Building Remodel and Addition, Draft Plan Set, by NAC Architecture, dated June 14, 2019
- C4. Stormwater Management Report, by Jacobson Consulting Engineers, dated October 23, 2020
- C5. Wetland and Stream Delineation report, by The Watershed Company, dated December 1, 2020

- C6. Arborist Report, by Davey Resource Group, dated December 2020
- C7. SEPA Determination of Non-Significance, by the City, issued December 18, 2020
- C8. Consolidated Type III/Conditional Use Permit and Site Plan; Entitlement/Technical Committee Report to the Hearing Examiner (undated)
- C9. Photograph of posted notices of the City’s SEPA Determination, taken by Teri Keeton on December 18, 2020
- C10. E-mail correspondence between Philip Keeton and Benjamin Sticka regarding the posting of a notice of the City’s SEPA Determination, dated December 18, 2020
- C11. Resumes for Kevin Flanagan, Amy Wasserman, and Chris Forster

For the City of Redmond (denoted in Findings with a ‘R’ prefix):

- R1. Appeal Staff Report
- R2. LAND-2021-00035 – Appeal Application, January 19, 2021
- R3. SEPA-2019-01173 – SEPA DNS, December 18, 2020 and SEPA checklist
- R4. SEPA DNS Certification of Public Notice and mailing list¹
- R5. Updated Phase 1 Traffic Study [duplicate of C1]
- R6. Transportation Management Program [duplicate of C2]
- R7. Appeal Hearing Certification of Noticing
- R8. Issues Matrix
- R9. Jordan response email December 29, 2020
- R10. Jordan response email January 15, 2021
- R11. Summary of previous approvals
- R12. General Application for Cascadia Elementary expansion
- R13. Plan Set
- R14. SEPA Application
- R15. Wetland and Stream Delineation report, by The Watershed Company, dated December 1, 2020 [duplicate of C5]
- R16. Notice of Application
- R17. Consolidated Type III CUP and SPE Technical Committee Report to the Hearing Examiner, with the following attachments:
 - 1. General Application [duplicate of R12]

¹ The Hearing Examiner received identical packets for Exhibits R3 and R4 (originally labeled R2 and R3), which contained the Certification of Public Notice (certificates of mailing and posting), the DNS, the SEPA checklist, and the notice mailing list. In this list they are split into two exhibits.

2. Determination of Completeness
 3. Notice of Application, Certificate of Public Notice and Public Notice Site Plan
 4. Public Comments & Responses
 5. Notice of Public Hearing and Certificates of Posting
 6. SEPA Application Form DNS Certificate of Posting
 7. SEPA Checklist
 8. Arborist Report [duplicate of C6]
 9. Plan Set, dated October 19, 2020
 10. Critical Areas Report [duplicate of C5]
 11. Traffic Study & Transportation Management Program [duplicate of C1 and C2]
 12. Stormwater Report [duplicate of C4]
- R18. City PowerPoint Presentation for the permit hearing, dated March 29, 2021

Other documents:

Order Setting Hearing and Pre-Hearing Schedule
 Motion to Dismiss SEPA Appeal
 Appellant Response to Motion to Dismiss
 Applicant Reply in Support of Motion to Dismiss
 Ruling on Applicant's Motion to Dismiss dated March 8, 2021
 Applicant's Pre-Hearing Brief
 Applicant's Witness and Exhibit List
 City of Redmond's Witness and Exhibit List
 City of Redmond's Corrected Exhibit List
 Appellant Witness and Exhibit List
 Applicant's Post-Hearing Brief
 City's Closing Argument
 Appellant's SEPA Appeal Hearing Comments

Based on the record developed through the virtual open record hearing process, the Hearing Examiner enters the following findings and conclusions addressing the SEPA appeal and the requested land use approvals.

FINDINGS

Background

1. Cascadia School (Applicant) proposes to expand its existing private pre-kindergarten/elementary school located at 4239 - 162nd Avenue NE in Redmond, Washington. The school has operated at the subject site since 1984 pursuant to Site Development Permit No. SDP-83-4, issued September 21, 1983. Site Plan Review No. SPR97-054, issued April 29, 1998, allowed a 1,721 square foot addition to the campus. The approved student capacity under existing permitting is 75 students. The campus consists of Building “A” (3,300 square feet), Building “B” (360 square feet), Building “C” (3,000 square feet, currently designated for residential occupancy), and 10 parking spaces. The school is currently operating at full capacity. *Exhibits C7, R11, and R17; Teri Keeton Testimony.*

Procedural Matters

2. On October 18, 2019, the Applicant submitted conditional use permit (CUP) and site plan entitlement (SPE) applications to expand the Cascadia School by enlarging Building “C” by a total of 610 square feet and converting it to school use, increasing the student capacity by 55 students (to a total of 130 students), and adding eight parking spaces (to a total of 18 parking spaces). Notice of the applications was issued on November 12, 2019. *Exhibits R1, R3, R17, and R18; Ben Sticka Testimony.*
3. The State Environmental Policy Act (SEPA) environmental checklist submitted by the Applicant disclosed, in addition to the project elements described in the CUP application, the potential for future redevelopment of an existing basketball court into classroom space or community space, and an expansion of Building “B.” These changes, if they occurred, would not increase student capacity beyond the proposed 130 students. They are not within the scope of the current CUP request. *Exhibit C7; Teri Keeton Testimony.*
4. The City of Redmond acted as lead agency for review of the environmental impacts of the proposal under SEPA. The City issued a DNS on December 18, 2020 pursuant to WAC 197-11-340(2), which requires a 14-day comment period followed by a 14-day appeal period. To account for City holidays, the comment deadline specified in the DNS was January 4, 2021, or 17 calendar days from the date of issuance, and the subsequent appeal deadline was January 19, 2021, or 15 calendar days from the comment deadline. The DNS was posted on site and mailed to surrounding property owners and parties of record on or before December 18, 2020. The Applicant presented photographic evidence and witness testimony that the DNS was posted on site correctly and timely. *Exhibits R1, R3, R4, R10, and C9; Teri Keeton Testimony; Philip Keeton Testimony.*
5. After receiving notice of the DNS, James Jordan (Appellant) emailed the City Planner, Benjamin Sticka, on December 23, 2020 to request additional information and documentation. Mr. Sticka responded via email on December 29, 2020. The response included an electronic link to documents related to the current development proposal, and an electronic link for making a public records request with respect to older documents relating to the subject property. *Exhibit R9.* The Appellant subsequently submitted

timely procedural and substantive comments on the DNS, and City Staff responded to the comments in detail via email on January 15, 2021. The City response included information on an updated Transportation Management Program for the project (described in more detail in the findings that follow), which was relevant to appeal issues on queuing and parking. *Exhibit R10.*

6. The Appellant timely filed an appeal of the DNS on January 19, 2020. The appeal alleged procedural errors relating to notice and the availability of information, and alleged that the DNS was based on insufficient information, that the project would result in traffic congestion on 162nd Avenue NE during drop-off/pick-up times, that there would be inadequate off-street parking, and that the queuing analysis was inadequate. *Exhibit R2.*
7. With respect to the notice issue raised in the appeal, the Appellant submitted that he did not receive his mailed notice until December 22, 2020 and alleged that paper copies of the DNS placed into a plastic sleeve for the public to take were in the sleeve backwards when viewed on December 28, 2020 (a condition which he acknowledged was temporary). However, he provided no evidence that the City did not comply with applicable legal standards for notice of the DNS. *Exhibit R2; Jim Jordan Testimony.*
8. With respect to the availability of information, the record contains evidence that the City corresponded with the Appellant regarding his questions and concerns about the project multiple times, both before and after issuance of the DNS. It also reflects that the Appellant had access to relevant documents including the Applicant's traffic study. In his appeal, the Appellant did not identify any legal requirement that was not satisfied. *Exhibits R9, R10, and R17.4.*
9. Notice of the open record hearing was mailed to parties of record and surrounding property owners, published in *Seattle Times*, and posted on site and on the City's website on or before March 8, 2021. Notice of the appeal was separately mailed to parties of record on or before March 15, 2021. *Exhibits R7, R17 and R17.5.*

Factual Findings relevant to both the Appeal and the Requested Permits

10. The subject property is 103,849 square feet in area and is zoned Single-Family Urban Residential (R-4). The purpose of the R-4 zone is as follows:

The R-4 Single-Family Urban Residential zone provides for primarily single-family residential neighborhoods on lands suitable for residential development with an allowed base density of four dwellings per gross acre. This designation provides for stable and attractive suburban residential neighborhoods that have a full range of public services and facilities. To complement the primarily residential nature of these zones, some nonresidential uses are allowed.

RZC 21.08.060.A. Grade schools are allowed in the R-4 zone with approval of a CUP.
RZC Table 21.08.060.C.27.

11. The subject property is within the Overlake Neighborhood of the Comprehensive Plan.

Redmond Hearing Examiner

Findings, Conclusions, and Decisions

*Jordan Appeal (LAND-2021-00035) of DNS (SEPA-2019-01173),
LAND-2019-00999 – CUP/LAND-2019-01000 – SPE*

page 7 of 28

The Comprehensive Plan contains policies to encourage redevelopment of underutilized parcels in a manner that is compatible with their surroundings (LU-6), allow appropriately scaled nonresidential uses in residential zones (LU-29), provide a mix of uses in a range of zones that allow for the daily needs of residents to be met (EV-3), and support and collaborate with educational institutions to maintain and enhance the quality of education at all grade levels (EV-14). *Exhibit R17*. The proposed expansion would add school capacity and educational options within the community. *Kevin Flanagan Testimony*.

12. Surrounding properties to the north, south, and east are zoned R-4 and are developed with single-family residences. Surrounding properties to the west are zoned R-6, R-12, and R-30 and are developed with multi-family residences. *Exhibit R17*.
13. The buildings on site, including the proposed additions to Building “C”, would comply with R-4 bulk standards. The existing buildings are 21 feet high. The Building “C” addition would be 15 feet high, as compared to a maximum building height of 35 feet. The total lot coverage by structures would be 7%, as compared to a maximum of 35% allowed in the zone. Following construction, the impervious surface area on the subject property would be approximately 27%, as compared to a maximum allowed of 60%. The Building “C” additions would be over previously paved areas to minimize impervious surfaces. Ninety-three percent of the lot area would be comprised of open space, whereas only 20% is required. *Exhibit R17; RZC Table 21.08.060.B; Kevin Flanagan Testimony*.
14. The buildings on site, including the proposed additions to Building “C”, would comply with R-4 setback and building separation standards. The proposed Building “C” additions would extend towards the interior of the site and would not reduce existing code-compliant building setbacks from exterior site boundaries. The distance between the Building “C” additions and the nearest building would be more than 16 feet, as compared to a minimum building separation requirement of 10 feet. *Exhibits R17 and R18; RZC 21.08.060.B*.
15. The City of Redmond Design Review Board has reviewed the proposal, and recommended approval on July 16, 2020. *Exhibit R17; Ben Sticka Testimony*.
16. Because there are no historic structures on the site, the Landmarks and Heritage Commission does not have jurisdiction over the proposal. *Exhibit R17; Ben Sticka Testimony*.
17. The eastern portion of the subject property (containing the school campus) is generally flat. There is a ravine along the western edge of the subject property containing a Class II stream (Tosh Creek), which drains into the Sammamish River approximately 4,200 feet to the north. An unnamed tributary to Tosh Creek, also classified as a Class II stream, crosses the southwest corner of the subject property. Both streams flow through a Category II wetland that covers the western portion of the subject property. All three of these critical areas require a 150-foot buffer under City ordinances. All existing and

proposed development on the site would be more than 150 feet from the critical areas. The nearest building (existing Building “A”) is approximately 245 feet from the wetland edge. Stormwater runoff from the school campus drains towards the street and not towards the critical areas. *Exhibits C3, C5, and R17; Kevin Flanagan Testimony.*

18. Due to the small area of new hard surfaces that would be created as a result of the proposal, no on-site stormwater detention or treatment facilities are required under City ordinances or the Washington State Department of Ecology Stormwater Management Manual for Western Washington. Runoff from the new building additions would be collected into downspouts and discharged into the existing stormwater conveyance system via new private storm sewer extensions. The new parking stalls would be graded to flow into existing catch basins. New hardscape would maintain existing grades and drainage patterns. *Exhibits C4 and R17.*
19. Existing public facilities that serve the site, including police, fire, and utilities, are adequate to serve the expanded use. The proposed building addition would require modifications to the on-site water, fire, and sewer service connections. These requirements are addressed in the recommended conditions of permit approval. *Exhibit R17; Ben Sticka Testimony.*
20. Redmond Zoning Code 21.72 requires that all healthy landmark trees and 35% of all healthy significant trees be retained.² The subject property contains 19 healthy landmark trees and 86 healthy significant trees (105 regulated trees total). The Applicant proposes to retain all of the landmark trees and 84 of the significant trees (two trees are proposed for removal because they conflict with proposed new parking areas). However, two of the retained landmark trees and five of the retained significant trees would be impacted by development activities. The overall tree retention rate, counting only non-impacted retained trees, would be 91%. Pursuant to RZC 21.72.080, removed significant trees must be replaced at a 1:1 ratio. The Applicant proposes to meet the requirement by planting two new trees on site. *Exhibits C6, R17, and R18.*
21. The City’s residential landscaping standards contained in RZC 21.08.180.F do not directly apply to the school use. However, City staff submitted that the existing perimeter landscaping, which would be retained with the proposed school expansion, meets the intent of the ordinance. *Exhibits R17 and R18.*
22. Driveway access to the subject property is from 162nd Avenue NE. The driveway is looped to allow for curbside student drop-off and pick-up. *Exhibit R17.9.*
23. Measured from curb to curb, 162nd Avenue NE is 34 feet wide. Although the street does not meet current City design standards (its construction predates the standards), the

² Pursuant to RZC 21.78, landmark trees are those that are greater than 30 inches in diameter at breast height and significant trees are those that are between six and 30 inches in diameter at breast height.

proposed expansion does not trigger a requirement to provide full frontage improvements because the increase in structure square footage on-site would be less than 20% of existing. However, the Applicant would be required to install new curb ramps for persons with disabilities at the intersection of 162nd Avenue NE and the site driveway. Parking on both sides of the street is lawful, and it is acceptable to the City from a safety perspective due to the street classification's low traffic volume and speed. *Testimony of Andy Chow and Bruce Newman; Exhibit R17.*

24. The overall hours of operation for the Cascadia School are from 7:00 am to 6:00 pm, although students do not typically arrive before 8:00 am. Using protocols developed as a result of neighborhood feedback, student start times are staggered to reduce the number of vehicles present at one time. Drivers are supposed to stay in their vehicles when dropping off and picking up students; students are assisted out of and into vehicles by staff. In the afternoon, pick-up times vary due to the availability of after-school care and enrichment activities. Parents generally pick up students between 3:00 pm and 5:30 pm. *Teri Keeton Testimony; Exhibit C1.*
25. Due to prioritization of siblings with respect to enrollment, almost 45% of student body consists of family groups, resulting in multiple students arriving in the same vehicle. In addition, some families carpool. *Teri Keeton Testimony.*
26. The school currently has 17 staff members, but these are rarely all on campus at the same time. The average number of staff on site during the primary school hours of 8:30 am to 3:15 pm is 11. The proposed expansion would bring four additional staff members (likely part-time assistants and administrative staff), for a total of 21, who would continue to rarely if ever all be present on campus at once. *Exhibit C1; Teri Keeton Testimony.*
27. In March 2019, the Applicant hired the transportation engineering firm TENW to provide a Phase 1 study for the project. The purpose of a Phase 1 study is to disclose project trip generation so that the City can decide whether a Phase 2 study is required. A Phase 2 study includes operational analysis, sight-distance analysis, and parking demand. It is not standard engineering practice for a Phase 1 study to include traffic counts. The Phase 1 Study for the school expansion project was prepared by Amy Wasserman of TENW, who has a BS in civil engineering and has worked for TENW for 20 years, during which time she has prepared traffic studies for numerous school projects in the region. Although the City did not require a Phase 2 study after reviewing the original Phase 1 study, it did request additional information on queuing and parking, which Ms. Wasserman incorporated into the December 1, 2020 Updated Phase 1 Traffic Study that is a part of this hearing record. This document was reviewed by two experienced transportation engineers within the City, who agreed with the report conclusions and the methodologies used. *Testimony of Amy Wasserman, Andy Chow, and Bruce Newman.* The Appellant, who disagreed with the report's conclusions and methodologies, is not a transportation engineer. *Jim Jordan Testimony.*

28. The industry standard method for estimating project trip generation is reference to the Institute of Transportation Engineers (ITE) *Trip Generation* manual. Ms. Wasserman based the trip estimates for the subject school expansion project on Land Use Code 534 – Private School, K-8. Using these rates, the proposed school expansion is expected to generate 51 new morning peak hour trips, 34 new early afternoon peak hour trips, and 14 new late afternoon peak hour trips. *Exhibit C1; Amy Wasserman Testimony.*
29. The Appellant argued that the traffic study should have taken into account background traffic, including traffic generated by a planned Microsoft expansion. His concern was that there will be increased cut-through traffic from West Lake Sammamish Parkway. *Jim Jordan Testimony.* However, analysis of background traffic is not a component of a Phase 1 study. *Amy Wasserman Testimony.* The Appellant did not provide any specific information on the Microsoft expansion or its projected traffic patterns.
30. TENW staff including Ms. Wasserman visited the site on Tuesday, April 2, 2019 to observe traffic conditions during the morning and afternoon peak hours (corresponding with school drop-off and pick-up times), which included the time periods of 8:00 am to 9:00 am, 3:00 pm to 3:30 pm, and 4:30 pm to 6:00 pm. During the morning peak, the maximum queue at the school was five vehicles, and the queue was fully contained on site. Only one driver parked on 162nd Avenue NE to walk a student into the school, and no drivers used 162nd Avenue NE to drop off students. Between 3:00 pm and 3:30 pm, the maximum queue was five vehicles, and the queue was fully contained on site. No drivers parked on 162nd to walk to the school, and none picked up students directly from 162nd Avenue NE. Between 4:30 pm and 6:00 pm, the maximum queue at the school was six vehicles, and the queue was fully contained on site. Only one driver parked on 162nd Avenue NE to walk to the school, and none picked up students directly from 162nd Avenue NE. Through traffic on 162nd Avenue NE was not blocked by school vehicles during any of the drop-off or pick-up times, and no safety issues were observed. *Exhibit C1; Amy Wasserman Testimony.*
31. Ms. Wasserman used extrapolation, a standard engineering practice, to determine a projected queue length of ten vehicles for 130 students (six-vehicle queue divided by 75 existing students and multiplied by 130 future students equals a ten-vehicle queue). Due to carpooling and sibling enrollment, such an extrapolation yields a conservative result for this project. With a queuing area of 250 feet, a queue of ten vehicles can be accommodated on site. *Exhibit C1; Amy Wasserman Testimony.*
32. The Appellant disputed the Applicant’s queuing analysis, arguing that a vehicle queue for 130 students arriving at once would block several intersections. The Appellant further argued that the queuing analysis should have been conducted in January to represent worst-case queuing conditions, because he believes drop off and pick up would take longer and be slower in dark, wet conditions. *Exhibit R2; Jim Jordan Testimony.* The Appellant did not provide alternate data or methodology to contradict Ms. Wasserman’s conclusions, which conclusions were based on on-site queuing observations. Further, based on the testimony of Bruce Newman, a senior engineer in the City Public Works

Department, the standard for evaluating impacts is not restricted to consideration of the worst-case scenario. Instead, a reasonably conservative study is what is required. *Bruce Newman Testimony.*

33. According to City code, the number of parking spaces required for elementary school uses is an amount that is “adequate to accommodate peak use.” *RZC Table 21.08.060.C.27.* There are a total of 10 striped parking stalls on site, including one ADA-accessible stall and nine general parking stalls. The Applicant proposes to construct an additional eight on-site parking stalls, for a total of 18. *Exhibits C1 and C3.*
34. As part of the Updated Phase 1 Traffic Study, Ms. Wasserman analyzed parking demand for a typical school day based on site observations recorded on Monday, February 10, 2020 and Wednesday, February 26, 2020. At the time of the study the school had a total of 17 employees. The study included observations of school-related on-street parking on both 162nd Avenue NE and the intersecting NE 43rd Street, but, consistent with guidance from ITE’s manual *Parking Generation* (5th Edition), did not count parking associated with peak drop-off and pick-up activities as contributing to parking demand. The peak parking demand on February 10, 2020 was 13 vehicles (occurring during one 15-minute period), and the peak parking demand on February 26, 2020 was 16 vehicles (also occurring during one 15-minute period), for an average peak demand of 0.85 space per employee. Applying this rate to the expected 21 employees after expansion, TENW calculated a peak demand of 18 parking stalls, which is the number of parking stalls proposed. Although the Appellant challenged the calculation as being based on “FTEs”, the calculation was based on the total number of employees on site (including part-time employees), not on full-time equivalents. *Exhibit C1; Amy Wasserman Testimony.*
35. The Updated Phase 1 Traffic Study also contains analysis of parking demand on a school event day, based on data collected on Friday, February 7, 2020. There are approximately 10 events per year, typically scheduled during daytime hours, during which family members are in attendance. To reduce traffic volumes, the Applicant limits the number of students or classes participating in events at any one time. The event on February 7 was a drop-in event involving 17 students, which was scheduled from noon to 1:00 pm. The peak parking associated with the event was 26 vehicles, with nine vehicles parked on site and 17 parked off site. It is not typical for schools to size parking lots to accommodate special events. *Exhibit C1; Testimony of Amy Wasserman and Teri Keeton.*
36. In the SEPA appeal and in his comments during the CUP/SPE portion of the hearing, the Appellant questioned the methodology for determining the amount of required on-site parking and argued that it should not be based on the number of staff but should also consider factors such as number of classrooms, contract workers, and delivery personnel. *Exhibit R2; Jim Jordan Testimony.* The City’s transportation engineer, Mr. Chow, submitted that the number of staff was the appropriate variable to use in the parking study, and that vehicles temporarily present on site (such as delivery vehicles) do not require parking stalls. The Applicant’s parking study was based on site-specific data and

was consistent with methodology outlined in the *ITE Parking Generation* manual. *Andy Chow Testimony; Exhibit C1.*

37. The Appellant requested that additional off-street parking be provided out of concern that street parking would obstruct both through traffic and use of sidewalks due to open vehicle doors. *Exhibit R2; Jim Jordan Testimony.* He suggested that the site plan be revised to include an additional parking area in the northwestern portion of the campus. For access, he suggested a driveway from the drop-off/pick-up loop between Buildings “B” and “C”. *Exhibits R2 and J1; Jim Jordan Testimony.*
38. The Appellant’s suggested site plan would place a driveway across a walkway used by students multiple times per day. As staff using the parking spaces would arrive and leave at various times throughout the day (i.e., they would not all arrive in the morning prior to the students), parking in the suggested location would result in the potential for conflict between the vehicles and student walking. *Teri Keeton Testimony.* In addition, the driveway at the suggested location would require the removal of two landmark trees. Due to the location of existing buildings, the suggested driveway route would be too narrow to allow for two-way traffic. *Kevin Flanagan Testimony.*
39. The Applicant prepared a Transportation Management Program (TMP) for the school, which per the City’s recommended conditions of CUP and site plan entitlement approval, must be approved by the City and recorded on the property title prior to issuance of any development permit. The goals of the TMP are to ensure that there zero minutes of spillover of the drop-off/pick-up queue onto 162nd Avenue NE and to minimize demand for street parking by ensuring employees can be accommodated on site. In addition to maintaining the existing staggered start and dismissal times and use of staff to manage traffic operations, the proposed TMP provides for establishment of a digital transportation information center for families and staff to access, designation of a transportation coordinator, provision of bicycle racks, use of incentives to encourage employees to use transportation alternatives to driving alone, distribution of information on transportation options and pick-up/drop-off rules at the start of every school year and when new employees are hired and new students enrolled, and installation of parking/loading signs on 162nd Avenue NE if deemed necessary by the City of Redmond Traffic Operations Department. As a contingency measure, if program goals are not met, the school would develop alternative strategies to manage drop-off/pick-up operations and employee parking. These might include further staggering the student start and end times and increasing the length of the loading zone. *Exhibits C2 and C8; Testimony of Andy Chow and Philip Keeton.*
40. Section G of the TMP addresses installation of parking/loading signs if determined necessary by the City based on observed future operations. It was added as an update to the original document at the City’s request as a contingency to be employed in the event that there are unanticipated queuing and parking impacts, since the TENW study was based on a limited number of observations. The updated version of the TMP was submitted by the Applicant and reviewed by the City’s Development Engineering

Manager prior to the SEPA determination. *Exhibit C2; Testimony of Andy Chow and Bruce Newman*. In post-hearing closing arguments, the Appellant stated that the modified TMP addresses his concerns regarding off-site parking, queuing, and related public safety impacts. *Appellant’s SEPA Appeal Hearing Comments*.

41. Written public comments on the CUP and SPE applications, which were submitted between December 2019 and April 2020 (prior to Applicant’s submittal of the Exhibit C1 Updated Phase 1 Traffic Study), raised issues that were similar to those raised in the SEPA appeal, including: concerns about traffic, parking, drop-off/pick-up, and vehicular obstruction of 162nd Avenue NE. These are addressed by the Updated Phase 1 Traffic Study and the Transportation Management Program as discussed in previous findings. *Exhibit R17.4*.
42. The City’s Technical Committee, consisting of staff from different departments and disciplines, reviewed the proposal and found it to be in compliance with the Redmond Zoning Code, the Redmond Comprehensive Plan, the Redmond Municipal Code, and the State Environmental Policy Act, and recommended that the CUP and SPE permits be granted subject to the conditions outlined in the Technical Committee Report. *Exhibit R17*. Applicant representatives waived objection to the recommended conditions of approval. *Testimony of Teri and Philip Keeton; Ann Gygi Comments*.

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to decide appeals of SEPA determinations of non-significance pursuant to RZC 21.70.190, which incorporates WAC 197-211-680. The Hearing Examiner has jurisdiction to hear and decide applications for a conditional use permit pursuant to RZC 21.76.060.J.3 and RZC Table 21.76.050.B and the associated site plan entitlement permit pursuant to RZC 21.76.050.E.2.

Criteria and Standards for Review

SEPA Appeal

The State Environmental Policy Act (Chapter 43.21C RCW or “SEPA”) specifies the environmental review procedures the City must follow for proposals that may have an impact on the environment. *RCW 43.21C.030(b)*. The SEPA threshold determination is a determination as to whether a proposal is “likely to have a probable significant adverse environmental impact.” *WAC 197-11-330*. Pursuant to *WAC 197-11-330(3)*, in determining an impact’s significance the Responsible Official must take into account the following (among other considerations): that the same proposal may have a significant adverse impact in one location but not in another location; that several marginal impacts when considered together may result in a significant adverse impact; and whether a proposal may to a significant degree:

- (i) Adversely affect environmentally sensitive or special areas, such as loss or destruction of historic, scientific, and cultural resources, parks, prime farmlands, wetlands, wild and scenic rivers, or wilderness;
- (ii) Adversely affect endangered or threatened species or their habitat; [and/or]
- (iii) Conflict with local, state, or federal laws or requirements for the protection of the environment;

The lead agency must make its threshold determination “based upon information reasonably sufficient to evaluate the environmental impact of a proposal.” *WAC 197-11-335*.

Clear error is the standard of review applicable to substantive decisions under SEPA. *Cougar Mt. Assocs. v. King County*, 111 Wn.2d 742, 747, (1988). The determination by the governmental agency is clearly erroneous only if the reviewing tribunal is left with “the definite and firm conviction that a mistake has been committed.” *Id.* at 747 (quoting *Polygon Corp. v. Seattle*, 90 Wn.2d 59, 69, (1978)). The burden of proof is on the appellant to show that the proposal will have probable, significant adverse environmental impacts. *Boehm v. City of Vancouver*, 111 Wn. App. 711, 719, (2002).

The procedural determination of the City’s SEPA Responsible Official shall be accorded substantial weight in appeals. *RCW 43.21C.075(3)(d); RCW 43.21C.090; WAC 197-11-680(3)(a)(iii); Cougar Mt. Assocs. v. King County*, 111 Wn.2d 742, 747 (1988).

WAC 197-11-330 Threshold determination process.

An EIS is required for proposals for legislation and other major actions significantly affecting the quality of the environment. The lead agency decides whether an EIS is required in the threshold determination process, as described below.

- (1) In making a threshold determination, the responsible official shall:
 - (a) Review the environmental checklist, if used:
 - (i) Independently evaluating the responses of any applicant and indicating the result of its evaluation in the DS, in the DNS, or on the checklist; and
 - (ii) Conducting its initial review of the environmental checklist and any supporting documents without requiring additional information from the applicant.
 - (b) Determine if the proposal is likely to have a probable significant adverse environmental impact, based on the proposed action, the information in the checklist (*WAC 197-11-960*), and any additional information furnished under *WAC 197-11-335* and *197-11-350*; and
 - (c) Consider mitigation measures which an agency or the applicant will implement as part of the proposal, including any mitigation measures required by development regulations, comprehensive plans, or other existing environmental rules or laws.
- (2)

- (3) In determining an impact's significance (WAC 197-11-794), the responsible official shall take into account the following, that:
- (a) The same proposal may have a significant adverse impact in one location but not in another location;
 - (b) The absolute quantitative effects of a proposal are also important, and may result in a significant adverse impact regardless of the nature of the existing environment;
 - (c) Several marginal impacts when considered together may result in a significant adverse impact;
 - (d) For some proposals, it may be impossible to forecast the environmental impacts with precision, often because some variables cannot be predicted or values cannot be quantified.
 - (e) A proposal may to a significant degree:
 - (i) Adversely affect environmentally sensitive or special areas, such as loss or destruction of historic, scientific, and cultural resources, parks, prime farmlands, wetlands, wild and scenic rivers, or wilderness;
 - (ii) Adversely affect endangered or threatened species or their habitat;
 - (iii) Conflict with local, state, or federal laws or requirements for the protection of the environment; and
 - (iv) Establish a precedent for future actions with significant effects, involves unique and unknown risks to the environment, or may affect public health or safety.
- (4) If after following WAC 197-11-080 and 197-11-335 the lead agency reasonably believes that a proposal may have a significant adverse impact, an EIS is required.
- (5) A threshold determination shall not balance whether the beneficial aspects of a proposal outweigh its adverse impacts, but rather, shall consider whether a proposal has any probable significant adverse environmental impacts under the rules stated in this section. For example, proposals designed to improve the environment, such as sewage treatment plants or pollution control requirements, may also have significant adverse environmental impacts.

WAC 197-11-794 Significant.

- (1) "Significant" as used in SEPA means a reasonable likelihood of more than a moderate adverse impact on environmental quality.
- (2) Significance involves context and intensity (WAC 197-11-330) and does not lend itself to a formula or quantifiable test. The context may vary with the physical setting. Intensity depends on the magnitude and duration of an impact. The severity of an impact should be weighed along with the likelihood of its occurrence. An impact may be significant if its chance of occurrence is not great, but the resulting environmental impact would be severe if it occurred.

- (3) WAC 197-11-330 specifies a process, including criteria and procedures, for determining whether a proposal is likely to have a significant adverse environmental impact.

Conditional Use Permit Criteria for Review

Pursuant to RZC 21.76.070.K, a conditional use permit is granted if the applicant demonstrates compliance with the following criteria for approval.

1. The conditional use is consistent with Redmond Zoning Code (RZC 21.76.070(K)(4)(1)) and the Redmond Comprehensive Plan;
2. The Conditional Use is designed in a manner which is compatible with and responds to the existing or intended character, appearance, quality of a development, and physical characteristics of the subject property and immediate vicinity;
3. 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;
4. 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;
5. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
6. 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.

Site Plan Entitlement Criteria for Review

Pursuant to RZC 21.76.070.Y, site plan entitlement shall be granted when the following decision criteria are demonstrated to be satisfied.

1. 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.
2. The Landmarks and Heritage Commission will review all Certificates and Appropriateness for compliance with the RZC.

/

/

/

/

Conclusions Based on Findings

A. SEPA Appeal

1. The Appellant failed to demonstrate that the City failed to comply with SEPA procedures, including notice of the DNS. Credible evidence was presented that notice was issued appropriately and timely. The issues complained of by the Appellant did not prevent him from timely commenting on the DNS and filing an appeal. *Findings 1, 2, 3, 4, 5, 6, 7, 8, and 9.*
2. The Appellant failed to demonstrate that the City's issuance of a DNS was clearly erroneous.
 - a. The record as a whole supports a conclusion that the City had sufficient information on which to base the DNS. The Updated Phase 1 Traffic Study considered relevant, industry standard metrics to evaluate transportation issues, including the number of staff and students. Event-related parking impacts were disclosed. The TMP, which was updated prior to issuance of the DNS, included relevant mitigation measures. Additional information items requested by the Appellant (such as number classrooms, number of deliveries) were not necessary to evaluate project impacts. Although the Appellant faulted the study for failing to consider Microsoft expansion traffic, credible testimony supports that the scope of the study was appropriate for the scale of development proposed. The Applicant should not have to submit studies to address a speculative concern. *Findings 10 through 42.*
 - b. The Appellant failed to demonstrate a probable, significant adverse effect on the environment. Potential traffic impacts from vehicle queuing and off-site parking were evaluated by a qualified engineer using site-specific data and industry-standard methodologies. Based on the resulting study (with which two City engineers concurred), vehicle queuing and staff parking from the expanded school is expected to be contained within the project site. Drop-off and pick-up protocols already implemented on the site and incorporated into the TMP discourage parent parking during peak periods. To the extent that street parking occurs, such parking is lawful and can occur in a safe manner. Based on this evidence, significant adverse impacts are not probable. However, to address *possible* future effects, the TMP includes a provision requiring the Applicant to install parking restriction signs if requested by the City based on future observation of operational conditions following build out of the proposal. In this way, if queuing and school-related parking does result in unanticipated adverse effects on traffic conditions, additional mitigation has already been required. Pursuant to WAC 197-11-330(1)(c), it was appropriate for the City to consider mitigation measures such as those contained in the TMP when making the threshold determination. *Findings 1 through 14, 22 through 40, and 42.*

B. Land Use Permits

1. Conditional Use Permit:
 - a. As conditioned, the proposed school expansion is consistent with the Redmond Zoning Code and the Redmond Comprehensive Plan. The school use is allowed in the R-4 zone. The existing buildings comply with R-4 bulk and setback standards, and as proposed, would continue to comply following construction of the additions. The parking proposed would be adequate to accommodate peak use, based on a site-specific parking demand study. Critical areas would be protected by required buffers. Significant trees would be retained on site consistent with ordinance standards. The proposal is consistent with the Comprehensive Plan in that it is an intensification of use of an underutilized parcel, the scale of the use is compatible with residential uses, and it provides a use that meets residential daily needs. *Findings 1, 10 through 14, 17, 20, and 22 through 42.*
 - b. As conditioned, the proposed school expansion is designed in a manner that is compatible with and responds to the existing or intended character, appearance, quality of a development, and physical characteristics of the subject property and immediate vicinity. The increase in student capacity would be largely contained within existing buildings, including an existing residential building; only a modest increase in building area is proposed. The use of existing buildings is compatible with the physical characteristics of the site in that it avoids development within critical areas and their buffers. The vast majority of existing significant trees would be retained on site. The building additions would face the interior of the site and would not affect existing setbacks from adjacent residential uses. The Design Review Board recommended approval of the proposal. The additional parking on site would minimize staff parking on the adjacent streets. *Findings 1, 10 through 15, 17, 20, 21, 24 through 27, and 33 through 42.*
 - c. As conditioned, the location, size, and height of buildings and screening vegetation would not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties. No new buildings are proposed. The additions to Building “C” would be only one story high and would face the interior of the site. No new screening vegetation is required for the use. *Findings 11 through 15, and 21.*
 - d. As conditioned, the school use, hours of operation, and the appropriateness of the use in relation to adjacent uses act together to minimize hazards or characteristics of the use that could have adverse impacts on surrounding development. The daytime hours of operation would be compatible with surrounding residential uses. Implementation of the Transportation Management Program, as required by the conditions of approval, would ensure the appropriateness of the use in relation to adjacent uses and would minimize adverse impacts. The TMP requires staggered start times, staff monitoring of the drop-off/pick-up process, and resources for carpooling and alternate modes of transportation. It addresses the potential for unexpected adverse impacts by

requiring the Applicant to install parking signage if requested by the City after review of future operational conditions. *Findings 23 through 42.*

- e. As conditioned, pedestrian and vehicular traffic associated with the use would not be hazardous or conflict with existing and anticipated traffic in the neighborhood. The primary potential sources of hazard or conflict relate to drop off/pick up vehicle queuing and on street parking during peak drop-off and pick-up periods. The Applicant’s Updated Phase 1 Traffic Study demonstrates that, with the mitigation measures contained in the Transportation Management Program (e.g., staggered start times, staff monitoring of drop-off/pick-up process), there is sufficient area on site to accommodate peak hour vehicle queues, and that the proposed 18 parking spaces would be adequate for peak parking demand, thereby minimizing street parking by staff. The TMP addresses the potential for unexpected adverse impacts by requiring the Applicant to install parking signage if requested by the City after review of operational conditions. *Findings 22 through 42.*
 - f. As conditioned, the use would be supported by adequate public facilities or services, and would not adversely affect public services to the surrounding area. *Findings 11, 12, 13, 14, 15, 19, and 42.*
2. Site Plan Entitlement: As required pursuant to RZC 21.76.070.Y, the Technical Committee reviewed the proposed project for compliance with the RZC and SEPA and recommended approval. As described in conclusions A and B(1)(a) above, the Hearing Examiner concurs that the requirements of the RZC and SEPA have been satisfied. There is no review by the Landmarks and Heritage Commission required because there are no landmark designations for historic properties on the subject property. *Findings 1 through 42.*

DECISIONS

Based on the foregoing findings and conclusions, the appeal of the December 18, 2020 SEPA DNS is **DENIED**.

The requests for conditional use permit and site plan entitlement to expand the Cascadia School by enlarging Building “C” by 610 square feet and convert it to school use, increasing the student capacity by 55 students to a total of 130 students, and adding eight parking spaces are **GRANTED** subject to the conditions below.

A. Site Specific Conditions of Approval

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

| Item | Date Received | Notes |
|-------------|----------------------|-----------------------------------|
| Plan Set | 10/19/2020 | <i>and as conditioned herein.</i> |

| | | |
|---------------------------------------|------------|---|
| SEPA Checklist | 12/8/2020 | <i>and as conditioned herein and as conditioned by the SEPA threshold determination on December 18, 2020.</i> |
| Architectural Elevations | 10/19/2020 | <i>and as conditioned herein.</i> |
| Design Review Board Approval/Plans | 7/16/2020 | <i>and as conditioned herein.</i> |
| Conceptual Landscaping Plan | 10/19/2020 | <i>and as conditioned herein.</i> |
| Conceptual Lighting Plan | 10/19/2020 | <i>and as conditioned herein.</i> |
| Proposed Tree Retention Plan | 10/19/2020 | <i>and as conditioned herein.</i> |
| Traffic Mitigation Plan | 8/13/2020 | <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: Andy Chow, Development Engineering Manager

Phone: 425-556-2740

Email: kachow@redmond.gov

- a. Construction Restoration and Street Overlay.** In order to mitigate damage due to trenching and other work on 162nd Avenue NE, the asphalt street shall be planed, overlaid, and/or patched, per COR SD 202 or 203.

Code Authority: RMC 12.08; Redmond Standard Specifications & Details

b. Street Frontage Improvements

- i. ADA ramp requirements:

Curb ramps for persons with disabilities are required to all new curb construction at the intersection of 162nd Avenue NE and private driveway and to all replacement curbs constructed in combination with sidewalks, paths, or other pedestrian access ways.

Code Authority: RCW 35.68.075; RZC 21-A.21.a

- ii. Sidewalks constructed to City standards are required at the following locations:

- 162nd Avenue NE (limited improvements adjacent to the new ADA ramps)

Code Authority: RZC 21.10.150, RZC 21.17.010; RZC 21.52.050; RMC 12.12

2. Development Engineering – Water and Sewer

Reviewer: Heba Awad, Senior Utility Engineer

Phone: 425-556-2861

Email: hawad@redmond.gov

- a. **Water Service.** Water service will require a developer extension of the City of Redmond water system as follows:

The developer will serve the new addition with a new twenty-seven feet of six-inch fire service line to be connected to the existing water main on site. In addition, the developer will install a new Fire Development Connection (FDC) away from the existing building by twenty-seven feet. A fire sprinkler room will be located at the same corner of the existing building where the fire service line will be connected.

Code Authority: RZC 21.74.020.D

- b. **Sewer Service.** Sewer service will require a developer extension of the City of Redmond sewer system as follows:

The developer will serve the new addition with nine feet of six-inch side sewer to be connected to the existing sewer main on site.

Code Authority: RZC 21.74.020.D

- c. **Permit Applications.** A side sewer application shall be submitted for approval to the Development Engineering Division. Permits will not be issued until all improvements are constructed and administrative requirements are approved. In certain limited circumstances, at the sole determination of the City of Redmond, side sewer permits may be issued prior to completion of improvements and/or administrative requirements. In such cases, various additional guarantees or requirements may be imposed as determined by the Development Engineering Division. All reimbursement fees shall be paid prior to applying for side sewer permits.

Code Authority: RMC 13.08.010, 13.12

- d. **Reimbursement Fees:** Reimbursement fees for connection of water and/or sewer are required. These fees are due prior to issuance of Site Permit or other city permits, which allows connection to any sewer or water facility.

Code Authority: RMC 13.12.120

3. Development Engineering – Stormwater/Clearing and Grading

Reviewer: Andrew Steele, Senior Engineer

Phone: 425-556-2706

Email: asteele@redmond.gov

- a. **Flow Control (Water Quantity):** The proposed project falls below the thresholds established by the City of Redmond (and the WA Dept. of Ecology) requiring Flow Control measures.

Code Authority: RZC 21.74.020.D; RMC 15.24.080.9

- b. **Runoff Treatment (Water Quality)** The proposed project falls below the thresholds established by the City of Redmond (and the WA Dept. of Ecology) requiring Runoff Treatment measures.

Code Authority: RZC 21.74.020.D; RMC 15.24.080.8

- c. **Clearing and Grading.** No site-specific conditions apply.

Code Authority: RZC 21.74.020.J; RMC 15.24.080

- d. **Temporary Erosion and Sediment Control (TESC).**

- i. Rainy season work permitted October 1st through April 30th with an approved Wet Weather Plan.

Code Authority: RMC 15.24.080

- e. **Floodplain Management.** No site-specific conditions apply.

Code Authority: RZC 21.64.010; RZC 21.64.040

- f. **Landscaping.** No site-specific conditions apply regarding stormwater management.

Code Authority: RZC 21.32

- g. **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.

Code Authority: Department of Ecology Rule

- h. **Regional Capital Facilities Charge:** A Regional Capital Facilities Charge does not apply to this project. The Citywide Capital Facilities Charge will apply. Please see the Development Engineering Fee Schedule for current fee information.

Code Authority: RMC 13.20.040

4. **Fire Department**

Reviewer: Adam Mullinax, Deputy Fire Marshall

Phone: 425-556-2245

Email: amullinax@redmond.gov

The current submittal is generally adequate for LAND-2019-00999 and LAND2019-01000 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

- Required fire access not located on a public right-of-way shall be recorded as an Emergency Vehicle Access Easement with King County. Provide easement language and exhibits for review and approval as part of the CCR review process.
- Determination of adequate fire flow as per RFDS 3.0 shall be determined at CCR, including the location and number of required fire hydrants.
- The address for all structures will be assigned during CCR. Commercial and residential units will be assigned addresses during building permit review. Addressing will be assigned as per RFDS 2.0.
- Size, location, and number of Knox Key Boxes will be determined during building permit review.
- RFDS2.0 Compliant fire access will be determined at CCR. This will include compliant fire lane markings, fire access, point loading requirements and emergency vehicle parking.

b. Fire Protection Plan

- RFDS 5.0 and NFPA 13 compliant sprinklers required.
- RFDS 9.0 and NFPA 72 compliant alarm required.

c. Fire Code Permit

- Fire permits required for: sprinkler modifications, alarm modifications, places of assembly, among other items to be identified at BLDG permit review.

Code Authority: RMC 15.06; RZC Appendix 2, Redmond Fire Department Standards and Redmond Standard Specifications and Details

6. **Planning Department**

Reviewer: Ben Sticka, Senior Planner

Phone: 425-556-2470

Email: bsticka@redmond.gov

a. Transportation Management Program. As a condition of approval for LAND-2019-00999 & LAND-2019-01000, a Transportation Management Program (TMP) shall be submitted and approved by the City's Transportation Demand Management Division prior to issuance of any building permit or other development permit for this project. The TMP agreement shall be recorded on the property deed. Applicant shall begin finalizing the TMP immediately upon receiving this Approval document. CCRs will not be approved prior to a finalized and recorded TMP.

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 map of all retained trees shall be shown and recorded at the time of final plat.

Code Authority: RZC 21.72.060.D

c. Tree Health Assessment. An updated tree health assessment shall be provided during the Civil review process.

Code Authority: RZC 21.32

d. Planting Standards. Landscaping shall be coordinated with water/sewer lines and fire hydrants/connections. Trees shall be planted a minimum of 8 feet from the centerline of any water/sewer lines, unless otherwise approved and provisions provided. Shrubs shall be planted to maintain at least 4 feet of clearance from the center of all fire hydrants/connections.

Code Authority: RZC 21.32.080

e. Impact Fees. For the Purpose of Impacts, the use assigned for this project have been determined as the following: elementary school use and the "units" are classified as the number of students. If the proposed development is eligible for any additional credits including right-of-way dedication and system improvements, these additional credits will be assessed and provided after construction, dedication or implementation is completed and accepted by the City. The project will receive credit for the conversion of the existing residential use to a Grade School use.

Code Authority: RMC 3.10

Condition Applies: Building Permit

- f. **Bonds.** Bonds for Landscaping, Tree Preservation, Tree Replacement and Mitigation shall be provided no less than 5 days prior to request for Mylar signatures. Drafts of the Bond Agreements, Bond quantity Worksheets and Bond Calculation Worksheets shall be submitted at time of Civil Construction Application. If not provided at the time of CCR submittal, the entire submittal will be rejected for intake.

Code Authority: RZC 21.76.090.F

- g. **Archeological and Historical Preservation:** An Inadvertent Discovery Plan (IDP) shall be employed by the project proponent and contractors during all ground disturbing activities. The IDP shall be posted at the project site in an accessible location and described to all project proponents and contractors. In the event of an inadvertent discovery, the required steps within the IDP shall be followed in accordance with federal, state, and local laws.

Code Authority: RZC 21.30.070.D
Condition Applies: Building Permit

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

Code Authority: RZC 21.76.070.B.3.a.ii.A; Comprehensive Plan TR-19
Parking requirements for the project shall be denoted on the bottom portion of the sign per handout instructions.

B. Compliance with City of Redmond Codes and Standards

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

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 |
| 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, June 2017 |
| City of Redmond: | Standard Specifications and Details (current edition at the time of this approval letter issued) |

Water and Sewer

| | |
|------------------|--|
| RMC 13.04: | Sewage and Drainage |
| RMC 13.07 | Wellhead Protection |
| 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 at the time of this approval letter issued) |
| City of Redmond: | Design Requirements: Water and Wastewater System Extensions -April 2019. |

Stormwater/Clearing and Grading

| | |
|-----------------------|--|
| RMC 15.24 | Clearing, Grading, and Storm Water Management |
| RZC 21.32.080 | Types of Planting |
| RZC 21.64 | 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 at the time of this approval letter issued) |
| City of Redmond | Stormwater Technical Notebook, Issue No. 8, Amended June 5, 2019 |
| Department of Ecology | Stormwater Management Manual for Western Washington (amended December 2014) |

Fire

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

Planning

| | |
|-------------------|--|
| RZC 21.08.060 | R-4 (Single-Family Urban Residential) zone |
| RZC 21.12: | Overlake |
| RZC 21.58-21.62 | Design Standards |
| RMC 3.10 | Impact Fees |
| RZC 21.32, 21.72: | Landscaping and Tree Protection |
| RZC 21.34: | Exterior Lighting Standards |
| RMC 6.36: | Noise Standards |
| RZC 21.38: | Outdoor Storage and Service Areas |
| RZC 21.40: | Parking Standards |
| RCZ 21.64: | Critical Areas |
| RZC 21.44: | Signs |

Building

2015 International Building Codes (IBCs)
 2015 Uniform Plumbing Code
 2015 International Residential Code (IRC)

Decided April 14, 2021

By:



Sharon A. Rice
 City of Redmond Hearing Examiner

Note: Pursuant to RZC 21.70.190.E and RZC 21.76.050.J, the Decisions of the Hearing Examiner in this consolidated Type III permit process are appealable to the King County Superior Court.

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

3
4 In the Matter of the Appeal of) NO. LAND-2021-00035
5 **James Jordan**)
6 Of the December 18, 2020 State Environmental)
7 Policy Act Determination of Non-Significance)
8 #SEPA-2019-01173)
9 and in the related Applications by) NO. LAND-2019-00999
10 **Cascadia School**) NO. LAND-2019-01000
11 For a Conditional Use Permit and Site Plan) SEPA APPEAL, CONDITIONAL USE
12 Entitlement for school expansion at 4239 – 162nd) PERMIT AND SITE PLAN ENTITLEMENT
13 Avenue NE, Redmond)
14) CERTIFICATE OF SERVICE

15 CERTIFICATE OF SERVICE

16 I HEREBY CERTIFY that on this 15th day of April, 2021, a true and correct copy of the Findings,
17 Conclusions and Decision in the Matter of the Appeal of **JAMES JORDAN, LAND-2021-00035** and
18 in the related Applications by **CASCADIA SCHOOL, LAND-2019-00999** and **LAND-2019-01000**
19 for approval of a Conditional Use Permit and Site Plan Entitlement was sent via email to the Staff
20 Planner and via United States Postal Service first class mail to the Parties of Record and Parties of the
21 Appeal with adequate postage prepaid.

22
23
24 April 15, 2021

25 _____
Date

26 *Cheryl Xanthos*

27 _____
28 Cheryl Xanthos
29 City Clerk, MMC
30 City of Redmond, Washington

Certificate of Service
City of Redmond Hearing Examiner
JORDAN SEPA APPEAL LAND-2021-00035,
CASCADIA SCHOOL CONDITIONAL USE PERMIT
AND SITE PLAN ENTITLEMENT LAND-2019-00999,
LAND-2019-01000
Page 1

City of Redmond
Office of the Hearing Examiner
P.O. Box 97010
Redmond, WA 98073-9710