

Portables were identified on plan set sheets: A1.02, L1.02 and TP1.01 and page 3 and 19 of the SEPA Checklist. The portables were indicated on the plan set pages as follows: "portable by alternate approx. 770 sf". Additionally, "alternatives" were also included on page 3 of the SEPA Checklist: To accommodate future growth, alternates have been added including a portable or future classroom located at the existing basketball court west of the existing Building A, or a community space in the same area, as well as an expansion of Building B. The maximum expansion would not exceed the range of 130 students. Refer to A1.02 in Plan Set. The alternatives do not propose to increase staff, but include development and placement of structures that were not included in the scope of compliance review staff completed.

The Hearing Examiner references a potential expansion of a basketball court into future classrooms or community space on [Decision] Page 6 of 28 "Procedural Matters" Point 3. The finding concludes that "...They are not within the scope of the current CUP request". This is the same area as the portables have been depicted in several spots of the Hearing Examiner submittal package. While the referenced plans and SEPA did in fact include the portables and "alternatives" they were not included within the scope of technical staff's compliance review. This includes Engineering, Fire and Land Use division reviews specific to these alternatives which includes evaluations of land use, design standards, and life safety. Due to the discrepancies in the approval materials and the decision rendered, the City of Redmond requests that the Hearing Examiner make explicit through a condition or finding that any "Alternatives" referenced or shown within the plan sets, checklist or other materials inclusive of the "portables" be excluded and struck from approval materials.

1. Condition/Finding being sought: The addition of portables to the Cascadia School site is not included within the scope of this approval including: A) Any "alternatives" including a future classroom located at the existing basketball court west of the existing Building A, or; B) A community space in the same areas, as well as an expansion of Building "B". A new application would be required to add portables and "alternatives" to the Cascadia School site and will be subject to the Code requirements in effect at the time of vesting.
2. References to portables included on plan sheet numbers A1.02, L1.02 and TP1.01 shall be redlined and identified as "Not a Part of this Approval."
3. The SEPA Checklist on pages 3 and 19 shall be annotated to note that it is not a part of the CUP. Although the portables are not part of the CUP approval, the City recognizes under WAC Chapter 197-11 that the submitted SEPA Checklist and Determination of Non-Significance may potentially be used for future additions and/or alterations through adoption of the current SEPA DNS or an addendum of the SEPA DNS based on the future land use application and proposal.

(emphasis added)

Jurisdiction

Pursuant to Redmond Zoning Code 21.70.060.J(6), any party of record may file a written request with the Hearing Examiner (or Landmarks and Heritage Commission) for reconsideration within 10 business days of the date of the Hearing Examiner's decision. The request shall explicitly set forth alleged errors of procedure, law, or fact. No new evidence may be submitted in support of or in opposition to a request for reconsideration. The Hearing Examiner shall act within 10 business days after the filing of the request for reconsideration by either denying the request or issuing a revised decision. The decision on the request for reconsideration and/or the revised decision shall be sent to all parties of record.

Discussion

To the extent that the Decision was at all unclear as to whether portables were approved, it requires clarification. The reconsideration request was timely and the requested relief is appropriate.

Decision

The requested additional conditions as proposed are adopted and incorporated into the body of the April 14, 2021 Decision, as the final three site specific conditions of approval. The instant Decision on Reconsideration shall be appended to the Decision and the two together shall constitute the final City decision in the instant land use proceeding.

Additional conditions added to the approval for the purposes of clarification are:

A. Site Specific Conditions of Approval

7. Conditions added on request for reconsideration:

- a. The addition of portables to the Cascadia School site is not included within the scope of this approval including: A) Any "alternatives" including a future classroom located at the existing basketball court west of the existing Building A, or; B) A community space in the same areas, as well as an expansion of Building "B". A new application would be required to add portables and "alternatives" to the Cascadia School site and will be subject to the Code requirements in effect at the time of vesting.
- b. References to portables included on plan sheet numbers A1.02, L1.02 and TP1.01 shall be redlined and identified as "Not a Part of this Approval."
- c. The SEPA Checklist on pages 3 and 19 shall be annotated to note that it is not a part of the CUP. Although the portables are not part of the CUP approval, the City recognizes under WAC Chapter 197-11 that the submitted SEPA Checklist and Determination of Non-Significance may potentially be used for future additions and/or alterations through adoption of the current SEPA DNS or an addendum of the SEPA DNS based on the future land use application and proposal.

Decided May 18, 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.

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

In the Matter of the Appeal of)	NO. 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)	NO. LAND-2019-00999
)	NO. LAND-2019-01000
Cascadia School)	
)	
For a Conditional Use Permit and Site Plan)	DECISION ON CITY REQUEST FOR
Entitlement for school expansion at 4239 – 162nd)	RECONSIDERATION
Avenue NE, Redmond)	
)	
)	CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

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

May 18, 2021

Date

Cheryl Xanthos

Cheryl Xanthos
City Clerk, MMC
City of Redmond, Washington