

OFFICE OF THE HEARING EXAMINER
CITY OF REDMOND

In the Matter of the Application of)	No. L090372
)	
Dan Butler, JPC Architects)	FINDINGS, CONCLUSIONS, AND
)	RECOMMENDATION
<u>For a Conditional Use Permit.</u>)	

SUMMARY OF RECOMMENDATION

The request for a conditional use permit to establish an educational facility at 9931 Willows Road NE should be **GRANTED**, subject to conditions.

SUMMARY OF RECORD

Request:

Dan Butler, JPC Architects (Applicant), on behalf of DigiPen, requested a conditional use permit (CUP) to establish an educational facility at 9931 Willows Road NE. DigiPen is a private college that teaches computer software development and technology. The proposed facility would occupy 104,463 square feet of Building E of the Willows Commerce Park.

Hearing Date:

An open record hearing on the request was held before the Hearing Examiner of the City of Redmond on October 21, 2009.

Testimony:

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

1. Dennis Lisk, Associate Planner, City of Redmond
2. Raymond Yan, Applicant

Exhibits:

At the open record hearing the following exhibits were admitted into the record:

- A. Technical Committee Report to the Hearing Examiner, with the following attachments:
 1. Vicinity Map
 2. Site Plan
 3. Notice of Application, Certification of Public Notice, Mailing List, Process Flow Chart
 4. Determination of SEPA Exemption
 5. Notice of Public Hearing, Mailing List, Certification of Public Notice

6. Amended Notice of Public Hearing with copy of published notice
7. Traffic Analysis, including letter from Shin Goto dated September 15, 2009, Memo from Transportation Engineering NorthWest dated April 9, 2007, DigiPen at Willows Commerce Park Trip Generation Estimate dated 9/30/2009
8. Parking Analysis dated September 15, 2009, with letters from JPC Architects dated October 5, 2009 and October 8, 2009
9. Applicant's written explanation of change of use
10. Applicant's response to CUP criteria
11. Valuation of Proposed Improvements and Existing Structure
12. Site Photos (18) with Site Plan Keyed to Photos
- B. Revised Trip Generation Estimate dated 10/19/2009
- C. Certificate of Concurrency
- D. City PowerPoint Presentation dated October 21, 2009

Upon consideration of the testimony and exhibits submitted at the open record hearing, the Hearing Examiner enters the following Findings and Conclusions:

FINDINGS

1. The Applicant requested a CUP to establish a DigiPen educational facility at 9931 Willows Road NE. DigiPen is a private college that teaches computer software development and technology. It currently operates at two locations in Redmond, and wishes to consolidate the campuses into a single facility. The proposed facility would occupy 104,463 square feet of Building E of Willows Commerce Park. *Exhibit A, page 3; Exhibit A, Attachments 1, 2, and 9; Testimony of Mr. Lisk; Testimony of Mr. Yan.*
2. The CUP application was complete on September 21, 2009. *Exhibit D, page 4.*
3. The subject property is 928,085 square feet in area and is developed as a business park, with two buildings and associated parking. The uses within the business park include software development and technical consulting. Surrounding land uses include other business and manufacturing parks, Willows Run Golf Course, a large church, and residential uses. The residential uses are not immediately adjacent to Building E (the proposed school location), but are separated by a steep hill, vegetation, and Building D of Willows Commerce Park. *Exhibit D, Slide 3; Testimony of Mr. Lisk; Exhibit A, Attachments 2 and 6; Exhibit A, page 7.*
4. The Applicant does not propose any exterior modification of Building E. With the proposed interior modifications, the facility would have capacity for approximately 900 students and 90 employees. *Exhibit A, pages 3-4.*
5. The subject property is zoned Business Park (BP). Educational uses are allowed in the BP zone with approval of a conditional use permit. *Exhibit D, page 2.*

6. The subject property is located within the Willows/Rose Hill neighborhood as identified in the Comprehensive Plan. Although Section 20C.70.50-060 of the Redmond Community Development Guide (RCDG) establishes specific regulations for business parks within the Willows/Rose Hill neighborhood, the regulations apply only to new development. *Exhibit A, page 4.*
7. The proposed use is consistent with Comprehensive Plan policies to ensure that the land use pattern fits with existing uses (FW-9), to maintain a strong and diverse economy (FW-16), and to permit in the Business Park zone technology-related businesses and compatible land uses that do not compete with downtown, do not serve the general public, and will not create adverse impacts. *Exhibit A, pages 5-6; Exhibit A, Attachment 10.*
8. The proposed use is expected to add 1,492 net new daily trips to the local street system, including 69 PM peak hour trips. The City issued a Certificate of Concurrency for the use on October 20, 2009, which certified that there is adequate capacity in the City transportation network to support the traffic generated by the use. *Exhibits B and C; Testimony of Mr. Almond.*
9. The City will be installing a new traffic signal on Willows Road near the subject property entrance in 2010. This project (which is unrelated to the CUP application under review) will allow for safer pedestrian crossing of Willows Road. *Exhibit D, page 5; Testimony of Mr. Lisk; Testimony of Mr. Almond.*
10. The subject property is near two public bus routes. *Exhibit A, Attachment 10.*
11. The subject property contains 752 parking stalls to serve Buildings D and E of the business park, and the property owner has allocated 283 of the stalls to the proposed use. Based on the general parking standard for the BP zone¹ (minimum of two and maximum of three parking stalls per 1,000 square feet of floor area), the existing parking on site is adequate for both buildings, and the allocation of 283 parking stalls to DigiPen will not cause the parking available to existing uses to fall below the minimum required by code. *Exhibit A, Attachment 8.*
12. Pursuant to RCDG 20D.130.10-020, the number of parking spaces for a school “must be adequate to accommodate the peak shift as determined by the Code Administrator after considering the probable number of employees, etc.” The peak shift for the proposed use will be between 11:00 a.m. and 4:00 p.m., when approximately 700 students and staff will be on site. Based on the driving habits of the students at the existing campuses, the Applicant anticipates that only 20 percent of the students and staff will park at school, necessitating 140 parking stalls. In this case 283 parking stalls will be provided. However, DigiPen proposes to control parking demand through a parking pass system and by providing partially subsidized bus passes, as it is currently doing. The City recommended

¹ For schools, the zone-based standard is superseded by the use-based standard set forth in RCDG 20D.130.10-020, which is described below.

that the Applicant develop a Transportation Management Program pursuant to RCDG 20D.210.15, which would incorporate the trip reduction strategies. *Testimony of Mr. Lisk; Exhibit A, Attachment 8.*

13. The proposed hours of operation for the facility are from 8:00 a.m. to 12:00 a.m. *Exhibit A, page 7.*
14. Adequate public facilities (water, sewer, etc.) are already provided to the building. *Exhibit A, page 7.*
15. The application is exempt from review under the State Environmental Policy Act. *Exhibit D, page 4; Exhibit A, Attachment 4.*
16. Notice of the open record hearing was posted, mailed to property owners within 500 feet of the site and to parties of record, and published in the *Seattle Times* on September 30, 2009. There was no public comment on the application. *Testimony of Mr. Lisk; Exhibit A, page 3; Exhibit A, Attachments 5 and 6.*

CONCLUSIONS

Jurisdiction:

The Hearing Examiner has jurisdiction to hold an open record hearing on conditional use permit applications and to make a recommendation to City Council pursuant to RCDG 20F.30.15-040 and -060.

Criteria for Review:

Pursuant to RCDG 20F.40.40-040, the City may approve or approve with conditions a conditional use permit only if the following criteria are satisfied:

- (a) The conditional use is consistent with the Community Development Guide which includes the Comprehensive Plan;
- (b) The use is designed in a manner which is compatible with and responds to the existing or intended character, appearance, quality of development, and physical characteristics of the subject property and immediate vicinity;
- (c) The location, size and height of building, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
- (d) The type of use, hours of operation, and appropriateness of the use in relation to adjacent uses shall be examined to determine if there are unusual hazards or characteristics of the use that would have adverse impacts;

- (e) Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
- (f) 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;
- (g) 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 can be established to mitigate adverse impacts on such facilities.
- (h) If applicable, the application must also conform to RCDG, Special Uses.

Conclusions Based on Findings:

- A. The use is consistent with the Community Development Guide and the Comprehensive Plan. The proposed parking, with implementation of a Transportation Management Program, will accommodate the anticipated peak shift of students and employees consistent with the City's parking standards. *Findings 5, 6, 7, and 12.*
- B. The use is designed in a manner which is compatible with and responds to the existing or intended character, appearance, quality of development, and physical characteristics of the subject property and immediate vicinity. The use will be contained within an existing building within the Willows Commerce Park. No exterior modifications are proposed. *Findings 1, 3 and 4.*
- C. The location, size and height of building, structures, walls and fences, and screening vegetation for the use will not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties. The subject property is fully developed; the proposal is to change the use of an existing building. *Findings 1, 3 and 4.*
- D. There are no unusual hazards or characteristics of the use that would have adverse impacts. Although the long hours of operation are unusual, the location of the use is such that adverse impacts are unlikely. *Findings 3 and 13.*
- E. The Applicant does not propose any modification of development standards. *Finding 4.*
- F. With a condition requiring a Transportation Management Program, pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood. *Findings 8-12.*
- G. The use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area. *Findings 8, 9, 10, and 14.*
- H. The "Special Uses" standards are not applicable to the development.

RECOMMENDATION

Based on the preceding Findings and Conclusions, the request for a conditional use permit to establish an educational facility at 9931 Willows Road NE should be **GRANTED**, on condition that the Applicant obtain City approval of a Transportation Management Program (RCDG 20D.210.15) prior to issuance of a certificate of occupancy for the tenant improvements.

Dated October 29th, 2009.

Toweill Rice Taylor LLC
City of Redmond Hearing Examiner
By:

/s/
LeAnna C. Toweill