

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

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

In the Matter of the Application for

DSD File No.: 20-110652-LB

**FIRE STATION 10  
CONDITIONAL USE PERMIT**

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND  
DECISION**

**SUMMARY OF DECISION**

The Bellevue Fire Department (“BFD”) seeks a conditional use permit approval to construct a new 25,500 square-foot, two-story, fire station with parking, on-site fueling, landscaping, street frontage improvements, and other improvements at the 1200 block of 112<sup>th</sup> Avenue NE on the west side of the street. After studying the complete record and conducting a public hearing, the undersigned Hearing Examiner **APPROVES** the conditional use permit **WITH CONDITIONS** as set out in this decision.

**APPLICATION**

The BFD seeks a conditional use permit approval to construct a new fire station, as described above, on a site totaling 2.66 acres, comprised of nine separate parcels. The sites were previously developed with single family residences and associated improvements,

4/29/21

**CITY OF BELLEVUE**  
450 – 110th Avenue NE  
P. O. Box 90012  
Bellevue, WA 98009-9012

1 which have been demolished. The site is vegetated but with limited tree coverage due to the  
2 previous single-family development. Large fir and deciduous trees are located around the  
3 wetland in the northwest corner of the site. Site topography slopes down from 112<sup>th</sup> Ave NE  
4 and flattens out in the area in which the former homes and associated improvements were  
located. The site is bordered by McCormick Park to the south.

5 BFD indicates the purpose of the project is to maintain and improve the level of  
6 service to residents and businesses in Northwest Bellevue, Downtown, and BelRed areas, to  
7 keep pace with the increased density and vertical development in those areas of the City.  
8 BFD asserts the new station will improve response times within the area and support the  
9 overall fire capability and services in the City by ensuring there is adequate fire apparatus and  
10 crews serving the area. The project will also include frontage improvements to 112<sup>th</sup> Avenue  
NE.

11 The fire station will be located on the south portion of the site, due to the presence of  
12 the wetland. The building is designed to contain fire station apparatus bays and turnaround,  
13 parking and fueling south of the building, between the fire station and McCormick Park. A  
14 separate visitor parking lot will be located to the north of the proposed station and connected  
15 by a path and a sidewalk. The building will be designed at below-grade from 112<sup>th</sup> Avenue  
NE to give the building a lower profile to help assure compatibility with the adjacent  
neighborhoods to the north and west.

16 The site contains a Category IV wetland and its associated buffer of 400 feet. The  
17 applicant's critical area study classified the wetland under the 2014 Wetland Rating System  
18 for Western Washington as a palustrine emergent slope wetland 8,907 square feet in size  
19 with moderate water quality and hydrologic function but low habitat function. The proposal  
20 seeks to modify the buffers on the southern end of the wetland to accommodate the fire  
21 station building; therefore, BFD applied for and received a critical areas land use permit from  
22 the Director of the Development Services Department ("Director"). The Director found that  
the location and design resulted in the least impacts to the critical area and minimized  
disturbance of vegetation and soils, and that the mitigation proposed complies with the

23 4/29/21

**CITY OF BELLEVUE**  
450 – 110th Avenue NE  
P. O. Box 90012  
Bellevue, WA 98009-9012

1 required standards under the code. That decision was not appealed to the Hearing Examiner  
2 and is therefore not otherwise addressed in this decision. The Director proposed Conditions  
3 of Approval IX.B.8 and 9 to provide for mitigation, restoration planning, enhancement of the  
4 wetland buffer, plant monitoring, and maintenance which is included as a part of this  
5 decision.

### 6 **CONTENTS OF THE RECORD**

7 The record consists of Exhibit C-1, the DSD project file (pages 1 through 848);  
8 Exhibit C-2, the City's PowerPoint Presentation; and Exhibit A-1, a diagram of the proposed  
9 building used by the BFD during its presentation at the public hearing. The record also  
10 includes the recording of the virtual public hearing held April 15, 2021 at 6:00 p.m. The  
11 Examiner heard the testimony of a witness from the DSD, Reilly Pittman, and a Senior  
12 Construction Program Manager from the Finance and Asset Management Department,  
13 Janeen Loughin. No members of the public attended or testified.

### 14 **PROCEDURE**

15 Conditional use applications are processed as Process I applications under the Land  
16 Use Code (LUC). Under Process I, the Director makes a recommendation to the Hearing  
17 Examiner, and following the public hearing, the Hearing Examiner makes a decision  
18 approving or disapproving the conditional use permit. LUC 20.35.137; 20.35.140. That  
19 decision is appealable to the City Council. LUC 20.35.150.

20 The Critical Areas Land Use Permit application is a Process II application under the  
21 Land Use Code. The Director makes the City's Process II decision under LUC 20.35.200.  
22 Both the Director's Process I recommendation on the conditional use application and the  
23 Director's Process II decision on the Critical Areas Land Use Permit are included in the staff  
24 report, which comprises the first 37 pages of Exhibit C-1, the project file ("staff report").

### 25 **FINDINGS OF FACT**

26 1. Proposal. The Bellevue Fire Department ("BFD") seeks a conditional use  
27 permit approval to construct a new 25,500 square-foot, two-story, fire station with parking,

28 4/29/21

**CITY OF BELLEVUE**  
450 – 110th Avenue NE  
P. O. Box 90012  
Bellevue, WA 98009-9012

1 on-site fueling, landscaping, street frontage improvements, and other improvements at the  
2 1200 block of 112<sup>th</sup> Avenue NE on the west side of the street.

3 2. Consistency with the Comprehensive Plan. The site is located within the SF-H  
4 comprehensive plan designation. The Comprehensive Plan designation is consistent with the  
5 zoning classification of R-4. The analysis of the plan policies applicable to this proposal, as  
6 outlined on pages 28-29 of the staff report and incorporated herein by reference, indicate that  
7 the proposal is consistent with the plan. Nothing in the record indicates otherwise.

8 3. Consistency with Land Use Code/Zoning Requirements. The site is located  
9 within the R-4 land use district. The submitted plans generally conform to the zoning  
10 requirements in LUC 20.20.010 as outlined at page 15 of the staff report. Staff will need to  
11 verify conformance of the construction plans with the zoning requirements during any future  
12 building permit application process.

13 4. Site context and description. The site has frontage along 112<sup>th</sup> Avenue NE to  
14 the east, and abuts single-family residences to the north and west. Offices and medical  
15 buildings are across 112<sup>th</sup> Avenue NE to the east of the site. McCormick Park is adjacent to  
16 the project site to the south. The project site, the surrounding single-family development, and  
17 the park are all zoned R-4. The office development to the east and across 112<sup>th</sup> Avenue NE is  
18 zoned OLB: Office and Limited Business, and O: Office. The properties to the south of  
19 McCormick Park and NE 12<sup>th</sup> Street are in the Downtown Subarea and are zoned DT-R:  
20 Downtown Residential, DT-MU: Downtown Mixed Use, and DT-OLB-N: Downtown Office  
21 and Limited Business District North.

22 5. Site topography. Site topography is generally flat in the area that was  
23 previously the location of the houses that were demolished. The elevation slopes down and  
24 away from 112<sup>th</sup> Avenue NE toward the wetland on the western portion of the site. The  
proposed station is intended to have a lower profile than the surrounding existing residential  
development. The grade of the station and associated improvements are lower than the grade  
of adjacent properties. This low profile combined with existing and proposed vegetation will

4/29/21

**CITY OF BELLEVUE**  
450 – 110th Avenue NE  
P. O. Box 90012  
Bellevue, WA 98009-9012

1 provide noise and visual screening between adjacent residential development and the station.  
2 See Figure 6 on page 9 of the staff report, incorporated in this decision by reference.

3 6. Critical areas on site. The critical areas on site, along with their functions and  
4 values, are described in the staff report at page 6. That analysis is incorporated into the  
5 decision by reference. The wetland on site is a Category IV buffer approximately 8,907  
6 square feet in size. The City requires a 40-foot buffer around this wetland. The Director has  
7 granted the critical areas permit with conditions.

8 7. Transportation Improvements.

9 A. Site Access and Emergency Signaling. The site will be served by two driveways,  
10 one at the north visitor lot, and one at the south. The south access will have an  
11 emergency signal to ensure emergency vehicles will not be impeded by queuing  
12 traffic on 112<sup>th</sup> Avenue NE. Firefighters will have access to a physical emergency  
13 signal that will stop north and southbound traffic on 112<sup>th</sup> Avenue NE to allow a  
14 safe turn out of the station. It will also provide green time for southbound traffic at  
15 the intersection of 112<sup>th</sup> Avenue NE and NE 12<sup>th</sup> Street to prevent vehicles from  
16 blocking the emergency driveway. The intersection of 112<sup>th</sup> Avenue NE and NE  
17 12<sup>th</sup> Street will be programmed to clear out southbound traffic and pedestrians to  
18 allow the apparatus to freely choose whether it heads west, east, or continues  
19 south. By the time the fire truck reaches the next signalized intersection, the  
20 Opticom system will be able to sense and clear the intersections.

21 B. Sidewalk and frontage improvements. The project will install eight-foot wide  
22 sidewalks along the frontage of 112<sup>th</sup> Avenue NE. The sidewalk will be separated  
23 from the road by a five-foot wide planter. The project will also install new curb  
24 and gutter, in addition to widening 112<sup>th</sup> Avenue NE to extend a buffered bicycle  
lane to the south property line of the project north of the intersection with NE 12<sup>th</sup>  
Street.

4/29/21

1 C. 112<sup>th</sup> Avenue NE frontage improvements include installation of a six- foot wide  
2 half center turn lane, two 11-foot wide southbound travel lanes, a two-foot wide  
3 striped buffer, a five-foot wide southbound bike lane, concrete curb and gutter, a  
4 five-foot wide planter strip, and an eight-foot wide sidewalk. There will also be  
5 installation of a new signal with the project's south driveway, and signal  
6 improvements to connect to the 112<sup>th</sup> Avenue NE and NE 12<sup>th</sup> Street intersection  
7 signal. This decision includes conditions of approval related to civil engineering  
8 plans to ensure the infrastructure requirements of the project are met, including  
9 dedication of easements to the City for the sidewalk and any signal cabinets and  
10 appurtenances.

11 8. SEPA Review. DSD issued a Determination of Nonsignificance (“DNS”) on  
12 the project, concluding that the environmental review indicated no probability of significant  
13 adverse environmental impacts occurring as a result of the proposal. That decision was not  
14 appealed and is therefore final.

15 9. Public Comment. A public meeting was held August 6, 2020. The following  
16 concerns were raised:

17 a. Noise. Comments were submitting concerning noise at night from sirens  
18 disturbing nearby neighborhoods. BFD responded that siren use is subject  
19 to state law requirements, but they will be a good neighbor and  
20 conscientious of nighttime noises and their impacts to adjacent residences.  
21 To address noise and other disturbances, the site has been designed to  
22 locate the operations of the station to the southern portion of the site as well  
23 as on the southern façade of the station building which is as far as possible  
24 from the adjacent residential areas to the west and north.

b. Privacy, Screening and Landscaping: There were comments submitted  
concerning loss of privacy, parking location, vegetation screening, light  
intrusion, public use, and retention of trees. The BFD responded that the

4/29/21

**CITY OF BELLEVUE**  
450 – 110th Avenue NE  
P. O. Box 90012  
Bellevue, WA 98009-9012

1 proposal maintains a 50-foot or greater area of vegetation between the west  
2 and north property lines and proposed station, which greatly exceeds the  
3 10-foot land use code requirement. The submitted plans show landscaping  
4 and planting in those areas, which will exceed the prior residential  
5 plantings. The only existing trees that will be removed are those which are  
6 directly impacted by the improvements at the south end of the site. Trees  
7 will be left in place on much of the site and within the vegetated areas  
8 between the station and the west and north property lines. The north visitor  
9 parking lot will only contain nine parking spaces, as no public functions are  
10 anticipated at this site. Exterior lighting will be shielded and directed down  
11 so as not to spill off-site.

12 c. Risk of fire from fueling station. A comment was submitted concerning  
13 the potential risk of fire from the proposed fueling station at the fire station.  
14 BFD responded that all local, state and federal requirements for design and  
15 construction of fueling stations will be met by the proposed fueling station  
16 on site.

17 d. Public notice and future expansion. One neighbor stated at the meeting that  
18 he did not receive notice; however, staff checked and confirmed a notice  
19 was sent to him. Additionally, the City has held numerous open houses, a  
20 project website with updated and information, and opportunities for the  
21 public to comment throughout the review process. As far as expansion of  
22 this project, BFD stated that there are no plans for expansion, due to the  
23 rigorous zoning and critical area requirements. If that were to change, the  
24 BFD acknowledged that additional permitting and notice would be  
required.

10. Any finding of fact which may be deemed a conclusion of law is hereby  
adopted as such, and vice versa.

4/29/21

**CONCLUSIONS OF LAW**

1  
2 1. The Hearing Examiner has jurisdiction over this application. Under LUC  
3 20.35.140.A, the following requirements apply:

4 The Examiner shall approve a project or approve with modifications if the  
5 applicant has demonstrated that the proposal complies with the applicable  
6 decision criteria of the Bellevue City Code. The applicant carries the burden of  
7 proof and must demonstrate that a preponderance of the evidence supports the  
8 conclusion that the application merits approval or approval with modifications.  
9 In all other cases, the Hearing Examiner shall deny the application.

10 2. Under LUC 20.35.140.C, the Hearing Examiner may include conditions to  
11 ensure the proposal conforms to the relevant decision criteria.

12 3. LUC 20.35.140.D provides the relevant requirements for the Hearing  
13 Examiner’s decision:

14 D. Written Decision of the Hearing Examiner.

15 The Hearing Examiner shall within 10 working days following the close of the  
16 record distribute a written report supporting the decision. The report shall  
17 contain the following:

- 18 1. The decision of the Hearing Examiner; and
- 19 2. Any conditions included as part of the decision; and
- 20 3. Findings of facts upon which the decision, including any conditions,  
21 was based and the conclusions derived from those facts; and
- 22 4. A statement explaining the process to appeal the decision of the  
23 Hearing Examiner to the City Council.

24 4. The City may approve or approve with modifications an application for a  
conditional use permit under LUC 20.30B.140 if:

- A. The conditional use is consistent with the Comprehensive Plan; and
- B. The design 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; and

4/29/21

**CITY OF BELLEVUE**  
450 – 110th Avenue NE  
P. O. Box 90012  
Bellevue, WA 98009-9012



1 C. The conditional use will be served by adequate public facilities including  
2 streets, fire protection, and utilities; and

3 D. The conditional use will not be materially detrimental to uses or property in  
4 the immediate vicinity of the subject property; and

5 E. The conditional use complies with the applicable requirements of this Code.

6 5. The staff recommendation has done a very thorough job of documenting how  
7 the proposal meets the requirements for conditional use approval and the Hearing Examiner  
8 incorporates the discussion contained in the staff report at pp. 28-30 by reference in its  
9 entirety as a part of this decision. The Examiner concludes that the proposal meets each of  
10 the criteria for approval of a conditional use.

11 6. The applicant has met its burden of proof to demonstrate that the conditional  
12 use permit should be approved, with conditions.

13 7. The conditions of approval recommended by the Department are reasonable  
14 and capable of being accomplished, and they should be required to assure the conditional  
15 use as proposed meets the criteria of LUC 20.30B.140.

16 8. The Department submitted an erratum to the conditions of approval after the  
17 close of the public hearing record. Because the change was very minor in nature, the Hearing  
18 Examiner will incorporate the erratum into the conditions of approval.

19 **ORDER**

20 The Hearing Examiner grants approval of the conditional use, with the attached  
21 conditions of approval recommended by the Department.

22 **SO ORDERED**, this 29<sup>th</sup> day of April 2021.

23 

24 Barbara Dykes Ehrlichman  
Barbara Dykes Ehrlichman  
Hearing Examiner

4/29/21

**CITY OF BELLEVUE**  
450 – 110th Avenue NE  
P. O. Box 90012  
Bellevue, WA 98009-9012

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**NOTICE OF RIGHT TO APPEAL AND TIME LIMIT**

(Pursuant to Resolution No. 9473)

**RIGHT TO APPEAL-TIME LIMIT**

Persons and entities identified in Land Use Code (LUC) 20.35.150, may appeal the decision of the Hearing Examiner to the Bellevue City Council by filing a written statement of the Findings of Fact or Conclusions of Law which are being appealed, and paying a fee, if any, as established by ordinance or resolution, no later than 14 calendar days following the date that the decision was mailed. The written statement must be filed together with an appeal notification form, available from the City Clerk. The written statement of appeal, the appeal notification form, and the appeal fee, if any, must be received by the City Clerk no later than **5:00 p.m. on Thursday, May 13, 2021.**

**TRANSCRIPT OF HEARING-PAYMENT OF COST**

An appeal of the Hearing Examiner’s decision requires the preparation of a transcript of the hearing before the Hearing Examiner. Within thirty (30) days of the decision, which is appealed from, the appellant shall order from the City Clerk, on a form provided by the Clerk, a full transcript of the hearing before the Hearing Examiner. At the time the order for transcription is placed, the appellant shall post security in the amount of One Hundred Dollars (\$100.00) for each hearing hour to be transcribed. If appellant fails to post security, the appeal shall be considered abandoned.

Additional requirements and procedures concerning appeals filed with the Council are found at Resolution 9473 and in the City of Bellevue Land Use Code.

4/29/21

**CITY OF BELLEVUE**  
450 – 110th Avenue NE  
P. O. Box 90012  
Bellevue, WA 98009-9012

1  
2 **ATTACHMENT: CONDITIONS OF APPROVAL**  
3

4 **IX. E. CONDITIONS OF APPROVAL**

5 **Codes & Ordinances**

6 The following conditions are imposed under the Bellevue City Code  
7 referenced. The applicant shall comply with all applicable Bellevue City Codes  
8 and ordinances including but not limited to:

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Janey Gwo, 425-452-6190
Construction Codes- BCC Title 23	Bldg. Division, 425-452-6864
Fire Code- BCC 23.11	Derek Landis, 425-452-4112
Land Use Code- BCC Title 20	Reilly Pittman, 425-452-4350
Noise Control- BCC 9.18	Reilly Pittman, 425-452-4350
Transportation Code- BCC 14.60	Ryan Miller, 425-452-2065
Right of Way Use Code- BCC 14.30	Tim Stever, 425-452-4294
Utility Code- BCC Title 24	Chris Brookes, 425-452-6825

9  
10  
11  
12  
13 **A. GENERAL CONDITIONS**

14 **1. Clearing and Grading Permit Required**

15 The clearing and grading reviewer has reviewed the plans and materials  
16 submitted for this project and has approved the clearing and grading  
17 portion of this land use application. Approval of this land use application  
18 does not constitute an approval of any construction permit. An application  
19 for a clearing and grading permit must be submitted and approved before  
20 construction can begin. Plans submitted as part of any permit application  
21 for this project shall be consistent with the activity permitted under this  
22 approval and must comply with the City of Bellevue Clearing and Grading  
23 Code (BCC 23.76).

**AUTHORITY:** Land Use Code 20.30P.140; Bellevue City Code 23.76

**REVIEWER:** Janney Gwo, Clearing and Grading Review

24 **2. Seasonal Clearing and Grading Restrictions**

The clearing & grading code defines the rainy season as October 1st  
through April 30th. The Development Services Department may grant

4/29/21

1 approval to initiate or continue clearing or grading activity during the rainy  
2 season. Any approval will be based on site and project conditions, extent  
3 and quality of the erosion and sedimentation control, and the project's track  
4 record at controlling erosion and sedimentation.

5 **AUTHORITY:** Bellevue City Code 23.76  
6 **REVIEWER:** Janney Gwo, Clearing and Grading Review

7 **3. Vehicular Access Restrictions**

8 There are no access restrictions as this time however restriction may be  
9 placed in the future by the City.

10 **AUTHORITY:** Bellevue City Code 14.60.150  
11 **REVIEWER:** Ryan Miller, Transportation Review

12 **4. Provisions for Loading**

13 The property owner shall provide an off-street loading space which can  
14 access a public street. This must include an off-street location for garbage  
15 pick-up, which must be acceptable to the garbage hauler. On-street loading  
16 and unloading will not be permitted.

17 The backing of fire apparatuses into or out of the public street shall not  
18 take place. The applicant shall keep the internal circulation free and clear  
19 as needed for all backing maneuvers to take place on site behind the  
20 sidewalk.

21 **AUTHORITY:** Land Use Code 20.20.590.K.4; Bellevue City Code  
22 14.60.180  
23 **REVIEWER:** Ryan Miller, Transportation Review

24 **5. Lighting**

All lighting is required to be shielded and contained to ensure it is directed  
away from the wetland and buffer on the site.

**AUTHORITY:** Land Use Code 20.25H.100  
**REVIEWER:** Reilly Pittman, Land Use Review

**6. Utilities Conceptual Approval and Permits**

Utility Department approval of the design review application is based on the  
final conceptual design submitted with this application. Final utility design  
and construction approval is not given under this permit. Small changes to  
the site layout may be required to accommodate the utilities after utility  
engineering is approved. The water, sewer, and storm drainage systems

1 shall be designed per the current City of Bellevue Utility Codes and Utility  
2 Engineering Standards. Utilities Department design review, plan approval,  
3 and field inspection is performed under the Utilities Permit Processes. All  
4 connection charges will be due prior to issuance of the respective permits.  
Easements will be required as necessary for new publicly owned facilities,  
and easement modifications will be required for areas where public utilities  
and easements are no longer existing.

5 Any unused existing services must be abandoned back to the main. UA  
6 permits will be required for each sanitary side sewer  
7 connection/modification. UC permits are required for domestic and  
irrigation water services 2-inch and smaller. UE permits are required for  
storm and water services larger than 2-inch.

8 **AUTHORITY:** Bellevue City Code 24.02, 24.04, 24.06

9 **REVIEWER:** Chris Brookes, Utilities Review

10 **B. CONDITIONS REQUIRED PRIOR TO ISSUANCE OF ANY CLEARING AND  
GRADING PERMIT**

11 **7. Final Arborist Report and Tree Retention**

12 The submitted arborist report must be updated based on the final plans.  
13 The arborist must confirm their preliminary findings and provide any  
14 additional recommendations for tree protection. Tree retention requires is  
15 all trees in the perimeter landscaping area and 15 percent of the tree  
16 interior to the site. The project exceeds the minimum 15 percent of the  
17 existing diameter inches, but the final retention percentage for the site  
interior needs to be confirmed. The arborist report must also provide  
recommendations for conversion to habitat snags, use of large wood on  
the site, or removal of the dead trees. If a tree does not pose a hazard it  
should be left in the wetland or buffer. The final plans must clearly show  
trees proposed for removal or retention, consistent with the arborist report.

18 **AUTHORITY:** Land Use Code 20.20.900; Land Use Code  
20.25H.055.C.3.i

19 **REVIEWER:** Reilly Pittman, Land Use Review

20 **8. Final Mitigation and Restoration Plan**

21 A final plan that shows planting proposed to mitigate impacts, restore  
22 temporary disturbance, and enhance the wetland and buffer is required to  
be submitted with the clearing and grading permit. This plan must also  
include the provisions for maintenance and monitoring.

23 4/29/21

24 **CITY OF BELLEVUE**  
450 – 110th Avenue NE  
P. O. Box 90012  
Bellevue, WA 98009-9012

**AUTHORITY:** Land Use Code 20.25H.220  
**REVIEWER:** Reilly Pittman, Land Use Review

**9. Maintenance and Monitoring for Five Years**

Maintenance and monitoring are required for five years per the plan submitted as reference document 4. Annual reports are required to be transmitted to Reilly Pittman for review.

**AUTHORITY:** Land Use Code 20.25H.220  
**REVIEWER:** Reilly Pittman, Land Use Review

**10. Conformance to Zoning Code**

The site plan(s) submitted as part of a future building permit application shall verify conformance with all applicable zoning requirements.

**AUTHORITY:** Land Use Code 20.20.010  
**REVIEWER:** Reilly Pittman, Land Use Review

**11. Final Landscaping Plans**

A final landscaping plan is required to be submitted with the clearing and grading permit application.

**AUTHORITY:** Land Use Code 20.20.520  
**REVIEWER:** Reilly Pittman, Land Use Review

**12. Right-Of-Way Use Permit**

Prior to issuance of any construction or clearing and grading permit, the applicant shall secure applicable right-of-way use permits from the City's Transportation Department, which may include:

- a) Designated truck hauling routes.
- b) Truck loading/unloading activities.
- c) Location of construction fences.
- d) Hours of construction and hauling.
- e) Requirements for leasing of right of way or pedestrian easements.
- f) Provisions for street sweeping, excavation and construction.
- g) Location of construction signing and pedestrian detour routes.
- h) All other construction activities as they affect the public street system.

In addition, the applicant shall submit for review and approval a plan for providing pedestrian access during construction of this project. Access shall be provided at all times during the construction process, except when

1 specific construction activities such as shoring, foundation work, and  
2 construction of frontage improvements prevent access. General materials  
storage and contractor convenience are not reasons for preventing access.

3 The applicant shall secure sufficient off-street parking for construction  
workers before the issuance of a clearing and grading, building, a  
4 foundation, or demolition permit.

**AUTHORITY:** Bellevue City Code 11.70 and 14.30

**REVIEWER:** Tim Stever, Right-of-Way Review

### 6 **13. Transportation Infrastructure Improvements & Civil Engineering Plans**

7 Civil engineering plans produced by a qualified engineer must be approved  
by the Transportation Department prior to issuance of the clearing and  
8 grading permit. The design of all street frontage improvements and driveway  
accesses must be in conformance with the requirements of the Americans  
9 with Disabilities Act, the Transportation Development Code, the provisions of  
the Transportation Department Design Manual, and specific requirements  
10 stated elsewhere in this document. All relevant standard drawings from the  
Transportation Department Design Manual shall be copied exactly into the  
11 final engineering plans.

12 Transportation Infrastructure Improvements on 112<sup>th</sup> Avenue NE include  
the following:

#### 13 **i. 112<sup>th</sup> Avenue NE**

14 a. Install the following half street section:

- 15 i. 6-ft wide half center turn lane
- 16 ii. 11-ft wide southbound travel lane
- 17 iii. 11-ft wide southbound travel lane
- 18 iv. 2-ft wide striped buffer
- v. 5-ft wide southbound bicycle lane
- vi. Concrete curb and gutter
- vii. 5-ft wide planter
- viii. 8-ft wide sidewalk

19 b. Install street lighting to meet City standards including installation of  
new small cell poles and LED fixtures.

20 c. Relocate all above grade utilities underground

21 d. Installation of a new traffic signal with the south fire station driveway.  
This includes a new service and improvements as needed to connect  
to the 112<sup>th</sup> Avenue NE and NE 12<sup>th</sup> Street intersection signal.

22 e. Install a minimum 5-foot wide planter strip with the following:

- 23 i. Spray Irrigation from a private meter.
- 24 ii. Soil preparation and root barrier

4/29/21

**CITY OF BELLEVUE**  
450 – 110th Avenue NE  
P. O. Box 90012  
Bellevue, WA 98009-9012

- iii. Street trees, ground cover, and landscaping
- iv. A combined street tree and streetlight plan is required for review and approval prior to completion of engineering and landscape plans. The goal is to provide the optimum number of street trees while not compromising the light and safety provided by streetlights. Street trees and streetlights must be shown on the same plan sheet with the proper separation (generally 25 feet apart) and the proper spacing from driveways (ten feet from Point A in standard drawing SW-140-1 or equivalent).

- f. Convey property rights to the City, prior to grading permit issuance.
  - i. Provide Right of Way dedication to the back edge of the sidewalk.

**ii. Fiber**

- a. Conduit and junction boxes are required along the length of 112th Avenue NE. The City will take on the cost of the fiber and the fiber installation. The applicant shall install the conduit and junction boxes.

**iii. The Americans with Disabilities Act (ADA)**

- a. ADA requires that sidewalk cross slopes not exceed two percent. The sidewalk cross slope may be less than two percent only if the sidewalk has a longitudinal slope sufficient to provide adequate drainage. Bellevue's standard for curb height is six inches, except where curb ramps are needed. The engineering plans must comply with these requirements, and must show adequate details, including spot elevations, to confirm compliance. New curb and sidewalk shall be constructed in compliance with these requirements. Building elevations shall be consistent with the required curb and sidewalk elevations. Spot elevations must be included in the building plans in a manner that proves that building elevations are designed to correspond to the sidewalk elevations shown in the engineering plans, especially at entrances and other key points. Curb and sidewalk elevations will not be revised to fit the building, and city inspectors may require spot surveys during construction in order to confirm the required elevations. All new and existing junction boxes shall have non-slip lids installed. All new and existing junction boxes shall have foundry applied non-slip lids within the public sidewalk.

ADA also requires provision of a safe travel path for visually handicapped pedestrians. Potential tripping hazards are not allowed in the main pathway. Any planter boxes installed in the sidewalk to improve pedestrian sight distance at driveways must be designed to



1 reduce the tripping potential and must not extend more than two feet  
2 into the public sidewalk. Traffic signal controller boxes and  
3 streetlight contactor cabinets must be located so as not to interfere  
4 with the main pedestrian path. Buildings shall be designed so that  
5 doors do not swing out into the pedestrian path. Installation of  
6 colored or textured bands to guide pedestrians in the direction of  
7 travel is advisable, subject to the requirements for non-standard  
8 sidewalk features. ADA-compliant curb ramps shall be installed  
9 where needed, consistent with City and WSDOT standard drawings.  
10 If such standards cannot be met, then deviation from standards  
11 must be justified on a Design Justification Form to be filed with the  
12 Transportation Department.

13 **iv. No fixed objects, including fire hydrants, trees, and streetlight poles,  
14 are allowed within ten feet of a driveway edge, defined as Point A in  
15 standard drawing SW-140-1 or equivalent. Fixed objects are defined  
16 as anything with breakaway characteristics greater than a four-inch  
17 by four-inch wooden post.**

18 **v. No new overhead utility lines will be allowed within or across any  
19 right of way or sidewalk easement, and existing overhead lines must  
20 be relocated underground.**

21 **vi. A dedicated channelization and signage plan are required.**

22 Construction of all street and street frontage improvements must be  
23 completed prior to closing the clear and grade permit and right of way use  
24 permit for this project. A Design Justification Form must be provided to the  
Transportation Department for any aspect of any pedestrian route adjacent  
to or across any street that cannot feasibly be made to comply with ADA  
standards. Design Justification Forms must be provided prior to approval of  
the clear and grade plans for any deviations from standards that are known  
in advance. Forms provided in advance may need to be updated prior to  
project completion. For any deviations from standards that are not known  
in advance, Forms must be provided prior to project completion.

**AUTHORITY:** Bellevue City Code 14.60; Transportation Department  
Design Manual; Americans with Disabilities Act  
**REVIEWER:** Ryan Miller, Transportation Review

4/29/21

1 **C. CONDITIONS REQUIRED PRIOR TO ISSUANCE OF ANY BUILDING PERMIT**

2 **14. Boundary Line Adjustment Recorded**

3 The boundary line adjustment to combine all separate parcels into one site  
4 must be completed prior to building permit issuance.

5 **AUTHORITY:** Land Use Code 20.20.010  
6 **REVIEWER:** Reilly Pittman, Land Use Review

7 **15. Building and Site Plans – Transportation**

8 Prior to issuance of any building permit, the building grade and elevations  
9 shall be consistent with the curb and sidewalk grade shown in the  
10 approved civil engineering plans. During construction, city inspectors may  
11 require additional survey work at any time in order to confirm proper  
12 elevations. Building plans, landscaping plans, and architectural site plans  
13 must accommodate on-site traffic markings and signs and driveway design  
14 as specified in the engineering plans. Building plans, landscaping plans,  
15 and architectural site plans must comply with vehicle and pedestrian sight  
16 distance requirements, as shown on the engineering plans.

17 **AUTHORITY:** Bellevue City Code 14.60.060; 110; 120; 150; 180; 181;  
18 190; 240; 241  
19 **REVIEWER:** Ryan Miller, Transportation Review

20 **16. Right-of-Way Dedication**

21 The applicant shall provide right of way dedication to the back of the  
22 required public sidewalk. Additional right of way dedication shall be  
23 required for any signal cabinets, vaults, and/or appurtenances that may be  
24 located behind the sidewalk.

**AUTHORITY:** Bellevue City Code 14.60.100  
**REVIEWER:** Ryan Miller, Transportation Review

**D. PRIOR TO ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY**

**17. Land Use Inspection**

Final inspection of all planting and landscaping is required by the land use  
reviewer prior to final building inspection and certificate of occupancy  
approval.

**AUTHORITY:** Land Use Code 20.25H.220; Land Use Code 20.20.520  
**REVIEWER:** Reilly Pittman, Land Use Review

1 **18. Street Frontage Improvements**

2 All street frontage improvements and other required transportation  
3 elements, including streetlight and traffic signal, must be constructed by the  
4 applicant, and accepted by the Transportation Department inspector. All  
5 existing streetlight and traffic signal apparatus affected by this  
6 development, including traffic controllers, pedestrian signal poles, traffic  
7 signal poles, and power sources, must be relocated as necessary. Existing  
8 overhead lines must be relocated underground. All required improvements  
9 must be constructed as per the approved plans or as per direction of the  
10 Transportation Department inspector. Bonding or other types of assurance  
11 devices will not be accepted in lieu of construction unless the City requires  
12 a delay.

13 **AUTHORITY:** BCC 14.60; Comprehensive Plan Policy UT-39;  
14 Transportation Department Design Manual Sections;  
15 and Transportation Department Design Manual  
16 Standard Drawings.

17 **REVIEWER:** Ryan Miller, Transportation Review

18 **19. Pavement Restoration**

19 Pavement restoration associated with street frontage improvements or to  
20 repair damaged street surfaces shall be completed.

21 **AUTHORITY:** Bellevue City Code 14.60.250; Design Manual Design  
22 Standard #23

23 **REVIEWER:** Tim Stever, Transportation Department