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

In the Matter of an Application by  
**Medici Architects**  
For a Conditional Use Permit to Construct  
Eight Townhomes located at 1250 & 1252  
112th Avenue NE, Bellevue

**DSD FILE NO.: 20-113617-LB**

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

**SUMMARY**

**Decision.** The application is **APPROVED**, subject to conditions.

**Proposal.** The applicant, Medici Architects, seeks a Conditional Use Permit (CUP) for a project at 1250 & 1252 112th Avenue NE, Bellevue, to allow eight (8) townhome-style residential units with four (4) units each in of the two, 4-story buildings.

**Issue Presented.** The primary issue in this matter is whether the proposed Medici Architects’ project meets the criteria for Conditional Use approval under the Bellevue Land Use Code (LUC) LUC 20.30B.140. The record establishes that the proposed project meets the conditional use permit criteria, subject to conditions.

**Procedural History.** Medici Architects applied for a conditional use permit for the proposed project at issue on August 28, 2020. A notice of application and public meeting was published on October 29, 2020. The City also mailed notices to property owners within 500 feet of the subject property.

A public meeting was held on April 22, 2021. No members of the public attended the meeting.

1 The City issued a determination of nonsignificance (DNS) on the Medici Architects project  
2 under the State Environmental Policy Act (SEPA) and approved a Design Review. The City issued  
3 a combined decision on these aspects of the proposal on July 8, 2021. The City received no public  
4 comments or appeals on these determinations. The appeal period expired on July 22, 2021.

5 A public hearing was scheduled for July 29, 2021, before the undersigned Hearing  
6 Examiner.

7 The Director of the Development Services Department (DSD) recommended approval of  
8 this Conditional Use Permit application, subject to conditions (Exhibit C-1, DSD Staff Report).

9 **Hearing Examiner Jurisdiction.** The role of the Hearing Examiner in this matter is to  
10 hold a public hearing, take testimony on the proposal, and issue a decision based on the record  
11 established by Examiner. LUC 20.35.015. The decision must be based on applicable law,  
12 regulations, and ordinances.

13 Only the Conditional Use Permit aspect of this case is before the undersigned Examiner.

14 **The Hearing.** This case came before the undersigned Hearing Examiner for a public  
15 hearing on July 29, 2021. In view of COVID-19 precautions, the hearing was held using Zoom  
16 teleconferencing technology.

17 Kenneth George, Associate Land Use Planner with the Development Services Department  
18 (DSD), City of Bellevue, testified on behalf of the City.

19 Representatives of the applicant were present but did not offer testimony. In addition, a  
20 developer of the project was present at the close of the hearing but also chose not to testify.

21 Karen Hohu, Program Coordinator of the Office of the Hearing Examiner for the City of  
22 Bellevue, assisted the Examiner and recorded the audio portion of the proceeding.

23 **Exhibits.** The DSD's Land Use Staff Report on the Conditional Use Permit Application  
24 and other file reports were admitted into evidence as Exhibit C-1. An email from Bellevue citizen  
25 Keith Ulrich, was received by the Hearing Examiner's Office and essentially posed only a question  
26 and is admitted into the record as Exhibit B-1.

27 **Site Visit.** Before the hearing, the Examiner visited the site at issue.  
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1 **FINDINGS OF FACT**

2 1. The factual matters in the foregoing **SUMMARY** are adopted by the undersigned  
3 Examiner as findings.

4 2. The Applicant, Medici Architects, requests conditional use approval to construct an  
5 eight-unit townhouse style residence in two 4-story buildings located at 1250 & 1252 112th  
6 Avenue NE, Bellevue (See Staff Report, Exhibit C-1, for further details). Each building will have  
7 four dwelling units that are three floors of living space with a two-car garage below. The site will  
8 be accessed by a single driveway entrance off 112th Avenue NE that connects all eight garage  
9 doors facing inward to the site.

10 3. The proposal required Design Review approval—subject to conditions. The City’s  
11 Development Services Director approved this review and also issued a Determination of Non-  
12 Significance under the State Environmental Policy Act (SEPA). Those decisions were not  
13 appealed.

14 4. The townhome project is considered a residential use under the Bellevue Land Use  
15 Code. The site at issue currently has an “Office” or “O” Comprehensive Plan designation which  
16 requires that no more than 50 percent of the gross floor area of a structure is used for residential  
17 purposes. Thus, the project in question requires a conditional use permit to proceed. The site has  
18 frontage on 112<sup>th</sup> Avenue NE, a three-lane “major arterial.” Across that street, to the west, are  
19 single-family residential uses zoned Single-Family Residential (R-4). Otherwise, the site is  
20 surrounded by Office (O) and Office/Limited Business (OLB) uses with medical and other  
21 professional office buildings to the north, east and south. Because the site is located within 300  
22 feet of a single-family land use district, it is subject to the Transition Area Design District that  
23 requires buffers for less intense residential land use districts from more intense activities on  
24 adjacent, higher density districts.

25 5. Two parcels comprise the site at issue with a total area of about 0.45 acres at 19,401  
26 square feet. Each parcel currently contains a 1950s-era one-story structure, as the Examiner  
27 observed on his site visit. The buildings are used for day care purposes at this time and provide  
28 shared parking. The site also is home to trees that are “significant,” according to the DSD staff  
29 report, as well as other vegetation. The site is flat with a gentle slope to the southeast, as the DSD  
30 reported (Exhibit C-1).

1           6. The proposed project meets the land use and dimensional requirements of the Land Use  
2 Code under LUC 20.10.440 and 20.20.010 (See Exhibit C-1, Staff Report). The proposed  
3 townhome structures are within lot coverage, height, and other permitted dimensions under the  
4 LUC.

5           7. Technical reviews assessed the proposal for utilities, transportation, noise, and other  
6 matters. The City has set forth detailed findings on these amenities with conditions for approval  
7 (Exhibit C-1, Staff Report).

8           8. Kenneth George, Associate Land Use Planner for the City, testified credibly that the  
9 proposal, as conditioned, complies with the Conditional Use requirements at LUC 20.30B.140,  
10 and stressed in his testimony the City’s carefully documented recommendation for approval of the  
11 Conditional Use Permit request.

12           9. The Conditional Use here is consistent with the Comprehensive Plan for the site at  
13 issue. The subject site is located in the Office (O) designation and North Bellevue Subarea of the  
14 Bellevue Comprehensive Plan.

15           10. The project conforms with land use and subarea policies as discussed in the Staff  
16 Report (Exhibit C-1, Staff Report, pp. 23-24). The DSD Director’s finding encapsulates the  
17 projects conformance with relevant housing, land use, and subarea policies: “The proposed  
18 residential use provides more housing than could be achieved by strictly following the 50% gross  
19 floor area limitation for the (Office) zone. While the proposal is not a true mixed-use  
20 development, the location is situated in an area that provides for a variety of professional,  
21 personal, and medical uses, and is within a short walk to the nearby McCormick Park and the  
22 Downtown core. The project has been designed in compliance with the Transition Area Design  
23 District and provides building design elements that are compatible with the adjacent single-family  
24 residential uses in conjunction with required landscape buffering.” (Exhibit C-1, Staff Report, pp.  
25 23-24). See Housing Policy HO-11; Land Use Policies LU-6, LU-15 and 16, and LU-25; and  
26 North Bellevue Subarea Policies S-NB-12 and S-NB-3.

27           11. The proposal design is compatible with and responds to the character, appearance,  
28 development quality and physical characteristics of the site and immediate vicinity. The project as  
29 proposed will be sensitive to structures in the existing neighborhood (See Exhibit C-1, Staff  
30 Report, p. 24). As the DSD Director found, in part, on the proposal: “The design concept will help

1 diminish the perceived scale of the buildings and will be compatible with and respond to the  
2 existing character, appearance, quality of development and physical characteristics of the subject  
3 property and immediate vicinity.” (*Ibid.*) And proposed landscaping will buffer the project.

4 12. The Conditional Use will be served by adequate public services, including streets, fire  
5 protection and utilities. All required public services will be available to the project (Exhibit C-1).  
6 And the site is located on 112<sup>th</sup> Avenue NE, a three-lane “major arterial” with the capacity to  
7 accommodate the expected additional traffic resulting from the eight proposed dwelling units (See  
8 Traffic Study, Project File). Indeed, the DSD director found: “Pursuant to the Traffic Impact  
9 Analysis in the project file, there will be fewer trips generated from the proposed residential units  
10 compared to the existing daycare use, resulting in negative net new trips. City water and sewer  
11 services are available to the site. The new driveway will provide fire truck access to the site.”  
12 (Exhibit C-1, Staff Report, p. 24)

13 13. The Conditional Use will not be materially detrimental to the uses or property in the  
14 immediate vicinity of the subject property. Development will be limited to the two townhome  
15 buildings and will be contained to the project site. The residential use will be less intense than a  
16 full office use or other non-residential uses. In addition, the project will not interfere with other  
17 non-residential uses or property in the vicinity. And, as the DSD Director found: “The building  
18 and site have been designed in compliance with the Transition Area Design District, including a  
19 vegetated buffer, so the conditional use will not be materially detrimental to the single-family  
20 residential uses across 112th Avenue NE.” (*Ibid.*)

21 14. The Conditional Use complies with applicable requirements of the Land Use Code, as  
22 conditioned, as the DSD director concluded. The project will not be detrimental to uses or  
23 property in the immediate vicinity, as noted above.

24 15. The Examiner stresses that the Applicant must comply with all conditions of approval.

25 16. The testimony offered by Land Use Planner Mr. George was credible and consistent  
26 with these findings, the determinations in the Staff report, and the other record evidence.

27 17. The Development Services Department presented substantial evidence that the Medici  
28 Architects’ proposal meets the criteria for approval of a Conditional Use Permit under LUC  
29 20.30B.140.  
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1 18. The undersigned Examiner concurs with the DSD's findings and recommendations on  
2 the conditional use application, as conditioned, for the Medici Architects project. All future  
3 actions regarding the project must comply with all conditions and Code requirements.

4 19. Any conclusion herein, which may be deemed a finding, is adopted as such.

5 **CONCLUSIONS OF LAW**  
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7 1. The Hearing Examiner has jurisdiction over the subject matter of this proceeding. The  
8 application is subject to Process I procedures. LUC 20.35.015.

9 2. Requirements of Design Review and under the State Environmental Policy Act have  
10 been satisfied.

11 3. The Examiner, as required, has accorded substantial weight to the recommended  
12 approval of the conditional use permit by the Development Services Department Director. LUC  
13 20.35.250(F). (The Examiner notes that the City received no comments or opinions from  
14 members of the public or others in opposition to the project.)

15 4. The proposed project complies with the Land Use Code Dimensional Standards at LUC  
16 20.20.

17 5. The proposed project, as conditioned, is consistent with all of the criteria for a  
18 conditional use permit under LUC 20.30B.140 as follows:

19 The City may approve or approve with modifications an application for a Conditional Use  
20 Permit if:

21 A. The conditional use is consistent with the Comprehensive Plan; and

22 B. The design is compatible with and responds to the existing or intended  
23 character, appearance, quality of development and physical characteristics of the subject  
24 property and immediate vicinity; and

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

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

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

30 6. The Examiner concurs with and adopts the findings and the recommendation of the  
Development Services Department in its land use staff report (Exhibit C-1).

1 7. The conditional use permit to construct a townhome project is approved with conditions  
2 (Attached Appendix 1 and at Staff Report, Exhibit C-1).

3 8. The Applicant must comply with all of the Conditions of Approval.

4 9. Any finding of fact deemed to be a conclusion of law is adopted as such.

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6 **CONDITIONS OF APPROVAL**

7 The applicant shall comply with all of the Conditions of Approval for the  
8 Conditional Use Permit (See Conditions of Approval at Appendix 1, attached, and Exhibit C-1,  
9 Staff Report, pp. 25-32).

10 **DECISION**

11 The requested Conditional Use application is approved, subject to the above stated  
12 conditions.

13 **SO ORDERED**, this 12<sup>th</sup> day of August 2021.

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Robin Lindley, Hearing Examiner

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18 **NOTICE OF RIGHT TO APPEAL**

19 (Pursuant to Resolution No. 9473)

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21 **RIGHT TO APPEAL-TIME LIMIT**

22 Persons and entities identified in Land Use Code (LUC) 20.35.150, may appeal the decision  
23 of the Hearing Examiner to the Bellevue City Council by filing a written statement of the  
24 Findings of Fact or Conclusions of Law which are being appealed, and paying a fee, if any,  
25 as established by ordinance or resolution, no later than 14 calendar days following the date  
26 that the decision was mailed. The written statement must be filed together with an appeal  
27 notification form, available from the City Clerk. The written statement of appeal, the appeal  
28 notification form, and the appeal fee, if any, must be received by the City Clerk no later than  
29 **5:00 p.m. 14 calendar days following the date that the decision was mailed.**

30 **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

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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.

1 **Decision Appendix 1: Conditions of Approval for Conditional Use Permit**

2 Project Name: 1250 112<sup>th</sup> Ave  
3 Medici Architects, Applicant,  
4 Request for Conditional Use Permit  
5 At 1250 and 1252 112<sup>th</sup> Avenue NE, Bellevue  
6 **FILE NO. 20-113617-LB**

7 **I. CONDITIONS OF APPROVAL**

8 **Codes & Ordinances**

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

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Construction Codes- BCC Title 23	Charles Miller, 425-452-7243
Fire Code- BCC 23.11	Derek Landis, 425-452-4112
Land Use Code- BCC Title 20	Kennith George, 425-452-5264
Noise Control- BCC 9.18	Kennith George, 425-452-5264
Transportation Code- BCC 14.60	Darwin Li, 425-452-4598
Right-of-Way Code- BCC 14.30	Mazen Wallaia, 425-452-6988
Utility Code- BCC Title 24	Chris Brookes, 425-452-6825

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19 **A. GENERAL CONDITIONS**

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

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

29 **AUTHORITY:** Land Use Code 20.30P.140; Bellevue City Code 23.76  
30 **REVIEWER:** Savina Uzunow, Clearing and Grading Review

**2. Seasonal Clearing and Grading Restrictions**

The clearing & grading code defines the rainy season as October 1st through April

1 30th. The Development Services Department may grant approval to initiate or  
2 continue clearing or grading activity during the rainy season. Any approval will be  
3 based on site and project conditions, extent and quality of the erosion and  
4 sedimentation control, and the project's track record at controlling erosion and  
5 sedimentation.

6 **AUTHORITY:** Bellevue City Code 23.76

7 **REVIEWER:** Savina Uzunow, Clearing and Grading Review

8 **3. Vehicular Access Restrictions and Provisions for Loading**

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

13 **AUTHORITY:** Land Use Code 20.20.590.K.4; Bellevue City Code 14.60.180

14 **REVIEWER:** Darwin Li, Transportation Review

15 **4. Preliminary Design, Utility Codes and Engineering Standards**

16 Utility review has been completed on the preliminary information submitted at the  
17 time of this application. The review has no implied approvals for water, sewer, and  
18 storm drainage components of the project. A Utility Extension Agreement will be  
19 required for review and approval of the utility design for sewer, water, and storm.  
20 The side sewer connection will be reviewed, permitted, and inspected under  
21 separate multifamily side sewer permits. Submittal of the Utility Extension will  
22 coincide with future clearing and grading permit review. Final civil engineering may  
23 require changes to the site layout to accommodate the utilities. Preliminary storm  
24 drainage review was completed under the codes and standards in place at the time  
25 of this application. Final utility design and construction shall show an area drain and  
26 grading for the trash enclosure. Design shall also show a berm to isolate this area  
27 from run-on surface water. The area drain shall drain to sanitary sewer through and  
28 appropriately sized approved oil/water separator.

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

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

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

**5. Noise & Construction Hours**

Noise related to construction is allowed from 7:00 a.m. to 6:00 p.m. Monday through  
Friday and 9:00 a.m. to 6:00 p.m. on Saturday, except for Federal holidays and as  
further defined by the Bellevue City Code. Exceptions to the construction noise hours

1 limitation contained in the Noise control coded MAY be granted pursuant to  
2 9.18.020.c.1 when necessary to accommodate construction which cannot be  
3 undertaken during exempt hours. Written requests for exemption from the Noise  
4 Control Code must be submitted two weeks prior to the scheduled onset of extended  
5 hour construction activity. Such request shall include a noise analysis prepared by a  
6 noise consultant. Including recommendations for achieving the noise limitations of  
7 the Noise Ordinance for new residential construction using best noise abatement  
8 technology.

9 **AUTHORITY:** Bellevue City Code 9.18.020 & 9.18.040

10 **REVIEWER:** Kennith George, Land Use Review

11 **6. Conformance to Zoning Code**

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

14 **AUTHORITY:** Land Use Code 20.20.010

15 **REVIEWER:** Kennith George, Land Use Review

16 **7. Final Landscaping Plans**

17 A final landscaping and irrigation plan shall be submitted with the clearing and  
18 grading permit application for review. The plans shall propose Cornus 'Starlight'  
19 Dogwoods within the right-of-way landscaping strip on the final landscaping plan.

20 **AUTHORITY:** Land Use Code 20.20.520 and LUC 20.25B.040

21 **REVIEWER:** Kennith George, Land Use Review

22 **8. Right-of-Way Use Permit**

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

- 26 a) Designated truck hauling routes.
- 27 b) Truck loading/unloading activities.
- 28 c) Location of construction fences.
- 29 d) Hours of construction and hauling.
- 30 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

1 times during the construction process, except when specific construction activities  
2 such as shoring, foundation work, and construction of frontage improvements  
3 prevent access. General materials storage and contractor convenience are not  
4 reasons for preventing access.

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

7 **AUTHORITY:** Bellevue City Code 11.70 & 14.30

8 **REVIEWER:** Mazen Wallaia, Right-of-Way Review

9 **9. Transportation Infrastructure Improvements & Civil Engineering Plans**

10 Civil engineering plans produced by a qualified engineer must be approved by the  
11 Transportation Department prior to issuance of the clearing and grading permit. The  
12 design of all street frontage improvements and driveway accesses must be in  
13 conformance with the requirements of the Americans with Disabilities Act, the  
14 Transportation Development Code, the provisions of the Transportation Department  
15 Design Manual, and specific requirements stated elsewhere in this document.

16 All relevant standard drawings from the Transportation Department Design Manual  
17 shall be copied exactly into the final engineering plans. Requirements for the  
18 engineering plans include, but are not limited to:

- 19 a. Traffic signs and markings.
- 20 b. Curb, gutter, sidewalk, and driveway approach design. The engineering plans  
21 shall be the controlling document on the design of these features; architectural  
22 and landscape plans must conform to the engineering plans as needed.
- 23 c. Curb ramps, crosswalk revisions, and crosswalk equipment such as pushbuttons.
- 24 d. Installation or relocation of streetlights and related equipment.
- 25 e. Undergrounding of existing overhead utility lines, which should be coordinated  
26 with adjacent sites. Transformers and utility vaults to serve the building shall be  
27 placed inside the building or below grade, to the extent feasible.
- 28 f. Sight distance. Show the required sight triangles and include any sight  
29 obstructions, including those off-site. Sight distance triangles must be shown at  
30 all driveway locations and must consider all fixed objects and mature landscape  
vegetation. Vertical as well as horizontal line of sight must be considered when  
checking for sight distance.
- g. Landings on sloping approaches are not to exceed a 7% slope for a distance of  
30 feet approaching the back edge of sidewalk. Driveway grade must be  
designed to prevent vehicles from bottoming out due to abrupt changes in grade.
- h. City standards for driveway widths range from 26 to 30 feet on arterial streets.  
Driveway aprons must be constructed in accordance with Design Manual  
Standard Drawing SW-150-1.
- i. Location of fixed objects in the sidewalk or near the driveway approach.

1 j. Trench restoration within any right of way or access easement.

2 Specific requirements are detailed below.

3 112<sup>th</sup> Avenue NE:

- 4 a. Install a minimum 8-foot-wide sidewalk, minimum 5-foot-wide planter strip, and  
5 new curb and gutter along the frontage.
- 6 b. Install a minimum 26-foot-wide driveway meeting City of Bellevue standards.
- 7 c. 2-foot payment widening to accommodate a 6-foot wide bicycle lane with a 2-foot  
8 buffer.
- 9 d. Street lighting is required to meet City of Bellevue standards and may require  
10 installation of City owned street lighting depending on results of the lighting  
11 analysis.
- 12 e. Any utility lids in the sidewalk are required to be fitted with a non-skid lid.
- 13 a. A public sidewalk and utilities easement will be required for any portion of the  
14 sidewalk that extends behind the right of way line.

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

24 **AUTHORITY:** Bellevue City Code 14.60; Transportation Department Design  
25 Manual; Americans with Disabilities Act

26 **REVIEWER:** Darwin Li, Transportation Review

## 27 **10. Existing Easements**

28 Any utility easements contained on this site which are affected by this development  
29 must be identified. Any negative impact that this development has on those  
30 easements must be mitigated or easements relinquished.

**AUTHORITY:** Bellevue City Code 14.60.100

**REVIEWER:** Mazen Wallaia, Right-of-Way Review

## 31 **11. Sidewalk/Utility Easements**

32 The applicant shall provide sidewalk and utility easements to the City such that  
33 sidewalks outside of the City right of way along the property frontage are located  
34 within a pedestrian easement area.

**AUTHORITY:** Bellevue City Code 14.60.100  
**REVIEWER:** Darwin Li, Transportation Review

**12. Street Lighting Easements**

The applicant shall provide public street lighting easements to the City such that any streetlight poles, vaults, cabinets, or equipment outside of the City right of way along the property frontage are located within an easement area.

**AUTHORITY:** Bellevue City Code 14.60.100  
**REVIEWER:** Darwin Li, Transportation Review

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

**13. Boundary Line Adjustment Recorded**

The boundary line adjustment filed under 21-105017 LW, to combine the two parcels into one site must be completed prior to building permit issuance.

**AUTHORITY:** Land Use Code 20.20.010  
**REVIEWER:** Kenneth George, Land Use Review

**14. Fire Review Conditions**

The Bellevue Fire Department Fire Prevention Division has reviewed the submittal in accordance with the 2018 International Fire Code, 2018 International Building Code, City of Bellevue requirements, and good fire protection practices. This review was based upon, and limited to, the information presented on drawings and/or materials received in our office. The Fire Department can approve the application, subject to the following conditions:

- i. The building will require the installation of fire sprinklers to be designed per NFPA 13R. (2018 IFC 903.2.8 & 903.3.1.2)
- ii. Provide a Fire Department Connection at an approved location within 100 feet of a fire hydrant. (2018 IFC 912.1)
- iii. Fire sprinkler device monitoring, supervision and waterflow alarm notification shall meet the requirements of Section 903.4 of the International Fire Code.
- iv. Smoke alarms are required on each floor and in each room used for sleeping. (2018 IFC 907.2.11.2)
- v. An approved carbon monoxide alarm must be installed outside of each separate sleeping area, in the immediate vicinity of the bedroom(s) within homes with fuel-fired appliances and/or attached garages. (2018 IFC 915.1 as amended by the State of Washington)

1 vi. Demolition and construction shall conform to the requirements of International  
2 Fire Code Chapter 33.

3 **15. Transportation Impact Fee**

4 Payment of the traffic impact fee will be required at the time of building permit  
5 issuance. If multiple building permits will be issued, the impact fee will be tied to the  
6 primary above-ground permit. Removal of existing buildings will be eligible for impact  
7 fee credit. Impact fees are subject to change and the fee schedule in effect at the  
8 time of building permit issuance will apply.

9 **AUTHORITY:** Bellevue City Code 22.16

**REVIEWER:** Darwin Li, Transportation Review

10 **16. Building and Site Plans**

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

19 **AUTHORITY:** Bellevue City Code 14.60.060; 110, 120; 150; 180; 181; 190; 240;  
20 241

**REVIEWER:** Darwin Li, Transportation Review

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

22 **17. Land Use Inspection, Landscape Maintenance, and/or Installation Assurance  
23 Device**

24 Final inspection of all planting and landscaping is required by the land use reviewer  
25 prior to final building inspection and certificate of occupancy approval. The applicant  
26 shall file with the Development Services Department – Land Use Division a  
27 landscape maintenance assurance device for a one-year period for 20% of the cost  
28 of labor and materials for all landscaping on the site.

29 If a temporary Certificate of Occupancy (TCO) is requested prior to completion of the  
30 landscape installation, the applicant shall file with Development Services a  
landscape installation assurance device equal to 150% of the cost of labor and  
materials for any landscaping that has not yet been installed. The assurance device  
will be released upon complete installation, inspection and approval by the land use  
reviewer for the project and execution of the landscape maintenance assurance  
device.

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**AUTHORITY:** Land Use Code 20.20.520 and LUC 20.40.0490  
**REVIEWER:** Kenneth George, Land Use Review

**18. Street Frontage Improvements**

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

**AUTHORITY:** Bellevue City Code 14.60; Comprehensive Plan Policy UT-39; Transportation Department Design Manual; and Transportation Department Design Manual Standard Drawings.  
**REVIEWER:** Darwin Li, Transportation Review

**19. Pavement Restoration**

Pavement restoration associated with street frontage improvements or to repair damaged street surfaces shall be provided as follows:

112th Avenue NE: This roadway has been classified as “No Street Cuts Permitted” after a pavement overlay was conducted in 2020. Permission to cut into 112th Avenue NE must be obtained through a variance on the right-of-way use permit. Should street cuts prove unavoidable or if the street surface is damaged in the construction process, a half-street or full street (depending on the extent of the cuts or damage) grind and overly will be required for a minimum of 50 feet.

**AUTHORITY:** BCC 14.60.250; Design Manual Design Standard #23  
**REVIEWER:** Mazen Wallaia, Right-of-Way Review

AFFIDAVIT OF SERVICE

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

**Karen Hohu**, being first duly sworn upon oath, deposes and states:

In the Matter of 1250 112<sup>th</sup> Ave Conditional Use Permit Application, on the 12th day of August 2021, I served a copy of:

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

BY ELECTRONIC SERVICE – EMAIL by electronically mailing a true and correct copy thereof through the City of Bellevue’s electronic mail system to the email address(es) set forth below:

- KGeorge@bellevuewa.gov
- kelly@mediciarchitects.com
- mark.drmproperties@gmail.com
- keiulr@gmail.com

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Executed at Bellevue, Washington on this 12th day of August 2021.



\_\_\_\_\_  
**Karen Hohu**  
**Hearing Examiner Program Coordinator**

Application, Petition or Case:

1250 112<sup>th</sup> Ave CUP Application

File No.: 20-113617-LB