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BEFORE THE HEARING EXAMINER FOR THE CITY OF BELLEVUE

In the Matter of the Application for)
)
Pro Sports Club)
)
)
For a Conditional Use Permit for)
expansion of the present facility at)
4455 148th Avenue NE)
Bellevue.)

FILE NO. 14-147202 LB

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

SUMMARY

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

Proposal. The applicant, Pro Sports Club seeks a Conditional Use Permit (CUP) for a project at 4455 148th Avenue NE, Bellevue, to demolish and expand Pro Sports Club facilities. The expansion includes three levels of underground parking and surface changes to driving aisles.

Issue Presented. The primary issue in this matter is whether the proposed Pro Sports Club 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. The Pro Sports applied for a conditional use permit for the proposed replacement of the Pro Sports Club structure at issue on December 5, 2014. A notice of application and public meeting was published on March 26, 2015.

A public meeting was held on April 1, 2015. No members of the public attended the meeting and the City of Bellevue (“the City”) received only two comments on the project

The City issued a determination of nonsignificance (DNS) on the Pro Sports Club project under the State Environmental Policy Act (SEPA). Notice of this determination was issued on July 14, 2016, and the City received no public comments or appeals on this environmental determination.

1 A public hearing was scheduled for August 4, 2016, before the undersigned Hearing
2 Examiner.

3 The Director of the Development Services Department (DSD) recommended approval of
4 this Conditional Use Permit application, subject to conditions (Exhibit C1, DSD Staff Report).
5 The DSD Director also approved Design Review with conditions.

6 **Hearing Examiner Jurisdiction.** The role of the Hearing Examiner in this matter is to
7 hold a public hearing, take testimony on the proposal, and issue a decision based on the record
8 established by Examiner. LUC 20.35.015. The decision must be based on applicable law,
9 regulations, and ordinances. Only the Conditional Use Permit aspect of this case is before the
10 undersigned Examiner.

11 **The Hearing.** This matter came before the undersigned Hearing Examiner for a public
12 hearing on August 4, 2016, at 7 PM, at the Bellevue City Hall.

13 Leah Chulsky, Associate Land Use Planner with the Development Services Department
14 (DSD), City of Bellevue, testified on behalf of the City.

15 Torjan Ronhovde of Ronhovde Architects and the architect for the applicant testified on
16 behalf of the applicant. Several other proponents of the project attended the hearing but did not
17 offer testimony.

18 Pamela Johnson, President of the Bridle Trails Community Club, offered testimony as a
19 member of the public on her concerns about the proposed project.

20 Sara Gollersrud, manager of the Office of the Hearing Examiner, recorded the
21 proceeding.

22 **Exhibits.** The DSD's land use staff report on the conditional use application and other
23 file reports were admitted into evidence as Exhibit C1 and the DSD's Power Point presentation
24 prepared for hearing was admitted as Exhibit C2. A document submitted by Mr. Ronhovde on
25 the project was admitted as Exhibit A1.

26 FINDINGS OF FACT

27
28 1. The factual matters in the foregoing SUMMARY are adopted by the undersigned
29 Examiner as findings.

30 2. The Applicant, Pro Sports Club, operates a facility on the site in question at 4455
148th Avenue NE, Bellevue. The Applicant requests conditional use approval for a two-phased

1 project that envisions demolition of existing of structures and construction of new structures (See
2 Staff Report, Exhibit C1, for further details).

3 Phase One of the proposal: Replace an existing 47,870 square foot metal structure with a
4 five-story structure of 95,240 square feet with three levels of underground parking (267 new
5 stalls) as well as basketball and fitness floors and an indoor aquatics center. Twenty-two existing
6 surface parking stalls will be lost with modification of the drive aisle adjacent to the structure.

7 Phase Two of the proposed project: Construction of a new, four-level addition of 37,280
8 square feet including expanded locker room, laundry, and restaurant areas. The surface parking
9 area and drive aisle at the facility's existing main entrance will be widened to allow to lanes to
10 NE 46th Street. Thirty-four surface parking stalls will be lost. (Exhibit C1).

11 When complete, the total area of the existing structure will increase by 87,650 square
12 feet, from 289,237 to 376,887 square feet.

13 3. The Applicant's present facility was constructed in 1973. The facility became a non-
14 conforming use when the site was rezoned to R-20 in 1982 under Ordinance 3122 (See Staff
15 Report and addenda, Exhibit C1).

16 As a legally nonconforming use, the proposal requires a condition use permit, and the
17 application at issue is properly before the undersigned Examiner for a Process I decision.

18 The Department of Development Services (DSD) Director conducted a Design Review
19 and issued a Process II decision on that aspect of this case.

20 4. The site at issue is L-shaped, slightly sloping, and approximately 11.86 acres, with
21 about 7,366 diameter inches of significant trees, at the north edge of the site, to the south and at
22 the western border of the site (See Exhibit C1, Staff Report, Page 4).

23 5. Zoned R-20, the site rests in a multi-family transition area with multi-family uses to
24 the north, south and west, and 148th Avenue NE to the east.

25 6. The proposed facility meets the dimensional requirements of the Bellevue Land Use
26 Code (LUC) at 20.20.010 (*Ibid.*). The proposal also provides for retaining 90 percent of
27 significant trees (6,690 diameters inches out of existing 7,366 diameter inches).

28 Some tree removal is necessary to accommodate required fire access to parking garage.
29 As conditioned, the applicant will provide tree retention in excess of the required minimum to
30

1 maintain existing wooded character and provide a border between the site and existing
2 neighborhoods (See Staff Report, Exhibit C1, on conditions of approval).

3 7. In response to questions from the public during the review process, the DSD
4 determined that the proposal will not affect North Creek, which is more than 800 feet from the
5 proposal site and remains unaltered by the proposal. In addition, the DSD requires that the
6 applicant replant trees in the buffer area where fire access is widened.

7 8. The Utilities Department reviewed the proposal and found that it generally conformed
8 to applicable requirements at this stage and that future permit applications must comply with
9 Bellevue City Code sections 24.02, 24.04, and 24.06. Utilities addressed storm drainage, surface
10 water, sewer aspects of the proposal. On-site sewer improvements shall include a 35,000-gallon
11 tank with associated pumps and controls to avoid cumulative effect of residential flows
12 downstream of Valley Creek.

13 9. The Bellevue Fire Department approved this project conceptually and required that the
14 applicant widen the access entrance and exit of the parking garage to meet International Fire
15 Code (IFC) Standards. The Department will review for compliance with specific IFC provisions
16 under subsequent building permits.

17 10. City Staff and the applicant carefully reviewed the proposal for transportation and
18 traffic issues and analyzed issues such as site access, street frontage improvements, pavement
19 restoration and other aspects of the project.

20 The site's existing street frontage largely meets current requirements and only minor
21 modifications will be needed—with the exception of replacing driveway approaches and some
22 street panels. Any improvements must meet the requirements of the Americans with Disabilities
23 Act, the Transportation Development Code at BCC 14.60, and provisions of the Transportation
24 Department Design Manual. (See detailed discussion in Staff Report, pages 8-9, Exhibit C1.)

25 The project requires a right-of-way use permit during construction and pavement
26 restoration (*Ibid.*)

27 The applicant's existing transportation management program—designed to reduce single
28 occupant vehicle trips—may be updated to address expansion and possible increase of
29 employees.
30

1 The City concluded that the project would not exceed area-average levels of service nor
2 congestion allowances for generated traffic. Thus, the project complied with the Traffic
3 Standards Code at BCC 14.10 and received a Certificate of Concurrency.

4 The three existing access points to the facility will remain. A traffic impact study showed
5 no significant change in operation of access points with the proposed expansion (See Exhibit C1,
6 Staff Report). Further, the City found that sight distances are “satisfactory” from the access
7 points.

8 11. The project architect Torjan Ronhovde testified on behalf of the applicant. Mr.
9 Ronhovde described the history of the present facility and the proposal for expansion of the
10 facility. He found no exceptions to the City’s staff report on the proposal. He also submitted a
11 statement on the project for the record (Exhibit A1).

12 12. Pamela Johnson, President of the Bridle Trails Community Club, testified on her own
13 behalf about the proposal. She was especially concerned about how the project would affect the
14 residential area to the northwest of the facility. She raised questions about increased traffic to the
15 facility fumes and noise from cars, congestion, and light from cars and the facility. Ms. Johnson
16 also asked about trees and landscaping.

17 Associate Land Use Planner Leah Chulsky responded to Ms. Johnson. Ms. Chulsky noted
18 that the three existing access points to the facility will remain. She added that Code requirements
19 and conditions for the proposal will address congestion, light shielding, screening, landscaping
20 retention or replacement, landscape buffering, tree retention, and other matters.

21 Mr. Ronhovde also described traffic flow and suggested that the expansion would not
22 increase traffic problems such as congestion, noise and fumes.

23 Ms. Chulsky stressed that the proposal met all requirements under relevant codes at this
24 stage and that review would continue during stages of construction. She also described SEPA
25 review and the determination of nonsignificance.

26 The proposal, as conditioned, addresses Ms. Johnson’s concerns. For example, noise,
27 traffic, hours, and other concerns during the course of construction are addressed by the
28 conditions for approval of the Conditional Use (See Conditions, below). In addition, the
29 applicant and the City will continue to implement an on-going traffic management program at
30 the site.

1 13. As Associate Land Use Planner Ms. Chulsky testified credibly, the proposal, as
2 conditioned, complies with the Conditional Use requirements at LUC 20.30B.140. The proposal
3 is also consistent with the Comprehensive Plan's Urban Design Element.

4 14. The Conditional Use is consistent with the Comprehensive Plan for the site at issue in
5 the Bridle Trails Subarea. The Comprehensive Plan designation of Multi-Family, Medium, for
6 the proposal site is consistent with the zoning classification for the property of R-20.

7 The project is consistent with Bridle Trails subarea policies as discussed in the Staff
8 Report (Exhibit C1). To mitigate the effect of the expansion on Valley Creek, the applicant will
9 install a 35,000-gallon tank to avoid cumulative impact of residential flow downstream of the
10 creek. The proposal will also retain or replace significant trees and protect natural vegetation.
11 See Subarea Policies S-BT-10, -37, and -40.

12 The expanded facility will enhance the neighborhood as it addresses community needs.
13 The proposal is consistent with City policies to encourage privately-funded recreational facilities
14 and facilities for special purpose recreation. The expanded facility will increase recreational
15 opportunities for the many residents and employees in the surrounding neighborhood. See
16 Bellevue Policies PA-11 and PA-15. Further, the proposed expansion retains a significant
17 percentage (about 90 percent) of existing onsite tree diameter to maintain the canopy and visual
18 skyline associated with the present facility. See Bellevue Policies UD-2 and UD-57.

19 15. The proposal design is compatible with the character, appearance, development
20 quality and physical characteristics of the site and immediate vicinity. The proposed expansion
21 will be sensitive to structures in the existing neighborhood and does not change the relationship
22 of the existing facility to the immediate vicinity.

23 The applicant has operated in this vicinity for more than four decades and the proposed
24 improvements are intended to maintain the existing facility with an updated appearance. The
25 current business activities and hours of the facility will not change. The modifications also are
26 compatible with existing development and the proposal includes plans to blend the expanded
27 facility with the natural surroundings at and around the site.

28 16. The Conditional Use will be served by adequate public services, including streets, fire
29 protection and utilities. The site has direct access to the major arterial at 148th Avenue NE. This
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1 route has the capacity to carry any additional anticipated traffic at the expanded facility (See
2 Traffic Study, Exhibit C1).

3 The Departments for Utilities, Transportation, and Fire have reviewed the project and
4 found that, as conditioned, it conforms to their codes or will with required improvements as
5 necessary. City water and sewer serve the site. Storm water detention and water quality treatment
6 will be provided onsite. Firetruck access to all sides of the site will be from the existing service
7 driveway at the south side of the facility.

8 17. The Conditional Use will not be materially detrimental to the uses of property in the
9 immediate vicinity of the subject property. Development will be contained for the most part
10 within the footprint of the existing structure.

11 The facility location and design limit the effect of the expanded facility on adjacent
12 multi-family structures. Further, vegetation and trees will screen or buffer the building. And
13 again, the proposal does not change the applicant's relationship to the immediate vicinity. The
14 business and hours of the facilities will not change.

15 Concerns were raised about increased traffic, congestion, noise, air pollution, and loss of
16 trees. The record establishes that traffic will increase only minimally at the access points and that
17 the City and the applicant will address traffic issues as they arise. And, as noted, most of the
18 trees and vegetation at the site are retained or replaced.

19 As conditioned, the proposal addresses concerns raised by Ms. Johnson and members of
20 the public who submitted written statements to the City.

21 18. The Conditional Use complies with applicable requirements of the Land Use Code, as
22 conditioned. The project maintains existing use of the site and will not be detrimental to uses or
23 property in the immediate vicinity. Indeed, the existing facility will be upgraded and improved.

24 19. The testimony offered by Land Use Planner Ms. Chulsky was credible and consistent
25 with these findings, the determinations in the Staff report, and the other record evidence.

26 20. The Development Services Department presented evidence, as discussed in its staff
27 report, that the Pro Sports Club proposal meets the criteria for approval of a Conditional Use
28 Permit under LUC 20.30B.140.
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1 21. The undersigned Examiner concurs with the DSD's findings and recommendations
2 on the conditional use application, as conditioned, for the Pro Sports Club project. All future
3 building permits must comply with all Code requirements.

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

5
6 **CONCLUSIONS OF LAW**

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

9 2. Requirements under the State Environmental Policy Act have been satisfied.

10 3. The Examiner, as required, has accorded substantial weight to the recommended
11 approval of the conditional use permit by the Development Services Department Director. LUC
12 20.35.250(F).

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

15 5. The proposed project for Pro Sports Club, as conditioned, is consistent with all of the
16 criteria for a conditional use permit under LUC 20.30B.140 as follows:

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

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

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

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

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

27 E. The conditional use complies with the applicable requirements of this Code.
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6. The Examiner concurs with and adopts the findings and the recommendation of the Development Services Department in its July 2016 land use staff report (Exhibit C1).

7. The conditional use permit for a new facility and related work at the Pro Sports Club is approved with conditions.

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

CONDITIONS OF APPROVAL

The applicant shall comply with all conditions of approval listed in the Development Services Department Staff Report on the conditional use permit (Staff Report, Section XI, Exhibit C1) including the following conditions (as attached and detailed in the staff report).

A. General Conditions of Approval

- 1. Noise and Construction Hours. Bellevue City Code (“BCC”) 9.18.020C and 9.18.040
- 2. Water, Sewer, Storm Drainage Systems. BCC 24.02; 24.04; 24.08.
- 3. Provisions for Loading. Land Use Code (“LUC”) 20.20.590.K.4 and BCC 14.60.180.
- 4. Building Permit. LUC 20.30P.140.
- 5. Installation Device. LUC 20.20.520.
- 6. Rainy Season Restrictions. BCC 23.76.093A.
- 7. Storm Water Pollution Prevention Plan. BCC 23.76.
- 8. Utilities Conceptual Approval. BCC 24.04.

B. For Issuance of Clearing and Grading Permit

- 1. Right of Way Use Permit. BCC 11.70 and 14.30.
- 2. Civil engineering plans—Transportation Department. BCC Title 14; Transportation Department Design Manual; Americans with Disabilities Act.
- 3. Final Landscaping and Irrigation Plan and Refuse Location. LUC 20.20.520 and 20.20.900G.

C. Prior to Building Permit Issuance

- 1. Transportation Impact Fee. BCC 22.16.
- 2. Building and Site Plans—Transportation. BCC 14.60.060, -110, -120, -150, -180, -190, -240, -241.
- 3. Existing Easements. BCC 14.80.100.

- 1 4. Existing Easements for Vaults. BCC 14.60.100.
- 2 5. Transportation Management Program. BCC 14.60.070,-.080.

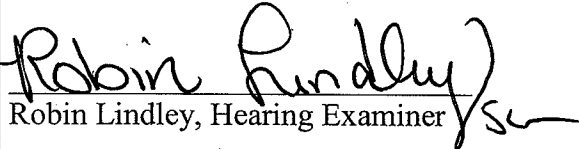
3 **D. Prior to Issuance of Temporary Certificate of Occupancy**

- 4 1. Landscape Maintenance Assurance. LUC 20.40. 490; 20.25H.125J; 20.25H.220.
- 5 2. Street Frontage Improvements. BCC 14.60; Comprehensive Plan Policy UT-58;
- 6 Transportation Department Design Manual---and Design Manual Standard Drawings.
- 7 (See Staff Report for Specific Provisions).
- 8 3. Pavement Restoration. BCC 14.60.250; Design Manual Design Standard #23.
- 9 4. Transportation Management Program. BCC 14.60.170,--080

10 **DECISION**

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

14
15 **SO ORDERED**, this 16th day of August, 2016.

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18 Robin Lindley, Hearing Examiner

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21 **NOTICE OF RIGHT TO APPEAL**

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23 **RIGHT TO APPEAL—TIME LIMIT**

24 A person who submitted written comment to the Director before the hearing, or submitted
25 written comments or made oral comments during the hearing on this matter, may appeal the
26 decision of the hearing Examiner to the Bellevue City Council by filing a written appeal
27 statement of the Findings of Fact or Conclusions being appealed, and paying any appeal fee, no
28 later that 14 calendar days following the date that the recommendation was mailed. The appeal
29 must be received by the City Clerk by 5:00 p.m., on August 30, 2016.
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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. Therefore, the request for appeal must be accompanied by an initial deposit of \$100 per hearing hour. Should the actual cost be less than the amount of the deposit, any credit due shall be reimbursed to the appellant. Should the cost for transcript preparation be more than the deposit, the appellant will be additionally charged.

WAIVER OF TRANSCRIPTION FEE

Upon request, the City Clerk will waive transcription fee upon submission by an appellant of the following documentation: a) an affidavit stating that the appellant’s net financial worth does not exceed \$20,000; b) an affidavit stating that the appellant’s annual income does not exceed \$5,200; c) a brief statement of the issues sought to be reviewed; d) a designation of those parts of the record the party thinks are necessary for review; e) a statement that the review is sought in good faith.

A. GENERAL CONDITIONS: The following conditions apply to all phases of development.

1. Noise & Construction Hours

The proposal will be subject to normal construction hours of 7 a.m. to 6 p.m., Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Proximity to existing residential uses will be given special consideration. Upon written request to Development Services, work hours may be extended to 10:00 p.m. if the criteria for extension of work hours as stated in BCC 9.18 can be met and the appropriate mitigation employed.

The use of best available noise abatement technology consistent with feasibility is required during construction to mitigate construction noise impacts to surrounding uses.

Bellevue City Code 9.18.020.C & 9.18.040

2. Water, Sewer, Storm Drainage Systems

Utility Department approval of the Design Review application is based on the conceptual design only. Changes to the site layout may be required to accommodate the utilities after utility engineering is approved. The water, sewer, and storm drainage systems shall be designed per the current City of Bellevue Utility Codes and Utility Engineering Standards. Utilities Department design review, plan approval, and field inspection is performed under Utilities Permit Processes. All connection charges will be due with Utility permits prior to issuance. Bellevue City Code Title 24.02, 24.04, 24.06

3. Provision for Loading

The property owner shall provide an off-street loading space which can access a public street. This must include an off-street location for garbage pick-up, which must be acceptable to the garbage hauler. On-street loading and unloading will not be permitted. LUC 20.20.590.K.4; BCC 14.60.180

4. Building Permit

Approval of this application does not constitute an approval of a development permit. A building permit and any other associated development permits are required. Plans submitted as part of any permit application shall be consistent with the activity permitted under this approval. Land Use Code 20.30P.140

5. Installation Device

To ensure the required landscaping and restoration of areas of temporary disturbance is completed, the applicant shall post an Installation Assurance Device prior to the building permit or clearing and grading permit issuance. The device shall be equal to 150% of the value of the approved mitigation. The device will be released when the applicant demonstrates required installation has successfully been installed. Land Use Code 20.20.520

6. Rainy Season Restrictions

No clearing and grading activity may occur during the rainy season, which is defined as October 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work. Bellevue City Code 23.76.093.A,

7. Storm Water Pollution Prevention Plan

To ensure contaminated stormwater or construction-related runoff does not pollute adjacent surface water; a construction stormwater pollution prevention plan (CSWPPP) is required. The CSWPPP outline should be generally consistent with the SWPPP requirements of the National Pollutant Discharge Elimination System (NPDES) General Storm water Permit for Construction Activities. Bellevue City Code 23.76.

8. Utilities Conceptual Approval

Utility Department approval of the Design Review application is based on final acceptance of the on-site sewer improvements constructed under separate building permit(s). The sewer improvements consist of a 35,000 gallon tank on Level P3 of the parking garage with associated pumps/controls that will operate in the late night/early evening hours to avoid the cumulative effects with residential flows downstream of the Valley Creek Trunk. Bellevue City Code 24.04

B. PRIOR TO CLEARING & GRADING PERMIT: These conditions must be complied with on plans submitted with the Clearing & Grading or Demolition permit application:

1. 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:

1. Designated truck hauling routes.
2. Truck loading/unloading activities.
3. Location of construction fences.
4. Hours of construction and hauling.
5. Requirements for leasing of right of way or pedestrian easements.
6. Provisions for street sweeping, excavation and construction.
7. Location of construction signing and pedestrian detour routes.
8. All other construction activities as they affect the public street.

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

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

Bellevue City Code 11.70 & 14.30

2. Civil Engineering Plans – Transportation

Civil engineering plans produced by a qualified engineer must be approved by the Transportation Department prior to issuance of the clearing and grading permit. The design of all street frontage improvements and driveway accesses must be in conformance with the requirements of the Americans with Disabilities Act, the Transportation Development Code, the provisions of the Transportation Department Design Manual, and specific requirements stated elsewhere in this document. All relevant standard drawings from the Transportation Department Design Manual shall be copied exactly into the final engineering plans. Requirements for the engineering plans include, but are not limited to:

1. The driveway approaches at the middle and south driveways do not meet current ADA requirements and shall be replaced per the Transportation Design Manual standards. The proposed driveways must be shown on the approved plans.
2. Tree roots have caused some buckling and damage to the sidewalk along the project site street frontage. Repair or replacement of sidewalk panels may be required as necessary to ensure safe pedestrian access, which will be determined during review of the clearing and grading permit. The engineering plans shall be the controlling document on the design of these features; architectural and landscape plans must conform to the engineering plans as needed.
3. The applicant has proposed adding a second on-site right turn lane at the NE 46th Street driveway to improve on-site circulation. These proposed changes in driveway width and channelization must be shown on the engineering plans.
4. No new overhead utility lines will be allowed within or across any right of way or sidewalk easement, and existing overhead lines must be relocated underground.
5. Transformers and utility vaults to serve the building shall be placed inside the building or below grade, to the extent feasible.
6. Sight distance. Show the required sight triangles and include any sight

obstructions, including those off-site. Sight distance triangles must be shown at 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.

7. 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.
8. Location of fixed objects in the sidewalk or near the driveway approach.
9. Trench restoration within any right of way or access easement.

Construction of all driveway improvements must be completed prior to closing the clear and grade permit and right of way use 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.

Bellevue City Code 14.60; Transportation Department Design Manual, Americans with Disabilities Act

4. Final Landscape and Irrigation Plan and Refuse Location

The Final Landscape and Irrigation Plans shall be submitted with the building permit application to ensure compliance with all Land Use Code requirements.

Any sleeves for irrigation mainlines shall be placed within the project property lines.

The applicant shall record a copy of the approved project drawings, including the landscape and irrigation plans, and conditions of this Design Review with the King County Division of Records and Elections and with the Bellevue City Clerk.
Land Use Code 20.20.520 and 20.20.900.G

C. PRIOR TO ISSUANCE OF BUILDING PERMIT: Unless specified otherwise below, these conditions must be complied with on plans submitted with the Building Permit Application:

1. Transportation Impact Fee

Payment of the traffic impact fee will be required at the time of building permit issuance. If multiple building permits will be issued, the impact fee will be tied to the primary above-ground permit. Removal of existing buildings will be eligible for impact fee credit. The impact fee is estimated to be \$4,703 per trip end until 12/31/2016. Impact fees are subject to change and the fee schedule in effect at the time of building permit issuance will apply. Bellevue City Code 22.16

2. Building and Site Plans – Transportation

The building grade and elevations shall be consistent with the curb and sidewalk grade shown in the approved civil engineering plans. During construction, city inspectors may require additional survey work at any time in order to confirm proper elevations. Building plans, landscaping plans, and architectural site plans must accommodate on-site traffic markings and signs and driveway design as specified in the engineering plans. Building plans, landscaping plans, and architectural site plans must comply with vehicle and pedestrian sight distance requirements, as shown on the engineering plans. Bellevue City Code BCC 14.60.060, 110, 120, 150, 180, 181, 190, 240, 241

3. Existing Easements

Any utility easements contained on this site which are affected by this development must be identified. Any negative impact that this development has on those easements must be mitigated or easements relinquished. Bellevue City Code 14.60.100

4. Existing Easements for Vaults

If applicable, the applicant shall provide easements to the City for facilities such as above-grade boxes and below-grade vaults between the building and sidewalk within the landscape area. Bellevue City Code 14.60.100

5. Transportation Management Program

The Pro Sports Club has an existing transportation management program in place, including a transportation coordinator (see BCC 14.60.070, subsections F3, F4, F5, and F6). If necessary, the existing transportation management program may need to be updated to account for the expansion and any possible increase in employees. Bellevue City Code 14.60.070; 080

D. PRIOR TO TCO: The following conditions are required by City Code and supported by City Policy. The conditions shall be complied with prior to issuance of the Temporary Certificate of Occupancy (TCO):

1. Landscape Maintenance Assurance Device

File with the Development Services Department a landscape maintenance assurance device prior to TCO approval for a five year period for 20% of the cost of labor and materials for all required landscaping. For the purpose of this permit, maintenance and monitoring shall be completed for a period of five growing seasons. Release of this assurance device is contingent upon receipt of documentation reporting successful establishment in compliance with the mitigation performance standards listed in the project mitigation plan. Land Use inspection of the planting after 5-years is required to release the surety. Land Use Code 20.40.490, 20.25H.125.J and 20.25H.220

2. Street Frontage Improvements

All sidewalk repairs and other required transportation elements must be constructed by the applicant and accepted by the City Inspector. 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.

Bellevue City Code 14.60; Comprehensive Plan Policy UT-58; Transportation Department Design Manual; and Transportation Department Design Manual Standard Drawings.

3. Pavement Restoration

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

- a) 148th Avenue NE: Based on this street's excellent condition, it is classified with the City's overlay program as "Overlay Required." Street cutting is permitted only with extraordinary pavement restoration. 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 street cuts or damage) grind and overlay for a minimum of 50 feet will be required.

Bellevue City Code 14.60. 250; Design Manual Design Standard #23

4. Implementation of the Transportation Management Plan

The Transportation Management Program required by Bellevue City Code Sections 14.60.070 and 14.60.080 per a condition of approval above must be functional prior to issuance of the initial certificate of occupancy. Bellevue City Code 14.60.070 and 14.60.080