



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225 -
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager **QUASI-JUDICIAL**

From: Angela Ruggeri, AICP, Senior Planner
Eric Shields, AICP, Planning Director

Date: May 2, 2012

Subject: AMENDMENT TO BEST HIGH SCHOOL MASTER PLAN TO INCLUDE
NORTHSTAR MIDDLE SCHOOL ON BEST CAMPUS, PCD FILE NO. ZON12-
00006

RECOMMENDATION

Staff recommends that the City Council:

Pass the enclosed resolution to grant the Process IIB application for the Northstar Middle School move to the BEST High School campus as recommended by the Hearing Examiner with an amendment in response to the challenge submitted by the Lake Washington School District.

Prior to voting on the resolution:

- Allow LWSD to speak about the content of their challenge; and
- Pass a motion to allow the vote on this Process IIB application to occur at the May 15th meeting, rather than at the following (June 5th) meeting.

BACKGROUND DISCUSSION

City Council Rules of Procedure

Under the Council Rules of Procedure, Section 26, the City Council shall consider a Process IIB application at one meeting and vote on the application at the next or a subsequent meeting. The City Council may, by a vote of at least five members, suspend the rule to vote on the matter at the next meeting and vote on the application at this meeting.

Quasi-Judicial Decisions

This application is reviewed under Process IIB in which the Hearing Examiner holds a public hearing and then makes a recommendation to the City Council for the final decision. It is a quasi-judicial process. Quasi-judicial processing is for permits that:

- Require a hearing (held by the Hearing Examiner);
- Involve discretionary criteria for approval; and
- Require the decision-maker to review the facts and applicable code in order to issue a decision (similar to a judge).

City Council Consideration

The City Council must consider the Process IIB application based on the record before the Hearing Examiner and the Houghton Community Council and the recommendation of the Hearing Examiner. Process IIB does not provide for testimony and oral arguments at the Council meeting. However, the City Council, in its discretion, may ask questions of the applicant and the staff regarding facts in the record, and may request oral argument on legal issues. LWSD should also be given an opportunity to speak regarding their challenge to the Hearing Examiner's recommendation.

The City Council has four options when reviewing a Process IIB application:

- Grant the application as recommended by the Hearing Examiner (approve the enclosed resolution without the wording included in brackets in Sections 1 and 2 of the resolution); or
- Modify and grant the application (the enclosed resolution slightly modifies the Hearing Examiner recommendation in response to a challenge submitted by the Lake Washington School District - as shown by the language in brackets in Sections 1 and 2; or
- Deny the application; or
- If the Council determines that the record compiled by the Hearing Examiner is incomplete or inadequate for the Council to make a decision, direct that the application be considered at a reopening of the hearing before the Hearing Examiner and Houghton Community Council and specify the issues to be considered at the rehearing.

This application is subject to the disapproval of the Houghton Community Council. The decision of the City Council will not be effective unless and until it is affirmed by the Community Council or the Community Council does not disapprove of the decision within 60 days.

BEST High School Site History

In 1997, the buildings on the site, which were formerly used as the administrative offices for the LWSD, were converted for use by BEST High School. The BEST School Master Plan was approved in January of 2000. The master plan included a new

gymnasium, but a 2.5 foot height variance for the gymnasium was denied. A modification to the BEST School Master Plan for renovation of the existing playfield was approved in September of 2004.

Northstar Middle School/BEST High School Project Proposal

The Lake Washington School District is requesting approval of an amendment to the BEST High School Master Plan to relocate Northstar Junior High School onto the BEST campus. A zoning permit is required to locate four 1800 square foot portable buildings and an outdoor 900 square foot covered classroom area on the existing BEST High School campus (see Enclosure 1).

Northstar Junior High is a choice school serving students throughout LWSD. In addition to the relocation, LWSD plans to transition Northstar from its current grade 7-9 format (Junior High) to grades 6-8 (Middle School).

BEST High School is an alternative high school that serves students from throughout LWSD. Enrollment at BEST has been limited to 190 students, but is currently only 83 students.

The BEST High School campus also accommodates the district's Family Learning Center (FLC), which provides programs and classes to assist parents and students who are home-schooled. None of the existing services or operating capacities at BEST High School or the FLC are proposed to be changed with this relocation.

Major elements of the original proposal include the following:

- Removal of the southern portion of the main parking lot including the loss of 32 parking stalls for location of Northstar portables.
- Northstar capacity and staffing will remain the same as it is at its present location at Lake Washington High School. Current capacity is 90 students and 5 staff. Total site enrollment including Northstar and BEST will be limited to 280 students.
- Completion of the project is anticipated by the beginning of the 2012 school year.
- A student drop-off/pick-up loading zone shared by Northstar and BEST High School will be established along the southern edge of the main parking lot off of NE 53rd Street. This loading zone will be able to accommodate 12 to 15 vehicles before reaching 53rd. Street.

Public Comment

The initial public comment period ran from February 27 to March 16, 2012. The Planning Department received a total of 4 comment emails and letters during this comment period. The issues raised are summarized below.

- Traffic Impacts

There is concern about traffic and pedestrian safety at 108th and 53rd that is associated with the four schools in the area (Kirkland Children's School, BEST School, 7th Day Adventist School and Northwest University). Drivers pass around the METRO buses that stop on both sides of 108th Avenue NE. There is concern that the

intersection at 53rd and 108th Avenue is not safe for pedestrians or cars.

- Parking in the Neighborhood
Parking on NE 53rd Street - the issues mentioned were related to parking by Northwest University and Seventh Day Adventist School parties during the week and by Antioch Bible Church patrons on Sundays.
- Lighting and Noise Impacts
Noise and nighttime light glare from the new portables.
- Green space
Maintain existing open space.

Public Hearing

Prior to the hearing, Staff prepared an Advisory Report that was forwarded to all parties of record, the Hearing Examiner and the Houghton Community Council. The report recommended approval of the application subject to conditions.

The Hearing Examiner and the Houghton Community Council held a joint open record public hearing on March 26, 2012. City Staff, the applicants and representatives, and 3 individuals testified during the hearing. The agenda and audio recording of the hearing are available at the following link.

http://kirkland.granicus.com/MediaPlayer.php?view_id=16&clip_id=2403

Testimony at the hearing addressed concerns brought up during the initial public comment period.

The Hearing Examiner left the record open through April 11, 2012 to receive the recommendation of the Houghton Community Council, which requested clarification of information presented at the hearing.

Houghton Community Council Recommendation

On April 9th, the Houghton Community Council deliberated and drafted a recommendation to the Hearing Examiner (see Enclosure 2). The Houghton Community Council concurred with the staff analysis and the recommendation of approval and recommended additional conditions including: (1) BEST High School enrollment will be capped at 178 unless the school district can demonstrate that the parking supply can accommodate the maximum capacity enrollment of 190; (2) the development of a plan to address pedestrian safety and traffic issues on 108th Avenue NE and LWSD's contribution of up to \$35,000 to assist in the implementation of this plan; (3) extension of the turn lanes on NE 53rd Street; (4) wider and more direct pedestrian pathways from the parking lot to the ball fields; (5) and a limit of 21 students who are allowed to drive to BEST High School.

Hearing Examiner Recommendation

On April 17, 2012, the Hearing Examiner recommended that the City Council approve the application subject to the conditions outlined in her report (see Enclosure 3). The Hearing Examiner agreed with staff and the Houghton Community Council's recommended conditions with one exception:

HCC recommendation #4 stated: "The parking study is based on a maximum of 21 BEST students driving to school. Therefore, there should be a limit of 21 students who can drive to school."

The Hearing Examiner stated that it was not clear how the School or the City could enforce a limit on the number of BEST students driving and so recommended the following condition instead of HCC recommendation #4 that would take steps to reduce parking demand if necessary.

"The applicant shall be required to provide the City with updated parking demand information, if requested by the City, after the relocation has occurred. The City may also require the applicant to identify methods to reduce parking demand if it exceeds the demand estimated in the applicant's parking studies."

Challenge to Hearing Examiner Recommendation

LWSD submitted a challenge to the City of Kirkland Hearing Examiner's recommendation on April 25, 2012 (see Enclosure #4). The City did not receive a response to this challenge from any of the parties of records. The District challenged the following two recommendations from the Hearing Examiner:

1. Hearing Examiner Recommendation 4 states that Road Impact fees must be paid. Road impact fees of \$3787 are required for this project. The project would not create significant additional traffic impacts that would require specific offsite traffic mitigation. The intersection of 108th Avenue NE/NE 53rd Street does not meet the City's threshold requirements for off-site traffic mitigation, but LWSD voluntarily offered up to \$35,000 to assist in a plan to address pedestrian safety and traffic issues on 108th Avenue NE. The Hearing Examiner Recommendation 7 states that the LWSD shall contribute up to \$35,000 to assist in implementation of the plan.

In its challenge, LWSD stated that \$35,000 is the maximum amount it will contribute and that it will not pay the additional \$3787 in impact fees for the project. There is not the option, however, for the City to waive impacts fees. Alternatively, if the Council agrees that the total contribution by LWSD should be capped at \$35,000, the condition of the Hearing Examiner could be modified to require a contribution of \$31,213 to address pedestrian safety and traffic issues on 108th Avenue NE and \$3787 for impact fees. This would be a total of \$35,000.

Staff Recommendation: Require LWSD to pay \$3787 in impact fees and to contribute up to \$31,213 to address pedestrian safety and traffic issues. The total amount that LWSD will pay is \$35,000. This recommendation is included in the bracketed areas of the attached resolution.

2. The Community Council recommended that there be a limit of 21 BEST students who can drive to school in the future. The Hearing Examiner revised this recommendation (see Hearing Examiner Recommendation #4) and removed the 21 student limit as stated in the previous section. The Hearing Examiner's recommendation does not refer to specifically who is using the parking stalls. It does allow the City to require updated parking demand information and to identify methods to reduce parking demand, if necessary.

LWSD challenged any condition placed on BEST High School that is not based on the number of parking stalls. It challenged any condition that would be based on who the driver is that is using the on-site parking. Although this restriction was recommended by the Houghton Community Council, there is no such condition in the final Hearing Examiner recommendation.

Staff Recommendation: Leave Hearing Examiner Recommendation #4 as it is. It is not based on who the driver is that is using the on-site parking and so does not conflict with LWSD's comments in their challenge.

ENCLOSURES

1. Site Plan
2. Houghton Community Council Recommendation
3. Hearing Examiner Recommendation
4. LWSD Challenge



- Legend
- 1. Admin Reception
 - 2. Work Room
 - 3. Kitchenette
 - 4. Conference Room
 - 5. Itinerant Office
 - 6. Health Room
 - 7. Restroom
 - 8. Teacher Office
 - 9. Storage
 - 10. Custodial Closet
 - 11. Science Storage
 - 12. Boys Restroom
 - 13. Girls Restroom.

Campus Site Plan
Scale: 1" = 60'-0"

Enlarged Site Plan
Scale: 1" = 10'-0"

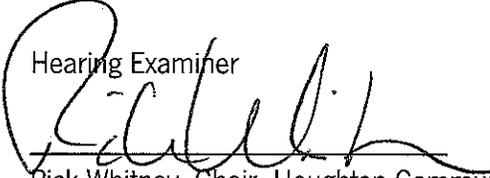

Houghton Community Council
CITY OF KIRKLAND

123 Fifth Avenue, Kirkland, WA 98033 425.587-3225

www.ci.kirkland.wa.us

MEMORANDUM
To:

Hearing Examiner

From:

 Rick Whitney, Chair, Houghton Community Council

Date:

April 9, 2012

Subject:

 NORTHSTAR SCHOOL RELOCATION TO BEST HIGH SCHOOL CAMPUS
 FILE NO. ZON12-00006
 RECOMMENDATION OF HOUGHTON COMMUNITY COUNCIL

Recommendation to the Hearing Examiner:

After consideration of the testimony and record presented at the public hearing on File ZON12-00006 held on March 26, 2012, and the additional information requested and provided by the applicant and staff for the April 9, 2012 meeting, the Houghton Community Council (HCC) concurs with the staff analysis and the recommendation of approval including the additional conditions added by the Public Works Department outlined below.

In addition to paying road impact fees, the proposed project shall include the following conditions:

- BEST High School enrollment will be capped at 178 students unless the school district can demonstrate that the parking supply can accommodate maximum capacity enrollment (this is a change to Condition 2 of the March 16 staff report).
- Northstar Middle School enrollment will be capped at 90 students.

In addition, the HCC recommends the following:

Recommendation 1

The City should work with METRO, the school district and other stake holders to develop a plan that addresses pedestrian safety and traffic issues on 108th Avenue NE. The plan will address the issue of cars passing METRO busses and may include relocating the bus stop, installation of c-curbing to prohibit passing, installation of a "No Passing" sign or a RRFB pedestrian signal. In addition, the school district will provide an easement for a relocated METRO stop if needed without monetary compensation. Finally, the school district will contribute up to \$35,000 to assist in the implementation of the plan that is developed.

The City should work to convene the stake holders and develop the plan as soon as possible, but that this should not delay occupancy of Northstar.

Recommendation 2

The City should extend the turn lanes to the maximum extent possible on NE 53rd Street.

Recommendation 3

The pedestrian pathway from the parking lot to the fields south of Northstar should be wider and more direct than the original proposal from the school district.

Recommendation 4

The parking study is based on a maximum of 21 BEST students driving to school. Therefore, there should be a limit of 21 students who can drive to school.

Motion – To approve this recommendation regarding the Northstar Relocation to BEST High School Campus as written. (6 yes, 0 no)

Exhibits

A March 16 Staff Report

B April 5 memo from Thang Nguyen and attached memo from TENW

C Materials presented at the April 9 meeting

Exhibits to the Houghton Community Council Recommendation to the Hearing Examiner have been included in the Hearing Examiner Report (Enclosure 3) as follows:

Exhibit A (to the HCC recommendation): March 16 Staff Report is included as HE Recommendation, Exhibit 1.

Exhibit B (to the HCC recommendation): April 5 memo from Thang Nguyen and attached memo from TENW is included as HE Recommendation, Exhibit 2.

Exhibit C (to the HCC recommendation): Materials presented at the April 9 meeting is included as HE Recommendation, Exhibit 3.

**CITY OF KIRKLAND
HEARING EXAMINER
FINDINGS, CONCLUSIONS AND RECOMMENDATION**

APPLICANT: David Zeitlin, Lake Washington School District

FILE NUMBER: ZON12-00006

APPLICATION:

1. Site Location: 10903 NE 53rd Street
2. Request: The applicant is requesting approval of an amendment to the BEST High School Master Plan to relocate Northstar Junior High School onto the BEST campus. A zoning permit is required to locate four 1800 square foot portable buildings and an outdoor 900-square foot covered classroom area on the existing BEST High School campus (see Ex. 1, Attachment 2).

Northstar Junior High is a choice school serving students throughout Lake Washington School District (LWSD). In addition to the relocation, LWSD plans to transition Northstar from its current grade 7-9 format (Junior High) to grades 6-8 (Middle School).

BEST High School is an alternative high school that serves students from throughout LWSD. Enrollment at BEST is limited to 190 students but would be limited to 168 students under the proposed conditions of approval.

The BEST High School campus also accommodates the District's Family Learning Center (FLC), which provides programs and classes to assist parents and students who are home-schooled. None of the existing services or operating capacities at BEST High School or the FLC are proposed to be changed with this relocation.

Major elements of the proposal include the following:

- a. Removal of the southern portion of the main parking lot including the loss of 32 parking stalls.
- b. Northstar capacity and staffing will remain the same as it is at its present location at Lake Washington High School. Current capacity is 90 students and 5 staff. Total site capacity at Northstar and BEST is 280 students.
- c. Completion of the project is anticipated by the beginning of the 2012 school year.
- d. A student drop-off/pick-up loading zone shared by Northstar and BEST High School will be established along the southern edge of the main parking lot off of NE 53rd Street. This loading zone will be able to accommodate 12 to 15 vehicles before reaching 53rd. Street.

Hearing Examiner Recommendation
File ZON12-00006
Northstar Middle School Relocation
Page 2 of 15

3. Review Process: Process IIB; Houghton Community Council and Hearing Examiner conduct a public hearing and make recommendations; City Council makes final decision. The Houghton Community Council has disapproval jurisdiction over the land use proposal.
4. Summary of Key Issues:
 - a. Compliance with Zoning Permit Approval Criteria
 - b. Compliance with Applicable Development Regulations

RECOMMENDATIONS:

Planning and Community Development:	Approve with conditions
Hearing Examiner:	Approve with conditions
Houghton Community Council:	Approve with conditions

PUBLIC HEARING:

The Hearing Examiner and the Houghton Community Council held a joint hearing on the application on March 26, 2012, in City Council Chambers, Kirkland City Hall, 123 Fifth Avenue, Kirkland, Washington. A verbatim recording of the hearing is available at the City Clerk's office. The minutes of the hearing and the exhibits are available for public inspection at the Planning and Community Development Department. The Examiner viewed the site on March 26, 2012.

The record was held open through April 11, 2012, to receive the recommendation of the Community Council, which had at hearing requested clarification of the information presented to them at the hearing. The Community Council has recommended approval with additional conditions set out in their April 9, 2012 memorandum to the Hearing Examiner.

PUBLIC COMMENT

The initial public comment period ran from February 27 to March 16, 2012. The Planning Department received four public comments during this period, which are shown at Attachments 4,5,6 and 7 to Ex. 1. The issues raised included traffic, pedestrian safety (especially related to transit stops along 108th Avenue NE), spillover parking onto nearby residential streets, light and noise, and loss of open space at the site. The Department reviewed the comments and responded to them in Ex. 1, Section C. At hearing, additional public comments were offered which raised the same concerns.

FINDINGS OF FACT AND CONCLUSIONS:

Having considered the evidence in the record and the recommendation of the Houghton Community Council, and after viewing the site, the Hearing Examiner enters the following Findings of Fact and Conclusions:

SITE DESCRIPTION

Site Development and Zoning:

Facts:

1. Size: 10.08 acres
2. Land Use: The subject property contains the existing BEST High School and Family Learning Center.
3. Zoning: The subject property is zoned RS 8.5 (Residential Single-family). A school is an allowed use within this zone, subject to approval of a Master Plan.
4. Terrain: The subject property slopes from east to west with an overall elevation change of approximately 40 feet.
5. Vegetation: The subject property contains numerous trees. Four non-significant trees located in one of the parking lot planting strips will be removed, in addition to four other viable trees located near the southeast corner of the existing parking lot (see Section II.G.7).

Conclusions:

1. Size, land use, and terrain are not constraining factors in the review of this application.
2. Zoning is a relevant factor in the review of this application, due to the fact that a School Use occupying a property of more than 5 acres must be approved through a Master Plan process.
3. Tree protection and retention on the subject property are factors in the review of the proposed development.

Neighboring Development and Zoning:

Facts: The neighboring properties to the south, west and east are zoned RS 8.5 and contain single-family residences. The property to the west also contains the Kirkland Children's School. The property to the north contains the Seventh Day Adventist School and Northwest University.

Conclusion: The neighboring development and zoning are factors in the review of the proposed Master Plan application.

HISTORY

Facts: In 1997, the buildings on the site, which were formerly used as the administrative offices for the LWSD, were converted for use by BEST High School. The BEST School Master Plan was approved on January 18, 2000 under

Hearing Examiner Recommendation
File ZON12-00006
Northstar Middle School Relocation
Page 4 of 15

file IIB-99-78. The master plan included a new gymnasium, but a 2.5 foot height variance for the gymnasium was denied. A modification to the BEST School Master Plan for renovation of the existing playfield was approved on September 10, 2004.

Conclusion: The history of the site is relevant in the review of the proposed Master Plan application.

PUBLIC COMMENT

Facts: The initial public comment period ran from February 27 to March 16, 2012. The Planning Department received a total of 4 public comments (see Ex. 1, Attachments 4, 5, 6 and 7) during this period. Additional public comment was received at the joint public hearing held by the Hearing Examiner and the Houghton Community Council.

Conclusion: The applicant and the City have responded to public comments with several recommendations.

STATE ENVIRONMENTAL POLICY ACT (SEPA)

Facts: Pursuant to WAC 197-11-926, LWSD assumed Lead Agency status for the project. Determination of Nonsignificance (DNS) was issued by LWSD on February 27, 2012. The Environmental Determination and Checklist are included as Ex. 1, Attachment 8.

Conclusion: LWSD has satisfied the requirements of SEPA.

CONCURRENCY

Facts: The Public Works Department has reviewed the application for concurrency. A concurrency test was passed for traffic on January 17, 2012 (see Ex. 1, Attachment 9). A Notice of Concurrency was distributed, published, and posted on February 27, 2012.

Conclusion: The applicant and City have satisfied Concurrency requirements

APPROVAL CRITERIA

Master Plan

Facts:

1. Kirkland Zoning Code (KZC) Section 15.10.030 Special Regulation 10 requires that a School Use with a property size of five acres or more receive Master Plan approval through a Process IIB review. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking locations, buffering, and landscaping.

2. The applicant has submitted development plans that show building locations and dimensions, roadways, utility locations, land uses within the Master Plan area, parking locations, buffering, and landscaping (see Ex. 1, Attachment 2).
3. Zoning Code Section 152.70.3 states that a Process IIB application may be approved if:
 - (a) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
 - (b) It is consistent with the public health, safety, and welfare.

Conclusions:

1. The application complies with the Master Plan requirements outlined in KZC Section 15.10.030 Special Regulation 10.
2. The proposal complies with the criteria in KZC Section 152.70.3. It is consistent with all applicable development regulations and the Comprehensive Plan. In addition, the proposal is consistent with the public health, safety, and welfare, because the project will provide the community with a location for the Northstar Middle School on the BEST campus while minimizing impacts on the surrounding neighborhood.

DEVELOPMENT REGULATIONS

School Location Criteria

Facts: KZC Section 17.10.030, Special Regulation No. 3, states that a school use may be located in a RS zone only if:

- It will not be materially detrimental to the character of the neighborhood in which it is located.
- Site and building design minimizes adverse impacts on surrounding residential neighborhoods.
- The property is served by a collector or arterial street (does not apply to existing school sites).

Conclusions:

1. The proposal is consistent with the criteria established in KZC Section 17.10.030, Special Regulation No. 3.
2. There is an existing school at the site which includes recreational, parking, and other facilities normally associated with a school use. The proposal as conditioned will not introduce new facilities or activities which would be materially detrimental to the character of the neighborhood. A limited increase in student enrollment is proposed and enrollment would be capped, in order to limit the impacts of off-site parking on the neighborhood. Other recommended conditions would address concerns about pedestrian safety.

Hearing Examiner Recommendation
File ZON12-00006
Northstar Middle School Relocation
Page 6 of 15

3. The new school portable buildings and site plan have been designed to minimize adverse impacts on surrounding residential development by designing the proposed addition to fit with the existing topography and to maximize tree retention. The location of the proposed new structures in the south section of the existing parking lot where there are substantial setbacks from adjoining residential properties will minimize view impacts for the neighbors. The redeveloped site provides land use buffers as required by the Zoning Code and existing significant trees are recommended for retention to the extent feasible.
4. The property is served by a collector street (NE 53rd Street) and a minor arterial (108th Avenue NE).

Student Enrollment

Facts: Student enrollment was originally proposed to include 90 students at Northstar and 190 students at BEST, for a total site enrollment of 280 students. KZC Section 15.10.030 Special Regulation 4 states that the maximum number of attendees at one time may be limited to reduce impacts on neighboring residential uses.

Conclusion: In order to minimize parking impacts on neighboring residential uses, the enrollment at BEST should be capped at 178 students, and the enrollment at Northstar capped at 90 students, for a total enrollment of 268 students. Any future enrollment increase would be subject to the District demonstrating that it can accommodate increased parking demand in accordance with the recommended conditions.

Passenger Loading Area

Facts:

1. KZC Section 15.10.030 Special Regulations 6 and 7 state the following:
 - (a) An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements.
 - (b) The location of passenger loading areas shall be designed to reduce impacts on nearby residential uses.
2. Public Works Staff reviewed the proposed passenger loading area and concluded that the size of the area is adequate.
3. The car passenger loading area is located within the interior of the site near the main parking lot and will have minimal impact on nearby residential uses.

Conclusion: The proposed passenger loading area complies with KZC Section 15.10.030 Special Regulations 6 and 7.

Traffic Impacts

Facts:

1. The applicant submitted a Traffic Impact Analysis (TIA) (see Ex. 1, Attachment 10) that was reviewed by the City's Transportation Engineer (see Ex. 1, Attachment 11). The applicant's transportation consultant provided additional analysis, and this was also reviewed by the City's Transportation Engineer; April 5, 2012 memo from Thang Nguyen to Angela Ruggeri.
2. With an enrollment of 178 students at BEST and 90 students at Northstar, the AM peak hour levels of service (LOS) at the intersection of 108th Avenue NE and NE 53rd Street would remain the same. The increase in delays and queues for all three controlled movements at this intersection are shown in Table 2 of the April 5, 2012 TENW Technical Memorandum. As shown in the TIA and the Technical Memorandum, currently, the westbound left-turn lane currently operates at LOS F with queuing during the peak 15-minute period in the morning; this LOS is expected to continue after relocation of Northstar.
3. Staff recommends approval of the proposed project with the condition that road impact fees be paid.
4. The Houghton Community Council recommends that the City extend the turn lanes to the maximum extent possible on NE 53rd Street to address congestion at this intersection.
5. Pedestrian safety concerns based on existing conditions near the site were identified in the public comments and by the Houghton Community Council. Drivers have been observed passing METRO buses which are stopped to pick up or drop off riders on 108th Avenue near NE 53rd Street. Southbound buses stop just north of the crosswalk that is located south of NE 53rd Street. Drivers may pass between the bus and the existing crosswalk island to pass the bus, posing a conflict with pedestrians who are walking west to east in front of the bus.
6. The City and the District have proposed several measures to address these safety concerns (Ex. 1, Attachment 11 and April 5, 2012 Memorandum from Thang Nguyen to Angela Ruggeri). To prevent vehicles attempting to pass the northbound buses, the City proposes to place c-curb on 108th Avenue.
7. To control vehicles passing buses in the southbound bus stop, the City has identified relocation of the METRO bus stop south of the crosswalk as the best solution, but METRO has thus far opposed this measure, because of cost and other factors. Therefore, the City recommends that a RRFP be installed to warn drivers of the presence of pedestrians in the crosswalk. The District has agreed to install a RRFP. In addition, the City will install a "No Passing" sign for southbound traffic on 108th Avenue NE.
8. The Houghton Community Council has recommended that the City work with METRO, the District, and other stake holders to develop a plan that

Hearing Examiner Recommendation
File ZON12-00006
Northstar Middle School Relocation
Page 8 of 15

addresses pedestrian safety and traffic issues on 108th Avenue NE; this recommendation references the relocation of the bus stop; the installation of c-curbing, the installation of a "No-Passing Sign" or a RRFB pedestrian signal. The Council also recommends that the District provide an easement for a relocated METRO stop if needed, without monetary compensation, and that the District contribute up to \$35,000 to assist in the implementation of the plan that is developed. The recommendation notes that the City should convene the stakeholders and develop the plan as soon as possible, but that occupancy of Northstar should not be delayed on account of this plan.

Conclusions:

1. Existing traffic conditions near the site are caused by existing uses. The information in the record shows that the proposed project would not create significant additional traffic impacts that would require specific offsite traffic mitigation. The intersection of 108th Avenue NE/NE 53rd Street does not meet the City's threshold requirements for off-site traffic mitigation (less than 5 percent proportional share).
2. The recommendations identified above (placement of c-curb, RRFB signal, no-passing signage, and a planning effort by the City, LWSD and other stakeholders to address pedestrian safety at this location) will address not only the proposal's impacts but existing conditions at this intersection.
3. Road impact fees shall be required.

Parking

Facts:

1. KZC Section 15.10.030 does not establish a required parking requirement for school uses. Instead, it defers to KZC Section 105.25, which authorizes the Planning Official to establish the number of required parking stalls based on the parking demand for the proposed use.
2. The current BEST campus has 122 parking stalls (112 general, 5 reserved and 5 ADA stalls). Of these, 97 general stalls are located in the main lot off of NE 53rd Street. As part of the project, 32 parking stalls in the main lot would be removed, so that the supply post-project would be 65 general purpose stalls and 3 ADA stalls in the main lot.
3. A parking demand study was prepared as part of the TENW Traffic Impact Analysis (Ex. 1, Attachment 10). The study predicted that, in 2012 with the project, there would be a surplus of 10 general purpose stalls in the main parking lot. The study assumed that all parking demand associated with Northstar would affect the main parking lot, and that demand would increase by 5 stalls, on account of additional staff in the future.

4. As noted above, the School District provided an updated analysis concerning future parking supply and demand. In the April 5, 2012 technical memorandum, TENW calculated the combined parking demand for Northstar and BEST, factoring in future enrollment growth at Northstar. The analysis estimated that if BEST's enrollment level increased from its existing 83 students to a future enrollment level of 178 (with 32 staff) and Northstar had 90 students and 5 staff, all on-site general parking stalls would be occupied.
5. The City's Transportation Engineer reviewed the parking demand study and the April 5, 2012 memo, and recommends that a condition be added to cap BEST High School enrollment at 178 students, and to cap Northstar to 90 students, to fit within the limits of on-site parking available at the site.
6. The Houghton Community Council recommended that, since the parking study is based on a maximum of 21 BEST students driving to school, there should be a limit of 21 students who can drive to school.

Conclusions:

1. With the recommended condition to cap enrollment at BEST to 178 students and enrollment at Northstar at 90 students, the applicant has proposed an adequate number of parking stalls to serve the proposed project as well as the entire school site.
2. The parking demand analysis assumes that a maximum of 21 BEST students will drive and use the on-site parking. If more students drive to school, it is possible that the supply of on-site parking will be exhausted, creating overspill parking impacts on nearby streets. The Community Council requested a limit on the number of BEST students driving, but it is not clear how the School or the City could enforce a limit. However, a condition could be added to require the applicant, if requested to do so by the City, to verify the parking demand if it appears that substantial overspill parking from BEST is occurring, and to take steps to reduce parking demand if necessary.

Landscaping Requirements

Facts:

1. KZC Section 15.10.030 requires School Use in a RS zone to comply with Landscape Category D.
2. KZC Section 95.42 contains the minimum land use buffer requirements for Landscape Category D. The subject property is surrounded on three sides (south, east and west) by single family residential uses; therefore this section requires the installation of a landscape buffer that complies with Buffering Standard 2. For standard 2, the applicant must provide a 5-foot-wide landscaped strip with a 6-foot-high solid screening fence or wall. Within the landscape strip, trees are required to be spaced 10 feet apart.

Hearing Examiner Recommendation
File ZON12-00006
Northstar Middle School Relocation
Page 10 of 15

3. KZC Section 95.42.8 states that if the subject property is occupied by a school, landscape buffers are not required along property lines adjacent to a street. This exemption applies to the north and west sides of the site.
4. The south and east sides of the property have existing vegetation that buffers the site from surrounding properties. There will also be more than a 100 foot setback from the east property line to the Northstar portables.

Conclusions:

1. Landscape buffers are not required along the north and west property lines as these property lines are adjacent to streets.
2. Existing vegetation was approved as adequate buffering to the south and east of the site with the original master plan when the gymnasium was built. Additional buffering is not required at this time.

Natural Features- Significant Landscaping

Facts:

1. Regulations regarding the retention of trees can be found in Chapter 95 of the Kirkland Zoning Code. The applicant is required to retain all trees with a moderate to high retention value to the maximum extent possible.
2. The applicant has submitted a Tree Retention Plan prepared by a certified arborist (see Ex. 1, Attachment 12).
3. The City's Urban Forester has reviewed the Tree Retention Plan and has made specific recommendations concerning the applicant's tree plan (see Ex. 1, Attachment 13), including revising plans to correct minor errors and making minor changes to the plans to retain trees.

Conclusions: The applicant has provided a Tree Retention Plan which has been reviewed by the City's Urban Forester. The applicant should retain, to the maximum extent possible, all trees during the construction of the school as shown in Ex. 1, Attachments 2 and 12, and comply with the specific recommendations of the City's Urban Forester as outlined in Ex. 1, Attachment 13.

Pedestrian Connectivity

Facts:

1. KZC Section 105.18 requires institutional uses, including schools, to provide pedestrian walkways designed to minimize walking distances from the building entrance to the right-of-way, and adjacent transit facilities. Pedestrian walkways are required to be five feet wide, distinguishable from traffic lanes by pavement texture or elevation, and have adequate lighting for security and safety. The site already contains numerous pedestrian walkways including ones designed to minimize walking distances from the building entrances to the right-of-way. There is also one new walkway section related to the Northstar buildings.

2. The Houghton Community Council has also recommended that the pedestrian pathway from the parking lot to the fields south of Northstar should be wider and more direct than the original proposal from the school district; HCC Recommendation 3.

Conclusions: As part of the building permit application, the applicant should submit detailed pedestrian walkway plans that comply with KZC Section 105.18, and address the intent of HCC Recommendation 3.

Site Lighting

Facts:

1. KZC Section 115.85.1 requires that the applicant use energy efficient light sources, comply with the Washington Energy Code with respect to the selection and regulation of light sources, and select, place, and direct light sources both directable and nondirectable so that glare produced by any light source, to the maximum extent possible, does not extend to adjacent properties or to the right-of-way.
2. The current submittal does not contain a detailed lighting plan that would show the location, height, fixture type, and wattage of proposed lights.

Conclusion: As part of its building permit application, the applicant shall submit a lighting plan showing the location, height, fixture type and wattage of all proposed exterior lights. The lighting plan shall be consistent with the requirements in KZC Section 115.85.

H. COMPREHENSIVE PLAN

Facts:

1. The subject property is located within the Central Houghton neighborhood. The Central Houghton Neighborhood Land Use Map designates the subject property as a public facility use (Ex. 1, Attachment 14).
2. The newly adopted Central Houghton Neighborhood Plan includes a policy, CH-8.1, which states "provide opportunities for early community involvement in any expansion plans for, modifications to, or changes in uses within schools".
3. The applicant had an open house to introduce the project to the neighborhood on January 25, 2012.

Conclusion: The proposal is consistent with public facility use designation and policies within the Comprehensive Plan.

DEVELOPMENT STANDARDS

Fact: Additional comments and requirements placed on the project are found on the Development Standards, Ex. 1, Attachment 3.

Hearing Examiner Recommendation
File ZON12-00006
Northstar Middle School Relocation
Page 12 of 15

Conclusion: The applicant should follow the requirements set forth in Ex. 1, Attachment 3.

SUBSEQUENT MODIFICATIONS

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

RECOMMENDATION:

Based on the Findings of Fact and Conclusions, the Hearing Examiner recommends approval of this application subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 3, Development Standards, is provided in Exhibit 1 to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Attachment 3, the condition of approval shall be followed.
2. Enrollment at BEST shall be capped at a maximum of 178 students, and enrollment at Northstar Middle School will be capped at 90 students, unless the school district can demonstrate that the parking supply can accommodate maximum capacity enrollment.
3. The applicant shall be required to provide the City with updated parking demand information, if requested by the City, after the relocation has occurred. The City may also require the applicant to identify methods to reduce parking demand if it exceeds the demand estimated in the applicant's parking studies.
4. The applicant shall pay Road Impact fees for the project.
5. To the maximum extent possible, the applicant shall retain all trees shown for retention in Exhibit 1, Attachments 2 and 12, during the construction of the school.
6. As part of the building permit application, the applicant shall submit for approval by the Department of Planning and Community Development:
 - a. Plans showing additional tree retention requirements per the City's Urban Forester.

- (1) The applicant shall correct the tree protection fencing near the north parking lot trees, to allow for access to the site and indicate the fence openings at the northwest and northeast corners.
 - (2) Include arborist instructions for trees impacted west and south of the new portables on the site plan. These instructions are included on pages 23-24 of the arborist's report. Add tree numbers 1655, 1656, and 1657 to the list of trees to be protected.
- b. A lighting plan showing the location, height, fixture type and wattage of all proposed exterior lights. To minimize impact to adjoining properties, the lighting plan shall be consistent with the requirements in KZC Section 115.85.1.
7. The City shall work with METRO, the school district and other stake holders to develop a plan that addresses pedestrian safety and traffic issues on 108th Avenue NE. The plan will address the issue of cars passing METRO busses and may include relocating the bus stop. The plan shall also address installation of c-curb to prohibit passing, installation of a "No Passing" sign, and a rectangular rapid flashing beacon system (RFFB) pedestrian signal. The School District shall provide an easement for a relocated METRO stop if needed, without monetary compensation. The School District shall contribute up to \$35,000 to assist in the implementation of the plan. The City shall commence the planning as soon as possible, although the plan is not required to be finalized prior to the occupancy of Northstar.
 8. The City shall consider extension of the turn lanes on NE 53rd Street to the extent feasible.
 9. The site plan shall reflect a widening of the pedestrian pathway from the parking lot to the fields south of Northstar, and a more direct pathway.

Entered this 17th day of April, 2012, per authority granted by KZC 152.70. A final decision on this application will be made by the City Council.



Anne Watanabe
Hearing Examiner

**Hearing Examiner Recommendation
File ZON12-00006
Northstar Middle School Relocation
Page 14 of 15**

CHALLENGES AND JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for challenges. Any person wishing to file or respond to a challenge should contact the Planning Department for further procedural information.

A. CHALLENGE

Section 152.85 of the Zoning Code allows the Hearing Examiner's recommendation to be challenged by the applicant or any person who submitted written or oral comments or testimony to the Hearing Examiner. A party who signed a petition may not challenge unless such party also submitted independent written comments or information. The challenge must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., _____, seven (7) calendar days following distribution of the Hearing Examiner's written recommendation on the application. Within this same time period, the person making the challenge must also mail or personally deliver to the applicant and all other people who submitted comments or testimony to the Hearing Examiner, a copy of the challenge together with notice of the deadline and procedures for responding to the challenge. Any response to the challenge must be delivered to the Planning Department within seven (7) calendar days after the challenge letter was filed with the Planning Department. Within the same time period, the person making the response must deliver a copy of the response to the applicant and all other people who submitted comments or testimony to the Hearing Examiner. Proof of such mail or personal delivery must be made by affidavit, available from the Planning Department. The affidavit must be attached to the challenge and response letters, and delivered to the Planning Department. The challenge will be considered by the City Council at the time it acts upon the recommendation of the Hearing Examiner.

B. JUDICIAL REVIEW

Section 152.110 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within twenty-one (21) calendar days of the issuance of the final land use decision by the City.

LAPSE OF APPROVAL

Under Section 152.115 of the Zoning Code, the applicant must submit to the City a complete building permit application approved under Chapter 152, within four (4) years after the final approval on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 152.110, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. Furthermore, the applicant must substantially complete construction approved under Chapter 152 and complete the applicable conditions listed on the Notice of Approval within six (6) years after the final approval on the matter, or the decision becomes void.

TESTIMONY

The following persons testified at the public hearing:

From the City:

Angela Ruggeri, Project Planner, Planning and Community Development
Nancy Cox, Development Review Manager, Planning and Community Development
Rob Jammerman, Development Engineering Manager, Public Works
Iris Cabrera, Transportation Engineer, Public Works

From the Applicant:

Rolf Rohr, Project Manager, Lake Washington School District
Dennis Erwood, Project Architect

From the Public:

Lisa McConnell
Marie Working
Erica Somm

EXHIBITS:

- Exhibit 1: Advisory Report and Attachments 1-13
- Exhibit 2: April 5, 2012 Memorandum from Thang Nguyen to Angela Ruggeri with Attachment 1 (TENW Technical Memorandum and attachments A-D)
- Exhibit 3: Slides presented at April 9, 2012 Houghton Community Council meeting
- Exhibit 4: April 9, 2012 Memorandum from Houghton Community Council

Exhibit 1: Advisory Report and Attachments 1-13 to the City of Kirkland Hearing Examiner Findings, Conclusions and Recommendation can be found at the following links:

[Staff Report through Attachment 2](#)

[Attachment 3 - 13](#)

CITY OF KIRKLAND123 FIFTH AVENUE ● KIRKLAND, WASHINGTON 98033-6189 ● (425) 587-3000

**DEPARTMENT OF PUBLIC WORKS
MEMORANDUM**

To: Angela Ruggeri, Senior Planner

From: Thang Nguyen, Transportation Engineer

Date: April 5, 2012

Subject: Northstar Jr. High Development Additional Traffic Impact Analysis Review

This memo is a Public Works summary review of the proposed Northstar Jr. High Relocation traffic impact analysis (TIA) addendum dated April 5, 2012 prepared by TENW for the Lake Washington School District. The TIA addendum provides additional information that the Houghton Council requested. The outstanding issues are:

- Adequacy of Parking Supply with the capacity enrollment of the BEST High School Students along with the Northstar Jr. High School students.
- 108th Avenue NE/NE 53rd Street traffic operation with the capacity enrollment of the BEST High School Students and Northstar Jr. High School students.
- Transit Stops/Pedestrian Safety on 108th Avenue NE with the increase in BEST High School enrollment.

Parking

In review of the supplemental parking analysis, Public Works staff agrees that the resulting parking supply of 85 parking stalls will adequately accommodate the BEST High School with 178 students with 32 staff and Northstar Jr. High School with 90 students and 5 staff. Although Best High School has a maximum capacity of 190 students, the BEST High School enrollment should be capped at 178 students and the Northstar Jr. High School should be capped at 90 students in order to fit within the parking supply constraint.

108th Avenue NE/NE 53rd Street Operation

The TIA addendum included a level of service calculation at the intersection of 108th Avenue NE/NE 53rd Street with the assumption that there will be 178 students at the BEST High School and 90 students at the Northstar Jr. High School. Based on the analysis, the minor street westbound left-turn lane would operate at LOS-F with long queues. However, the queue was analyzed based on a peak 15-minute in the morning. Staff agrees that the 15 minute queue is not significant in the overall operation of the entire intersection throughout the AM and PM peak hour and day and is only limited to a short period. In addition, the City would not install a traffic signal unless signal warrant(s) are met or there is a safety hazard that can be eliminated with a traffic signal. This intersection does not meet any of those criteria. Therefore, a traffic signal is not warranted. Moreover, the City of Kirkland mitigation guideline requires mitigation only when a

April 5, 2012

Page 2 of 2

development impacts a LOS-F intersection with 5% or more proportional share impact or at a LOS-E intersection with 15% or more proportional share impact. The Northstar relocation impact to this intersection is less than 5%. Thus, traffic mitigation at this intersection is not warranted.

Transit Stop Safety

There are safety concerns about traffic passing METRO buses as they stop to pickup/drop-off passenger at both bus stops on 108th Avenue NE. To mitigate the problem for the northbound bus stop, the City will install c-curb to help mitigate the problem.

A more significant impact to pedestrians is vehicles passing the bus in the southbound stop next to the crosswalk. Most pedestrians using the crosswalk are METRO passengers and Lake Washington School District students. As documented in the staff report, the best solution is to relocate the bus stop south of west leg of NE 53rd Street. However, METRO is not supporting relocating the crosswalk because of cost and other factors. The second best option is to install a RRFB to warn drivers that there are pedestrians in the crosswalk. To further minimize the passing maneuver, a No Passing sign could be installed to restrict drivers from passing in the immediate area. These mitigations along with periodical police present would enhance safety for pedestrians using the crosswalk. The Lake Washington School District has agreed to install the RRFB and the City will install a No Passing sign to provide safe crossing for pedestrians.

Staff Recommendations

In addition to paying road impact fee, staff recommends approving the proposed project with the following additional conditions:

- Cap BEST High School enrollment to 178 students unless the school district can demonstrate that the parking supply can accommodate its enrollment maximum capacity.
- Cap Northstar Jr. School enrollment to 90 students.
- The School district will install a RRFB at the crosswalk adjacent to BEST High School on 108th Avenue NE.
- The City will install a NO Passing sign for the southbound traffic on 108th Avenue NE.
- The City will install c-curb to restrict passing on the northbound direction on 108th Avenue NE.

If you have questions or need clarification, please contact me at 425-587-3869.

cc: EnerGov



TECHNICAL MEMORANDUM

DATE: April 5, 2012

TO: Thang Nguyen, P.E.
City of Kirkland

FROM: Jeff Haynie, P.E./Chris Forster, P.E.
TENW

SUBJECT: Northstar Junior High/Middle School Relocation
Traffic Impact Study Addendum
TENW Project No. 4547

This memorandum is an addendum to our January 26, 2012 Traffic Impact Study conducted for the proposed relocation of Northstar Junior High/Middle School to the BEST High School Campus in Kirkland. The BEST High School Campus also includes the Family Learning Center (FLC). This addendum provides updated information in response to the following issues raised by the Houghton Community Council:

- Parking Supply & Demand
- 108th Ave NE/NE 53rd Street Traffic Operations
- Transit Stops/Pedestrian Safety on 108th Ave NE

Existing and proposed site plans are included in **Attachments A and B**.

Parking Supply & Demand

Our parking supply and demand assessment was updated to address a potential scenario that assumes maximum enrollment at BEST High School. The current capacity of the BEST facility is 190 students. Even with 190 students at BEST, current operations at the Family Learning Center (FLC), and the addition of Northstar, our analysis showed a parking shortfall of only 3 stalls. To determine the maximum enrollment, a parking assessment was completed based on the following information that was provided by Lake Washington School District (LWSD):

- Current enrollment at BEST = 83 students
 - BEST has 16 existing teachers/staff. Future staff would be added at a rate of 1 new staff for every 20 students added
 - No more than 10 existing BEST students currently drive to school
 - Family Learning Center (FLC) has 7 certified staff on-site, and approximately 5 contract staff on-site at any one time
 - FLC operations are expected to remain constant in the future (equal to existing)
-

The above information enabled TENW to provide a breakdown of the existing parking demand on-site. Accounting for all parking on-site (main parking lot on 53rd, service lot on 53rd, and the lot on 108th Ave NE), TENW observed a weekday mid-day average peak demand of 64 vehicles parked on-site (January 2012). This resulted in a surplus of 53 parking stalls under existing conditions (117 total stalls less 64 vehicles = 53). Note this estimate does not include the 5 ADA stalls on-site.

With Northstar added to the campus, 32 parking stalls will be removed and a demand of 5 vehicles will be added (5 new staff members), resulting in a surplus of 16 parking stalls (85 total stalls less 69 vehicles = 16).

To address a potential future scenario if BEST HS increases enrollment, TENW factored the parking demand estimated for BEST staff and BEST students. BEST student parking was factored by the ratio of future enrollment to existing enrollment, while staff parking was added at a rate of 1 new staff member (1 new vehicle) for every 20 students added. TENW increased BEST enrollment until the surplus parking stalls were reduced to zero (i.e. the parking lots were fully occupied). Based on this methodology, BEST enrollment can increase from the existing enrollment of 83 students to a possible future enrollment of **178 students**.

The updated parking demand estimates are summarized in **Table 1**. A more detailed summary is provided in **Attachment C**.

Table 1
Parking Supply & Demand Summary

BEST/FLC/Northstar Site	Existing	Proposed Northstar	With Project = Existing + Northstar	With Northstar & BEST at Enrollment of 178
Parking Stall Supply	117	-32	85	85
Total Midday Site Parking Demand	64	5	69	85
BEST Teachers/Staff	16	0	16	21
BEST Students	10	0	10	21
FLC Teachers/Staff	12	0	12	12
FLC Parents	26	0	26	26
Northstar	0	5	5	5
Surplus Parking Stalls (Supply – Demand)	53		16	0

108th Ave NE/NE 53rd St Traffic Operations

Our traffic operations assessment at 108th Ave NE/NE 53rd St for the scenario with Northstar was included in our original January 2012 Traffic Impact Study. For this addendum we provided a potential scenario that assumes BEST High School increases over time from an existing enrollment of 83 students to a future enrollment of 178 students (per parking threshold as determined in the previous section). Additional discussion is also provided regarding mitigation requirements.

To assess operations for this scenario, we conservatively factored all traffic entering and exiting the main parking lot on NE 53rd St by the ratio of 178 students / 83 students = 2.14. This methodology is conservative since some of the traffic at the main parking lot is likely associated with the Family Learning Center, whose operations are expected to remain at existing levels. Factoring results in 51 additional inbound trips and 27 additional outbound trips during the AM peak hour at 108th Ave NE/NE 53rd Street. These trips were added to the year 2012 with Northstar traffic volumes as presented in our January 2012 Traffic Impact Study.

The results of the potential scenario with BEST HS at 178 students (including Northstar) are shown in **Table 2**. The results of the 2012 No Action and 2012 With Northstar from the January 2012 Traffic Impact Study are shown for comparison purposes. The LOS calculation sheet is included in **Attachment D**.

Table 2
108th Ave NE/NE 53rd St Intersection
AM Peak Hour LOS and Queue Summary

Controlled Movement	2012 No Action (Jan 2012 TIA)			2012 With Northstar (Jan 2012 TIA)			2012 With Northstar + BEST at enrollment of 178		
	LOS ¹	Delay ²	Queue ³	LOS ¹	Delay ²	Queue ³	LOS ¹	Delay ²	Queue ³
Westbound LT	F	98.1	125 ft	F	>100	225 ft	F	>100	350 ft
Westbound RT	B	11.3	25 ft	B	11.7	25 ft	B	12.2	25 ft
Southbound LT	A	8.3	<25 ft	A	8.5	<25 ft	A	8.7	25 ft

¹ LOS = Level of Service.

² Delay refers to average control delay for each stop-controlled movement.

³ Queues are 95th Percentile queues rounded to the nearest 25 feet. Assumes 1 vehicle = 25 foot queue.

As documented in the January 2012 Traffic Impact Study and confirmed in the City of Kirkland's Traffic Impact Analysis review memo dated March 8, 2012, the intersection of 108th Ave NE/NE 53rd Street does not meet the City of Kirkland's threshold requirements for off-site traffic mitigation (less than 5% proportional share).

Additional comments with regard to Northstar project impacts are provided below:

- Up to 45-50% of Northstar students are expected to arrive to school via Metro buses.
- As noted in our January 2012 traffic impact study, the operations analysis estimates the delays and queues experienced during the worst 15-minute period during the AM peak hour. **It is important to note that this level of congestion is limited to only a 15-minute time period before school begins. This relatively short period of longer delays is common at and around most schools, especially during the AM peak hour.**
- The City's requirements for when mitigation is required consider not only peak hour impacts and LOS, but also duration of impacts. Traffic added to this intersection by Northstar is concentrated into a relatively short period of time. While operations during the peak 15 minutes are expected to be congested, one must also consider relative impacts of a project over an entire day, which for a school like Northstar, are materially insignificant and very minor.
- The intersection has no documented safety deficiencies based on collision history. As documented in our January 2012 Traffic Impact Study, there was only 1 reported collision (in 2009) over the most recent 3 year period with available data.
- Traffic congestion at this intersection is not solely due to BEST/Northstar. The poor LOS is an existing condition, and there are other traffic contributors (Kirkland Children's School, 7th Day Adventist School, Northwest University).
- It is not uncommon for left turns from a minor street to experience delays during peak periods. Turning left at any stop-controlled intersection along 108th Ave NE is and will continue to be a challenge during the AM peak period. Mitigation options are limited in these situations. The intersection 108th Ave NE/NE 53rd Street does not currently meet signal warrant criteria; therefore, providing a signal would not be justified based on engineering standards.

Transit Stops/Pedestrian Safety on 108th Ave NE

The Houghton Community Council and residents have raised concerns about drivers passing around the METRO buses as they stop to pickup and drop off riders on 108th Ave NE in the vicinity of NE 53rd Street.

Northbound Transit Stop

It has been observed that some drivers heading northbound on 108th Avenue NE are driving in the opposing southbound left-turn lane to pass around METRO buses that stop north of NE 53rd Street. One option that has been suggested is to relocate the bus stop to a new location south of NE 53rd Street. Another option suggested by the City of Kirkland is to install c-curb to discourage this behavior.

Drivers passing buses in the northbound direction do not appear to have a direct impact on pedestrian safety, particularly for students at Northstar. A crosswalk on NE 53rd St at 108th Ave NE provides a safe crossing from the bus stop to the school grounds. Relocating the bus stop south of NE 53rd Street does not appear necessary given the reasonable alternative outlined by the City of Kirkland of installing c-curb. TENW believes the City's plan to install the c-curb (if the bus stop is not able to be relocated) is appropriate. No action is proposed by LWSD at this location.

Southbound Transit Stop

In the southbound direction, METRO buses stop just north of the crosswalk that is located south of NE 53rd Street. TENW and others have observed drivers squeezing between the stopped bus and the crosswalk island to pass around the bus, which presents a conflict with pedestrians crossing from west to east (in front of the bus). Several options to alleviate this potential safety hazard have been discussed with the City of Kirkland and were presented in the City's Traffic Impact Analysis review memo dated 3/8/12. These options included:

1. Increased police enforcement (police already notified per City of Kirkland staff)
2. Relocate the southbound bus stop south of NE 53rd Street away from the crosswalk.
3. Install a rectangular rapid flashing beacon system (RRFB) to alert drivers of pedestrians crossing
4. Install a No Passing sign at the crosswalk.

It should be noted that although LWSD will provide future Northstar students with METRO bus passes, the issues surrounding safety at the bus stops on 108th are not a project impact, and are also not solely related to existing BEST HS students. The stops are regularly used by the other schools in the neighborhood as well as local residents. Regardless of the relatively insignificant relationship of the Northstar relocation project to this particular issue, LWSD has agreed to voluntarily provide funding for an improvement at this bus stop location that will not only benefit LWSD students, but will also provide a significant benefit to the entire neighborhood. The most likely option being considered for LWSD funding is Option 3 (RRFB system), which we understand is supported and endorsed by City of Kirkland staff. The final decision will be made after further discussions with the City of Kirkland, Houghton Community Council, and LWSD.

cc: Forrest Miller, LWSD
David Zeitlin, LWSD

Attachment

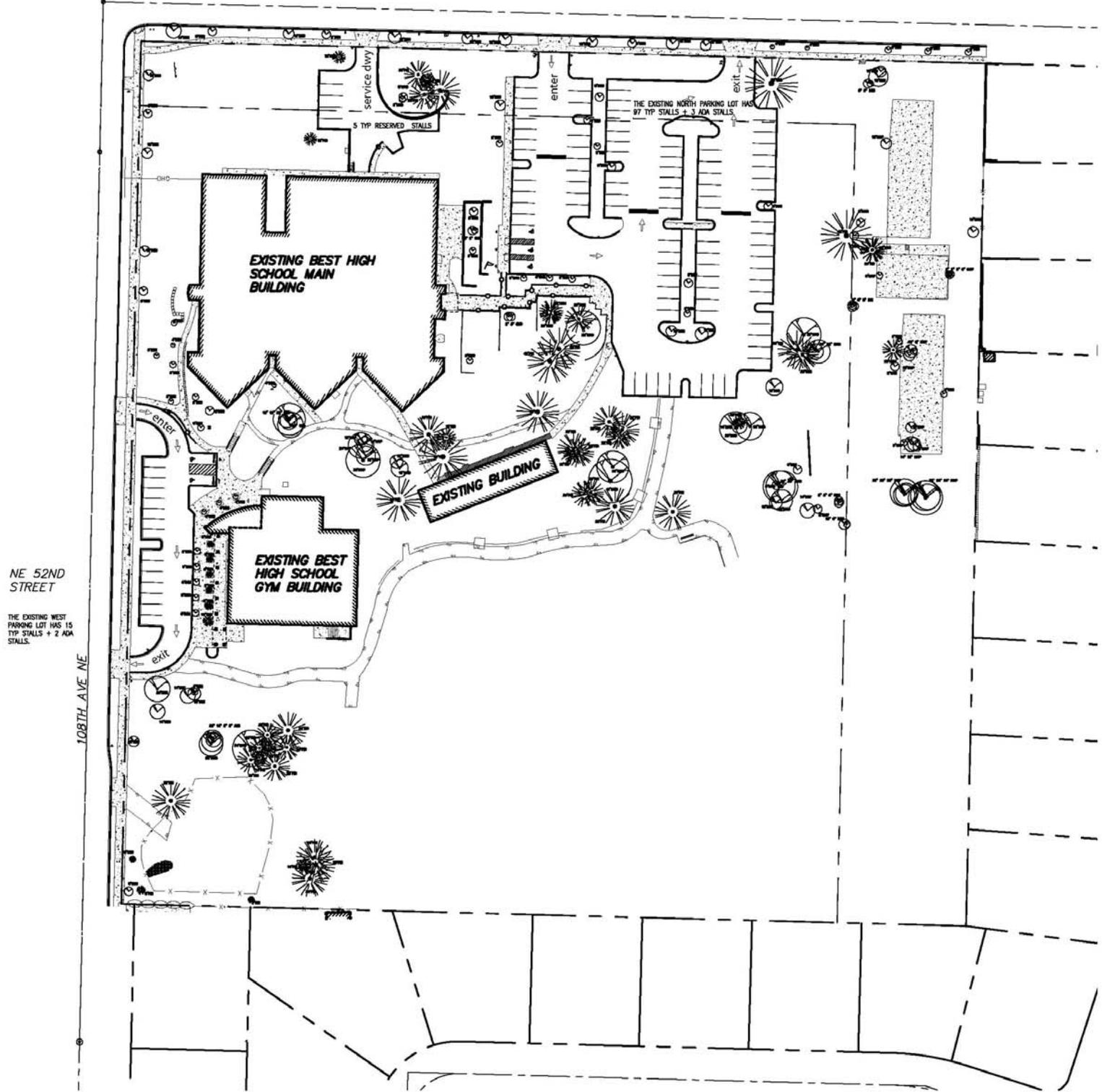
ATTACHMENT A

Existing Site Plan



NOT TO SCALE

NE 53RD STREET



Attachment A: Existing Site Plan

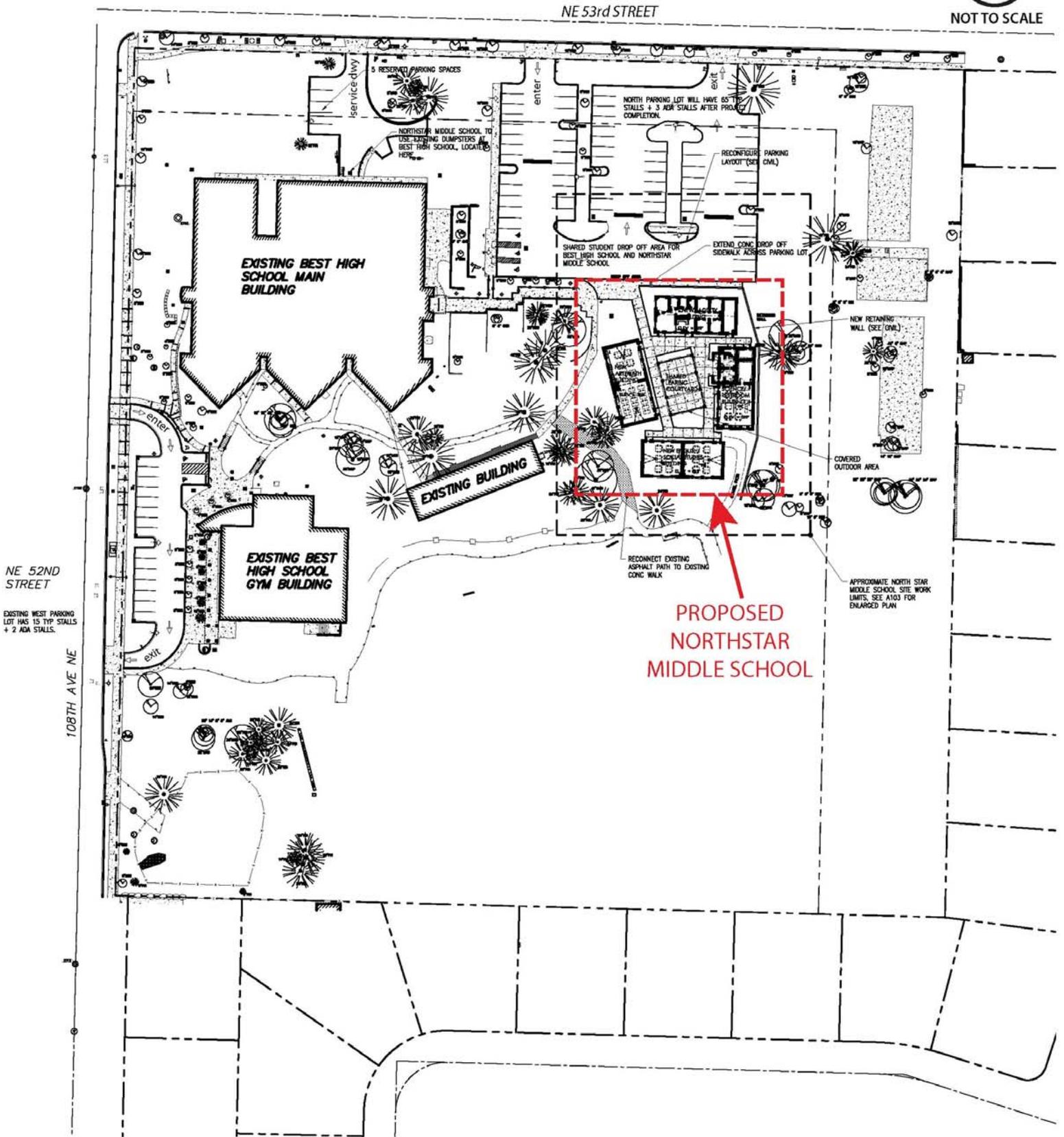
4/4/12

ATTACHMENT B

Proposed Site Plan



NOT TO SCALE



Preliminary site plan provided by Studio Meng Strazzara on January 18, 2012.

Attachment B: Preliminary Site Plan

4/4/12



ATTACHMENT C

Parking Supply/Demand Analysis

Northstar Junior High / Middle School
 Parking Data Summary
 TENW Project No. 4547

ESTIMATED FUTURE MIDDAY PEAK PARKING DEMAND - TOTAL SITE

BEST/FLC/Northstar Site	EXISTING	PROPOSED NORTHSTAR	WITH PROJECT = EXISTING + NORTHSTAR
Parking Stall Supply¹	117	-32	85
Total Midday Site Parking Demand²	64	5	69
BEST HS Teachers/Staff	16	0	16
BEST HS Students	10	0	10
FLC Teachers/Staff (certs)	7	0	7
FLC Teachers/Staff (contract)	5	0	5
FLC Parents	26	0	26
Northstar	0	5	5
Surplus Parking Stalls (Supply - Demand)	53		16

WITH PROJECT WITH BEST AT 178 STUDENTS
85
85
21
21
7
5
26
5
0

Notes:

Northstar removes 32 stalls per the current site plan from LWSD

64 parked vehicles based on observations in Jan 2012, future is the sum of the forecasts for each type below

per LWSD, 16 teachers/staff at BEST existing, future staff added at a rate of 1 staff for every 20 new students added

per LWSD, 10 current students drive, estimated future student drivers derived per enrollment factor below

per LWSD, assumes all 7 existing certified staff on-site. No change to FLC in future per LWSD.

Assumes half of the contract staff there at one time (5 existing). No change to FLC in future per LWSD.

existing FLC parents assumed to be the remainder of parked vehicles. No change to FLC in future per LWSD.

5 staff require parking for Northstar per LWSD

1. Parking stall supply does not include 5 ADA stalls on the site. 117 = 97 in main lot + 15 in 108th lot + 5 in service lot

2. The BEST HS existing demand is the 2-day average maximum midday demand observed on Thursday, 1/5/12 and Tuesday, 1/10/12.

BEST HS students parking in future is based on existing demand times enrollment factor derived below:

	Current Enrollment	Future Enrollment	Enrollment Adjustment Factor
BEST HS	83	178	2.14

178 students at BEST results in full occupancy of on-site parking

ATTACHMENT D

108th/53rd LOS/Queue Worksheet
2012 with Northstar + BEST at 178 Students

Exhibit 2

ENCLOSURE 3

TWO-WAY STOP CONTROL SUMMARY								
General Information				Site Information				
Analyst	TENW			Intersection	108th Ave NE/NE 53rd St			
Agency/Co.				Jurisdiction				
Date Performed	4/4/12			Analysis Year	2012 With Proj AM BEST			
Analysis Time Period	AM Peak Hour				178			
Project Description Northstar Junior High/Middle School								
East/West Street: NE 53rd Street				North/South Street: 108th Ave NE				
Intersection Orientation: North-South				Study Period (hrs): 0.25				
Vehicle Volumes and Adjustments								
Major Street	Northbound			Southbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume	0	235	77	161	684	0		
Peak-Hour Factor, PHF	1.00	0.84	0.84	0.72	0.72	1.00		
Hourly Flow Rate, HFR	0	279	91	223	949	0		
Percent Heavy Vehicles	0	--	--	2	--	--		
Median Type	Undivided							
RT Channelized			0			0		
Lanes	0	1	0	1	1	0		
Configuration			TR	L	T			
Upstream Signal		0			0			
Minor Street	Westbound			Eastbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume	93	0	134	0	0	0		
Peak-Hour Factor, PHF	0.60	1.00	0.60	1.00	1.00	1.00		
Hourly Flow Rate, HFR	154	0	223	0	0	0		
Percent Heavy Vehicles	1	0	1	0	0	0		
Percent Grade (%)	0			0				
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	1	0	1	0	0	0		
Configuration	L		R					
Delay, Queue Length, and Level of Service								
Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		L	L		R			
v (vph)		223	154		223			
C (m) (vph)		1189	80		719			
v/c		0.19	1.92		0.31			
95% queue length		0.69	13.52		1.32			
Control Delay		8.7	545.0		12.2			
LOS		A	F		B			
Approach Delay	--	--	229.9					
Approach LOS	--	--	F					

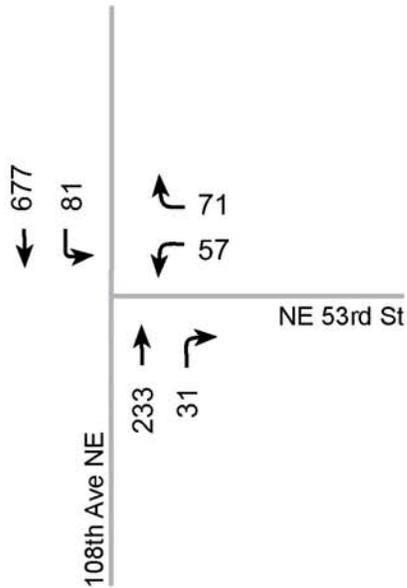
Rights Reserved

HCS2000™

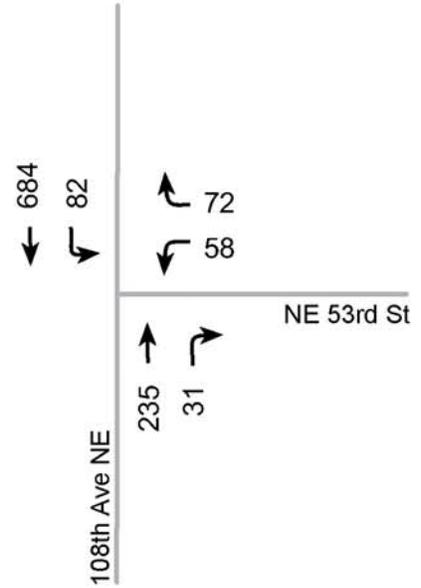
Version 4.1f

Copyright © 2003 University of Florida, All Rights Reserved

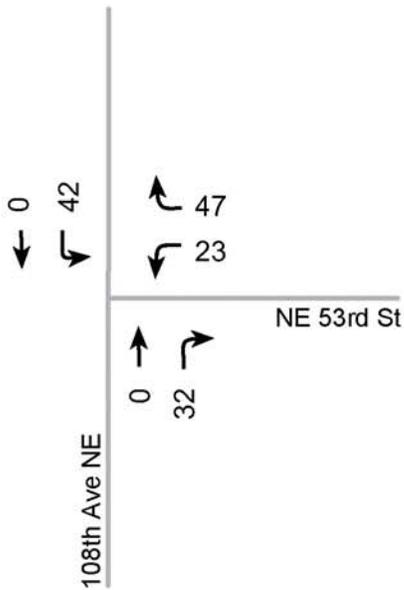
Version 4.1f



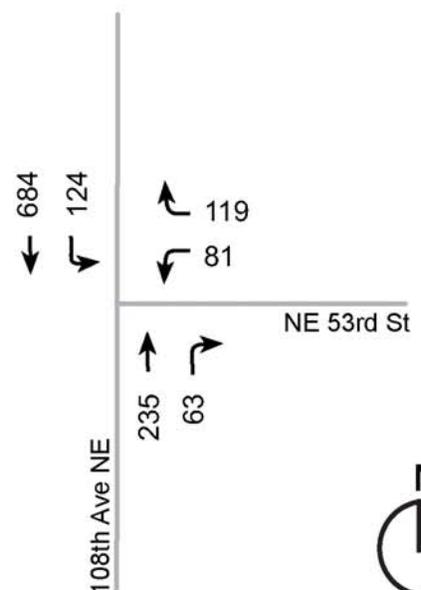
2011 Existing AM Peak



2012 AM Peak Without Project



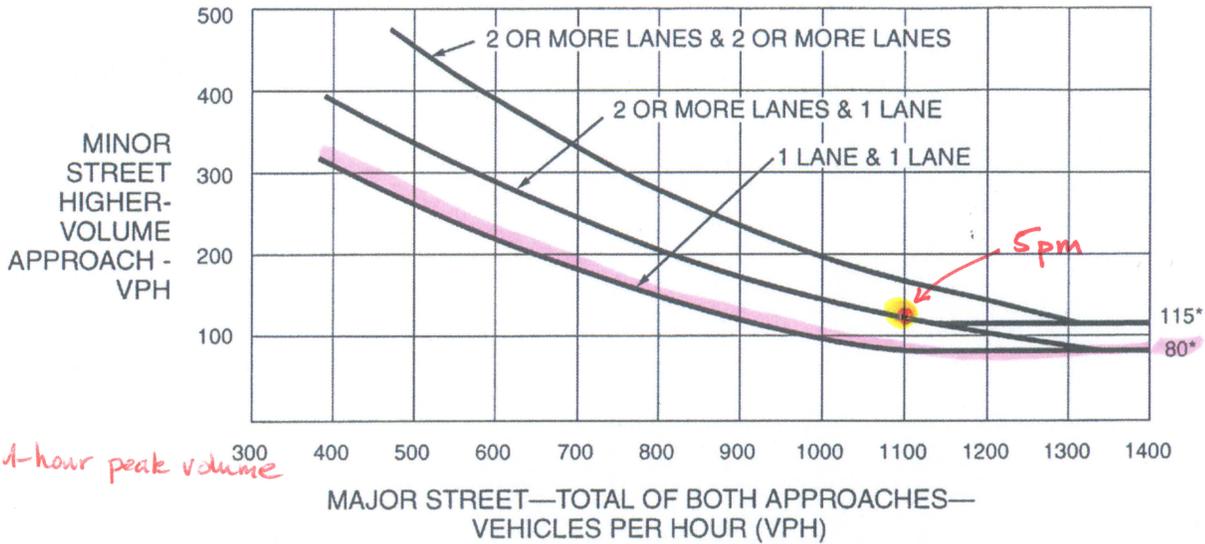
AM Project Trip Assignment



2012 AM Peak With Project



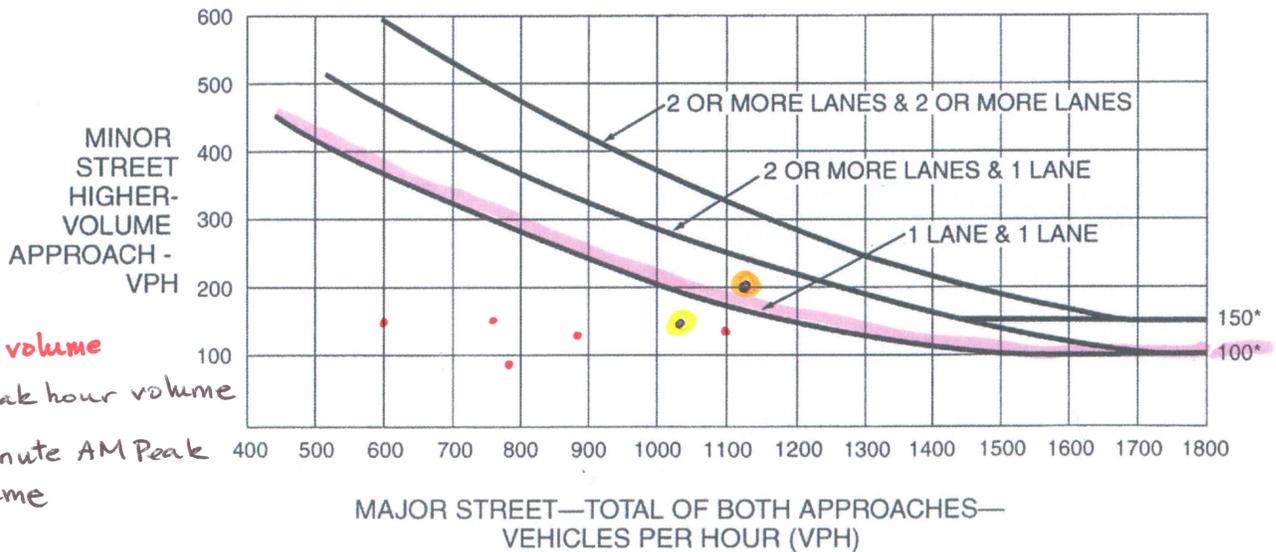
Figure 4C-1. Warrant 2, Four-Hour Vehicular Volume



• 2011 4-hour peak volume

*Note: 115 vph applies as the lower threshold volume for a minor-street approach with two or more lanes and 80 vph applies as the lower threshold volume for a minor-street approach with one lane.

Figure 4C-3. Warrant 3, Peak Hour



• 2011 hourly volume
• 2012 AM Peak hour volume
• 2012 15 minute AM Peak Volume

*Note: 150 vph applies as the lower threshold volume for a minor-street approach with two or more lanes and 100 vph applies as the lower threshold volume for a minor-street approach with one lane.

Warrant 1- Eight Hour Warrants

Requires When combination of Volumes exceed threshold for

	2011			
	Sum Major Street	WB	Warrant 1 A	Warrant 1 B
12:00 AM	37	8	no	no
1:00 AM	13	5	no	no
2:00 AM	7	2	no	no
3:00 AM	4	2	no	no
4:00 AM	11	5	no	no
5:00 AM	64	13	no	no
6:00 AM	216	32	no	no
7:00 AM	641	74	no	no
8:00 AM	757	151	no	yes
9:00 AM	612	74	no	no
10:00 AM	447	66	no	no
11:00 AM	527	87	no	no
12:00 PM	601	152	no	no
1:00 PM	530	118	no	no
2:00 PM	534	89	no	no
3:00 PM	595	162	no	no
4:00 PM	884	125	no	yes
5:00 PM	1102	121	no	yes
6:00 PM	772	91	no	yes
7:00 PM	384	55	no	no
8:00 PM	280	93	no	no
9:00 PM	214	36	no	no
10:00 PM	114	20	no	no
11:00 PM	70	11	no	no

A. Major >500vph Minor > 200 vph**B. Major >750 vph and minor > 100 vph**

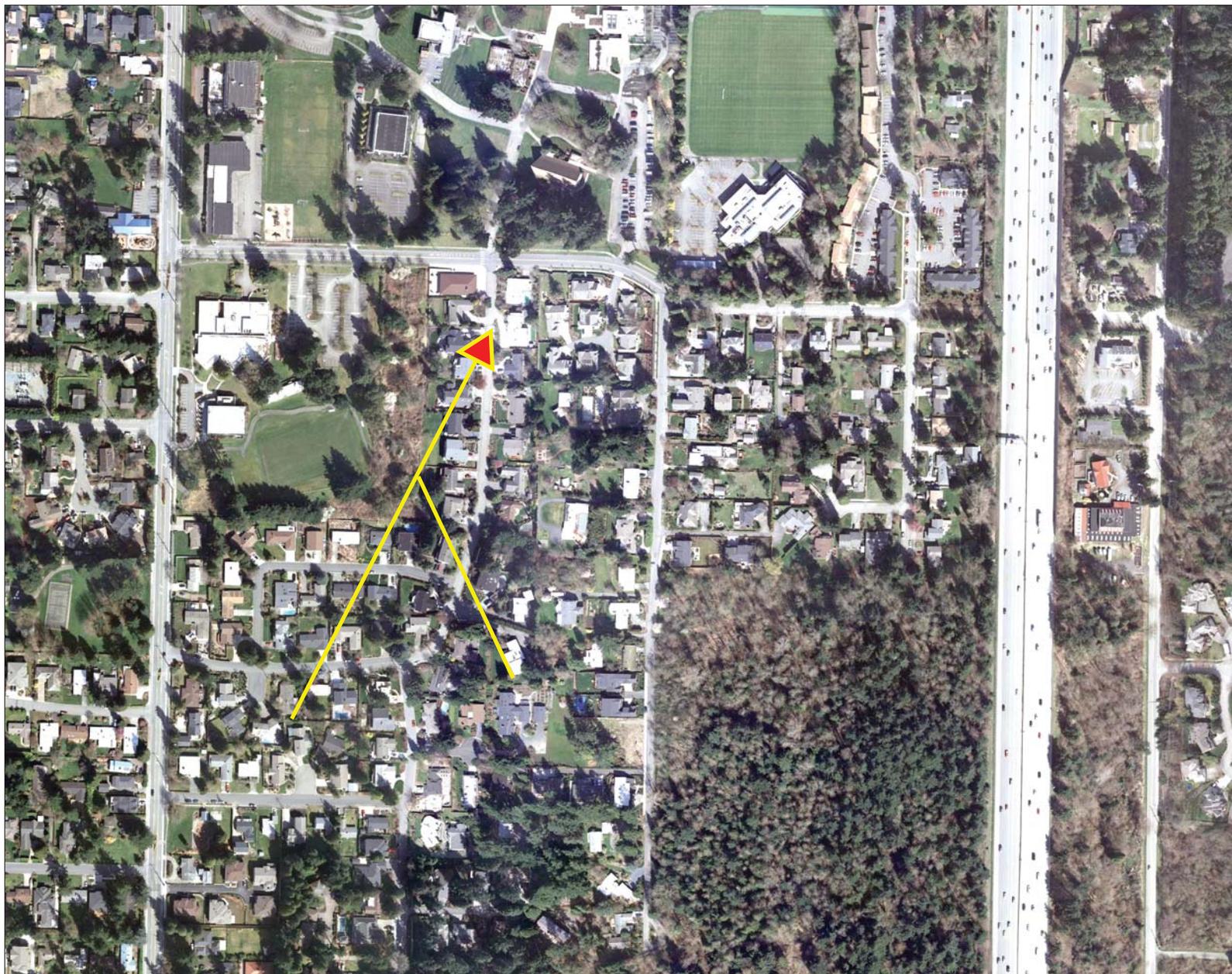




GIS MAPPING PORTAL ~ City of Kirkland, Washington ~ Department of Information Technology

Exhibit 3

ENCLOSURE 3



Legend

z_Image09

- Red: Band_1
- Green: Band_2
- Blue: Band_3

1: 4,678



0.1 0 0.07 0.15 Miles

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet
Produced by the City of Kirkland. © 2011 City of Kirkland, Washington, all rights reserved.

No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Enter Map Description

Exhibit 4: April 9, 2012 Memorandum from Houghton Community Council is included as Enclosure 2 to Council packet for 5/15/2012 Council meeting and is titled: HCC Recommendation to the HE.

LAW OFFICES

LIVENGOOD, FITZGERALD & ALSKOG

A PROFESSIONAL LIMITED LIABILITY COMPANY

JAMES S. FITZGERALD*
 DAVID A. ALSKOG
 DAVID B. JOHNSTON
 JOHN J. WHITE, JR.
 DAVID J. SEELEY**
 KEVIN B. HANSEN
 THOMAS K. WINDUS+
 GREGORY A. McBROOM
 HUGH W. JUDD, P.S.+
 ANNALISA C. DANYSH+

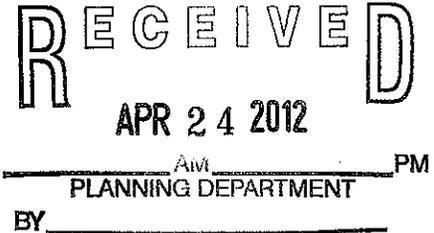
121 THIRD AVENUE
 POST OFFICE BOX 908
 KIRKLAND, WA 98083-0908

PHONE: (425) 822-9281
 FAX: (425) 828-0908
 E-MAIL: alskog@lfa-law.com

*ALSO ADMITTED IN OREGON
 **ALSO ADMITTED IN CALIFORNIA
 +OF COUNSEL

April 24, 2012

City of Kirkland
 Planning and Community
 Development Department
 Attn: Ms. Angela Ruggeri
 123 Fifth Avenue
 Kirkland, WA 98033



**Re: City of Kirkland Hearing Examiner Findings, Conclusions,
 and Recommendation
 Challenge to Certain Conditions – File No. ZON12-00006**

Dear Ms. Ruggeri:

Our office is general counsel to Lake Washington School District (“District”) and on its behalf we are submitting this challenge to the Hearing Examiner’s written recommendations on File No. ZON12-00006, Northstar Middle School Relocation to BEST High School Campus. We are also sending a copy of the challenge to all other people who submitted comments or testimony to the Hearing Examiner, together with notice of the deadline and procedures for responding to the challenge, which response must be delivered to the Planning Department within seven (7) calendar days after the challenge was filed with the Planning department.

First, the District accepted and did not challenge the Findings, Conclusions, and Recommendations of the Planning Department issued to the Houghton Community Council (“HCC”) and the Kirkland Hearing Examiner dated March 16, 2012. A full public hearing was held on March 26, 2012 before the HCC and the Hearing Examiner. At the conclusion of the hearing, the record was held open to receive additional information from City staff regarding traffic impact and the final deliberation of HCC was held on Monday, April 9, 2012. The Community Council recommended approval with additional conditions to the Hearing Examiner.

The District only challenges the following two recommendations from the Hearing Examiner’s Recommendation (15 pages) dated April 17, 2012:

1. Traffic Impacts. The Hearing Examiner has concluded that existing traffic conditions near the site are caused by existing uses. The Traffic Impact Analysis and record show the

proposed project would not create significant additional traffic impacts that require specific off-site traffic mitigation as the impact is less than five percent. Conclusion 1 on page 8 of 15. Notwithstanding that, in good faith and as an accommodation to the neighborhood, the District agreed to contribute up to \$35,000 to assist in a plan between the City, METRO, the District, and other stakeholders to address pedestrian safety and traffic issues on 108th Avenue NE. That is the maximum the District agreed to contribute. Therefore, the District disagrees and challenges Conclusion No. 3 that "Road impact fees shall be required." Impact fees, if any, should be included in the contribution up to \$35,000 of the District.

2. Parking. The District funded a parking demand study which was done as part of the Traffic Impact Analysis Review. The City's Transportation Engineer reviewed the parking demand study and a Technical Memorandum from the District's traffic engineer and recommended that a condition be added to BEST High School to cap enrollment at 178 students, and to cap Northstar at 90 students. The District has no quarrel with capping the enrollment for either school. However, the Community Council recommended that since the parking study is based on a current maximum of 21 BEST students driving to school, there should be a limit of 21 students who can drive to school in the future. The Hearing Examiner's recommendation states in Conclusion No. 2 (page 9 of 15) that "The Community Council requested a limit on the number of BEST students driving, but it is not clear how the School or the City could enforce a limit." The District has no objection to the required number of parking stalls for the school site. The District must, however, object to a limit on the number of students who might drive and use the available on-site parking for the following reasons:

A. BEST High School is an alternative high school that serves students from throughout the District. There are currently 83 students at BEST. For many of the students, BEST High School offers their last available opportunity to obtain a high school education. The District, as well as the state of Washington, is under a federal mandate to improve graduation rates and to reduce the dropout rates for students.¹ Students who have been suspended, have attendance issues due to dysfunctional families, pregnancy, drugs and alcohol, and other situations experience instructional disruption and have serious difficulties returning to an educational setting and are more likely to drop out of high school.² BEST High School serves those students.

B. It is highly important for these students, as well as the community, to do all they can to support and encourage students to continue their education at BEST High School and to graduate. The future prospects for high school dropouts are dismal and students who drop out

¹ Washington State Office of the Education Ombudsman, Office of the State Superintendent of Schools, 2011.

² Suhyun Suh, Jingyo Suh, and Irene Houston, *Predictors of Categorical At-Risk High School Dropouts*, 85 JOURNAL OF COUNSELING AND DEVELOPMENT 196, 196-203 (Spring 2007).

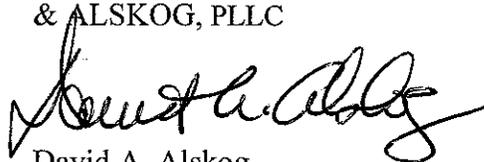
Page 3

are three and one-half times more likely to be arrested than high school graduates.³ Eighty-two percent of the adult prison population is composed of dropouts and eighty-five percent of the juvenile justice cases.⁴ The relationship between educational attainment and nearly every facet of adult productivity is very strong and very well documented.⁵

The District challenges any condition placed on BEST High School that is not based on the number of parking stalls but on who is the driver and using the on-site parking. To limit the on-site parking to a maximum of 21 BEST High School students does not serve the community and does not help promote a successful graduation, rather than a higher dropout rate for BEST High School students. If there are available parking spots on site (due to less staff or teachers that are driving), why shouldn't those additional on-site parking spots be used by BEST students, especially if the use also promotes the health and safety of our community.

Very truly yours,

LIVENGOOD, FITZGERALD
& ALSKOG, PLLC



David A. Alskog

DAA/maf

cc: Client
Nancy Cox, Development Review Manager
Rob Jammerman, Development Engineering Manager, Public Works
Iris Cabrera, Transportation Engineer, Public Works
Lisa McConnell
Molly Working
Erika Somm

I:\314\lwsd files\northstar relocation- best\kpd.ltr.4.24.12.docx

³ COALITION FOR JUVENILE JUSTICE, ABANDONED IN THE BACK ROW: NEW LESSONS IN EDUCATION AND DELINQUENCY PREVENTION 2 (2001).

⁴ Christine Christle, Kristine Jolivet, & Michael Nelson, *Breaking the School to Prison Pipeline: Identifying School Risk and Protective Factors for Youth Delinquency* 13(2) EXCEPTIONALITY 69, 70 (2005).

⁵ BRETT BROWN, KRISTIN MOORE, & SHARON BZOSTEK, CHILD TRENDS, A PORTRAIT OF WELL BEING IN EARLY ADULTHOOD: A REPORT TO THE WILLIAM AND FLORA HEWLETT FOUNDATION 4 (2003) available at <http://www.hewlett.org/NR/rdonlyres/B0DB0AF1-02A4-455A-849A-AD582B767AF3/0/FINALCOMPLETEPDF.pdf>

RESOLUTION R-4922

A RESOLUTION OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A PROCESS IIB PERMIT AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON12-00006 BY THE LAKE WASHINGTON SCHOOL DISTRICT BEING WITHIN A SINGLE-FAMILY RESIDENTIAL (RS) 8.5 ZONE, AND SETTING FORTH CONDITIONS OF APPROVAL.

WHEREAS, the Department of Planning and Community Development received an application for a Process IIB permit, filed by Lake Washington School District, the owner of the property described in the application, and located within a Single-Family Residential (RS) 8.5 zone; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, Kirkland Municipal Code Title 25, a concurrency application was submitted to the City of Kirkland, reviewed by the responsible Public Works official, the concurrency test has been passed, and a concurrency test notice issued; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), RCW Chapter 43.21C, and the Washington Administrative Code and local ordinance adopted to implement it, the Lake Washington School District, as SEPA Lead Agency, performed SEPA review for the application; and

WHEREAS, the environmental checklist and threshold determination have been available and accompanied the application through the entire review process; and

WHEREAS, the application was submitted to the Hearing Examiner who held a hearing at a special meeting on March 26, 2012; and

WHEREAS, after the public hearing and consideration of the recommendations of the Department of Planning and Community Development, the Hearing Examiner adopted Findings, Conclusions, and Recommendations and recommended approval of the Process IIB permit subject to the specific conditions set forth in said Hearing Examiner's recommendation; and

WHEREAS, the City Council, in open meeting, considered the environmental documents received from the responsible official, together with the recommendation of the Hearing Examiner;

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The Findings, Conclusions, and Recommendation of the Hearing Examiner as signed by the Hearing Examiner and filed in the Department of Planning and Community Development File No. ZON12-00006 are adopted by the Kirkland City Council as

though fully set forth in this resolution, [except that the Hearing Examiner's recommended condition No. 7 is amended to limit the School District's contribution, in addition to impact fees, to a maximum of \$31,213.]

Section 2. The Process IIB permit shall be issued to the applicant subject to the conditions set forth in the recommendations [as amended and] adopted by the City Council.

Section 3. Nothing in this resolution shall be construed as excusing the applicant from compliance with any federal, state, or local statutes, ordinance, or regulations applicable to this project, other than as expressly set forth.

Section 4. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Process IIB permit is subject shall be grounds for revocation in accordance with Ordinance 3719, as amended, the Kirkland Zoning Ordinance.

Section 5. Notwithstanding any recommendation previously given by the Houghton Community Council, the subject matter of this resolution and the permit being granted are, pursuant to Ordinance 2001, subject to the disapproval jurisdiction of the Houghton Community Council and shall become effective within the Houghton Municipal Corporation upon either the approval or the failure of the Houghton Community Council to disapprove this resolution within sixty days of the date of the passage of this resolution.

Section 6. A complete copy of this resolution, including Findings, Conclusions and Recommendations adopted by reference, shall be certified by the City Clerk and forwarded to the King County Department of Assessments.

Section 7. A copy of this resolution, together with the adopted Findings, Conclusions, and Recommendations shall be attached to and become a part of the Process IIB permit or evidence thereof delivered to the permittee.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2012.

Signed in authentication thereof this ____ day of _____, 2012.

MAYOR

Attest:

City Clerk