Council Meeting: 06/01/2010
Agenda: New Business
Item #: 11. a.

CITY OF KIRKLAND
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MEMORANDUM

To: Marilynne Beard, Interim City Manager

From: Eric Shields, Planning Director

Date: May 13, 2010

Subject: City Review of School District Building Permits

RECOMMENDATION

City Council provides direction to staff to prepare an interim ordinance and schedule a public hearing to allow the reconstruction of two new elementary schools in the annexation area to be processed through the City, rather than through King County.

BACKGROUND

The Lake Washington School District is preparing to rebuild three new elementary schools in the annexation area – Muir, Sandburg and Keller. The schedules for the projects involve beginning the permitting process and some initial grading and construction activity prior to annexation, with most of the construction continuing after annexation.

On March 31, 2010, Superintendent Kimball submitted a letter to City Manager David Ramsay and Deputy County Executive Fred Jarrett requesting that the District, City and County enter into an interlocal agreement to provide for the City to review building permit applications, issue permits and oversee construction for the schools based on the County building and zoning codes, with permitting to begin prior to annexation.

Since receipt of the letter, City staff has had numerous conversations about this proposal with District and County officials. While all parties have expressed general support of the idea, it now appears that legal and labor concerns on the part of the County are unlikely to be resolved in time to meet the District's schedule. In fact, permits for Muir will soon be or may have already been submitted to the County Department of Development and Environmental Services.

The District's original proposal sought to have the permits reviewed under County codes because of a difference in the review process required by County and City zoning for the annexation area. The County requires only a building permit, while City RSA zoning incorporates a Process IIA or IIB review (depending on the size of the site), as required in other City single family zoning districts. The School District would be unable to meet its desired construction schedule if an additional four to six months for processing the zoning permit were required.

In a recent conversation with Grace Yuan, legal counsel of the District, another approach was discussed in which the permit applications for Sandberg and Keller Elementary Schools could be reviewed by the City under City codes. The School District would submit applications to the City in advance of the effective date of annexation, but the City would not issue permits until after the City assumes legal

jurisdiction on June 1, 2011. The applications would be submitted far enough in advance for the City to complete the review and issue permits to allow construction of the schools to begin in the summer of 2011, as desired by the District. However, in order for the timing of this process to work, the City would have to remove the Process IIA/ IIB zoning permit requirements. As is the case under the existing County zoning, zoning compliance would then occur through the building permit process.

Earlier this year the City Council discussed the possibility of considering changes to other aspects of annexation zoning related to building heights and concluded that such changes would be premature, in part because the zoning was presented to voters as part of the annexation ballot proposition. The same concern could be made of changing the review process for schools. However, there are two significant differences.

- The proposed change affects review process only, not substantive zoning standards. The approved zoning designations would remain in effect as approved by the voters.

- If the District were to apply for permits with King County (as they could at any time prior to annexation), a zoning permit would not be required. Removal of the zoning permit requirement from the City's rules would not change the actual review process for the two schools in question if the applications were to be reviewed and administered by the County which requires only a building permit review. By amending the annexation zoning, the City would be allowing the District to proceed with the same review process it is now entitled to, but with City review of the applications and administration of the permits. If the City did not amend the zoning, the District would apply for permits under King County's rules and no zoning review process would take place.

Staff proposes that the zoning process change be done on an interim basis so that it would apply only within the annexation transition period. In addition to the "School or Day-Care Center" use, we propose that the ordinance also apply to the "Government Facility/ Community Facility" use so that it covers the proposed new fire station on Finn Hill. An interim ordinance would allow the Council to proceed expeditiously and provide certainty in the review process for the Fire District. We have discussed this idea with the City Attorney and she indicated there are no legal obstacles. She noted that an interim ordinance requires a hearing before the City Council but adoption could be considered at the same meeting. The ordinance would have a maximum duration of six months and could be renewed for subsequent six month periods if desired.

By having City staff review applications and administer permits for the Sandburg and Keller Elementary School reconstruction projects, a more seamless transition between County and City jurisdiction would occur for the benefit of both the City and District. The City could be assured that the addition to our community of these important institutions would be up to City standards. The City would also benefit from significant building permit fee revenues, estimated at approximately $300,000. Staff recommends that the City Council direct staff to prepare an interim ordinance eliminating the requirement for a zoning permit for the "School or Day-Care Center" and "Government Facility/ Community Facility" uses within the RSA zone.

Es: CC school permits 5-2010