



**CITY OF KIRKLAND**

Planning and Community Development Department  
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**ADVISORY REPORT  
FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS**

**To:** Kirkland Hearing Examiner

**From:** \_\_\_\_\_ Tony Leavitt, Associate Planner  
\_\_\_\_\_ Eric R. Shields, AICP, Planning Director

**Date:** February 27, 2008

**File:** Lake Washington High School Master Plan and Planned Unit Development (PUD),  
ZON07-00035

**Hearing Date and Place:** March 6, 2008; 7:00 pm  
City Hall Council Chamber  
123 Fifth Avenue, Kirkland

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## I. **INTRODUCTION**

### A. **APPLICATION**

1. Applicant: Matt Lane of McGranahan Architects representing the Lake Washington School District
2. Site Location: Lake Washington High/ Northstar Junior High School Campus at 12033 NE 80<sup>th</sup> Street (see Attachment 1)
3. Request: Application for approval of a Master Plan, Preliminary Planned Unit Development (PUD), and Final PUD for the replacement of the existing Lake Washington High and Northstar Junior High Schools with new buildings located south of the existing structures (see Attachments 2,3, & 4).
  - Total gross floor area of approximately 208,800 square feet that includes classrooms, administrative offices, common areas, performing arts center, gymnasiums and a daycare. A classroom building wing may be added as a future project to the north of the gym building. Future classroom portable buildings may be located adjacent to the ball fields.
  - Northstar Junior High School will be located within the southwest wing of main structure, with a separate entrance from NE 75<sup>th</sup> Street.
  - The proposed PUD seeks to increase the maximum allowable building height from 35' above average building elevation to 49'.
  - Construction will occur in two phases, so the existing school can remain operational during construction. Phase 1 will be construction of the new school. Phase 2 will be the demolition of the existing school and construction of the new parking lot.
  - The stadium, tennis courts and ball fields will remain the same and are not a part of this project. The one exception is that the ball fields will be used temporarily for student parking and construction storage during construction. They will be restored to their existing conditions in phase II.
  - The main entry at NE 80<sup>th</sup> Street and 120<sup>th</sup> will remain the same. Parking north of the building will be reconfigured to accommodate 499 stalls. The existing parking lot off of NE 75<sup>th</sup> St. will be eliminated. Seven parking stalls will be located near the southwest corner of site for use by visitors to the Northstar Junior High School. The total number of stalls (506) is a reduction from the current amount of parking provided on site, which is approximately 650 stalls.
  - A passenger drop off/loading area from NE 80<sup>th</sup> Street is proposed as part of the new entry plaza to the north of the school main entrance. An additional drop off/loading area from NE 75<sup>th</sup> Street will be provided near the Northstar Junior High School entry.
  - Concrete walkways will be added and maintained to provide through-connections to NE 75<sup>th</sup> St., NE 80<sup>th</sup> St., and 122<sup>nd</sup> Ave. NE.
4. Review Process: Master Plan, Preliminary PUD and Final PUD: Process IIB, Hearing Examiner conducts public hearing and makes recommendation; City Council makes final decision.

5. Summary of Key Issues:

- Compliance with Master Plan Approval Criteria (see Section II.F.1)
- Compliance with PUD Approval Criteria (see Section II.F.2)
- Compliance with Applicable Development Regulations (see Section II.G)

**B. RECOMMENDATIONS**

Based on Statements of Fact and Conclusions (Section II), and Attachments in this report, we recommend 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 5, Development Standards, is provided in this report 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 5, the condition of approval shall be followed (see Conclusion II.I).
2. As part of any development permit, the applicant shall submit a revised Tree Plan II that includes a finalized tree protection plan (see Conclusion II.G.4).
3. As part of the land surface modification permit submittal, the applicant shall provide a plan to accommodate adequate parking during Phase I of the project (see Conclusion II.G.6).
4. As part of the building permit application, the applicant shall:
  - a. Submit plans for a pedestrian walkway from the North Star Junior High and daycare entrances to NE 75<sup>th</sup> Street (see Conclusion II.G.5).
  - b. Submit detailed pedestrian walkway plans that comply with KZC Section 105.18 (see Conclusion II.G.5).
  - c. Provide 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 (see Conclusion II.G.7).

## II. FINDINGS OF FACT AND CONCLUSIONS

### A. SITE DESCRIPTION

1. Site Development and Zoning:
  - a. Facts:
    - (1) Size: 38.1 acres
    - (2) Land Use: The subject property contains the existing Lake Washington High and Northstar Junior High Schools.
    - (3) Zoning: The subject property is zoned RSX 7.2 (Residential Single-family). A School Use is an allowed use, subject to approval of a Master Plan, within this zone.
    - (4) Terrain: In general, the site slopes from the east to west, with significant slopes along the western property line and to the east and south of the existing gymnasium.
    - (5) Vegetation: The subject property contains numerous significant trees. The applicant's arborist identified a total of 41 trees on the site that could potentially be impacted by the proposed redevelopment (see Section II.G.4).
  - b. Conclusions:
    - (1) Size and land use are not relevant factors in the review of this application.
    - (2) The terrain of the property is a relevant factor in the review of this application. The proposed development will utilize the existing topography of the site to mitigate the potential impacts of the development (see Section II.F.2.d).
    - (3) 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 (see Section II.F.1).
    - (4) Tree protection and retention on the subject property are factors in the review of the proposed development (see Section II.G.4).
2. Neighboring Development and Zoning:
  - a. Facts: The neighboring properties are zoned as follows and contain the following uses:

**North:** Zoned RM 3.6 (Residential Multi-Family) and RS 7.2. Condominium developments, single-family residences, and the Kirkland Cemetery.

**West:** Zoned RM 5.0, RS 5.0, and RS 7.2. Lakeview Estates Condominiums and single-family residences.

**South:** Zoned RSX 7.2. Holy Family School and single-family residences.

**East:** Zoned RSX 7.2. Single-family residences.

- b. Conclusion: The neighboring development and zoning are factors in the review of the proposed Master Plan and Planned Unit Development applications.

## **B. HISTORY**

Facts: In May of 1991, the City approved a Master Plan for the existing campus. This Master Plan approval was needed to permit a major addition to the school.

## **C. PUBLIC COMMENT**

Facts: The initial public comment period ran from December 21, 2007 thru January 18, 2008. The Planning Department received a total of 3 comment e-mails and letters (see Attachments 7, 8, and 9) during this comment period. The one main issue raised by the neighbors is that they are concerned that the height and location of the proposed structures will have negative impact on the neighborhood. Staff addresses the proposed height increase and potential impacts in Section II.F.2.

## **D. STATE ENVIRONMENTAL POLICY ACT (SEPA)**

1. Facts: Pursuant to WAC 197-11-924, the Lake Washington School District assumed Lead Agency status for the project. A Determination of Nonsignificance (DNS) was issued by the Lake Washington School District on December 7, 2007. The Environmental Checklist and Determination are included as Attachment 10.
2. Conclusion: The Lake Washington School District has satisfied the requirements of SEPA.

## **E. CONCURRENCY**

1. Facts: The Public Works Department has reviewed the application for concurrency. A concurrency test was passed for traffic on December 13, 2007 (see Attachment 11). A Notice of Concurrency was distributed, published, and posted on January 30, 2008.
2. Conclusion: The applicant and City have satisfied Concurrency requirements.

## **F. APPROVAL CRITERIA**

1. Master Plan
  - a. Facts:
    - (1) Kirkland Zoning Code (KZC) Section 17.10.030 Special Regulation 1 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 location(s), buffering, and landscaping.
    - (2) The applicant has submitted development plans (see Attachments 3 & 4) that show the building locations and dimensions, roadways, utility locations, proposed land uses on the subject property, parking locations, buffering, and landscaping.

- (3) KZC Section 152.70.3 states that a Process IIB application may be approved if:
    - It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
    - It is consistent with the public health, safety, and welfare.
  - b. Conclusions:
    - (1) The proposal complies with the Master Plan requirements outlined in KZC Section 17.10.030 (Special Regulation 1).
    - (2) The proposal complies with the criteria in KZC Section 152.70.3. It is consistent with all applicable development regulations (see Sections II.G) and the Comprehensive Plan (see Section II.H). In addition, it is consistent with the public health, safety, and welfare because the project will provide the community with a modernized school campus while meeting the goals of the Comprehensive Plan for this neighborhood.
2. Planned Unit Development (PUD)
- a. KZC Chapter 125 Requirements
    - (1) Facts: KZC Chapter 125 establishes three decisional criteria with which the proposed PUD request must comply in order to be granted. The applicant's response to these criteria can be found in Attachment 2, pages 3 through 6. Sections II.F.2.b through 2.d contain staff's findings of fact and conclusions based on these three criteria.
    - (2) Conclusions: Based on the following analysis, the application meets the established criteria for approval of a Preliminary and Final PUD.
  - b. PUD Criterion 1: The proposed PUD must meet the requirements of Zoning Code Chapter 125.
    - (1) Facts:
      - (a) KZC Chapter 125 sets forth the procedures by which a PUD is to be reviewed, criteria for PUD approval, the Zoning Code provisions that may be modified through a PUD, and PUD density provisions.
      - (b) The proposal is being reviewed through the process established by Chapter 125.
      - (c) The proposal the meets the criteria for PUD approval (see the following sections).
      - (d) The proposed modifications are allowed through the PUD process.
    - (2) Conclusion: The proposed PUD is consistent with the requirements of KZC Chapter 125.

- c. PUD Criterion 2: Any adverse impacts or undesirable effects of the proposed PUD are clearly outweighed by specifically identified benefits to the residents of the city.

(1) Facts:

- (a) The proposed PUD seeks to increase the maximum allowable building height from 35 feet above average building elevation to 49 feet (see Attachment 3, pages 7 through 10). The following is a list of building elements that exceed the allowable 35 feet height limit:

- Educational/library/building core façade along 75th street exceeds allowable height by 8.05 feet.
- Performing arts center on interior of site facing west property line exceeds allowable height by 13.05 feet.

The 49 foot maximum allowable building height request exceeds the current design by about one foot, which allows for a small amount of design contingency.

- (b) The increase in the maximum allowable building height could potentially result in the following impacts:

- Buildings that are incompatible, in terms of size, with neighboring residential uses
- View impacts from 122<sup>nd</sup> Avenue NE

- (c) The applicant has submitted a view analysis from 122<sup>nd</sup> Avenue NE that compares the impacts of a 35 foot tall structure with the proposed structure (see Attachment 3, pages 5 and 6).

- (d) The applicant is proposing the following site design benefits to mitigate the potential impacts:

- The closest structure to west property line is setback approximately 93 feet. The closest structure to the south property line is setback 73 feet.
- The south side of the main structure is located below the center grade of NE 75<sup>th</sup> Street, which helps to screen a portion of the lower story of the structure (see Attachment 3, page 2).
- The new structures result in an overall reduction in the building footprints compared to the existing school.
- Open space will be more contiguous to the north of the school and across the site as compared to the existing school.

- The impervious surface area of the proposed new project is significantly less than the impervious area of the existing site and compared to a design without the proposed PUD.
  - The project will utilize Low Impact Development design elements that will result in improved storm water quality and less impact on the City's storm water system.
  - Vehicular access and parking will be minimized on the south side of the site, which will reduce traffic impacts on 75th Street.
  - The building will focus school and public activities inwardly. Virtually all primary entries and activity spaces are accessed from the north edge of the building or interior courtyard significantly reducing the impact of noise and activity to neighboring properties.
  - Noise currently coming from the roof-top HVAC units will be eliminated. The new building will not have roof-top HVAC units along 75th Street.
  - The proposed building placement and orientation maximizes solar exposure for the classrooms creating a healthier learning environment.
- (e) A 15 foot wide landscape buffer is required along the west property line (see Section II.G.3).

(2) Conclusions:

- (a) The applicant's 122<sup>nd</sup> Avenue view analysis shows that the additional view impacts of the proposed structure are minimal when compared to the view impacts of a structure that could be built under the allowed height limit of 35 feet.
- (b) The adverse impacts or undesirable effects of the proposed PUD have been minimized by a site design that lessens potential development related impacts. To the extent that they remain, the adverse impacts and undesirable effects are outweighed by the PUD benefits, including the reduction in building footprint sizes and overall lot coverage, building placement, utilization of Low Impact Development design elements, and the reduction of traffic impacts on NE 75<sup>th</sup> Street

d. PUD Criterion 3: The applicant is providing one or more of the following benefits to the City as part of the proposed PUD:

- The applicant is providing public facilities that could not be required by the City for development of the subject property without a PUD.
- The proposed PUD will preserve, enhance or rehabilitate natural features of the subject property such as significant woodlands, wildlife habitats or streams that the City could not require the applicant to preserve, enhance, or rehabilitate through development of the subject property without a PUD.
- The design of the PUD incorporates active or passive solar energy systems.
- The design of the proposed PUD is superior in one or more of the following ways to the design that would result from development of the subject property without a PUD:
  - Increased provision of open space or recreational facilities
  - Superior circulation patterns or location or screening of parking facilities
  - Superior landscaping, buffering, or screening in or around the proposed PUD
  - Superior architectural design, placement, relationship or orientation of structure(s)
  - Minimum use of impervious surfacing materials

(1) Facts: The applicant is proposing the following benefits to the City as part of the proposed PUD:

(a) Providing a Public Facility

As part of the project, the applicant is proposing a 400 seat performing arts center as a major component of the new school. The applicant states that the performing arts center “will be a state of the art facility providing a valuable performance venue for the community”. The stage within the theater will have a three quarter height fly loft that will be used for the rigging of lighting and scenery. The fly loft is an important feature of the theatre allowing performance to have scenery changes from overhead and also provides for enhanced acoustics for vocal, orchestra and musicals. The height increase requested under the PUD allows applicant to construct the fly loft and turn what would otherwise be just an auditorium into a significant performing arts center.

(b) Alternative Energy Sources

The design for the high school includes a proposal to utilize a ground loop heating and cooling system that uses the constant temperature of the earth in lieu of nonrenewable resource energies to heat and cool a majority of the facility. A demonstration photovoltaic array is also proposed that will provide information to a learning kiosk as to the availability and power of solar energies in this area and potentially power 4 classrooms.

(c) Superior Location and Buffering of Parking Facilities

- The current site allows access to all parking areas from both 80th and 75th Streets and includes a parking lot with 266 stalls accessed from 75<sup>th</sup> Street.
- A majority of the parking for the new facility has been consolidated to the area north of the building. The proposed site layout includes 12 parking stalls plus two loading stalls accessed from 75th or a reduction of 95% from current site design.
- The majority of the proposed onsite parking stalls are located at the middle of the site and will provide significant landscape screening and distance from neighboring properties.

(d) Superior Landscaping within the Proposed PUD

- Use of Low Impact Development design elements including rain gardens within the parking lots and courtyards that will help to provide onsite water quality treatment and lessen the impact on the City's storm water system.
- Use of mostly northwest native plants to reduce landscape watering demands.
- Use of existing landscaping and new landscaping to provide a Landscape Buffer along the south property line.

(e) Superior Architectural Design, Placement, and Orientation of Structures

- Use of environmentally sensitive materials and landscaping.
- Optimization of solar orientation and location to make significant use of natural sunlight.
- The use of vertical building modulation techniques and compatible building materials to fit within the context of the site.

- Design is integrated into the natural topography of the site.
- The gyms, commons, performing arts center, and library entrances have been sited to allow for community use of the facilities during non school hours.
- All HVAC equipment will be located within the building envelope to reduce noise and visual impacts to neighboring properties.

(f) Minimum Use of Impervious Surfacing Materials

- The applicant is proposing an overall lot coverage of approximately 39.4%. The existing overall lot coverage is approximately 45.5%. The maximum allowed lot coverage is 70%.

(2) Conclusions: The proposed PUD provides a sufficient number of benefits to the City. The PUD will benefit the city by providing a new public facility, a site with superior parking location and buffering, a site with superior landscape design, and structures that have superior architectural design, placement, and orientation to each other and neighboring properties. None of these benefits could be required by the City for development of the subject property without a PUD.

## **G. DEVELOPMENT REGULATIONS**

### 1. School Location Criteria

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

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

b. Conclusions: The proposal is consistent with the criteria established in KZC Section 17.10.030, Special Regulation No. 3 as follows:

- (1) There is an existing school at the site which includes recreational, parking, and other facilities normally associated with a school use. The proposal will not introduce new facilities or activities which would materially impact the character of the neighborhood.
- (2) The school buildings will be relocated on-site in order to allow the existing school buildings to remain in use during construction. The new site and building have been designed to minimize impacts on surrounding residential development by designing the proposed structures to fit with the existing topography of the site, reduction in the footprint of the structures and overall impervious area, elimination of the large parking lots off of NE 75<sup>th</sup> Street, and other onsite improvements.

- (3) The primary access to the site is from NE 80<sup>th</sup> Street, classified as a collector street.

## 2. Building Height

### a. Facts:

- (1) KZC Section 17.10.030, Special Regulation 12 permits the structure height of schools to be increased to up to 35 feet, if:
  - The school use can accommodate 200 or more students; and
  - The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by 1 foot for each additional 1 of structure height; and
  - The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan.
  - The increased height will not result in a structure that is incompatible with surrounding uses or improvements.
- (2) The applicant is requesting to increase the maximum allowed height from 35 feet to 49 feet through the Planned Unit Development Review Process (see Section II.F.2). In order to get a base height of 35 feet, the proposal must comply with the requirements of ZC Section 17.10.030, Special Regulation 12.

### b. Conclusions: The proposal is consistent with the criteria established in KZC Section 17.10.030, Special Regulation No. 12 as follows:

- (1) The proposed school use is designed to accommodate 1,340 students.
- (2) The required setback for a school use is 50 feet. In order to increase the maximum height to 35 feet, the required setback is 55 feet. The closest that a proposed structure is to a property line is 73 feet.
- (3) The South Rose Hill Neighborhood Plan does not contain any policies concerning building heights for the area in which the school is located.
- (4) To help mitigate potential impacts of the increased height the applicant proposes increased setbacks, building modulations, and compatible building materials.

## 3. Landscaping Requirements

### a. Facts:

- (1) KZC Section 17.10.030 requires School Use in a RSX zone to comply with Landscape Category D.
- (2) KZC Section 95.40.4 lists the minimum land use buffer requirements for Landscape Category D. The subject property is surrounded on all sides by residential uses and this section requires the installation of a landscape buffer that complies with Buffering Standard 1. For standard

1, the applicant should provide a 15-foot-wide landscaped strip with a six-foot-high solid screening fence or wall.

- (3) KZC Section 95.40.6.h states that if the subject property is occupied by a school, landscape buffers are not required along property lines adjacent to a street.
- (4) An existing landscape greenbelt easement, recorded in 2000, runs along the west property line.
- (5) The applicant has expressed an interest in pursuing a modification of the buffer requirement. This would require compliance with KZC Section 95.40.6.j, which requires that neighboring property owners approve the modification in writing.

b. Conclusions: Pursuant to KZC Section 95.10, the applicant should install a landscape buffer along the west property line that complies with KZC Section 95.40.4. This requirement could be modified pursuant to requirements of KZC Section 95.40.6.j.

#### 4. Natural Features - Significant Vegetation

a. Facts:

- (1) Pursuant to KZC Section 95.35.2.b.2, the applicant submitted a Tree Plan II for the subject property (see Attachment 6) that focused on trees that could be potentially impacted by development activities.
- (2) The applicant's arborist concluded the following:
  - The majority of the significant trees on the site are in good condition and viable enough to consider incorporating into the required landscaping on the perimeter of the site.
  - Further refinement of the actual protection plan will need to be done after the final design and placement of buildings and improvements are made.
- (3) The City's Urban Forester reviewed the Tree Plan II and agreed with the arborist's conclusions.

b. Conclusions: As part of any development permit, the applicant should submit a revised Tree Plan II that includes a finalized tree protection plan.

#### 5. Pedestrian Connections

a. 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.

- (2) The proposed entrances for the main structure, gym, and performing arts center are located adjacent to the north courtyard. A pedestrian walkway from this courtyard to NE 80<sup>th</sup> Street and the nearest Metro Bus Stop is proposed.
- (3) Pedestrian walkways from the entrance to North Star Junior High and the daycare to NE 75<sup>th</sup> Street are not provided.

b. Conclusions:

- (1) As part of the building permit application, the applicant should submit plans for a pedestrian walkway from the North Star Junior High and daycare entrances to NE 75<sup>th</sup> Street.
- (2) As part of the building permit, the applicant should submit detailed pedestrian walkway plans that comply with KZC Section 105.18.

6. Parking

a. Facts:

- (1) KZC Section 17.10.030 does not establish a required parking ratio for school uses. Instead, it defers to KZC Section 105.25, which authorizes the Planning Official to establish required parking on a case-by-case basis.
- (2) In this case, City staff determined the required number of parking stalls for the school based on a parking analysis prepared by Gibson Traffic Consultants (see Attachment 12) which concludes that the parking demand for the school is 455 stalls. The proposed project will provide a total of 506 parking stalls. Excess parking is being proposed in order to accommodate the classroom building wing that may be added to the north of the gym building in the future.
- (3) The current campus has 650 parking stalls. Of the existing 650 parking stalls, 249 stalls will be eliminated as part of Phase 1 of the project. This would leave 401 stalls for use during Phase 1.

b. Conclusions:

- (1) The proposed parking supply in the current design is adequate to serve the school use.
- (2) As part of the land surface modification permit submittal, the applicant should provide a plan to accommodate adequate parking during Phase I of the project.

7. Site Lighting

- a. Facts: KZC Section 115.85 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. The current submittal does not contain a detailed lighting plan that would show the location, height, fixture type, and wattage of proposed lights.

- b. Conclusion: As part of its building permit application, the applicant should provide 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**

### 1. Facts:

- a. The subject property is located within the South Rose Hill neighborhood. The South Rose Hill Neighborhood Land Use Map designates the subject property as a public facility use (see Attachment 13).
- b. The South Rose Hill Neighborhood Open Space/ Parks Section states that to the maximum extent possible, the Lake Washington School District should allow public access and maintain and enhance open space and recreation facilities, like ballfields, when redevelopment or expansion occurs at the high school or elementary school.
- c. The stadium, tennis courts and ball fields will remain the same and are not a part of this project. The one exception is that the ball fields will be used temporarily for student parking and construction storage during construction. They will be restored to their existing conditions in phase II.

2. Conclusion: The proposal is consistent with the public facility use designation and the South Rose Hill Neighborhood Open Space/ Parks Section within the Comprehensive Plan.

## **I. DEVELOPMENT STANDARDS**

1. Fact: Additional comments and requirements placed on the project are found on the Development Standards, Attachment 5.
2. Conclusion: The applicant should follow the requirements set forth in Attachment 5.

## **III. 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.

#### **IV. 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.

#### **V. LAPSE OF APPROVAL**

The applicant must submit to the City a complete building permit application approved under Chapter 125 within four (4) years after approval of the Final PUD, or the lapse provisions of Section 152.115 will apply. Furthermore, the applicant must substantially complete construction approved under Chapter 125 and complete the applicable conditions listed on the Notice of Approval within six (6) years after approval of the Final PUD, or the decision becomes void.

**VI. APPENDICES**

Attachments 1 through 13 are attached.

1. Vicinity Map
2. Project Description, PUD Criteria Response, and Building Height Calculations
3. Color Site Plan, Elevation Drawings, and 3D Visualization Images
4. Development Plans
5. Development Standards
6. Tree Plan II prepared by Elizabeth Walker of Sound Tree Solutions
7. Letter from Manuel Cervantes
8. Email from Christy Kucinski
9. Email from Ann and Tom Drews
10. SEPA Determination and Checklist
11. Concurrency Memo from Thang Nguyen, Transportation Engineer
12. Traffic Memo prepared by Gibson Traffic Consultants dated November 20, 2007
13. South Rose Hill Neighborhood Land Use Plan

**VII. PARTIES OF RECORD**

Applicant: Matt Lane, McGranahan Architects, 2111 Pacific Avenue, Suite 100, Tacoma, WA 98402  
Property Owner: David Zeitlin, Lake Washington School District, 15212 NE 95<sup>th</sup> Street, Redmond, WA 98052  
Party of Record: Manuel Cervantes, 11709 NE 75<sup>th</sup> Place, Kirkland, WA 98033  
Party of Record: Christy Kucinski, 7316 128<sup>th</sup> Avenue NE, Kirkland, WA 98033  
Party of Record: Tom and Ann Drews, 12017 75<sup>th</sup> Street, Kirkland, WA 98033  
Department of Planning and Community Development  
Department of Public Works  
Department of Building and Fire Services

A written recommendation will be issued by the Hearing Examiner within eight calendar days of the date of the open record hearing.