



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

MEMORANDUM

To: Houghton Community Council

From: Nancy Cox, AICP, Development Review Manager
Angela Ruggeri, AICP, Senior Planner

Date: May 15, 2012

Subject: Amendment to Best High School Master Plan to include Northstar Middle School to Relocation to Best Campus, PCD File No. ZON12-00006

RECOMMENDATION

The Houghton Community Council should take final action on Resolution R-4922 (see Enclosure 1). On May 15, 2012 the City Council adopted Resolution R-4922 approving the amendments to the Master Plan Permit (ZON12-00006) as recommended by the Kirkland Hearing Examiner, except that the Hearing Examiner's recommended condition No. 7 was amended to limit the School District's contribution, in addition to impact fees, to a maximum of \$31,213. The City Council packet for their May 15 meeting can be found at the following link:

http://www.kirklandwa.gov/Assets/City+Council/Council+Packets/051512/11b_NewBusiness.pdf

The Houghton Community Council can proceed under one of the following options:

1. Approve the application. A majority of the entire membership of the Houghton Community Council could vote by resolution to approve the project as granted by the City Council.
2. Disapprove the application. A majority of the entire membership of the Community Council could vote by resolution to disapprove the application.
3. Take No Action. Resolution R-4922 goes into effect if no action is taken by the Houghton Community Council within 60 calendar days of the City Council adoption date of Resolution R-4922.

A resolution (HCC Resolution 2012-5) to approve the project as granted by the City Council is enclosed (see Enclosure 2).

BACKGROUND DISCUSSION

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.

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 proposal include the following:

- Removal of the southern portion of the main parking lot including the loss of 32 parking stalls.
- 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 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 Hearing

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 three individuals testified during the hearing.

Houghton Community Council Recommendation

On April 9th, the Houghton Community Council deliberated and drafted a recommendation to the Hearing Examiner. 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. The Hearing Examiner agreed with 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. 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 impact fees.

Council Decision: The Council agreed that the total contribution by LWSD should be capped at \$35,000. The condition by the Hearing Examiner was 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 will be a total of \$35,000.

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 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 challenges any condition that is 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.

Council Decision: The Council left Hearing Examiner Recommendation #4 as 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. Resolution R-4922
2. Approval Resolution 2012-5

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 has 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, said 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 heretofore 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

RESOLUTION 2012-5

A RESOLUTION OF THE HOUGHTON COMMUNITY COUNCIL APPROVING RESOLUTION R-4922 ADOPTED BY THE KIRKLAND CITY COUNCIL ON MAY 15, 2012, RELATING TO LAND USE; APPROVING A PROCESS IIB PERMIT AS APPLIED FOR BY THE LAKE WASHINGTON SCHOOL DISTRICT IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON12-00006 AND SETTING FORTH CONDITIONS OF APPROVAL.

WHEREAS, the Houghton Community Council has received Resolution R-4922 from the Kirkland City Council approving a Process IIB Permit filed by the Lake Washington School District as Department of Planning and Community Development File No. ZON12-00006 for amendments to the BEST School Master Plan to move Northstar Middle School to the BEST School site; and

WHEREAS, the adoption of Resolution R-4922 is subject to the disapproval jurisdiction of the Houghton Community Council, pursuant to Ordinance 2001, and shall become effective within the Houghton Community Municipal Corporation either upon approval by the Houghton Community Council or by the failure of the Community Council to disapprove within 60 days of the date of the adoption of Resolution R-4922; and

WHEREAS, the subject matter of Resolution R-4922 was the focus of a public hearing before the Houghton Community Council on March 26, 2012; and

WHEREAS, the subject matter of Resolution R-4922 was reviewed and discussed by the Houghton Community Council at a meeting held on April 9, 2012 and at which meeting the Houghton Community Council provided its recommendations, and

WHEREAS, the subject matter of Resolution R-4922 will serve the interests and promote the health, safety, and welfare of the Houghton Community Municipal Corporation;

NOW, THEREFORE, be it resolved that Resolution R-4922 is hereby approved and effective within the Houghton Community Municipal Corporation.

PASSED by majority vote of the Houghton Community Council in regular, open meeting this _____ day of _____, 2012.

SIGNED IN AUTHENTICATION thereof this _____ day of _____, 2012.

Chair, Houghton Community Council

City Clerk