



CITY OF KIRKLAND
Planning and Building Department
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ADVISORY REPORT
FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

To: Kirkland Hearing Examiner

From:  Christian Geitz, Project Planner

 Adam Weinstein, AICP, Planning and Building Director

Date: May 15, 2019

File: Lake Washington High School Master Plan, ZON18-00783

Hearing Date and Place: May 22, 2019, 7:00 p.m.
Peter Kirk Room
123 Fifth Avenue, Kirkland

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INTRODUCTION

A. APPLICATION

1. Applicant: Ina Holzer, Lake Washington School District
2. Site Location: Lake Washington High/ Northstar Junior High School Campus at 12033 NE 80th Street (see Attachment 1)
3. Request: Application for approval of a Master Plan for the Lake Washington High and Northstar Junior High School campus. The proposal includes the following improvements (see Attachments 2 and 3):
 - a. Classroom addition: 45,000 SF north of existing auditorium building, includes 20 classrooms, shared instruction areas, and associated support spaces.
 - b. Gymnasium Building Addition: 13,000 SF addition to the north side of the gymnasium building to include a 12,000 SF basketball court space and bleacher area and an 1,800 SF locker room expansion.
 - c. Commons addition: 4,000 SF student commons area connected to the existing main building and gymnasium building.
 - d. Portable classroom removal: Removal of 12 portable classrooms and accessory structures currently located north of the existing gymnasium building. The portable buildings are located over existing parking lot space.
 - e. Parking lot expansion: Addition of up to 94 parking stalls to the northern end of the existing western parking. The project will recapture 72 parking stalls with the portable classroom removal.
4. Review Process: Process IIB, Hearing Examiner conducts public hearing and makes recommendation; City Council makes final decision.
5. Summary of Key Issues and Conclusions:
 - Compliance with Zoning Permit Approval Criteria (see Section II.F.1)

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 4, 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 4, the condition of approval shall be followed.

2. As part of the land surface modification and building permit submittals, the applicant shall:
 - a. Submit plans consistent with the parking design providing a minimum of 520 parking stalls (see Conclusion II.G.2(b)(1)).
 - b. Follow the proposed phasing and staging plan found in Attachment 15 (see Conclusion II.G.2(b)(1)).
 - c. Provide parking to meet the required minimum parking demand during construction as established by TENW and confirmed by the City's Transportation Engineer (see Conclusion II.G.2(b)(3)).
 - d. 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.3).
3. Prior to construction of the proposed 45,000 SF Phase II Classroom Addition, the applicant shall complete the installation of the 51-stall parking lot addition approved as a Minor Modification to the previous Master Plan (see Conclusion II.G.2(b)(2)).
4. Prior to occupancy, the applicant shall:
 - a. Follow the established parking supply plan and complete the installation of parking stalls as proposed by TENW and approved by the City's Transportation Engineer (see Conclusion II.G.2(b)(4)).
 - b. Remove the existing classroom portables and restore the underlying 72 parking stalls (see Conclusion II.G.2(b)(5)).

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 School 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: The site slopes gradually from the east to west, with significant slopes along the western property line and gradual slopes along the northern and southern property lines. The proposed additions are centrally located where the existing grade is essentially flat.
 - (5) Vegetation: The subject property contains numerous significant trees and recently planted trees from the 2007 Master Plan development. The applicant's arborist identified no significant trees existing within the proposed construction areas (see Attachment 5).

b. Conclusions:

- (1) Size and land use are not relevant factors in the review of this application.
- (2) The topography of the property is not a relevant factor in the review of this application. The proposed development will maintain a consistent building height and proposes to install all new building additions within the interior of the subject property.
- (3) Zoning is a relevant factor in the review of this application, since 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 not factors in the review of the proposed development.

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 (Low Density Residential). 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 application.

B. HISTORY

In July of 2008, the City approved a Master Plan and Planned Unit Development (PUD) for the existing campus. The 2008 Master Plan and PUD approval was required to permit the current campus redevelopment of the school.

In April of 2019, the Lake Washington School District submitted a Minor Modification request for the Master Plan, proposing to install an additional parking lot in the northwest portion of the site, adding on to the existing surface grade lot. The proposal included the addition of up to 94 parking stalls, with a total of 51 proposed for installation prior to September 2019 and 43 proposed as additional stalls in the future. On May 1, 2019, the Planning and Building Department approved the Minor Modification to allow the additional parking (see Attachment 6).

C. PUBLIC COMMENT

The formal public comment period for the project ran from February 21, 2019 to March 11, 2019. Pursuant to KZC 150.35, a Process IIA Staff Report must include all comments received by the City prior to distribution of the staff report. The Planning Department received one comment on the project, included as Attachment 7. The primary concern related to development standards administered by the Public Works Department. Staff has provided responses within Attachment 8 relative to the comments. Through the development standards identified in Attachment 4, the applicant will be required to comply with utility and public right-of-way improvement standards.

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 Non-significance (DNS) was issued by the Lake Washington School District on March 21, 2019. The Environmental Checklist and Determination are included as Attachment 9.
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 November 1, 2018 (see Attachment 10). A notice of Concurrency Test was posted March 19, 2019 (see Attachment 11).
2. Conclusion: The applicant and City have satisfied Concurrency requirements.

F. APPROVAL CRITERIA

1. Master Plan
 - a. Facts:
 - (1) Kirkland Zoning Code (KZC) Section 15.20.130, Permitted Use Special Regulation 2, 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 and a narrative proposal that show building locations and dimensions, roadways, utility locations, land uses within the Master Plan area, parking locations, buffering, and landscaping (see Attachments 2 and 3).
 - (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.
 - b. Conclusions:
 - (1) The application complies with the Master Plan requirements outlined in KZC Section 15.20.130 Permitted Use Special Regulation 2 (see Section II.G.1).
 - (2) The proposal complies with the criteria in KZC Section 152.70.3. It is consistent with all applicable development regulations (see Section II.G) and the Comprehensive Plan (see Section II.H). The proposal is consistent with the public health, safety, and welfare requirements. The project will provide the community with a more sustainable permanent structure and an improved school capacity for the education of the community, while minimizing impacts on the surrounding neighborhood.

G. DEVELOPMENT REGULATIONS

1. School Location Criteria

- a. Facts: KZC Section 15.20.130 Permitted Use Special Regulation 4, states that a school use may be located in a RS zone only if:
 - (1) It will not be materially detrimental to the character of the neighborhood in which it is located.
 - (2) Site and building design minimizes adverse impacts on surrounding residential neighborhoods.
 - (3) The property is served by a collector or arterial street.
- b. Conclusions: The proposal is consistent with the criteria established in KZC Section 15.20.130 Permitted Use Special Regulation 4 as follows:
 - (1) There is an existing school at the site that 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 new site plan and building have been designed to minimize impacts on surrounding residential development by designing the proposed structure with substantial setbacks from adjoining residential properties. The project includes the expansion of the existing parking lot to support increased student population.
 - (3) The primary access to the site is from NE 80th Street, classified as a collector street.

2. Parking

- a. Facts:
 - (1) KZC Section 15.40.130 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) The applicant provided a complete parking analysis prepared by Transportation Engineering NorthWest (TENW) (see Attachment 12). The current site provides a total of 512 parking stalls.
 - (3) The parking study was reviewed by the City's Transportation Engineer. The City determined the required number of parking stalls for the full buildout of the proposed phases, intending to accommodate 2,000 students, is 520 stalls (see Attachment 13).
 - (4) The applicant proposes to develop the project through multiple phases, each involving the addition or removal of parking stalls. At final buildout, the project proposes to provide a total of 520 to 563 parking stalls (see detail image 6 of Attachment 14).
 - (5) The existing parking demand for the site during the school year is 401, based on the current enrollment of 1,541 students. The existing parking demand for the site during the summer is 100 stalls. During construction of the school, the onsite parking supply will fluctuate as listed in Attachment 12.

- (6) The applicant has submitted a phasing and staging plan identifying the parking supply throughout the project (see Attachment 15).
- (7) The City's Transportation Engineer has reviewed the proposed development plan and identified the project will provide a minimum of 401 stalls during the school year and 100 during summer months (see Attachment 13).
- (8) A Minor Modification to the 2007 Master Plan was approved on May 2, 2019 for the addition of 51 parking stalls (see Attachment 6). The minor modification proposed the addition of up to 94 additional stalls, allowing flexibility for the District to construct as needed in the future. The minor modification was needed to provide time for the applicant to construct the stalls prior to beginning construction on the Phase II classroom addition.
- (9) The Phase II classroom addition will eliminate a total of 117 stalls (see detail 2 of Attachment 14). The loss of the 117 stalls, with the completion of the 51 stalls approved with the Minor Modification, will provide a parking supply of 446 stalls.
- (10) The Phase II portable classroom removal is scheduled to be completed simultaneously with the classroom addition. The portable removal will provide an additional 72 parking stalls required to achieve the minimum 520 stalls.

b. Conclusions:

- (1) As part of the land surface modification and building permit submittals, the applicant should submit plans consistent with the parking design providing a minimum of 520 parking stalls and follow the proposed phasing and staging plan found in Attachment 15.
- (2) Prior to construction of the Phase II classroom addition, the applicant should complete the addition of the 51 stalls approved under the minor modification.
- (3) At no time during construction should the subject property provide fewer than 401 parking stalls during the school year or 100 during the summer months.
- (4) Prior to occupancy of all phases, the applicant should follow the established parking supply plan and comply with the required parking requirement established by TENW and approved by the City's Transportation Engineer.
- (5) Prior to occupancy of the classroom addition, the portable classrooms should be removed, and the underlying 72 parking stalls made available.

3. 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. Fact: 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 16).
2. Conclusion: The proposal is consistent with the public facility use designation.

I. DEVELOPMENT STANDARDS

1. Fact: Additional comments and requirements placed on the project are found on the Development Standards, Attachment 4.
2. Conclusion: The applicant should follow the requirements set forth in Attachment 4.

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

Under KZC 152.115 of the Zoning Code, the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within five (5) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC, KZC 152.110, the running of the five (5) 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.

The applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within seven (7) years after the final approval on the matter, or the decision becomes void.

VI. APPENDICES

Attachments 1 through 16 are attached.

1. Vicinity Map
2. Proposed Plans
3. Proposed Project Narrative
4. Development Standards
5. Tree Plan
6. 2019 Minor Modification Approval
7. Public Comment
8. City Response to Comment
9. SEPA Determination and Environmental Checklist
10. Concurrency Test Memo
11. Concurrency Test Notification
12. Transportation Engineering NorthWest (TENW) Report
13. City Transportation Engineer Memo
14. Parking Development Plan
15. Staging and Phasing Plan
16. South Rose Hill Comprehensive Plan Map

VII. PARTIES OF RECORD

Applicant, Ina Holzer, LWSD
Planning and Building Department
Department of Public Works

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