





CITY OF KIRKLAND
Planning and Building Department
123 5th Avenue, Kirkland, WA 98033
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ADVISORY REPORT
FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

To: Kirkland Hearing Examiner

From:  Tony Leavitt, Project Planner
 Adam Weinstein, AICP, Planning and Building Director

Date: March 23, 2020

File: Ben Franklin Elementary Master Plan Amendment, ZON19-00741

Hearing Date and Place: April 6, 2020; 7:00 p.m.
Public Teleconference

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INTRODUCTION

A. APPLICATION

1. Applicant: Karen Wood of Mahlum Architects, Lake Washington School District
2. Site Location: Ben Franklin Elementary School at 12434 NE 60th Street (see Attachment 1)
3. Request: Application for approval of an amendment of an existing Master Plan for the Ben Franklin Elementary School. The proposal includes the following improvements (see Attachment 2):
 - a. Phase I: Two separate two-story classroom additions to the existing building. Each addition will be approximately 6,580 square feet and accommodate 4 classrooms.
 - b. Phase II: 6,850 square foot gymnasium addition or 1,800 square foot dining commons addition to accommodate additional student capacity.
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 3, 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 3, the condition of approval shall be followed.
2. As part of the building permit application, the applicant shall:
 - a. Submit plans to install 3 onsite parking stalls (see Conclusion II.G.3).
 - b. 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.4).
 - c. Submit a final tree retention plan (see Conclusion II.G.5).

II. FINDINGS OF FACT AND CONCLUSIONS

A. SITE DESCRIPTION

1. Site Development and Zoning:
 - a. Facts:
 - (1) Size: 9.70 Acres
 - (2) Land Use: The subject property contains the existing Ben Franklin Elementary School.
 - (3) Zoning: The subject property is zoned RSX 35 (Residential Single-

family)). A 'School Use' is an allowed use, subject to approval of a Master Plan, within this zone.

- (4) Terrain: The site is relatively flat with a slight upward grade change from west to east.
- (5) Vegetation: The subject property contains numerous significant trees along the perimeter of the site and in the northern portion of the site. The applicant's arborist and the City's Urban Forester identified the removal of 7 significant trees on the site as part of the project.

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.
- (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 is a factor in the review of the proposed development (see Section II.F.5)

2. Neighboring Development and Zoning:

- a. Facts: All of the neighboring properties are zoned RSX 7.2 or RSX 35 and developed with single-family residences. A small portion of the site adjoins the Central Park Tennis Club to the south.
- b. Conclusion: The neighboring zoning and development and are factors in the review of the proposed Master Plan application.

B. HISTORY

1. Facts:

- a. In 2003, the City approved a Master Plan for the existing school. The Master Plan approval was required to permit the complete redevelopment of the school and associated sitework.
- b. In 2007, the Lake Washington School District submitted a Minor Modification request for the Master Plan to allow for the development of a City Park in the rear portion of the site.

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

C. PUBLIC COMMENT

The initial public comment period for the project ran from February 6, 2020 to February 25, 2020. 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 no comments during the initial comment period.

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 February 28, 2020. The Environmental Determination and Checklist are included as Attachment 4.

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 October 28, 2019 (see Attachment 5).
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).
 - (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 additional classroom and amenity space for the education of the community, while minimizing impacts on the surrounding neighborhood.

G. DEVELOPMENT REGULATIONS

1. School Location Criteria
 - a. Facts:
 - (1) KZC Section 15.20.130 Permitted Use Special Regulation 4, states that a school use may be located in a RSX zone only if:
 - (a) It will not be materially detrimental to the character of the

neighborhood in which it is located.

- (b) Site and building design minimize adverse impacts on surrounding residential neighborhoods.
 - (c) The property is served by a collector or arterial street (does not apply to existing school sites).
- (2) The site contains an existing school that includes recreational, parking, and other facilities normally associated with a school use.
 - (3) The north classroom addition is located near the northwest corner of the existing building. The structure will be screened from neighboring residential properties by a tree grove to the north and west and the existing building to the south and east.
 - (4) The south classroom addition is located on near the central west portion of the existing building. The structure will be screened from neighboring residential properties by a tree grove to the north and the existing building to the south and east. The setback from the west property line is approximately 165 feet.
 - (5) The gymnasium addition is located on near the northeast corner of the existing building. The structure will be screened from neighboring residential properties by a tree grove to the north and the existing building to the south and west. The setback from the east property line is 50 feet. An existing landscape buffer along the east property line will help to screen the building.
 - (6) The proposed additions have been designed to use the same materials as the existing building.
 - (7) NE 60th Street is designated as a collector 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) The proposal will not introduce new facilities or activities which would materially impact the character of the neighborhood.
 - (2) The site plan and building additions have been designed to minimize impacts on surrounding residential development by designing the proposed structure with substantial setbacks and utilizing existing landscaping to screen the additions. Additionally, the proposed additions have been designed to use the same materials as used on the existing building which help to create a consistent building design.
 - (3) The property is served by two collector streets.

2. Building Height

a. Facts:

- (1) The RSX 35 zone has a maximum height of 30 feet above average building elevation (ABE) for a school use.
- (2) KZC Section 15.03.130, Density Dimensions Special Regulation 31 permits the structure height of schools to be increased to up to 35 feet, if:
 - (a) The school use can accommodate 200 or more students;

and

- (b) 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
 - (c) The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
 - (d) The increased height will not result in a structure that is incompatible with surrounding uses or improvements.
- (3) The proposed gymnasium addition and north classroom addition will comply with the 30-foot height limit.
 - (4) The applicant is requesting to increase the maximum allowed height from 30 feet to 35 feet for the proposed south classroom addition. A portion of the proposed roof exceeds the height limit by less than 1 foot.
 - (5) The proposed school use is designed to accommodate 683 students.
 - (6) The required setback for a school use is 50 feet. In order to increase the maximum height to 35 feet for the north classroom addition, the required setback is 55 feet.
 - (7) The proposed north classroom addition is approximately 215 feet from the west property line and 185 feet from the east property line.
 - (8) There are no applicable Bridle Trails neighborhood plan provisions in the Comprehensive Plan that limit increased height of schools.
 - (9) Neighboring residential uses are allowed a maximum building height of 30 feet above average building elevation.

b. Conclusions:

- (1) The proposal is consistent with the criteria established in KZC Section 15.03.130; Density Dimensions Special Regulation 31. The proposal complies with Criterion A, B, and C.
- (2) The proposal complies with Criterion D as the increase in height is not incompatible with surrounding uses or improvements given distance from neighboring residences, height and design of existing school building, and minor nature of the height increase.

3. 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 City's Transportation Engineer has concluded that the required parking ratio should be 0.10 parking spaces per student (see Attachment 6). Based on the maximum capacity of 683 students, the required number of parking stalls is 69 stalls.

- (3) The site currently contains 66 parking stalls.
 - b. Conclusion: As part of the building permit application, the applicant should submit plans to install 3 onsite parking stalls.
4. 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.
5. Natural Features- Significant Landscaping
- a. 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 retention value to the extent feasible and those with high retention value to the maximum extent possible.
 - (2) The applicant has submitted an arborist report prepared by a certified arborist (see Attachment 7) and a tree retention plan (see Attachment 2, Sheet MP-L4.00).
 - (3) Tree removal is concentrated in the interior of the site including removal around the northern portion of the existing building.
 - b. Conclusion: As part of building permit application, the applicant should submit a final tree retention plan.

H. COMPREHENSIVE PLAN

- 1. Fact: The subject property is located within the Bridle Trails neighborhood. The Bridle Trails Neighborhood Land Use Map designates the subject property as a public facility use (see Attachment 8).
- 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 3.
- 2. Conclusion: The applicant should follow the requirements set forth in Attachment 3.

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 8 are attached.

1. Vicinity Map
2. Proposed Plans
3. Development Standards
4. SEPA Determination and Environmental Checklist

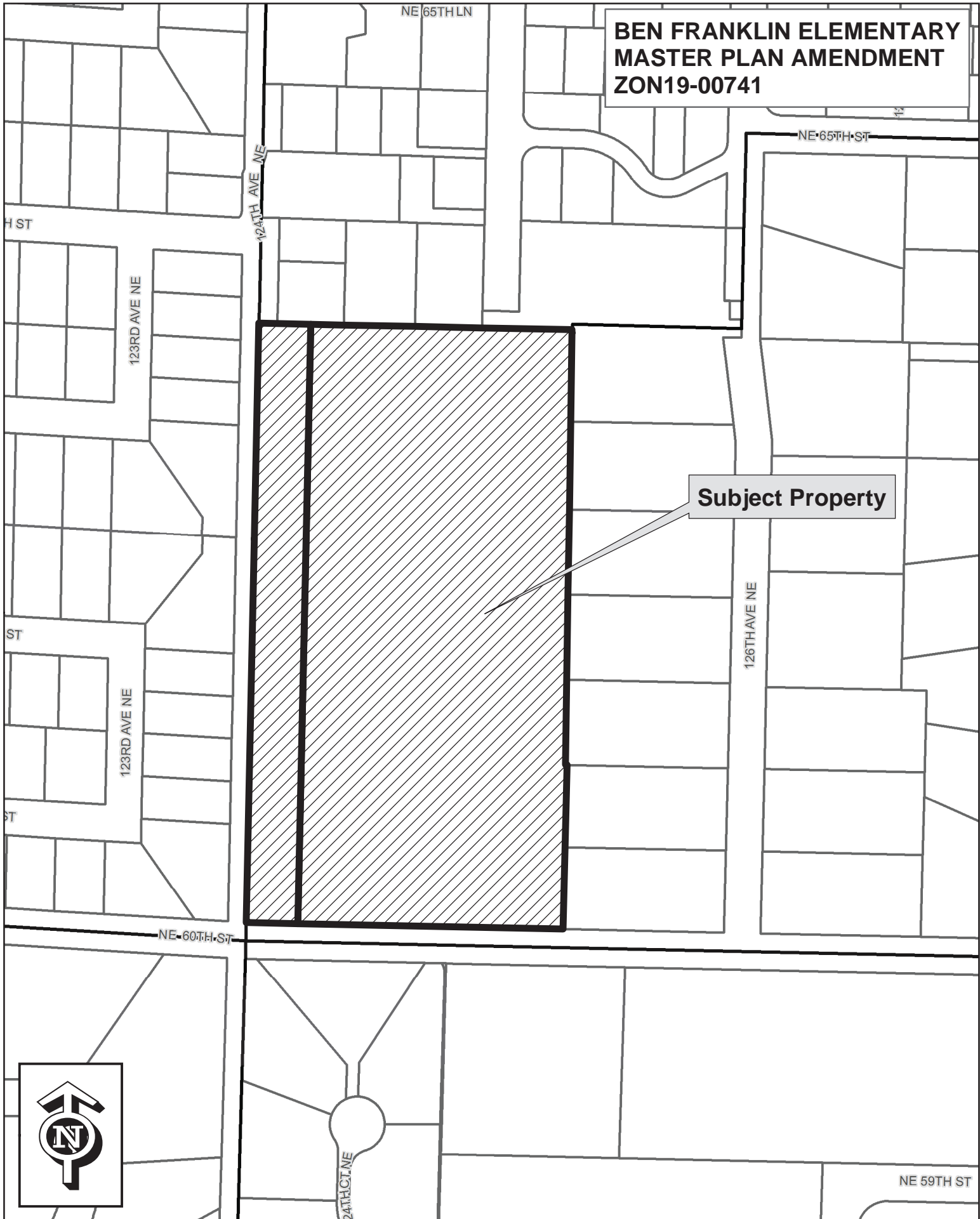
5. Concurrency Test Memo
6. Transportation Review Memo
7. Arborist Report
8. Bridle Trails Comprehensive Plan Map

VII. PARTIES OF RECORD

Applicant
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.

**BEN FRANKLIN ELEMENTARY
MASTER PLAN AMENDMENT
ZON19-00741**



mahlum

71 COLUMBIA | FLOOR 4
SEATTLE WA 98104
(206) 441-4151 OFFICE
(206) 441-0476 FAX

1231 NW HOYT | SUITE 102
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(503) 224-4032 OFFICE
(503) 224-0918 FAX

MAHLUM ARCHITECTS INC.



LAKE WASHINGTON SCHOOL
DISTRICT

BENJAMIN FRANKLIN
ELEMENTARY ADDITION -
CLASSROOM ADDITION

12434 NE 60th St, Kirkland, WA 98033,
Kirkland



**BENJAMIN FRANKLIN ELEMENTARY ADDITION -
CLASSROOM ADDITION**
LAKE WASHINGTON SCHOOL DISTRICT
12434 NE 60th St, Kirkland, WA 98033, Kirkland

MASTER PLAN
20 DECEMBER 2019

MARK	DATE	DESCRIPTION
ISSUE DATE:	20 DECEMBER 2019	MASTER PLAN
ISSUE:		
PROJECT NO.	2019061	
DRAWN BY:	JS	
CHECKED BY:	KW	
DATE OF REVIEW:	2019.12.20	REVIEWED BY: KW

COVER SHEET

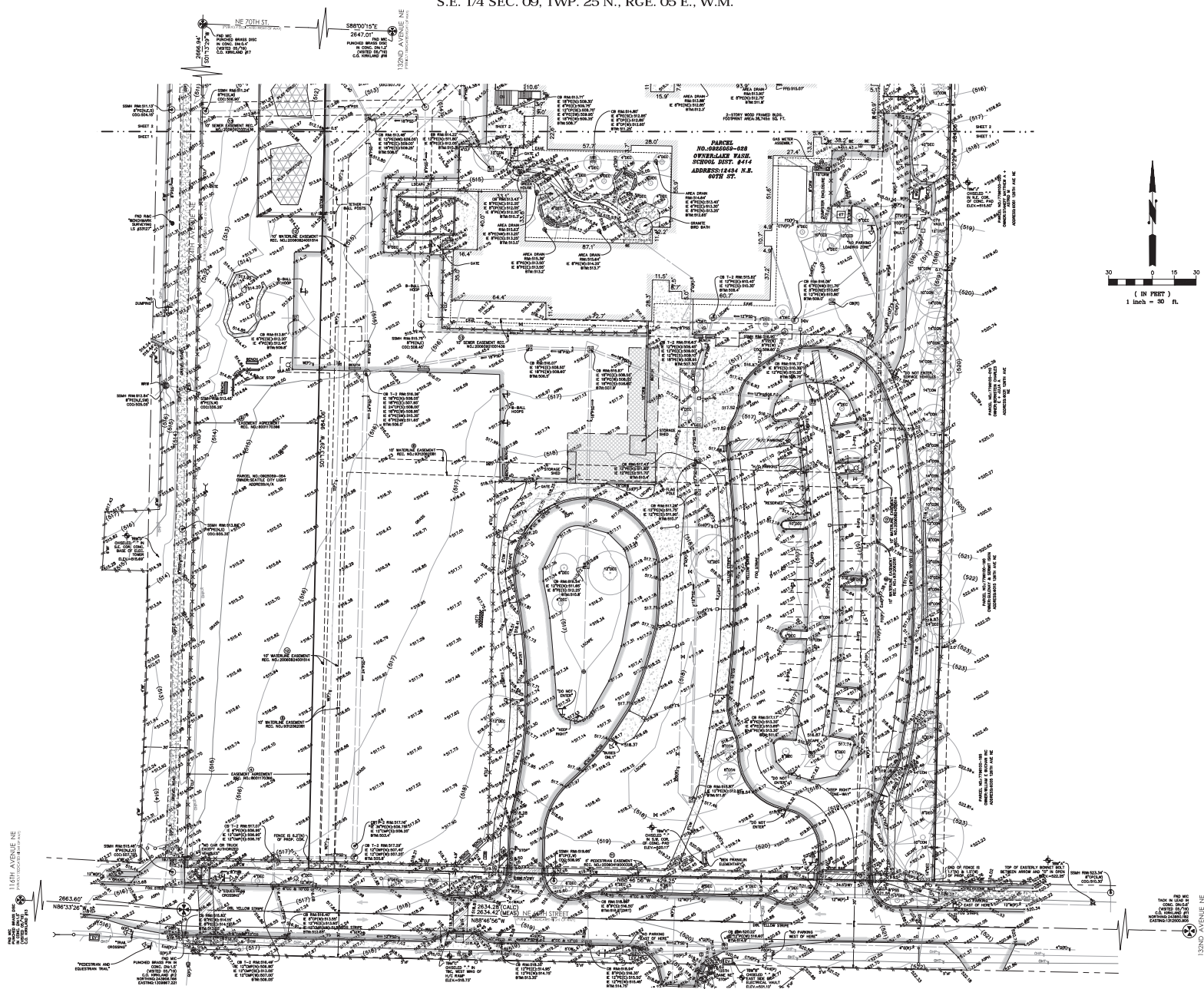
MP-G-001

WEST ELEVATION - MAXIMUM BUILDING HEIGHT DIAGRAM - MP

A4 SITE PLAN - LAND USE - MF

S.E. 1/4 SEC. 09, TWP. 25 N., RGE. 05 E., W.M.

CONFIDENTIAL
ATTACHMENT 2



1



BUSH, ROED & HITCHINGS, INC.
AND SURVEYORS & CIVIL ENGINEERS

[illegible]

BOUNDARY AND TOPOGRAPHIC SURVEY
 EN FRANKLIN ELEMENTARY SCHOOL
 LAKE WA. SCHOOL DISTRICT #414
 CITY OF KIRKLAND RING COUNTY WASHINGTON

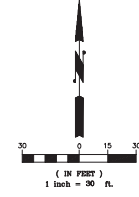
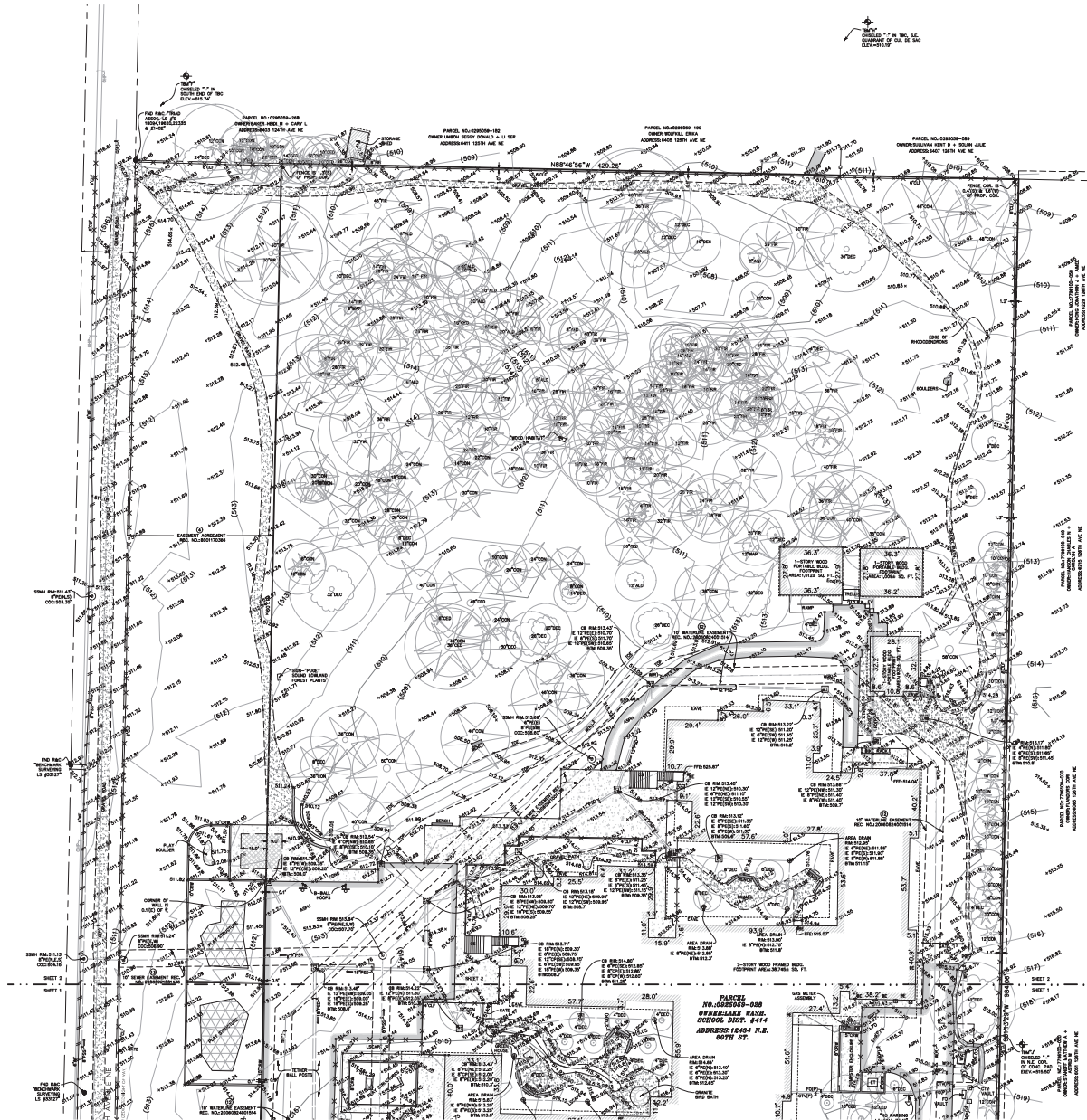
drawn by	checked by
ABW	JMH

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job no.	
2019102.00	

sheet 1 of 3

S.E. 1/4 SEC. 09, TWP. 25 N., RGE. 05 E., W.M.

CON19-00741
ATTACHMENT 2



BUSH, ROED & HITCHINGS, INC.
LAND SURVEYORS & CIVIL ENGINEERS
2009 325-4144
1-800-835-0008
SEATTLE, WASHINGTON
FAX# (206) 325-7135



DATE	BY	REVISION

BOUNDARY AND TOPOGRAPHIC SURVEY
BEN FRANKLIN ELEMENTARY SCHOOL
LAKE WA. SCHOOL DISTRICT #414
CITY OF KIRKLAND KING COUNTY WASHINGTON

Drawn by: ABW
Checked by: JMH
Scale: 1" = 30'
Date: 07/31/19
Sheet: 2 of 3

24"x36" 8/12/2019 11:20:02 SURVING\DWG\VS-SUB-00.DWG

mahlum

711 COLLEMBY | PLOUGH
SEATTLE WA 98104
(206) 441-4151 OFFICE
(206) 441-0478 FAX

1231 NW HOYT | SUITE 100
PORTLAND OR 97209
(503) 224-4002 OFFICE
(503) 224-0918 FAX

MAHLUM ARCHITECTS INC.

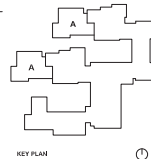


FOR REFERENCE
ONLY

LAKE WASHINGTON SCHOOL
DISTRICT

BENJAMIN FRANKLIN
ELEMENTARY ADDITION -
CLASSROOM ADDITION

12434 NE 60th St, Kirkland, WA 98033,
Kirkland



COUGHLIN|PORTER|LUNDEN

STRUCTURAL CIVIL ENGINEERING

10000 1st Avenue NE, Suite 200, Kirkland, WA 98033

MARK DATE: 06/20/2019

ISSUE DATE: 20 DECEMBER 2019

ISSUE: MASTER PLAN

PROJECT NO: C19000041

DRAWN BY: JAS

CHECKED BY: BSB

CIVIL SITE PLAN

MP-C-001

Call before you dig 8-1-1

or 206-462-4000

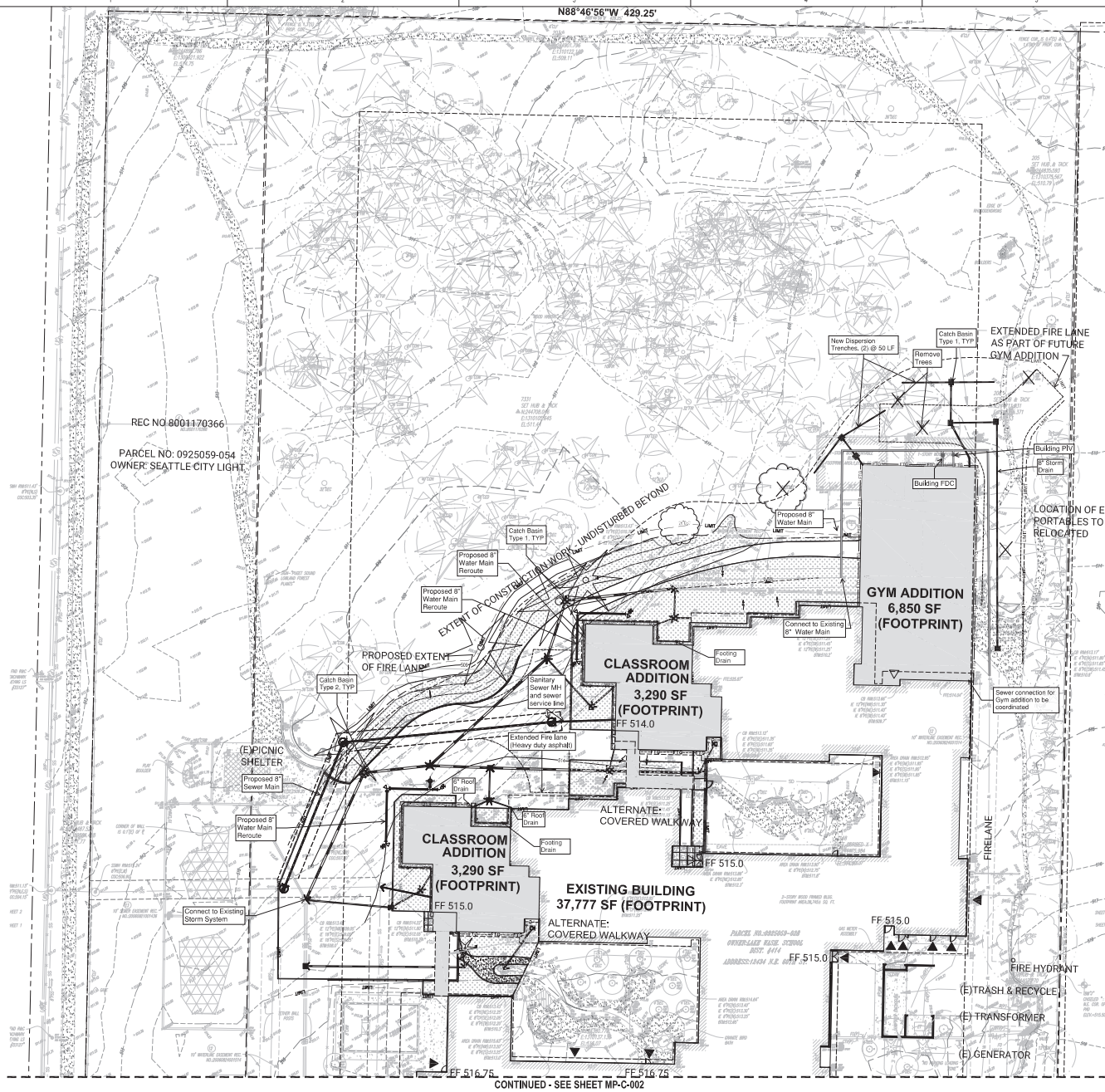
for underground utilities



SCALE 1"=20'

Legend

	PROPERTY LINE
	ASPHALT PAVEMENT
	CONCRETE PAVEMENT
	GRAVEL
	CONCRETE RETENTION WALL
	CONCRETE CURB
	STORM DRAIN
	SANITARY SEWER
	WATER MAIN
	FIRE HYDRANT
	WATER VALVE
	WATER METER



CONTINUED - SEE SHEET MP-C-002

mahlum

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MAHLUM ARCHITECTS INC



FOR REFERENCE ONLY

LAKE WASHINGTON SCHOOL DISTRICT

BENJAMIN FRANKLIN
ELEMENTARY ADDITION -
CLASSROOM ADDITION

12434 NE 60th St, Kirkland, WA 98033,
Kirkland



KEY PLAN



COUGHLIN|PORTER|LUNDEEN

STRUCTURAL CIVIL ENGINEERING

DATE: 12/16/2019

MARK DATE: 12/16/2019

ISSUE DATE: 20 DECEMBER 2019

ISSUE: MASTER PLAN

PROJECT NO: C19000041

DRAWN BY: JAS

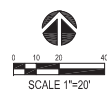
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CIVIL SITE PLAN

MP-C-002

CONTINUED - SEE SHEET MP-C-002

Call before you dig 8-1-1
800-4-A-DIG
UNSUBSIDIZED SERVICE LINE



Legend

- | | |
|--|-------------------------|
| | PROPERTY LINE |
| | COMPACT PAVEMENT |
| | CONCRETE PAVEMENT |
| | GRAVEL |
| | CONCRETE RETAINING WALL |
| | CONCRETE CURB |
| | STORM DRAIN |
| | CATCH BASIN |
| | SANITARY SEWER |
| | WATER MAIN |
| | FIRE HYDRANT |
| | WATER VAULT |

EXISTING PARKING STATISTICS
REGULAR PARKING STALLS: 41
PARALLEL STALLS: 20
ADA STALLS: 3
TOTAL: 64

Two additional parking stalls
in this area to be
coordinated with Lake
Washington School District

