

CITY OF KIRKLAND Planning and Building Department 123 5th Avenue, Kirkland, WA 98033 425.587.3600 - www.kirklandwa.gov

ADVISORY REPORT FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

To:	Kirkland Hearing	Examine

From:

all

Tony Leavitt, Project Planner

Adam Weinstein, AICP, Planning and Building Director

Date: March 23, 2020

File: Mark Twain Elementary Master Plan Amendment, ZON19-00740

Hearing Date and Place:

April 6, 2020; 7:00 p.m. Public Teleconference

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I. INTRODUCTION

A. APPLICATION

- 1. <u>Applicant</u>: Karen Wood of Mahlum Architects, Lake Washington School District
- 2. <u>Site Location</u>: Mark Twain Elementary School at 9525 130th Avenue NE (see Attachment 1)
- 3. <u>Request</u>: Application for approval of an amendment of an existing Master Plan for the Mark Twain Elementary School. The proposal includes the following improvements (see Attachment 2):
 - a. Phase I:
 - (1) Two-story, 4 classroom renovation in the existing building. Conversion of library into classrooms.
 - (2) One story, approximately 3,600 square foot library and 3,700 square foot covered play area additions.
 - b. Phase II: Commons renovation and 8,500 square foot gymnasium addition.
- 4. <u>Review Process</u>: Process IIB, Hearing Examiner conducts public hearing and makes recommendation; City Council makes final decision.
- 5. <u>Summary of Key Issues and Conclusions</u>:
 - 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 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).

II. FINDINGS OF FACT AND CONCLUSIONS

A. SITE DESCRIPTION

- 1. Site Development and Zoning:
 - a. <u>Facts</u>:
 - (1) <u>Size</u>: 9.61 Acres
 - (2) <u>Land Use</u>: The subject property contains the existing Mark Twain Elementary School.

- (3) <u>Zoning</u>: The subject property is zoned RSX 7.2 (Residential Singlefamily). A 'School Use' is an allowed use, subject to approval of a Master Plan, within this zone.
- (4) <u>Terrain</u>: The site has a significant upward grade change from west to east of approximately 18 feet.
- (5) <u>Vegetation</u>: The subject property contains numerous significant trees along the perimeter of the site. The applicant's arborist and the City's Urban Forester identified no impacts to or removal of significant trees on the site as part of the project.
- b. <u>Conclusions</u>:
 - (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 are nonfactors in the review of the proposed development.
- 2. Neighboring Development and Zoning:
 - a. <u>Facts</u>: All of the neighboring properties are zoned RSX 7.2 and developed with single-family residences.
 - b. <u>Conclusion:</u> The neighboring zoning and development and are factors in the review of the proposed Master Plan application.

B. HISTORY

- 1. <u>Facts</u>:
 - a. In 1999, 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 2018, the Lake Washington School District submitted a Minor Modification request for the Master Plan to allow for the placement of three new portable buildings on the site.
- 2. <u>Conclusion</u>: 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 two comment letters during the initial comment period (see Attachment 4). The issues raised in the letters along with staff responses are summarized below.

<u>Vehicle Drop-offs and Pick-ups</u>

Neighbors expressed concerns about existing vehicle drop-offs and pick-ups on the neighboring streets and construction traffic impacts.

Staff Response: Thang Nguyen, City of Kirkland Transportation Engineer, reviewed the traffic report and concluded that the traffic will generate minimal traffic impacts. It is expected that congestion will occur during the school drop-off and pick-up time periods as it does currently. The congestion usually occurs outside of the AM and PM peak commute periods and last no more than 30 minutes. If there are specific traffic safety issues, please contact the City's Neighborhood Traffic Control Program (NTCP) coordinator, Kathy Robertson at 425-587-3870 or krobertson@kirklandwa.gov.

In regard to construction related traffic impacts, the construction traffic will be coordinated with the City's development engineer during the building permit process to ensure minimal impact to the neighborhood. The construction staging area will be required to be located on-site and construction parking is expected to be also be on-site during the summer construction period. There may be occasions where truck traffic will need to queue on the street to deliver or pick up materials during construction. However, the City's development engineer and inspector will work with the contractor to maintain construction activities on-site and minimize impact to the surrounding streets.

<u>Gymnasium Noise</u>

A neighbor expressed concerns about noise from the boiler room near the gymnasium and noise from the gymnasium during events.

Staff Response: Staff will ask the applicant to investigate the noise from the boiler room. The gymnasium will be relocated as part of Phase 2 and should address the neighbor's concerns. The neighbor can also submit a noise complaint using the Our Kirkland portal and code enforcement staff will investigate.

D. STATE ENVIRONMENTAL POLICY ACT (SEPA)

- 1. <u>Facts</u>: 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 5.
- 2. <u>Conclusion</u>: The Lake Washington School District has satisfied the requirements of SEPA.

E. CONCURRENCY

- 1. <u>Facts</u>: The Public Works Department has reviewed the application for concurrency. A concurrency test was passed for traffic on October 28, 2019 (see Attachment 6).
- 2. <u>Conclusion</u>: The applicant and City have satisfied Concurrency requirements.

F. APPROVAL CRITERIA

- 1. <u>Master Plan</u>
 - a. <u>Facts</u>:
 - (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. <u>Conclusions:</u>

- (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. <u>Facts</u>:
 - (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 project includes the installation of a new fire lane from the 130th Avenue NE driveway. The fire lane is 20' wide and is setback approximately 18.5' to 25.5' from the east property line. It then curves westward north of the new gymnasium and terminates near the new library. The existing landscape buffer on the east side of the property will not be impacted. The fire lane will be used only in the case of emergencies.

- (4) The classroom renovation in the southwest corner of the school will have no external work as part of the project.
- (5) The library, covered play area, and gymnasium additions are located to the east of the existing building. The gymnasium will be located approximately 55 feet from the east property line.
- (6) The existing landscape buffer and wood fence at the east property line adjacent to the proposed improvements provide both a solid and vegetative screen to adjoining properties.
- (7) The proposed additions have been designed to use the same materials as the existing building.
- (8) NE 95th Street is designated as a collector street.
- b. <u>Conclusions</u>: 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 locating the additions to the east of the existing building in compliance with the 55' setback requirement. The existing landscape buffer and fencing along the east property line minimizes visibility of the new gym and fire lane. 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 a collector street.
- 2. Building Height
 - a. <u>Facts</u>:
 - (1) The RSX 7.2 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 applicant is requesting to increase the maximum allowed height from 30 feet to 35 feet for the proposed gymnasium addition. The additional height is needed to accommodate a

gabled roof form with a ridge that runs east to west.

- (4) The proposed school is designed to accommodate 714 students.
- (5) The required setback for a school use is 50 feet. In order to increase the maximum height to 35 feet for the gymnasium addition, the required setback is 55 feet.
- (6) The proposed gymnasium addition is 55 feet from the east property line.
- (7) An existing landscape buffer with numerous significant trees runs along the adjacent east property line.
- (8) There are no applicable Rose Hill 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. <u>Conclusions</u>:
 - (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 and the use of an existing landscape buffer to screen the building.
- 3. Parking
 - a. <u>Facts:</u>
 - (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 7). Based on the maximum capacity of 714 students, the required number of parking stalls is 72 stalls.
 - (3) The site currently contains 74 parking stalls.
 - (4) <u>Conclusion</u>: The project complies with the parking requirements as established by the City's Review.
- 4. Site Lighting
 - a. <u>Facts</u>: 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. <u>Conclusion</u>: 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. <u>Fact</u>: The subject property is located within the Rose Hill neighborhood. The Bridle Trails Neighborhood Land Use Map designates the subject property as a public facility use (see Attachment 8).
- 2. <u>Conclusion</u>: The proposal is consistent with the public facility use designation.

I. DEVELOPMENT STANDARDS

- 1. <u>Fact</u>: Additional comments and requirements placed on the project are found on the Development Standards, Attachment 3.
- 2. <u>Conclusion</u>: 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. <u>APPENDICES</u>

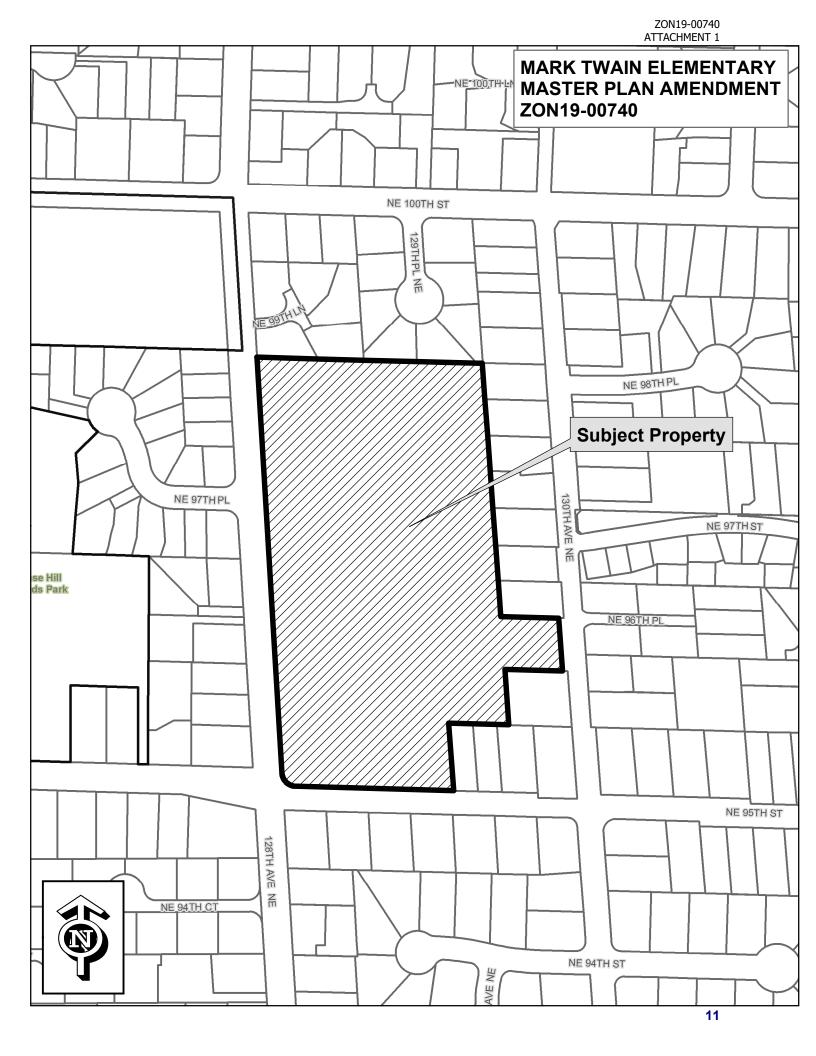
Attachments 1 through 9 are attached.

- 1. Vicinity Map
- 2. Proposed Plans
- 3. Development Standards
- 4. Public Comment Letters
- 5. SEPA Determination and Environmental Checklist
- 6. Concurrency Test Memo
- 7. Transportation Review Memo
- 8. Rose Hill 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.





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