

ORDINANCE NO. 0 - 3260

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, APPROVAL OF A PRELIMINARY AND FINAL PUD AS APPLIED FOR BY LAKE WASHINGTON SCHOOL DISTRICT 414, LAKE WASHINGTON HIGH SCHOOL, IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. III-90-157 AND SETTING FORTH CONDITIONS OF SAID APPROVAL.

WHEREAS, the Department of Planning and Community Development has received an application, pursuant to Process III, for a Preliminary and Final Planned Unit Development (PUD) filed by Lake Washington School District 414, Lake Washington High School, as Department of Planning and Community Development File No. III-90-157 to construct an additional 150 parking stalls and an additional 30,000 square feet of classroom and theatre area, which will be partially located in a building 20 feet above the average building elevation, within an RSX 7.2 zone; and

WHEREAS, the application was submitted to the Kirkland Planning Commission which held hearing thereon at its regular meeting of April 18, 1991; and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 43.21C, and the Administrative Guideline and local ordinance adopted to implement it, an environmental checklist was submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, and a negative determination reached; and

WHEREAS, said environmental checklist and determination have been available and accompanied the application through the entire review process; and

WHEREAS, the Kirkland Planning Commission after its public hearing and consideration of the recommendations of the Department of Planning and Community Development did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Process III Permit subject to the specific conditions set forth in said recommendations; and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Planning Commission; and

WHEREAS, the Kirkland Zoning Ordinance requires approval of this application for PUD to be made by ordinance.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. The Findings, Conclusions, and Recommendations of the Kirkland Planning Commission as signed by the Chairperson thereof and filed in the Department of Planning and Community Development File No. III-90-157 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. After completion of final review of the PUD, as established in Sections 125.50 through 125.75 (inclusive) of the Kirkland Zoning Code, Ordinance 2740, as amended, the Process III Permit shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council.

Section 3. Nothing in this ordinance shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to this project, other than expressly set forth herein.

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 III Permit is subject shall be grounds for revocation in accordance with Ordinance No. 2740, as amended, the Kirkland Zoning Ordinance.

Section 5. This ordinance shall be in full force and effect five (5) days from and after its passage by the Kirkland City Council and publication, pursuant to Section 1.08.010.

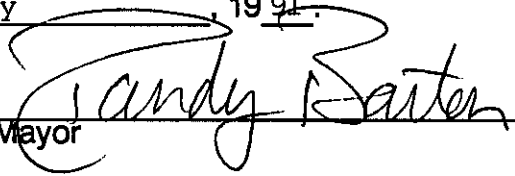
Section 6. A certified copy of this ordinance, together with the Findings, Conclusions, and Recommendations herein adopted shall be attached to and become a part of the Process III Permit or evidence thereof delivered to the permittee.

Section 7. Certified or conformed copies of this ordinance shall be delivered to the following:

- (a) Department of Planning and Community Development of the City of Kirkland
- (b) Fire and Building Departments of the City of Kirkland
- (c) Public Works Department of the City of Kirkland
- (d) The City Clerk for the City of Kirkland.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 21st day of May, 19 91.

SIGNED IN AUTHENTICATION THEREOF on this 21st
day of May, 19 91.




Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney


OR90-157.JUN/PD:rk

CITY OF KIRKLAND

123 FIFTH AVENUE KIRKLAND, WASHINGTON 98033-6189 (206) 828-1257

**PLANNING COMMISSION
ADVISORY REPORT
FINDINGS, CONCLUSION, AND RECOMMENDATIONS**

To: City Council

From: Kirkland Planning Commission

 Cassandra Noble, Chair

Date: May 9, 1991

File: III-90-157, Lake Washington High School Master Plan

I. INTRODUCTION**A. APPLICATION**

1. Applicant: Lake Washington School District No. 414
2. Site Location: 12033 NE 80th Street
3. Request: Approval of a Master Plan and a combined preliminary and final Planned Unit Development permit application. The applicant proposes the following alterations and additions to the existing buildings.
 - 1) A new two story classroom addition of approximately 23,000 square feet including a combination of 13 general classrooms and science laboratories.
 - 2) A new 300 seat auditorium addition of approximately 9,000 square feet replacing the existing "Cadle Theatre" and including a stage, flyloft, orchestra pit, work and storage rooms and sharing adjacent toilets, dressing and green rooms in existing facilities.
 - 3) Alterations to approximately 13,000 square feet of existing facilities including remodeling the existing "Cadle Theatre" and administration areas, and selective remodeling of student center, classroom and toilet areas to new use and the addition of an elevator.
 - 4) Sprinklering of existing buildings except the existing P.E. building and the addition of several firewalls.
 - 5) Additional site improvements including parking for 150 cars and related driveways and walkways.

As part of this application, the applicant also proposes

- 6) To participate in the widening of 124th Avenue NE between NE 85th Street and NE 116th Street;
- 7) To develop a Traffic Management Program (TMP);
- 8) To make half-street improvements on NE 80th Street;
- 9) To provide

a gravel or asphalt path on the west side of 122nd Avenue NE; 10) To align the main entrance road with 120th Avenue NE and provide appropriate turn lanes; and 11) To participate in the future half-street improvements on 122nd Avenue NE and NE 75th Street as appropriate (see Attachment 8).

The flyloft portion of the new theatre is proposed to be 50 feet maximum above average building elevation. The rest of the theatre is proposed to be 36 feet above average building elevation. The applicant seeks approval of this additional building height through the Planned Unit Development (PUD) process, claiming specific public benefits (described below). The theatre flyloft will be 20 feet higher than the maximum of 30 feet above the average building elevation (ABE). The rest of the theatre will exceed the 30-foot height limit by 6 feet.

Further expansion plans in the more distant future may include a new media center and an addition to the administration area at the front of the existing building.

The application is proposed as a Master Plan for the site, due to the requirement that any school development proposal for a property containing more than five acres be approved as part of a Master Plan.

Currently the applicant is obtaining building permits to replace certain improvements including track turf, bleachers, stadium restrooms, and press box. Existing improvements may be replaced without Master Plan review if expansion is not involved. Construction of the replacement facilities is scheduled for April 15 through August 20, 1991. The applicant regards this work as Phase One. The new improvements detailed in paragraph one of this section are regarded as Phase Two and are scheduled for construction from December 15, 1991, to December 15, 1992.

4. Review Process: Process III - Planning Commission conducts public hearing and makes recommendation, City Council makes final decision.
5. Major Issues:
 - a. Compliance with Zoning Code Section 17.10.b (RSX Zoning Requirements for a School, Attachment 10).
 - b. Compliance with Zoning Code Chapter 125 (Planned Unit Development Criteria, Attachment 13).

B. PUBLIC HEARING

The Planning Commission conducted a public hearing on this application on April 18, 1991.

C. 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 the 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. The Department of Planning and Community Development shall be authorized to approve minor modifications to the approved site plan, unless:
 - a. There is a change in use and the Zoning Code establishes different or more rigorous standards for the new use than for the existing use; or
 - b. The Planning Director determines that there will be substantial changes in the impacts on the neighborhood or the City as a result of the change (see Exhibit A, Conclusion II.D.12.b).
3. As part of the application for a Building Permit the applicant shall submit:
 - a. Plans for a permanent and construction-phase storm water control system to be approved by the Department of Public Works (see Exhibit A, Conclusion II.D.8.b).
 - b. A revised site plan to be approved by the Department of Planning and Community Development, relocating the main entrance road at the NE 80th Street intersection to align with 120th Avenue NE. Appropriate turn lanes within the main entrance road shall also be indicated (see Exhibit A, Conclusion II.D.9.b). In addition, the plan shall indicate that the new parking area conforms to the standards set forth in Chapter 105 (see Exhibit A, Conclusion II.D.5.b); a five-foot-wide landscape buffer which conforms to Section 95.25.3 and is located along the west property line adjacent to the new additions (see Exhibit A, Conclusion II.D.4.b); existing and proposed loading areas and circulation routes (see Exhibit A, Conclusion II.D.7.b); and existing and proposed building dimensions and utility locations.

- c. Plans for installing half-street improvements in the NE 80th Street right-of-way bordering the subject property to be approved by the Department of Public Works (see Exhibit A, Conclusion II.D.9.b).
 - d. Plans for installing a gravel or asphalt path in the 122nd Avenue NE right-of-way bordering the subject property to be approved by the Department of Public Works (see Exhibit A, Conclusions II.D.9.b and II.F.2.b).
 - e. Sufficient information concerning construction and occupancy of structures to determine fire flow requirements, as well as plans for any on- or off-site improvements necessary to meet fire flow requirements (see Exhibit A, Conclusion II.E.1.b).
 - f. An as-built topographic survey of the site. The as-built shall be tied to an existing datum point in an adjacent public right-of-way (see Exhibit A, Conclusion II.D.2.b).
 - g. A signed and notarized concomitant agreement, as set forth in Attachment 16, to pay a proportionate share of widening 124th Avenue NE between NE 85th Street and NE 116th Street. This agreement shall be approved by the Department of Planning and Community Development and recorded with the King County Records and Elections Division (see Exhibit A, Attachment 16, Conclusion II.D.9.b).
 - h. Signed and notarized concomitant agreements, as set forth in Attachments 17 and 18, to install half-street improvements and underground all existing utility lines bordering the subject property within the 122nd Avenue NE and the NE 75th Street rights-of-way. These agreements shall be approved by the Department of Planning and Community Development and recorded with the King County Records and Elections Division (see Exhibit A, Attachments 17 and 18, Conclusion II.D.9.b).
 - i. A draft Transportation Management Plan which includes those elements in Conclusion II.D.7.b of Exhibit A, to be approved by the Department of Planning and Community Development.
4. Prior to occupancy, the applicant shall:
- a. Complete all site improvements indicated on the site plan approved by the Department of Planning and Community Development at the time of application for a Building Permit (see Exhibit A, Conclusion II.D.13.b).
 - b. Complete the installation of the following half-street improvements within the NE 80th Street right-of-way bordering the subject property: 18 feet of pavement width, a vertical curb and underground storm sewer with through curb inlets and bicycle grates, a 4½-foot-wide landscape strip adjacent to the curb, street

trees planted approximately 30 feet on center in the landscape strip and at least 36 inches from the curb, a 5-foot-wide concrete sidewalk adjacent to the landscape strip, and a utility strip containing all excess right-of-way adjacent to the sidewalk. Modifications may be made as needed by the Public Works Department (see Exhibit A, Conclusion II.D.9.b).

- c. Complete the installation of a gravel or asphalt path within the 122nd Avenue NE right-of-way bordering the subject property as shown on revised plans approved by the Department of Planning and Community Development (see Exhibit A, Conclusions II.D.9.b and II.F.2.b).
- d. Submit for approval by the Department of Planning and Community Development a signed and notarized agreement, as set forth in Attachment 4, to maintain the landscaping within the NE 80th Street right-of-way to be recorded with the King County Records and Elections Division (see Exhibit A, Conclusion II.D.9.b).
- e. Install a fully-operational permanent storm water control system (see Exhibit A, Conclusion II.D.8.b).
- f. Complete any improvements necessary to meet fireflow requirements (see Exhibit A, Conclusion II.E.1.b).
- g. Submit to the Department of Planning and Community Development a security device to ensure maintenance of landscaping, the permanent storm water retention system, and other site improvements (see Exhibit A, Conclusion II.D.16.b).
- h. In lieu of completing any required improvements, a security device to cover the cost of installing the improvements may be submitted if the criteria in Zoning Code Section 175.10.2 are met (see Exhibit A, Conclusion II.D.15.b).
- i. Submit for approval by the Department of Planning and Community Development a signed and notarized easement, as set forth in Attachment 12, to maintain on-site landscaping, such as that within the required buffer along a portion of the west property line and in the parking areas, to be recorded with the King County Records and Elections Division (see Exhibit A, Attachment 12, Conclusion II.D.4.b).
- j. Submit a Transportation Management Plan (TMP), as proposed, to be approved by the Department of Planning and Community Development and to be recorded with the King County Records and Elections Division. Upon acceptance of the TMP, implementation shall occur within 60 days of approval. The plan shall be reviewed annually on the anniversary of the Planning Department's acceptance of the TMP. The applicant will pay to have the students and employees professionally surveyed every

two years to assess results. Further elements of the TMP shall include but not be limited to the following:

- (1) Setting aside preferential parking spaces for car pools.
 - (2) Use of an Annual Transportation Fair, bulletin boards, and other means to raise awareness and stimulate employee and student interest in using car pools, buses, ride-sharing, and other alternatives to the single-occupancy vehicle.
 - (3) Parking sticker discount for car pools.
 - (4) Designation of a school district or contract employee to serve as the Transportation Coordinator (see Exhibit A, Conclusions II.D.7.b and II.F.2.c).
5. Within seven (7) calendar days after the final public hearing, the applicant shall remove all public notice signs and return them to the Department of Planning and Community Development. The signs shall be disassembled with the posts, bolts, washers, and nuts separated from the sign board (see Exhibit A, Conclusion II.D.14.b).
 6. Install parking lot buffers along the south property line adjacent to parking and driving areas. The buffer should consist of a five-foot-wide landscaped strip planted with 1) living ground cover to attain a coverage of at least 60 percent of the buffer area within two years, and 2) one row of deciduous trees two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least eight feet above finished grade. The trees shall be planted 30 feet on center the entire length of the buffer (see Exhibit A, Conclusion II.D.5.b).
 7. Install a traffic light to control the NE 80th Street/120th Avenue NE intersection (see Exhibit A, Conclusion II.D.7.b).
 8. Replace the existing "No Parking on Pavement" signs on both sides of NE 75th Street between 119th Avenue NE and 122nd Avenue NE, and on the west side of 122nd Avenue NE (as proposed) bordering the subject property. Also, install signs, as proposed, on the north side of NE 80th Street bordering the subject property. The new signs shall read, "No Parking 8 am - 2 pm School Days." In addition, install signs to limit parking to two hours on the west side of 120th Avenue NE between NE 80th Street and NE 83rd Street. Design and location of signs subject to approval by the Department of Public Works (see Exhibit A, Conclusion II.D.7.b).

II. FINDINGS OF FACT:

The findings of fact on pages 6-15 of the Department of Planning and Community Development Advisory Report are found by the Planning Commission to be supported by the evidence presented during the hearing, and by this reference are adopted as the

Planning Commission's findings of fact. Copy of said report is attached hereto as Exhibit A.

III. CONCLUSIONS:

- A. The conclusions by the Department of Planning and Community Development as set forth on pages 6-15 of the Department's report, and as added by staff at the April 18, 1991, public hearing, accurately set forth the conclusions of the Planning Commission and by this reference are adopted as the Planning Commission's conclusions. A copy of said report is attached hereto as Exhibit A.
- B. The underlined portion of the following text was added by staff to Conclusion II.D.7.b. at the public hearing on April 18, 1991:
1. Prior to occupancy, the applicant should submit the TMP to the Department of Planning and Community Development for approval, and for recording with the King County Records and Elections Division.
 2. In order to assure adequate time for preparation of the TMP, the applicant should submit a draft TMP along with the Building Permit application.

IV. RECONSIDERATIONS, CHALLENGES AND JUDICIAL REVIEW

The following is a summary of the deadline and procedures for filing reconsiderations, appeals, and challenges. Any person wishing to file or respond to a recommendation, appeal, or challenge should contact the Department of Planning and Community Development for further procedural information.

A. **REQUEST FOR RECONSIDERATION**

Section 155.75 of the Zoning Code allows the applicant or any person who submitted written or oral testimony to the Planning Commission to request that the Planning Commission reconsider its recommendation. The request must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department within five (5) working days following the postmarked date when the Planning Commission's written recommendation was distributed (by May 21, 1991). Within this same time period, the person making the request must also mail or personally deliver to the applicant and all other people who submitted testimony to the Planning Commission a copy of the request letter together with notice of the deadline and procedures for responding to the request.

Any response to the request must be delivered to the Planning Department within five (5) working days after the request letter was filed with the Planning Department. Within the same time period, the person making the response must also mail or personally deliver a copy of the response to the applicant and all other people who submitted testimony to the Planning Commission.

Proof of such mail or personal delivery must be made by affidavit, attached to the request and response letters, and delivered to the Planning Department. The affidavit form is available from the Planning Department.

B. CHALLENGE

Section 155.85 of the Zoning Code allows the Planning Commission's recommendation to be challenged by the applicant or any person who submitted written or oral testimony to the Planning Commission. The challenge must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by May 28, 1991, ten (10) working days following the postmarked date of distribution of the Planning Commission's recommendation on the application or decision on a Requests for Reconsideration. 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 testimony to the Planning Commission a copy of the challenge letter 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 five (5) working days after the challenge letter was filed with the Planning Department. Within the same time period, the person making the response must also mail or personally deliver a copy of the response to the applicant and all other people who submitted testimony to the Planning Commission.

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 Planning Commission.

C. JUDICIAL REVIEW

Section 155.110 of the Zoning Code allows the action of the City in granting or denying this application to be reviewed in King County Superior Court. The petition for review must be filed within 30 days following the postmarked date when the City's final decision was distributed.

If issues under RCW 43.21C (the State Environmental Policy Act--SEPA) are to be raised in the judicial appeal, the "SEPA" appeal must be filed with the King County Superior Court within 30 days following the postmarked date when the City's final decision was distributed.

V. LAPSE OF APPROVAL

Under Section 155.115.1 of the Zoning Code, the applicant must submit to the City a complete building permit application or, if a building permit is not required, begin the development activity, use of land, or other actions approved under Chapter 155 within one year after the final decision on the matter, or the decision becomes void. Furthermore, the applicant must substantially complete construction of the development activity, use of land, or other actions approved under Chapter 155 and complete the applicable conditions listed on the Notice of Approval within five (5) years after the final decision on the matter, or the decision becomes void. Application

and appeal procedures for a time extension are described in Sections 155.115.2 and 155.115.3.

"Final Decision" means the final decision of the City of Kirkland, or the termination of judicial review proceedings if such proceedings were initiated pursuant to Section 155.110.

VI. * **APPENDICES**

Exhibits A through B are attached.

A - Department of Planning and Community Development Advisory Report

B - Letters: B1

C - Site Plan Indicating Landscape Buffer Required by Code

VII. **PARTIES OF RECORD**

Applicant

Department of Planning and Community Development

Department of Public Works

Department of Building and Fire Services

Roy Benson, 12017 NE 75th Street, Kirkland, WA 98033

*Exhibits and references within this document can be found in file no. III-90-157, maintained in the Department of Planning and Community Development.