

RESOLUTION NO R- 3669

A RESOLUTION OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A PROCESS III PERMIT AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO III-90-133 BY LAKE WASHINGTON SCHOOL DISTRICT NO 414, BEING WITHIN A RS 8 5 ZONE AND PUD, AND SETTING FORTH CONDITIONS TO WHICH SUCH PROCESS III PERMIT SHALL BE SUBJECT

WHEREAS, the Department of Planning and Community Development has received an application for a Process III permit, filed by Lake Washington School District No 414, representing the owner of said property described in said application and located within a RS 8 5 zone and PUD

WHEREAS, the application has been 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 4321C, and the Administrative Guideline and local ordinance adopted to implement it, an environmental checklist has been 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 Master Plan permit subject to the specific conditions set forth in said recommendation, 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

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

Section 1 The findings, conclusion, and recommendation of the Kirkland Planning Commission as signed by the Chairperson thereof and filed in the Department of Planning and Community Development File No III-90-133 are adopted by the Kirkland City Council as though fully set forth herein

Section 2 The Master Plan 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 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 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 Master Plan permit is subject shall be grounds for revocation in accordance with Ordinance 2740, as amended, the Kirkland Zoning Ordinance

**Section 5** A certified copy of this resolution, together with the findings, conclusions, and recommendations herein adopted shall be attached to and become a part of the Master Plan permit or evidence thereof delivered to the permittee

**Section 6** Certified or conformed copies of this resolution 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 on the 21st day of May, 19 91.

SIGNED IN AUTHENTICATION ~~thereof~~ on the 21st day of May, 19 91

*Candy Bauer*  
\_\_\_\_\_  
Mayor

Attest  
*[Signature]*  
\_\_\_\_\_  
City Clerk

RE90-133 MAY/AR 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* Cassandra Noble, Chair

**Date:** April 25, 1991

**File:** Alexander Graham Bell Elementary School Master Plan,  
File No III-90-133

**I. INTRODUCTION**

**A. APPLICATION**

- 1 **Applicant** Lake Washington School District No 414
- 2 **Site Location** 11212 NE 112th Street (Exhibit A, Attachment 1)
- 3 **Request** This is a Process III request for approval of a master plan to allow additions to and modernization of the Alexander Graham Bell Elementary School. Proposed site improvements include the construction of a two-story eight-classroom building (11,894 square feet), 1,600 square feet of covered play area, 2,750 square feet of new library space, three new portable classroom structures, and an increase of on-site parking from 41 stalls to 80 stalls (see Exhibit A, Attachment 2)
- 4 **Review Process** Process III - Planning Commission conducts public hearing and makes recommendation, City Council makes final decision
- 5 **Major Issues** Compliance with Section 15 10 b and Chapter 155 of the Kirkland Zoning Code

**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 Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 8, Development Standards of the Department of Planning and Community Development Advisory Report (Exhibit A) 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 8, the condition of approval shall be followed.
- 2 The Department of Planning and Community Development shall be authorized to approve 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 10 b)
- 3 Modifications or additions will be added to the total value of the improvements in this Master Plan when calculating the 50 percent threshold for right-of-way improvements (see Exhibit A, Conclusion II D 8 b)
- 4 As part of the application for a Building Permit, the applicant shall submit
  - a A soils report prepared by a qualified professional, analyzing the stability of the slopes, 15 percent or greater, which exist within 25 feet of proposed development. This report shall focus on slope stability and erosion hazards, both during and after construction, and shall make recommendations for (a) design and location of roadways, (b) methods for mitigating impacts and how those methods may impact adjacent properties, and (c) any additional information determined to be relevant by the professional engineer. The applicant shall also submit information adequate to demonstrate that the recommendations contained in the Soils Report will be implemented by the proposal (see Exhibit A, Conclusion II D 4 b)
  - b A signed and notarized covenant, as set forth in Attachment 7 of Exhibit A, indemnifying the City from any loss, including claims made therefore, resulting from soils disturbance on or within 25

feet of slopes equal to or greater than 15 percent, to be approved by the Department of Planning and Community Development and recorded with the King County Records and Elections Division (see Exhibit A, Conclusion II D 4 b)

- c 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 7 b)
  - d A revised site plan indicating the following changes, to be approved by the Department of Planning and Community Development
    - (1) Complete dimensions of parking and driveway improvements, including parking stall, driveway, turnaround, and setback dimensions (see Exhibit A, Conclusion II D 6 b),
    - (2) Additional shrubs within the new buffer along the east property line. The number of shrubs installed shall be approximately double the number shown on Attachment 2 to Exhibit A (see Exhibit A, Conclusion II D 5 b),
    - (3) A restoration/revegetation plan for slopes exposed during construction. The plant materials used shall be of a nature which will both control erosion and stabilize the slope. Along the east property line, the exposed slope shall also be planted with vegetation which will contribute to a visual screen of the exposed slope and parking area, as viewed from the east (see Exhibit A, Conclusion II D 4 b), and
    - (4) Any pertinent recommendations contained in the Soils Report required by IC 4 a (see Exhibit A, Conclusion II D 4 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 Submit 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 3 b)
- 5 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 12 b)

- b Install a fully operational permanent storm water control system (see Exhibit A, Conclusion II D 7 b)
  - c Complete improvements necessary to meet fire flow requirements (see Exhibit A, Conclusion II E 1 b)
  - d Submit to the Department of Planning and Community Development a security device to ensure maintenance of landscaping, the permanent storm water retention system, and parking improvements (see Exhibit A, Conclusion II D 13 b)
  - e 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 Section 175 102 are met (see Exhibit A, Conclusion II 12 b)
- 6 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, washer, and nuts separated from the sign board (see Exhibit A, Conclusion II D 11 b)

## **II FINDINGS OF FACT:**

The findings of fact on pages 5 and 12 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:**

The conclusions by the Department of Planning and Community Development as set forth on pages 5 through 12 of the Department's report, 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.

## **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 6, 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 13, 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 C are attached

- A - Department of Planning and Community Development Advisory Report
- B-1 - Letter from Andy Held dated 4/16/91
- C - Four photos of the site by Mike Bergstrom

**VII PARTIES OF RECORD**

Bob Stromberg, Lake Washington School District #414,  
15212 NE 95th Street, Redmond, WA 98052  
Matt Gregory, Hall Gregory Architects, 521 Kirkland Way,  
Kirkland, WA 98033  
Andy Held, 11004 NE 112th Street, Kirkland, WA 98033  
Annette Eberlein, 11205 108th Avenue NE, Kirkland, WA 98033  
Beth Koenig, 10841 NE 112th Street, Kirkland, WA 98033  
Department of Planning and Community Development  
Department of Public Works  
Department of Building and Fire Services

\*Exhibits and references can be found in file no III-90-133,  
maintained in the Department of Planning and Community Development