

RESOLUTION NO R- 3682

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-90-154 BY LAKE WASHINGTON SCHOOL DISTRICT NO 414, BEING WITHIN AN RSX 72 ZONE, 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, the owner of said property described in said application and located within an RSX 72 zone

WHEREAS, the application has been submitted to the Kirkland Planning Commission which held hearing thereon at its regular meeting of May 23, 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 Vice-Chairperson thereof and filed in the Department of Planning and Community Development File No III-90-154 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 Process 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 2nd day of July, 1991

SIGNED IN AUTHENTICATION thereof on the 2nd day of July, 1991



Mayor pro tem

Attest


City Clerk

DEPUTY
CLERK

RES90154 JUN/AR.cw

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

Teresa Steele-Kalet Teresa Steele-Kalet, Vice-Chair

Date: June 4, 1991

File: JUANITA HIGH SCHOOL MASTER PLAN, FILE NO. III-90-154

I. INTRODUCTION

A. APPLICATION

1. Applicant: Lake Washington School District No 414
2. Site Location: 10601 NE 132nd Street (Exhibit A, Attachment 1).
3. Request: This is a Process III request for approval of a Master Plan to allow additions to support facilities at Juanita High School. The additions include two new concessions buildings with restrooms and storage; expansion of the existing press box, an addition to the home bleachers that will seat 350; and 96 new parking 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 17.10 b and Chapter 155 of the Kirkland Zoning Code.

B. PUBLIC HEARING

The Planning Commission conducted a public hearing on this application on May 23, 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 3, 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 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 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. Future modifications or additions to school facilities will be added to the total value of the improvements in this Master Plan when calculating the 50% 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. 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).
 - b. A revised site plan detailing the dimensions and landscaped islands for the new parking area

to be approved by the Department of Planning and Community Development (see Exhibit A, Conclusion II.D.5.b).

- c. 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.2).
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 fireflow requirements (see Exhibit A, Conclusion II.E.2).
 - d. Submit a letter of commitment to have a draft Transportation Management Program (TMP) and an implementation plan to the City for approval by the Department of Planning and Community Development and Metro by June 1992; and to begin implementation of the TMP by September 1992. The TMP will include provisions for a parking management program, a transportation coordinator and a required charge for parking single-occupancy vehicles. The Plan shall be reviewed annually on the anniversary of the Planning Department's acceptance of the TMP. The applicant shall pay to have the students and employees professionally surveyed every two years to assess results (see Conclusion III.B of this report).
 - e. 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.13.b).

f. 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.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 4 through 10 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 4 through 10 of the Department's report, accurately set forth the conclusions of the Planning Commission except for Conclusion II.D.6.b which is revised below. By this reference the conclusions by the Department of Planning and Community Development are adopted as the Planning Commission's conclusions except for II D 6.b which is adopted as revised. A copy of said report is attached hereto as Exhibit A.

B. Conclusion II.D.6.b is revised to read:

In order for the applicant's Transportation Management Program proposal to meet the requirements outlined in Special Regulation Number 7, the TMP should include a parking management program, a transportation coordinator and a charge for single-occupancy vehicle parking. The TMP should be reviewed annually. The applicant should be required to have the employees and staff professionally surveyed every two years to assess plan results. A draft TMP and implementation plan should be submitted to the City for approval by the Department of Planning and Community Development and Metro by June 1992. Implementation of the TMP should begin by September 1992.

IV. RECONSIDERATIONS, CHALLENGES AND JUDICIAL REVIEW

The following is a summary of the deadline and procedures for filing reconsiderations and challenges. Any person wishing to file or respond to a request for reconsideration 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 June 18, 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 June 25, 1991, ten (10) working days following the postmarked date of distribution of the Planning Commission's recommendation on the application or decision on a Request 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 *

Exhibit A - Department of Planning and Community Development Advisory Report is attached.

VII. PARTIES OF RECORD

Bob Stromberg, Lake Washington School District #414, 15212 NE
95th Street, Redmond, WA 98052
Harry Cummings, Cummings Architects, 220 First 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 withing
File No III-90-154 maintained in the Department
of Planning and Community Development