

RESOLUTION NO. R-3859

A RESOLUTION OF THE CITY OF KIRKLAND DENYING THE APPLICATION FOR A PROCESS III PERMIT APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. III-90-96 BY THE LAKE WASHINGTON SCHOOL DISTRICT BEING WITHIN A RS 8.5 ZONE.

WHEREAS, the Department of Planning and Community Development has received an application for a Process III Permit, filed by the Lake Washington School District (LWSD), the owner of said property described in said application and located within a RS 8.5 zone.

WHEREAS, the application has been submitted to the Houghton Community Council which held courtesy hearings and thereon at its regular meeting of March 8, 1993, after its courtesy hearings and consideration of the recommendations of the Department of Planning and Community Development, did adopt certain Findings and Conclusions and did recommend denial of the Process III Permit; and

WHEREAS, the application has been submitted to the Kirkland Planning Commission which held hearing thereon at its regular meeting of July 15, 1993; 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 Process III Permit subject to the specific conditions set forth in said recommendation; and

WHEREAS, the City Council, at its regular meeting of November 2, 1993, set a date for a public hearing at its regular meeting of January 18, 1994; and

WHEREAS, the City Council held a hearing thereon at its regular meeting of January 18, 1994, and did consider the environmental documents received from the responsible official, together with the recommendations of the Planning Commission and Houghton Community Council.

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

Section 1. Concerning the LWSD application which is the subject of File No. III-90-96, the Kirkland City Council, having considered the Planning Commission and Houghton Community Council recommendations and the entire record, including materials forwarded by memorandum from Eric Shields dated September 9, 1993, and those presented through January 18, 1994, now makes the findings and conclusions set forth in Attachment A hereto.

Section 2. This Process III Permit sought by LWSD will not be issued by the City of Kirkland since the decision of the City Council, based on the foregoing, is to deny the application in III-90-96.

Section 3. A certified copy of this resolution shall be attached to and become a part of File No. III-90-96.

Section 4. 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) The City Clerk for the City of Kirkland.

PASSED by majority vote of the Kirkland City Council on the 15th day of February, 1994.

SIGNED IN AUTHENTICATION thereof on the 15th day of February, 1994.



Mayor Pro Tem

Attest:



City Clerk

ATTACHMENT A TO RESOLUTION R-3859

KIRKLAND CITY COUNCIL'S FINDINGS AND CONCLUSIONS
FILE NO. III-90-96

A. SITE DESCRIPTION

1. Site Development and Zoning:

a. Facts:

- (1) Proposal: Lake Washington School District has applied to the City of Kirkland for approvals to allow expansion of the existing administration building and facilities comprising a 2-story 31,670 square foot building and 109 new associated parking stalls on 5.865 acres of the total 10-acre site. Applicant shows the southern portion of the site as "Future 4.135 Acre Park".

The applicant's proposal includes a 90-foot buffer along the east property line, low level exterior lighting in the parking lot, retention of most of the existing trees, and development of 59 per cent of the 10-acre site.

- (2) Land use: The site contains a one-story administration and resource center of approximately 30,200 square feet, an office portable and 136 associated parking stalls.
- (3) Zoning: The property is zoned for single family residential at a minimum lot size of 8500 square feet (RS 8.5). A school use may be allowed under RS 10.15.b, subject to a public hearing review process. As the size is greater than five acres, a Master Plan is required, Process III under Zoning Code Chapter 155.

The existing land use is supported by a Conditional Use Permit (Resolution 2858, August 17, 1981, as contained in File No. CZ-81-82). Conditions 2.a and 2.b of the Notice of Approval required that the applicant protect the existing trees when construction occurred to ensure that the tree retention plan was implemented.

- (4) Terrain and vegetation: There are slopes rising from west up to east along both the east and west property lines. The site contains numerous significant fir, cedar, madrona, maple and a variety of deciduous trees throughout the site.

- b. Conclusion: The proposed use may be allowed within a single-family zone through a Process III review. Significant trees on the site are one of the major limiting factors in where parking stalls can be located.

2. Neighboring Development and Zoning:

a. Facts:

- (1) North: Seventh-Day Adventist School and Northwest College are located immediately north of the proposal at NE 53rd Street. Other nonresidential use in the area includes the Seventh-Day Adventist Day Care; Day Care Center west of 108th Avenue; Northwest Assembly of God Administrative Offices; and Seattle Seahawks Football Team headquarters and offices, training and practice fields. Single family homes zoned RS 8.5 occur here, and other institutional uses in the neighborhood include an alternative high school and the Gordon Hauck Center, which houses the Community School, among other offices.
- (2) South: Single-family homes zoned RS 8.5.
- (3) East: Single-family homes zoned RS 8.5.
- (4) West: Single family homes zoned RS 8.5 and a day care facility zoned RS 8.5

- b. Conclusions: This single-family neighborhood has at present at least six other institutional uses of significant size and impact. The neighborhood south of NE 53rd has a strong residential character which, with adjoining residential area, comprises an identifiable neighborhood.

B. HISTORY

1. Facts

- a. On August 17, 1981, by Resolution 2858, the Kirkland City Council affirmed the current use as an administration building, with minor amendments dated July 6, 1982 and September 7, 1982.
- b. On June 29, 1990, the applicant submitted an application for the Process III permit.
- c. On September 4, 1991, the Houghton Community Council recommended denial of the prior site plan.

- d. On September 5, 1991, the Planning Commission held a hearing on the application and continued it to October 10, 1991.
- e. On October 10, 1991, the Planning Commission continued the application indefinitely at the request of the applicant so that the district could reconsider the site plan.
- f. November 30, 1992, the applicant submitted the revised site plan described and considered here. The applicant had amended the proposal in an attempt to meet the concerns of the hearing bodies and neighbors by reducing the number of parking stalls by 93 stalls, relocating parking further to the west, widening the eastern buffer from 30 to 90 feet, and increasing the size of the potential park by one acre.
- g. At the request of the City, on December 9, 1992, the applicant held a community meeting at the site to present the revised application.

2. Conclusions:

- a. The City considered all the evidence in approving the use of the site for an administration building in 1981. That use, extant and as limited by the Conditional Use Permit, may be said to be congruent with the comprehensive plan and zoning code.
- b. The new proposal, as reviewed herein, reflects the applicant's attempts to reduce some of the impacts to the neighborhood and attempts to respond to the hearing bodies' and neighbors' concerns.

C. APPROVAL CRITERIA OF PROCESS III

- 1. Facts: Section 155.70.3 states that a Process III application may be approved is:
 - a. It is consistent with the intent of the goals and policies and of the applicable neighborhood plan provisions of the Comprehensive Plan;
 - b. It is consistent with all applicable Zoning Code regulations, including those adopted by reference from the Comprehensive Plan; and
 - c. It is consistent with the public health, safety and welfare.

2. Conclusions: The proposal does not comply with the criteria in Section 155.70.3 because:
- a. It is not consistent with the goals and policies of the Comprehensive Plan as discussed in Section D, below; and
 - b. It is not consistent with all applicable Zoning Code regulations as discussed in Section E, below; and
 - c. It is not consistent with the public health, safety, and welfare because the proposed expansion does create materially detrimental effects on the character of the neighborhood and because the applicant has failed to show that the proposed expansion will have equal or less impacts on the neighborhood than if the site is developed in single-family homes.

D. COMPREHENSIVE PLAN

1. Facts: The subject property is located within the Houghton neighborhood, whose applicable comprehensive plan policies are:
 - a. Central Houghton Neighborhood, page CH-2 - Maintain the low-density character and buffer the single-family areas from economic, institutional and multifamily uses.
 - b. Living Environment, Policy 1.2 - Careful site design, landscape buffers and other methods to help offset conditions which may have adverse impacts on the adjacent residential areas.
 - c. Living Environment, Policy 1.3 - Maintaining and enhancing a visual integrity of neighborhoods by stressing compatible building scale, careful site design, preserving natural vegetation and requiring even more vegetation for visual relief or buffering.
 - d. Living Environment, Policy 1.1 - Protect against adverse traffic impacts on the residential neighbors.
 - e. Living Environment, Policy 3.3 - Maintaining compatibility between residential and nonresidential uses in areas where there is a mix of those uses.
2. Conclusions:
 - a. The proposed expansion would significantly increase the institutional development sited in the middle of a single-family neighborhood, giving rise to increased risk to the essential single-family character of the area, and thus not consistent with the general policy appearing at CH-2.

- b. The proposed site design, landscaping and other methods offered as mitigative of the adverse impacts associated with a regional facility as proposed are insufficient to reduce potential adverse impacts on the neighborhood, and thus is not consistent with Policy 1.2.
- c. The overall mass and size of the proposed expansion, together with the existing facility, is not of a compatible building scale with the adjacent single-family residential area, and thus is not consistent with Policy 1.3.
- d. The traffic projections offered do not demonstrate that the proposal's impact will have only that impact comparable to development of this site for single-family homes or, in any practical sense, with development of this site in a traditional school use. Therefore, the proposal is inconsistent with Policy 1.1.
- e. The proposed expansion includes a building of size and scale which is incompatible and inconsistent with a single-family zone. Further, the parking areas required by this use are not compatible with a single-family neighborhood. The site design does not offer sufficient offsets or any neighborhood benefit sufficient to mitigate the adverse impacts, therefore the proposal is inconsistent with Policy 3.3.

E. ZONING CODE COMPLIANCE

1. Development standards

- a. Facts:
 - (1) The fundamental site development standards pertaining to a school use in a RS 8.5 zone are set forth in Section 15.10.b. By operation of Interpretation 91-1, the proposed expansion is brought within the definitional category of 'school'.
 - (2) Special Regulation 2.a of Section 15.10.b states that the use may locate if "it will not be materially detrimental to the character of the neighborhood."
 - (3) Special Regulation 2.b of Section 15.10.b states that the use may locate if "site design minimizes adverse impacts on" the neighborhood.

b. Conclusions:

- (1) The application of Interpretation 91-1 brings within the definition of school the proposed expansion, which represents an aggregation of activities accessory to instruction of students and which lacks attributes which are usually and customarily associated with a school use. The intent of development standards is to require a building appropriately designed in scale and appearance with the surrounding neighborhood.
- (2) The proposed expansion will be materially detrimental to the neighborhood because:
 - (a) This single family neighborhood already accommodates at least six institutional uses in the immediate vicinity, and is therefore at risk in its essential character; and
 - (b) The proposed expansion will incrementally increase traffic and concomitant congestion and poses potential increased parking shortages, as discussed more fully below, and
 - (c) The proposal embodies an aggregation of uses accessory to a school use, representing a consolidation of regional activities which add to the likelihood that material detriment to neighborhood will occur.
- (3) The site design of proposed expansion does not minimize adverse impacts to the neighborhood because:
 - (a) A building of this size and dominance requires concomitant efforts at reduction of adverse impact. While the applicant has offered some enlarged setbacks and other concessions in mitigation, it is insufficient to reduce the adverse impacts on the neighborhood, given that the proposed expansion increases the square footage at this site 103% and parking by 80%.
 - (b) The school use described in 15.10.b anticipates specific and identifiable connectivity with the neighborhood and its environs (i.e., open houses, performances, sports events, play areas). This site design does not provide the connectivity necessary to

ameliorate a building totalling 61,670 square feet in a neighborhood of single-family homes.

2. Number of Parking Stalls/Location

a. Facts:

- (1) Section 15.10.b does not specify a minimum parking requirement for a school use. The proposed function of the expansion include office uses and also meeting/training center uses. The applicant proposes a total of 245 stalls (109 new stalls; 136 existing stalls). The minimum parking requirement for this site, if developed solely as an office use is 207 stalls. Meeting/training centers require more parking than office uses.
- (2) The applicant's parking proposal includes a lot in the northwest corner of the site with ingress and egress within 200 feet of the intersection of 108th Avenue NE and NE 53rd.
- (3) In mitigation of anticipated overflow parking concerns, the applicant provided an agreement for overflow parking with Northwest College, providing 60 stalls at a lot located across NE 53rd Street from the proposed expansion.

b. Conclusions:

- (1) The administration and meeting/training center facility is said to require significantly more parking than an office use, which use is not permitted in a residentially zoned area. The applicant states that the parking is needed for new employees, principals, trainees and miscellaneous visitors and in response to parking problems experienced over the years. While the proposed use is not comparable to other more typical school uses, it was the applicant's burden to demonstrate that parking impacts would not exceed those generally acceptable in single-family neighborhoods. The reliance on office and resource center models suggests and it is concluded that potential parking impacts are in excess of those generally borne by single-family neighborhoods.

- (2) Multiple ingress/egress points on NE 53rd, especially with the addition of the parking lot at the northwest corner of the site, will create congestion problems for the neighborhood. Access for the main parking area and pedestrian access to 108th are also unresolved concerns.
- (3) The parking agreement offered in mitigation reflected an at-will agreement, unenforceable by either the applicant or the city, and therefore does not comprise adequate arrangements for parking overflow anticipated at this regional facility. There are unresolved issues about the movement from the overflow parking site to the proposed expansion.

3. Site Traffic/Transportation Demand Management Program

a. Facts:

- (1) Development of the site consistent with RS 8.5 zoning would elicit 45-55 single-family homes, resulting in 450-550 AWDT.
- (2) The revised traffic report indicates that the expanded and existing uses, together, will produce 488 average weekday daily trips (AWDT), based on a resource center use, and up to 1,020 (AWDT, based on a governmental facility use. These figures do not include special events, which is admitted may create an additional demand on a frequency of approximately six times per month of up to 110 attendees. The site currently has 55 employees. The Master Plan offered for approval is based on 15 additional employees, with an indication of 100 net new total trip ends per day. A condition would require continued traffic monitoring to keep traffic levels at or below 750 AWDT.
- (3) The traffic report addresses impacts to the intersection of NE 53rd/108th Ave NE. It concludes that the proposed expansion, together with existing use, will generate a total of 488 AWDT, representing 5.86 per cent of the traffic needed to warrant a signal at the intersection of NE 53rd/108th Ave NE.
- (4) Transportation management programs are required for new institutional and commercial projects in order to mitigate traffic impacts. Through the environmental review process, the applicant agreed to provide a transportation management plan for the site. In written

correspondence, the applicant expressed concern that funding limitations might impact the applicant's ability to provide transportation management for the site.

b. Conclusions

- (1) The applicant has not demonstrated that traffic will be mitigated to the level equivalent to development of this site for single-family homes. No special events or other unknown factors lie outside this single-family AWDT, and the single-family trips are spread out over the entire day.
- (2) The proposed condition to mitigate potential traffic impacts is insufficient. While the condition limiting traffic to 750 AWDT is offered in mitigation of potential impacts, there is no showing that this condition will bring traffic impacts to the levels anticipated by single-family development or is otherwise compatible with the neighborhood.
- (3) The traffic report addresses the impacts on only the primary intersection impacted by the proposed expansion and only at the anticipated level of 488 AWDT. No data are given for the maximum allowed condition of 750 AWDT traffic generation. No calculation has been made regarding increased traffic impacts to NE 53rd and surrounding residential streets accessing NE 53rd from NE 45th, NE 47th, NE 48th, 110th NE and 111th NE as attendees seek alternative routes to and from the facility.
- (4) The applicant's potential inability to provide a full transportation management program increases the possibility of adverse traffic impacts both at present and in the future for a regional facility such as that proposed. By the irregular nature of the proposed use, transportation management may be difficult to secure. The suggested funding limitations may render the applicant unable to comply with transportation management policies.