

**CITY OF KIRKLAND  
HEARING EXAMINER  
FINDINGS, CONCLUSIONS AND RECOMMENDATION**

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**APPLICANT:** Sean Ryan for Lake Washington School District

**FILE NUMBER:** ZONO11-00003

**APPLICATION:**

1. Site Location: Alexander Graham (A.G.) Bell Elementary School, located at 11212 NE 112<sup>th</sup> Street
2. Request: The Applicant seeks approval of a Master Plan and Planned Unit Development (PUD) to build a new school building for A.G. Bell Elementary School.

Major elements of the proposal include the following:

Demolition of the existing elementary school totaling approximately 52,760 square feet and construction of the new school totaling approximately 65,305 square feet. This represents an increase in size of approximately 12,545 square feet with the new school building.

Construction phasing and site plan layout designed to allow the elementary school to remain in operation during construction. The new building is proposed to be constructed east of the existing school. Completion of the new school is anticipated prior to the 2013 – 2014 school year. Exhibit A, Attachment 3, pages A7.1 – A7.4 contains the proposed phased construction plan for the new school.

Revised student pickup/drop-off area separate from bus and trash/recycling access.

New surface parking layout for 68 parking stalls.

NE 112<sup>th</sup> Street frontage improvements including 23 new street parking stalls, curb, gutter, landscape strip, and sidewalk.

The applicant is requesting approval of the following as part of a PUD:

Approval of minor portions of the new school building that exceed the maximum height limit

Approval of building facades that exceed the maximum width for structures where adjoining single-family uses.

Retention of existing pedestrian trails located within the wetland and wetland buffer that are currently non-conforming as to the City's drainage basin regulations.

3. Review Process: Process IIB; Hearing Examiner conducts a public hearing and makes a recommendation to the City Council. The City Council will make the final decision on this application. The District is requesting that the preliminary and final PUD applications be reviewed concurrently.
4. Key issues: Compliance with Planned Unit Development (PUD) criteria and with zoning standards for a school use.

**RECOMMENDATION:**

Planning and Community Development: Approve with conditions  
Hearing Examiner: Approve with conditions

**PUBLIC HEARING:**

The Hearing Examiner held a public hearing on the application on July 7, 2011, in City Council Chambers, Kirkland City Hall, 123 Fifth Avenue, Kirkland, Washington. A verbatim recording of the hearing is available at the City Clerk's office. The minutes of the hearing and the exhibits are available for public inspection at the Planning and Community Development Department. The Examiner viewed the site on July 7, 2011, prior to the hearing.

**FINDINGS OF FACT AND CONCLUSIONS:**

Having considered the evidence in the record and after viewing the site, the Hearing Examiner enters the following Findings of Fact and Conclusions:

1. The Findings of Fact and Conclusions set forth in Section II of Exhibit A, PCD Advisory Report, are adopted by reference as the Hearing Examiner's Findings of Fact and Conclusions.
2. If and when the School District determines that it is necessary to place portables on the site, it would be required to obtain a building permit. At that time, the design of the portables would be reviewed for consistency with recommended Condition 4 (Exhibit A, Section I.B).
3. A property owner who resides a block away from the site submitted written comments (Exhibit A, Attachments 8 and 9) and testified at hearing, objecting to the proposal and identifying a number of concerns with the project. Although the proposal obviously represents a change from the current development at the site, the proposal's

impacts are reasonably addressed by the project's design, the City's Codes, and the conditions placed on the project.

4. A property owner directly north of the site noted at hearing that he would like the City to contact him regarding the project's fencing along that property line. He noted that there are some trees on his property near the property line that he would be willing to have removed, if removal of the trees would allow the school to install a new fence rather than utilizing the existing chain link fence. The Department noted that the City could contact the owner prior to the installation of the fence.

5. The proposal would meet the applicable criteria and should be approved.

#### **RECOMMENDATION:**

Based on the foregoing findings of fact and conclusions, the Hearing Examiner recommends that the City Council approve the Master Plan and PUD with the conditions set forth in Section I.B of Exhibit A, PCD Advisory Report.

Entered this 12<sup>th</sup> day of July, 2011.

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Anne Watanabe  
Hearing Examiner

#### **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.

#### **CHALLENGES AND JUDICIAL REVIEW**

The following is a summary of the deadlines and procedures for challenges and appeals. Any person wishing to file or respond to a challenge or appeal 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.

## **LAPSE OF APPROVAL**

The applicant must submit to the City a complete building permit application approved under KZC Chapter 125 within four (4) years after approval of the Final PUD, or the lapse provisions of Section 152.115 will apply. Furthermore, the applicant must substantially complete construction approved under Chapter 125 and complete the applicable conditions listed on the Notice of Approval within six (6) years after approval of the Final PUD, or the decision becomes void.

## **TESTIMONY:**

The following persons testified at the public hearing:

Jon Regala, Senior Planner  
Ralph Rohwer, Lake Washington School District  
Noah Greenburg, Project Architect  
George Braslaw  
Lance Babcock

**EXHIBITS:**

The following exhibits were entered into the record:

Exhibit A, Department's Advisory Report with Attachments 1-25

**PARTIES OF RECORD:**

Lake Washington School District: Sean Ryan and Ralph Rohwer  
Noah Greenberg, DLR Group

Citizens on Parties of Record list

Department of Planning and Community Development

Department of Public Works

Department of Building and Fire Services