

RESOLUTION NO. 4000

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING A DEVELOPMENT PROPOSAL SUBMITTED UNDER THE QUASI-JUDICIAL PROJECT REZONE PROVISIONS OF CHAPTER 130 OF THE KIRKLAND ZONING CODE, ORDINANCE 2740, AS AMENDED, AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. IIB-95-73 BY CONTINENTAL PACIFIC, INC. TO CONSTRUCT 245 APARTMENT UNITS AND SETTING FORTH CONDITIONS TO WHICH SUCH DEVELOPMENT PROPOSAL SHALL BE SUBJECT AND SETTING FORTH THE INTENTION OF THE CITY COUNCIL TO, UPON APPROVED COMPLETION OF SAID DEVELOPMENT, REZONE THE PROPERTY FROM RSX 12.5 TO RM 2.4.

WHEREAS, the Department of Planning and Community Development has received an application filed by Continental Pacific, Inc., as owner of the property described in said application requesting a permit to develop said property in accordance with the Quasi-Judicial Project Rezone procedure established in Chapter 130 of Ordinance 2740, as amended; and

WHEREAS, said property is located within an RSX 12.5 zone and the proposed development is a permitted use within the RM 2.4 zone; and

WHEREAS, the application has been submitted to the Hearing Examiner who held a public hearing thereon at his regular meeting of January 29, 1996; 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 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 Hearing Examiner, after his 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 to the City Council approval of the proposed development and the Quasi-Judicial Project Rezone pursuant to Chapter 130 of Ordinance 2740, as amended, all 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 Hearing Examiner.

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

Section 1. The Findings, Conclusions, and Recommendations of the Hearing Examiner as signed by him and filed in the Department of Planning and Community Development File No. IIB-95-73 are hereby adopted by the Kirkland City Council as though fully set forth herein, except for:

- 1) Conclusion D.13.b.(3) which shall be amended to read as follows:

With the recommended conditions of approval, the proposal will provide public benefits to the City as part of the PUD, and will be superior to the design that would result from development of the site without a PUD. It will disturb less of the site, and therefore sensitive slopes and wooded areas, than would a development spread throughout the site. It will provide a range of recreation amenities and activities greater than that which is typically provided or could be required without a PUD.

However, the degree to which the PUD preserves sensitive slopes and wooded areas above and beyond what would be preserved without a PUD is difficult to quantify. As stated in Section II.D.13.a(1)(c) above, in order for preservation, enhancement, or rehabilitation of natural features to be considered a PUD benefit, it must be of a nature which could not be required by the City without a PUD. The Comprehensive Plan establishes development standards for this site, which include the clustering of structures to preserve significant grouping of trees, the retention of maximum vegetative cover, and the protection of sensitive slopes through natural greenbelt easements (see Section II.F). Similarly, the Zoning Code contains regulations governing development in geologically hazardous areas. Therefore, a certain amount of slope and vegetation protection would likely occur with any development of this site, even without a PUD.

As discussed in Section II.D.13.a(1)(b) above, Section 125.35.2 of the Zoning Code requires that adverse impacts or undesirable effects of the PUD be "clearly outweighed" by public benefits. The benefits resulting from the clustered nature of the project do not clearly outweigh the impacts of the increased building scale, particularly with respect to Buildings S and T. Even with the recommended conditions of approval, those buildings would be allowed to exceed the height and facade limitations of Section 20.10.a.2, Special Regulation No. 4, of the Zoning Code. Some degree of the project benefits described above could be achieved through application of Comprehensive Plan development standards and Zoning Code regulations. Therefore, in order to conclude that the adverse impacts and undesirable effects of the PUD are clearly outweighed by its benefits, additional benefit should be provided.

The Department of Planning and Community Development recommends that such additional benefit be provided by making the pedestrian path connection from NE 120th Street to Slater Avenue NE which was required through the SEPA review process (see Attachment 9) available to the general public during daylight hours. Because of the unusual block length (over 2,000 feet from 132nd Avenue NE to Slater Avenue NE), direct vehicular and pedestrian access from NE 120th Street to the commercial area to the north is not available. To travel from NE 120th Street to the commercial area, a circuitous route must be followed, along 132nd Avenue NE westward to Slater Avenue NE, and then northeasterly along Slater Avenue NE. Sidewalks are available along this route in some areas, but not in others, making this route hazardous to pedestrians.

Prior to the submittal of this application, the Public Works Department examined ways by which a full street could be extended through this site, to connect NE 120th Street with Slater Avenue NE. Such a roadway connection could provide better access between the commercial areas to the north and the residential areas and Lake Washington Technical College to the south. The Public Works Department determined that the topography of the site precluded such a street. However, the possibility of a pedestrian path through the site remains. Such a path would benefit the general public by providing a safer and more direct route from NE 120th Street to the neighboring commercial areas.

This public benefit could be provided by encompassing the path which was required through the SEPA review process in a 10' wide easement within the developed portion of the site and a 20' wide easement in the undeveloped portion, and by providing standard City signage at the trail entrances. The public portion of the trail system would not need to include that portion which links the recreation activity areas on the wooded slope.

- 2) Recommendation C.4.a. which shall be amended to read as follows:

Complete construction of the pedestrian path connection from NE 120th Street to Slater Avenue NE, and submit an as-built plan of that path and any related improvements, as well as a public easement encompassing the path. The portion of the path encompassed by the easement is not required to include the portion of the path which links the on-site recreational activity areas in the wooded portion of the site. The easement shall be 10' wide within the developed portion of the site and 20' wide within the undeveloped portion. Signage, after review and approval by the Department of Planning and Community Development, shall be installed at both entrances to the path which identify it as open to the public during daylight hours (see Conclusion II.D.13.b(3)).

Section 2. A Development Permit, pursuant to the Quasi-Judicial Project Rezone procedure of Chapter 130 of Ordinance 2740, as amended, shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council.

Section 3. The City Council approves in principle the request for reclassification from RSX 12.5 to RM 2.4, pursuant to the provisions of Chapter 23.130 of Ordinance 2740, as amended, and the Council shall, by ordinance, effect such reclassification upon being advised that all of the conditions, stipulations, limitations, and requirements contained in this resolution, including those adopted by reference, have been met; provided, however, that the applicant must begin the development activity, use of land or other actions approved by this resolution within four years from the date of enactment of this resolution, or the decision becomes void.

Section 4. Nothing in this resolution shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to the proposed development project, other than as expressly set forth herein.

Section 5. Failure on the part of the holder of the development permit to initially meet or maintain strict compliance with the standards and conditions to which the development permit and the intent to rezone is subject shall be grounds for revocation in accordance with Ordinance 2740, as amended, the Kirkland Zoning Ordinance.


Section 6. 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 development permit or evidence thereof, delivered to the permittee.

Section 7. 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 Department for the City of Kirkland
- (c) Public Works Department of the City of Kirkland
- (d) City Clerk for the City of Kirkland


PASSED by majority vote of the Kirkland City Council in regular, open meeting on the 19th day of March, 1996.

SIGNED IN AUTHENTICATION THEREOF on the 19th day of March, 1996.



Mayor

ATTEST:



City Clerk

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