

RESOLUTION NO. 2207

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AMENDING SECTION 3 OF RESOLUTION NO. 2202 WHICH APPROVED THE PRELIMINARY APPLICATION OF A PLANNED UNIT DEVELOPMENT TO BE KNOWN AS YARROW BAY OFFICE COMPLEX BEING DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. PUD-73-32(H) AND PROVIDING THAT CONSTRUCTION OF AN AUTOMOBILE AND PEDESTRIAN BRIDGE ACROSS THE REALIGNMENT OF YARROW CREEK SHALL BE WITHIN THE AUTHORIZED SITE PREPARATION WORK AND CREEK BED REALIGNMENT.

WHEREAS, the Department of Community Development, the Houghton Community Council and the Kirkland Planning Commission have all so recommended,

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

Section 1. Section 3 of Resolution No. 2202 of the Kirkland City Council giving preliminary approval for a planned unit development known as Yarrow Bay Office Complex and having Department of Community Development File No. PUD-73-32(H) be and it hereby is amended to read as follows:

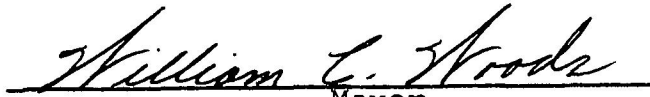
"Section 3. This preliminary planned unit development approval shall also authorize the City Administration to grant the applicant a Grading Permit in order for him to do site preparation work in the area of the proposed units 1 and 2 and also to realign the Yarrow Creek bed as authorized by the Department of Fisheries and Game. Permit for construction of an automobile and pedestrian bridge across the realignment of Yarrow Creek within the PUD site at the location designated on the attached parking and circulation diagram shall be within the authorization granted to the City Administration to issue certain construction permits prior to final approval of the planned unit development as set forth in this Section 3 of Resolution No. 2202 as amended."

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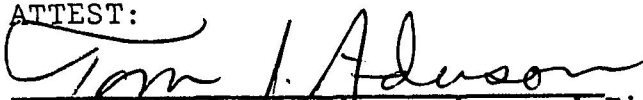
Section 2. A copy of this amendatory Resolution including the attachments hereto, shall be furnished to the applicant and to the following City of Kirkland Departments:

1. Department of Community Development
2. Houghton Community Council
3. Kirkland Planning Commission
4. Department of Public Service
5. Police Department
6. Department of Fire Services

APPROVED by a majority vote of the Kirkland City Council in regular meeting on the 18th day of September, 1973.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Director of Administration and Finance  
(ex officio City Clerk)

Mailing Address: Coldwell Banker Mgt.  
Park Place  
Seattle, Wa. 98101

Amended Administrative Report  
PUD-73-32(H) 8/13/73  
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AMENDED  
ADMINISTRATIVE REPORT

REPORT PREPARED: August 13, 1973 FILE NO.: PUD-73-32(H)  
NAME: Coldwell Banker Mgt. Corp. HEARING BODY: Houghton Community Cncl  
Kirklund Planning Comal.  
ADDRESS: Lake Washington Blvd. & August 7, 1973  
38th Place. August 9, 1973

SUBJECT: Planned Unit Development Application

THIS REPORT INCORPORATES THE REPORT PREPARED AUGUST 2, 1973, THE ADDENDA  
REPORT DATED AUGUST 6, 1973, AND CHANGES MADE BY THE PLANNING COMMISSION  
DURING THEIR HEARING.

BACKGROUND:

Coldwell Banker Management Corporation has applied for a Planned Unit Development for the construction of an office and restaurant complex on a 25.5 acre site northeast of and adjacent to N.E. 38th Place east of Lake Washington Boulevard. Their proposal would encompass, upon completion, five office complexes identified on the plans as Unit 1 through Unit 5, two restaurants and a theme building which would contain conference room facilities and management offices for the complex. The construction of the proposal is proposed to be phased over a three year period from the time of the final approval of the Planned Unit Development in accordance with the maximum time limitation of the Kirklund Zoning Ordinance. 4

ENVIRONMENTAL ASSESSMENT AND DECLARATION:

The applicant has submitted to the City an Environmental Assessment in accordance with Kirklund Resolution No. 2181 and the State Environmental Policy Act of 1971. A copy of this Environmental Assessment is included with this Staff Report and Exhibits for your review. For the purpose of this action the Director of the Department of Community Development is the Responsible Official.

In the administrative review of the Environmental Assessment, the Director of the Department of Community Development called a Staff Meeting on July 25, 1973 of all principal department heads to review the Environmental Assessment and to review the Traffic Engineering Study which will be discussed later. Each principal department head was given ample opportunity to review the Environmental Assessment and the Traffic Engineering Study and to present comments to the Director prior to a declaration. The comments of the principal departments will be covered in the Findings to this Staff Report.

As a result of the Staff Meeting and a thorough review and analysis of the Environmental Assessment and other exhibits submitted with the preliminary P.U.D., the Responsible Official reached a negative declaration on the necessity for a full Environmental Impact Statement. A copy of the declaration is attached with this Staff Report.

Also included with this Staff Report and Exhibits is a copy of the Traffic Engineering Study prepared for the development by Donald Fischer and Associates, Traffic and Transportation Engineers. Additional discussion regarding this study will be encompassed in the Findings and Conclusions of this report.

FINDINGS:

Many of the technical findings which are encompassed in the Environmental Assessment and the Traffic Engineering Study, which are attached to this Staff Report, will not be reiterated here. The Conclusions and Recommendations Section of this Staff Report may encompass points not brought out in these Findings but so noted in the Environmental Assessment and Traffic Engineering Study.

1. A number of additional exhibits and data have not been submitted by the applicant at the time of writing of this Staff Report. If the additional exhibits are submitted in sufficient time before the mailing of the Staff Report to the Planning Commission and Community Council, an addendum report will be prepared encompassing that additional information.

2. Public facilities:

A. Adequate water and sewer facilities are available in the immediate area of N.E. 38th Place. Specifically, a 12" water main is available for extension at Lake Washington Boulevard and an 8" sewer line exists along N.E. 38th Place from Lake Washington Boulevard to a point on N.E. 38th Place opposite the existing projection building of the Eastside Drive-in Theater.

B. The existing Yarrow Creek presently receives all storm waters north and east of N.E. 38th Place. Surface runoff is presently collected in an open ditch system on N.E. 38th Place with a culvert system under N.E. 38th Place and Lake Washington Blvd. Surface runoff follows this minor tributary system south and west to an eventual outfall in Yarrow Bay. The development of the Planned Unit Development calls for the relocation of the Yarrow Creek on the site during Phase I development. Applicants have been advised to work with the Department of Fisheries in the relocation of the creek. The Department of Community Development has been advised that the Department of Fisheries will require compliance with the Water Resources Act of 1971 and the issuance of a hydraulics permit. As of the writing of this Staff Report there is no evidence to indicate that this creek or the remainder of the systems south and west of N.E. 38th Pl., provides any significant habitat for fish species. Specifically, the Department of Fisheries has indicated that contrary to some statements the stream system is not now being used as a spawning ground for coho salmon. The environmental assessment should be reviewed for greater detail on this subject.

C. Modifications to the traffic system on N.E. 38th Place and its intersections with N.E. 38th Street and Lake Washington Blvd. will be addressed in the following finding.

3. The right of way of N.E. 38th Place is presently 30 feet in width. The applicant's Traffic Engineering Study indicates a future requirement of a 50 foot right-of-way to encompass the ultimate development of this site and the 14 acre site to the south and west of this site.

4. The Traffic Engineering Study further indicates the need for a 3-lane road section with the completion of Phase I of this development. This would include one moving lane in each direction and a center median lane for left turn movements. The ultimate development of this site and the site to the southwest of this site, will call for the development of two moving lanes in each direction and a center left turn median lane.

5. The Traffic Engineering Study further indicates that some traffic signalization will be necessary at the intersection of N.E. 38th Pl. with Lake Washington Blvd. and N.E. 38th Street. The configuration of these intersections and their signalization and the point in time when these intersections must be modified is not encompassed in the Traffic Engineering Report.

6. The Police Department anticipates that this complex will be a high frequency burglary area due to the nature of uses and equipment which are anticipated for the complex. They indicated that preliminary plans for the complex did not give any information on lighting, locks or burglar alarm systems.

7. The Fire Department's analysis has not indicated any problem of significance from the fire or building standpoints. They have indicated that sufficient water and fire hydrants for fire protection are necessary, together with standpipes in the buildings, and driveways that will allow access around the complex.

8. The Preliminary Planned Unit Development documents do not specify at this stage the design for handling the movement of pedestrians within the office complex. This is directed primarily at the employee population which is estimated to be 1500 employees at full development and their movement from structure to structure and to outside leisure areas.

9. Site preparation:

A. Applicants are requesting to begin site preparation on Phase I and the area to be occupied by Unit 2 under Phase II as soon as the approval of the preliminary Planned Unit Development is given by the City Council. The site work may require a grading permit but will in no way involve development on the site which would require a building permit for the construction of Units 1, Units 2, the theme tower or the restaurant. The site preparation would also encompass the re-alignment of Yarrow Creek on the site which must be accomplished under Guidelines and Criteria from the Department of F-sheries.

B. A letter from the applicant's contractor, McCann Construction Co., has indicated that site preparation will not involve the disturbance of the remainder of Phase II or Phase III areas. All asphalt paving in the areas of Phase II and III will be left for future construction and erosion control will be limited to Phase I only.

C. The contractor indicates that all necessary steps shall be taken to prevent storm water to flow unchecked into Yarrow Creek during construction. Steps to be taken will include the installation of diversion ditches, settling ponds and earth barricades. The same controls will be used to prevent storm water from flowing unchecked off the site.

D. The Department of Community Development has passed on a number of new concepts to retain on-site runoff through various alternative retention systems. The contractors for the development have indicated in a letter that this is a new and valid concept and they are awaiting soils reports to continue their review of our proposal.

10. The Department requested calculations on existing and projected storm runoff from the site. The runoff coefficient will increase with the new development from .53 to .66 which represents roughly a 15% increase in runoff which can be expected to occur from this proposed development as a result of a 5, 10 or 20 year storm period.

11. The Environmental Assessment mentioned present flooding at the north end of the site in the approximate vicinity of the restaurant but does not address what control or mitigative measure will be implemented to correct the problem.

12. The Environmental Assessment reports that at least 25 to 30% of the project site will be landscaped to reflect and preserve the natural vegetation of the area.

13. The Environmental Assessment should be reviewed for:  
A. Environmental impact of the proposed action (Page 39).  
B. Any unavoidable adverse environmental effects (Page 45).  
C. Alternatives to the proposed action (Page 48).

D. Relationship between local short term environmental uses and the maintenance and enhancement of long term productivity. (Page 51)

14. The Traffic Engineering Study should be reviewed for:

- A. Existing traffic facilities.
- B. Development traffic.
- C. Projections of occupancy and traffic.

D. Conclusions and Recommendations.

15. A portion of the project site area is located within the corporate limits of the City of Bellevue. The corporate limits are noted on the site exhibit attached hereto. All of proposed Unit 5 and some on-site parking adjacent to N.E. 38th St. is in the Bellevue area.
16. The following approximate setbacks are indicated for those structures within close proximity to property lines:  
Restaurant #1: 45 feet ± (North property line)  
Unit #4: 25 feet ± (N.E. 38th Place)  
Unit #5: 0 feet (N.E. 38th Street)  
Restaurant #2: 25 feet (N.E. 38th Place)

CONCLUSIONS:

1. Public Facilities:
  - A. The development will necessitate the extension of water and sewer facilities to be recommended by the Public Service Department.
  - B. The relocation of Yarrow Creek should be permitted in conformance with the requirements, conditions and stipulations of the Department of Fisheries regarding the design of the new system and necessary timing for completion.
2. A dedication of 15 feet on the north and south sides of N.E. 38th Place will be necessary to meet the requirement for a 60 foot wide dedication of right-of-way for the ultimate development of the 25.5 acre site and the 14 acre site to the south and west of this Planned Unit Development.
3. The installation of a 3-lane road section with the completion of Phase I will be necessary as concluded in the Traffic Engineering Report.
4. Recommendations on signalization at N.E. 38th Pl. with Lake Washington Blvd. and N.E. 38th St. with N.E. 38th Place has not been addressed in sufficient detail as yet. Conditions upon this Planned Unit Development cannot be finalized until additional information is submitted.
5. Additional security details should be submitted with the Final Planned Unit Development documents.
6. Additional detailing will be necessary with the submittal of the Final Planned Unit Development documents for fire protection requirements as set out by the Fire Department.
7. Additional clarification will be necessary to analyze the system to move pedestrians within the office complex. It is suggested that this be required with the submittal of the final Planned Unit Development documents.

8. The permission to begin site preparation upon approval of the preliminary Planned Unit Development by the City Council must be directly encompassed within the Council's adopting resolution.
9. Specific site preparation plans should be submitted for review and approval by the Department of Community Development if a release is given concurrent with approval of the Preliminary Planned Unit Development.
10. Based on a letter from the contractor for the development, an additional detailed response will be forthcoming as to methods to mitigate the projected increase in storm water runoff as a result of the new development and during construction.
11. Detailed measures should be submitted with the Final Planned Unit Development documents to respond to the apparent flooding problem at the north end of the site in the vicinity of the proposed restaurant.
12. Coordination with the City of Bellevue will be necessary for that portion of the Planned Unit Development within their corporate limits. Mr. Allen Locke, City Manager, has been in contact with Mr. Joe Miller, Bellevue City Manager, to discuss the problem and several alternatives are being considered at this time. The City of Kirkland has suggested that the entire project be under the review and approval of the City of Kirkland. The legal basis for this is being reviewed together with the potential of the annexation of the portion of the project in the City of Bellevue to the City of Kirkland.
13. All proposed setbacks appear to be adequate with the exception of the setback proposed for Unit #5. This is complicated by the fact that this unit will be in the City of Bellevue and under their jurisdiction. No additional right-of-way will be necessary on N.E. 38th Street.

RECOMMENDATIONS:

- The Department of Community Development recommends approval of the Preliminary Planned Unit Development and the request to begin site preparation under Phase I and a portion of Phase II subsequent to approval of the Preliminary Planned Unit Development, subject to the following conditions and stipulations:
1. The applicants shall submit plans for extensions and/or modifications to the public facilities concurrent with the Findings and Conclusions of this report, at the time Final Planned Unit Development documents are submitted. Such plans for the modification to the existing water, sewer and storm drainage systems shall be submitted to the Public Service Department for review and approval prior to presentation of the Final Planned Unit Development to the Planning Commission.

Mailing Address: Hal Brandt  
10666 N.E. 8th St.  
Bellevue, Wa. 98004

AMENDED 9/14/73  
ADMINISTRATIVE REPORT:  
LAKE VISTA TERRACE DIV. NO. 2

REPORT PREPARED: September 5, 1973 FILE NO.: SUB-73-19(H)  
NAME: Hal Brandt HEARING BODY: Community Council/  
Planning Commission  
PROPERTY LOCATION: N.E. 53th St. &  
106th Ave. N.E. HEARING DATE: September 11/Sept. 13,  
1973  
SUBJECT: Final Subdivision Application

BACKGROUND ANALYSIS:

This application at this point has received a favorable recommendation on the Preliminary Subdivision application by both the Community Council and Planning Commission. It also has been approved by the City Council subject to certain conditions as set forth in the Findings, Conclusions, Recommendations and Conditions adopted by the Planning Commission.

At the present time the following are the specific conditions of approval on this subdivision application:

1. An environmental assessment has been submitted to the City and a negative declaration reached.
2. Plans on all utilities and road systems have been submitted to the City and approved by the Public Service Director in terms of meeting City specifications.
3. A storm drainage holding basin not be required between Lots 27 and 29.
4. That the 3.58 open space be required to be located between Lots 10, 11, 24 and 25 and the following improvements to be made:
  - a. A 10 foot paved walkway is to be constructed connecting 105th Ave. N.E. to the north with 104th Ave. and 103th Ave. to the south.
  - b. A 3'6" cedar fence, as submitted by the applicant to the City, is to be installed adjacent to Lots 10, 11, 24 and 25.
  - c. The area is to be graded and seeded.
  - d. That this open space, referred to as Tract A, be deeded to the City of Kirkland with costs of future improvements and/or maintenance to be borne by all lot owners within the plat.

5. Tract B, the island in the small cul-de-sac on 104th Ave. N.E. is to be deeded to the City with the costs of future improvements and/or maintenance to be borne by the owners of Lots 30, 31, 32, 33, 34 and 35.

6. That a variance be granted to allow a 20 foot frontage for access to Lots 8 and 33

Mailing Address: Hal Brandt  
10666 N.E. 8th St.  
Bellevue, Wa. 98004

TRANSMITTAL REPORT  
LAKE VISTA TERRACE DIV. NO. 2

REPORT PREPARED: September 26, 1973 FILE NO.: SUB-73-19(H)  
NAME: Hal Brandt HEARING BODY: City Council  
PROPERTY LOCATION: N.E. 60th St. &  
106th Ave. N.E. HEARING DATE: Oct. 1, 1973  
SUBJECT: FINAL SUBDIVISION APPLICATION OF LAKE VISTA  
TERRACE DIV. NO. 2

BACKGROUND ANALYSIS:

Preliminary approval of this subdivision application was given by the Houghton Community Council on April 3, the Planning Commission on May 10, and City Council on June 4, 1973. Recommendations to the City Council for final approval was given by the Houghton Community Council during their regular meeting of September 11, 1973 and Planning Commission at their regular meeting of September 13, 1973.

The favorable recommendations of both groups were given subject to the conditions in the attached amended Administrative Report dated 9/14/73.

All City Departments have had adequate opportunity to review the subject subdivision and have forwarded on favorable recommendations for its approval.

Report prepared by:

*Kelli Stokes*  
DEPARTMENT OF COMMUNITY DEVELOPMENT

KS:bk

Attachments

7. The Community Council at the time they granted the Preliminary Subdivision application agreed to meet at the site to determine if a sidewalk or roadway should be extended on N.E. 50th St. to the railroad right-of-way, thereby providing access to the railroad right-of-way and potentially, to Lake Washington. In conjunction with this, the Kirkland Park Department has indicated the desirability of a walkway system along the south portion of this property in the N.E. 60th Street right-of-way to the railroad tracks. The Park Department has indicated that this is considered a future trail site and recommends that the 4 1/2 foot sidewalk be extended the entire length of the south property line. If the walkway is allowed to meander in the N.E. 60th Street right-of-way, it will be subject to the approval of the Public Works Director and the Park's Director.

8. The developer will install a 6 inch water main in N.E. 60th St. in lieu of participation with the City in a 12 inch water main. (This decision was reached by the Public Service Director since it was determined that fire flows would be adequate in a 6 inch water main and that the 12 inch main was not needed.)

**RECOMMENDATIONS:**

1. The Houghton Community Council and Planning Commission hereby adopt the above conditions and recommend approval of the Final Plat of Lake Vista Terrace Division No. 2 subject further to the following conditions.
  - a. That a barricade be installed along the entire northern portion of tract A to the satisfaction of the Park Director which would allow only pedestrians to pass through, and not cars or motorcycles.
  - b. That prior to the filing of the Final Plat, a bond shall be deposited with the City of Kirkland to cover the cost of all public improvements not completed, and the bond size to be determined by the Public Service Director.
2. A copy of the revised Final Plat drawings are hereby attached to this report and approved subject to the conditions and stipulations contained herein.

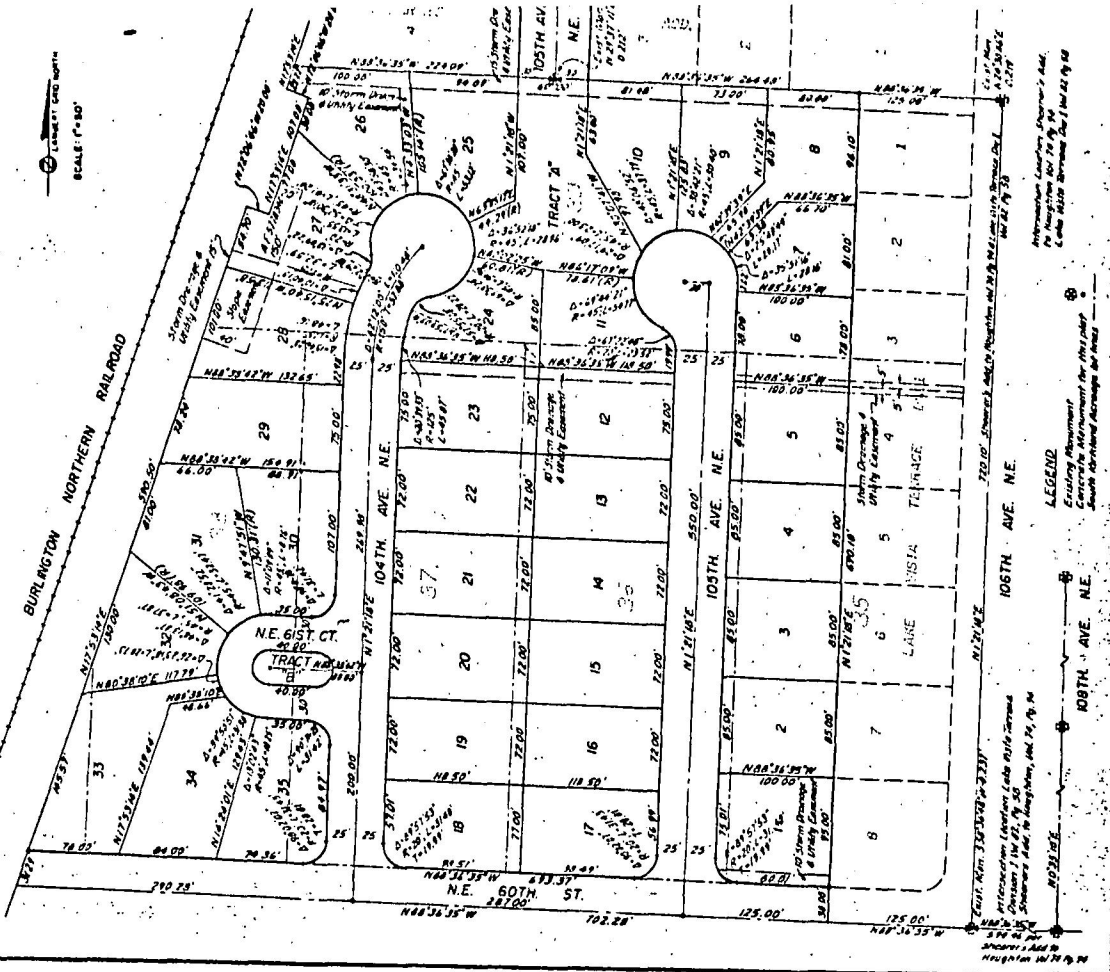
*John C. ...*  
 CHAIRMAN,  
 KIRKLAND PLANNING COMMISSION

*Kelly ...*  
 ASSOCIATE PLANNER,  
 DEPT. OF COMMUNITY DEVELOPMENT

KS:bk

# LAKE VISTA TERRACE DIVISION NO. 2

SECTION 8, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M.  
 KING COUNTY, WASHINGTON



10. The applicant shall, in the absence of more detailed landscaping plans as a part of the preliminary Planned Unit Development, be bound by the conceptual landscape plan as provided with the Preliminary Planned Unit Development documents and shall not propose a reduction in the landscaped areas so defined in concept by more than 10%. Any proposal in the Final Planned Unit Development to deviate beyond the 10% reduction in the landscaped areas shall be accompanied by strong justification in off-setting benefits and so approved by the Planning Commission and Houghton Community Council. (Note: This recommendation is necessary at this time in light of apparent dimensional flaws in the internal parking and circulation plan as submitted with the Preliminary Planned Unit Development documents.)
11. The applicant shall submit Final Planned Unit Development documents which conform to the spirit and intent of the Preliminary Planned Unit Development documents so far as the elevations and designs of the structures are concerned including exterior materials and colors. The applicant shall submit a detailed landscaping plan for the site together with any landscaping proposed in the median of N.E. 38th Place with the Final Planned Unit Development documents.
12. The applicant shall submit plans and measures for perimeter transition at the northwesterly portion of the site adjacent to the existing single family zoning. This is primarily intended to provide transition between the restaurant and its related off-street parking to the abutting properties.
13. In general, the applicant shall submit Final Planned Unit Development documents in accordance with requirements of the Kirkland Zoning Ordinance and such documents shall conform to the spirit and intent of the Preliminary Planned Unit Development documents and exhibits submitted and herein contained.
14. Trees 6" and over in caliper on the northwest portion of the site shall be certified by a survey.
15. A 6 foot bicycle and pedestrian path shall be installed along the entire length of this project on the northeast side along N.E. 38th Place.

*Will Johnson*  
Gerard F. Link, Director  
DEPARTMENT OF COMMUNITY DEVELOPMENT

We hereby recommend approval of the Preliminary Planned Unit Development subject to the Findings, Conclusions and Recommendations above.

*John C. ...*  
Chairman  
KIRKLAND PLANNING COMMISSION

GFL:KS:bk  
Attachments

2. The applicants shall submit a design for a full five lane system on N.E. 38th Place including channelization and signalization at the intersections of Lake Washington Blvd. and N.E. 38th St. with N.E. 38th Pl. Said design shall be submitted with Final Planned Unit Development documents.
3. As part of Phase I of the Planned Unit Development the applicants shall construct a three-lane road section in accordance with the master design for the five-lane system defined above. Commensurate with this requirement the applicant shall dedicate 15 feet on the north side of N.E. 38th Place. (Note: The development of the 14 acre parcel to the south will also be required to dedicate 15 feet which will create an ultimate dedicated right-of-way of 60 feet.)
4. The applicant shall submit details for the security system for the development in accordance with the findings and Conclusions of this report. These specifications shall be submitted with the Final Planned Unit Development documents.
5. Additional requirements for defining the fire protection elements of the development shall be submitted with the Final Planned Unit Development documents.
6. The applicants shall submit additional details on the pedestrian system within the development as reviewed in the Findings and Conclusions of this report. This shall be submitted with the Final Planned Unit Development documents.
7. A resolution approving the Preliminary Planned Unit Development shall also provide for the permission to proceed with site preparation of Phase I and a portion of Phase II as discussed under the Findings and Conclusions of this report. Said permission to proceed should be under the authority of a grading and clearing permit pursuant to the Uniform Building Code, Chapter 70. Permission to proceed with site preparation shall be conditioned upon satisfactory evidence submitted by the applicant to the Department of Community Development from the Department of Fisheries regarding relocation of the stream. The Environmental Assessment and Declaration for this development shall be satisfactory to encompass the requirement for environmental review for the grading permit.
8. Specific measures to deal with the projected increase to runoff with the new development shall be submitted with the Final Planned Unit Development documents.
9. Plans and measures shall be submitted with the Final Planned Unit Development documents to deal with the flooding problem identified in the Environmental Assessment at the north end of the site as encompassed in the Findings and Conclusions of this report.