

RESOLUTION NO. 2217

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE FINAL APPLICATION FOR A PLANNED UNIT DEVELOPMENT KNOWN AS THE YARROW BAY OFFICE COMPLEX, SUBJECT TO CERTAIN CONDITIONS, BEING DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. PUD-73-32(H).

WHEREAS, pursuant to the regulations as required by Kirkland Zoning Ordinance No. 2183, Coldwell Banker Management Corporation, as property owner, has submitted a proposal for a Planned Unit Development to be known as Yarrow Bay Office Complex and identified as File No. PUD-73-32(H), Department of Community Development, and

WHEREAS, said Planned Unit Development has heretofore received preliminary approval from the City Council by Resolution No. 2202 as amended by Resolution No. 2207, and

WHEREAS, pursuant to the regulations as required by the Kirkland Zoning Ordinance No. 2183, Coldwell Banker Management Corporation has now submitted for the Yarrow Bay Office Complex a final Planned Unit Development application, and

WHEREAS, pursuant to City of Kirkland Resolution No. 2181 relating to environmental policy and the State Environmental Policy Act, an environmental assessment and a traffic engineering report have been submitted to the City, reviewed by the responsible official for the City of Kirkland, and a negative declaration reached, and

WHEREAS, said environmental assessment, traffic engineering report and negative declaration have been available to and considered by each of the recommending bodies and the City Council, and

WHEREAS, said property, the legal description of which appears in said Department of Community Development File, is generally located in the vicinity of Lake Washington Boulevard, N.E. 38th Place and N.E. 38th Street, with the majority of this property being zoned Light Industrial and a small portion zoned Professional Residential, and

WHEREAS, the Houghton Community Council, following public meeting on October 2, 1973, and the Kirkland Planning Commission following public meeting on October 18, 1973, have both recommended to the City Council approval of said Final Planned Unit Development subject to certain conditions as set forth in the Findings, Conclusions and Recommendations of the Kirkland Planning Commission, including the Amended Administrative Report dated October 19, 1973.

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

Section 1. The report and recommendation of the Kirkland Planning Commission as embodied in the Amended Administrative Report dated October 19, 1973, has been submitted to the City Council as required by Section 23.28.160(3) of the Kirkland Zoning Ordinance No. 2183, including the Commission's Findings, Conclusions and Recommendations as signed by the Chairman of the Kirkland Planning Commission, and said Findings, Conclusions and Recommendations are by this reference adopted by the City Council as though fully set forth herein.

Section 2. Final approval of the Yarrow Bay Office Complex, being Department of Community Development File No. PUD-73-32(H), is hereby given subject to the conditions of approval recommended by the Planning Commission, all as set forth in said report, including addendum thereto, and recommendation to the City Council.

Section 3. The easterly portion of the proposed Planned Unit Development lies within the city limits of Bellevue. It is not the intention of the City Council to authorize approval of any project lying outside of the city limits of the City of Kirkland. However, should any arrangement be made with the City of Bellevue whereby the City of Kirkland becomes responsible for approval or acquires jurisdiction over this area, this reference shall indicate the City of Kirkland's approval over that portion, if and when so authorized.

Section 4. A copy of this resolution, including the conditions of approval incorporated herein by reference, 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 Services
5. Police Department
6. Department of Fire Services

APPROVED by majority vote of the Kirkland City Council in regular meeting on the 5th day of November, 1973.



Mayor

Attest:



Director of Administration & Finance
(ex officio City Clerk)

Resolution No. 2217

Amended 10/19/73

ADMINISTRATIVE REPORT
Yarrow Bay Office Complex

REPORT PREPARED: September 27, 1973 FILE NO.: PUD-73-32 (H)
NAME: Coldwell Banker Mgt. Corp. HEARING BODY: Community Council
Planning Commission
PROPERTY LOCATION: Lake Wa. Blvd. & HEARING DATE: October 2, 1973
38th Place. October 11, 1973
SUBJECT: Planned Unit Development Application
(FINAL P.U.D. - PHASE I)

BACKGROUND:

1. The City Council approved the Preliminary Planned Unit Development application under Resolution No. 2202 dated August 20, 1973. This resolution adopted by reference the final Findings, Conclusions and Recommendations as contained in the Administrative Report from the Planning Commission to the City Council dated August 13, 1973. This Administrative Report, which constituted the conditions and stipulations of approval for the Preliminary P.U.D., will be reviewed on a point by point basis in this report.
2. The City Council amended Resolution No. 2202 by Resolution No. 2207 on September 18, 1973 to authorize construction of an automobile and pedestrian bridge across the realigned Yarrow Creek within the P.U.D. site. This approval was given subsequent to reviews by the Planning Commission and Community Council.
3. The City of Kirkland issued Grading Permit No. G73016 to Coldwell Banker Management Corporation on August 21, 1973 to pursue site preparation as authorized under the Preliminary Planned Unit Development. A brief review of progress to date will be discussed under the Findings portion of this report.
4. The State Department of Fisheries and Game approved a Hydraulics Project Permit for the relocation of the Yarrow Creek within the Planned Unit Development. This permit contained technical provisions for the new channel alignment together with special provisions which Coldwell Banker would be required to follow. The realignment is to be completed by October 15, 1973. The City of Kirkland is relying on the expertise of the Department of Fisheries and Game in their inspection and approval of the realignment.
5. Concept for approval of the Final Planned Unit Development:
 - a. Coldwell Banker Management Corporation is requesting final approval of project plans and specifications for Phase I and Unit No. 2 of Phase II.
 - b. The restaurant and appurtenant improvements contained in Phase I are to be brought to the City at a subsequent date for review and final approval. This particular element of Phase I has not been firmed up by the sponsor and accordingly is not contained in the Phase I specifications for approval at this time.

- c. Coldwell Banker Management Corporation will seek final approval of Phases II and III within the approximate time frames as indicated in the Preliminary Planned Unit Development. At this time the City understands that the phasing will occur in approximate twelve month intervals with Phase II commencing in the 1974-1975 interval and Phase III occurring within the 1975-1976 interval. The most important concern in phasing a project of this nature is to ensure that each phase is sufficiently independent to function within the code and ordinance requirements of the City of Kirkland in the event that a succeeding phase or phases do not occur.
- d. In a letter to the City, the sponsor has indicated that some documentation required for the final approval of the Phase I elements will not be forthcoming until October 8, 1973. This would mean that the Houghton Community Council would not be in a position to review all final documents and exhibits at their October 2, 1973 meeting. In a discussion with the Chairman, Mr. Richardson, he has recommended that the Community Council review all documents and exhibits which are present at the October 2, 1973 meeting and to defer approval of the remaining documents and exhibits to the Kirkland Planning Commission at their regular meeting of October 11, 1973. Mr. Richardson has recommended this action in light of the good faith which has been shown by the project sponsor to date. Exhibits which have not been submitted as yet and are not forthcoming until October 8, 1973 include:
- (1) The proposed five-lane configuration for N.E. 38th Place.
 - (2) Final master site plan for the total development (to verify all base dimensions).

At the writing of this report the sponsor has not submitted landscaping plans for Unit 2 or detailed landscaping plans for the median in N.E. 38th Place. It is anticipated these documents will be present for the Houghton Community Council meeting on October 2.

FINDINGS:

1. Substantial progress has been made to date concerning site preparation for Phase I development. On September 26, 1973 the Department of Community Development conducted a site inspection of the work underway. This date the major portion of the stream realignment had been completed and the contractor, McCann Const. Co., indicated verbally that the Fisheries Dept. had inspected and approved the realignment and had praised the quality of work to date. Site preparation is continuing as of this time in anticipation of the construction of Unit I under Phase I. Based on our field observations it is the Department's feeling that the quality of work to date has been outstanding, with special reference to the stream realignment project. The stream system should be in a superior condition to its original state when this project is completed.

Documents and exhibits submitted to date for Phase I approval:

- a. Detailed plans and specifications and all structural calculations have been submitted for Unit 1 office building in Phase I and Unit 2 office building in Phase II. This includes detailed site plans and construction plans and specifications.
- b. The sponsor has submitted a master landscape plan for the total site together with a detailed landscaping plan for Unit 1 office building in Phase I. As stated earlier, detailed landscaping plans for Unit 2 and the median in N.E. 38th Place have not been submitted at this time.
- c. The sponsor has submitted a letter dated September 21, 1973 outlining a point by point response to the conditions and stipulations of the Administrative Report dated August 13, 1973. Also submitted has been a copy of the Hydraulics Project approval, a copy of the Grading Permit issued by the City of Kirkland, and a letter to Mr. Cliff Moules, Architect for the sponsor, from Wilsey and Ham, Inc., a consultant for the development, discussing the storm water control system for the development.
- d. In addition to the remaining detailed landscaping plans to be submitted, the sponsor will submit color rendered elevations for the Houghton Community Council to indicate colors and textures for the Units 1 and 2 office buildings and the theme building.

Off-street parking.

- a. Off-street parking for Unit 1 in Phase I and Unit 2 in Phase II will be provided in the amount of 435 stalls. The proportionate code requirement for this phase of the development would be 420 minimum off-street parking stalls.
 - b. The master site plan indicates 107 stalls to be provided adjacent to the restaurant facility in Phase I. Based on the proposal for a 10,000 square foot restaurant, this would be an adequate parking facility and can be submitted subsequent to Phase I approval on a relatively independent basis.
4. The following Findings are numbered to be chronologically consistent with the final conditions and stipulations as contained under the Recommendations Section of the Administrative Report dated August 13, 1973:
- a. Plans for modification to the City public facilities are included in the plans and specifications submitted.
 - b. The plans for a full five lane system in N.E. 38th Place including channelization and signalization will be submitted by the sponsor on October 8, 1973. The sponsor has further indicated that during the course of the development of the total project they will conduct subsequent traffic studies to further verify the need for the total five-lane system with signalization.

- c. Plans have been submitted for the three-lane road section in N.E. 38th Place as a part of the Phase I development including a median planter section. Several deficiencies in the design submitted will be noted under the Conclusions Section.
- d. Details for the security system for the development were discussed with Police Department representatives on September 20, 1973. The Police Department concurred in the lighting plan for the development. As noted in the attached letter from Coldwell Banker Management Corp., Item 4, there is some uncertainty at this time regarding the employment of a security service and the type of lock system which will be used in the development. The sponsor also indicates that it is not their intention to install a burglar alarm system in Phase I. They anticipate that their system will be adequate to complement the services of a security service if used.
- e. Details for the fire protection system in the development were reviewed with the Fire Department representatives on September 20, 1973. The Fire Department has noted satisfaction with the turning radiuses within the development for their equipment. The location of hydrants as indicated in Coldwell Banker's letter of September 21, 1973, Item 5, has been approved by the Fire Department and one further deficiency to this system will be noted under the Conclusions Section of this report.
- f. The sponsor indicates that the pedestrian circulation system has been incorporated in the landscape plans submitted. This plan details the walking and bicycle system adjacent N.E. 38th Place but does not adequately detail the internal pedestrian system. It appears that the primary emphasis upon pedestrian movement within the development will be within the off-street parking areas. Additional comments on the pedestrian systems will be discussed under the Conclusions Section.
- g. No additional comments are necessary at this time regarding site preparation.
- h. The attached letter from Coldwell Banker Management Corp., Item 8, and the attached Exhibit from Wilsey and Ham, Inc., to the project architect, dated September 21, 1973 indicate satisfactory compliance with the conditions in the Preliminary P.U.D.
- i. Plans and measures to deal with the flooding problem identified in the Preliminary Planned Unit Development have been assessed in the letter referenced above from Wilsey and Ham, Inc.
- j. As noted above, the final master site development plan, indicating all detailed base dimensions, will be submitted on October 8, 1973 by the sponsor. The condition in the Preliminary Planned Unit Development can be addressed in more detail at that time.
- k. The sponsor has conformed in spirit to this condition (Item No. 11), Administrative Report dated August 13, 1973), and additional landscaping plans are to be submitted for the Community Council review on October 2, 1973.

1. Plans and measures for perimeter transition at the Northwesterly portion of the site are to be submitted by the sponsor at the time the restaurant and appurtenant improvements are submitted. The final review and approval of this condition should be deferred to that time.
- m. The sponsor has met the spirit of this condition (Recommendation No. 13, Administrative Report dated August 13, 1973).
- n. The sponsor has indicated that they will provide a survey as referred to in this recommendation in the Administrative Report dated August 13, 1973. To this date the sponsor has performed in good faith regarding this condition.
- o. The plans and specifications for Units 1 and 2 indicate the incorporation of a six foot bicycle path and sidewalk along the north side of N.E. 38th Place. However, the detailed landscaping plan submitted is inconsistent with the plans and specifications for Units 1 and 2 in the location and design of the sidewalk system.

CONCLUSIONS:

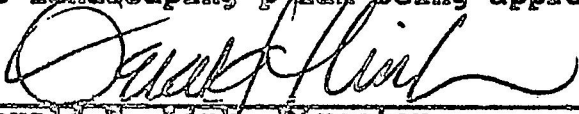
1. Off-street parking - The plans for off-street parking contained in the detailed plans and specifications appear adequate in quantity and design. However, this subject to a review of the final master site plan to verify that the number of stalls proposed for Phase I together with the restaurant requirement would, independent of subsequent phases, be adequate to meet the code requirements.
2. The following conclusions are to be related chronologically to the findings discussed above:
 - a. Modifications to the City public service facilities appear adequate with the following exceptions:
 - (1) A fire hydrant tee and 6" gate valve should be installed as a part of the 12" water system approximately 300 feet east of the easterly fire hydrant so that future phases can be served by an additional hydrant if needed without cutting into the 12" main.
 - (2) Mention is made of a Type II catch basin with trap on sponsor's plans. However, this detail is not shown. The sponsor shall install a catch basin that retains oils and debris from the parking lot and prevents their entry into the stream system. A catch basin design has been submitted by the Public Service Department and is a matter of record in the Community Development Department's file.
 - b. Analysis of the five-lane system on N.E. 38th Place cannot be conducted until additional plans are submitted. In any event, the sponsor should dedicate an additional 15 feet on the north side of N.E. 38th Place unless it can be determined conclusively that N.E. 38th Place is a dedicated 60 foot right-of-way.

- c. The three-lane traffic configuration on N.E. 38th Place should be extended to include a left-turn lane for traffic northbound on N.E. 38th St. and for southbound traffic on Lake Washington Blvd. The drainage at the west end of N.E. 38th Place sheets across the road to reach an existing inlet. There should be a catch basin installed to intercept the drainage north of the paving and piped into the existing inlet. All modifications to N.E. 38th Place including utilities, should be reviewed and approved by the Public Service Department. Several inconsistencies in the sponsor's final plans concerning the center median strip to be landscaped, the sidewalk system, and the drainage swale on the north side of N.E. 38th Place should be resolved between the sponsor and the Park Department and Public Service Departments prior to issuance of building permits.
- d. Subsequent to the completion and occupancy of Phase I, the type and frequency of security problems encountered through the Kirkland Police Department should be evaluated for necessary modifications in Phase II and Phase III designs.
- e. The internal water system deficiency, as it relates to the Fire Protection System, has been discussed above.
- f. The sponsor should be required to resolve the inconsistencies on the sidewalk system adjacent to N.E. 38th Place prior to issuance of Phase I building permits. From a design standpoint, the Park Department has noted that there is an apparent lack of concern for the employee leisure time in the development, especially in terms of the amenities of the realigned stream and the benefits such an environment might provide to the employee population if facilities were included in the project for employee use. This comment is offered in a constructive sense from a design point of view and does not indicate an inconsistency with a code or regulation.
- g. No conclusions necessary regarding site preparation.
- h. The sponsor appears to be taking all precautions regarding site drainage and storm runoff.
- i. Resolution of the flooding problem identified in the Findings to this report and in the Preliminary Planned Unit Development should be resolved with the Public Service Department in the final design of N.E. 38th Place.
- j. The Final Planned Unit Development for Phase I construction should not be approved until the final master site development plan has been submitted and reviewed by this Department.
- k. No additional conclusions are necessary regarding this Finding.
- l. Final review and approval of the perimeter transition requirement at the north end of Phase I should be deferred until final P.U.D. specifications are submitted.

- m. No additional Conclusions are necessary regarding this Finding.
- n. The sponsor should be required to submit the referenced survey prior to Final P.U.D. approval of Phase I.
- o. As stated in earlier Conclusion, inconsistencies regarding the sidewalk plan adjacent N.E. 38th Place should be resolved as a condition of Final P.U.D. approval.

RECOMMENDATIONS:

1. The Department of Community Development recommends approval of the Final Planned Unit Development for Phase I, including Unit 2 in Phase II, all as submitted in the plans, specifications and exhibits by the sponsor and identified in the Department file as Exhibits 1, 2, 3 and 4. In addition, the Department recommends that such approval be conditioned upon the sponsor's stipulations as contained in their letter to the Department of Community Development dated September 21, 1973, the letter identified as Exhibit No. 4, to Mr. Cliff Moules, from Wilsey and Ham, Inc., dated September 21, 1973, and the technical recommendations contained in the file from the various Administrative Departments of the City.
2. It is further recommended that approval of Phase I development be conditioned upon review and approval of those exhibits identified in Item 5.d. (Background) to this report.
3. It is further recommended that approval of Phase I development be conditioned upon the sponsor submitting a performance bond to adequately cover the costs of modifications and changes to the public facilities in N.E. 38th Place to include the changes and extensions to the water, sewer, storm drainage, and right-of-way re-development. The amount of the bond shall be specifically agreed upon between the sponsor and the Public Service Department and shall be submitted prior to issuance of all building permits.
4. It is recommended that prior to authorization for Phase II development, a revised traffic engineering analysis for N.E. 38th Pl. and its intersections be submitted for review and necessary modifications to N.E. 38th Place be a condition under Phase II development.
5. Final approval shall be subject to the landscaping plan being approved by the Kirkland Park Department.


Gerald F. Link, Director
DEPARTMENT OF COMMUNITY DEVELOPMENT

We hereby recommend approval of the Final P.U.D. for Phase I development subject to the Findings, Conclusions and Recommendations above.


John Cushing, Chairman
KIRKLAND PLANNING COMMISSION