

Resolution No. 2232

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A SUBSTANTIAL DEVELOPMENT PERMIT AND CONDITIONAL USE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. SDP-CUP-73-42(H), BY LAKE EAST APARTMENTS FOR VARIOUS IMPROVEMENTS ON THE DRYLAND PORTION OF THE PROPERTY ADJACENT TO LAKE WASHINGTON WITHIN WATERFRONT DISTRICT I.

WHEREAS, the Kirkland Department of Community Development has received an application for a Substantial Development Permit and Conditional Use Permit filed by Lake East Apartments, owner of the property described in said application and located within Waterfront District I for the installation of fencing, landscaping, decks between buildings, and for tennis courts to be located at 4311 Lake Washington Blvd., and

WHEREAS, the application has been assigned for identification File No. SDP-CUP-73-42(H) and submitted to the Houghton Community Council and Kirkland Planning Commission for their consideration and recommendation, and

WHEREAS, the Houghton Community Council held public hearing thereon during their regular meeting of December 4, 1973, and January 2, 1974 and the Kirkland Planning Commission held public hearing thereon at their regular meeting of January 10, 1974, and

WHEREAS, pursuant to City of Kirkland Resolution No. 2181 concerning environmental policy and the State Environmental Policy Act, an environmental assessment has been submitted to the City, reviewed by the responsible official of the City of Kirkland and a negative declaration reached, and

WHEREAS, said environmental assessment and declaration have been available through the entire review process, and

WHEREAS, the Houghton Community Council and Kirkland Planning Commission, after their respective public hearings and consideration of the recommendations of the Department of Community Development and having available to them the environmental assessment and negative declaration, did each adopt certain findings, conclusions and conditions, did recommend approval of the Conditional Use Permit and Substantial Development Permit subject to the specific conditions set forth in said recommendations,

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

Section 1: The Conditional Use Permit is hereby given approval and the Substantial Development Permit applied for by the above named applicant shall issue subject to the conditions set forth in the findings, conclusions and recommendations of the Kirkland Planning Commission as signed by the Chairman thereof and filed in Department of Community Development File No. SDP-CUP-73-42(H), which findings, conclusions, recommendations and conditions are by this reference adopted by the Kirkland City Council as though fully set forth herein.

Section 2: A certified copy of this resolution, together with the findings, conclusions, recommendations and conditions herein adopted shall attach to and become a part of the Substantial Development Permit and Conditional Use Permit approval, or evidence thereof delivered to the permittee.

Section 3: Nothing in this resolution and permit shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to this project, other than as expressly set forward herein, or other than the permit requirements of the Shoreline Management Act of 1971. This permit may be rescinded pursuant to Section 14.(7) of the Shoreline Management Act of 1971 in the event the permittee fails to comply with any condition hereof.

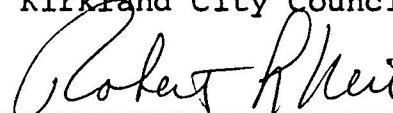
Section 4: Construction pursuant to the Substantial Development Permit shall not begin or be authorized within 45 days of the date of its final approval by the local government, or until all review proceedings initiated within said 45 days from the date of final approval by local government have been terminated.

Section 5: To the extent that the subject matter and provisions of this resolution are within the disapproval jurisdiction of the Houghton Community Council as created by Ordinance No. 2001, this resolution shall become effective within the Houghton Community, either upon approval of the Houghton Community Council, or failure of said Community Council to disapprove within 60 days from the date of passage of this resolution.


Section 6: Pursuant to the Shoreline Management Act of 1971 and Section 8 of Ordinance No. 2165 of the City of Kirkland, certified or conformed copies of this resolution shall be delivered to the following:

- (a) Applicant
- (b) Department of Community Development
- (c) The Kirkland Building Official
- (d) Department of Public Services for the City of Kirkland
- (e) Department of Fire Services for the City of Kirkland
- (f) Police Department for the City of Kirkland
- (g) The Office of Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland
- (h) The Department of Ecology for the State of Washington
- (i) The Office of the Attorney General for the State of Washington

ADOPTED in regular meeting of the Kirkland City Council on the 21st day of January, 1974.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



DEPARTMENT OF COMMUNITY DEVELOPMENT

**ADVISORY REPORT**  
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

\_\_\_ PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
\_\_\_ RECOMMENDED BY \_\_\_\_\_ DATE \_\_\_\_\_  
X ADOPTED BY \_\_\_\_\_ DATE January 21, 1974

\_\_\_ STAFF \_\_\_\_\_  
\_\_\_ BOARD OF ADJUSTMENT \_\_\_\_\_  
\_\_\_ HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_  
\_\_\_ PLANNING COMMISSION \_\_\_\_\_

X CITY COUNCIL AS INCORPORATED IN  
X RESOLUTION \_\_\_\_\_ ORDINANCE \_\_\_\_\_  
NUMBER 2232  
DATE January 21, 1974

FILE NUMBER SDP-CUP-73-42 (H)  
APPLICANT Lake East Apts.  
PROPERTY LOCATION 4311 Lake Washington Boulevard  
SUBJECT Substantial Development Permit and Conditional Use Permit  
HEARING/MEETING DATE January 21, 1974  
BEFORE Kirkland City Council

EXHIBITS ATTACHED (1) Statement of Declaration (2) 3 Landscape Maps

BACKGROUND ANALYSIS:

This matter was brought before the Houghton Community Council during their regular hearing of December 4, 1973. At that time the matter was tabled in order to hold a special study session on the matter and to give the applicants more time to amend their drawings to give more clarity and to provide more information for the Community Council to use in making their final determination. This has been substantially completed.

FINDINGS:

The applicant here is applying for a Substantial Development Permit and a Conditional Use Permit to undertake the following actions:

1. Allow the construction of a six foot high fence within the front setback area adjacent to Lake Washington Boulevard.
2. Construct a new six foot high chain link fence along the north and south property lines.
3. Install inner-courts between buildings 1 and 2, 4 and 5, and 6 and 7.
4. Install four new tennis courts on the northwest portion of the property. Two of these tennis courts will be in the waterfront setback area and two would be placed on an existing parking lot. A variance application is also before the Community Council on this issue.
5. The applicants are proposing that the tennis courts be made open to the public on a membership basis.
6. The applicants are proposing to install new landscape plantings throughout the various portions of the entire property in an effort to improve it.

CONCLUSIONS:

1. Section 23.12.052(a)(1) of Waterfront Districts states that "No vegetative materials, signs or other man-made elements shall be constructed within 3 feet and 8 feet above the street level in the front setback as not to impair the vision from vehicles when entering the right-of-way in crossing the fronting pedestrian way."
2. The sidewalk section on the western side of Lake Washington Blvd. is designated as a major pedestrian and bicycle trail. The modified fence location and height should not detract from this pedestrian and bicycle trail use south of the northerly fire access gate due to no view being present. North of the fire access gate, however, effort should be made to make the fence conform to zoning requirements, specifically, no higher than 3 feet above the height of the adjacent sidewalk.

3. Section 23.12.052(a)(3) of Waterfront Districts states that "Fences, hedges or other such devices shall not be permitted in the setback area if the height exceeds 3 feet above the centerline of the frontage road or 3 feet above average grade, whichever offers the greatest view potential of the lake."

It is our estimation that a chain link fence has a minimal view impact, even if it is 6 feet high, due to the high percentage of open area in the fence itself. This chain link fence is considered to be consistent with the regulation for Waterfront District I.

4. The proposed deck addition will be located between buildings, will cause no increase in view obstruction, and will not increase the degree of non-conformity of the buildings. We see no apparent reason to not allow the decking to be constructed.
5. The applicant is proposing the installation of four tennis courts on the northwestern portion of the property adjacent to the Lake. These tennis courts, with the exception of the southeasterly court, should not be allowed since they increase the degree of non-conformity of this property unless the variance dealing with this subject is first granted by the Houghton Community Council sitting as the Board of Adjustment.
6. Due to the fact that the existing apartment development is deficient in the parking requirements, the additional use of general public membership in the tennis facility cannot be allowed.
7. The landscape plan as submitted does meet the intent of Waterfront District I and should be allowed as applied for.

#### RECOMMENDATIONS:

Based upon the above Findings, and Conclusions, we specifically recommend the following on this project:

1. That the 6 foot high fence south of the northerly fire gate be allowed as proposed. This would include concrete pillars at 17 or 34 foot intervals with vertical cedar boards. The boards are to be arranged in such a way that there will be 45% open space and 55% boards. North of the northerly fire gates the fence shall be of a similar construction but shall not exceed 3 feet above the sidewalk level. The applicant may increase the effective height of the fence by doing some minor excavation work where the base of the fence would be located.
2. The 6 foot chain link fence proposed along the southern and northern property lines be approved.

3. The decks between buildings 1 and 2; 4 and 5; and 6 and 7; be allowed provided the decks are allowed by the Building Department.
4. That the four proposed tennis courts be allowed per the plans submitted. (This is subject to approval of the Variance on increasing the degree of non-conformity for the allowance of these tennis courts.)
5. A general public membership for the use of the tennis courts on the site not be permitted.
6. The landscape plans be approved as submitted and as a condition of approval of the permits.