

RESOLUTION NO. R 2262

A RESOLUTION OF THE CITY OF KIRKLAND APPROVING AMENDMENT AND MODIFICATION OF SUBSTANTIAL DEVELOPMENT PERMIT PREVIOUSLY AUTHORIZED BY RESOLUTION NO. R2252 AND AUTHORIZING TRANSFER OF SAID PERMIT FROM DEAN CHAUSSEE TO S & H BUILDERS COMPANY.

WHEREAS, the City of Kirkland, through City Council Resolution No. R2252 adopted May 20, 1974, did heretofore approve issuance of a Substantial Development Permit to Dean Chaussee for a 30-unit apartment complex to be located on property described in Department of Community Development File No. SDP-74-8(h), and

WHEREAS, ownership of said real property, including all rights of development thereof, have been transferred from Dean Chaussee to S & H Builders Company, and

WHEREAS, in the course of said transfer it was discovered by survey that the north-south dimension of said property is approximately six and one-half feet less than appeared on the original application, and that as a result thereof, the area under appropriate zoning can accommodate 27 units, rather than 30 units, and

WHEREAS, S & H Builders Company has applied to the City for a modification and amendment of the Substantial Development Permit to reduce the total number of apartment units all as appears on Exhibit A attached to the original of this Resolution, and

WHEREAS, the Kirkland Planning Commission and Houghton Community Council in study session on July 25, 1974 were advised of the requested modification amendment and transfer, and

WHEREAS, the Department of Ecology has advised the City of Kirkland that such modification and amendment should be accomplished by new Substantial Development Permit, but without a 45 day waiting period,

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

Section 1. The Substantial Development Permit heretofore issued as Permit No. SDP-74-8(h) pursuant to Resolution No. R2252 adopted May 20, 1974 is hereby modified and amended in accordance with Exhibit A (amended site plan) and Exhibit B (corrected legal description and survey) attached to the

original of this Resolution and by this reference incorporated herein, subject however, to all of the conditions set forth or adopted by reference in said Resolution No. R2252. Transfer of said Development Permit from Dean Chaussee to S & H Builders Company, now owners of the property subject to said permit is acknowledged and to the extent that it may be required, approved.

Section 2. Certified copy of this Resolution, together with Exhibits A and B shall attach to and become a part of the Substantial Development Permit, or evidence thereof, heretofore issued to the permittee.

Section 3. On the representation of the Department of Ecology that a new 45 day waiting period as required by the Shoreline Management Act is not required for this modification and upon written confirmation of such Department of Ecology representation, the 45 day waiting period required by the Shoreline Management Act as established for this Substantial Development in Resolution N. R2252 shall not be affected nor extended as a result of the modification and amendment herein approved.

Section 4. 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 sixty days from the date of passage of this Resolution.

Section 5. Pursuant to 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. 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)


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- H. The Department of Ecology for the State of Washington
- I. The Office of Attorney General for the State of Washington

ADOPTED in regular meeting of the Kirkland City Council
on the 5th day of August, 1974.



Mayor

ATTEST:


Director of Administration and Finance
(ex officio City Clerk)

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sections must be a minimum of 4 feet.

6. Nothing should be erected, placed, planted or allowed to grow in such a manner as to impair vision between a height of 2½ feet and 10 feet above the centerline of Lake Washington Boulevard within a distance of 20 feet from the northwest or southwest side of the private driveway where it connects the Lake Washington Boulevard right-of-way.
7. A specific landscape plan, including species, location, numbers, etc. should be submitted to the City of Kirkland.
8. A specific on-site drainage plan should be prepared by a certified soils engineer in the State of Washington and efforts should be made to re-charge as much water as possible back into the ground and the latest methods of pollution control from storm water runoff from parking areas should be used. The storm water design should be made to contain peak run-off volume.
9. The property lies within an RM-1800 zone and is zoned Fire Zone 2, not Fire Zone 3. All construction requirements must comply with Fire Zone 2 regulations.
10. A lighting plan should be submitted by the applicants and approved by the Kirkland Police Department prior to the issuance of a building permit.
11. Fire hydrants will be required as determined by the Kirkland Fire Department under current legislation.
12. A general public walkway and bicycle easement should be required along the entire northerly 10 feet of the property to implement the policies of the Kirkland Waterfront Plan in terms of increasing public access to the waterfront by providing access from nearby neighborhoods. It is not anticipated this should be signed or would be used by the general public until the property to the east is developed and a complete system developed between Lake Washington Boulevard and N.E. 68th Street. The applicant should be required to submit a general public walkway and bicycle easement to the City of Kirkland for their approval and then have it recorded with King County.

RECOMMENDATIONS:

Based upon the above Findings and Conclusions, we hereby recommend approval of this Substantial Development Permit for a 30-unit apartment complex located within an RM-1800 zone subject to the following conditions:

1. That a registered soils engineer in the State of Washington be retained to design the foundations of the two buildings based on the existing soils conditions and topography.

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2. A certified soils engineer in the State of Washington is to design the complete storm drainage system prior to the issuance of a building permit. This design is to take into consideration the following at a minimum:
 - a. Minimize pollutants from the parking lot runoff by utilizing latest pollution control devices.
 - b. Design the system to handle peak runoff volume, taking into consideration potential runoff that may be picked up from the eastern portions of the property when they are fully developed.
 - c. Use latest methods available for re-charging storm water back into the ground areas, where possible.
3. 50% of the required open spaces, specifically 3,000 square feet, must be fenced and safe for children. All required open spaces, specifically 6,000 square feet, must be fenced and landscaped to provide a visual barrier between the open space and driveway or parking areas.
4. No landscaped area on the north or south property line shall be less than 4 feet in width.
5. Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impair vision between the height of 2½ feet and 10 feet above the centerline of Lake Washington Boulevard within a distance of 20 feet from the northwest or southwest side of the driveway where it abuts on the Lake Washington Boulevard right-of-way.
6. A specific landscape plan shall be submitted for review and approval by the Department of Community Development prior to issuance of a building permit. This plan is to be done by a landscape architect and shall include species, numbers of each, location, ground preparation, etc.
7. All construction details of the development shall comply with Fire Zone 2 regulations.
8. A lighting scheme is to be developed, submitted to the City of Kirkland and approved by the Kirkland Police Department prior to the issuance of a building permit. Lighting standards shall comply with the requirements of the Kirkland Zoning Ordinance.
9. Fire hydrants, if determined to be necessary by the Kirkland Fire Department, shall be installed at the applicant's expense.

FINDINGS:

1. Applicant has filed for a substantial development permit for a 30-unit apartment complex in an RM-1800 zone. The property is 1.23 acres. The proposed plan shows 69% impervious material, i.e. 37,000 square feet, which includes parking for 66 cars.
2. Applicant has submitted an environmental assessment on the proposed project and a negative declaration has been reached by the Responsible Official for the City of Kirkland.
3. Approximately the westerly 50 feet of the property in the proposed development lies within the Lake Washington wetlands, (within 200 feet of the shoreline). It is located on the east side of Lake Washington Boulevard and is not physically connected to the Lake Washington shoreline.
4. The existing soil is Alderwood gravelly sandy loam.
5. The Kirkland Zoning Ordinance, Section 23.10.110(1) states that in an RM-1800 zone, each complex of buildings shall provide a minimum area of 200 square feet of recreation space for each living unit in the complex. There are 30 units proposed which will require 6,000 square feet of recreation area. 50% of this area must be fenced and safe for children. Fencing and plant screening must separate the recreation space from public streets, parking areas and driveways, as stipulated in Section 23.10.110(4) of the Kirkland Zoning Ordinance.
6. The proposed plan shows parking areas located within required yards. The screening of parking areas in required yards must meet the screening requirements of Section 23.34.100.
7. Due to the ingress and egress directly associated with Lake Washington Boulevard, a major arterial street, the entrance-exit onto the proposed lot should be treated as though it were an intersection for visibility purposes.
8. The proposed site plan shows landscaped areas, but does not define landscape types to be used, locations, numbers, etc.
9. Water and sewer supply are adequate for the development.
10. Storm drain facilities are available in Lake Washington Boulevard. An on-site storm drainage plan has not been submitted.
11. The area is within Fire Zone 2, not Fire Zone 3 as indicated in the Environmental Assessment site plan.

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12. The driveway section will be wide enough for two slow moving traffic lanes if no parking occurs within it.
13. No lighting plan has been submitted by the applicants.
14. There is an existing fire hydrant approximately 200 feet to the north. The Fire Department has indicated there is sufficient fire flow on the property.
15. No structure will exceed the maximum height limit allowed in the RM-1800 zone of 30 feet.
16. The proposed project is located approximately 300 feet south of 10th Avenue South and 1100 feet north of N.E. 64th Street. The northern boundary of the property lies approximately parallel to N.E. 68th Street. There is no access to Lake Washington Boulevard from the area to the east between 10th Avenue South and N.E. 64th Street, a linear dimension of approximately 1400 feet.
17. One of the objectives of the existing comprehensive plan for the Waterfront, as incorporated in Ordinance No. 2160, Waterfront: Plans and Programs, Page 20, is as follows: "Increase pedestrian access to the waterfront: Increasing pedestrian access to the water requires that measures be undertaken affording more opportunities for people to reach the waterfront. In this instance, the development of waterfront trails can help achieve this objective by improving walking and bicycling conditions. Potential connecting links from other urban trail systems and nearby neighborhoods also would improve access. The improved access would presumably be conducive for maximizing recreation potentials."

CONCLUSIONS:

1. Since the Responsible Official has reached a negative declaration, a full environmental impact statement will not be required.
2. The proposed development does conform to the shoreline policies as established in local, regional and state plans.
3. Alderwood soils are stable when undisturbed. Its' hazards increase with a slope over 15%, especially when cut or filled. The slope on this property is an average of 9%.
4. The project does meet the minimum area requirements for open space. 50% of this area must be fenced and safe for children. Fencing and plant screening must separate the recreation space from parking areas and driveways.
5. The entire landscape area to the north and portions of the landscaped areas to the south adjacent to driveways and parking are two feet wide. When parking or driveways occur in required yards, which is the case here, landscaped

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72' PEDESTRIAN ACCESS TO LAKE

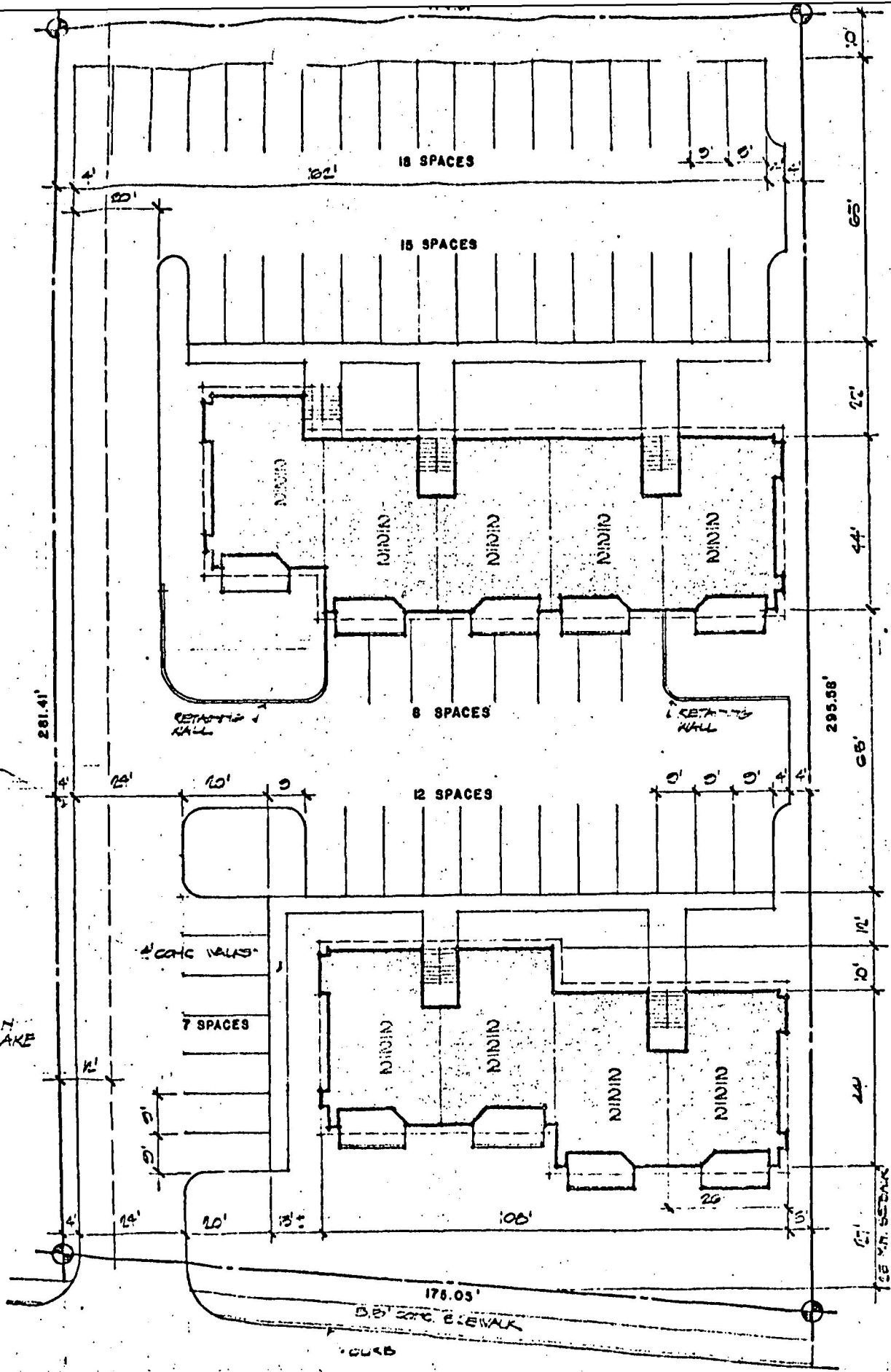


Exhibit A
 Resolution R2262

WASHINGTON BLVD

MOSS BAY APARTMENTS
 (Pleasant Bay Apartments)
 SDP-74-8 (H)
 Revised Site Plan R-2262

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PLEASANT BAY APTS. LEGAL DESCRIPTION

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Order No. 20956

DESCRIPTION:

That portion of Government Lot 3 in Section 8, Township 25 North, Range 5 East, W.M., in King County, Washington, described as follows:

Commencing at the Southwest corner of Government Lot 4 in said Section 8; thence North $1^{\circ}56'50''$ West 1895.39 feet to the point of beginning at the intersection of the Easterly margin of S.R. 908, lying 32.00 feet Easterly of the monumented centerline of said road and an existing fence line; said fence line being the North line of that tract of land described under Recording No. 4588213; said point of beginning being further described as being a point on a curve from which the center bears North $81^{\circ}22'59''$ West 1843.86 feet distant; thence Northerly along said curve to the left and along said margin through a central angle of $5^{\circ}09'35''$ an arc distance of 175.05 feet to the South line of that tract of land described under Recording No. 3142968; said line being further defined by an existing iron pipe; thence South $88^{\circ}39'11''$ East, along said South line, 281.41 feet to a point 356.50 feet Easterly of the balanced meander line in said section; thence South $1^{\circ}23'29''$ West 174.64 feet to an existing fence line; thence North $88^{\circ}36'31''$ West, along said fence line and parallel with the South line of said Section 8, a distance of 295.58 feet to the point of beginning.

Situate in the City of Kirkland, County of King, State of Washington.

Exhibit B

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