

RESOLUTION NO. R- 2356

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A SUBSTANTIAL DEVELOPMENT PERMIT AND PRELIMINARY PLANNED UNIT DEVELOPMENT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. SDP-PUD-75-54(P), BY JAMES WILDY TO DEVELOP TWO CONDOMINIUMS AT 55 MARKET STREET, BEING WITHIN A WATERFRONT DISTRICT I ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBSTANTIAL DEVELOPMENT PERMIT AND PRELIMINARY PLANNED UNIT DEVELOPMENT PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Substantial Development Permit and Preliminary Planned Unit Development Permit filed by James Wildy, the owner of said property described in said application and located within a Waterfront District I zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearings thereon at their regular meetings of January 8, 1976 and March 11, 1976, and

WHEREAS, pursuant to City of Kirkland Resolution No. 2181 concerning environmental policy of the State Environmental Policy Act, an environmental assessment has been submitted to the City of Kirkland, 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 and accompanied the application through the entire review process, and

WHEREAS, the Kirkland Planning Commission after their 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 adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Substantial Development Permit and Preliminary Planned Unit Development 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 Findings, Conclusions and Recommendations of the Kirkland Planning Commission as signed by the Chairman thereof and filed in the Department of Community Development File No. SDP-PUD-75-54(P) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Substantial Development Permit and Preliminary Planned Unit Development shall be issued to the applicant subject to the conditions set forth in the Findings, Conclusions and Recommendations hereinabove adopted by the City Council.

Section 3. A certified copy of this Resolution, together with the Findings, Conclusions and Recommendations therein adopted shall be attached to and become a part of the Substantial Development Permit and Preliminary Planned Unit Development or evidence thereof delivered to the permittee.

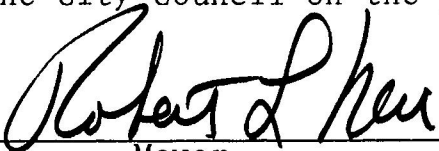
Section 4. Nothing in this section shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to this project, other than expressly set forth herein, or other than the permit requirements of the Shoreline Management Act of 1971. Construction pursuant to the Substantial Development Permit and Preliminary Planned Unit Development 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. Failure on the part of the holder of the Substantial Development Permit to initially meet or maintain strict compliance with the standards and conditions to which the permit is subject shall be grounds for revocation in accordance with Section 23.28.160(4) of Ordinance No. 2183, the Kirkland Zoning Ordinance. 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 6. Certified or conformed copies of this Resolution shall be delivered to the following:

- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Building Department of the City of Kirkland
- (d) Fire Department of the City of Kirkland
- (e) Police Department of the City of Kirkland
- (f) Public Service Department of the City of Kirkland
- (g) The Office of the 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 City Council on the 5th day of April, 1976.



Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)

Findings, cont'd

- A. 3. d. resources and ecology of the shoreline because shoreline is not changed."
e. Does the proposed development increase public access to publicly owned areas of the shoreline? "No."
f. Does the proposed development increase recreational opportunities for the public on the shoreline? "No."

B. HISTORICAL BACKGROUND:

4. The applicant has indicated in the environmental assessment submitted with this proposal, A.4: "Previously had building permit for 14 unit apartment on this property."

C. GOVERNMENTAL COORDINATION:

5. Kirkland Public Service Department. There is available water and sewer for the subject property, located to the north. The depth of the sewer will need to be verified by the developer to see if the property can be served by gravity or need to be pumped. The charges will be \$225.00 to cover right to connect and inspection of sewer. Drainage could be directed directly into Lake Washington. (Exhibit "F" - Memo from Art Knutson, December 12, 1975).

6. Kirkland Department of Fire Services. Normal requirements for fire extinguisher and emergency vehicle access will be required. (Exhibit "G" - Memo from Dale Decker, 12/11/75).

7. Kirkland Building Department. A parapet must be constructed on the property line and a total of 2 hour fire resistive construction must be developed between the adjacent dwelling unit, with no openings. The subject property is located within Fire Zone 2, which will require fire retardant roofing and one-hour fire resistive exterior wall construction. (Exhibit "H" - Memo from Bruce Lorentzen, 12/9/75).

D. EXISTING PHYSICAL CHARACTERISTICS:

8. Geology. Local geologic mapping indicates the subject property to be within a Vashon Till (Vt) unit.
9. Soils. Soils on the subject property consist of clay pan and rock.
10. Hydrology. There is no evidence of any hydrologic problems on the site itself. Lake Washington abuts this property to the west.
11. Flora/Fauna. There is an existing low growth of weeds on the subject property, with no observable fauna.

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Findings, cont'd

- D. 12. Topography. The subject property is generally flat with a slight slope towards the lake. There is an existing steep rock retaining wall along the southern boundary line of the subject property, adjacent to the public boat ramp.

E. PUBLIC UTILITIES:

13. Streets. The subject property would be served by Market Street.
14. Paths/Trails. Market Street is included within the Lake Washington Loop Trail.
15. Domestic Water. There is an existing 8" water line located within Market Street.
16. Fire Hydrants. There is an existing fire hydrant located at the northeast corner of Waverly Way and Market Street.
17. Sanitary Sewers. There is an existing 12" sanitary sewer line within Market Street.
18. Storm sewers. There is an existing storm sewer crossing Market Street from the east and draining into Lake Washington under the existing dock adjacent to the boat ramp.
19. Recreation Area. Marina Park and boat launching facilities are located directly to the south of the subject property.

F. NEIGHBORHOOD CHARACTERISTICS:

20. Zoning. The subject property is zoned Waterfront District I. All properties to the north of the subject property and to the west of Waverly Way are zoned Waterfront District II, which is a single family classification. All properties directly to the east of Waverly Way are zoned Single Family Residential 7.2. Properties to the northeast and south of the subject property are publicly owned. Properties further to the east are zoned Central Business District.
21. Land Use. There are existing single family homes fronting on Lake Washington to the northwest, the Kirkland Jr. High School directly to the north, publicly owned tennis courts to the northeast, a publicly owned parking lot and commercial usage to the east, and a publicly owned dock and major City park directly to the south of the subject property. It should be noted that the subject property is, together with one additional lot to the north, the end of potential multi-family development north of the Central Business District.
22. Public Recreation. There is a publicly owned boat ramp and major City park and docking facilities (Marina Park) directly to the south of the subject property, and publicly owned tennis courts to the northeast.

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DEPARTMENT OF COMMUNITY DEVELOPMENT
ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY _____ DATE _____
RECOMMENDED BY _____ DATE March 11, 1976
ADOPTED BY _____ DATE _____

STAFF _____
BOARD OF ADJUSTMENT _____
HOUGHTON COMMUNITY COUNCIL _____
PLANNING COMMISSION _____
CITY COUNCIL AS INCORPORATED BY _____

John Cushing
John Cushing, Chairman

R-2356 RESOLUTION _____ ORDINANCE _____
NUMBER _____
DATE _____

FILE NUMBER PUD-SDP-75-54(P)
APPLICANT James Wildy

PROPERTY LOCATION 55 Market Street

SUBJECT APPLICATION for Planned Unit Development & Substantial Development Permit to add two apartments to a pre-existing building.

HEARING/MEETING DATE April 5, 1976

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Vicinity & Land Use "B" Site Plan "C" Cross Section
"D" Letter Atty Tjossem "E" Application "F" Memo Art Knutson 12/12/75
"G" Memo Dale Dacker "H" Memo Bruce Lorentzen "I" Environmental Assessment

FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application for a Preliminary Planned Unit Development and Substantial Development Permit consisting of a two-unit condominium addition to an existing 4-unit condominium building, located at 55 Market Street. The total square footage of the subject property is 3,018.24 square feet of dry land area. (Exhibit "A" - Vicinity Map and Land Use).
2. The applicant proposes a 5 foot setback from the existing high water line, total building height to be 25 feet above average grade and one automobile parking space within the required south, high water line, and front yard setbacks. The applicant is also proposing to locate three of the four required parking spaces under the building. This is accomplished by a substantial amount of grading for a below existing grade parking area. These three automobiles will, however, be protruding two feet into the front yard setback.
3. Justification. This request is justified by the applicant in that the property is zoned Waterfront District I and further justified in the following:
(Exhibits "D" - Letter from Robert Tjossem, attorney for applicant, Dec. 2, 1975 and "E" - Application for Substantial Development Permit and Planned Unit Development).

- a. Does the proposed development recognize and protect the local interests as they have been defined and declared in the Kirkland Shoreline Master Program? "The general purpose of this project is to build two dwelling units next to an existing 4-unit apartment house at the above address. Previously the applicant had a building permit to build 14 additional units out over the water at the subject site. The present project and proposal does not call for any structures over the water and in no way interferes with the use of the water by adjoining riparian owners or the public. The project will benefit the public in the following ways: (1) No structures over the water; (2) The building will maintain the general immunities and character of the neighborhood in area of the subject property; (3) The building is not high rise and will not impair any views to the north of Central Way; (4) The building provides needed dwelling units in the Kirkland area; (5) The building will provide additional tax base which will generate revenues for all municipalities in taxing districts in which it is located; (6) The project will create several jobs during the course of construction."
- b. Does the proposed development preserves the natural character of the shoreline? "This proposed project does not change the shoreline."
- c. Will the proposed development result in long-term over short-term benefits? "Proposed project will result in long term over short term benefits with additional tax revenue, and vacant property being developed and landscaped."
- d. Does the proposed development protect the resources and ecology of the shoreline? "Proposed project protects the

Findings, cont'd

- G. 24. h. Section 23.12.061d: A soils and geologic analysis shall be provided by a soils engineer which completely analyzes the feasibility of the proposal.
- 25. Kirkland Zoning Ordinance: No. 2183:
 - a. Section 23.40.060: A minimum of 4 feet of landscaping is required surrounding any parking area in WD I.

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

- 1. This application for a preliminary planned unit development is inconsistent with the requirements of the Kirkland Zoning Ordinance and the Kirkland Shoreline Master Program as specified below.
- B. HISTORICAL BACKGROUND:
- 2. The applicant did not utilize the previous building permit granted for 14 units and the permit was voided for non use.
- C. GOVERNMENTAL COORDINATION:
- 3. The applicant will be required to pay the fees required and determine whether the property can be served by gravity sewers or will need to be pumped.
- 4. Kirkland Department of Fire Services. All requirements of this Department must be followed.
- 5. Kirkland Building Department. All requirements of this Department must be followed.

D. EXISTING PHYSICAL CHARACTERISTICS:

- 6. Geology/Soils/Hydrology/Flora and Fauna. The above considerations would not impose a constraint upon reaching a positive or negative decision on this proposal, however, a complete soils report will be required prior to final planned Unit Development application, as required by Waterfront Districts Zoning Ordinance.
- 7. Topography. The existence of the steep rock bank adjacent to the public boat ramp to the south of the subject property would preclude direct public access from the boat ramp itself.

E. PUBLIC UTILITIES:

- 8. Streets. Market Street would be adequate to serve this proposed project.
- 9. Paths/Trails. This project would not interfere with the movement of pedestrians on the section of Market Street which is

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Conclusions, cont'd

- E. 9. included as a portion of the Lake Washington Loop Trail.
- 10. Domestic Water. The existing 8" water line in Market Street is adequate to serve the subject property.
- 11. Fire hydrants. The existing fire hydrant in this area is adequate to serve this proposal in the event of a fire.
- 12. Sanitary sewers. The existing 12" sanitary sewer located in Market Street is adequate to serve the subject property. However, the applicant will need to determine if a gravity system is feasible, or if a pump would be required.
- 13. Storm sewers. There are no existing storm sewers in this vicinity that the applicant would be required to connect to.

F. NEIGHBORHOOD CHARACTERISTICS:

- 14. Zoning. The development of this condominium would be consistent with the zoning on the subject property and would not interfere with development and useage of adjacent properties.
- 15. Land use. The development of this condominium would be consistent with the land use directly to the north. It should be noted that this is the boundary line of Waterfront District I zoning at this site and adjacent land uses are single family, public educational, commercial offices, commercial businesses and public park...it would not seem realistic to plan on a continuation of a public waterfront trail in this area.
- 16. Public recreation. The development of this condominium would not interfere with the public use of the Marina Park, Boat Ramp and Tennis Courts.

G. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:

- 177. This application is consistent with the following sections of the Kirkland Shoreline Master Program:
 - Uses and Activities Element:
 - a. Urban Waterfront District; Use Regulation 1.a: Multi-family dwellings are permitted in Waterfront District I.
 - Residential Element:
 - b. Policy 1: Use Regulation 3: The proposed structure is to be set back 5 feet from the high water line.

Components:

- c. Policy 8: The proposed structure is to be 25 feet above the average property grade.

- 18. This application is consistent with the following sections of the Kirkland Waterfront Districts Zoning Ordinance No. 2206:

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Findings, cont'd

G. LOCAL ZONING AND/OR LAND USE POLICY PLANS:

23. Kirkland Shoreline Master Programs

Public Access Element

- a. Policy 4. Use Regulation 2b. Provisions should be made for public access to and along the water's edge in new substantial development permits for Multi-family Development.
- b. Policy 5. In shoreline developments, water's edge should be kept free of buildings.
Use Regulation: 1. The water's edge is the area immediately upland of the high water line. 2. Multi-family Development will be setback a reasonable distance to allow for a water edge trail.
- c. Policy 6. When substantial modifications or additions are proposed to substantial developments, the developer should provide for public access to and along the water's edge if physically feasible.

Uses and Activities Element

- d. Urban Waterfront District; Use Regulation 1a: Waterfront District I shall include Multi-family dwelling units.

Residential Element

- e. Policy 1. Use Regulation 3. New residential structures will be set back from the high water line.
- f. Policy 3. Public Access to and along the water's edge should be required in the design and construction of multi-family structures and planned unit developments occurring on the shoreline and provided for the use by the public except where access to or along the water's edge is demonstrably not required.

Use Regulations.

- g. 1. Public access to and along the water's edge will be from a public-right-of-way or park and appropriately designed.
- h. 2. When the planned unit development is adjacent to a street and/or public park, access to the water's edge may be waived, but not along the water's edge.
- i. Components, Policy 8. Structures higher than 35 feet above the average property grade level will not be permitted in the shoreline area.

- j. Policy 2. Parking facilities should not be permitted along the water's edge.

24. Waterfront Districts Zoning Ordinance No. 2206.

- a. 3. Provision for a land reservation for a water edge trail.

Findings, cont'd

- G. 24. b. 6. All waterfront developments shall be evaluated in terms of how much physical and visual access to the water is provided for the use and enjoyment of the public. Structures shall be so located on any waterfront site as to minimize view obstruction from the frontage road to the water.
- c. Section 23.12.043 a (1a): A parking ratio of 2.2 per unit is required.
- d. Section 23.12.051 - Allowable Floor Area: The allowable floor area shall not exceed 800 square feet of floor area per 1,000 square feet of dryland. Floor area may be increased under certain conditions.
- e. Section 23.12.052: Setbacks. Setbacks in Waterfront District I are as follows:
 1. Frontage road and public rights-of-way. Minimum 20 feet or 10 feet if the setback area is designed and landscaped as an integral part of the fronting.
 2. High water line - 15' or 15 feet whichever is greater. This requirement may be slightly modified by the Planning Commission, due to topographic conditions, such as a steep bank or other features improving public access to the water.
 3. North property line - 1.5 times the height of the lot building minus 10, minimum setbacks of 30' of the lot frontage. This requirement may be altered provided that the design shall demonstrate that the concept for a north property line setbacks is fulfilled and that proposed deviations are in harmony with general design objectives of WDI which are as follows:
 - i. To permit sunlight to enter rooms in adjacent structures.
 - ii. To minimize looking into facing windows in adjacent structures and to allow openness between structures for visual access to water and use as open space. This setback may be reduced under the following conditions:
 - a. a combined plan for the setback areas between the adjacent property owners and executed as one project,
 - or, b. Use of the setbacks area for a public pedestrian access to the water or other purposes consistent with the District.
 4. South property line - 10 feet.
- f. Section 23.12.052(5): Parking of automobiles shall not be permitted within the high water line setback, the frontage setback area, or closer than 5 feet to the property line, and shall be visually buffered from the water, frontage road and adjacent properties.
- g. Section 23.12.056: Building heights shall not exceed 30 feet.

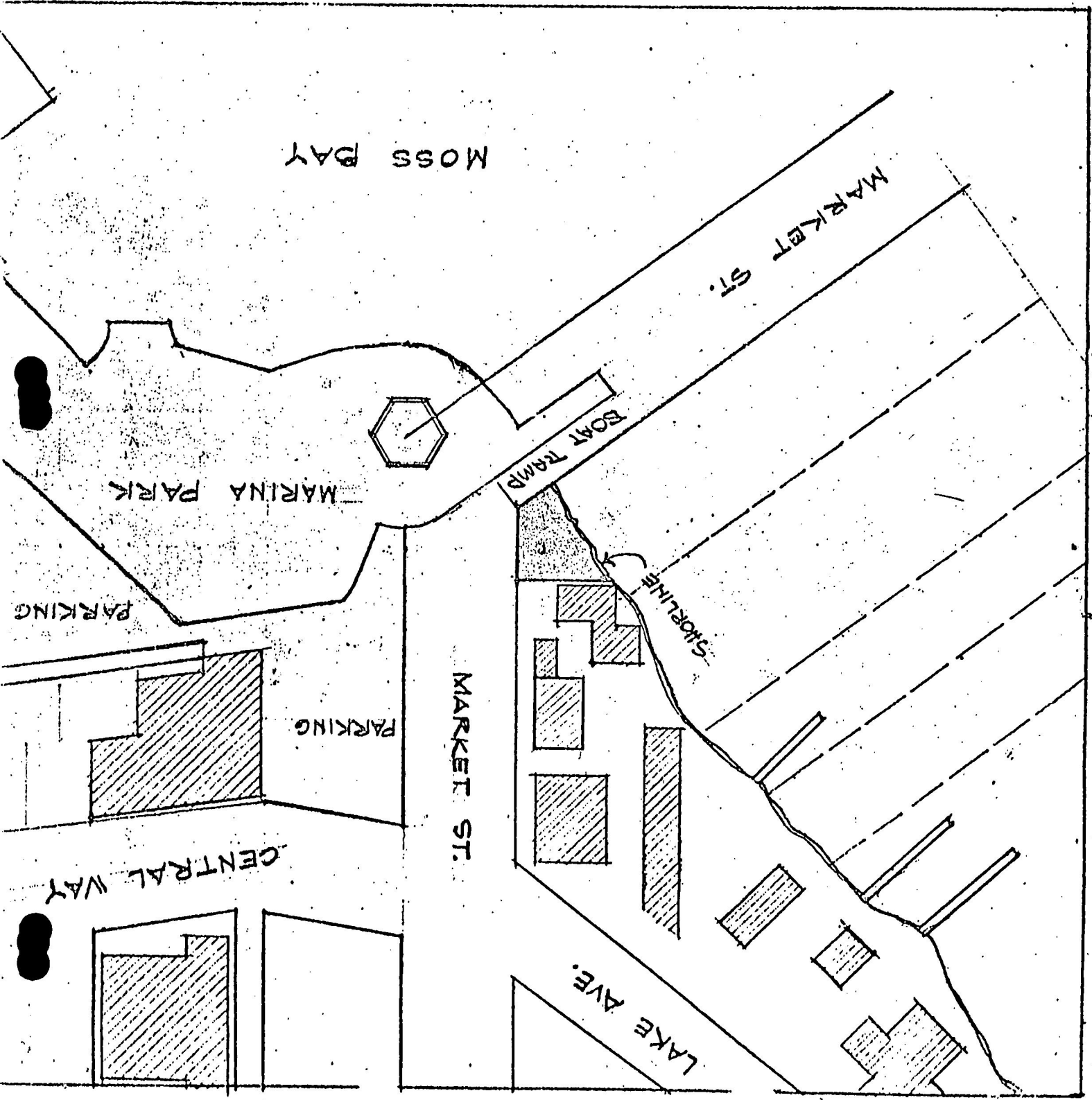
PHILIP C. SAVERS
3316 N.E. 125TH
SEATTLE, WASHINGTON

1" = 100'-0"
PLOT PLAN

EXHIBIT "A"
VICINITY AND LAND USE
James Wildy
PUD-SDP-75-54

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NORTH



Conclusions, Cont'd

- G. 18. a. Section 23.12.043.a.(1a): The applicant is proposing four parking stalls; four are required.
- b. Section 23.12.051. Allowable Floor Area: The allowable floor area at the subject site calculated on 800 square feet of floor area per 1,000 square feet of dryland area, is equal to 2,414 square feet of floor area. The applicant proposes approximately 2,400 square feet of total floor area.
- c. Section 23.12.052: Setbacks. The applicant has proposed a 17 foot south property line setback.
- d. Section 23.12.052(3). North property line setback. The applicant is proposing to add this project directly onto the existing building to the north, which would completely cover up the existing windows on the south side of the existing building to the north.
- e. Section 23.12.056: The proposed building is to be 25 feet above average grade.
- f. Section 23.12.061.d: A soils and geologic analysis will be required pursuant to a final Planned Unit Development application being accepted by the Department of Community Development.

19. This application is inconsistent with the following sections of the Kirkland Shoreline Master Program:

Public Access Element:

- a. Policy 4. No provisions for public access along the water's edge is proposed.
- b. Policy 5. Use Regulation 2. The applicant is proposing a 5 foot setback from the water's edge which would not be a reasonable distance to allow for a water edge trail.
- c. Policy 6. The developers have not provided for public access along the water's edge.

Residential Element:

- d. Policy 3. Public access along the water's edge has not been proposed.
- e. Policy 3. Use Regulations 1 and 2. This Planned Unit Development is adjacent to a public park, however the existence of the steep rock bank adjacent to the boat ramp would preclude public access to the subject property from the park. Access would have to come from the public driveway leading to Market Street. An adequate design for public access has not been proposed.
- f. Parking. Policy 2. Parking is proposed within the required high water line setback.

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Conclusions, Cont'd

- G. 20. This application is inconsistent with the following sections of the Kirkland Waterfront District Zoning Ordinance No. 2206:
- a. Section 23.12.010. Purpose. A land reservation for a water edge trail is not proposed.
- b. Section 23.12.010(6). There will be some loss of visual access to the water at the subject site and physical access is not proposed.
- c. Section 23.12.052(1). The applicant has proposed an 18 foot front yard setback and has not proposed to develop the front yard area as an integral part of the front yard area and pedestrian way.
- d. Section 23.12.052(2). Setbacks. High water line. The applicant is proposing a high water line setback of 5 feet which is 10 feet less than required.
- e. Section 23.12.052(5). The applicant is proposing to park 4 cars within the required front line setback, and no landscaping is proposed at this time. The applicant is proposing to park one car within the required front yard setback.
21. This proposal is in conflict with the following sections of the Kirkland Zoning Ordinance No. 2183:
- a. Section 23.40.060. The applicant is not proposing any landscaping of parking areas at this time, however, this requirement could be more fully addressed within a final Planned Unit Development application.

RECOMMENDATIONS:

Based upon the foregoing Findings and Conclusions as located in Exhibits "A" through "I", we hereby recommend this application for a Planned Unit Development and Substantial Development Permit be approved subject to the following:

1. Due to the location of the subject property in an area where a continuation of a public waterfront trail is not feasible, all requirements for public access shall be waived.
2. The applicant shall be required to redesign the parking plan to relocate the proposed parking stall within the high water line setback area. All parking shall be screened to the west and south.
3. The applicant shall be required to landscape the front yard area as a provision of Final Planned Unit Development approval, and landscaping shall be provided to the west & south & curb cuts shall be a max. of 30 ft.
4. A soils and geologic analysis shall be required prior to Final Planned Unit Development approval.

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