

RESOLUTION NO. R- 2359

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A SUBSTANTIAL DEVELOPMENT PERMIT WITH VARIANCE AND PRELIMINARY PLANNED UNIT DEVELOPMENT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. SDP-PUD-76-04(P), BY VILLAGE UNIVERSAL OF WASHINGTON TO DEVELOP A 26-UNIT CONDOMINIUM AND PIER, BEING WITHIN A WATERFRONT DISTRICT I ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBSTANTIAL DEVELOPMENT PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Substantial Development Permit with Variance and Preliminary Planned Unit Development filed by Al Lurie, the option holder 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 hearing thereon at a special meeting of March 18, 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 the public hearing 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 with Variance 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-76-04(P) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Substantial Development Permit with Variance 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 with Variance 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 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 with Variance and Preliminary Planned Unit Development 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 23.54.090 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.

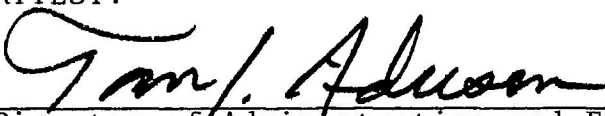
Section 6. Certified or conformed copies of this Resolution shall be delivered to the following:

- (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

B. HISTORICAL BACKGROUND - Not applicable.

C. GOVERNMENTAL COORDINATION

10. Kirkland Public Service Department. "The above development would be encouraged to use the existing utilities already serving the site. Sanitary sewer. The connection is shown on the City maps as being 116 feet, +, south of the manhole located approximately in the center of the parcel but cut in Lake Washington Boulevard. Water. A water service line is there but the field crew at this time does not have it located. If this service is located, the applicant would need to purchase the proper size meter only. If not then there is considerable expense to cross the boulevard with the water service. Drainage. Storm water control must be installed but the controlled outlet can go directly into the lake. Curb Cuts. The drawings indicate that the existing curb cuts will be used to serve the new development. If this is not a fact, then curb cut permits will be required from the City." (Exhibit "E" - Memorandum from Art Knutson, 2/10/76).

11. Kirkland Department of Fire Services. "The building requirements will be handled at the time of application for a building permit. A fire flow of 198 gallons per minute will be required. A standpipe system is to be furnished for the pier (Operating Policy No. 2). (Exhibit "F" - Memorandum from Robert H. Ely, 2/2/76).

12. Kirkland Building Department. "The building will be located in Fire Zone 2. The buildings will be classed as an H occupancy for the living units and F-1 occupancy for the parking garage."

13. Kirkland Park Department. "The proposed landscaping in the front setback area should be compatible with other City plantings. Rampdowns should be provided in all places where driveways cross sidewalks. The proposed dock is broad side to the prevailing winds and the applicant should inspect the existing pilings to insure that the development of a proposed pier will not become a hazard to boats using the facility. We should require street tree plantings in existing sidewalk knockouts in the backside of the sidewalks on the parcel. (As per official communications with Dave Brink, Kirkland Park Director.)

14. Police Department. The Police Department would recommend that the proposed development use the security type front door locking system and lock doors from the parking area to insure individual apartment safety at all times. (As per official communication with Lt. Jensen, Kirkland Police Department).

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Findings cont'd

D. EXISTING PHYSICAL CHARACTERISTICS:

15. Topography/Soils. Local soils mapping indicates the subject property to be within an Alderwood Gravelly Sandy Loam, 6-15% slope, (AgC) classification. The applicant indicates within the submitted environmental assessment and gravel. soils type appears to be a compacted sand and gravel. (Exhibit "G" - Environmental Assessment) The topography drops abruptly from street level, 6 or 7 feet, to a level area and thence sloping very gradually to Lake Washington.
16. Geology. Local geologic mapping indicates the subject property to be within a Vashon fill (Vt) unit.
17. Hydrology. An existing streamway flows along the south boundary of the subject property within an existing culvert, into Lake Washington. The property is located on Lake Washington.
18. Flora. The subject property exhibits scrub vegetation, and one small alder tree.
19. Fauna. There has been no observed animal life on the subject property, however, the Kirkland Shoreline Master Program indicates the submerged lands to be of a marginal quality for Sockeye Salmon spawning.
20. Submerged Land. The existing submerged land exhibits a pebble and gravel character, with no observable vegetation.

E. PUBLIC UTILITIES:

21. Streets. The subject property is fronting on Lake Street South, which is a major arterial for the City of Kirkland. This street is also known as State Route 908.
22. Paths/Trails. Lake Street South has been indicated by the Kirkland Park Department to be a bicycle trail and is part of the Lake Washington loop trail.
23. Domestic Water Supply. There is an existing 10" water line on the east side of Lake Street South.
24. Fire Hydrants. There is one existing fire hydrant on the east side of Lake Street South, toward the southern boundary of the subject property.
25. Sanitary Sewer. There is an existing 12" sewer line on the west side of Lake Street South.
26. Storm Sewers. There is an existing culvert parallel to the southern property line of the subject property which conducts storm waters and drainage from an existing watercourse to the east of the subject property.

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DEPARTMENT OF COMMUNITY DEVELOPMENT  
**ADVISORY REPORT**  
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 xx RECOMMENDED BY \_\_\_\_\_ DATE March 18, 1976  
 ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_

STAFF \_\_\_\_\_  
 BOARD OF ADJUSTMENT \_\_\_\_\_  
 HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_  
 xx PLANNING COMMISSION \_\_\_\_\_ /s/ John Cushing, Chairperson  
 CITY COUNCIL AS INCORPORATED IN \_\_\_\_\_

R-2359 RESOLUTION \_\_\_\_\_ ORDINANCE \_\_\_\_\_  
 NUMBER \_\_\_\_\_  
 DATE \_\_\_\_\_

FILE NUMBER SDP-PUD-76-04(P) Preliminary  
 APPLICANT VILLAGE UNIVERSAL OF WASHINGTON  
 PROPERTY LOCATION Just south of 733 Lake St. So.  
 SUBJECT Application for Substantial Development Permit and Preliminary  
 Planned Unit Development for a 26 unit condominium "Sunset  
 Condominiums"  
 HEARING/MEETING DATE April 5, 1976  
 BEFORE KIRKLAND CITY COUNCIL R-2359

EXHIBITS ATTACHED "A" Vicinity Map "B" Site Plan "C" Elevations "D" Project  
 Description "E" Memo Art Knutson 2/10/76 "F" Memo Robert Ely 2/2/76  
 "G" Environmental Assessment "H" Uphill Sit Section "I" Application

**FINDINGS:**

**A. SUMMARY OF THE PROPOSED ACTION**

1. This is an application for a Substantial Development Permit, Variance, with Preliminary Planned Unit Development consisting of 26 condominiums developed in two separate structures on 37,360 square feet of dryland area. The subject property is located just south of 733 Lake Street South. (Exhibit "A" Vicinity Map, "B" Site Plan, and "C" Elevations). Also proposed in conjunction with this development is a 14 slip boat dock for the exclusive use of condominium residents.
2. Setbacks. The applicant proposes a 15 foot high water line setback, a 10 foot front yard setback, a 45 foot north property line setback and a 32 foot south property line setback. There will be a 40 foot unobstructed view area between the two building units, as shown in Exhibit "B".
3. Building Height. The proposed buildings will be a maximum of 32.5 feet above mean average grade. (Exhibit "A" - Vicinity Map).
4. Parking. The applicant is proposing 58 parking spaces, all to be below street grade, and under the proposed buildings and landscaped open space between buildings. The applicant is proposing to construct a concrete slab over the parking area proposed between the proposed buildings, which would then be filled with topsoil and landscaped.
5. Pier. The applicant is proposing to use as many of the pilings which exist from a previous pier at the subject property for the proposed pier as are structurally sound. However, additional pilings will be required to assure full use of the moorage all year. The dock will be of a fixed design.
6. Proposed Fill. The applicant is proposing to fill the south-west corner of the property to develop a small park-like area and to build a rockery wall and fill the entire length of the waterfront.
7. Public Access. Public access is proposed within the south-west fill area and the entire length of the waterfront and on the proposed pier. The proposed pier will be available to public access only during daylight hours to insure boat security.
8. This application is proposed by Village Universal of Washington, 9901 N.E. 1st St., #406, Bellevue, Al Lurie, President.
9. Justification. This request is justified by the applicant in that the proposal is consistent with the Shoreline Master Program, Kirkland Waterfront District Zoning Ordinance and the public interest. (Exhibit "D" - Project Description).

Findings, Cont'd

G. 31. e. Circulation Element.

Policy 3.a. "Access points to and along the shoreline should be linked by pedestrian pathways developed as close to the water's edge as reasonable. Pedestrian pathways should be designed and constructed of such materials that would allow proper drainage and minimal amount of impervious covers along the water's edge."

f. Components.

Policy 1. "Components in or near the water should not be constructed from materials which have significant adverse physical or chemical effects on water quality, vegetation, fish and/or wildlife."

Policy 3. "Permitted components should be designed to permit normal circulation of water, sediments, fish and other aquatic life in and along the water area."

Policy 8. "Structures higher than 35 feet above the average property grade level will not be permitted in the shoreline area."

Policy 9. "Shoreline development should provide substantial grade level views of the water from public shoreline roads running generally parallel to the water's edge."

g. Shoreline Protective Structures.

Policy 1. "Construction or repair of bulkheads should not extend into the lake beyond the existing high water line." Use Regulation 2. "Bulkheads at the water's edge should be designed to minimize the transmission of wave energy to other properties. It is recommended that bulkheads be of sloping rock riprap design."

h. Landfill and Dredging.

Policy 2. Landfill should generally not be permitted. Use Regulation 3. "When it can be demonstrated that severe erosion is occurring due to the fills and bulkheads of adjoining properties, a variance may be applied for to mitigate such impact. It shall be demonstrated that the variance applied for is the minimum necessary to mitigate the erosion caused as a result of the adjoining fill or bulkhead."

Use Regulation 4. "In those limited instances where landfill is permitted, the waterside perimeter of the fill should be stabilized with vegetation and/or materials that would promote fish and wildlife."

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Findings, Cont'd

G. 31.

i. Piers and Moorages

Policy 5. "In multi-family or condominium developments the ratio of moorage births to residential units should be some fraction less than one."

j. Utilities.

Policy 4. "In all new developments, the developer should install means to control the entry of contaminants into the Lake within accepted water quality standards."

k. Parking.

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

1. Signs. "The signing on the shoreline should be kept to a minimum."

m. Variances. Fill and bulkheads to minimize erosion of adjacent fills require a variance. All variances shall be processed according to adopted procedures and, in addition, the applicant must demonstrate the following:

- (1) "A hardship which serves as the basis for granting a variance must be specifically related to the property of the applicant.
- (2) The hardship results solely from the application of the requirements of the Act, and the Master Program and not from restrictions otherwise imposed upon the property or use or the applicant's own actions.
- (3) The variance granted will be consistent with the spirit and intent of the Master Program.
- (4) Public welfare and interest will be preserved, and if greater detriments will be done to the general area by granting the variance that would be done to the applicant by denying it, the variance shall be denied.
- (5) In cases where a Planned Unit Development has been applied for, the variance may be considered as a part of the Planned Unit Development and a separate variance application shall not be required, but subject to Items (1) through (4) above."

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Findings cont'd

E. 27. Public Transportation. Metro currently serves the subject property with routes 235, 240, 251 and 254.

F. NEIGHBORHOOD CHARACTERISTICS:

28. Zoning. The subject property is zoned Waterfront District I as are all properties in the vicinity to the north and south, to the west of Lake Street South. All properties directly east of the subject property and Lake Street South are zoned Residential Multi-Family 1800 and further to the east all properties are zoned Residential Single Family 8,500. There is a small area of Neighborhood Business zoning to the southeast of the subject property.

29. Land Use. There is an existing old structure on the subject property which presently houses a cabinet shop. A major portion of the subject property is vacant. There are existing condominiums to the north, single family and vacant land to the east, multi-family to the southeast and south and a small grocery store to the southeast.

30. Public Recreation/Open Space. South Kirkland Vista Park is to the north and Marsh Park is to the south, both parks are situated on Lake Washington.

(Continued on next page)

Findings, Cont'd

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

31. The following policies are relevant sections of the Kirkland Shoreline Master Program:

a. Conservation Element. The submerged lands along with the subject property are identified as being a marginal beach spanning area.

b. Public Access Element.

Policy 4. "Use Regulation 2.b. Provisions should be made for public access to and along the water's edge in new substantial development permits for multi-family development."

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. Use Regulation 2. Multi-family development will be setback a reasonable distance to allow for a water's edge trail."

Policy 7. "Public access should be designed with provisions for handicapped and disabled persons, where feasible."

c. Uses and Activities Element

Policy 2.e. "Existing waterfront uses and activities identified as being inappropriate (or non-conforming) should be encouraged to relocate away from the shoreline."

Use Regulation 1.a. Waterfront District 1 shall include multi-family dwelling units.

d. Residential Element

Policy 1. Use Regulation 3. "New residential structures will be set back from the high water line."

Policy 2. "New residential developments along or impinging upon the shoreline should be permitted only where public utilities are available."

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. Public access to and along the water's edge will be from a public right-of way or park and appropriately designed.

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Findings, Cont'd

- G. 32. j. Section 23.12.056. "Building Height. Under a Planned Unit Development a building may exceed a height of 30 feet subject to the following provisions: Structures over 30 feet in height shall not obstruct the views of a substantial number of residences on the area surrounding such shoreline and the owners or developers of such structures shall exhibit that an overriding public interest will be served by an increased height allowance."
- k. Section 23.12.058. "Alteration of the existing shoreline. Alteration of the shoreline, i.e. changing the horizontal configuration of the waterline, or changing the elevation of land adjacent to the high water line shall be kept to a minimum and subject to the following provisions:
  - (1) That water surface area as defined by the high water line, is not substantially reduced, and
  - (2) That a plan for fill is approved by the City, and
  - (3) That any unique natural area of aquatic life or vegetation will not be destroyed, and
  - (4) That a public use area will be designed on the high water line setback area."
- 1. Section 23.12.061.(d). A soils and geologic analysis should be provided by a soils engineer which completely analyzes the feasibility of the proposal.

CONCLUSIONS:

- A. SUMMARY OF THE PROPOSED ACTION:
  - 1. This application of a Preliminary Planned Unit Development is generally consistent with the requirements of the Kirkland Zoning Ordinance and the Kirkland Shoreline Master Program as specified below.
- B. HISTORICAL BACKGROUND: (Not applicable.)
- C. GOVERNMENTAL COORDINATION:
  - 2. Department of Public Works: All requirements of the Public Service Department as per Exhibit "E" should be required.
  - 3. Department of Fire Services. All requirements of the Department of Fire Services should be required as described in Exhibit "F".
  - 4. Building Department. No relevant conclusions to this application.
  - 5. Park Department. Proposed landscaping on street should be

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Conclusions cont'd

- C. 5. compatible with other City plantings. Rampdowns should be required where driveways cross sidewalks. The applicant should complete a detailed study of the existing pilings to insure that their use is feasible and that the proposed pier design is the best design. The City should require street tree plantings in existing knockouts on the back side of the sidewalk in front of the subject property.
- 6. Police Department. The applicant should install a security system on all outside doors to the proposed buildings to insure that the proposed development does not become a policing problem to the City of Kirkland.
- D. EXISTING PHYSICAL CHARACTERISTICS:
  - 7. Topography/Soils/Geology/Flora/Fauna. The above listed characteristics would not post a constraint upon reaching a positive or negative decision regarding this project.
  - 8. Hydrology. The applicant should be required to develop the open streamway as proposed in the proposed fill area from the existing storm drainage running across the southern boundary of the subject property.
  - 9. Submerged lands. All development over submerged land should not interfere with the potential of salmon spawning and other aquatic growth existing in the area.
- E. PUBLIC UTILITIES
  - 10. Streets. Lake Street South is adequate to serve the proposed development.
  - 11. Paths/Trails. The proposed front setback area should be designed and developed as a landscaped pedestrian way consistent with the development of the Lake Washington loop trail.
  - 12. Domestic Water Supply. The existing water supply within Lake Street South is adequate to serve the subject property, however the applicants may be required to cross Lake Street South with water service in the event that adequate water service does not presently exist on the west side of Lake Street South.
  - 13. Fire Hydrants. The existing fire hydrant in the area is adequate to serve the proposed building. A dry standpipe would be required to be developed for the proposed pier as per requirements of the Kirkland Department of Fire Services.
  - 14. Sanitary Sewer. The existing sanitary sewer is adequate to serve the proposed development.
- F. NEIGHBORHOOD CHARACTERISTICS
  - 15. Zoning. The development of the proposed project would be

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Findings, Cont'd

G. 32. The following are relevant sections of the Kirkland Waterfront District Zoning Ordinance No. 2206:

- a. Section 23.12.010. The basic developmental standards for Waterfront District I include provisions for a major pedestrian way along public rights-of-way and land reservations for a water edge trail and all waterfront developments shall be evaluated in terms of how much visual and physical 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.

Waterfront Residential

- b. Section 23.12.043.a. A parking ratio of 2.2 per multi-family unit is required.
- c. Section 23.12.043.a.(2) The maximum size of sign shall be 10 square feet and, if free standing, shall not exceed 3 feet above the existing grade.
- d. Section 23.12.051. Allowable Floor Area. The allowable floor area shall generally not exceed 800 square feet of floor area per 1,000 square feet of dryland. Floor area may be increased under the following conditions:

That all waterfront purposes, standards and policies are being adhered to so that the public benefits are increased. In return for higher densities, the following public benefits shall be demonstrated:

A density increase up to 20% may be permitted if the high water line setback is designed for public use along with proper access; and that visual access to the water is greater than under alternative conditions; that actions to promote coordinated site planning with adjacent property owners in order to maximize use of sideyards is initiated where possible; and that minimal disturbances to the shoreline occur.

e. Section 23.12.052. Setbacks. Setbacks in Waterfront District I are as follows:

(1) Frontage road and public right-of-way. Minimum 20 feet or 10 feet of the setback is designed and landscaped as an integral part of the fronting.

(2) High water line - 15% or 15 feet whichever is greater.

Findings, Cont'd

G. 32. e. (3)

North property line - 1.5 times the height of the building minus 10 feet, minimum setback of 30% of the lot frontage. This requirement may be altered providing that the design shall demonstrate that the concept for a north property line setback is fulfilled and that proposed deviations are in harmony with general design objectives of WD I which are as follows: To permit sunlight to enter rooms in adjacent structures, to minimize looking into facing windows and 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 combined plan for the setback areas between the adjacent property owners and executed as one project, or use of the setback area for public pedestrian access to the water or other purpose 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 frontage setback area, within the high water line 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 23.12.053(3). Permitted number of moorages. For condominiums, the total number of moorages should not exceed 25% of the total number of dwelling units.

h. Section 23.12.053(7). Pier Dimensions. "All pier structures shall be either floating or have deck elevations not more than 2 feet above high water level. Cross-section treatment of any pier component shall not be permitted." "Piers or any moorage shall not be closer than 10 feet from any property line." Identification signs for slips or piers may be permitted if they do not exceed 1 square foot per moorage. "Covered waste receptacles shall be located at a maximum of 100 feet intervals on the pier structure and designed as an integral part of the pier winds or waves." "All piers shall be adequately lighted. Light sources shall be directed away and shielded from adjoining properties. The lighting shall be approved as part of the Planned Unit Development."

i. Section 23.12.053(9). Utilities. "All necessary utilities shall be provided and constructed below the pier deck and/or concealed underground."

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Conclusions cont'd

- G. 18. j. (4) (cont'd) trail and there would be no great detriment done to the general area by the granting of this variance.
19. This proposed development is consistent with the following sections of the Kirkland Waterfront District Zoning Ordinance, No. 2206.
- a. Section 23.12.010(2). (Reference Finding 32a) The proposed landfill would be in the public interest. Provisions are proposed for a wateredge trail. The applicants are proposing a 30% unobstructed view from Lake Street South and are proposing visual and physical access to the water.
  - b. Section 23.12.043(a) (Reference Finding 32b) A parking stall of 2.7 per unit is proposed, which equals 58 parking stalls.
  - c. Section 23.12.051. (Reference Finding 32d) The applicant is proposing approximately 100% allowable floor area on the justification that a waterfront trail and public access park area will be developed and public access will be allowed on the proposed pier.
  - d. Section 23.12.052. (Reference Finding 32e) The applicant is proposing to develop the front setback area as an integral part of the fronting and as a proposed pedestrian way. The applicant is proposing a minimum of 15 feet high water line setback. The applicant is proposing a 45 foot north property line setback, 32 foot south property line setback and an open area of 40 feet in between the proposed buildings. This will total a 30% open lot frontage. The proposed project would not block sunlight now available to the existing condominiums to the north and would not develop facing windows to the above mentioned condominium. The setbacks are proposed as public pedestrian access to the water.
  - e. Section 23.12.052(5). (Reference Finding 32f) All automobile parking will be underground.
  - f. Section 23.12.053(3). (Reference Finding 32h) As per the adopted ratio for permitted moorages with multi-family development, this could propose 16 moorage slips. (See Conclusion 18.h.)
  - g. Section 23.12.056. (Reference Finding 32j) The applicant has submitted an uphill sight section which exhibits any potential view obstruction to properties to the east of the proposed development. The development of this project as proposed would not be detrimental to existing views of the single family development to the east of the subject property. (Exhibit "H" - Uphill site section)
  - h. Section 23.12.058. (Reference Finding 32k) The proposed alteration of the existing shoreline would be consistent with this section due to: (1) the water surface area is not substantially reduced, (2) a plan for fill material

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Conclusions cont'd

- G. 19. h. (cont'd) would be approved by the City under final Planned Unit Development application and, (3) this is not an area of unique or natural resources and, (4) the entire fill area would be used as public access and park and, (5) all the provisions of this section will be approved as part of final Planned Unit Development application.
20. The following policies of the Kirkland Shoreline Master Program would also be required to be adequately addressed in this development:
- a. Public Access Element
  - (1) Policy 7. (Reference Finding 31b) The proposed public access area should be designed with provisions for the handicapped and disabled person.
  - b. Components. (Reference Finding 31f)
  - (1) Policy 1. The construction of the bulkhead, waterfront trail, and pier should be constructed from materials which do not have significant adverse physical or chemical effects on water quality, vegetation, fish and/or wildlife.
  - (2) Policy 3. The construction of the proposed pier and bulkhead should be designed to permit normal circulation of water, sediments, fish and other aquatic life in and along the water area.
  - c. Landfill and Dredging. (Reference Finding 32h)
  - Policy 2. Use Regulation 3. This application for landfill is not due to erosion problems, however it is due to the feasibility of developing a continuous waterfront trail along Lake Washington. (See Conclusion 18. j.)
  - d. Utilities (Reference Finding 31j)
  - (1) Policy 4. The applicant should be required to develop a oil and sediment separator system that would control the entry of contaminants into the lake within acceptable water quality standards.
  - e. Signs (Reference Finding 31.1.)
  - Signing on the shoreline should be kept at a minimum. Proposed signing for this condominium development should be approved as pursuant to this policy and as a part of the final Planned Unit Development application.
21. The following sections of the Kirkland Waterfront District Zoning Ordinance 2206 would also be required to be adequately addressed in this development.
- a. Section 23.12.043.a.(2). (Reference Finding 32c)

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Conclusions cont'd

- F. 15. consistent with the Waterfront District I zoning and the residential multi-family 1800 zoning to the east side of Lake Street South.
16. Land Use. The removal of the existing cabinet shop on the subject property would be consistent with adopted Shoreline Management policies of the City of Kirkland. The development of the proposed project would also be consistent with the development of the surrounding area.
17. Public Recreation/Open Space. The development of the proposed public access areas on the subject property would help to alleviate the over-use of the existing waterfront park areas within the City of Kirkland.
- G. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS
18. The proposed development is consistent with the following policies of the Kirkland Shoreline Master Program:
- a. (Reference Finding 31b) Public Access Element.
  - Policy 4, Use Regulation 2.b. The applicant is proposing public access to and along the water's edge.
  - Policy 5. The applicant is proposing to keep the water's edge free of buildings.
  - b. (Reference Finding 31c) Uses and Activities Element.
  - Policy 2.e. The existing commercial cabinet shop on the subject property is listed as a non-conforming use and its removal would be consistent with the desired development of the Kirkland shoreline.
  - Use Regulation 1.a. Multi-family development is permitted in Waterfront District I.
  - c. (Reference Finding 31d) Residential Element.
  - Policy 1, Use Regulation 3. The applicant is proposing a 15 foot setback from the high water line.
  - Policy 2. Public utilities are available to serve the proposed development.
  - Policy 3. Public access to and along the water's edge is proposed.
  - Policy 3, Use Regulation 1. Public access to the proposed waterfront trail will be from Lake Street South and should be appropriately designed as specified within this report.
  - d. (Reference Finding 31e) Circulation
  - Policy 3.a. The applicant is proposing a waterfront trail

Conclusions cont'd

- G. 18. d. (Cont'd) the full length of the subject property. The pedestrian trail should be designed and constructed of such material that would allow proper drainage and a minimum amount of impervious cover along the water's edge.
- e. (Reference Finding 31f) Components.
  - Policy 8. The applicant is proposing a 32.5 foot high structure above average property grade.
  - Policy 9. The applicant is proposing 30% openness from Lake Street South.
  - f. (Reference Finding 31g) Shoreline Protective Structures.
  - Policy 1.(2). The applicant is proposing a bulkhead of sloping rock riprap design.
  - g. (Reference Finding 31h) Landfill and Dredging.
  - Policy 2(4). The applicant is proposing a sloping rock riprap design on the waterside perimeter of the proposed fill that would promote fish and wildlife.
  - h. (Reference Finding 31i) Piers and Moorages.
  - Policy 5. The permitted number of moorages as per the adopted ratio within Kirkland Zoning Ordinance 2206 would be 16, however, the size of pier & slips should be reduced and the location should be moved south to reduce noise & navigation problems.
  - i. Parking. (Reference Finding 31k)
  - Policy 2. The applicants are proposing all parking underground and not along the water's edge.
  - j. Variance. (Reference Finding 31m) The required variance for proposed landfills for the subject property is consistent with the following:
    - (1) The development of the proposed fill area would be the only feasible method of developing a full waterfront trail along all of Waterfront District I zoned properties within the City of Kirkland.
    - (2) This hardship relating to the proposed fill results solely from the application of the requirements of the Act and the Kirkland Shoreline Master Program.
    - (3) The granting of this Variance would be consistent with the spirit and intent of the Kirkland Shoreline Master Program due to the fact that the City is gaining a park area and the potential for continuing the public waterfront trail.
    - (4) The public welfare and interest will be preserved by the development of a waterfront park and waterfront

Conclusions cont'd

- G. 21. a. (cont'd) Maximum signage for the proposed development shall be 10 square feet, and if free standing, shall not be above 3 feet above existing grade.
- b. Section 23.12.053(7). (Reference Finding 32h) The proposed pier should be developed with a low profile and treated with compounds other than oil base. All provisions of this section shall be followed when proposing the pier with the final Planned Unit Development application.
- c. Section 23.12.061(d). (Reference Finding 32.1) A soils and geologic analysis should be required as a condition of approval of final Planned Unit Development for the proposed development.

RECOMMENDATIONS

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

1. The proposed public access area shall be designed with provisions for access for the handicapped and disabled persons.
2. The proposed pedestrian trail shall be designed and constructed of such material that will allow proper drainage and a minimum amount of impervious cover along the water's edge.
3. The construction of the bulkhead, waterfront trail and pier shall be constructed from materials which do not have a significant adverse physical or chemical effect on water quality, vegetation, fish and/or wildlife. The above components shall be designed to permit normal circulation of water, sediments, fish and other aquatic life in and along the water's edge.
4. The proposed pier shall not have a deck elevation more than 2 feet above mean high water level. Piers or moorages shall not be closer than 10 feet from any property line. Identification signs for slips or piers shall be permitted if they do not exceed one square foot per moorage. Covered waste receptacles shall be located at a maximum of 100 feet intervals on the pier structure and designed as an integral part of the pier structure and shall be secure from being overturned by winds or waves. All piers shall be adequately lighted. Light sources shall be directed away and shielded from adjoining properties. All necessary utilities shall be provided and constructed below the pier deck and/or concealed underground.
5. The proposed front setback area shall be designed and developed as a landscaped pedestrian way consistent with the development of the Lake Washington Loop Trail. Proposed landscaping in this area shall be compatible with other City plantings. Rampdowns shall be required where driveways cross sidewalks. The City shall require street tree plantings in existing knockouts on the backside of the sidewalk in front of the subject property.

Recommendations cont'd

6. The applicant shall be required to develop the open streamway as proposed in the proposed fill area from the existing storm drainage running across the southern boundary of the subject property.
7. The applicant shall be required to develop a oil and sediment separator system that will control the entry of contaminants into Lake Washington within acceptable water quality standards.
8. All requirements of the Kirkland Department of Public Services shall be required, as per Exhibit "E".
9. All requirements of the Kirkland Department of Fire Services shall be required as per Exhibit "F". A dry standpipe system shall be developed for the proposed pier. This system shall be constructed under the main decking of the pier.
10. The applicant shall be required to install a security system on all outside doors to the proposed buildings to insure that the proposed development does not become a policing problem to the City of Kirkland.
11. The maximum signing for this proposed development shall be 10 square feet, and if free standing, shall not exceed 3 feet above the existing grade, and shall be approved as part of the Final Planned Unit Development.
12. A soils and geologic analysis shall be required as a condition of approval of the Final Planned Unit Development.
13. The proposed pier shall be moved substantially south, but not to interfere with the proposed public access park. The size of the proposed pier and slips shall be reduced. The pier shall be constructed with a standpipe, under the main deck, which would be adequate to utilize as a component of a sewer pumping facility.
14. Final Planned Unit Development application shall exhibit that a minimum of 30% frontal openness is maintained, with reference to Lake Street South.

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