

RESOLUTION NO. R- 2386

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF AN UNCLASSIFIED USE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. UUP-76-34(P) BY DANMOR CONSTRUCTION COMPANY, INC., TO CONSTRUCT A 146-UNIT ELDERLY HOUSING PROJECT "MADISON HOUSE", BEING WITHIN A RM-1800 ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH UNCLASSIFIED USE PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for an Unclassified Use Permit by Danmor Construction, Inc., the owner of said property described in said application and located within a RM-1800 zone, and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of August 12, 1976, and

WHEREAS, pursuant to City of Kirkland Resolution No. R-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 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 Unclassified Use 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 Findings, Conclusions and Recommendations of the Kirkland Planning Commission as signed by the Chairperson thereof and filed in the Department of Community Development File No. UUP-76-34(P) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Unclassified Use Permit 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 Unclassified Use Permit or evidence thereof delivered to the permittee.



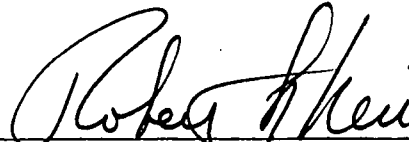
Section 4. Nothing in this Section shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to this project, other than expressly set forth herein.

Section 5. Failure on the part of the holder of the Unclassified Use Permit to initially meet or maintain strict compliance with the standards and conditions to which the Unclassified Use Permit is subject shall be grounds for revocation in accordance with Section 23.30.100 of Ordinance No. 2183, the Kirkland Zoning Ordinance.

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

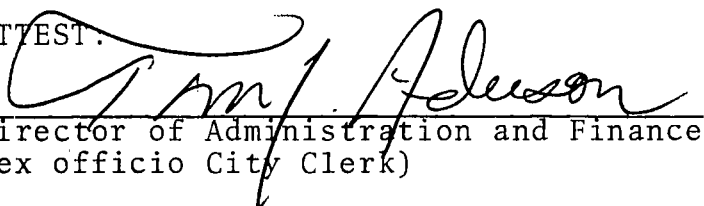
- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Building Department of the City of Kirkland
- (d) Fire Department of the City of Kirkland
- (e) Police Department of the City of Kirkland
- (f) Public Service Department of the City of Kirkland
- (g) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland.

ADOPTED in regular meeting of the City Council on the 7th day of September, 1976.



Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)



Findings, Cont'd

A. 4. (cont'd)

Edmonds have allowed similar facilities to provide 1:3 and 1:4 ratios, by variance. The Danmor Company expects no tenants under the age of 62 years. Since the demand for this type facility has been well established and due to the particular type use it is, we submit that the provision of 81 parking spaces be adjudged to be adequate for the use and location concerned. This is necessary for this project and will result in the provision of needed amenities in lieu of unneeded parking spaces. The resultant reduction in paved area will not cause increased demand for parking spaces elsewhere, nor will it result in any conceivable adverse effect upon the health or safety of persons in the neighborhood, upon the public welfare or have any materially injurious effect upon any other properties adjacent or otherwise."

5. This application is being processed concurrently with the amended plat of Puget Sound Center, Community Development File No. CP-76-42(P).

B. HISTORICAL BACKGROUND: (Not applicable)

C. GOVERNMENTAL COORDINATION:

6. Department of Fire Services. Memo from Fire Department dated 6/10/76: "It is difficult to give specific details on some requirements until such time as we receive a more detailed drawing of the building. 1. Fire hydrants to be installed in accordance with City of Kirkland ordinances and Fire Department Operating Policies. 2. Water mains supplying fire hydrants to be of sufficient size to provide the required fire flow. 3. Ingress and egress routes leading to and from the building to be designed in such a manner as to provide sufficient turning area for the fire department aerial ladder truck. Turning radius for this vehicle is 41 feet for a 90 degree turn. 4. Type "B" fire alarm system to be installed as per Fire Department Operating Policy 8. The building shall be divided into three fire alarm zones, with each zone having an approved annunciator panel. 5. Approved manually operated fire alarm sending stations shall be required in approved locations. 6. Portable fire extinguishers to be installed in accordance with NFPA No. 10 and approved by City of Kirkland Fire Department. 7. Cooking surfaces, hoods and ducts, if provided, shall be equipped with an approved automatic fire extinguishing system."
7. Public Service Department. Memo dated 6/9/76: "The Public Service Department has met with the engineers on this project to provide the developer with direction. There does not appear to be any major problems with the development."
8. Building Department. No comment.
9. Police Department. No comment.

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Findings, Cont'd

D. EXISTING PHYSICAL CHARACTERISTICS:

10. Soils/Topography. The local soil mapping indicates that the subject property is located within an Everett Gravelly Sandy Loam (EvC) 5-15% slope classification. The actual topography on the subject property is fairly flat except for that slope from the site of the proposed building westward to the Totem Lake upper mall where there is a steep bank.
11. Geology. Local geologic mapping indicates the subject property to be within a thin mantle of light to grey sand and gravel which is generally classified as younger gravel (QyG), and further this unit is not designated as potentially hazardous unit.
12. Vegetation. Vegetation on the site consists of Scotch Broom and various grasses.

E. PUBLIC UTILITIES:

13. Streets. The subject property is located south of N.E. 128th Street, and the turn-around at approximately 124th Avenue N.E.
14. Paths/Trails. There are no existing sidewalks adjacent to any of the roads within this general location.
15. Domestic Water Supply. A 10 inch water line exists in N.E. 128th Street.
16. Fire Hydrants. There is a fire hydrant located on the north side of N.E. 128th Street, approximately at the mid-point of the property.
17. Sanitary Sewers. There is an existing 10" sewer line located on 120th Ave. N.E., which may be available if an easement can be procured via the south perimeter of the shopping center.
18. Storm Sewer. The only storm sewers in the area are located within N.E. 128th Street.
19. Public Transportation. METRO Bus Route No. 255 makes stops on 120th Ave. N.E. which is approximately 1,000 feet from the subject property via N.E. 128th Street.

F. NEIGHBORHOOD CHARACTERISTICS:

20. The subject property is presently zoned Residential Multi-Family 1800 (RM-1800). The adjacent property to the west and south is Community Business, whereas the zoning to the north is Residential Multi-Family 900 square feet. Zoning to the east consists of Residential Single Family 35,000 sq. feet.

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DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

_____ PREPARED BY _____ DATE _____
^{xxx} _____ RECOMMENDED BY _____ DATE August 12, 1976
 _____ ADOPTED BY _____ DATE _____

 _____ STAFF _____
 _____ BOARD OF ADJUSTMENT _____
 _____ HOUGHTON COMMUNITY COUNCIL _____
^{xx} _____ PLANNING COMMISSION _____
 _____ CITY COUNCIL AS INCORPORATED IN _____
 _____ RESOLUTION _____ ORDINANCE _____
 NUMBER _____
 DATE _____

John Cushing
John Cushing, Chairperson

FILE NUMBER UUP-76-34(P)
 APPLICANT DANMOR CORPORATION
 PROPERTY LOCATION N.E. 128th St. and 124th Ave. N.E.
 SUBJECT Application for Unclassified Use Permit for 146-unit apartment complex for the elderly.
 HEARING/MEETING DATE _____
 BEFORE _____

EXHIBITS ATTACHED "A" Application "B" Letter from Architect 4/5/76
"C" Concept Examples "D" Environmental Assessment & Declaration "E" Site
& Vicinity Map "F" Elevations "G" Survey "H" Topography

FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. The applicant is proposing to develop a 146 unit apartment complex designed for the elderly. This project will be a "high income" retirement community rather than a project which is federally subsidized and funded under the Department of Housing and Urban Development.
2. The project is generally located on N.E. 128th Street and approximately 124th Avenue N.E. and is located on a plateau above the upper Totem Lake Mall.
3. This project is being proposed by the Danmor Corporation.
4. This application has been justified by the applicants in the following: (From letter from Willis McClarty dated April 5, 1976)

"We propose to construct this multi-family residence for retirement living to partially fulfill a need for such accommodations in the greater Kirkland area. Recent local attention has been directed to the lack of availability of a living environment specifically designed for elderly persons. This facility, located as it is immediately adjacent to shopping and medical care, will provide the type of living being sought by these people.

It is a well established fact that our older population is increasing in numbers and income - in fact it is anticipated that by 1980 this nation will have over 23 million people who are 75 years of age or older. These people may or may not be retired and seem to be more active than their forerunners. They are alert, interested in community affairs, are attracted by malls, arts and crafts fairs, swimming pools and golf facilities, (The median income of retired males on pension plans in 1972 was \$3,380 per year. When you add this to Social Security payments, investment income and proceeds from the sale of a home worth \$30,000 - \$40,000 you get the picture of someone living comfortably and responsibly). This is the type of tenant who will occupy this building.

The services provided will include dining room, lounges, personal laundries, crafts room, library, beauty shop, activities and game areas, and outdoor recreation facilities. A manager and an activities director will provide full time coordination of active and leisure time of the tenants. Additionally, mini-bus service will be provided for access to churches, shopping, and other legitimate and/or emergency uses. All tenants must be ambulatory.

We intend to provide 81 automobile parking spaces - plus loading and unloading. Historically, it has been established that about one vehicle per four dwelling units is adequate to properly serve a use of this type when located in close proximity to shopping and services (and where mini-bus service is provided). It should be borne in mind that many of the dwelling units will have only one occupant who, in all probability, will not maintain an automobile. (The zoning ordinance of Seattle allows a ratio of 1:4; the cities of Spokane and

Conclusions, Cont'd

- E. 6. Paths/Trails. Due to the fact that there are no sidewalks along N.E. 128th Street and 120th Ave. N.E., the applicant should record for future development use a 10 foot pedestrian easement from 128th St. to Totem Lake upper mall. Further, once developed, this pedestrian easement would be available to the public and would reduce the walking distance to the Totem Lake Shopping Center by approximately 1500 feet.
7. Domestic Water Supply/Sanitary Sewers/Fire Hydrants/Storm Sewers/Public Transportation. These characteristics should not be a factor upon reaching a negative or positive decision on this application.
- F. NEIGHBORHOOD CHARACTERISTICS:
8. Zoning. The proposed development is consistent with the existing zoning on the subject property and the existing Land Use Plan, except as to the parking ratio.
9. Land Use Plan. The emerging Land Use Plan for this general area would indicate a slightly lower density than that which it is presently zoned. Therefore, this application would appear to be consistent with the emerging Land Use Plan for the type of use but inconsistent with the emerging plan with respect to the density.
- G. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:
10. This application is consistent with the following sections of the Kirkland Subdivision Ordinance Section 23.30 (Unclassified Uses).
- a. Section 23.30.020. The proposed use is compatible with the type of uses permitted on the subject property.
- b. Section 23.30.030. The applicant is proposing housing for the elderly which can in all respects comply with the provisions of Chapter 23.10 with the exception of the proposed parking.
- c. Section 23.30.040(1). The applicants are proposing adequate front, rear, side recreation space and lot coverage consistent with the residential multi-family zoning, Chapter 23.10 of Ordinance 2183. However, a 10 foot setback from the top of the slope should be provided.
- d. Section 23.30.040(3). Housing designed for the elderly would not require the normal parking spaces to be developed due to the fact that proposed residents are over 62 years of age and of limited means and income. However, if at some time in the future, this use changes

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Conclusions, Cont'd

- G. 10. d. (cont'd)
- to regular multi-family apartments or the like, or not specifically for senior citizens 62 years of age or over, then a parking ratio of 2.2 parking spaces per unit should be required.
- e. Section 23.30.080. Standards for granting Unclassified Use:
- (1) The use requested by this Unclassified Use Permit is consistent with the intent of the Kirkland Zoning Ordinance No. 2183, the existing Comprehensive Plan, and the public interest due to the fact that multi-family development is permitted in this zone. Further, it complies in all respects with the underlying zoning, with the exception of the proposed parking.
- (2) This use requested by the Unclassified Use Permit demonstrates that it is consistent with the performance standards in Chapter 23.30 of Ordinance No. 2183 due to the fact that it will be a residential project.
- (3) The use requested by this Unclassified Use Permit application is made on the basis of the site plan submitted pursuant to Section 23.60.030 of Ordinance No. 2183.
- (4) This application is in conformance with the existing Comprehensive Plan due to the fact that it is a multi-family development.
11. The applicant should be required to design and develop a storm water retention system that will maintain on-site storm water runoff due to development. This on-site retention system should maintain a quality, quantity and velocity of storm water runoff resulting from a 10-year storm.

RECOMMENDATIONS:

Based upon the foregoing Findings and Conclusions and as identified in Exhibits "A" through "H", we hereby recommend that this application for an Unclassified Use Permit be approved subject to the following:

1. The applicant shall meet the requirements of the Department of Fire Services and Public Service Department.
2. Any structure may not be located in that portion of the subject property which is identified as open space on the amended plat of Puget Sound Center (formerly known as Tract G).

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Findings, Cont'd

- F. 21. Land Use. The subject property is generally undeveloped along with those properties to the east. The properties to the southwest and north have been developed as commercial developments and the Evergreen Hospital complex.
- G. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:
22. The following are relevant sections of the Kirkland Subdivision Ordinance, Section 23.30, Unclassified Uses.
- a. Section 23.30.030. Uses Requiring Unclassified Use Permit. Housing designed for the elderly, with the exception of projects which can in all respects comply with the provisions of Chapter 23.10(Residential Multi-Family zoning).
 - b. Section 23.30.040(1). All requirements for setbacks, open space, height, floor area and lot coverage shall be applicable to the underlying zone.
 - c. Section 23.30.040(3). The requirements for provision of off-street parking and loading areas applicable to the particular use shall prevail, unless, in the findings and conditions recited in the action dealing with each such matter, specific additional requirements are made with respect thereto.
 - d. Section 23.30.050(3). A standard survey of the subject property shall be required.
 - e. Section 23.30.080. Standards for Granting Unclassified Uses. The Planning Commission and City Council shall be guided by the following standards and provisions in granting an Unclassified Use Permit.
 - (1) The use requested by the Unclassified Use Permit shall be within the intent of this Ordinance, the Comprehensive Plan, and the public interest.
 - (2) The use requested by the Unclassified Use Permit shall demonstrate that it is consistent with the performance standards in Chapter 23.36 of this Ordinance.
 - (3) The use requested by the Unclassified Use Permit shall be made on the basis of site plans submitted pursuant to Section 23.62.030 of this Ordinance. If the improvements are to be made over a period greater than two years, the time of improvements shall be indicated.

Findings, Cont'd

- G. 22. f. Section 23.30.090. Expiration and Renewal: Whenever an Unclassified Use Permit has been granted, it shall be revoked unless a building permit conforming to plans upon which the permit was granted is obtained within six months of the date of the issuance of the permit.
23. The existing Land Use Plan for the Totem Lake area indicates the subject property to be within an area designated for high density multi-family developments or professional offices.
24. The emerging land use plan for this particular property in the Totem Lake plan is generally identified as medium density multi-family use. The density proposed in the emerging Land Use Plan is somewhat less than the existing zone density.
25. The policy of the City of Kirkland has been to require a storm water retention system to be developed within all multi-family developments. This storm water retention system has been required to be designed to maintain a quantity, quality and velocity of storm water runoff resulting from a 10 year storm, after development.

CONCLUSIONS:A. SUMMARY OF THE PROPOSED ACTION:

1. This application for an Unclassified Use Permit to develop elderly housing is consistent with the Kirkland Zoning Ordinance and Kirkland Comprehensive Plan.

B. HISTORICAL BACKGROUND: (Not applicable)C. GOVERNMENTAL COORDINATION:

2. Department of Fire Services. The requirements of the Department of Fire Services shall become conditions of approval.

D. EXISTING PHYSICAL CHARACTERISTICS:

3. Topography/Soils. Due to the steepness of the slopes, and due to the fact that this parcel does contain part of a previously recorded tract of open space, the applicant should respect the integrity of the slope which was previously intended in the plat restrictions for Tract G of Puget Sound Center.
4. Geology/Vegetation. The above characteristics should not be a factor upon reaching a negative or positive decision on this application.

E. PUBLIC UTILITIES:

5. The applicants are proposing direct access off of N.E. 128th Street which is adequate to serve the proposed development.

APPLICATION FOR UNCLASSIFIED USE PERMIT

NOTE: Before preparing this application, please read information on cover page of this form.

Name of Applicant Charles W. Anderson Phone 454-3331

Company Name The Danmor Company

Mailing Address 400 - 108th Ave. N. E. City Bellevue Zip 98004

1. The undersigned applicant(s) is(are) the owners of the property described as follows: (Give complete legal description.)

See attached.

2. The property for which this application is made is located at: (Give street address, if any, or location by reference to streets, alleys, property lines, etc.)

N. E. 128th, Totem Lake Development Area - Kirkland, WA

3. The present zoning is RM 1800 (Multi-family dwelling zone)

4. Is the use requested by this permit within the intent of the Zoning Ordinance, the Comprehensive Plan, and the public interest?

If yes indicate how: This use is within the intent of the Zoning Ordinance, the Comprehensive Plan, and in the public interest. The property is zoned for multi-family use. The need for this type of facility is urgent locally for local people. It is a logical and worthwhile use which is compatible with the area in which it will be located.

EXHIBIT "A"
APPLICATION
UUP-76-34 (P)
Danmor "Madison House"

(over)

UUP

5. Demonstrate by written text how the use requested in this permit is consistent with the performance standards in Chapter 23.36 of the Zoning Ordinance No. 2183 (water, air, noise, light, heat, junk, etc.)

In every instance, this use complies with the performance standards in Chapter 23.36 of the Zoning Ordinance. There will be no significant air pollution, water pollution or sound pollution; construction activities will comply with the ordinance; exterior lighting, glare and heat, will comply with the ordinance; and radiation and junk will be non-existent.

6. Is the use requested by this permit made on the basis of site plans as required by Chapter 23.62.030 of the Zoning Ordinance No. 2183? (If the improvements are to be made over a period of greater than two years, indicate the time of improvements):

Yes

A F F I D A V I T

STATE OF WASHINGTON)
COUNTY OF KING)
CITY OF KIRKLAND)

Charles W. Anderson, Exec. Vice President, being first duly sworn depose and say, that I am (we are) the owner(s) of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my (our) knowledge and belief.

THE DANMOR COMPANY

(Owner)

BY: Charles W. Anderson
Executive ~~XXXXXX~~ Vice President

Subscribed and sworn to before me this 28th day of April, 1976.

Harold Redden
Notary Public in and for the
State of Washington residing at

Bellevue, Washington

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Recommendations, Cont'd

3. If at some time in the future this project is found to have more than 25% of the residents under the age of 60, then those units beyond the 25% ratio shall be provided with 2.2 parking stalls per unit.
4. The applicant shall be required to design and develop a storm water retention system that will maintain on site storm water runoff due to development. This on-site retention system shall maintain a quantity, quality and velocity of the storm water runoff resulting from a 10 year storm.
5. At the time of 80% occupancy and/or at one year after occupancy permit has been issued on this project, the Department of Community Development shall make an on-site investigation of the subject property to determine the parking ratio. The Department of Community Development will report to the Planning Commission at a regular meeting of that body and if a deficiency is evident, the applicant will be required to install additional parking spaces as needed, as identified in Exhibit "J".
6. The applicant shall record a 10 foot pedestrian easement from N.E. 128th Street to the southerly property line along the east property line of the subject property. This area is to be reserved for potential public development and future use.
7. No rows of parking shall be more than eight stalls wide without being broken up by landscaping, and the total number of parking spaces may be reduced by 4-5 parking spaces.