

RESOLUTION NO. R- 2404

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A FINAL PLANNED UNIT DEVELOPMENT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. PUD-76-54(P) BY JAMES WILDY TO CONSTRUCT 2 CONDOMINIUM UNITS, BEING WITHIN A WATERFRONT DISTRICT NO. 1 ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH FINAL PLANNED UNIT DEVELOPMENT PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community development has received an application for a Final Planned Unit Development Permit filed by James Wildy, the owner of said property described in said application and located within a Waterfront District No. 1 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of October 14, 1976, and

WHEREAS, pursuant to City of Kirkland Resolution No. 2319 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 Final 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 Chairperson thereof and filed in the Department of Community Development File No. PUD-76-54(P) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. A certified copy of this Resolution, together with the Findings, Conclusions and Recommendations therein adopted shall be attached to and become a part of the Final Planned Unit Development permit or evidence thereof delivered to the permittee.

Section 3. 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,

EGG131

Section 4. Failure on the part of the holder of the Final Planned Unit Development permit to initially meet or maintain strict compliance with the standards and conditions to which the Final Planned Unit Development permit is subject shall be grounds for revocation in accordance with Section 23.28 of Ordinance No. 2183, the Kirkland Zoning Ordinance.

Section 5. Certified or conformed copies of this Resolution shall be delivered to the following:

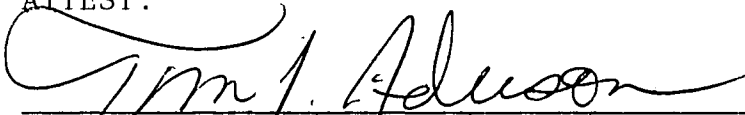
- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Building Department of the City of Kirkland
- (d) Fire Department of the City of Kirkland
- (e) Police Department of the City of Kirkland
- (f) Public Service Department of the City of Kirkland
- (g) The Office of 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 February , 1977.



Mayor, pro tem

ATTEST:

  
Director of Administration and Finance  
(ex officio City Clerk)

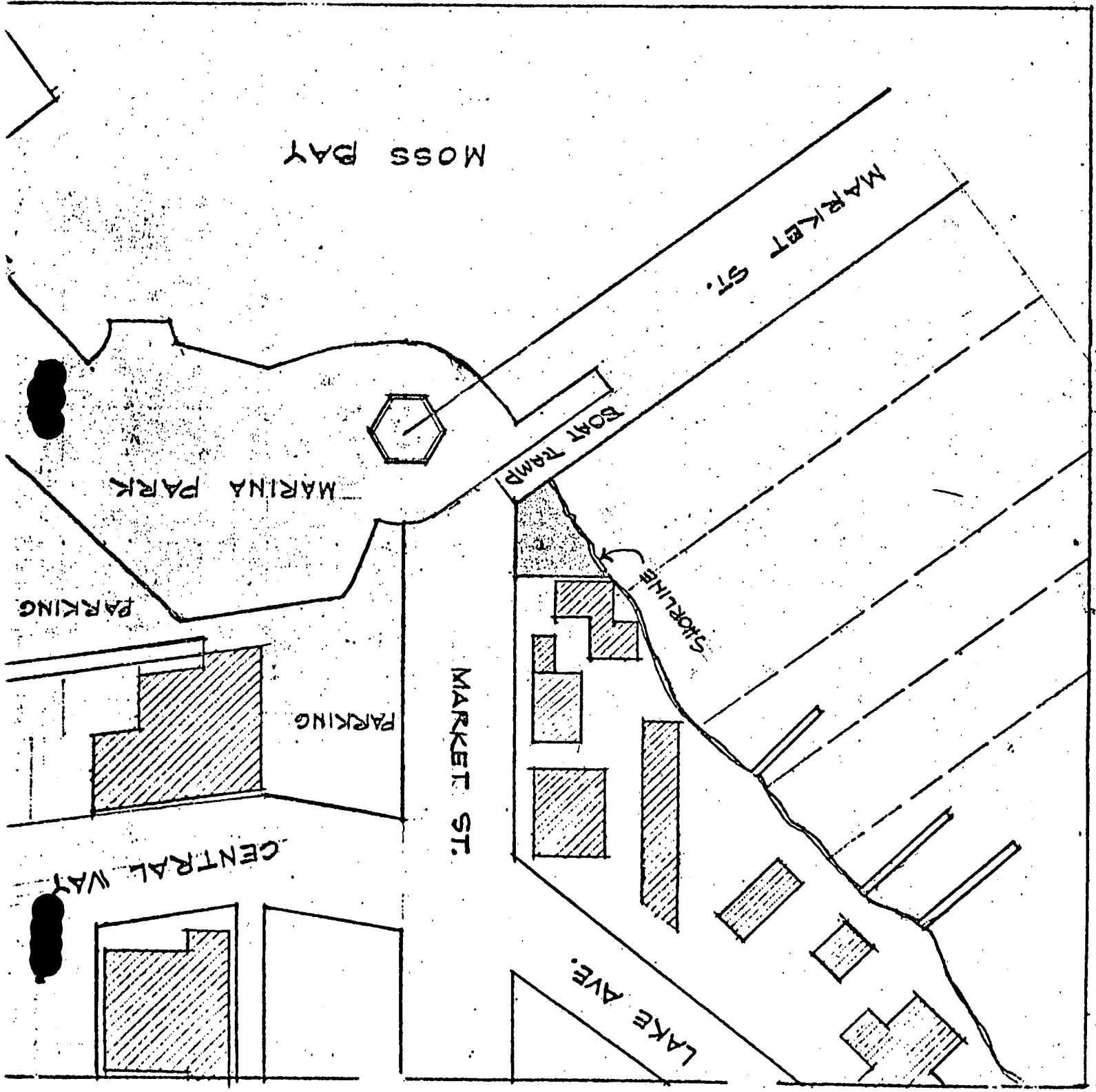
PHILIP C. SAVERS  
3310 N.E. 125TH  
SEATTLE, WASHINGTON

1" = 100'-0"  
PLOT PLAN

EXHIBIT "A"  
VICINITY AND LAND USE  
James Wildy  
PUD-SDP-75-54/  
PUD-76-54(P)

NOV 20 1975

RECEIVED

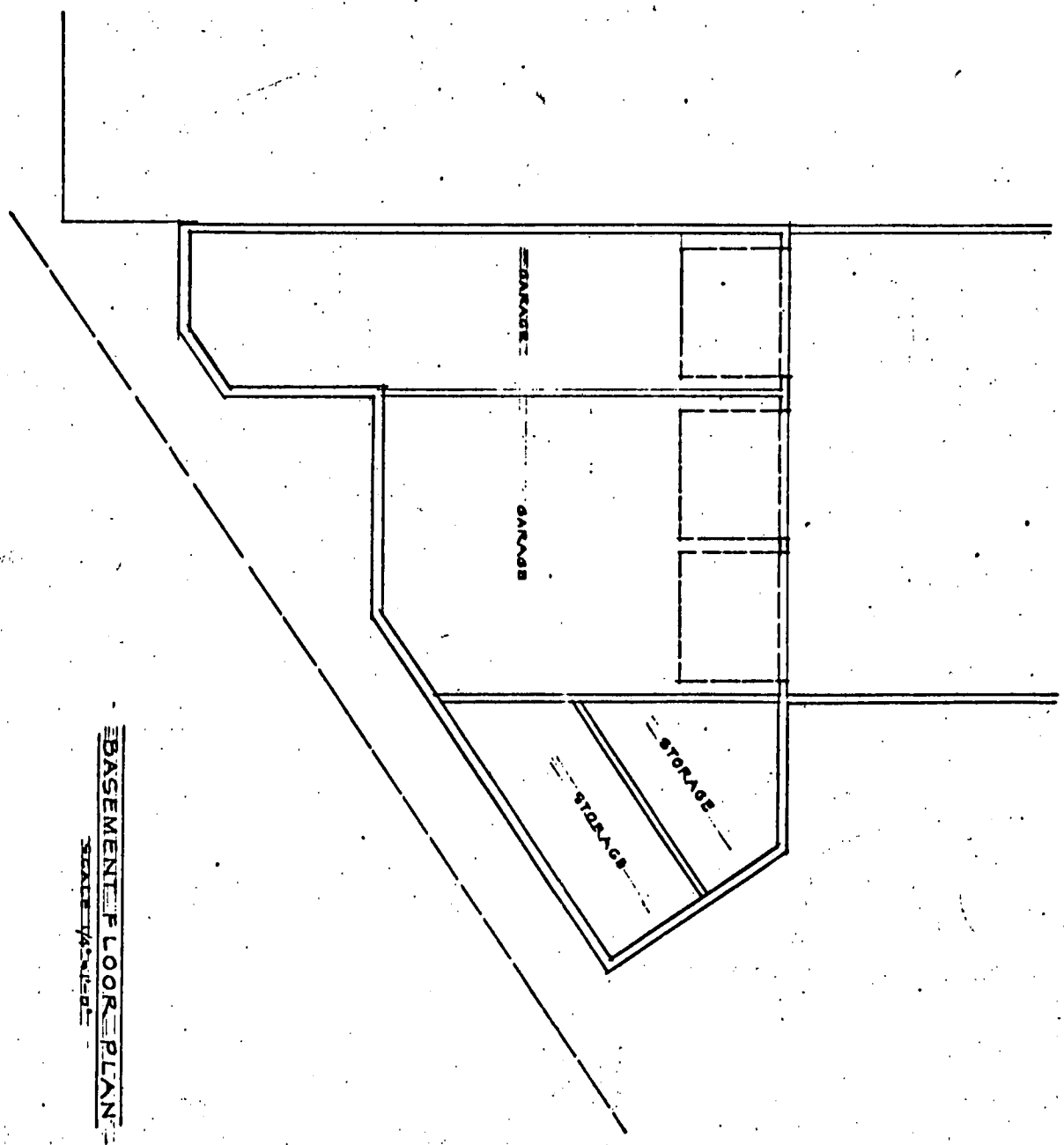


RECOMMENDATIONS:

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

1. The applicant shall be required to verify the depth of the sewer at the time of building permit application to determine whether the property can be served by gravity or need to be pumped.
2. The applicant will be required to provide appropriate fees and meet the conditions so specified in this report of the Public Service Department, Department of Fire Services and the Kirkland Building Department.
3. All deciduous trees within the landscaping plan shall be a minimum size of 2" in caliper.
4. Any building permit shall only be approved subject to the conditions as specified by the soils and geologic report from Earth Consultants, Inc., dated August 17, 1976, File E-143.

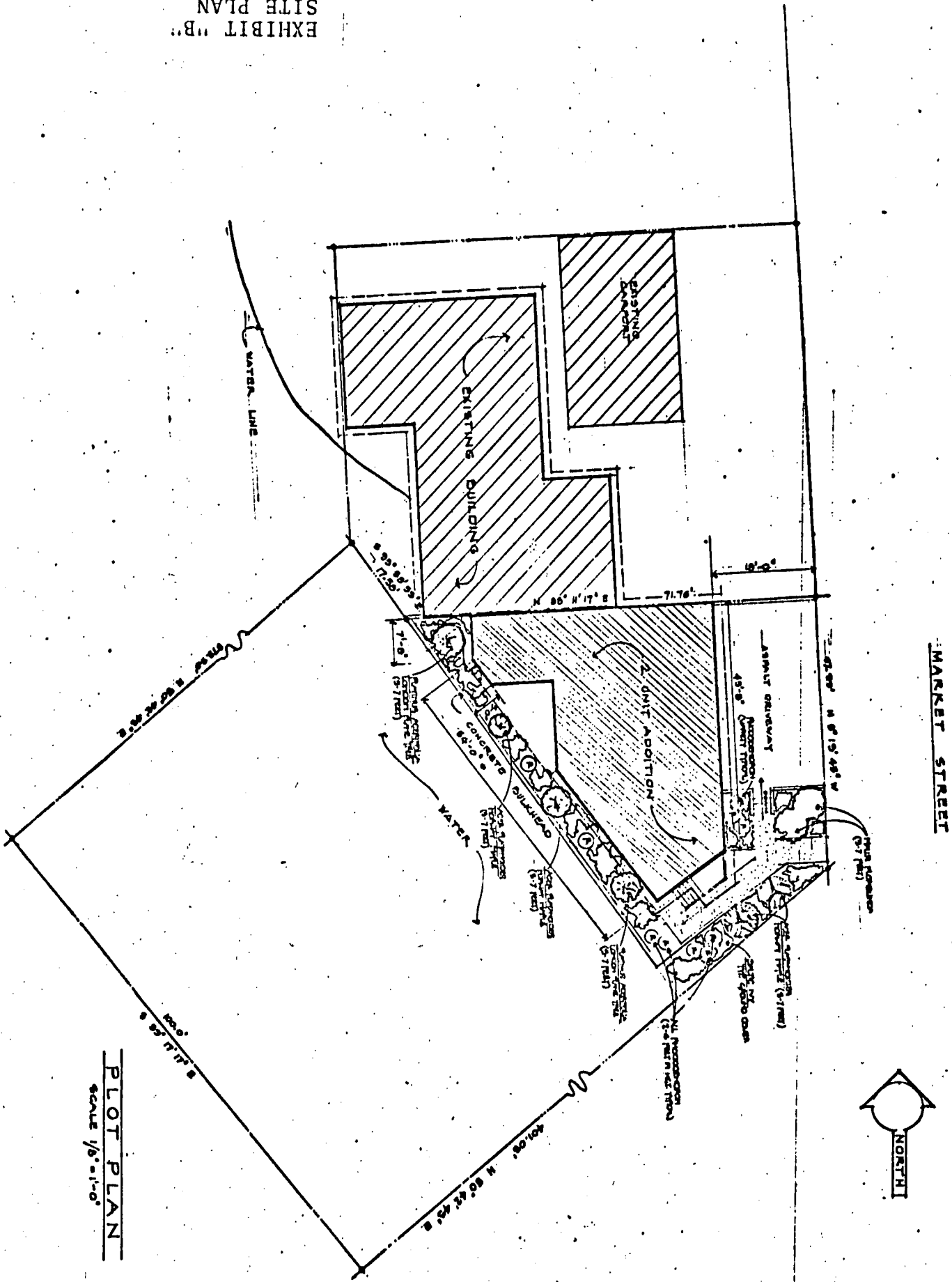
EXHIBIT "C"  
 BASEMENT FLOOR PLAN  
 PUD-76-54 (P)  
 James Wildy



BASEMENT FLOOR PLAN  
 SCALE 1/4" = 1'-0"

SHEET NO. _____ PROJECT NO. _____ DATE _____	DUPLEX ADDITION FOR NIK JIM WILDY KIRKLAND WASHINGTON	PHILIP C. SMYTH ARCHITECT 3310 N.W. 4th Seattle, Washington 98107 PH. 5-8488	CONSULTANT JOB NO. _____ DRAWN BY _____ CHECKED BY _____ DATE _____
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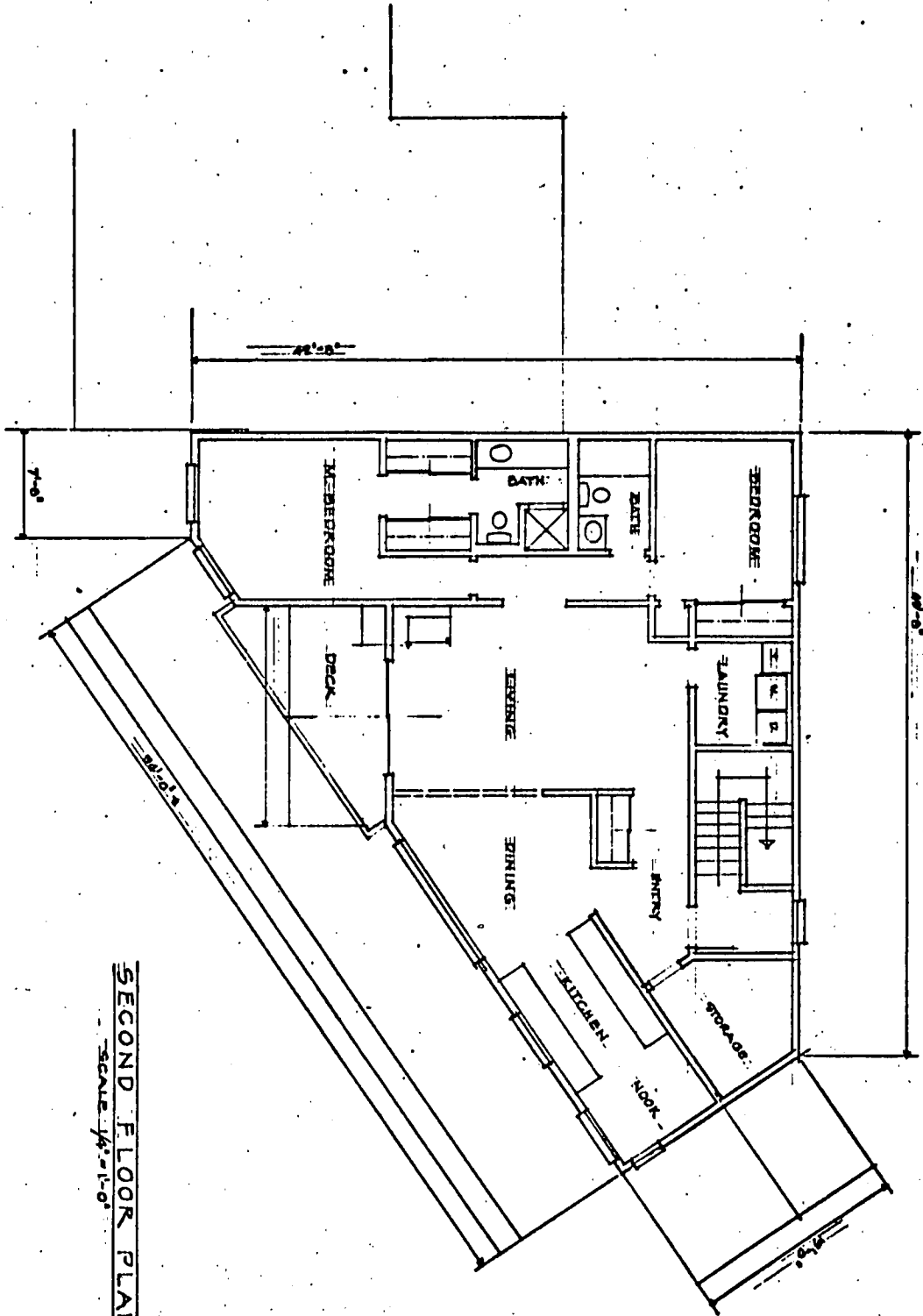
EXHIBIT "B"  
 SITE PLAN  
 PUD-76-54(P) FINAL  
 James Wildy  
 R-2404



**PLOT PLAN**  
 scale 1/8"=1'-0"

sheet	<b>DUPLEX ADDITION FOR</b> <b>JAMES WILDY</b>	<b>PHILIP E. SAGE</b>	<b>ARCHITECT</b>	revision	date
of	WASHINGTON	3110 N.W.	Seattle, Washington 98105		
			PH. 5-9488		

EXHIBIT "E"  
 SECOND FLOOR PLAN  
 PUD-76-54(P)  
 JAMES WILDY



SECOND FLOOR PLAN  
 SCALE 1/8" = 1'-0"





1 5. That thereafter in accordance with the city ordinances  
2 and state laws applicant submitted an application for a final  
3 Planned Unit Development to the City of Kirkland. A copy of  
4 said application and the recommendation of the Department of  
5 Community Development is attached hereto and incorporated  
6 herein as Exhibit "B".

7 6. That after the application for a final Planned  
8 Unit Development was submitted to the Planning Commission, the  
9 Planning Commission approved the same unanimously and the same  
10 was then submitted to the City Council for its approval on  
11 November 1, 1976.

12 7. It is stipulated by and between the parties that the  
13 applicant is legally entitled to have the Planned Unit Development  
14 approved subject to only the following conditions:

15 (a) The applicant should be required to  
16 verify the depth of the sewer at the time  
17 that the building permit application to  
18 determine whether the property can be  
19 served by gravity or needs to be pumped;

20 (b) The applicant should be required to  
21 provide appropriate fees and meet the  
22 conditions so specified in this report  
23 of the Public Service Department, Department  
24 of Fire Service and the Kirkland Building  
25 Department; "This report" means the report of the  
26 Kirkland Planning Commission dated Oct. 14, 1976.  
27 (c) All trees within the landscaping plan  
28 shall be minimum size of two inches in caliber.  
29 (d) Any building permits shall only be approved  
30 subject to conditions as specified by the soils  
31 and geological report from The Earth Consultants, Inc.  
32 dated August 17, 1976 in File E-143.

8. It is further stipulated and agreed that no public

access will be required between the structure authorized under  
the Planned Unit Development and the high water mark.

9. It is further agreed and stipulated that the trespass  
alleged in the fourth cause of action, if in fact there is a  
trespass, will be deemed permissive.

10. That the parties agree and stipulate that as part  
of this stipulation and settlement the use by the City of  
Kirkland of the boat launching ramp at the present time is  
not a nuisance.

11. It is further agreed that the City of Kirkland, by and  
through its council, has authorized the mayor and the clerk and the  
city attorney to approve and execute this stipulation and judgment.

DATED this 30th day of December, 1976.  
MAYOR *Robert Allen*  
CLERK *James Wildy*

J U D G M E N T

Based on the foregoing Stipulation, it is hereby  
ORDERED, ADJUDGED and DECREED that the Planned Unit  
Development PUD-76-54(P) final is approved for the subject property  
described in Exhibit "A" attached hereto and incorporated herein  
and that the plaintiffs are authorized to proceed with the construction  
of the structure approved therein in accordance with the terms  
thereof as more fully set forth in the stipulation above. That  
based upon the above stipulation and the aforesaid order and  
judgment the plaintiffs first, second and third causes of  
action are dismissed with prejudice and the fourth cause of  
action is dismissed without prejudice on the basis that  
said trespass, if any, by the City is permissive; and it is further  
ORDERED, ADJUDGED and DECREED that each party pay their  
own attorneys fees and costs incurred herein; and it is further

LAWAR N. OSTRANDER  
ROBERT M. VAN EATON  
RALPH I. THOMAS  
CLINTON F. FERRELL

POST OFFICE BOX 10  
127 STATE STREET  
TELEPHONE (206) 427-7288

Ostrander, Van Eaton, Thomas and Ferrell

ATTORNEYS AT LAW

KIRKLAND, WASHINGTON 98033

January 21, 1977

Mr. Alan Locke  
City Manager  
City of Kirkland  
Kirkland, WA. 98033

Re: Wilby vs. City of Kirkland

Dear Al:

Enclosed is copy of Stipulation and Judgment in the above referenced matter which was signed by Court Commissioner Dixon and filed and entered January 10, 1977. The Stipulation and Judgment as signed by Court Commissioner Dixon is in exactly the same form as approved by the Kirkland City Council in Resolution No. R-2412. The Order directs the Council to adopt any appropriate Resolution and Ordinance approving the final planned development and the issuance of the building permit when applied for by the plaintiff.

To be technically correct, the Council should now adopt the Resolution submitted to it on November 1, 1976. That is the Resolution which failed to pass by virtue of a 3 to 3 vote. This may be done at the City's initiative or as indicated in the enclosed letter, when application is made by the plaintiff.

Very truly yours,

RALPH I. THOMAS

RIT:ar  
Enclosure

cc: Gerald Link w/enclosures

RECEIVED  
JUL 24 1977  
PLANNING DEPARTMENT

R. M.

R-2404



SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

JAMES WILDY and EDHINA M. WILDY,  
husband and wife,

NO. 830183

Plaintiffs,

vs.

THE CITY OF KIRKLAND, a  
Washington municipal corporation,

Defendants.

STIPULATION AND JUDGMENT

S T I P U L A T I O N

IT IS HEREBY STIPULATED by and between the respective parties as follows:

1. That the plaintiffs are owners of certain property located in the City of Kirkland, generally located at 55 Market Street and which is legally described in Exhibit "A" attached hereto and incorporated herein and hereinafter referred to as the subject property.
2. That the defendant, City of Kirkland, is a municipal corporation organized pursuant to the laws of the state of Washington.
3. That on or about December 12, 1975 the plaintiffs filed an application for a Planned Unit Development to build two additional condominium dwelling units on the subject property and also for a Substantial Development permit pursuant to the Shoreline Management Act of the State of Washington.
4. That subsequently the Planning Commission and the City Council approved the preliminary Planned Unit Development and also approved the request for a Substantial Development permit, which was then approved under Chapter 90.58 RCW.

Page One

Stipulation and Judgment

POWELL, LIVENOOD, SILVERNALE, CARTER & TROSDEN  
P. O. BOX 1  
6319 MARKET STREET  
KIRKLAND, WASHINGTON 98033  
(206) 827-9251

NE

RESOLUTION NO. R-242

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING A PROPOSED STIPULATION FOR SETTLEMENT IN THE MATTER OF JAMES WILDY, ET UX., VS. THE CITY OF KIRKLAND, KING COUNTY SUPERIOR COURT CAUSE NO. 830183.

WHEREAS, there was commenced against the City of Kirkland a civil action entitled James Wildy, et ux. vs. The City of Kirkland, being King County Superior Court Cause No. 830183, and

WHEREAS, all parties to said civil action have reached an agreement for settlement, and said settlement agreement has been reduced to writing and a Stipulation and Judgment in said cause,

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

Section 1. The Mayor, City Clerk and Attorney for the City of Kirkland are hereby authorized and directed to sign on behalf of the City that certain Stipulation and Judgment to be entered in King County Superior Court, Civil Cause No. 830183, entitled James Wildy, et ux. vs. The City of Kirkland, copy of which Stipulation and Judgment is attached to this Resolution.

PASSED in regular meeting of the Kirkland City Council on the 20th day of December, 1976.

SIGNED IN AUTHENTICATION thereof on the 20 day of December, 1976.

CSJ MAYOR

ATTEST:

CSJ  
Director of Administration & Finance  
(ex officio city clerk)

1 That the City Council will adopt the appropriate  
2 resolution and ordinance approving the final Planned Unit Develop-  
3 ment and issue the building permit when applied for by the  
4 plaintiff.

5 DATED this 12 day of Jan, 1917.

6  
7 ROBERT E. DIXON  
8 ~~JUDGE~~ COURT COMMISSIONER.

9 Presented by:  
10 POWELL, LIVENGOOD, SILVERNALE,  
11 CARTER & TJSOSSEN

12   
13 ROBERT F. TJSOSSEN

14 APPROVED AS TO FORM, AND FOR ENTRY  
15 AND NOTICE OF PRESENTATION WAIVED:

16 OSTRAEDER, VAN EATON, THOMAS & FERRELL,

17   
18 RALPH J. THOMAS  
19 City Attorney  
20 City of Kirkland

LEGAL DESCRIPTION

That portion of Lot 22, Block 167, Burke and Farrar's Kirkland Addition to the City of Seattle, Division No. 36, as recorded in Volume 30, page 27 of Plats, records of King County, Washington described as follows:  
Beginning at the northwest corner of said Lot 22; thence South 39° 17' 17" East along the Inner Harbor Line of Lake Washington Shore Lands 349.24 feet to the True Point of Beginning; thence North 50° 42' 43" East 373.36 feet; thence South 35° 58' 53" East 17.58 feet; thence North 88° 11' 17" East 71.76 feet to the westerly margin of Market Street; thence South 3° 13' 45" East along said street margin 47.99 feet to the most easterly corner of said Lot 22; thence South 50° 42' 43" West 401.05 feet to the southwest corner of said Lot 22; thence North 39° 17' 17" West 100.00 feet to the True Point of Beginning.

LEGAL DESCRIPTION

That portion of Lot 22, Block 167, Burke & Farrar's Kirkland Addition to the City of Seattle, Division No. 36, as recorded in Volume 30, page 27 of Plats, records of King County, Washington described as follows: Beginning at the northwest corner of said Lot 22; thence S 39° 17' 17" E along the Inner Harbor Line of Lake Washington Shore Lands 349.24 feet to the true point of beginning; thence N 50° 42' 43" E 373.36 feet; thence N 3° 13' 45" W 50.675 feet; thence N 88° 11' 17" E 79.825 feet to the westerly margin of Market Street; thence S 3° 13' 45" E along said street margin 114.30 feet to the most easterly corner of said Lot 22; thence S 50° 42' 43" W 401.05 feet to the southwest corner of said Lot 22; thence N 39° 17' 17" W 100.00 feet to true point of beginning.

POWELL, LIVENGOOD, SILVERNALE, CARTER & TJSOSSEN  
P.O. BOX 1  
1315 MARKET STREET  
KIRKLAND, WASHINGTON 98033  
(206) 822-9281

Findings, Cont'd

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

9. The Kirkland City Council approved Resolution No. 2356 on April 5, 1976 subject to the following conditions of approval:
  1. Due to the location of the subject property in 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 and south and curb cuts shall be a maximum of 30 feet.
  4. A soils and geologic analysis shall be required prior to final Planned Unit Development approval."

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This application for a Final Planned Unit Development is consistent with the requirements of the Kirkland Zoning Ordinance, Kirkland Shoreline Master Program, and Resolution No. 2356.
- B. HISTORICAL BACKGROUND: (No relevant conclusions)
- C. GOVERNMENTAL COORDINATION:
2. Where applicable, all requirements of the Kirkland Public Service Department, Department of Fire Services, and Building Department shall become conditions of approval of this Final Planned Unit Development.

D. EXISTING PHYSICAL CHARACTERISTICS: (Refer to Section G)

E. PUBLIC UTILITIES:

3. Streets/Paths/Trails/Domestic Water/Fire Hydrants/Sanitary Sewer/Storm Sewers. None of the aforementioned factors would pose a development constraint in reaching a positive or negative determination on this application. For sanitary sewer comments, refer to Conclusion No. 2.

10/14/76  
10/5/76

Conclusions, Cont'd

F. NEIGHBORHOOD CHARACTERISTICS:

4. Zoning. The development of this condominium would be consistent with the zoning on the subject property and would not interfere with development and usage of adjacent properties.
  5. 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 a boundary line of Waterfront District No. 1 zoning and that this site and adjacent lands are single family, public educational, commercial offices, commercial business, and public park. It would seem unrealistic to plan for the continuation of a public waterfront trail in this area.
  6. Public recreation. Development of this condominium would not interfere with the public use of either Marina Park, boat ramp and tennis courts.
- G. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:
7. The applicant has now proposed an extension of the public waterfront trail, and the State Department of Ecology has approved the Substantial Development Permit for this unit without the construction of this waterfront trail.
  8. The applicant has re-designed the proposed parking plan to relocate all proposed parking under the proposed building as indicated in Exhibit "C". Proposed parking configuration would provide for four parking spaces, with tandem parking for one unit. Due to the fact that all parking shall be under the building, no site screening problems will be encountered.
  9. The applicant has proposed a landscaping plan for the west and south property line, refer to Exhibit "B". Said landscaping plan does include some larger species such as London Plane trees and Norway Maples, and placed approximately at 15-20 feet on center. All deciduous trees within the proposed landscaping plan should be of a minimum 2" in caliper at the time of planting.
  10. The applicant has submitted a soils report submitted by Earth Consultants, Inc., dated August 17, 1976, File E-142 whereby the geotechnical engineers discuss three possible alternatives for the location of a building on the subject property. All construction pursuant to a building permit plan shall be consistent with the report submitted by Earth Consultants, Inc.

10/14/76  
10/5/76



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

PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 RECOMMENDED BY \_\_\_\_\_ DATE October 14, 1976  
 ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_

STAFF \_\_\_\_\_  
 BOARD OF ADJUSTMENT \_\_\_\_\_  
 HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_  
 PLANNING COMMISSION \_\_\_\_\_  
 CITY COUNCIL AS INCORPORATED IN \_\_\_\_\_

*John Cushing*  
 John Cushing, Chairperson

RESOLUTION \_\_\_\_\_ ORDINANCE \_\_\_\_\_  
 NUMBER \_\_\_\_\_  
 DATE \_\_\_\_\_

FILE NUMBER PUD-76-54(P) FINAL  
 APPLICANT JAMES WILDY  
 PROPERTY LOCATION 55 Market Street  
 SUBJECT Final Planned Unit Development for 2-unit Condominium

HEARING/MEETING DATE \_\_\_\_\_  
 BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Vicinity Map "B" Site Plan "C" Basement Floor Plan "D" 1st Floor Plan "E" 2nd Floor Plan "F" Elevations "G" Soils Report "H" Application

**A. SUMMARY OF THE PROPOSED ACTION:**

1. This is an application for a Final Planned Unit Development to construct a 2-unit condominium addition to 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 dryland area. (Exhibit "A" - Vicinity Map).

**B. HISTORICAL BACKGROUND:**

2. The applicant did receive Preliminary Planned Unit Development approval and Substantial Development Permit approval from the Kirkland City Council on April 5, 1976 under Resolution No. R-2356.

**C. GOVERNMENTAL COORDINATION:**

3. 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. (Memo from Art Knutson, December 12, 1975).

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

5. 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. (Memo from Bruce Lorentzen, 12/9/75).

**D. EXISTING PHYSICAL CHARACTERISTICS:**

6. For a complete dialogue of the existing physical characteristics, please refer to Findings 8 through 12 of the Preliminary Planned Unit Development Advisory Report.

**E. PUBLIC UTILITIES:**

7. For a complete dialogue of the existing public utilities, please refer to Findings 13 through 19 of the Preliminary Planned Unit Development Advisory Report.

**F. NEIGHBORHOOD CHARACTERISTICS:**

8. For a complete dialogue of the existing neighborhood characteristics, please refer to Findings 20 through 22 of the Preliminary Planned Unit Development Advisory Report.