

RESOLUTION NO. R-2414

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A SUBSTANTIAL DEVELOPMENT PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. CUP-SDP-76-70(H) BY SHANNON DEVELOPMENT CO. TO LOCATE A COVERED PARKING FACILITY FOR 14 AUTOMOBILES AT 6201 LAKE WASHINGTON BOULEVARD N.E. AND COMMONLY REFERRED TO AS PEBBLE BEACH APTS. BEING WITHIN A WDI ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH CONDITIONAL USE PERMIT AND SUBSTANTIAL DEVELOPMENT PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Conditional Use Permit and Substantial Development Permit filed by Shannon Development Company, the owner of said property described in said application and located within WDI zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission and Houghton Community Council who held public hearings, thereon at their regular meetings of January 4, 1977 and January 13, 1977 respectively, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2319 concerning environmental policy of the State Environmental Policy Act, an environmental worksheet 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 worksheet and declaration have been available and accompanied the application through the entire review process, and

WHEREAS, the Kirkland Planning Commission and Houghton Community Council after their public hearings and consideration of the recommendations of the Department of Community Development and having available to them the environmental worksheet, and negative declaration did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Conditional Use Permit and Substantial Development 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 Chairman thereof and filed in the Department of Community Development File No. CUP-SDP-76-70(H) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Conditional Use Permit and Substantial Development 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 Conditional Use Permit and Substantial Development 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, or other than the permit requirements of the Shoreline Management Act of 1971. Construction pursuant to the Conditional Use Permit and Substantial Development Permit shall not begin or be authorized within 30 days of the date of its final approval by the local government or until all review proceedings initiated within said 30 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 23.54.090 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. Notwithstanding, the recommendations heretofore given by the Houghton Community Council, the subject matter of this Resolution and the Conditional Use Permit and Substantial Development Permit herein granted are, pursuant to Ordinance 2001, subject to the disapproval jurisdiction of the Houghton Community Council, and therefore this Resolution shall become effective only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this Resolution within 60 days of the date of the passage of this Resolution.

Section 7. Certified or conformed copies of this Resolution shall be delivered to the following:

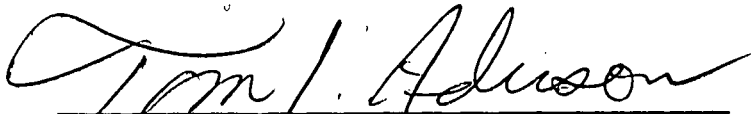
- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Building Department of the City of Kirkland
- (d) Fire Department of the City of Kirkland
- (e) Police Department of the City of Kirkland
- (f) Public Service Department of the City of Kirkland
- (g) The Office of 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 7th  
day of February, 1977.

  
\_\_\_\_\_  
Mayor, pro tem

ATTEST:

  
\_\_\_\_\_  
Director of Administration and Finance  
(ex officio City Clerk)

EGG131

Findings, Cont'd

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

10. The applicant has submitted an environmental worksheet which did receive a final declaration of non-significance from the responsible official on November 30, 1976.
11. The Kirkland Planning Commission and the Kirkland City Council shall be guided by the following standards and provisions in granting a Conditional Use Permit (Section 23.56.080):
- a. The use or modification requested by the CUP shall be within the intent of this Ordinance, and in the public interest.  
Applicant's response: "Yes - convenient covered parking easily accessible to apartment is a must."
  - b. The use or modification requested by the CUP for the operation of a permitted business in a residential zone will not do damage to adjacent residential property by decreasing property values, creating excessive noises, or creating other nuisances; the applicant for a CUP in any zone, for any business use, shall also provide the Planning Commission with an economic study to show the soundness of his business venture. The Planning Commission and City Council shall evaluate this study as consideration for approval or denial.  
Applicant's response: "Not applicable."
  - c. The use or modification requested by the CUP for the continuation or enlargement of a non-conforming use shall be made on the basis of a site plan showing proposed landscaping, building renovation, and other site improvements. If the improvements are to be made over a period greater than two years, the time of improvements shall be indicated.  
Applicant's response: "Yes - See attached site plan."
  12. This application for a Conditional Use Permit will be subject to these additional sections of the Kirkland Zoning Ordinance No. 2183 and as amended by the Kirkland Waterfront Districts Zoning Ordinance No. 2206:
    - a. Waterfront District I requirements (Section 23.12)
      - (1) Purpose (Section 23.12.010), and
      - (2) Setbacks (Section 23.12.052)
    - b. Kirkland Zoning Ordinance requirements
      - (1) Parking (Section 23.34), and
      - (2) Landscaping (Section 23.40).

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CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This application is generally consistent with the spirit and intent of the Kirkland Waterfront District Zoning Ordinance with regard to this Conditional Use Permit application.

B. HISTORICAL BACKGROUND: (Not applicable).

C. EXISTING PHYSICAL CHARACTERISTICS:

2. Soils/Topography/Geology. None of the aforementioned factors should constrain the Houghton Community Council or the Kirkland Planning Commission from reaching either a positive or a negative decision on this application.

D. PUBLIC UTILITIES:

3. Streets/pedestrian ways. None of the aforementioned factors should constrain the Houghton Community Council or the Kirkland Planning Commission from making either a positive or a negative decision on this application due to the fact that there will be minor modification to the ingress or egress points and pedestrian ways for Lake Washington Boulevard N.E.

E. NEIGHBORHOOD CHARACTERISTICS:

4. Zoning/land use. The development of a covered parking area on the subject property would not appear to be inconsistent with existing development of adjacent property nor would it appear to provide any adverse negative impacts upon adjoining land uses.

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

5. The following discussion is applicable to the criteria to be used in review of such a Conditional Use Permit as required by Section 23.56.080 of the Kirkland Zoning Ordinance No. 2183.

- a. It would appear that this use and the associated building permit requested by the applicant will be within the spirit, intent and letter of the ordinance and not conflict with any public interests.

- b. Not applicable.

- c. This request has been made on the basis of a site and landscaping plan which would be completed within 6 months.

6. Regarding conformance with other sections of the Kirkland Zoning Ordinance and Waterfront Districts Zoning Ordinance, the following comments are appropriate:

- a. The proposed waterfront development has been located in front of the existing primary structure and in such a way  
1/13/77  
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DEPARTMENT OF COMMUNITY DEVELOPMENT  
**ADVISORY REPORT**  
 FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 RECOMMENDED BY \_\_\_\_\_ DATE January 13, 1977  
 ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 STAFF \_\_\_\_\_  
 BOARD OF ADJUSTMENT \_\_\_\_\_  
 HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_  
 PLANNING COMMISSION \_\_\_\_\_  
 CITY COUNCIL AS INCORPORATED IN \_\_\_\_\_  
 RESOLUTION \_\_\_\_\_ ORDINANCE \_\_\_\_\_  
 NUMBER \_\_\_\_\_  
 DATE \_\_\_\_\_  
 FILE NUMBER CUP-SDP-76-70(H)  
 APPLICANT SHANNON DEVELOPMENT  
 PROPERTY LOCATION 6201 Lake Wa. Blvd. N.E.  
 SUBJECT Conditional Use Permit & Substantial Development Permit for Covered Parking for the Pebble Beach Apartments  
 HEARING/MEETING DATE February 7, 1977  
 BEFORE KIRKLAND CITY COUNCIL  
 EXHIBITS ATTACHED "A" Application for CUP "B" Applic. for SDP, "C" Environmental Checklist and Declaration "D" Vicinity Map "E" Site Plan/Side Elev.  
 "F" Street Elevation \_\_\_\_\_

FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application for a Conditional Use Permit and a Substantial Development Permit to locate a carport facility at 6201 Lake Washington Boulevard N.E. and commonly referred to as Pebble Beach Apartments.
2. The applicant for this application is Shannon Development Company.
3. The construction of the covered parking would protect 14 of the existing 21 parking stalls located directly east of the existing three story apartment building between that structure and Lake Washington Boulevard. (Refer to Exhibits "D" and "E".)

B. HISTORICAL BACKGROUND: (Not applicable)

C. EXISTING PHYSICAL CHARACTERISTICS:

4. Topography. The subject property is relatively flat with a 0-5% slope from Lake Washington Boulevard to the shoreline of Lake Washington.
5. Soils. Local soil mapping indicates the subject property is located within a Kitsap Silt Loam (KpB).

D. PUBLIC UTILITIES:

6. Streets. The subject property abuts Lake Washington Boulevard N.E. which is a fully improved right-of-way at this point.
7. Pedestrian Ways. There is an existing 6-7 foot concrete sidewalk along the subject property.

E. NEIGHBORHOOD CHARACTERISTICS

8. Zoning. The subject property is zoned Waterfront District I (WD I), as are all adjacent properties on the west side of Lake Washington Boulevard N.E. Properties located on the east side of the Boulevard are zoned residential multi-family 1800 square feet (RM-1800).
9. Land Use. Land use surrounding the subject property is one of a mixed character including a restaurant, undeveloped property and adjacent single family residences to the south, with additional multi-family structures located to the north. On the east side of Lake Washington Boulevard, there are a number of existing multi-family apartments, and single family residences.

**DECEMBER**

APPLICATION FOR A CONDITIONAL USE PERMIT  
OCT 8 1976  
PLANNING DEPARTMENT

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

Name of Applicant JOSEPH WEHRY Phone 822-5387  
Company Name SHANNON DEVELOPMENT COMPANY

Mailing Address 6201 Lake Washington City Kirkland zip 98033  
BIVD.

The undersigned applicant(s) is(are) the owners of the property described as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The above property was acquired by the applicant on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. The present zoning is WD-1

1. Does the use or modification requested by the conditional use fit within the intent of the Kirkland Zoning Ordinance, and in the public interest? If so, indicate the proposed use and how it fits the above: Yes - convenient covered parking easily accessible to the apartment is a must.

2. Indicate why the use or modification requested by this application for the operation of a permitted business in a residential zone will not do damage to adjacent residential property values, creating excessive noises, or creating other nuisances; the applicant for a conditional use permit in any zone, for any business use, shall also provide the Planning Commission with an economic feasibility study to show the soundness of his business venture. The Planning Commission and City Council shall evaluate this study as consideration for approval or denial.

EXHIBIT "A"  
CUP APPLICATION  
Shannon Development  
(Over)

(Answer on following page)

2. Not applicable

3. Is the use or modification requested by this application for the continuation or enlargement of a non-conforming use? If so it shall be made on the basis of a site plan showing proposed landscaping, building renovation, and other site improvements. If the improvements are to be made over a period greater than two years, the time of improvements shall be indicated.

Yes - see attached site plan.

A F F I D A V I T

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

Joe Wehry

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.

SHANNON DEVELOPMENT COMPANY,  
(Owner)

By: Joseph Wehry  
(Owner) Joseph Wehry

Subscribed and sworn to before me this 6th day of October, 1976

Notary Public in and for the  
STATE OF WASHINGTON, residing at  
1000 1st Ave

Conclusions, Cont'd

F. 7. a. (Cont'd)

that no further view obstruction from the frontage road to the water will be created with this development. (Section 23.12.010).

b. The proposed covered parking structure meets the 20 foot setback requirement from the frontage road; the 10 foot setback requirement from the south property line; the 30 foot setback requirement from the northern property line; and the 15 foot or 15% water's edge setback from the high water line. (Section 23.12.052).

The proposed parking arrangement will modify the existing parking plan, however the proposed plan would be an improvement in that there is no existing landscaping along the south property line. Alteration of the non-conforming number of parking stalls would be permitted provided that there is not a reduction in the overall number of parking spaces. A curb-cut permit will be required by the Public Service Department for alterations to the existing drive-ways when the building permit is requested.

c. The structure will be 10'3" above the centerline of Lake Washington Boulevard, and well within the height requirements of both Kirkland Waterfront District Zoning Ordinance, and Shoreline Management Act (Section 23.12.056).

d. Construction of the covered parking structure should not affect the existing parking arrangement on the subject property and therefore should have no impact upon the existing situation. (Section 23.34).

e. Due to the fact that the parking structure will cover existing parking areas, the applicant will be required to provide a landscaping plan with the building permit application for the north, south and east property lines which meets the letter of Sections 23.12.052(5) and 23.40.060 of the Kirkland Zoning Ordinance No. 2183. This may include the removal of some existing paving in these setback areas.

RECOMMENDATIONS:

Based upon the foregoing Findings and Conclusions and as identified in Exhibits "A" through "F", we hereby recommend that this application for a Conditional Use Permit and Substantial Development Permit to construct a covered parking structure be approved subject to the following conditions:

1. The applicant shall not reduce the total number of parking stalls on site below 21 stalls.

Recommendations, Cont'd

2. At the time of application for a building permit, the applicant shall provide a landscaping plan which meets the letter of Section 23.12.052(5) and 23.40.060 of the Kirkland Zoning Ordinance No. 2183 regarding existing and additional landscaping in the north, south and east setback areas. This plan shall include the removal of the existing paving in these setback areas. Said landscaping plan should consider an architectural screen in conjunction with landscaping materials to provide a buffer between adjacent properties but subject to the needs of the particular property so that view obstruction from the Boulevard is minimized. Architectural site screen may be a fence generally not higher than 5 feet and with varying elements and partially open (50%).

Findings, Cont'd

- C. 6. Soils/Geology. The generalized soil map shows the subject property to be within an Alderwood Arents materials, whereas the generalized geologic mapping of the subject property indicates it to be within an area of Vashon Till.
7. Vegetation. Existing vegetation on the subject property is generally that of a single family residence with no substantial trees on the subject property. (Refer to Exhibit "A")
- D. PUBLIC UTILITIES:
8. Streets. The subject property fronts on State Street which is identified as a collector arterial. This street has a fully improved right-of-way with a 5 foot sidewalk adjacent to the curb.
9. Traffic Access. The applicant proposes to split traffic from the subject property to State Street and 3rd Place South. As shown in Exhibit "B" - Proposed Site Plan, four parking spaces would be available off State Street whereas the remaining 5 stalls would be accessed from 3rd Place South. The subject property does not abut onto 3rd Place South, however the applicant has contacted the property owner of the adjoining property to the east, and as indicated in Exhibit "F", has obtained tentative approval for use of this property as an access easement. Third Place South is a neighborhood collector which meets 7th Avenue South approximately 200 feet to the north.
10. Sanitary Sewer. The existing house is already served with sanitary sewer, and there is an existing 6" sewer line located within State Street.
11. Domestic Water. There is an existing 4" looped water main located on State Street. There is also an 8" dead-end line located in 3rd Place South.
12. Fire Hydrant. There is an existing fire hydrant located 200 feet to the south of the subject property on State Street, and a fire hydrant located at the end of 3rd Place South almost adjacent to the east property line.
13. Storm Drainage. There is an approved storm drainage system located within the right-of-way of State Street.
14. Pedestrian Ways. The subject property fronts on State Street which has an existing 5 foot sidewalk.

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Findings, Cont'd

- D. 15. Public Transportation. The subject property is currently served by METRO Transit Routes 255 and 251.
- E. NEIGHBORHOOD CHARACTERISTICS:
16. Zoning. The subject property is presently zoned Residential Single Family, 8,500 square feet minimum lot size, as are some of the adjacent properties on the east side of State Street, and all of the subject properties on the west side. The property abuts an RM-1800 zone on the western side and extends to the northwest. The subject property to the south is currently zoned Residential Multi-family 3,600 square feet and the Lake Washington School District property which is zoned Single Family Residential is located to the east of the subject property.
17. Land Use. There is an adjacent multi-family residence located directly to the north of the subject property with further residences to the northwest. To the south of the subject property are located a number of smaller duplexes, whereas the remaining land use in this general area is single family at the present time.
- F. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:
18. Pursuant to the Kirkland Planning Commission and the City Council review of a request for an amendment to the Zoning Map, the following criteria shall be used for the review of such an Intent to Rezone application: (Section 23.62.050)
- a. "The use or change in zoning requested shall be in conformity with the adopted Comprehensive Plan, the provisions of this Ordinance, and the public interest."  
Applicant's Response: "Yes. Future Land Use Policy Plan indicates medium density residential, which is consistent with the zoning and use of adjacent property."
- b. "The use or change in zoning requested in the Zoning Map of the Zoning Ordinance, for the establishment of commercial, industrial, or residential use shall be supported by an architectural site plan showing the proposed development and its relationship to the surrounding area and as set forth in the application form and further described under Section 23.62.030)."  
Applicant's Response: "Yes. Attached Exhibit No. 2-R)"

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

PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 xx RECOMMENDED BY \_\_\_\_\_ DATE February 10, 1977  
 ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 STAFF \_\_\_\_\_  
 BOARD OF ADJUSTMENT \_\_\_\_\_  
 HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_  
 xx PLANNING COMMISSION \_\_\_\_\_  
 CITY COUNCIL AS INCORPORATED IN \_\_\_\_\_  
 RESOLUTION \_\_\_\_\_ ORDINANCE \_\_\_\_\_  
 NUMBER \_\_\_\_\_  
 DATE \_\_\_\_\_

*David Russell*  
 David Russell, Chairperson

FILE NUMBER R-77-01(P)  
 APPLICANT Connwill Construction  
 PROPERTY LOCATION 730 State Street  
 SUBJECT Applic. for "Intent to Rezone" from RS 8.5 to RM 5600  
 HEARING/MEETING DATE February 10, 1977  
 BEFORE KIRKLAND PLANNING COMMISSION

EXHIBITS ATTACHED "A" Vicinity Map/Existing Features "B" Proposed Site  
 Plan/Elevation "C" Proposed Landscaping Plan "D" Application/Legal Descr  
 g. Agent's Authoriz./Stmnt of Need "E: Environmental Checklist and Declar.  
 "F" Letter of 1/24/77 re: access easement from 3rd Pl. 50.

FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application by Connwill Construction Co., Inc. for a Resolution of Intent to Rezone, that property legally described in the application enclosed herein and as identified as Exhibit "A" and commonly known as 730 State Street.
2. The applicant requests a change in zoning from Residential Single Family 8,500 square feet to Residential Multi-Family 3600 square feet. As indicated in Exhibit "A", existing features, there is an existing house and shed on the subject property which will be removed at the time of construction for two duplexes on this site.
3. The four proposed units on the subject property will be divided into two separate buildings, one being located and serviced off of State Street, and the other located on the eastern side of the property and access off of 3rd Place South and using a 30 foot easement adjacent to the east property line of the subject property enclosed herein. (Refer to Exhibit "F" regarding approval of Lake Washington School District of easement on 30-foot wide piece of property directly east of this project.)
4. Approval of this application will constitute a "major action" under the provisions of RCW 43.21C and WAC 197-10. The applicant submitted an Environmental Checklist with the application. After reviewing the environmental checklist, the Director of the Department of Community Development made a threshold determination that approval of this application will not have a significant adverse impact upon the quality of the environment and that an Environmental Impact Statement is not required (on December 15, 1976). After the elapse of 15 days following the threshold determination and after reviewing comments submitted by the interested parties, the Director of the Department of Community Development, on December 28, 1976 did adopt the proposed declaration of the Final Declaration of Non-Significance (refer to Exhibit "E").

B. HISTORICAL BACKGROUND: (Not applicable)

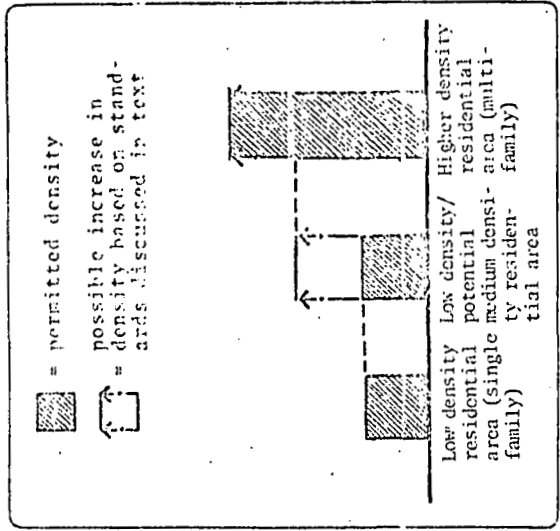
C. EXISTING PHYSICAL CHARACTERISTICS:

5. Topography. The existing topography of the subject property is shown on Exhibit "A" - existing site plan, and is approximately 0-5% slope from the east property line along the school to the west toward State Street.

Despite these concerns there are indications that additional multi-family development may be appropriate in the State Street area. The recently completed study of Kirkland's Central Business District recommends "downtown related residential" use in the northern portion of the State Street area. Presumably this means multi-family development. Furthermore, the intent of this Land Use Policies Plan is to provide a range of housing opportunities, preferably within walking or bicycling distance of schools, parks, employment centers, and retail shopping (see Living Environment Goals 1 and 2 on page 52 and Policy 5c on page 64). Multi-family development in the State Street area may also provide housing for families as an alternative to purchasing their own homes.

Rather than commit the State Street area exclusively to single family or multi-family development, it appears that a variety of residential densities may be compatible if certain performance standards are met. Accordingly, residential land in the State Street area has been divided into three categories as illustrated in the figure below. In one case, the established low residential densities should be maintained. An example is the pocket west of State Street along 3rd Avenue South. It provides a 'close-in' location for those on fixed or low incomes. At the other end of the spectrum, some land has been designated for Planned High Density (multi-family) use. Examples are those lands lying east of Lake Street and north of 7th Avenue South. The third category encompasses the "in between" situation where the underlying low density use pattern may be able to accommodate slightly higher densities if specific conditions are satisfied. For example, some of the lands within the east State Street area can be developed at higher densities if they meet design standards. These three residential categories are depicted in the following chart and are discussed in more detail in the following paragraphs."

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The "in between" category of residential use is called the low density/potential medium density designation. In this case existing uses are predominantly single family homes, although structures are relatively dispersed with substantial pockets of undeveloped land. These areas also exhibit a greater diversity of land use than is observed in the low density residential areas described in the preceding paragraph. In the low density/potential medium density residential areas, continued single family use is encouraged. Isolated or incremental development at a higher density should generally not be permitted in these areas due to the disruptive impact such development would have on the continuity of nearby single family uses. However, medium density residential uses could be permitted if all of the following conditions are satisfied:

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Findings, Cont'd

- F. 18. c. "An analysis of physiographic elements, existing and planned municipal services including water supply (domestic and energy demand), sewage collection or treatment, and storm water controls shall be prepared by the City Planning staff in conjunction with related City departments as an element of the administrative report."
- Applicant's Response: (None)
- d. "The applicant shall further provide evidence to the Planning Commission's satisfaction that there is an additional need for the type of land classification for which he is applying."
- Applicant's Response: "The need for medium-density housing is an established one. In fact, the availability of duplex-type housing is in short supply. The property selected for this rezoning application is surrounded by either RM 1800 or RM 3600. If consistency is a goal of proper land use, a zone change from the present designation of RS 8.5 to RM 3600 would be entirely within the City's future plans for this area. Additionally, surveys reflect a 9% apartment occupancy factor in the Kirkland area, indicating a demand for multi-family type housing."
19. This application for an intent to rezone will be subject to the following additional sections of the Kirkland Zoning Ordinance No. 2183:
- a. Residential multi-family zone requirements (Section 23.10).
  - b. Parking Requirements (Section 23.34)
  - c. Landscaping Requirements (Section 23.40).
20. On May 20, 1974 the City Council approved Resolution 2249 which concluded that the Comprehensive Plans for the former cities of Kirkland and Houghton no longer reflect currently held values of the community in regard to planning and land use development. Further, this resolution recognized that a new land use policies plan or comprehensive plan should be prepared. The former land use classification for this area under Ordinance 750(K) was "Multiple Housing".

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Findings, Cont'd

21. The following are the appropriate policies and policy discussions for living environments element of preliminary land use policy plan, and subsequent discussion regarding Central/State/Everest neighborhood, dated November 18, 1976.
- Living Environments
- Goal 1. To maintain a predominantly low density residential character while recognizing possible community benefit from some other and higher intensity land uses.
- Policy 2. Protect residential areas with established single family densities from encroachment by higher residential densities or by commercial or industrial uses. In some cases, townhouses or clustered developments may be permitted in single family areas if the design and overall density of such projects are consistent with neighborhood standards.
- Policy Discussion: "In many parts of Kirkland, strong commitments have been made to single family land use. These commitments are in terms of future planning and zoning as well as in terms of existing residential development. The single family character of such neighborhoods should be preserved by severely restricting commercial, industrial, or high density residential uses. Adequate criteria should be established to insure that the visual and acoustic characteristics of uses in (or near) single family neighborhoods do not exceed standards normally associated with such residential development. Design standards should include building heights, dwelling unit densities, intensity of vehicular traffic, noise levels, landscaping, lighting, signing, appurtenant structures, and other performance standards.
- Presently the single family zoning classification allows a variety of conditional uses in single family residential neighborhoods. Such uses include the museums, cemeteries, churches, day care homes, schools, parks, golf courses, home occupations, public utilities, mobile homes, convenience business and the keeping of livestock. In order to implement Policy 2 it may be necessary to revise this list of conditional uses. Some uses might be allowed, or perhaps encouraged (for example, neighborhood parks), while it may be desirable to delete some of the other uses from the list." (Pages 57 and 59a of the Preliminary Land Use Policies Plan).

Neighborhood Discussion - State Street Area:

The State Street area contains a wide variety of housing types. Many single family homes exist in the area, and there is great diversity in terms of style, size, and value. For the most part, the single family homes are older structures. Many are well maintained or have been remodeled, but several homes are in need of minor repairs. In a few cases there appear to be major structural problems. ....

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Conclusions, Cont'd

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This application which has been submitted to the Department of Community Development for review is consistent with the requirements of the Intent to Rezone provisions of the Kirkland Zoning Ordinance No. 2183, Section 23.62.

B. HISTORICAL BACKGROUND: (No relevant conclusions)

C. EXISTING PHYSICAL CHARACTERISTICS:

2. Topography/soils/geology/vegetation. None of the aforementioned factors should constrain the Kirkland Planning Commission from reaching either a positive or negative decision on this application. Where applicable, existing vegetation should be maintained to the maximum extent possible and integrated into the landscaping plan at the time of building permit application.

D. PUBLIC UTILITIES:

3. Streets/Sanitary Sewers/Domestic Water/Fire Hydrants/Pedestrian Ways/Public Transportation. None of these aforementioned factors should constrain the Kirkland Planning Commission from making either a positive or negative decision on this application. The Public Service Department has been contacted regarding this permit application and does not foresee any major conflicts. Appropriate water and sewer fees will be assessed at the time of building permit application and the Public Service Department would recommend joint use of the access point off of State Street if at all possible. This would reduce the possible number of conflicts on State Street and reduce the number of curb cuts necessary. Minimum asphalt width on this property for such an action would be 12 feet.

4. Storm Drainage. If this application is approved, the Department of Community Development would recommend that the applicant be required to tie a storm drainage retention system into the existing drainage system so that the quality, quantity and velocity of the water leaving the site is substantially the same as that which leave the site at the present time for a 10 year storm.

E. NEIGHBORHOOD CHARACTERISTICS:

5. Zoning/Land Use. Development of this property in a multi-family type configuration would not be inconsistent with the adjacent land uses or zoning in the State Street area.

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

6. The following discussion is applicable to the criteria to be used in the review of such an Intent to Rezone application. (Section 23.62.050):

- a. This application is consistent with the emerging Land Use Policies Plan, and the former Land Use Plan regarding multiple family density. Further, this "Intent to Rezone" application does generally conform to the appropriate policies of the Land Use Policy Plan as discussed in the following conclusions.
- b. The applicant has submitted an architectural plan of the existing subject property, and proposed duplexes to be placed on the site, elevation, survey and landscaping plan to support this application. The relationship of those plans to the surrounding area are discussed in detail in the following conclusions.

c. The Department of Community Development and the Public Service Department have reviewed the proposed site plan, and would recommend the aforementioned modifications if this application is approved.

- (1) The applicant be granted the option of providing either a 12-foot driveway from State Street adjacent to the property line or as appropriately located and screened from adjoining properties if a common access point cannot be agreed upon with the property owner to the south. Both Departments would recommend this as the preferred method of accessing onto State Street. If adjoining ingress and egress points for the two subject properties the applicant will be required to maintain a 4-foot wide planting area with a hedge at least 4 feet high at the time of planting such as a Laurel hedge. This shall be located adjacent to driveway and parking areas along the south property line. Further, in those place where paving will be within 4 feet of the south property line, a 6 foot site-obscuring fence will be required. (Approximately 30 feet of fence located on the south property line of the Lake Washington School District property between the east property line of this subject property and Lakeview Elementary School fence.) (Refer to Exhibit "C").

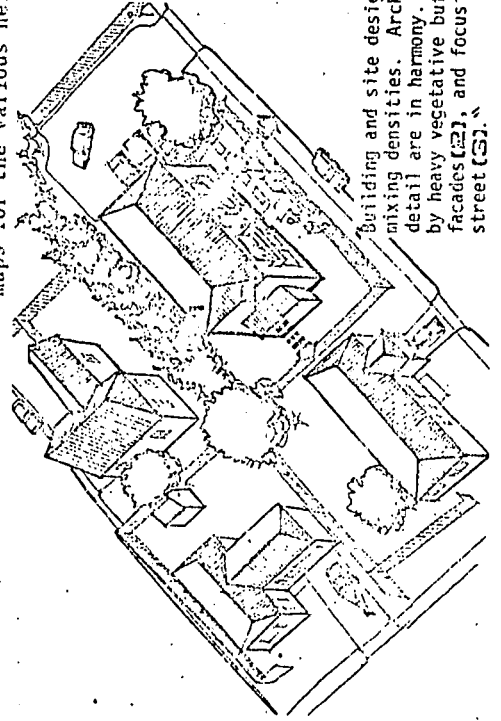
- (2) The design and construction of a storm water retention facility for a 10-year storm should be required with the building permit application.

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Findings, Cont'd

F. 21. (Cont'd)

- (5) Parking for medium density residential developments must be visually screened from adjacent properties, and is not allowed within the required front yard setback. The preferred methods for visual buffering of parking facilities include landscaping and/or locating such facilities beneath the medium density residential structure.
- (6) The design of medium density residential developments must not preclude or impair the eventual development of pedestrian or bicycle pathways as indicated in the Land Use Policies Plan.
- (7) New medium density residential developments are to be assessed a "fee in lieu" in order to help meet the increased demand for parks and open space resulting from such development. This fee is required in addition to minimal insite open space requirements associated with medium density residential development.
- (8) Overall density of development within the low density/potential medium density classification is not to exceed the designations on the land use maps for the various neighborhoods.



Building and site design standards may enable mixing densities. Architectural scale and detail are in harmony. Privacy is protected by heavy vegetative buffer (1), blank side facades (2), and focusing views on the open street (3).

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Findings, Cont'd

F. 21. (Cont'd)

- (1) Medium density residential developments would be permitted only if sufficient land area is available to separate such development from adjacent single family uses. A minimum aggregation of land would be required (possibly three-quarters of an acre) and the resulting land use configuration must not create small single family areas "sandwiched" between multi-family developments. This minimum aggregation requirement may be waived for multi-family developments of less than three units, provided the height and setback requirements of the underlying low density zone are satisfied.
- (2) Medium density residential development must not significantly increase traffic volumes on streets or portions of streets where predominantly single family homes exist.
- (3) The height of medium density residential structures is not to exceed 20 feet. Taller structures may be permitted toward the interior of the property if such added height is compatible with the character of nearby uses. In no case should structures taller than 30 feet be permitted.
- (4) Setbacks are to be sufficiently large to allow landscaping which would visually separate medium density residential developments from adjacent single family homes. Such setbacks must be as large as or larger than the setback requirements of the underlying low density zone. Vehicular ingress and egress for medium density residential developments is not permitted within required setbacks adjacent to single family uses.

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Conclusions, Cont'd

- F. 8. e. Parking. Refer to the comments as found in Conclusions No. 6.c.(1), and 7.b.
- f. The applicant shall be required to modify Exhibit "B" to provide a minimum 5 foot wide pedestrian path directly from 3rd Place South to the gate in the fence of Lakeview Elementary School. This pedestrian way should be physically separated from the vehicle lanes used in this application, and should be surfaced with all-weather materials such as asphalt.
- g. The applicant will be required to make appropriate deposit into the "fee in lieu of open space" account of the Park and Municipal Facilities Cumulative Reserve Fund as required by Section 23.10.110 of the Kirkland Zoning Ordinance No. 2185. The applicant is proposing to construct 4 residential multi-family units whereas the calculation on a square foot basis would permit 4.3 units and therefore would be within the designation for the Land Use Plan.

9. Due to the fact that this application includes development of a 50 by 70 foot piece of property between Lakeview School and the east property line of the subject property, prior to applying for a building permit application on this subject property, the applicant shall obtain a permanent ingress and egress easement for said roadway improvements on Lake Washington School District property, or indicate a fee simple interest in the ownership of that property.

RECOMMENDATIONS:

Based upon the foregoing Findings and Conclusions and as identified in Exhibits "A" through "F", we hereby recommend that this "Intent to Rezone" application be approved subject to the following conditions:

1. Prior to applying for a building permit on the subject property the applicant shall make the following modifications to Exhibits B and C:
  - a. Insure adequate ingress and egress visibility from the State Street access point through reduction of landscaping and/or grading of the site within an area 20 feet back from State Street along said driving lane.
  - b. Contact the serving solid waste utility and locate an approved site-screened solid waste container.
  - c. Deciduous trees minimum 2" in caliper should be added along the west 95 feet of the north property line and placed 20 feet on center.

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- d. Provide a 4 foot high hedge (using any of the following plant materials: Portuguese Laurel, English Laurel or Photinia Fraseri) in the 4 foot planting area along the south property line adjacent to the parking and driving lane from State Street in addition to the proposed landscaping in this area.
  - e. In those places where paving will be within 4 feet of the south property line, a 6 foot site-obscuring fence will be required (approximately 30 feet of fence located on the south property line of the Lake Washington School District property between the east elementary school fence).
  - f. Provide a 4 foot high hedge (using any of the following plant materials: Portuguese Laurel, English Laurel or Photinia Fraseri) on a low berm (2-3 feet) in the 6-foot landscaping area adjacent to Lakeview Elementary School fence and so designed so as not to impede the following condition of approval regarding the pedestrian walking.
  - g. Provide a minimum 5 foot wide asphalt path directly from 3rd Place South to the gate in the fence of Lakeview Elementary School. This pedestrian way should be physically separated from the vehicle lanes used in this application.
  - h. All deciduous trees shall be a minimum of 2" in caliper, whereas, all evergreen trees shall be a minimum of 8-10 feet in height.
  - i. Parking Stalls 3 and 4 shall be graded in an easterly direction to reduce the hazard of unattended vehicles rolling out onto State Street.
  - j. The easterly duplex shall be site screened by either an architectural fence or landscaping from parking stalls 3 and 4 as per requirement of Section 23.40.060.
2. At the time of application for a building permit on the subject property the following items shall be submitted with that application:
- a. Design and calculations for a storm water retention system so that the water leaving the site after development is substantially the same as leaving the existing site for a ten year storm.
  - b. Obtain either a permanent ingress and egress easement for said roadway improvements on Lake Washington School District property, or indicate a fee simple interest in the ownership of that property.
  - c. Make an appropriate deposit into the "fee in lieu of open space" account of the Park and Municipal Facilities Cumulative Reserve Fund as required by Section 23.10.110 of the Kirkland Zoning Ordinance No. 2185.

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Conclusions, Cont'd

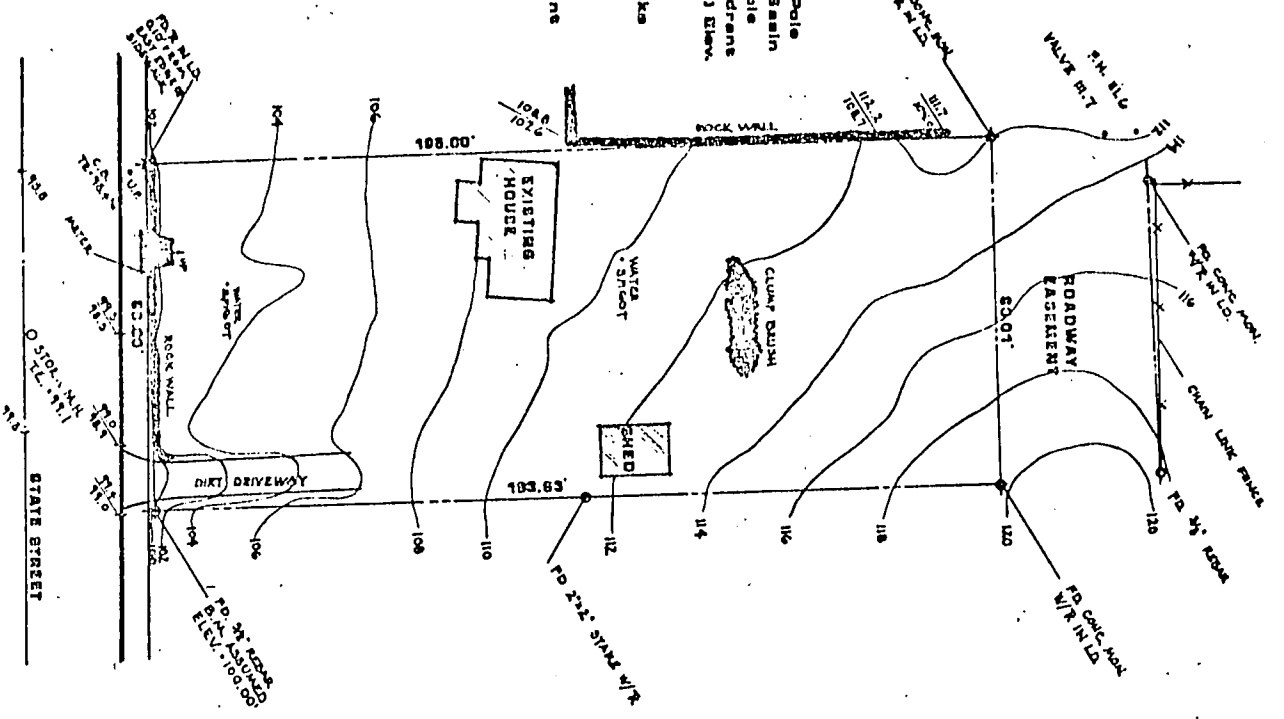
- F. 6. c. (3) The applicant should be required to contact the serving solid waste utility and locate an approved site screening solid waste disposal system with the building permit plan application.
- d. The applicant's Need Analysis is generally correct in pointing out that this area has been identified by the proposed Land Use Policies Plan as being an area suitable for multi-family developments.
7. The following comments are relevant to the discussion of this intent to Rezone application for the following sections of the Kirkland Zoning Ordinance No. 2183:
- a. Residential Multi-family zone requirements: The proposed development plan as identified in Exhibit "B" conforms to the existing Professional Residential zone requirements regarding setbacks, height, and lot coverage.
- b. The proposed parking plan for the subject property generally conforms to the Kirkland Zoning Ordinance regarding parking standards with the addition of Conclusion 6.c.(1) as indicated above, and with the addition of such a 4-foot high Laurel hedge on a low berm (2-3 feet) located in the 6-foot landscaping area adjacent to Lakeview School's fence. (Refer to Exhibit "B").
- Parking stalls 3 and 4 will be permitted in this plan as they are above street grade and not readily visible from State Street. The applicant should be required to slope these stalls toward the east to reduce the hazard of unattended vehicles rolling out onto State Street.
- c. Landscaping requirements. Exhibit "C", as submitted by the applicant, is generally consistent with the spirit and intent of both the emerging Land Use Policies Plan and the Kirkland Zoning Ordinance. However, the recommended modifications to the proposed landscaping plan are listed as follows:
- (1) Refer to Conclusions 6.c.(1) and 7.b. as listed above.
- (2) Deciduous trees should be added along the west 95 feet of the north property line and placed 20 feet on center as along the southern property line. This is an area which is covered by Kirkland Zoning Ordinance Section 23.40.050.
- (3) All deciduous trees should be a minimum of 2" in caliper, whereas, all evergreen trees should be a minimum of 8-10 feet in height.

Conclusions, Cont'd

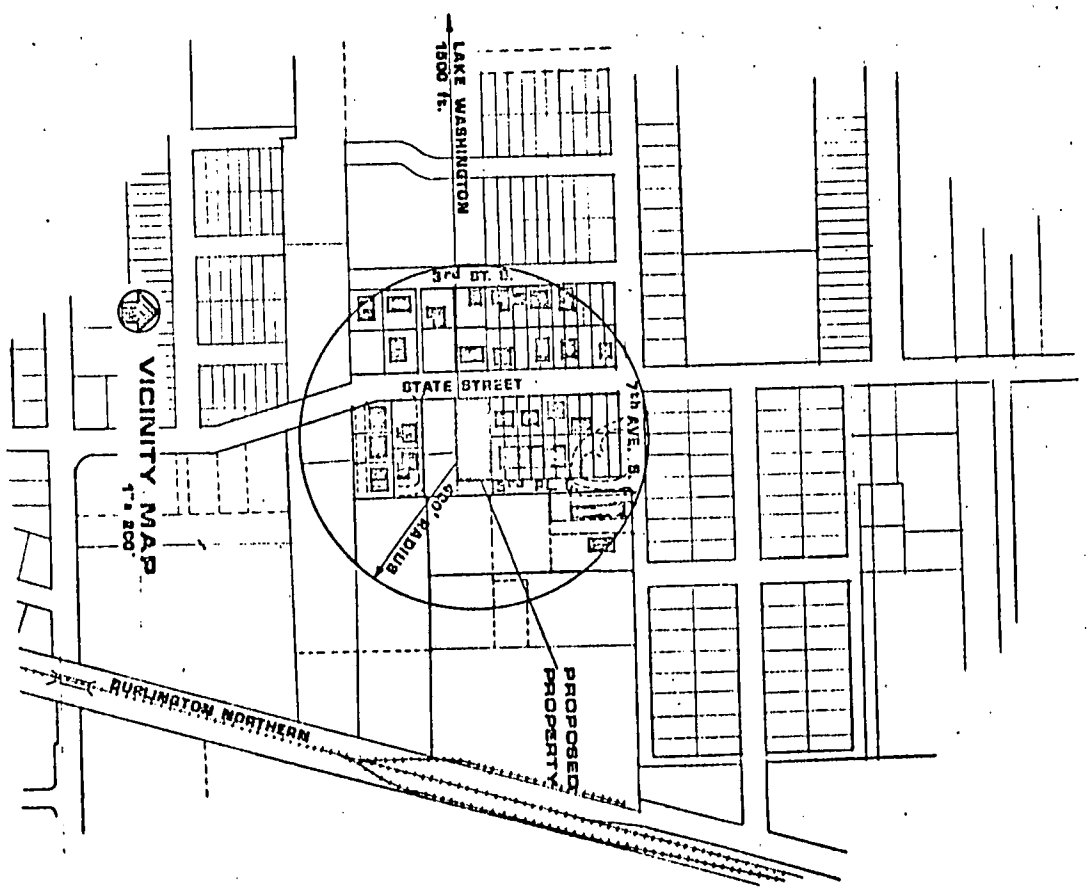
- F. 7. c. (4) Provide adequate ingress and egress visibility from the State Street access point through reduction of landscaping and/or grading of the site within an area 20 feet back from State Street along said driving lane.
8. The following comments are relevant regarding the applicant's general conformance with the preliminary State Street area section of the Land Use Policies Plan. The following are relevant:
- a. The suggested minimum land aggregation is three-quarters of an acre, and the subject property is approximately one-third of an acre. This application would not create small areas sandwiched in between multi-family development due to the fact that there is an existing multi-family zoned piece of property to the south, and four individual single family residences north of the subject property to 7th Avenue South. The area of these four residences is approximately three-quarters of an acre.
- b. The Department of Community Development and the Public Service Department do not feel that the addition of these four residential multi-family dwelling units, two units accessed off of State Street and two accessed off of 3rd Place South will significantly increase the volumes of traffic on those adjacent streets.
- c. The height of the proposed structures is 28 feet, with a pitched roof and structures have been moved toward the center of the lot. Although there is approximately a 15 foot setback on the north property line and an 18 foot setback on the south property line for the western duplex, such a height would appear to be generally inconsistent with the emerging policies of the Land Use Policies Plan. The eastern duplex is closer to the northern property line however, there is an existing residential multi-family apartment north of that proposed duplex. Due to the fact that the topography on this site rises above State Street, and any structure substantially taller than adjoining single family one-story residences would not meet the intent of the Land Use Policies Plan, we hereby recommend that the applicant be required to lower the height of the proposed structures to no higher than 25 feet which is generally the maximum height allowed for a single family residence. If an elevation lower than 25 feet can be adequately designed, the Department of Community Development would recommend this alternative.
- d. Setbacks for these duplexes are more than the minimum requirements in the RM 3600 zone. Further, no vehicular ingress or egress points are located in the setback areas adjacent to single family residential zones.

EXHIBIT "A"  
VICINITY MAP/EXISTING  
FEATURES  
R-77-01(P)  
CONNWILL CONSTR. CO.

- LEGEND**
- UTILITIES**
- U.P. - Utility Pole
  - C.P. - Catch Basin
  - M.M. - Man Hole
  - F.H. - Fire Hydrant
  - T.E. - Top (ftm) Elev.
- PROPERTY**
- Property Stake
  - Track
  - Fd - Found
  - Ld - Lead
  - Mon. - Monument



**SITE PLAN 1**  
1" = 80'



**REZONE FOR MRS. DAGNY  
OLISE 730 STATE ST. KIRKLAND WA.**

DATE: 11/17/76

PROJECT NO.:

PROJECT BY:

**RICHARD GULSTROM  
ARCHITECT 808 STATE ST. KIRKLAND  
SITE PLAN 1 AND  
VICINITY MAP  
A1**



3. Due to the fact that the topography on this site rises above State Street, and any structures substantially taller than adjoining single family one-story residences would not meet the intent of the Land Use Policies Plan, the applicant shall be required to lower the height of the proposed structures to no higher than 25 feet above existing building grade which is generally the maximum height allowed for a single family residence.
4. The applicant shall be granted the option of providing either a 10-foot driveway from State Street adjacent to the property line if a common access point can be agreed upon with the property owner to the south. If this option is selected by the applicant, Recommendation 1.d., and the 4 foot landscaping area along the southern property line and the screening along the State Street parking and driving lanes will be waived in lieu of re-locating the 4-foot landscaping area between said driveway and the westerly duplex and modifying the landscaping plan to provide a row of deciduous trees located on the south side of that structure between it and the access pavement.