

RESOLUTION NO. R- 2416

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF AN INTENT TO REZONE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. R-76-67(P) BY DR. H. LEE KILBURN, M.D., TO REZONE LOTS 1, 2 AND 3, BLOCK 15 TOWN OF KIRKLAND, COMMONLY KNOWN AS 207 8TH AVENUE WEST, FROM RS 7.2 TO PR (PROFESSIONAL RESIDENTIAL), AND SETTING FORTH CONDITIONS TO WHICH SUCH INTENT TO REZONE PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for an Intent to Rezone Permit filed by Dr. H Lee Kilburn, M.D., the owner of said property described in said application and located within an RS 7.2 (Residential Single Family 7,200) zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearings thereon at their regular meetings of December 9, 1976 and January 13, 1977 respectively, and

WHEREAS, pursuant to City of Kirkland Ordinance No. O-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 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 Intent to Rezone 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. R-76-67(P) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Intent to Rezone 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. The City Council further approves in principal, the request for reclassification from RS 7.2 to PR and pursuant to Chapter 23.62 of Ordinance 2183, the Council shall by Ordinance, effect such reclassification upon being advised that all of the conditions, stipulations, limitations and requirements contained in this Resolution, including those adopted by reference, have been met within six months of the date of enactment of this Resolution.

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 Intent to Rezone 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 Intent to Rezone permit to initially meet or maintain strict compliance with the standards and conditions to which the Intent to Rezone permit is subject shall be grounds for revocation in accordance with Section 23.62.070 and 23.62.120 of Ordinance No. 2183, the Kirkland Zoning Ordinance.

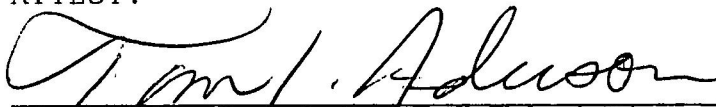
Section 6. Certified or conformed copies of this Resolution shall be delivered to the following:

- (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) 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.

  
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Mayor, pro tem

ATTEST:

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

FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application by H. Lee Kilburn, M.D., for a Resolution of intent to Rezone Lots 1, 2, and 3, Block 15, Town of Kirkland and commonly known as 207 8th Avenue West, from the present zoning of Residential Single Family (RS 7.2) to Professional Residential (PR).
2. The applicant proposes to use the existing structure as his private pediatric clinic. The first floor is proposed to be used for the clinic, whereas the basement would be used for storage. The following modifications are also proposed:
  - a. Construction of an approximately 300 square foot addition to the existing residence on the east and southeast sides.
  - b. Provide a total of 9 off-street parking spaces (1 hand-capped stall, 4 patient stalls, and 3 employee stalls.) The employee stalls would be located south of the building off the alley whereas patient parking is located adjacent to 2nd Street West.
  - c. Screen planting along 2nd Street West.
3. 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 November 15, 1976). After the elapse of 15 days following the threshold determination and after reviewing comments submitted by interested parties, the Director of the Department of Community Development, on November 30, 1976 (Refer to Exhibit "G", adopted the proposed declaration as a final declaration of non-significance.

B. HISTORICAL BACKGROUND:

3. The applicant did receive a waiver from the Kirkland City Council of Resolution No. 2249 as amended on October 4, 1976 for this application for rezoning from Residential Single Family (RS 7.2) to Professional Residential (PR).

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Findings, Cont'd

C. EXISTING PHYSICAL CHARACTERISTICS:

4. Topography. The subject property is generally flat and has a 0-5% slope from 2nd St. W. and 8th Ave. W. towards the southwest corner of the property.
5. Soils/Geology. The generalized soils map shows that the subject property is within an Alderwood Arenets mapping (AmC) 5-15% slope. The generalized geologic mapping indicates the subject property to be within an area of Vashon Till (Qt).
6. Vegetation. Existing vegetation on the subject property is generally that of a single family residence, and there are a number of existing substantial trees which are located on Exhibit "C".

D. PUBLIC UTILITIES:

7. Streets. The subject property fronts on 2nd St. W. and 8th Ave. W. which are identified as neighborhood streets. Both are fully improved rights-of-way with a 6 foot concrete sidewalk along both rights-of-way.
8. Traffic/Access. The subject property is located in the point of a reverse "X" shaped intersection where 8th St. W., 2nd Ave. West, and Market Street meet. The projected (no actual count) average daily traffic (ADT) on 8th St. W. and 2nd Ave. W. is 400 ADT and 300 ADT. The applicant proposes to use 2nd St. W. as his ingress and egress. There is an existing 16 foot gravel alley way along the south property line which the applicant proposes to egress to 2nd St. W. Access to the property from Market Street (which is identified as a Primary Arterial is the easiest from the southbound lane where a right hand turn is only required. The northbound lane would require a left hand turn at 7th Ave. W. From 7th Ave. and Market a vehicle would travel to 7th Ave. W. and 2nd St. W.; turn right onto 2nd St. W., then enter the property. Refer to Exhibit "B" which indicates the access points from the subject property and the traffic separation along Market Street.
9. Sanitary sewer. The existing house is already served with sanitary sewer off either the alleyway between 8th Ave. W. and 7th Ave. W. or 2nd Ave. W.

Since 1973, City accident records show only one accident in this area at the intersection of 2nd St. W. and Market. This was a bicycle-auto accident.

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

PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 RECOMMENDED BY XX DATE January 15, 1977  
 ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_

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

RESOLUTION \_\_\_\_\_ ORDINANCE \_\_\_\_\_

NUMBER \_\_\_\_\_  
 DATE \_\_\_\_\_

FILE NUMBER R-76-67(P)  
 APPLICANT H. LEE KILBURN, ND.  
 PROPERTY LOCATION 207 8th Ave. W.

SUBJECT Application for "Intent to Rezone" from RS 7.2 to PR

HEARING/MEETING DATE February 7, 1977  
 BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED Refer to List on Opposite Page.

Exhibits to File No. R-76-67(P)

- "A" - Vicinity Map
- "B" - Environs Map
- "C" - Existing Site Plan/Landscaping
- "D" - Proposed Site Plan/Landscaping
- "E" - Proposed Elevations
- "F" - Zoning Map
- "G" - Environmental Checklist and Declaration
- "H" - Application
- "I" - Petitions/Letters
- "J" - Revised Site Plan Alternative I
- "K" - Revised Site Plan Alternative II
- "L" - Revised Site Plan Alternative III (Selected Alternative)
- "M" - Revised Site Plan Alternative IV
- "N" - Ralph Thomas Letter and Declaration & Conveyance of Development Rights
- "O" - Revised Site Plan approved by Planning Commission

Findings, Cont'd:

F. 19. The following Economic Activities policies and discussion from the Market Street Neighborhood of the preliminary Land Use Policy Plan are relevant to this application: (Report dated September 3, 1976)

"Policy 1. Encourage the infilling of designated areas by new or expanded economic activities before considering the expansion of these areas. (page 78)

a. Locate industrial and commercial activities in designated areas subject to performance standards:"

Policy Discussion

"(a) The nature of adjacent land uses with special concern being given to maintaining existing residential areas;

(b) Development to be limited in natural constraint areas based on the policies in the Natural Elements section;

(c) The availability of public services and facilities available at the time of occupancy;

(d) The saturation level of activity within that designated area so as to not overcommit lands for industrial and commercial purposes;

(e) The proximity of natural or man-made boundaries (steep slopes, treecrays, and others) that can provide a logical division between uses;

(f) Other relevant criteria considering unique neighborhood characteristics, natural features and other localized conditions."

"b. Limit future expansion of designated areas to lands usually adjacent to existing economic activities."

"Policy 3. The proper location for offices is to be determined by a number of considerations as follows:

b. Small offices may locate where large offices are permitted and generally along major and secondary arterials where economic activities presently exist. These small offices are not to increase traffic on residential streets or substantially alter the existing neighborhood visual character." (page 8)

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Findings, Cont'd:

F. 19. (cont'd)

Policy Discussion

"Many areas along Market, State, and 6th Streets South are zoned for neighborhood and community business and professional uses. Some of these areas have been developed recently for office uses. Small offices may be desirable uses for these areas to serve as buffers between the heavy traffic and residential uses. Small office structures are those which are only one story, detached buildings of a residential scale. The height and scale of small offices may be increased to correspond to nearby residential structures. If properly designed, the size and form of these office buildings may be entirely compatible within higher density residential areas. Care must be taken to assure that the traffic generated by these facilities will not adversely impact adjacent areas." (page 88-89)

Market Street Neighborhood Discussion Area

"The majority of land west of Market Street is committed to low density residential use. However, some commercial activities and higher density residential developments exist adjacent to Market Street. The policy emphasis is to maintain this general pattern of land use. Development along Market Street should be coordinated to minimize traffic-related problems and avoid conflicts with nearby low residential density uses." (page 280)

Economic Activities

"Offices of a residential scale as well as medium density residential uses are a desirable form of development along Market Street. High land costs along Market Street may make quality single family development uneconomic to developers. It is a desirable area for offices due to high visibility with easy access. However, in order to minimize adverse impacts on the surrounding single family area, development should be subject to certain performance standards." (page 283, 284 and 285)

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Findings, Cont'd

- D. 10. Domestic water. There is an existing 4" looped water main located on 8th Ave. W.
- 11. Fire hydrant. There is an existing 5" fire hydrant on the north corner of the intersection of 8th Ave. W. and Market Street which is located across 8th Ave. W. from the subject property.
- 12. Storm drainage. There is an improved storm drainage system located within the right-of-ways of 8th Ave. W. and 2nd St. W.
- 13. Pedestrian ways. The subject property contains a 6 foot concrete sidewalk along both 8th Ave. W. and 2nd St. W.
- 14. Public transportation. The subject property is served by METRO Transit Route No. 240 and 255 which use Market Street.
- E. NEIGHBORHOOD CHARACTERISTICS:
- 15. Zoning. The subject property is presently zoned Residential Single Family (RS 7.2) 7,200 square feet minimum lot size, as are all lots west of 2nd Street West. The property on the east side of 2nd St. W. is presently zoned Community Business (BC). There is a professional residential (PR) zoned lot to the north of the subject property which abuts directly onto Market Street. Refer to Exhibit "F" for the neighboring zoning pattern.
- 16. Land use. The adjacent lots west of 2nd St. W. are presently in a residential single family detached neighborhood character. To the east of 2nd St. W. and on Market Street are a number of commercial uses such as the Market Street Motors. The Flying Dutchman Apartment and Professional Office complex is located on Market Street north of the subject property and north of 8th Ave. W.

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

- 17. Pursuant to the Kirkland Planning Commission and City Council review of 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, the intended use is to be Dr. Kilburn's pediatric clinic. This use is compatible with the Comprehensive Plan of encouraging offices along Market Street. The purpose of the PR zoning is to allow such as medical offices."

Findings, Cont'd

F. 17.

- 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 surrounding area as set forth in the application form and further described under Section 23.62.030."
- Applicant's response: "Yes."
- c. "An analysis of physiographic elements, existing and planned municipal services including water supply (domestic and emergency demand), sewerage 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: "Medical clinic space is unique in its requirements as opposed to commercial office space. It is the unique arrangement of each medical specialty has that; for the most part, requires each space to be customized. The fact that Dr. Kilburn practices pediatrics now on Market Street and chooses to continue is the factor creating the demand. The lease on the building expires in April of 1977. This particular proposed site lends itself to both its proposed use and desired buffer between Market Street and commercial uses and traffic and the single family residential area to the west."
- 18. This application for an Intent to Rezone will be subject to the following additional sections of the Kirkland Zoning Ordinance No. 2183:
  - a. Professional Residential Zone requirements (Section 23.14).
  - b. Parking Requirements (Section 23.34), and
  - c. Landscaping Requirements (Section 23.40).

Conclusions, Cont'd:

D. 5. Traffic/Access. By handling approximately 30 patients a day, the proposed pediatric clinic would generate approximately 70 average daily trips (ADT) to and from the subject property. Under the emerging Land Use Policy Plan, the subject property could possibly accommodate a five unit apartment building. Traffic generated from an apartment development would be approximately half the volume which is generated by a professional office clinic, approximately in the range of 35-40 average daily trips.

Even though this pediatric clinic would generate more traffic than a multi-family development on this site, the Public Service Department does not feel that this proposed development would affect the existing traffic situation on 2nd St. W. or abutting streets, nor create a cumulative hazard in this area. The Public Service Department would recommend that the applicant be required to provide some funds towards a new stop sign on the south side of 7th Ave. W. on 2nd St. W. (+ \$50.00).

6. Sanitary Sewers/Domestic Water/Fire Hydrants/Pedestrian Ways/Public Transportation. None of these factors would constrain the Kirkland Planning Commission from making either a positive or negative decision on this application.

7. 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 and velocity of the water leaving the site from a ten year storm would not be greater than that which leaves the site at the present time.

E. NEIGHBORHOOD CHARACTERISTICS:

8. Zoning/Land Use. Development of this site as a professional office would not be inconsistent with the general mix of uses found along the Market Street corridor. The property across 2nd St. W. is presently zoned as commercial, and it would appear that this corner property is visually if not physically orientated to Market Street. Previous public hearings regarding the proposed Land Use Policy Plan for this area have indicated that neighbors are most concerned about precedent setting nature and cumulative affects of multi-family or professional office rezones intruding into an established single family residential neighborhood, additional traffic in a single family neighborhood, and associated visual impacts with these types of uses. The following conclusions regarding this property's conformance with the spirit and intent of the Kirkland Zoning Ordinance and the emerging Land Use Policy Plan would indicate that the proposed project may have a number of positive aspects which may enhance livability of adjoining residences and such a proposed project would be considerably different than

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E. 8. (cont'd)  
those previous actions which have lead to the present unrelated mixture of uses along the Market Street corridor. Those present uses have stimulated the generation of performance standards found in the preliminary Land Use Policies Plan and are a result of past public input regarding zoning and land use in this area. This action should be construed as identifying a terminus of non-residential land use activity in this block and on the west side of Market Street. This type of rezoning process will, over a longer period of time establish, through careful public consideration, the limits of non-residential land use on the westerly edge of Market Street in conformance with adopted land use policies.

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

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

a. This application is consistent with the emerging Land Use Policy Plan and the former Kirkland Land Use Plan due to the fact that this "Intent to Rezone" application would generally conform with the following:

- (1) The proposed performance standards in the Economic Activities section for new economic activities;
- (2) The Economic Activities section regarding location of a small office along Market Street which is only one story in height, of residential style or character;
- (3) Although the site is not directly abutting Market Street, it is oriented to that Arterial more than other such reverse "K" intersections along Market Street than to the adjoining single family neighborhood; and
- (4) Public Service Department has indicated that the additional traffic generated from this proposed development should not adversely impact the existing traffic flow or pattern on the adjoining side streets. There will undoubtedly be some minor impact on those properties along 7th Street West between Market and 2nd Street West and the adjoining property to the south along 2nd Street West, but any additional traffic on these two streets should not create a hazard to existing traffic, create excessive noise, or route traffic further into existing single family residential neighborhoods further than is occurring at the present time.

b. The applicant has submitted an architectural plan of the existing residence, and one of proposed additions to that structure, elevations, survey and a landscape plan supporting this application. The relationships of those plans to the surrounding area are discussed in detail in other conclusions.  
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Findings, Cont'd:

F. 19. (cont'd)

(b) Due to the unique pattern of intersecting streets, the western boundary of office use along Market Street is to be established so as to prevent further intrusion into the single family area. Office development must be oriented toward Market Street and must not significantly affect residential areas to the west. The western portion of the development must be an integral part of the office use fronting on Market Street.

(d) All new office development in the Market Street corridor must also meet the following standards:

- (1) Structures adjacent to single family areas, may not exceed a height normally associated with single family houses. The height of structures should be kept as low as possible as measured from Market Street to prevent significant view obstructions.
- (2) Development along Market Street should not significantly alter the exterior appearance of historic buildings. Restoration of such buildings is encouraged.
- (3) Signing and lighting are to be controlled to be compatible with surrounding scale.
- (4) Primary vehicular access must be directly to and from Market Street or side streets.
- (5) Office development is required to provide large, densely landscaped setbacks as a visual buffer between residential and non-residential uses. Parking would not be allowed in this setback area."

20. On May 20, 1974 the Kirkland City Council approved R-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, and recognized that a new land use policy plan or comprehensive plan should be prepared. The former land use classification for this area under O-730 was "Commercial office".

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. The application which is 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. None of these factors would constrain the Kirkland Planning Commission from reaching either a positive or negative decision on this application.
3. Vegetation. Where applicable, existing vegetation should be maintained to the maximum possible extent to retain the single family character and due to the age and maturity of existing materials. Additional landscaping could be used to provide visual buffer between this proposed use and adjoining single family residences. Further, additional landscaping along the west and south property lines would site screen the use and/or off-street parking from these adjacent properties. If site screening landscaping was provided along the west and south property lines, then the number of penetrations of this screen for off-street parking area access points (to and from the alley) should be kept to a minimum.

D. PUBLIC UTILITIES:

4. Streets. Along Market Street there are three similar shaped reverse "K" intersections. They include the intersections of:
  - a. 18th Ave. W. and 6th St. W.
  - b. 16th Ave. W. and 5th St. W., and
  - c. 8th Ave. W. and 2nd St. W. (subject property).

Only the 16th Ave. W. and 5th St. W. intersection has been developed in a manner other than single family residential classification (RM-1800). However, none of the other two intersections are physically as close to Market Street as this subject property.

The Public Service Department has determined that no street improvements would be needed along either 8th Ave. W. or 2nd St. W. as a result of this application. However, the Department of Community Development has recommended that if the alley is used as a point of ingress or egress as proposed, the alley should be paved with 12 feet of asphalt on center from 2nd Street W. to the furthest point of access into the employee parking lot.