

RESOLUTION NO. R-2427

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF AN INTENT TO REZONE AND PLANNED UNIT DEVELOPMENT PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. R-PUD-77-11 (P), BY G & B ESTATES TO CONSTRUCT PHASE II OF TOTEM LAKE APARTMENTS BEING WITHIN A RS 35,000 ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH AN INTENT TO REZONE AND PLANNED UNIT DEVELOPMENT PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for an Intent To Rezone and Planned Unit Development Permit filed by G & B Estates, the owner of said property described in said application and located within a RS 35,000 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearings thereon at their regular meeting of March 10, 1977.

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2319 concerning environmental policy of the State Environmental Policy Act, an environmental assessment has been submitted to 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 Intent To Rezone and Planned Unit 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. R-PUD-77-11 (P) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Intent To Rezone and Planned Unit Development Permit shall be issued to the applicant subject to the conditions set forth in the Findings, Conclusions and Recommendations herein above adopted by the City Council. The City Council further

approves in principal, the request for reclassification from RS 35,000 to RM 1800 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 and Planned Unit 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.

Section 5. Failure on the part of the holder of the Intent To Rezone and Planned Unit Development Permit to initially meet or maintain strict compliance with the standards and conditions to which the Intent To Rezone and Planned Unit Development Permit is subject shall be grounds for revocation in accordance with Section 23.54.090 of Ordinance No. 2183, the Kirkland Zoning Ordinance.

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

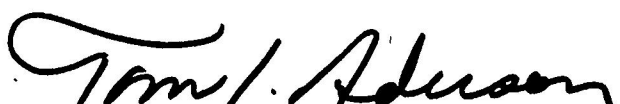
- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Building Department of the City of Kirkland
- (d) Fire Department of the City of Kirkland
- (e) Police Department of the City of Kirkland
- (f) Public Service Department of the City of Kirkland
- (g) The Office of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

ADOPTED in regular meeting of the City Council on the 21st day of March, 1977.



Mayor Pro tem

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)

Findings, Cont'd

- 6. Final PUD Response: Fire hydrants shall be installed prior to construction.
- 7. Kirkland Police Department. There should be adequate parking spaces for tenants and guests and sufficient turn-around space for emergency vehicles. Lock mechanisms on all apartment entry doors should consist of a minimum 1" throw dead bolts, single cylinder when appropriate, and double cylinder when necessary to preclude reaching the lock by breaking a nearby window and reaching in. (Refer to Exhibit "G".)
- 8. Building Department. Major through circulation route should have assigned street numbers posted with appropriate signs.
- 9. Water District No. 79. "Water District No. 79 can provide an adequate supply of water for both domestic and fire fighting requirements." (Letter from W. D. No. 79, 1/6/76).
- 10. N.E. Lake Washington Sewer District. Sanitary sewers are located on easements across the subject property.

D. EXISTING PHYSICAL CHARACTERISTICS:

11. For a complete dialogue of the existing physical characteristics, please refer to Environmental Assessment, Exhibit "J" and Findings 20 to 29 of the Preliminary Planned Unit Development Advisory Report.

E. PUBLIC UTILITIES:

12. For a complete dialogue of the existing public utilities, please refer to Findings 30 to 36 in the Preliminary Planned Unit Development Advisory Report.

F. NEIGHBORHOOD CHARACTERISTICS:

13. Zoning. The zoning on the subject property is Residential Single Family 35,000 square feet (RS 35). To the north and northeast of the subject property the zoning is Residential Single Family 7,200 square feet, Suburban Residential (SR), and General (G). To the east the zoning is also Residential 35,000 square feet, whereas to the southeast and south of the subject property the zoning is Residential Multi-Family (RM-900) and Community Business (BC). Directly to the west of the subject property is Phase I of this same development, which is zoned Residential Multi-Family (RM-1800). Further west, across Interstate 405, the zoning is Residential Multi-Family 1800 square feet and Suburban Residential. All properties to the north and west of the subject property are located within the unincorporated areas of King County.

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Findings, Cont'd

- F. 14. Land Use. The subject property is presently undeveloped. There is an existing single family residential development to the north, vacant land to the east, Evergreen General Hospital to the southeast, clinics and convalescent homes to the south, and Totem Lake Shopping Center further to the south. Directly to the west is Phase I of this same project, with 100 apartment units currently under construction. On the west side of I-405 is undeveloped lands.
- G. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:
 - 15. On April 5, 1976, the Kirkland City Council did approve Resolution No. R-2357 approving the Preliminary Planned Unit Development of Totem Lake Apartments. In the associated Advisory Report dated March 11, 1976 and approved by the Kirkland Planning Commission, several conditions of approval were included, of which the most relevant are herein restated:

a. The applicant shall be required to submit a detailed landscaping plan, developed by a licensed landscape architect, with each specific phase when Final Planned Unit Development approval is requested. The use of "beauty" bark shall be limited in all landscaping plans due to its adverse effect upon storm drainage management systems. All detailed landscaping plans submitted with the Final Planned Unit Development, shall indicate that proposed landscaping adjacent to the northern border of the subject site fronting on N.E. 132nd Street and landscaping surrounding the existing single family home (which is the northern exception property to the south of N.E. 132nd Street) will be expected to form an effective visual and noise buffer, both to the subject property and adjacent single family residences. The adequacy of this buffer area shall be determined by the Department of Community Development.

b. The applicant shall be required to locate individual buildings and parking areas around the existing trees and topography in order to hold tree and vegetation removal and slope destruction to a minimum. This requirement, while being applicable to the entire site, is especially related to the proposed development in the steeper slope area.

c. The applicant shall be allowed to develop only two access points to Kingsgate Way and two access points to 120th Avenue N.E., to minimize congestion.

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DEPARTMENT OF COMMUNITY DEVELOPMENT
ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY _____ DATE _____
RECOMMENDED BY _____ DATE March 10, 1977
ADOPTED BY _____ DATE _____

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

John Press
John Press, Vice Chairperson

RESOLUTION _____ ORDINANCE _____
NUMBER _____
DATE _____

FILE NUMBER R-PUD-77-11(P)
APPLICANT SAM HARWAN, G&B ESTATES, INC.

PROPERTY LOCATION Kingsgate Way N.E. and N.E. 132nd St.

SUBJECT Application for Rezone from RS 35 to RM 1800 and Planned Unit Development for Phase II of Totem Lake Apartments

HEARING/MEETING DATE MARCH 21, 1977
BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application for Rezone "B" Applic. for PUD, "C" Landscape Plan I
"D" Landscape Plan II "E" Phases I-II - Landscape, Stream Modifications "F" Phase I -
Stream Modifications "G" Locks "H" Elevations "I" Legal Descr. "J" Env. Declaration

FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application for a Final Planned Unit Development and Rezoning for Phase II of Totem Lake Apartments. The subject property is located between Kingsgate Way N.E. and 120th Ave. N.E., south of N.E. 132nd Street. Development in this phase includes 20 efficiency units, 40 one-bedroom units, and 40 two-bedroom units, for a total of 100 units in seven multi-family structures. The applicant is requesting a rezoning of the property, which contains 5.19 acres, from Residential Single Family 35,000 square foot minimum lot size to Residential Multi-Family (RM-1800).

2. This Final Planned Unit Development also includes modifications to the existing streamway within proposed Phase II development as identified in Exhibit "C".

B. HISTORICAL BACKGROUND:

3. The subject property is a portion of the Totem Lake annexation area, annexed to the City of Kirkland on March 4, 1974 by Ordinance No. O-2248. Prior to annexation, the subject property was classified "General" (G), minimum lot size 35,000 square feet.

4. The Final Planned Unit Development for Phase I of this project, which included construction of 100 units, as well as a recreation building and a swimming pool, was approved by the Kirkland City Council on September 20, 1976. The Preliminary Planned Unit Development for Phases I, II and III was approved on April 5, 1976.

C. GOVERNMENTAL COORDINATION:

5. Public Service Department. The applicant shall contribute toward the redevelopment of N.E. 132nd Street \$10.00 per front foot of the subject property fronting on N.E. 132nd Street, dead the required right-of-way, and make the slope easements a part of the Planned Unit Development's conditions. The storm drainage water will be permitted to flow from the street right-of-way as presently exists. The proposed street improvements are to contain the flood water within a control outlet onto private property.

Final PUD Response: Fee was paid with Phase I development.

6. Department of Fire Services. Nine on-site fire hydrants will be required for the total development, developed to minimum City standards. The proposed bridges within the project shall be constructed so as to support our largest pumper which has a gross weight of 36,000 pounds. Fire extinguishers and automatic fire alarm system to be installed as per City requirements.

Conclusions, Cont'd

- G. 5. a. The southern edge of the parking area proposed along the southern boundary line of Phase II.
- b. The eastern property line adjacent to Phase III. Both sides of the access easement from 120th Ave. N.E.
6. The applicant has proposed Photinia Fraseri and Rhododendrons in a five foot wide planting strip to provide the required substantial buffering along the southern boundary line. The Department of Community Development would recommend that, rather than the 24" materials proposed by the applicant, these materials be either 36" tall or substituted with 4 foot tall Pyramidalis spaced 4 feet on center. The staff also feels that additional Douglas Firs are necessary along this edge.
7. Concerning the landscaped strip proposed on the south side of N.E. 132nd Street, the Department of Community Development would recommend that as many existing materials as possible be maintained. If the natural earth berm which presently exists along the south side of N.E. 132nd Street is to be removed by this development, the Department of Community Development would recommend that it be replaced with two rows of Douglas Firs, offset, spaced 10-12 feet on center, with a minimum height of 6 feet. This landscaping should consist of Douglas Firs, 8 to 10 feet tall, placed 10 to 12 feet on center, along the south side of the channel. The north side should be planted with 8 to 10 foot Douglas Firs, placed 20 to 25 feet on center.
8. Phase II of this development includes the re-routing of the existing drainage channel and pond. The applicant's landscape plans have indicated the placement of Douglas Firs along the re-routed channel and pond, to provide shade. Additional tree planting is needed along the streamway, and along the emergency drainage swall, particularly along the south bank.
9. At the time of Building Permit application, the applicant should indicate erosion control measures to be taken during construction.
10. At the time of Building Permit application, the applicant should submit a tree cutting plan of all trees over 6" in caliper. Said tree cutting plan should indicate which trees are to be cut and which to remain and the landscaping plan should be modified accordingly. The area on the steep slope, which is to remain in a natural condition, need only be delineated on the landscaping and tree cutting plans.
11. The applicant has only proposed one access point to 120th Ave. N.E.
12. The applicant has indicated that signage will be provided at the access point of 120th Ave. N.E.

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Conclusions, Cont'd

- G. 13. The applicant should modify the parking plan to include approximately two to three percent handicapped parking spaces with associated curb cuts. Further, ground floor units shall be adequate to serve the handicapped.
14. The applicant has proposed an internal pathway system which appears to adequately tie this phase of development together. Portions of the proposed pathway system follow the proposed streamway.
15. Final Planned Unit Development approval should be conditioned upon the applicant confining the working hours as stipulated in the Kirkland Zoning Ordinance and requiring all construction equipment to utilize noise suppressors to reduce overall noise levels.
16. All requirements of the Kirkland Department of Fire Services regarding fire hydrants, fire mains, water supply, bridges, fire extinguishers, automatic fire alarm systems should be required.
17. The applicant has indicated on his landscaping plan where exterior lights should be located. This proposed plan appears to be adequate.
18. The Kirkland Police Department has commented on the security measures and has recommended specific types of locks for apartment and exterior doors. The requirements of the Kirkland Police Department should become conditions of approval for this application.
19. As indicated in the landscaping plans and engineering plans, most of the steep slope area is to be left in a natural open space and retain all trees and natural vegetation. The applicant has proposed one building and the accompanying parking to be located on the top of the bank, near 132nd St., adjacent to the exception property located to the northeast of Phase II.
20. Stop signs shall be required to be installed at the access point on 120th Ave. N.E. and shall be provided at the developer's expense and to the standard specifications of the City of Kirkland.
21. All utilities shall be undergrounded within this project.
22. The applicant shall be required to meet with METRO and the City to discuss the installation of a bus shelter on 120th Ave. N.E.
23. The applicant should be required to place a 6 foot fence along the west and south property lines of the northern exception property, and to place additional evergreens along the fence on the west property line of said property.

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Findings, Cont'd

15. d. The applicant shall be required to agree to allowing the two exception properties within this area to gain access to their properties from within the proposed development.
- e. The major through circulation routes shall have assigned street numbers, as assigned by the Kirkland Building Department, posted with appropriate signs installed and paid for by the applicant.
- f. The applicant shall be required to install and maintain special handicapped parking facilities and shall be required to demonstrate that ground floor units could adequately serve the handicapped. These special parking areas shall be posted with "Handicapped Parking Only" signs and the applicant shall be given credit for four standard parking stalls per every three installed handicapped parking stalls. Curb cuts shall be developed with handicapped standards.
- g. The applicant shall be required to develop sidewalks adjacent to the subject property on the west side of 120th Ave. N.E. and the east side of Kingsgate Way. All sidewalks and paths/trails shall be required to be developed with a rampdown where applicable.
- h. The applicant shall be required to develop an internal pathway system which will connect all proposed buildings to adjacent streets. This pathway system shall generally follow the proposed streamway. Curb cuts and pathways shall be developed with handicapped standards.
- i. "Stop" signs shall be installed at all points of egress from parking areas onto Kingsgate Way and 120th Ave. N.E. at the owner's expense and to the standard specifications of the City of Kirkland.
- j. The applicant shall underground all utilities.
- k. A bus stop and shelter shall be provided by the applicant on 120th Ave. N.E. The exact location shall be determined jointly by METRO and the City.
16. The applicant shall develop a fence and substantial buffering around the northernmost exception property.
- On March 4, 1976, the Board of Adjustment did approve a Variance for the parking ratio at this proposed development. The Variance allowed the applicant to propose the following parking ratios:

Findings, Cont'd

16. a. 1.2 spaces per each efficiency unit
b. 1.4 spaces per each 1-bedroom unit
c. 1.8 spaces per each 2-bedroom unit

With the approval of this variance, the applicant was required to provide additional landscaped areas which could be converted into parking area should a future need arise.

17. This application shall be consistent with the Totem Lake Land Use Plan and the Kirkland Zoning Ordinance No. 2185.

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This Final Planned Unit Development application and Rezone is generally consistent with the approved Preliminary Planned Unit Development except where indicated in the following conclusions.

B. HISTORICAL BACKGROUND: (No relevant conclusions).

C. GOVERNMENTAL COORDINATION:

2. Kirkland Public Service Department/Kirkland Department of Fire Services/Kirkland Police Department/Kirkland Building Department/Water District No. 79/Northeast Lake Washington Sewer District. Where applicable, the requirements of these Departments and Agencies should become conditions of approval for this Final Planned Unit Development and Rezone.

D. EXISTING PHYSICAL CHARACTERISTICS: (No relevant conclusions)

E. PUBLIC UTILITIES: (No relevant conclusions)

F. NEIGHBORHOOD CHARACTERISTICS: (No relevant conclusions)

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

3. Phase II of Totem Lake Apartments Planned Unit Development meets all applicable requirements of the Kirkland Zoning Ordinance.
4. The applicant has submitted a landscaping plan by a licensed landscape architect. Provisions to limit the use of beauty bark has been attached to said landscaping plans.
5. To comply with Section 23.40.060 of the Kirkland Zoning Ordinance regarding landscaped screen of parking areas, additional landscaping should be provided in the following areas:

APPLICATION FOR CHANGE IN ZONE CLASSIFICATION

NOTE: BEFORE PREPARING THIS APPLICATION, PLEASE READ INFORMATION ON COVER PAGE OF THIS FORM.

Name of Applicant: SAM C. HARRIS Phone: 827-0656

Company: G. & B. ESTATES, INC.

Mailing Address: 12620 - 120th Ave. N. E. City: Kirkland Zip: 98033

Present Zoning: RS 5,000 Requested zoning: R PUD

General Location (Address if available):

Approx. Acreage (sq. ft. if less than one acre): 5.19 Acres

Legal Description: See attached

1. Is the change in zoning requested in conformity with the adopted comprehensive plan, the provisions of the zoning ordinance and the public interest? If yes, indicate how so; if no, indicate how this request is justifiable.
Yes. As Phase II of R-PUD-76-46 (P)

2. Is the use or change in zoning requested in the zoning map of the zoning ordinance, for the establishment of commercial, industrial, or residential uses, supported by an architectural site plan showing the proposed development and its relationship to surrounding areas as set forth in the cover sheet of this application and Section 23.62.030 of the Kirkland Zoning Code?
Yes. See supporting data attached.

EXHIBIT "A"
APPLIC. FOR REZONE
R-PUD-77-11 (P)
G&B ESTATES, PH. II -
TOTEM LAKE APARTMENTS

(over)

3. Prior to this application being heard by the Planning Commission, an analysis of the physiographic elements, existing and planned municipal services including water supply (domestic and emergency demand), sewerage collection or treatment, and storm water control shall be prepared by the City Planning Staff in conjunction with related City Departments as an element of the administrative report.

AFFIDAVIT

STATE OF WASHINGTON
COUNTY OF KING
CITY OF KIRKLAND

G. & B. ESTATES, INC., being duly sworn depose and say, that I am (we are) the owner(s) of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my (our) knowledge and belief.

G. & B. ESTATES, INC.
(Owner)

Sam C. Harris
(OWNER) Vice President

Phone: 827-0656

12620 - 120th Avenue N. E.
(Mailing Address)

Subscribed and sworn to before me this 11th day of November, 1977

Notary Public in and for the
STATE OF WASHINGTON, residing at

Conclusions, Cont'd

- G. 24. Regarding the Variance approved by the Board of Adjustment to reduce the parking ratio, the following are applicable in this case:
- The applicant has proposed numbers of parking in excess of the ratios provided by the Board of Adjustment.
 - Referring to the proposed landscape plan, the applicant should be required to reanalyze the proposed parking configuration so that no row of parking is generally longer than 8 cars long. Areas for reconsideration are located 1) east of unit 10, 2) south of units 8, 9 and 10, 3) north of units 11 and 12, and 4) north of the units to be constructed near N.E. 132nd Street.

RECOMMENDATIONS:

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

- Prior to this application being submitted for City Council action, the applicant shall be required to submit a revised landscaping plan reflecting the following:
 - Additional installation of Douglas Firs along the south property line.
 - Photinia Fraseri to be installed along the south property line should be at least 36" in height, or substituted with 4 foot high pyramidalis, spaced 4 feet on center.
 - Additional materials should be planted along the east property line, adjacent to Phase III.
 - Additional planting on both sides of the access easement from 120th Ave. N.E.
 - Existing natural earth berm adjacent to N.E. 132nd Street should be maintained with as many existing materials as possible. Should development necessitate removal of this berm, the applicant should be required to provide two rows of Douglas Fir, offset, minimum 6 feet in height, spaced 10-12 feet on center.
 - Additional trees shall be located along the open streamway and emergency drainage swail, particularly along the south bank. This landscaping shall consist of Douglas Firs, 8 to 10 feet tall, placed 10 to 12 feet on center, along the south side of the channel. The north side shall be planted with 8 to 10 foot Douglas Firs, placed 20 to 25 feet on center.

Recommendations, Cont'd

- Existing trees over 6" in caliper which will remain shall be noted.
 - Inclusion of 2-3 1/2 handicap-size parking spaces posted with "Handicapped Parking Only" signs and the applicant shall be given credit for 4 standard parking stalls for every 3 installed handicap-sized parking stalls.
 - Internal pedestrian ways shall have ramp-downs and curb cuts to facilitate the handicapped.
 - Re-design of the parking plans so that no row of parking is generally longer than 8 stalls, and the following areas shall be modified to conform to this provision:
 - East of Building 10.
 - South of Buildings 8, 9 and 10.
 - North of Buildings 11 and 12.
 - North of the building to be constructed near N.E. 132nd Street.
 - A 6 foot fence shall be installed along the west and south property lines of the northernmost exception property and additional evergreens shall be installed along the fence on the west property line of said property.
- At the time of Building Permit application, the applicant shall submit a tree-cutting plan for all trees 6" in caliper. Said tree cutting plan shall identify which trees are to be cut and which will remain.
- At the time of Building Permit application, erosion control measures during construction shall be indicated.
- All required signage shall be installed as required by the Public Service and Building Departments.
- The applicant shall meet all the requirements of the Department of Fire Services.
- The applicant shall meet all the requirements of the Police Department regarding security measures, and the Police Department shall review said security measures at the time of the Building Permit application.
- All construction activity shall be confined to working hours as stipulated within Kirkland Zoning Ordinance, and all construction equipment shall be required to utilize noise suppressors to reduce overall noise levels.