

RESOLUTION NO. R-2428

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-77-10 (P), BY TOM VASILATOS TO DEVELOP A 20-UNIT CONDOMINIUM VILLAGE BEING WITHIN A RS 8500 ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH AN 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 Tom Vasilatos, the owner of said property described in said application and located within a RS 8500 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of March 10, 1977, 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 after their public hearing 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 Chairman thereof and filed in the Department of Community Development File No. R-77-10 (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 8500 to RM 3600 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

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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 23.54.090 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

- C. 7. Vegetation. Existing vegetation on the subject property is generally sparse and limited to field grasses. However, there are some deciduous trees scattered along the west property line and around the existing residence on Kirkland Avenue.
- D. PUBLIC UTILITIES:
8. Streets. The subject property fronts on both Kirkland Way and Kirkland Avenue. Kirkland Way is identified as a collector arterial whereas Kirkland Avenue is a neighborhood street at this point. There is an open ditch drainage system along Kirkland Avenue and Kirkland Way.
9. Traffic/Access. The applicant proposes to obtain access off of both Kirkland Way and Kirkland Avenue through the use of an access point located along the western property line.
10. Sanitary Sewer. The existing house is already served with sanitary sewer, and there is an existing 10" sewer line located within Kirkland Avenue and an 8" line located in Kirkland Way.
11. Domestic Water. There is an existing 4" looped water line in both Kirkland Avenue and Kirkland Way.
12. Fire Hydrants. There is an existing fire hydrant located at the southeast corner of 6th Street South and Kirkland Avenue and another fire hydrant located at the northeast corner of Kirkland Way and 6th Street.
13. Pedestrian Ways. There are no pedestrian ways abutting the subject property either on Kirkland Way or Kirkland Avenue. Kirkland Way is identified as a major pedestrian route in the Preliminary Land Use Policy Plan for the City of Kirkland.
14. Public Transportation. The subject property is currently served by METRO Transit Route 254.

E. NEIGHBORHOOD CHARACTERISTICS:

15. Zoning. Zoning. The subject property is presently zoned Residential Single Family 8,500 as are most surrounding properties. There is an RM-1800 zone adjacent to the site along the southwest property line.

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Findings, Cont'd

- E. 16. Land Use. The subject property is presently single family, as are most of the adjoining properties to the east, north, west and south. There are some existing multi-family residences located further to the east of the subject property and there is an existing nine-unit apartment located directly west of the subject property on Kirkland Avenue.
- F. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:
17. Pursuant to the Kirkland Planning Commission and the City Council review of the request for 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: "This proposed change is in conformity with the "New" emerging Land Use Plan per review with the Kirkland Planning Director during December, 1976; the currently adopted Comprehensive Plan is RM-1800."
- 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 relationships to the surrounding area as set forth in 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 fire 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 this type of land classification for which he is applying."

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

PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 XX RECOMMENDED BY \_\_\_\_\_ DATE March 10, 1977  
 ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 STAFF \_\_\_\_\_  
 BOARD OF ADJUSTMENT \_\_\_\_\_  
 HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_  
 XX PLANNING COMMISSION \_\_\_\_\_  
 CITY COUNCIL AS INCORPORATED IN \_\_\_\_\_  
 RESOLUTION \_\_\_\_\_ ORDINANCE \_\_\_\_\_  
 NUMBER \_\_\_\_\_  
 DATE \_\_\_\_\_  
 FILE NUMBER R-77-10(P)  
 APPLICANT TOM VASILATOS  
 PROPERTY LOCATION Kirkland Way & Kirkland Avenue, east of 6th St.  
 Subject for "Intent to Rezone" from RS 8.5 to RM 3600 for a 20-unit apartment village.  
 SUBJECT \_\_\_\_\_  
 HEARING/MEETING DATE \_\_\_\_\_  
 BEFORE KIRKLAND CITY COUNCIL  
 EXHIBITS ATTACHED "A" Application "B" Vicinity Map "C" Survey "D" Proposed Site/Landscaping Plan "E" Proposed Unit-Landscape Plan "F" Elevations "G" Landscaping Materials "H" Environmental Declaration & Checklist "I" Alternative Site Plan

FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application by Tom Vasilatos for a Resolution of Intent to Rezone that property described as Lots 2 and 3, Burke and Farrar's Division No. 15 and as identified in Exhibit "B" - Vicinity Map.
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 "C" - Survey, there is one existing house on Lot 5 which is to be removed at the time of construction.
3. The applicant proposes three apartment buildings on the subject property, consisting of two one-story buildings located along both Kirkland Avenue and Kirkland Way, and a 10-unit two-story building located in the center of the project. These buildings will obtain access from both Kirkland Way and Kirkland Avenue as the subject property fronts on both streets and said access will be located along the westerly property line.
4. The applicant has submitted an alternate site plan which indicates revisions to the traffic circulation and parking configurations for this development. (See Exhibit "I").
5. 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 this 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 January 27, 1977). After the lapse of 15 days following the threshold determination and after reviewing comments submitted by the interested parties, the Director of the Department of Community Development adopted the proposed declaration as the final declaration of non-significance on February 11, 1977 (Refer to Exhibit "H").

B. HISTORICAL BACKGROUND: (Not applicable)

C. EXISTING PHYSICAL CHARACTERISTICS:

5. The existing topography of the subject property is indicated on Exhibit "C" - Existing Features/Survey. The slope is approximately 5% from the southeast to the northwest or from Kirkland Avenue to Kirkland Way.
6. Soils/Geology. The generalized soil map shows the subject property to be an Alderwood soil, whereas generalized geologic mapping of the subject property locates it within an area of Vashon Till.

Conclusions, Cont'd

- F. 9. c. (1) Site-screening shrubs or trees not exceeding 6 feet in height at maturity should be placed 8 to 10 feet on center between the west property line and both single story units. These materials should be minimum 4 feet tall at time of planting.
- (2) Similar deciduous trees a minimum of 2" in caliper should be placed 25-30 feet on center along both Kirkland Way and Kirkland Avenue and located within 5 feet of the property line.
- (3) No asphalt shall be located closer than 4 feet to the western property line. Further, landscaping between the parking areas and the western property line shall be planted with either Portuguese Laurel, English Laurel, Photinia Fraseri, or some similar material designed to provide a site-obscuring screen within three years of planting.

(4) The proposed 4-foot screen along the east property line shall be continuous and include the six proposed minimum 2" caliper deciduous trees as located on Exhibit "I". These deciduous trees should not exceed a height of 20 feet at maturity. Said 4-foot screen shall be of Portuguese Laurel, English Laurel, Photinia Fraseri, or some similar type material.

(5) The six-foot security fence will be required around the proposed pool.

(6) All deciduous trees to be located in this proposed project will be a minimum of 2" in caliper. All evergreen trees will be 8-10 feet in height, unless otherwise specified.

10. The following comments are relevant regarding the applicant's general conformance with the Preliminary Performance Standards found in the Land Use Policies Plan. The following are relevant:

- a. The subject property is more than three-quarters of an acre, in that it contains an acre and three-quarters.
- b. Regarding traffic volume and circulation, Kirkland Way is identified as a collector arterial and should be adequate to handle any increased volume generated by this project. Most traffic leaving the subject property and using Kirkland Avenue will likely go south on 6th Street which is identified as a secondary arterial which is approximately 80 feet from the west property line.

c. The height of the proposed buildings which front on both Kirkland Way and Kirkland Avenue is approximately 15 feet and are an excellent example of apartments with a single family residential character. The interior

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Conclusions, Cont'd

F. 8. 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 emerging Land Use Policy Plan as discussed in the following conclusions:

b. The applicant has submitted an architectural plan of the existing subject property, site plan, elevation, survey and landscaping plans 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 following modifications if this application is approved:

(1) The applicant should be required to tie the storm water 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 leaves the site at the present time for a 10-year storm.

(2) 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. No Need Analysis was submitted with this application.

9. 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 "I" conforms to the existing Residential Multi-Family 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 subject to the following conditions regarding landscaping. Further, it should be noted that the proposed parking arrangement appears to be an extremely acceptable way of providing on-site parking with the best possible planning design.

c. Landscaping Requirements. Exhibit "I" 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 following are recommended modifications to that proposed landscaping plan:

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Findings, Cont'd

- F. 17. d. Applicant's response: (None)
18. 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), and
  - c. Landscaping Requirements (Section 23.40).
19. On May 20, 1974, the City Council approved Resolution No. R-2249 which concluded that the Comprehensive Plans for the former cities of Kirkland and Houghton no longer reflect currently held values in the community with regard to planning and land use development. Further, this resolution recognizes that a new Land Use Policy Plan or Comprehensive Plan should be prepared. The former land use classification for this area under Ordinance 0-730(K) was "Multiple Housing".
20. The following are appropriate policies and policy discussions from the Preliminary Land Use Policy Plan and are relevant to this application:  
Living Environment, Policy 2 and Policy Discussion.  
(Pages 56, 57 and 58a)  
Neighborhood Discussion, Central Area (Refer to Pages 226, 237 and 238.)
21. The applicant is requesting flexibility in arrangement and placement of parking stalls. The applicant has presented the possibility of locating some of the stalls underneath the southernmost building. Additionally, the applicant desires to make substitutions for some of the indicated landscaping.

CONCLUSIONS:

- A. SUMMARY OF THE PROPOSED ACTION:  
1. This application is consistent with the requirements of the "Intent to Rezone" provisions of the Kirkland Zoning Ordinance No. 2185, 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 maximum extent possible and integrated into the landscaping plan at the time of Building Permit application.

CONCLUSIONS:

D. PUBLIC UTILITIES:

3. Due to the fact that open ditch drainage presently exists along both Kirkland Way and Kirkland Avenue, the Public Service Department has recommended that both the ditches along Kirkland Avenue and Kirkland Way be covered, and a 12" storm sewer line be installed in its place. Further, the Public Service Department would recommend that the applicant be required to sign a "No Protest" agreement for street improvements to include curbs and gutters which may be installed in the near future.
4. Traffic/Access/Sanitary Sewer. None of these conditions should restrict the Kirkland Planning Commission from making either a positive or a negative decision on this application.
5. Domestic Water/Fire Hydrants. The existing water system is deficient to serve this proposed development. Further, two additional fire hydrants will need to be located fairly close to the eastern property line on both Kirkland Avenue and Kirkland Way for this project. The applicant will be required to pay appropriate fees to the Kirkland Public Service Department with his Building Permit application and these fees will be placed toward improving this deficient system.
6. Pedestrian Ways. The Department of Community Development, Public Service Department and the Park Department would recommend that five foot concrete sidewalks be located adjacent to the property line on both Kirkland Way and Kirkland Avenue. Kirkland Way is identified as a major pedestrian route, and the improvements on Kirkland Avenue will be precedent setting and should be installed due to its proximity to pedestrian-oriented downtown business district.

E. NEIGHBORHOOD CHARACTERISTICS:

7. Zoning/Land Use. Development of this property in a multi-family type configuration as proposed would not appear to be inconsistent with proposed Land Use Policies Plan designation for this area, and would appear to be a Single Family Residential type use if viewed from either Kirkland Avenue or Kirkland Way due to the single story construction along both of those streets.
8. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:  
The following discussion is applicable to the criteria used in the review of such a Resolution of Intent to Rezone application. (Section 23.62.050)

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

8. The following discussion is applicable to the criteria used in the review of such a Resolution of Intent to Rezone application. (Section 23.62.050)

Recommendations, Cont'd

2. b. 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. 2183.
- c. Submit two copies of a "No Protest" agreement for street improvements to include curbs and gutters to the Building Department, one copy to be forwarded to the Department of Community Development and placed in this file.
- d. The applicant will be required to pay appropriate fees for both water and sewer connections.
- e. The applicant will be required to fill both the open ditch drainage along Kirkland Avenue and Kirkland Way with a 12" pipe, its design and installation to be approved as per the Public Service Department recommendations.
3. We recommend that the site plan depicted in Exhibit "I" be approved in place of the site plan shown in Exhibit "D", and that the applicant be given further flexibility in arrangement of the parking stalls, and in choice of materials for landscaping, as long as the materials substituted are of the same general type as those indicated on the submitted landscape plan.

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Conclusions, Cont'd

- F. 10. c. (Cont'd)
- building is higher and of two stories and approximately 22 feet in height and is well below the maximum 30 foot elevation for the Residential Multi-Family zone.
- d. Setbacks within this project are generally as per minimum code requirements. However, the size and location of the proposed building along with proposed landscaping plans and modifications should be adequate to buffer this project from adjacent properties.
- e. The applicant should be required to install a 5-foot concrete sidewalk adjacent to the property line along Kirkland Way and a similar improvement along Kirkland Avenue. The improvement on Kirkland Way is consistent with the proposed bicycle and pedestrian system, whereas the improvements on Kirkland Avenue will set a precedent for future residential development in this area and should be required due to its proximity to 6th Street and to the Central Business District.
- f. Parking. Refer to the comments found in Conclusion No. 9.b.
- 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 No. 23.10.110 of the Kirkland Zoning Ordinance No. 2183. The applicant is proposing to construct twenty multi-family units whereas 20.47 units would be permitted at a density of Residential Multi-Family 1600 square feet.

11. The flexibility the applicant seeks for possible location of below-grade parking may, if granted, result in a more desirable development. Concerning landscaping substitutions, we feel the flexibility is justified as long as the materials substituted are of the same general types as those indicated on the submitted landscape plan.

RECOMMENDATIONS:

Based upon the foregoing Findings and Conclusions and as identified in Exhibits "A" through "I", we hereby recommend that this "Resolution of 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 "I" and "E".

Recommendations, Cont'd

1. a. Contact the serving solid waste utility and locate approved site-screened solid waste containers.
- b. 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 unless otherwise specified.
- c. Existing vegetation should be identified on the site plan and integrated into the landscaping plan where such materials can be retained.
- d. Site-screening shrubs not exceeding 6 feet in height at maturity shall be placed 8 to 10 feet on center between the west property line and both single story units. These materials shall be a minimum of 4 feet tall at time of planting.
- e. Similar deciduous trees, a minimum of 2" in caliper, shall be placed 25-30' on center along both Kirkland Way and Kirkland Avenue and located within 5' of the property line.
- f. No asphalt shall be located closer than 4' to the western property line. Further, landscaping between the parking areas and the western property line shall be planted with either Portuguese Laurel, English Laurel, Photinia Fraseri, or some similar material designed to provide a site-obscuring screen within three years of planting.
- g. The proposed 4-foot screen along the east property line shall be continuous and include the six proposed minimum 2" caliper deciduous trees as located on Exhibit "I". These deciduous trees shall not exceed a height of 20 feet at maturity. Said 4-foot screen shall be of Portuguese Laurel, English Laurel, Photinia Fraseri, or some similar type material.
- h. The 6-foot security fence will be required around the proposed pool and a 6-foot sight screening fence shall be continued on the west property line along the recreation area.
- i. The applicant shall provide a 5-foot wide concrete sidewalk adjacent to the property line in the right-of-way of both Kirkland Avenue and Kirkland Way for the frontage of the subject property.
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 that leaving the existing site for a 10-year storm.