

RESOLUTION NO. R- 2451

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-77-30(P), BY EARL WESTLUND & ROBERT BIRDWELL FROM RS 8.5 TO RM 3600 FOR CONSTRUCTION OF A DUPLEX 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 Westlund & Birdwell, the owner of said property described in said application and located within a RS 8.5 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of August 11, 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-77-30(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 8.5 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 six months of the date of enactment of this Resolution.)

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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.

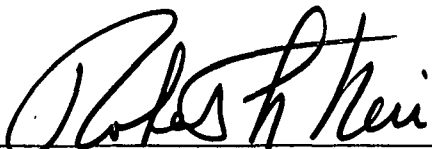
Section 4. Nothing in this section shall be construed as excusing the applicant from compliance with any federal, state or local statues, ordinances or regulations applicable to this project, other than expressly set forth herein,

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 of Ordinance No. 2183, the Kirkland Zoning Ordinance.

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

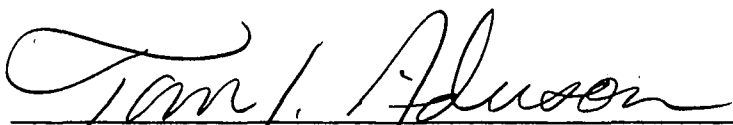
- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Building Department of the City of Kirkland
- (d) Fire Department of the City of Kirkland
- (e) Police Department of the City of Kirkland
- (f) Public Service Department of the City of Kirkland
- (g) The Office of 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 6th day of September, 1977.



Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY _____ DATE _____

XXX RECOMMENDED BY _____ DATE August 11, 1977

ADOPTED BY _____ DATE _____

STAFF _____

BOARD OF ADJUSTMENT _____

HOUGHTON COMMUNITY COUNCIL _____

XXX PLANNING COMMISSION _____
David Russell
David Russell Chairperson

CITY COUNCIL AS INCORPORATED IN _____

RESOLUTION _____ ORDINANCE _____

NUMBER _____

DATE _____

FILE NUMBER R-77-30(P)

APPLICANT Earl Westlund and Robert Birdwell

PROPERTY LOCATION 729 State Street

SUBJECT Application for "Intent to Rezone" from RS 8500 to RM-3600.

HEARING/MEETING DATE _____

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Vicinity Map "B" Site Plan "C" Landscape Plan

"D" Survey "E" Zoning Map "F" Bldg. Elevation "G" Environmental Checklist & Declaration

"H" Application "I" Land Use Policy Plan Criteria.

FINDINGS

A: SUMMARY OF THE PROPOSED ACTION:

1. This is an application by Earl Westlund and Robert Birdwell for a "Resolution of Intent to Rezone" of the property legally described in the application as lots 5 and 6 block 1 of Kirkland Heights. There is an existing nonconforming duplex located on lot 5 at 729 and 729½ State Street. At the present time the applicant is constructing a single family residence on lot 6 at 735 State Street. It is the applicant's intention to make the necessary modifications so that this single family residence could be occupied as a multi-family duplex.
2. The applicant requested change in zoning from residential single family 8,500 square feet to residential multi-family 3,600 square feet. As indicated by Exhibits "B" - Site Plan and "D" - Survey, there is an existing brick duplex on lot 5 (729 State Street) and a newly approved single family residence on lot 6 (735 State Street).
3. No change in the structure is being proposed for the nonconforming duplex on lot 5 at 729 and 729½ State Street with this application. Further, for the purpose of this application this advisory report will refer to that single family structure presently being constructed at 735 State Street or on lot 6 unless otherwise stated.
4. Approval of this application will constitute a "Major Action" under the provisions of RCW 43.21(C) and WAC 197-10. The applicant submitted an Environmental Checklist with his application and 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. Further, it was determined on June 22, 1977, that an Environmental Impact Statement was not required. 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 July 12, 1977, did adopt the proposed declaration as the final declaration of nonsignificance. (Refer to Exhibit "G")

B. HISTORICAL BACKGROUND: (Not applicable)

C. GOVERNMENTAL COORDINATION:

5. Building Department. "No objection or comment--this building can be altered easily to a duplex unit."
6. Public Service Department/Police Department/Fire Department'
Park Department. "No comment."

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Findings, Continued

EXISTING PHYSICAL CHARACTERISTICS:

7. Topography. The property slopes down from the street at approximately a 7-8% slope to the west. The western half of both lots 5 and 6 are approximately 8½ feet lower than the sidewalk grade. The property to the south of lot 6 sits approximately five feet higher than this site. (Refer to Exhibit "D")
8. Soils/Geology. The generalized soil map shows the subject property to be within an alderwood Arents material whereas geologic mapping shows it to be within an area of vashon till.
9. Vegetation. There is little or no existing vegetation on lot 6 whereas the existing nonconforming duplex is landscaped as are abutting single family residences. The applicant proposes to relandscape lot 6 as per Exhibit "C" - Landscaping Plan.

E. PUBLIC UTILITIES:

10. Streets. The subject property fronts on State Street which is identified as a collector arterial. State Street has a fully improved right of way with a five foot sidewalk adjacent to the curb. There is an unused eight foot alley to the south of lot 6.
11. Traffic/Access. For the dwelling unit on lot 6 (735 State Street) the applicant proposed access off State Street in the middle of the subject property as identified in Exhibit "B".
12. Sanitary Sewer. There is an existing six inch sewer line located within State Street.
13. Domestic Water. There is an existing four inch looped water main located in State Street.
14. Fire Hydrants. There is an existing fire hydrant located approximately 200 feet to the south of the subject property on State Street.
15. Storm Drainage. There is an approved storm drainage system located within the right of way of State Street.
16. Pedestrian Ways. The subject property fronts on State Street which has an existing five foot sidewalk.
17. Public Transportation. The subject property is currently served by Metro Transit routes #255 and 251.

F. NEIGHBORHOOD CHARACTERISTICS:

18. Zoning. The subject property is presently zoned residential single family 8,500 square feet minimum lot size as are all other adjacent properties located on the west side of State Street from Tenth Avenue South to approximately 200 feet of

Findings, Continued

- F. 18. south of the subject property. To the east of the subject property is again single family residential with some residential multi-family (RM-3600) zoning where rezones have been approved at a density consistent with this application (Refer to Exhibit "E" - Zoning Map.
19. Land Use. Adjacent land uses west of State Street are the single family character. Whereas those uses to the east of State Street are of single family homes mixed with existing and newly constructed multi-family apartments.

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

20. 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 to forward the review of such an "Intent to Rezone" application (Section 23.62.050).

- a. The use or change in zoning requested shall be in conformance with the adopted Comprehensive Plan, the provisions of this Ordinance and the public interest.

Applicant's Response: "Yes. The structure on lot 5 has been a duplex for at least 20 years and lot 6 should contain a duplex unit due to its location to existing City services and proximity to the commercial center, public transportation and the incredible demand for quality medium income housing in the area."

- 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 proposed development of its relationship to the surrounding area as set forth in the application form and further described under Section 23.62.030.

Applicant's Response: "No." (Department of Community Development's comment: The applicant has submitted appropriate site plans).

- c. An analysis of physiographic elements, existing and planned municipal facilities including water supply (domestic and emergency) demand, sewage collection or treatment and storm water controls shall be repaired by the City Planning Staff in conjunction with related City Departments as an element of the administrative report.

Applicant's Response: None.

Findings, Continued

20. 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: None.

21. 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)

22. Any application for Rezone must be consistent with the following policies from the approved Land Use Policies Plan and subsequent discussion regarding the State Street Neighborhood area.

- a. Living Environments: Policy 2.
- b. Standards found on page 227 of the Land Use Policies Plan dated November 18, 1976, regarding potential increases in density. (Refer to Exhibit "I")

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, and with requirements of the Land Use Policies Plan.
- 2. Due to the fact that the existing nonconforming duplex cannot meet the requirements of the RM zone (Section 23.10), discussion of this parcel should be dropped from consideration. Under this provision the structure and use will simply retain its nonconforming status.

B. HISTORICAL BACKGROUND: (No relevant conclusions)

C. GOVERNMENTAL COORDINATION: (No relevant conclusions)

D. EXISTING PHYSICAL CHARACTERISTICS:

- 3. Topography/Soils/Geology/Vegetation. None of the aforementioned factors should constrain the Kirkland Planning Commission from reaching either a positive or a negative decision on this application.

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Conclusions, Continued

E. PUBLIC UTILITIES:

4. Streets/Sanitary Sewer/Domestic Water/Fire Hydrant/Pedestrian Ways/
Public Transportation. None of these aforementioned factors
should constrain the Kirkland Planning Commission from making
either a positive or a negative decision on this application.
5. Storm Drainage. If this application is approved, the Department
of Community Development would recommend that the applicant be
required to tie storm drainage retention system into the existing
drainage system for lot 6 so that the quantity, quality and
velocity of water leaving the site is substantially the same as
that which leaves the site at the present time for a 10-year
storm.

F. NEIGHBORHOOD CHARACTERISTICS:

6. Zoning/Land Use. Development of this property in a multi-family
type configuration in the site plan as proposed would not be
inconsistent with adjacent building forms or adjacent land uses
in the State Street area.

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

7. 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 Land Use Policies
Plan, as this particular area is identified in the Land Use
Plan as Residential Multi-family, 10-14 dwelling units per
acre which is RM-3600 classification.
 - b. The applicant has submitted an architectural plan of the
existing subject property, proposed building, elevations,
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 has reviewed the
proposed site plan, and would recommend the aforementioned
modifications if this application is approved:
 - (1) Design and construction of a storm water retention system
facility for a 10-year storm shall be required before
occupancy of this structure.
 - (2) The applicant shall be required to contact the serving
solid waste utility and locate an approved site screened
solid waste disposal system prior to occupancy.

Conclusions, Continued

8. The following comments are relevant to a discussion of this Intent to Rezone application for the following sections of the Kirkland Zoning Ordinance No. 2183:
- a. Residential Multi-Family zone requirements: Proposed site plan as identified in Exhibit "B" conforms to the existing residential multi-family zone requirements regarding setbacks, height and lot coverage. Further this plan is very consistent with surrounding structures.
 - b. The proposed parking plan for the subject property conforms to the Kirkland Zoning Ordinance regarding parking standards.
 - c. Landscaping Requirements. Exhibit "C", as submitted by the applicant, is generally consistent with the spirit and intent of both the Land Use Policies Plan and the Kirkland Zoning Ordinance. However, the following recommended modifications should be completed prior to occupancy of this building.
 - (1) Large deciduous street trees should be placed across the front of 735 State Street, a minimum 1-3/4 to 2 inches in caliper and 30 feet on center.
 - (2) A 36 to 40 inch high hedge should be located between the parking area, both the south and north property lines and the sidewalks as per Section 23.40.060(a). Suitable materials would be Portuguese laurel, English laurel, Photinia Fraseri or a similar material.
 - (3) The area five feet back from the sidewalk and 20 feet to either side of the access point should be landscaped with materials which will not grow above three feet high. Juniper tams or other ground cover would be appropriate in this area.
 - (4) He should provide a landscaped berm between the parking area and the sidewalk.
9. The following comments are relevant regarding the applicant's conformance with the State Street area discussion of the Land Use Policies Plan:
- a. Due to the fact that lot 6 is only approximately 7450 square feet and that the proposal is for less than three dwelling units, the minimum aggregation of 3/4 of an acre shall be waived in this case.
 - b. The Public Service Department does not feel that this residential development will significantly increase traffic volumes on the street.

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Conclusions, Continued

- G. 9. c. The height of this residential structure is not more than 25 feet which is in character and which is consistent with single family residences in this area.
- d. Setbacks from the proposed structure to the west and south property lines appear to be sufficiently large. The Department of Community Development does not foresee any need for substantial adjacent landscaping on the east or southern property lines due to the form of the development being proposed which is basically a single family type residential structure. Further, vehicular parking is not located in required setbacks.
- e. Landscaping of the structure should be modified to provide three to four additional low growing deciduous trees along the west property line. Trees such as flowering cherry or plum, 10 to 13 inches in height, should be included to provide some landscaping between this property and the property to the west.
- f. There is a sidewalk in front of the subject property which provides pedestrian access.
- g. The subject property shall be assessed an additional fee for additional dwelling units for fee-in-lieu of open space as per Section 23.10.110.
- h. Overall density of the subject property does not appear to exceed that of the surrounding area or that which is permitted in the Land Use Policies Plan.

RECOMMENDATIONS

Subject to the foregoing Findings and Conclusions and as identified in Exhibits "A" through "I", we hereby recommend that this application for Intent to Rezone be approved subject to the following:

1. Lot 5, block 1 Kirkland Heights and also identified as common address 729 and 729½ State Street shall not be included in this Intent to Rezone application due to the fact that they do not conform with the multi-family zoning provisions found in Section 23.10 of Ordinance No. 2183 of the Kirkland Zoning Ordinance.
2. Prior to occupancy of the single family residence being constructed on lot 6 with a common address of 735 State Street, the applicant shall make the following modifications to that building site and landscaping plan:
 - a. Design and construct a storm water retention system so that the water leaving the site after development of the structure is substantially the same as that leaving the existing site for a 10-year storm.

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Recommendations, continued

- b. Contact the serving solid waste utility and locate an approved site screened solid waste disposal system.
- 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. 2183.
- d. Modify landscaping plan "C" to include the following:
 - (1) Large deciduous street trees planted across the front of the subject property being a minimum of 1-3/4 to 2 inches in caliper and 30 feet on center.
 - (2) Provide a 36 to 40 inch high hedge located between the parking area; and both the south and north property lines and the sidewalk as per Section 23.40.060 (A). Suitable materials for this hedge would be Portuguese laurel, English laurel, Photinia Fraseri or a similar material.
 - (3) The area five feet back from the sidewalk and 20 feet to either side of the access point should be landscaped with materials which will not grow above three feet in height. Juniper tams or other ground cover would be appropriate in this area.
 - (4) The applicant shall provide landscaping berm between the parking area and the sidewalk.
 - (5) Provide three to four additional low growing deciduous trees along the west property line. Such trees could be flowering cherry or plum, 10 to 12 feet in height.
3. The Public Service Department shall review this application as per its compliance with Ordinance No. 2309 regarding payment for water system due to the fact that the subject property has now been changed from a single family residence to a duplex unit.