

RESOLUTION NO. R- 2459

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A SUBSTANTIAL DEVELOPMENT PERMIT AND PRELIMINARY PLANNED UNIT DEVELOPMENT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. PUD-SDP-77-48(H), BY VILLAGE UNIVERSAL OF WASHINGTON TO CONSTRUCT A SIX-UNIT CONDOMINIUM DEVELOPMENT BEING WITHIN A WDI ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBSTANTIAL DEVELOPMENT PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Substantial Development Permit and Preliminary Planned Unit Development filed by Village Universal of Washington, the owner of said property described in said application and located within a WDI zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission and Houghton Community Council who held public hearings thereon at their regular meetings of August 9, 1977, and August 25, 1977, respectively, and

WHEREAS, pursuant to City of Kirkland Ord. No. 0-2319 concerning environmental policy of the State Environmental Policy Act, an environmental worksheet has been submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland and a negative declaration reached, and

WHEREAS, said environmental worksheet and declaration have been available and accompanied the application through the entire review process, and

WHEREAS, the Kirkland Planning Commission and Houghton Community Council after their public hearings and consideration of the recommendations of the Department of Community Development and having available to them the environmental worksheet and negative declaration did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Substantial Development Permit subject to the specific conditions set forth in said recommendations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The Findings, Conclusions and Recommendations of the Kirkland Planning Commission as signed by the Chairman thereof and filed in the Department of Community Development File No. PUD-SDP-77-48(H) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Substantial Development Permit shall be issued to the applicant subject to the conditions set forth in the Findings, Conclusions and Recommendations hereinabove adopted by the City Council.

Section 3. A certified copy of this Resolution, together with the Findings, Conclusions and Recommendations therein adopted shall be attached to and become a part of the Substantial Development Permit or evidence thereof delivered to the permittee.

Section 4. Nothing in this section shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to this project, other than expressly set forth herein, or other than the permit requirements of the Shoreline Management Act of 1971. Construction pursuant to the Substantial Development Permit shall not begin or be authorized within 30 days of the date of its final approval by the local government or until all review proceedings initiated within said 30 days from the date of final approval by local government have been terminated.

Section 5. Failure on the part of the holder of the Substantial Development Permit to initially meet or maintain strict compliance with the standards and conditions to which the permit is subject shall be grounds for revocation in accordance with Section 23.54.090 of Ordinance No. 2183, the Kirkland Zoning Ordinance. This permit may be rescinded pursuant to Section 14(7) of the Shoreline Management Act of 1971 in the event the permittee fails to comply with any condition hereof.

Section 6. Notwithstanding, the recommendations heretofore given by the Houghton Community Council, the subject matter of this Resolution and the Substantial Development Permit herein granted are, pursuant to Ordinance 2001, subject to the disapproval jurisdiction of the Houghton Community Council, and therefore this Resolution shall become effective only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this Resolution within 60 days of the date of the passage of this Resolution.


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

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

ADOPTED in regular meeting of the City Council on the 19th  
day of September , 1977.

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

ATTEST:

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

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DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT  
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 RECOMMENDED BY \_\_\_\_\_ DATE August 25, 1977  
ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_

STAFF \_\_\_\_\_  
BOARD OF ADJUSTMENT \_\_\_\_\_  
HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_  
 PLANNING COMMISSION David Russell  
CITY COUNCIL AS INCORPORATED IN \_\_\_\_\_  
David Russell, Chairman

RESOLUTION \_\_\_\_\_ ORDINANCE \_\_\_\_\_  
NUMBER \_\_\_\_\_  
DATE \_\_\_\_\_

FILE NUMBER PUD-SDP-77-48(H)  
APPLICANT Village Universal of Washington  
PROPERTY LOCATION 6000 Lake Washington Boulevard  
SUBJECT Application for Planned Unit Development and Substantial  
Development Permit  
HEARING/MEETING DATE September 19, 1977  
BEFORE City Council

EXHIBITS ATTACHED "A" Vicinity Map "B" First Floor Plan "C" Second (Street)  
Floor Plan "D" Third Floor Plan "E" Elevations and Cross Section  
"F" North Property Line Cross Section "G" Landscape Plan - Planting List  
"H" Survey "I" Previous Soils Reports "J" Environ. Checklist & Declaration  
"K" Applications "L" Project Description

FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application for a Substantial Development Permit and a Preliminary Planned Unit Development for six condominium units developed in a single structure located on 21,500 square feet of dryland area (single foundation with two separate building cubes). The application is proposed by Village Universal and the subject property is generally identified as 6000 Lake Washington Boulevard. (Refer to Exhibit "A" - Vicinity Map, "G" -Landscape Plan and "E" - Elevations).
2. Setbacks. The applicant proposes to increase the setbacks beyond the first floor of the building. Therefore, the building cube diminishes in size past the first floor level. At the first floor level the applicant proposes a 10 foot setback on the south and a 15 foot setback on the north property line. From the second floor on, the applicant proposes a 17 foot setback on the south and a 35 foot setback on the north. The applicant has proposed a 20 foot setback along the water's edge and a zero line setback for the parking spaces which are below street grade and a 35 foot setback for building above street grade.
3. Building Height. Proposed building will be approximately 27 feet above the average building grade, 35 feet above high water line, and only 23 feet above adjoining sidewalk elevation.
4. Parking. The applicant is proposing six 2-car garages to be located below street level on the first floor, with three visitor parking spaces available in front of the building at the street grade.
5. Public Access. Public access is proposed within the front setback area for the entire 168 foot length of the waterfront. This is in addition to a public mall area along Lake Washington Boulevard.
6. Justification. This request is justified by the applicant in that the proposal is consistent with the Shoreline Master Program, Kirkland Waterfront District Zoning Ordinance, the Land Use Policies Plan, and the public interest. (Refer to Exhibit "L" - Project Description).

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Findings, Continued

A. 7. The subject property is located in an Environmentally Sensitive area and, therefore, 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 assessment with his application and after reviewing the environmental assessment 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 that an Environmental Impact Statement was not required on June 27, 1977. 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 did on July 12, 1977, adopt the proposed declaration as the final declaration of non-significance (refer to Exhibit "J" - Declarations - Environmental Checklist).

B. HISTORICAL BACKGROUND:

8. In 1973 the 6000 Lake Washington Condominium Association applied for a Substantial Development Permit and a Planned Unit Development to develop eight condominium units on this property with the City of Kirkland. After resolving a conflict with the Shoreline Hearing Board in May of 1974, the City issued a Final Planned Unit Development application under R-2298 in April of 1975. Subsequent to that approval,

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Findings, Cont'd

B. 8. (Cont'd)

the applicants applied for a Building Permit application and in January of 1977 their Building Permit was voided by the Building Official due to a lack of activity. After a review of the project, it was found that the Substantial Development Permit had also terminated on May 23, 1976 and the Final Planned Unit Development was voided in April of 1977. Therefore, any approvals based on Resolution No. 2229 and Resolution No. 2298 and found in Department of Community Development File No. SDP-PUD-73-36(H) are now null and void and should have no bearing upon this application except for historical reference.

C. GOVERNMENTAL COORDINATION:

9. Public Service Department. "Lower units should be careful of sewer inverts."
10. Park Department. "The water setback area should have a sidewalk from the south to the north with an exit. Landscaping and maintenance of this area shall be the responsibility of the builder. I would like to work with the designer on front setback area."
11. Fire Department. "No comments."
12. Police Department. "The walkway in front of the building (adjacent to the water) needs to be lighted. There is a concern here on how this area could be patrolled."
13. Building Department. "This project will be in Fire Zone #2."

D. EXISTING PHYSICAL CHARACTERISTICS:

14. Topography. Please refer to existing survey identified as Exhibit "H", which indicates the existing topography on the subject property.
15. Soils/Geology. The local soils mapping indicates the subject property to be Kitsap Silt Loam, whereas generalized geologic mapping indicates the subject property to be of Vashon Till. Further, the applicant has had a soils report prepared for previous projects by Dames and Moore, Inc. Please refer to Exhibit "I" which indicates specific soils conditions found on the subject property.
16. Vegetation. The subject property exhibits scrub vegetation and five existing cottonwood trees located along the shoreline. The applicant proposes to re-landscape the subject property in a fashion as indicated in Exhibit "G" - Landscaping Plan.

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Findings, Cont'd

E. PUBLIC UTILITIES:

17. Streets. The subject property is fronting on Lake Washington Boulevard which is a major arterial and is also known as State Route No. 908. To the south of the subject property is the N.E. 60th Street street-end. This particular street-end is landscaped and used as an integral part of the Houghton Community Beach Park.
18. Paths/Trails. Lake Street South has been identified as a primary pedestrian trail, and part of the Lake Washington Loop Trail.

The Foghorn Restaurant which was approved in May of 1972 as a Conditional Use Permit and Substantial Development Permit approved under Resolution No. 2128 required:

"4. That the waterfront area be available for public access by customers and prospective customers or as part of a coordinated waterfront public way."

The high water line setback area of the Foghorn has not been improved with any pedestrian trails, however there is a pedestrian path from their pier to their parking lot on the south side of the building.

19. Domestic Water Supply. There is an existing 10" water line on the east side of Lake Washington Boulevard.
20. Fire Hydrants. There is an existing fire hydrant located in the southeast corner of N.E. 60th Street and Lake Washington Boulevard.
21. Sanitary Sewer. There is an existing 12" sewer line on the west side of Lake Washington Boulevard.
22. Public Transportation. Metro currently serves the subject property with Routes 235, 240, 251 and 254.

F. NEIGHBORHOOD CHARACTERISTICS:

23. Zoning. The subject property is zoned Waterfront District I as are all properties to the north and south and west of Lake Washington Boulevard. All adjoining properties located on the east side of Lake Washington Boulevard between Lakeview Drive and north of N.E. 59th Street are zoned Residential Multi-Family, 3600 square feet. Those properties to the south of 59th are zoned Professional Residential.
24. Land Use. Land use in the surrounding area is somewhat mixed. The Foghorn Restaurant is to the north along with single family residences and multi-family apartments. To the south is Houghton Waterfront Park of which all are located on the west side of Lake Washington Boulevard. The east side of Lake Washington

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Findings, Cont'd

F. 24. (Cont'd)

Boulevard contains a large number of multi-family complexes located within a group of single family homes. A non-conforming commercial use is located on the east side of the Boulevard and south of NE 60th Street.

25. Public Recreation/Open Space. The subject property abuts Houghton Beach Park which is one of three major waterfront parks in the City of Kirkland.

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

26. The following policies are relevant sections of the Kirkland Shoreline Master Program which will affect development of this particular project.

- a. Public Access Element, Policy 4, Use Regulation 2b; Policy 5 and Policy 7.
- b. Uses and Activities Element, Policy 2e, and Use Regulation 1a.
- c. Residential Element, Policy 1 and Use Regulation 3; Policy 2, and Policies 3 and 3a.
- d. Components Policies 8 and 9.
- e. Utilities Policy 4.
- f. Parking Policy 2.

27. This application shall be subject to the following sections of the Kirkland Waterfront District Zoning Ordinance No. 2206.

- a. Allowable floor area (Section 23.12.051)
- b. Setbacks (Section 23.12.052)
  - (1) Building
  - (2) Parking

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This application for a Preliminary Planned Unit Development and Substantial Development Permit is generally consistent with all the requirements of the Kirkland Zoning Ordinance and the Kirkland Shoreline Master Program except as specified in Section 23.12.010(6) and 23.12.052(3). Compliance with these Sections will be discussed in Conclusion 9(e).

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Conclusions, Cont'd

B. HISTORICAL BACKGROUND:

2. This particular application is generally consistent with the previous application and will be of a density less than that approved under the previous application for the subject property.

C. GOVERNMENTAL COORDINATION:

3. The applicant should be required to meet the requirements of the Public Service Department and the Department of Fire Services.
4. Improvements to the water's edge pedestrian trail should include the following which are consistent with those requirements for Sunset Condominiums:
  - a. Minimum 5 foot wide aggregate concrete sidewalk not closer than two feet to the water's edge.
  - b. Low lighting as per Police Department recommendations.
  - c. Stabilization of the shoreline.
  - d. Limbing up the existing cottonwoods to fifteen to twenty feet high.
  - e. Landscaping shall be designed to provide maximum visibility from N.E. 60th Street street-end for police patrols.
  - f. Working with the Department of Community Development and the Park Department on a final landscaping plan.
  - g. Connecting the pedestrian trail to existing paved improvements in N.E. 60th Street and extending to the path on the south side of the Foghorn Restaurant.
  - h. The trail shall be designed for the use of handicapped and disabled persons.

D. EXISTING PHYSICAL CHARACTERISTICS:

5. Topography/Soils/Geology/Vegetation. None of the aforementioned factors should constrain the Houghton Community Council or the Kirkland Planning Commission from reaching either a positive or a negative decision on this application. A final soils report should be submitted with the Final Planned Unit Development.

E. PUBLIC UTILITIES:

6. Streets, Paths/Trails, Water, Sewer, Public Transportation. None of these factors should constrain either the Houghton Community Council or the Kirkland Planning Commission from reaching a positive or negative decision on this application.

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Conclusions, Cont'd

E. 7. Traffic/Access. Neither the Public Service Department or the Department of Fire Services has any adverse comments on the proposed points of access. Each ingress and egress point should be signed and striped as necessary.

F. NEIGHBORHOOD CHARACTERISTICS:

8. Zoning/Land Use/Parks. None of these factors should constrain either the Houghton Community Council or the Planning Commission from reaching a positive or a negative decision on this application.

9. This application is generally consistent with all appropriate zoning code sections and Shoreline Master Program policies, however the following modifications will be needed to the Final PUD application.

a. The area along the high water line setback area and south property line should be kept as visually unobstructed as possible to permit maximum visibility for police patrols. This may reduce the size of the waterward extension of patios on the first level, and to a minor extent some proposed berming.

b. The landscape architect should work with the Kirkland Park Department to integrate and supplement existing landscaping at the north end of the park with the landscaping for this project.

c. Landscaping on the deck of the north building shall be kept low so as not to impair more view to the water. Landscaping shall not be above 18" - 24" and no temporary or permanent structure which obstructs view shall be permitted in this area.

d. All structural elements located in south property line and street setback areas shall be reduced in height to an elevation generally the same as the average elevation of the sidewalk. This provision shall apply to all structural elements being applied toward a 30% openness ratio. The approximate elevation of these areas will, therefore, need to be approximately 27 feet in elevation as indicated on Exhibit "E".

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RECOMMENDATIONS:

Subject to the foregoing Findings and Conclusions and as identified in Exhibits "A" through "L", we hereby recommend that this application for a Substantial Development Permit and Preliminary Planned Unit Development be approved subject to the following:

1. The applicant shall be required to develop an oil and sediment separator system which will control the entry of contaminants into Lake Washington within acceptable water quality standards.
2. The applicant shall be required to meet the requirements of the Public Service Department and the Department of Fire Services.
3. The applicant shall be required to install a security system on all outside doors to the proposed buildings to insure that the proposed development does not become a policing problem to the City of Kirkland.
4. The maximum signage for this proposed development shall be 10 square feet, and if free standing shall not exceed 3 feet above the existing grade, and shall be approved as part of the Final Planned Unit Development.
5. A final soils and engineering analysis shall be required as a condition of approval for the Final Planned Unit Development as it relates to this project.
6. The Final Planned Unit Development application shall exhibit that a minimum of 30% frontal openness is obtained with reference to Lake Washington Boulevard. All structural elements located in the south and street setback areas shall be reduced in height to an elevation generally the same as the average elevation of the sidewalk. This provision shall apply to all structural elements regarding this 30% openness ratio. The approximate elevation of these areas will, therefore, be approximately 27 feet in elevation as indicated on Exhibit "E".
7. Improvements to the water's edge pedestrian trail should include the following which are consistent with the requirements for Sunset Condominiums:
  - a. Sidewalks shall be a minimum of five feet wide, concrete and not closer than two feet to the water's edge. The pedestrian trail should connect to the existing paved improvements in NE 60th Street and extend to the path to the south side of the Foghorn Restaurant. The trail shall be designed for the use of handicapped and disabled persons.
  - b. Low lighting shall be installed as per Police Department review.
  - c. Stabilization of the shoreline should be included.
  - d. Existing cottonwoods should be limbed up to a height of 15-20 feet.
  - e. Landscaping in this area shall be designed to provide maximum visibility from N.E. 60th St. street-end for the benefit of the Police patrols.

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Recommendations, Cont'd

7. f. The applicant shall work with the Department of Community Development and the Kirkland Park Department on the final landscaping plan.
  
8. Prior to applying for Final Planned Unit Development review, the applicant shall make the following modifications to the site and landscaping plan:
  - a. The high water line setback area adjacent to N.E. 60th St. shall be kept as open as possible to permit maximum visibility for police patrol. This may reduce the size of the waterward extension of the patios on the first level and to some minor extent some of the proposed berming in this area.
  - b. The landscape architect shall work with the Kirkland Park Department to integrate and supplement existing landscaping at the north end of the park with landscaping for this project.
  - c. The landscaping on the deck of the north building shall be kept low so as to not impair more view to the water. Landscaping shall not be above 18-24" and no temporary or permanent structures which would obstruct views shall be permitted in this area.
  
9. The applicant shall design the roof of the building so as to limit the number of roof penetrations and camouflage them, while keeping them to as low a height as possible.
  
10. This project shall be subject to "Fee in Lieu" provisions of Section 23.10.110 of Ordinance No. 2183, which shall be paid prior to receiving a Building Permit.
  
11. The sidewalk along Lake Washington Boulevard shall be graded to provide a level transition across the proposed access to the understory parking.

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