

RESOLUTION NO. R- 2476

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A FINAL PLANNED UNIT DEVELOPMENT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. PUD-77-81(P), BY STANLEY REX AND PAUL THONN TO PERMIT THE CONSTRUCTION OF 23 TOWNHOUSE UNITS, BEING WITHIN A RS 8.5 ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH FINAL PLANNED UNIT DEVELOPMENT PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Final Planned Unit Development Permit filed by Stanley Rex and Paul Thonn, the owners 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 hearings thereon at their regular meetings of November 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 Final 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 Chairperson thereof and filed in the Department of Community Development File No. PUD-77-81(P) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Final Planned Unit 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 Final 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 Final Planned Unit Development Permit to initially meet or maintain strict compliance with the standards and conditions to which the Final 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 November , 1977.



Mayor

ATTEST:



Director of Administration and Finance  
(ex officio City Clerk)

FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This application is proposed by Stanley Rex and Paul G. Thonn, Jr., 1804 126th S.E., Bellevue. The name of the project is "Bay Crest Townhouses".
2. This is an application for a Final Planned Unit Development consisting of 23 townhouse units developed in six separate structures on 3.3 acres of land. The subject property is located on the south side of N.E. 116th Street and on the west side of 101st Place N.E. (Exhibit "A" - Vicinity Map and "B" - Site Plan).
3. Setbacks. The applicant proposes a minimum 20 foot setback for the corners of three structures near the north property line and 40 feet for two of the three structures near the south property line. The building in the southeast corner of the property is between 25 and 40 feet from the southern property line (See Exhibit "B"). The minimum setback on the west property line is ten (10) feet and on the east property line it is forty feet.
4. Building Height. Five of the six proposed two story structures have a maximum height of 25 feet (see Exhibit "D") above average building grade. The structure in the northwestern corner has a peak about 27 feet above average grade due to the sharp topography change in the corner (see Exhibit "D").
5. Parking. The applicant is proposing covered parking for two cars for each townhouse, plus guest parking for 12. This totals 58 stalls. The code ratio of 2.2 stalls per unit would require 50.6 stalls for a project this size.
6. Justification. Applicant points out that the property is currently "projected by the City of Kirkland Planning Department for the use proposed in this application".

B. HISTORICAL BACKGROUND: (Not applicable).

C. GOVERNMENTAL COORDINATION:

7. Kirkland Public Service Department. Comment from this Department was: "The buildings will be located in Fire Zone 4. Extension of a water main from N.E. 116th up 101st Place N.E. can be done by the City at charge to applicant (\$.07/square foot of land area). Storm water retention systems must be developed to keep surface runoff at pre-development levels. Applicant should be required to pave 101st Place N.E. to a width of 28 feet with curb, gutter and sidewalk improvements on the west side. Also, applicant should enter into agreement with the City to pay into a fund together with other new developments along N.E. 116th Street, for the purpose of then applying for matching federal monies for road and pedestrian way improvements to the arterial. This method was applied in the case of N.E. 132nd Street where the assessment was \$10 per front foot."

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Findings, Cont'd

- C. 8. Kirkland Department of Fire Services. Comment from this Department was: "Fire hydrants (are) to be installed in accordance with applicable ordinances and policies. Water mains serving the above hydrants shall be of sufficient size to provide required fire flow and all hydrants and water mains shall be installed and fully operational prior to beginning of construction. Also, the internal access road should have a minimum 12 foot lane width with the capacity for turnaround for emergency vehicles at the western terminus." The Fire Department has indicated that the proposed roadways will meet these concerns.
9. Kirkland Building Department. No relevant findings.
10. Kirkland Park Department. The comment from this Department was: "Fee-in-lieu fund requirements should be taken in cash rather than land. Some pedestrian access onto N.E. 116th should be provided besides along 101st Pl. N.E." The applicant has identified such a pedestrian system on his plan (see Exhibit "B").
11. Police Department. No relevant findings.

D. EXISTING PHYSICAL CONDITIONS:

12. Topography/Soils. Local soils mapping indicates the subject property to be within a Ragnar-Indianola association, sloping (Rdc) classification. The topography generally corresponds to the gradient of N.E. 116th St. and falls away to the west. Most of the site is on an approximately 8 to 10% slope with small areas of 15 to 20% slope. Some of this slope at the west end of the property is mapped by the Department of Natural Resources as naturally stable/potentially unstable. The soils report concluded that the site is inherently stable (see Exhibit "F").
13. Geology. Local geologic mapping indicates the subject property to be within a Vashon Till (Qt) unit.
14. Hydrology. An existing watercourse lies south of the subject property and drains west to Juanita Bay.
15. Flora. The subject property exhibits scrub vegetation.
16. Fauna. Staff has no knowledge of observed animal life on the subject property.

E. PUBLIC UTILITIES:

17. Streets. The subject property is fronting on N.E. 116th Street which is designated as a secondary arterial. The property also fronts on 101st Place N.E., a sixty foot wide unimproved City right-of-way. The applicant has indicated that the proposed development will access only onto 101st Place N.E. Exiting from 101st Place N.E. onto N.E. 116th Street there is excellent

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Findings, Cont'd

## E. 17. (Cont'd)

visibility (700+ feet) looking west. Visibility to the east is more limited (about 150 feet) due to the gradient of the road and vegetation growing near the right-of-way east of 101st Place N.E. Applicant has agreed to pay into a fund established by the Public Service Department for the purpose of making improvements into N.E. 116th Street right-of-way (see Exhibit "B").

18. Paths/Trails. N.E. 116th Street has no sidewalk or trail improvements whatsoever at this time. Further east there is some area with asphalt walkways adjacent to the roadway. Applicant has indicated some pedestrian walkways through the site and connecting to N.E. 116th Street (see Exhibit "B").
19. Domestic Water Supply. An 8" water main exists in N.E. 116th Street. Hookup to the subject property would most likely be vis 101st Place N.E.
20. Fire Hydrants. There are no hydrants on or near the site.
21. Sanitary Sewer. There is a Northeast Lake Washington Sewer District line in N.E. 116th Street. Nearest City sanitary sewer line is about 400 feet to the southwest in 100th Avenue N.E. At applicant's initiation, the N.E. Lake Washington Sewer District and the Kirkland Public Works Department negotiated a service agreement for the subject property.
22. Storm Sewers. No storm sewers now serve the area. Natural drainage is to the west/southwest into the ravine, or along open ditches along the south side of N.E. 116th Street. Applicant proposes to use a berm and ponding technique in the northwest corner of the property as part of the storm sewer system (see Exhibit "C").
23. Public Transportation. Metro Route 255 follows N.E. 116th Street providing access to the Kingsgate, downtown Kirkland and Seattle areas. A new Metro bus stop exists on N.E. 116th Street adjacent to the subject property.

## F. NEIGHBORHOOD CHARACTERISTICS:

24. Zoning. The subject property is zoned RS 8500 as are properties to the south and east. Lands to the west and north are in King County and are zoned RM 2400 and RS 9600, respectively. Apartments are under construction on the county lands immediately west of the subject property. Section 23.28.090(3) of the Kirkland Zoning Ordinance in the Planned Unit Development Chapter states that the allowed additional increment of density for a PUD on a given piece of land is determined by designations in the Land Use Policies Plan (see G.27 below).

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Findings, Cont'd

- F. 25. Land Use. There is an existing older single family structure in the center of the otherwise vacant site. Land to the south is undeveloped. Apartments are under construction to the west. Two single family homes are located east of 101st Place N.E., at an elevation roughly ten to fifteen feet higher than the east property line of the subject property. North of N.E. 116th Street are established single family homes, all of which face onto interior collector roads and access onto N.E. 116th Street via 101st Place N.E. The Juanita commercial area is about 900 feet west of the subject property, within walking distance.
26. Public Recreation/Open Space. Juanita Beach Park is about a half mile away to the west. The only other formal recreation area nearby is A.G. Bell Elementary about three quarters of a mile to the southeast. Good views of Juanita Bay are available from the subject property. An undeveloped wooded ravine lies 100 to 150 feet south of the subject property.

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

27. The recently adopted Land Use Policies Plan discusses the subject of residential density for this area on Pages 321 to 323:

"Slightly higher densities (up to 7 dwelling units per acre) may be permitted on lands fronting on N.E. 116th Street subject to the following conditions:

- (1) This added increment of density would be allowed only on a planned unit development basis.
- (2) Visual buffering by a landscaped setback (normally 40 feet) should separate slightly higher density development from single family adjacent uses.
- (3) There is no direct access from individual dwelling units onto N.E. 116th Street. Access to N.E. 116th Street would be limited to interior loop roads, cul-de-sacs or similar streets. This added increment of density should not be available to properties where topographic conditions pose traffic hazards due to line-of-sight problems. Furthermore, access should be limited to N.E. 116th Street and not onto residential streets to the south.
- (4) Pedestrian access through the development should be required as a condition of approval, if appropriate, to facilitate access to schools.
- (5) Extensions of higher density development should not penetrate into lower density areas and should therefore be permitted, only within a specified distance from N.E. 116th Street.

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Findings, Cont'd

G. 27. (Cont'd)

- (6) Height of structures does not exceed that of adjacent residential uses.
- (7) Some open space is to be included on site in addition to that required under the "in lieu" provisions to meet community needs.
- (8) A slope analysis indicates that this higher density would be suitable on the potentially unstable slope east of 100th Avenue N.E. See the Natural Elements Section for the location of the slope and additional information.

Common wall or cluster housing will be encouraged."

Also, a need for a neighborhood park in the Juanita Heights area (2 to 4 acres in size) has been identified in the Land Use Policies Plan, although no site has been selected.

Improvement to N.E. 116th Street is planned by the Public Service Department in conjunction with King County. The two year program envisions a 40 foot curb-to-curb alignment with bicycle/pedestrian ways adjacent. This could be eligible for FAM funds (Federal Aid Match) or some combination of City, County, and private monies.

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This application for a Preliminary Planned Unit Development is generally consistent with the requirements of the Kirkland Zoning Ordinance and Land Use Policies Plan as specified below.
2. Setbacks. The building in the southeast corner of the property encroaches into the 40 foot wide southerly buffer. Staff concurs with applicant that this siting of the building permits greater buffering of the parking on the east side of the property, greater privacy for other units in the vicinity, and a better orientation to the view. Also, the slight encroachment into the setback will not seriously impact the property to the south since the nearest point is, in fact, a vertex of two perpendicular lot lines and the bulk of the applicant's building tapers away from that point.

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Conclusions, Cont'd

- A. 3. Height. The two foot intrusion of the northwesternmost building beyond the 25 foot limit is insignificant. This is due to the fact that the single family homes to the east of 101st Place N.E. are roughly 40 feet higher and no serious view blockage would occur. Due to the larger than normal setbacks of this project from the east and south and because the view from surrounding uses (will not be) substantially impaired by the additional height the staff concludes that the applicant should be permitted this height under the PUD provisions at 23.28.090(1) of the Zoning Ordinance.
- B. HISTORICAL BACKGROUND: (Not applicable).
- C. GOVERNMENTAL COORDINATION:
4. Department of Public Services. Applicant should be required to bond for roadway improvements, as well as make provision for sewer and water hookups prior to issuance of building permits. Applicant has agreed to contribute to a fund for improvements to N.E. 116th Street and bond for site improvements. (See Exhibit "G").
5. Department of Fire Services. Hydrants and water main connections should be secured by applicant prior to the City granting building permits. The Fire Department has indicated that the proposed asphalt roadway would be acceptable if "NO PARKING" signs were posted and adequate guest parking provided.
6. Kirkland Building Department. No relevant conclusions to this application.
7. Park Department. Prior to issuance of building permits the applicant should be required to pay either 10% of the assessed valuation of the property into the Park and Municipal Facilities Cumulative Reserve Fund, or \$200 per newly created unit, whichever is greater.
- D. EXISTING PHYSICAL CHARACTERISTICS:
8. Topography/Soils/Geology. The applicant has submitted an engineering soils report which indicates that the site is inherently stable (see Exhibit "F").
9. Hydrology/Fauna. The above listed characteristics would not pose a constraint upon reaching a positive or negative decision regarding this project.
10. Vegetation. Applicant's landscaping plan appears to meet the conditions asked for in the Preliminary P.U.D. (See Exhibit "C").

Conclusions, Cont'd

E. PUBLIC UTILITIES:

11. Streets. The use of 101st Pl. N.E. as the sole access to the arterial is consistent with the policies in the Land Use Policies Plan. Adequate sighting distances exist from 101st Place N.E. onto N.E. 116th Street. Applicant has agreed to pave 101st Place N.E. to a 28 foot width, together with curb, gutter and sidewalk on the west side as far south as the entrance driveway. Adequate turnaround for emergency vehicles is available.
12. Paths/Trails. Applicant has submitted a letter of intent to the City indicating a willingness to help fund road and path improvements to N.E. 116th Street. (See Exhibit "G"). An internal pedestrian circulation has been shown which will connect with future pedestrian ways in N.E. 116th Street right-of-way. This is consistent with policies to encourage non-vehicular circulation.
13. Domestic Water Supply. Existing water pressure is adequate. However, the applicant should fund the extension of a line from said main into 101st Place N.E. and thence into the subject property.
14. Fire Hydrants. One and possibly two hydrants should be installed on site in association with water and street improvements and prior to construction.
15. Sanitary Sewer. Adequate sewer connection should be agreed to between the City of Kirkland and the Northeast Lake Washington Sewer District prior to the issuance of building permits.
16. Storm Sewers. Runoff from the subject property would drain into the existing ravine to the south and west. The applicant has submitted for approval a water retention system designed for up to a 10-year storm. This design includes a holding pond in the northwest corner of the property and meets with the approval of the Public Service Department.
17. Public Transportation. The new METRO bus stop adjacent to this property will facilitate the use of transit.

F. NEIGHBORHOOD CHARACTERISTICS:

18. Zoning. The proposed development is consistent with the provisions of the Kirkland Zoning Ordinance with respect to density (Section 23.28.090(3)) and other dimensional requirements.
19. Land Use. The proposed development is consistent with the common wall low density precedent that was set by the Springtree P.U.D., 600 feet to the east. Its overall density (7 dwelling units per acre) is in scale with the single family detached units to the north and east.

Conclusions, Cont'd

- F. 20. Public Recreation/Open Space. The proposed development has included an open space for on-site resident use beyond that required by the code (See Exhibit "C"). This amenity is a response to the Commission's comments on the Preliminary PUD.
- G. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:
21. All proposed streets adjacent to and within the proposed P.U.D. are designed to City standards.
22. All required utilities shall be undergrounded.
23. The proposed P.U.D. is generally consistent with the standards outlined in the Zoning Ordinance and the Land Use Policies Plan (see G.27 above). Applicant has shown 23 units on the site which is consistent with the density discussed in the Land Use Policies Plan. Standard 7 cited on Page 322 of the Land Use Plan is addressed by the applicant at the northwest corner of the subject property where an open "natural" area is to be improved with some benches, picnic tables, and a pool. Standard 8 is spoken to by the Soils Report which indicates that the land is inherently stable.

RECOMMENDATIONS:

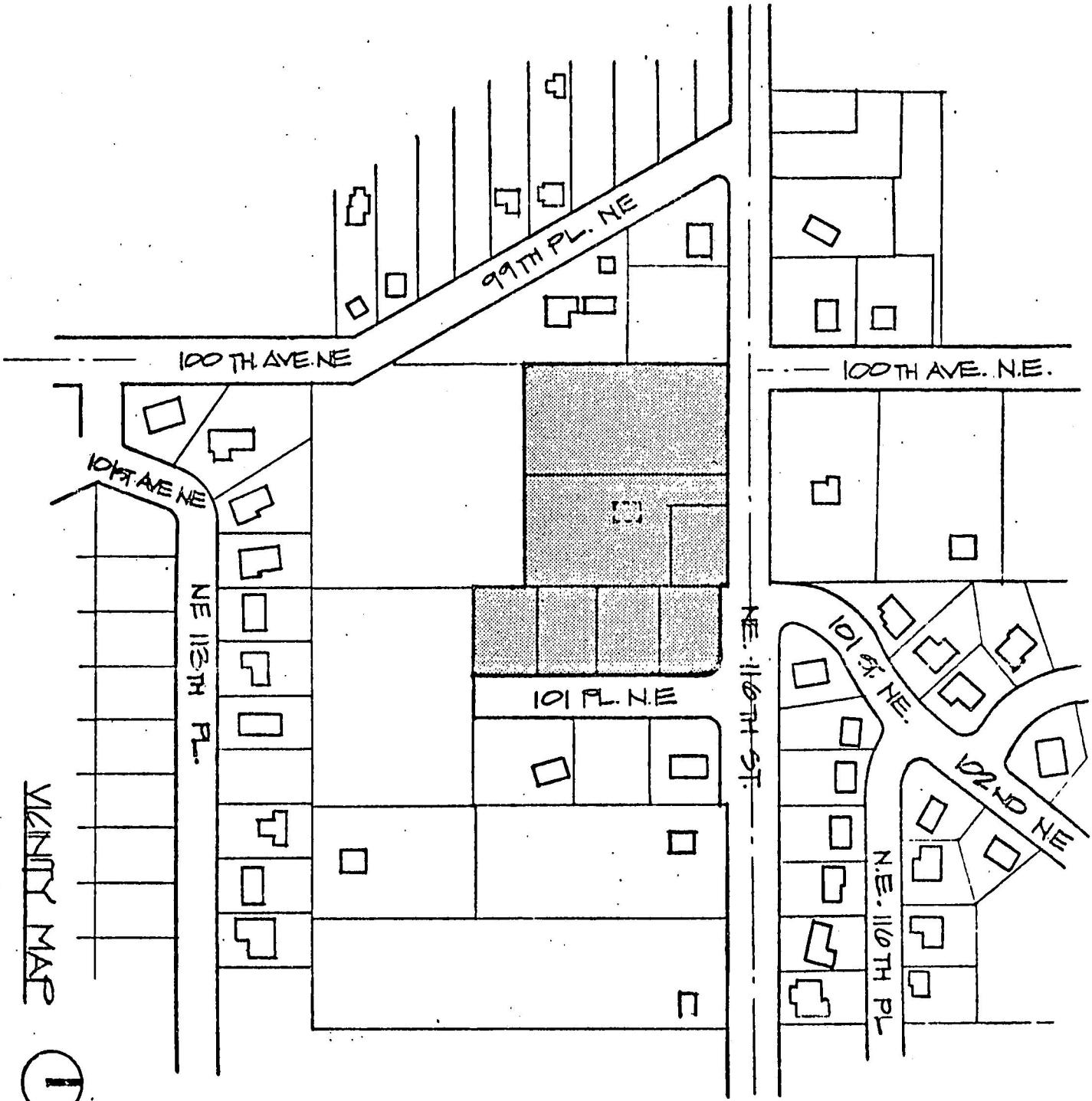
Based upon the foregoing Findings and Conclusions and as identified in Exhibits "A" through "G", we hereby recommend that this application for Final Planned Unit Development be approved subject to the following:

1. The applicant shall make improvements to 101st Place N.E. as outlined above, in E.11. of Conclusions. Also, the applicant shall reach an agreement with the Department of Public Services regarding procedures for paying into the fund to provide future improvements in the N.E. 116th Street right-of-way prior to issuance of a Building Permit.
2. Water main extensions and hydrants shall be in place and built to City standards prior to beginning construction.
3. Applicant shall insure adequate provision for locating and financing sewer hookup prior to issuance of building permits. Applicant shall extend such a line to the easterly property line to facilitate future upland hookups.
4. Applicant shall include an oil and sediment separator as a feature of the storm drainage system.
5. All required utilities shall be undergrounded.
6. Applicant shall erect signs along N.E. 115th Lane which meet standards set by the Department of Fire Services and state that "NO PARKING" is permitted there.

Recommendations, Cont'd

7. The architect and developer shall work together with staff to develop a more refined landscaping plan. This more refined plan shall include some screening or buffering materials along the southern border and a selection of plant materials along the northern and eastern borders that would not interfere with upland views.





VICINITY MAP

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olson  
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EXHIBIT "A"  
VICINITY MAP  
PUD-77-81(P)  
BAYCREST TOWNHOUSE