

RESOLUTION NO. R- 2494

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-77-95(P), BY JAMES JACOBSON TO CONSTRUCT A 6-UNIT APARTMENT COMPLEX, BEING WITHIN A RESIDENTIAL SINGLE FAMILY 8,500 (RS 8.5) ZONE 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 James Jacobson, the owner of said property described in said application and located within a Residential Single Family 8,500 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of January 12, 1978, 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 Chairperson thereof and filed in the Department of Community Development File No. R-77-95(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 Residential Single Family 8,500 (RS 8.5) to Residential Multi-Family 3600 (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.

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.

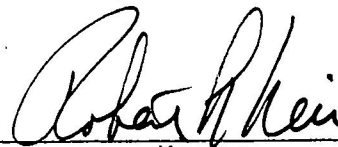
Section 4. Nothing in this section shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to this project, other than expressly set forth herein,

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 23.62.070 of Ordinance No. 2183, the Kirkland Zoning Ordinance.

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

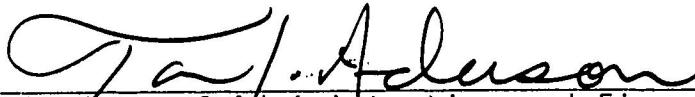
- (a) Applicant
- (b) Department of Community Development
- (c) Building Department of the City of Kirkland
- (d) Fire Department of the City of Kirkland
- (e) Police Department of the City of Kirkland
- (f) Public Service Department of the City of Kirkland
- (g) The Office of the Director of Administration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

ADOPTED in regular meeting of the City Council on the 6th day of February , 1978.



Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

___ PREPARED BY _____ DATE _____

XX RECOMMENDED BY _____ DATE January 12, 1978

___ ADOPTED BY _____ DATE _____

___ STAFF _____

___ BOARD OF ADJUSTMENT _____

___ HOUGHTON COMMUNITY COUNCIL _____

XX PLANNING COMMISSION _____
Robin Mullis
Acting Chairperson

___ CITY COUNCIL AS INCORPORATED IN _____

___ RESOLUTION _____ ORDINANCE

NUMBER _____

DATE _____

FILE NUMBER R-77-95(P)

APPLICANT JAMES JACOBSON

PROPERTY LOCATION 9th Avenue S., east of 6th St. S.

SUBJECT Rezone for a 6-unit apartment complex from RS 8.5 to RM-3600

HEARING/MEETING DATE February 6, 1978

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Vicinity Map "C" Site Plan/Landscape Plan "D" Zoning

STATEMENTS OF FACT:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application by Jacobson Homes, Inc., for a Resolution of "Intent to Rezone" at 663 9th Avenue South in Kirkland, and as identified on Exhibits "B", Vicinity Map, and "C", Site Plan/Landscape Plan.
2. The applicant requests a change in zoning from Residential Single Family, 8500 square feet per lot, to Residential Multi-Family, 3600 square feet of lot area per unit.
3. The applicant proposes to build one 6-unit, 3-story apartment structure on the subject property. This building would obtain access from 9th Avenue South. These two-bedroom units would constitute approximately 900 square feet of floor area each and be situated approximately in the center of the 21,780 square foot site. The applicant is also proposing 14 stalls for parking. As proposed, the parking lot results in an excess amount of asphalt surface. The proposed structure is 30 feet tall measuring from average building grade."
4. 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 for this application. After reviewing the environmental checklist, the Director of the Department of Community Development made a threshold determination that approval of this application would not have a significant adverse impact upon the quality of the environment and that an environmental impact statement is not required (The proposed Declaration was made on November 28, 1977). After the lapse of 15 days following the initial threshold determination, the Director of the Department of Community Development made a Final Declaration of Non-Significance on December 13, 1977.

B. HISTORICAL BACKGROUND:

5. An earlier application for rezone of this property to RM-1800 was denied by the City Council on September 19, 1977.

C. EXISTING PHYSICAL CHARACTERISTICS:

6. Topography. The subject property is fairly flat.
7. Soils/Geology. The generalized mapping for the area shows the subject property to be in Alderwood Gravelly Sandy Loam (AgC 6-15%). The geology of the area is Vashon Till (Qt).
8. Vegetation. Existing vegetation on the subject property consists of grasses and a number of maple and alder trees on the eastern property line and in the southern portion of the property.

Statements of Fact, Cont'd

D. PUBLIC UTILITIES:

9. Streets. The subject property fronts onto 9th Avenue South. This two-lane neighborhood collector is within 100 feet of the intersection of 6th Street South which is a secondary arterial (see Figure 27 on Page 240 of the Land Use Policies Plan).
10. Traffic/Access. The applicant proposes to obtain access off of 9th Avenue S. through the use of a single access point located on the northern property line (refer to Exhibit "C" - Site Plan/Landscape Plan). Adequate sight distances are available from this access point at 9th Avenue South.
11. Sanitary Sewer. There currently exists an 8-inch sanitary sewer line in the right-of-way of 9th Avenue South which could be extended to adequately serve the subject property.
12. Domestic Water. There is an existing 6-inch water main in the right-of-way of 9th Avenue South.
13. Fire Hydrants. Fire hydrants are located at the corners of 6th Street South and 9th Avenue South, and 7th Street South and 9th Avenue South which could serve the subject property.
14. Storm Sewers. 9th Avenue South does not have curb nor gutter. An open ditch drainage system is located on either side of the street.
15. Pedestrian Ways/Parks. There is no pedestrian way abutting the subject property on 9th Avenue South. Everest Park is located to the northwest of the subject property. No acquisition of additional park land is indicated in the Land Use Policies Plan. A recent preliminary subdivision to the east of the subject property was required to include the provision for a 5 foot concrete curb, gutter and sidewalk on the north side of 9th Avenue South between 8th Street South and 10th Street South.
16. Public Transportation. The subject property lies within walking distance of N.E. 68th Street which is served by Metro Transit Routes 251 and 255.

E. NEIGHBORHOOD CHARACTERISTICS:

17. Zoning. The subject property is presently zoned RS 8500 as are the properties to the immediate northeast and west (see Exhibit "D" - Zoning). The property immediately adjacent to the south is zoned RM 3600.
18. Land Use. The subject property is presently vacant as is the half acre site immediately to the south and the 3/4 acre property across 9th Avenue South immediately to the north. To the east of the subject property along its northeastern border is a single family home. A single family home also lies to the west of the subject property fronting immediately onto 6th Street South.

Statements of Fact, Cont'd

E. 18. (Cont'd)

Single family homes also exist to the northwest and to the far northeast of the subject property. A power substation exists adjacent to the south half of the westerly property line of the subject property. Industrial uses lie approximately 200 feet to the west of the subject property while the commercial uses in the Houghton Shopping area lie 300 to 400 feet to the southwest. There are also multi-family units of a similar density to the proposed project approximately 200 feet to the east and southeast.

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

19. Pursuant to the Kirkland Planning Commission and a City Council review of the request for an 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."
 - b. The use or change in zoning requested in the Zoning Map of the Zoning Ordinance, for the establishment of commercial, industrial, or residential uses shall be supported by an architectural site plan showing the proposed development and its relationship to the surrounding area as set forth in application form and further described under Section 23.62.030."
 - c. An analysis of physiographic elements, existing in planned municipal services including water supply (domestic and fire demand), sewage collection and treatment, and storm water control shall be prepared by the City Planning staff in conjunction with related City Departments as an element of the administrative report."
 - 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."
20. 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), The maximum height for multi-family structures located on the perimeter of an RM zone and adjacent to a low density area as defined in the Land Use Policies Plan shall not exceed 25 feet (23.10.090).
 - b. Parking requirements (Section 23.34),
 - c. Landscaping Requirements, (Sections 23.40.040 and 23.34.100).

Statements of Fact, Cont'd

F. 20. (Cont'd)

The relevant sections of the Land Use Policies Plan with regard to this item can be found in figure 23 on Page 235 and in the text on Page 285. The latter reads as follows:

"The southern portion of the Everest area is impacted by the existence of a freeway interchange and by heavy traffic volumes along N.E. 68th Street. The land south of 9th Avenue South is primarily in some sort of residential use. There are both large and small multi-family complexes as well as some older single family homes and some undeveloped land. Future multi-family development in this area could be considered at a maximum of 10 to 14 dwelling units per acre."

Also, references in the Living Environment Section can be found on Page 59 (Policy 4) and on Page 50. The first citation states as a policy direction of the plan to "provide opportunities for new multi-family residential uses in designated areas in accordance with the development performance standards". The latter reference is to "building and site design standards(which) may enable mixing densities." The balconies and most of the windows are oriented to the west.

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This application is generally consistent with the requirements of the "Intent to Rezone" provisions of the Kirkland Zoning Ordinance No. 2T83, Section 23.62.

B. HISTORICAL BACKGROUND:

2. This application confirms that residential development at the density designated in the Land Use Policies Plan is in fact viable and reasonable.

C. 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 negative decision on this application. Existing vegetation should be maintained to maximum extent possible and integrated into the landscaping plan at the time of the building permit application. At that time a tree retention plan should be submitted showing all trees 6" or more in caliper and indicating which are to remain.

Conclusions, Cont'd

D. PUBLIC UTILITIES:

4. Streets. The street facility and sight distances servicing the subject property are adequate.
5. Traffic/Access. No relevant conclusions.
6. Sanitary Sewer. Sewers should be extended at the developer's expense to serve the subject property at the time of development.
7. Domestic Water/Fire Hydrants. Water connection should be made at the developer's expense.
8. Storm Sewers. Prior to building permit approval, the applicant should be required to submit design and calculations for a storm water retention system capable of managing a ten-year storm. The system will be designed so that the quantity and quality of water leaving the site after development will be the same as the water leaving the site at pre-development for a 10-year storm. The system shall be provided with an oil and sediment separator system.
9. Pedestrian Ways/Parks. Prior to building permit approval, the applicant should be required to 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. Also, in order to further the development of a pedestrian system to serve the interior of the south Everest residential area, the applicant should be required to sign a "NO PROTEST" agreement (in a form approved by the Department of Community Development) for the future formation of a Local Improvement District for the provision of curb, gutter, and sidewalks along 9th Avenue South.

E. NEIGHBORHOOD CHARACTERISTICS:

10. Zoning/Land Use. The approval of the application as proposed would be consistent with the zoning and land use patterns in the area.

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

11. Following discussion is applicable to the criteria used in the review of the "Resolution of Intent to Rezone" application (Section 23.62.050).
 - a. This application is consistent with the Land Use Policies Plan regarding multiple family density. Further, this Intent to Rezone application does generally conform to the appropriate policies of the Land Use Policies Plan.
 - b. The applicant has submitted an architectural plan of the existing subject property, site plan, elevation, and survey and landscaping plans to support this application.

Conclusions, Cont'd

- F. 12. 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: Proposed development plan as identified in Exhibit "C" conforms to the existing Residential Multi-Family zone requirements regarding setbacks, and lot coverage. The proposed structure is 5 feet higher than the dimension allowed by Section 23.10.090 of the zoning code and should be lowered to conform to that requirement.
 - b. The proposed parking plan for the subject property generally conforms to the Kirkland Zoning Ordinance regarding parking areas. However, the visual impacts and inefficiencies of the proposed parking layout should be corrected by redesigning it so that all stalls access directly (at right angles) off the north-south driveway. Also, the landscaped buffer along the north property line should be increased from the 4 feet indicated to a 10 foot dimension.
13. 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 City of Kirkland Zoning Ordinance No. 2183.

RECOMMENDATIONS:

Subject to the foregoing Statements of Fact, Conclusions, and Exhibits "A" through "D", we hereby recommend that the Resolution of "Intent to Rezone" application be approved subject to the following conditions:

1. The applicant shall contact the serving solid waste utility and locate approved site-screened solid waste containers.
2. The applicant will be required to pay appropriate fees for both water and sewer connections.
3. At the time of application for a Building Permit the applicant shall submit design and calculations for a storm water retention system capable of managing a ten-year storm. The system will be designed so that the quantity and quality of water leaving the site after development will be the same as the water leaving the site at pre-development for a 10-year storm. The system shall be provided with an oil and sediment separator system.
4. At the time of application for a Building Permit the applicant shall submit a tree retention plan showing those trees 6" in caliper or more and indicating which are to be removed and which are to remain.

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Recommendations, Cont'd

5. Prior to the issuance of a Building Permit the applicant shall deposit into the "Fee in Lieu of Open Space" account of the Park and Municipal Facilities Cumulative Reserve Fund an amount equal to 6% of the assessed valuation of the subject property or \$200 per unit, whichever is greater.
6. At the time of Building Permit application, the applicant shall submit a "No Protest Agreement" in a form approved by the Department of Community Development to the formation of a Local Improvement District along 9th Avenue South for the provision of curb, gutter and sidewalks.
7. The applicant shall modify the structure so as to conform to the 25 foot height limitation for buildings on the perimeter of an RM zone and adjacent to a low density area as designated in the Land Use Policies Plan.
8. The applicant shall redesign the parking lot so as to achieve a 10 foot wide landscaped buffer along 9th Avenue South and shall rearrange all 14 of the stalls so that they are at right angles to and served directly off of the north-south driveway.