

RESOLUTION NO. R- 2510

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A CONDITIONAL USE AND SUBSTANTIAL DEVELOPMENT PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. CUP-SDP-78-5(P), BY ROBERT MENDEL, TO CONSTRUCT A SIX-UNIT RESIDENTIAL STRUCTURE AT 10TH AVENUE SOUTH AND LAKE WASHINGTON BOULEVARD, BEING WITHIN A WATERFRONT DISTRICT I ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH CONDITIONAL USE PERMIT AND SUBSTANTIAL DEVELOPMENT PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Conditional Use Permit and a Substantial Development Permit filed by Robert Mendel, the owner of said property described in said application and located within a Waterfront District I zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearings thereon at their regular meeting of February 9, 1978, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2319 concerning environmental policy of the State Environmental Policy Act, an environmental assessment 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 assessment 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 assessment and negative declaration did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Substantial Development Permit and Conditional Use 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. CUP-SDP-78-5(P) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Conditional Use Permit and 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 Conditional Use and 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 Conditional Use Permit and 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.

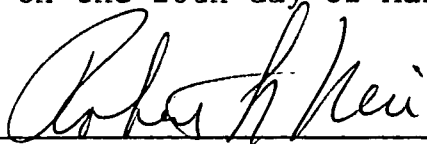
Section 5. Failure on the part of the holder of the Conditional Use Permit and Substantial Development Permit to initially meet or maintain strict compliance with the standards and conditions to which the permit is subject shall be grounds for revocation in accordance with Section 23.54.090 of Ordinance 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. Certified or conformed copies of this Resolution shall be delivered to the following:

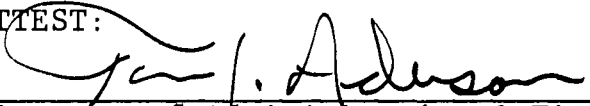
- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Building Department of the City of Kirkland
- (d) Fire Department of the City of Kirkland
- (e) Park Department of the City of Kirkland
- (f) Police Department of the City of Kirkland
- (g) Public Service Department of 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

PASSED BY MAJORITY VOTE of the Kirkland City Council in regular meeting on the 20th day of March, 1978.

SIGNED IN AUTHENTICATION thereof on the 20th day of March, 1978.



 Mayor

ATTEST:


 Director of Administration & Finance
 (ex officio City Clerk)



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

___ PREPARED BY _____ DATE _____

XXX RECOMMENDED BY _____ DATE March 9, 1978

___ ADOPTED BY _____ DATE _____

___ STAFF _____

___ BOARD OF ADJUSTMENT _____

___ HOUGHTON COMMUNITY COUNCIL _____

XX PLANNING COMMISSION _____

David Russell
David Russell, Chairperson

___ CITY COUNCIL AS INCORPORATED IN _____

___ RESOLUTION _____ ORDINANCE

NUMBER _____

DATE _____

FILE NUMBER CUP-SDP-78-5(P)

APPLICANT ROBERT MENDEL

PROPERTY LOCATION S. of 10th Ave. S. street-end & west of Lake St. S.

SUBJECT Substantial Development Permit and Conditional Use Permit
for 6 Condominium Units

HEARING/MEETING DATE March 20, 1978

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Site Plan I & Vicinity Map

"C" Site Plan II "D" Survey

Conclusions, Cont'd

- C. 4. Prior to Building Permit approval, the Department of Community Development, Park Department, and the Park Board should review and approve a landscaping and improvement plan for all public areas.
- D. EXISTING PHYSICAL CHARACTERISTICS:
5. Topography/Soils/Geology/Vegetation. The aforementioned factors should not constrain the Kirkland Planning Commission from reaching either a positive or negative decision on this application. A soils/structural engineering report should be required with the submittal of a Building Permit application.
- E. PUBLIC UTILITIES:
6. Streets, paths/trails, water, sewer, fire hydrants. None of these factors should constrain the Kirkland Planning Commission from reaching a positive or negative decision on this application. The applicant should, however, be required to conform to the recommendations contained in Conclusions No.'s 2, 3 and 4 above. Each ingress/egress point should be signed and striped accordingly on both 10th Ave. So. and Lake St. So.
- F. NEIGHBORHOOD CHARACTERISTICS:
7. Zoning/Land Use/Parks. To increase the view to the northwest for the single family house immediately to the south of the subject property, the applicant should consider moving the structure 5 feet to the north. To minimize the visual impact of any waste receptacles, either ground waste containers or a screened dumpster should be provided.
- G. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:
8. Other than those comments mentioned in previous conclusions, this application will be consistent with the Shoreline Master Program and the Waterfront District Zoning Ordinance.

RECOMMENDATIONS:

Subject to the foregoing Statements of Fact, Conclusions, and as identified in Exhibits "A" through "D", we hereby recommend that this application for a Conditional Use Permit and Substantial Development Permit be approved subject to the following:

1. The applicant, along with any Building Permit application, shall submit a landscaping and improvement plan for all public areas along Lake St. So., 10th Ave. So., and the water's edge. Prior to Building Permit approval this plan shall be reviewed and approved by the Department of Community Development, the Park Department, and the Park Board. Said landscaping and improvement plan shall conform to the provisions of Conclusion No. 3 above.

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Recommendations, Cont'd

2. At the time of Building Permit application, the applicant shall submit a soils/structural engineering report.
3. The applicant shall develop an oil and sediment separator system which will control the entry of contaminants into Lake Washington within acceptable water quality standards.
4. The applicant shall be required to install a security system on all outside doors of the proposed structure.
5. Ground waste containers or a dumpster shall be provided. Any dumpster shall be screened from view from both Lake Street South and 10th Avenue South and the location of any dumpster shall be approved by the serving solid waste utility contractor.
6. The applicant shall provide a sidewalk where the subject property abuts Lake Street South. This sidewalk shall match the existing sidewalk to the south.
7. The applicant shall provide utility drawings along with the submittal of any Building Permit application.
8. The applicant shall consider moving the building 5 feet north of the proposed location.

Statements of Fact, Cont'd

E. 16. Fire Hydrants. There is an existing fire hydrant located in the southeast corner of the intersection of 10th Ave. So. and Lake Street So.

17. Sanitary Sewer. There is an existing 12 inch sanitary sewer line in Lake Street So.

F. NEIGHBORHOOD CHARACTERISTICS:

18. Zoning. The subject property is zoned Waterfront District I as are all properties located west of Lake Street So. to the north and south of the subject property. South of 10th Avenue So. just east of Lake Street So. is a Neighborhood Business zone. On the north and south of the Neighborhood Business zone is multi-family zoning.

19. Land Use. Single family residences exist south of the subject property west of Lake Street So. A neighborhood business exists just east of the subject property across Lake Street So. Farther to the east are more single family houses. To the north, northeast and southeast of the subject property are various apartments and condominiums.

20. Park/Recreation/Open Space. The subject property abuts a dedicated City street-end. Marsh Park, one of three major waterfront parks in the City, is located approximately 500 feet to the south.

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

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

a. Public Access Policies Nos. 1, 2, and 7 (Page 15).

b. Residential Policy 3 (Page 29).

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

a. Purpose (Section 23.12.010)(6)).

b. Parking (Section 23.12.043(1)(a)).

c. Allowable Floor Area (Section 23.12.051).

d. Setbacks (Section 23.12.052), and
North Property Line Definition (Page 4).

e. Building Height (Section 23.12.056)

f. Soils and Geologic Analysis (Section 23.12.061(d)).

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CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This application for a Conditional Use Permit and a Substantial Development Permit is consistent with the requirements of the Waterfront Zoning Ordinance No. 2206 and is generally consistent with the Kirkland Shoreline Master Program.

B. HISTORICAL BACKGROUND: (No relevant conclusions)

C. GOVERNMENTAL COORDINATION:

2. While the Public Service Department's recommendations regarding relocation of the driveway to the west may result in a lesser grade, this relocation is not necessary as the proposed grade from Lake Street So. to the subject property is approximately 12 per cent over the 70 feet of distance. The applicant should be required to meet the other recommendations and requirements of the Public Service Department. Specifically, the applicant should: provide utility drawings along with the submittal of any Building Permit application, indicate, at the time of Building Permit application, a dumpster location approved by the City's solid waste contractor, and install a sidewalk to match the existing sidewalk to the south on Lake St. So. where that right-of-way abuts the subject property.
3. Improvements to the water's edge trail and to the pedestrian way between Lake St. So. and the water's edge should include the following:
 - a. The walk should be of aggregate concrete and at least 6 feet wide. Along the water's edge this walk should not be closer than 2 feet to the water's edge.
 - b. All pedestrian improvements should be designed for use of handicapped and disabled persons.
 - c. That portion of the pedestrian way connecting Lake St. So. to the water's edge which is west of the driveway should be wholly within the right-of-way of 10th Ave. So.
 - d. A public seating area should be provided at the west end of 10th Ave. So.
 - e. Low lighting (no higher than 8 feet) should be provided.
 - f. The applicant should work with the Department of Community Development and the Park Department on a landscaping plan.

STATEMENTS OF FACT:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application for a Substantial Development Permit and a Conditional Use Permit for a total of six condominium units developed on an approximately 20,000 square foot parcel immediately south of the 10th Avenue South street-end and west of Lake Street South.
2. The applicant proposes a three-story structure to contain six condominium units. This structure would have a height of 30 feet above grade, 32 feet above high water level, and 20 feet above the level of Lake Street South.
3. The applicant proposes 14 parking stalls. Thirteen of these fourteen parking stalls will be entirely below grade and covered and will extend to within 10 feet of the front property line. The fourteenth parking stall is proposed to be set back 55 feet from the front property line.
4. For the structure itself, the applicant proposes a 55 foot setback from the property line abutting Lake Street South, a 20 foot setback from the property line abutting 10th Ave. South, a 10 foot setback from the south property line, and a 32 foot setback from the high water line.
5. The applicant proposes public access to and within the high water line setback area. This public access is proposed to include a stairway system down from the street level and a walk along the north side of the subject property and along the water's edge. The walkway along the north side of the building is proposed to be separated from the structure by a 3 foot high berm. All of the above is proposed to be provided on the subject property.
6. Within the setback area along Lake Street South, the applicant proposes a landscaped public area with seating.

B. HISTORICAL BACKGROUND: (Not Applicable)

C. GOVERNMENTAL COORDINATION:

7. Public Service Department. "Recommend relocation of driveway to the west - grade problem with existing location. Provide utility drawings before permit is issued. Install sidewalk on Lake Washington Boulevard to match existing sidewalk to south. Indicate dumpster location approved by solid waste contractor."
8. The Park Department. "(1) No treatment of north side of building abutting on 10th - no buffer -- this is to be included. (2) Expect half of 10th South to be developed

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Statements of Fact, Cont'd

C. 8. (Cont'd)

by applicant. (3) Public walkway in front and side.
(4) General landscape plan needed."

In addition, the Kirkland Park Board on February 8, 1978 had the following recommendations for this proposal:

- (1) Sidewalk on Lake Washington Boulevard should extend around the corner to 10th, down to the waterfront, and across the waterfront property to the south border.
- (2) The Planning Commission would be asked to be sure that any sidewalk on the trail system is 6 foot minimum width.
- (3) The Board reviewed the developer's plans for landscaping and recommended his using the first plan as a basis for the street-end.
- (4) Future waterfront access should be determined.

9. Fire Department/Police Department/Building Department. (No comments)

D. EXISTING PHYSICAL CHARACTERISTICS:

10. Topography. Please refer to the survey identified as Exhibit "D" which indicates the existing topography of the subject property.
11. Soils/Geology. Due to the fact that the subject property is located on fill, there are no comments under this item.
12. Vegetation. There is almost no existing vegetation on the subject property at the present time.

E. PUBLIC UTILITIES:

13. Streets. The subject property fronts on Lake Street So. which is a major arterial that is also known as State Route No. 908. 10th Avenue street-end abuts the northern property line of the subject property. 10th Avenue So. is a dedicated 60 foot wide right-of-way to the water's edge.
14. Paths/Trails. Lake Street So. is identified as a primary pedestrian trail as a part of the Lake Washington Loop Trail.
15. Domestic Water Supply. There is an existing 10 inch water line located in Lake Street So.