

RESOLUTION NO. R-2534

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT AND A SUBSTANTIAL DEVELOPMENT PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. SDP-CUP-78-9(H) BY COLUMBIA CUSTOM HOMES OF WASHINGTON, INC, FOR 10 CONDOMINIUM UNITS ON A 37,200 SQUARE FOOT PARCEL LYING WEST OF THE INTERSECTION OF N.E. 64TH STREET 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 Columbia Custom Homes of Washington, Inc., on behalf of Jocan, a Washington Corporation, the owner of said property described in said application and located within a Waterfront District I zone, and

WHEREAS the application has been submitted to the Houghton Community Council and Kirkland Planning Commission who held public hearings thereon at their regular meetings of May 2, 1978 and June 6, 1978; and June 8, 1978, respectively, and

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

WHEREAS, said environmental checklist 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 checklist and negative declaration did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Conditional Use Permit and 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 Chairperson thereof and filed in the Department of Community Development File No. SDP-CUP-78-9(H) are adopted by the Kirkland City Council as though fully set forth herein except for Recommendation No. 1.

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 together with the following:

- a. The applicant shall grant to the City of Kirkland an easement which overlies the dry land portion of the existing non exclusive pedestrian easement granted for the benefit of the property at the northeast corner of Lake Washington Boulevard and N. E. 63rd Street, together with an easement of fifteen feet in width as measured landward from the high water line between the north and south property lines of the subject property, provided that the right of the public access or entrance upon said easement shall not accrue until such time as the easement parallel with the high water line connects at either its north or south terminus with the then existing public access easement.
- b. The developer shall improve and landscape the area along the easterly property line in close proximity to and in conjunction with the METRO shelter to provide a pedestrian mall.

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 Permit 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 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 Sections 23.56.110 and 23.54.090 of Ordinance No. 2183, the Kirkland Zoning Ordinance. The Substantial Development 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 Conditional Use Permit and 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 and Fire Department of the City of Kirkland
- d. Police Department of the City of Kirkland
- e. Parks 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 of the City of Kirkland on the 19th day of June, 1978.

SIGNED IN AUTHENTICATION THEREOF on the 19th day of June, 1978.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

DEPARTMENT OF COMMUNITY DEVELOPMENT

M E M O R A N D U M

June 13, 1978

To: Kirkland City Council  
From: Gerald F. Link *JFM*  
Subject: Recommendations from the Houghton Community Council  
and the Kirkland Planning Commission regarding File  
No. SDP-CUP-78-9(H) - Columbia Custom Homes, Inc.

You have a copy of the Advisory Report on the above-named file from the Kirkland Planning Commission. This item was also heard by the Houghton Community Council and there was a significant difference of opinion between the two groups with regard to the issue of public access to the waterfront.

At their hearing of June 6, 1978, the Houghton Community Council approved a recommendation to the Planning Commission with respect to this item. That recommendation included the explicit deletion of a requirement for a public access easement from Lake Washington Boulevard to the shoreline. When asked about this as a policy decision, the response was made by members of the Community Council that perhaps we already have an adequate number of access points to the waterfront and should from this point on concentrate on acquiring access easements along the waterfront. It was felt by some that the existence of public parks in the vicinity as well as other access easements to the waterfront would suffice to provide such a public need.

At the same time, the recommendation from the Houghton Community Council called for the erection of a fence along the common property line between the subject property and the condominium immediately to the north together with a gate across the dock to restrict public access to same. Also, the Community Council recommended that a fence or landscaping be provided immediately next to the northern face of the building for the purpose of providing some protection and privacy from the existing private non-exclusive access easement that runs along the northern portion of the property.

These recommendations from the Community Council do not appear in the Advisory Report of which you have a copy because they were specifically removed by the motion of the Planning Commission. However,

Memo to Kirkland City Council  
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we felt it was important for you to realize that there were two significantly different policy directions on this issue that have been expressed by these two bodies. Should the recommendation of the Planning Commission be adopted in some form, that is, to provide public access to the shoreline via a required public access easement, then we would be obliged to inform the Houghton Community Council of this decision at their meeting in July. The Community Council would then have an opportunity to take any one of several directions.

The conclusions and recommendations for the balance of the Planning Commission Advisory Report is the same as what was approved by the Houghton Community Council.

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DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT  
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_

XXX RECOMMENDED BY \_\_\_\_\_ DATE June 8, 1978

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 CUP-SDP-78-9(H)

APPLICANT COLUMBIA CUSTOM HOMES OF WASHINGTON, INC.

PROPERTY LOCATION N.E. 64th St. & Lake Wa. Blvd.

SUBJECT CONDITIONAL USE PERMIT AND SUBSTANTIAL DEVELOPMENT PERMIT FOR 10 CONDOMINIUM UNITS

HEARING/MEETING DATE June 19, 1978

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" SDP Application "B" CUP Application "C" Environmental Information "D" Vicinity Map "E" Site Plan I "F" Site Plan II

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 10 condominium units developed on an approximately 37,200 square foot parcel west of the intersection of N.E. 64th Street and Lake Washington Blvd. N.E.
2. The applicant proposes a 3-story structure to contain 10 condominium units. This structure would have a height of 30 feet above grade, and 24 feet above the level of the centerline of Lake Washington Boulevard N.E.
3. The applicant proposes 23 parking stalls. Eighteen of these 23 parking stalls are proposed to be located under the second story of the proposed building and at grade. The remaining five stalls are proposed to be approximately parallel to the front of the building and set back from the front property line a distance varying between 15½ and 22 feet.
4. For the structure itself, the applicant proposes a setback from the property line abutting Lake Washington Boulevard N.E. of between 58 and 68 feet. The proposed setback from the high water line is 34.5 feet. Pursuant to the applicant's approved Variance the proposed setbacks from the north and south property lines are both 30 feet.
5. As part of this proposal, pursuant to easement agreements, access to the parking areas of both Washington Shores Condominiums will be through the subject property.

B. HISTORICAL BACKGROUND: On 6/6/78 the Houghton Community Council approved the applicant's request for a Variance to allow a 30' setback from the north property line.

C. GOVERNMENTAL COORDINATION:

6. Public Service Department. "1. Use existing access to Lake Washington Boulevard. 2. Additional parking pressure would be realized on Lake Washington Boulevard as a result of parking required by the existing structures. 3. Sanitary sewer connection in Lake Washington Boulevard. Check grade before construction. 4. Storm water to Lake Washington must have oil/silt separator."
7. Police Department. "No special concerns at this time. As this project moves along, however, we will be interested in lighting in the parking areas, walkway areas on the waterfront side, if one is put in, and access to the building, depending on security arrangements."
8. The Park Department. "Public access to and along water and thinning of trees to permit view to the water should be required."

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Statements of Fact, Cont'd

- C. 9. Fire Department. "Fire line for dock will have to be included in building project. Access to buildings north and south would have to be maintained. Other building requirements will be addressed when application is submitted."
- D. EXISTING PHYSICAL CHARACTERISTICS:
10. Topography. The subject property slopes down slightly from east to west.
11. Soils/Geology. Generalized geologic mapping indicates that the subject property contains a Kitsap Silt Loam soil.
12. Vegetation. A row of evergreen trees exists on the eastern edge of the subject property. Otherwise, the subject property does not support any significant vegetation.
- E. PUBLIC UTILITIES:
13. Streets. The subject property fronts on Lake Washington Boulevard N.E. which is a major arterial that is also known as State Route No. 908.
14. Paths/Trails. Lake Washington Boulevard 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" water line located within the right-of-way of Lake Washington Boulevard N.E.
16. Fire Hydrants. There is an existing fire hydrant located in the northeast corner of the intersection of N.E. 63rd Street and Lake Washington Boulevard N.E.
17. Sanitary Sewer. There is an existing 12" sanitary sewer line within the right-of-way of Lake Washington Boulevard N.E.
- F. NEIGHBORHOOD CHARACTERISTICS:
18. Zoning. The subject property is zoned Waterfront District I as are properties to the north and south. The property to the east, across Lake Washington Boulevard N.E. is zoned Residential Multi-Family 3600.
19. Land Use. The subject property currently contains a paved parking and access area on the eastern end and a dock on the northwestern portion. A non-conforming free standing sign for Washington Shores currently exists on the eastern portion of the subject property. Otherwise, the subject property is currently vacant. Immediately to the north is one of the two Washington Shores Condominiums. To the north of this Washington Shores Condominium is a single family residence. Approximately 400 feet to the north of the subject property is

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Statements of Fact, Cont'd

F. 19. (Cont'd)

Marsh Park. Adjoining the subject property on the south is the other Washington Shores Condominium. A variety of multi-family and single-family residences exist further to the south. Approximately 900 feet to the south is Houghton Beach Park. On the east side of Lake Washington Boulevard N.E., north of N.E. 64th St., is Lakeview Mart. Single family residences exist to the north and immediately to the east of the Lakeview Mart. South and southeast of the Lakeview Mart are single family residences interspersed with a few vacant lots.

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

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

- a. Public Access Policies 1, 2, 7 (Page 15),
- b. Residential Policy 3 (Page 29),

21. The following sections of the Kirkland Waterfront District Zoning Ordinance No. 2206 are relevant to this particular project.

- a. Purpose (Section 23.12.010(6)),
- b. Parking (Section 23.12.043(1)(a)(1)),
- c. Allowable Floor Area (Section 23.12.051),
- d. Setbacks (Section 23.12.052),
- e. Building Height (Section 23.12.056),
- f. Soils and Geologic Analysis (Section 23.12.061(d)).

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 except as noted below.

B. HISTORICAL BACKGROUND: (No relevant conclusions)

C. GOVERNMENTAL COORDINATION:

- 2. The two Washington Shores Condominiums each have sufficient parking to meet the zoning requirements applicable when these two structures were constructed. The subject property should not bear the burden of providing any parking for either of the Washington Shores Condominiums. Other specific concerns of the various City departments are spoken to in the following sections.

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Conclusions, Cont'd

D. EXISTING PHYSICAL CHARACTERISTICS:

3. Topography. This factor should not constrain the Kirkland City Council from reaching either a positive or a negative decision on this application.
4. Soils/Geology. Pursuant to Section 23.12.061(d) of the Kirkland Waterfront Districts Zoning Ordinance No. 2206, the applicant should be required to submit a soils/structural engineering report along with the submittal of any Building Permit application.
5. Vegetation. To increase visual access to Lake Washington from Lake Washington Boulevard, the applicant should be required to remove, within two specific areas, all vegetation above three feet. These two areas are as follows:
  - (a) That area within 25 feet of the eastern property line, south of the north property line, and north of an eastern extension of the northern building line, and
  - (b) That area within 25 feet of the eastern property line, north of the southern property line, and south of an eastern extension of the southern building line.

E. PUBLIC UTILITIES:

6. Streets/Water/Sewer/Fire Hydrants. None of these factors should constrain the Kirkland City Council from reaching either a positive or negative decision on this application.
7. Paths/Trails. Pursuant to Shoreline Master Program policies, the applicant should be required to provide for public access. As no waterside trail could reasonably be expected to develop in the near future on either of the Washington Shores properties, the applicant should not be required to provide an improved pedestrian way to and along the water as part of this application. Instead, the applicant should be required to provide an easement wherein an improved pedestrian way and landscaping could be located. Specifically, the applicant should grant the City of Kirkland an easement which overlies the dryland portion of the existing non-exclusive pedestrian easement granted for the benefit of the property at the N.E. corner of Lake Washington Boulevard and N.E. 63rd Street and an easement of 15 feet in width as measured landward from the high water line between the north and south property lines of the subject property. This easement should be for purposes of public access and any improvements related thereto. Said improvements may include an improved pedestrian way, a public seating area or areas, and landscaping. Said easement includes the right of public access onto that portion of the existing dock which lies east of the Inner Harbor Line. In the event that the

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Conclusions, Cont'd

E. 7. (Cont'd)

present dock is removed or ceases to be used as a dock, said easement should also include the right of public access on any other dock constructed on the subject property. Said easement should not be developed in a manner materially interfering with the access and utility rights associated with the easement recorded under King County Recording No. 7710310278 and should not be developed in a manner materially interfering with the presently existing vehicular access to the Washington Shores condominium to the north. The above easement and related conditions should be recorded with King County and a copy of the recorded document delivered to the City prior to the issuance of any Building Permit for the subject property.

As the applicant is not being required to provide a pedestrian way to and along the water, the applicant should develop the area between the eastern extent of the parking area and the eastern property line into a pedestrian mall. Said pedestrian mall should include the following:

- a. A public seating area should be provided as an integral part of this mall.
- b. All pedestrian improvements should be designed for use of handicapped and disabled persons.
- c. Low lighting (no higher than 8 feet) should be provided.
- d. The pedestrian mall area should be re-landscaped to conform to the requirements of Conclusions, No. 5. Also, a number of the existing coniferous trees should be replaced with deciduous street trees.
- e. The applicant should work with the Department of Community Development and the Parks Department on a landscaping plan for this pedestrian mall.
- f. Prior to Building Permit approval, the Department of Community Development, Parks Department, and the Park Board should review and approve a landscaping and improvement plan for the pedestrian mall.
- g. The pedestrian mall landscaping and improvements should be complete prior to the issuance of any Certificate of Occupancy on the subject property.

F. NEIGHBORHOOD CHARACTERISTICS:

8. Zoning/Land Use. The proposed use is consistent with the adjacent land use in the area.

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Conclusions, Cont'd

- F. 9. To minimize the visual impact of any waste receptacles, either ground waste containers or a screened dumpster should be provided. The location of any dumpster should be approved by the serving solid waste utility.
- G. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:
10. The applicant proposes 23 parking spaces whereas only 22 are required. All parallel parking stalls should be 8 feet by 23 feet as required by the Kirkland Zoning Ordinance. The applicant should remove the existing Washington Shores sign which is currently on the eastern portion of the property.
11. Other than those comments mentioned in previous Conclusions, this application will be consistent with the Shoreline Master Program and the Waterfrong District Zoning Ordinance.
12. Prior to the issuance of any Building Permit for the subject property the applicant should be required to pay into the "In Lieu Open Space Account" of the Park and Municipal Facilities Cumulative Reserve Fund, an amount of money not less than 6% of the assessed valuation of the subject property or \$200 per unit, whichever is greater.

RECOMMENDATIONS:

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

1. The applicant shall provide for public access. As no waterside trail could reasonably be expected to develop in the near future on either of the Washington Shores properties, the applicant shall not be required to provide an improved pedestrian way to and along the water as part of this application. Instead, the applicant shall provide an easement wherein an improved pedestrian way and landscaping could be located. Specifically, the applicant shall grant the City of Kirkland an easement which overlies the dryland portion of the existing non-exclusive pedestrian easement granted for the benefit of the property at the N.E. corner of Lake Washington Boulevard and N.E. 63rd Street and an easement of 15 feet in width as measured landward from the high water line between the north and south property lines of the subject property. This easement shall be for purposes of public access and any improvements related thereto. Said improvements may include an improved pedestrian way, a public seating area or areas, and landscaping. Said easement includes the right of public access onto that portion of the existing dock which lies east of the inner harbor line. In the event that the present dock is removed or ceases to be used as a dock, said easement shall also include the right of public access on any other dock constructed on the subject property.

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Recommendations, Cont'd

1. (Cont'd)

Said easement shall not be developed in a manner materially interfering with the access and utility rights associated with the easement recorded under King Co. Recording No. 7710310278 and shall not be developed in a manner materially interfering with the presently existing vehicular access to the Washington Shores condominium to the north. The above easement and related conditions shall be recorded with King County and a copy of the recorded document delivered to the City prior to the issuance of any Building Permit for the subject property.

As the applicant is not being required to provide a pedestrian way to and along the water, the applicant shall develop the area between the eastern extent of the parking area and the eastern property line into a pedestrian mall. Said pedestrian mall shall include the following:

- a. A public seating area shall be provided as an integral part of this mall.
- b. All pedestrian improvements shall be designed for use of handicapped and disabled persons.
- c. Low lighting (no higher than 8 feet) shall be provided.
- d. The pedestrian mall area shall be re-landscaped to conform to the requirements of Conclusions, No. 5. Also, a number of the existing coniferous trees shall be replaced with deciduous street trees.
- e. The applicant shall work with the Department of Community Development and the Parks Department on a landscaping plan for this pedestrian mall.
- f. Prior to Building Permit approval, the Department of Community Development, Parks Department, and the Park Board shall review and approve a landscaping and improvement plan for the pedestrian mall.
- g. The pedestrian mall landscaping and improvements shall be complete prior to the issuance of any Certificate of Occupancy on the subject property.

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Recommendations, Cont'd

2. At the time of Building Permit application, the applicant shall submit a soils/structural engineering report for the subject property.
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. This oil and sediment separator system shall meet the standards of the Public Service Department.
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 Lake Washington Boulevard. The location of any dumpster shall be approved by the serving solid waste utility contractor at or before the time of Building Permit application.
6. The applicant shall provide utility drawings along with the submittal of any Building Permit application.
7. The height of the proposed building shall not exceed 30 feet above grade.
8. The applicant shall remove the free standing Washington Shores sign that currently exists on the eastern end of the subject property. This sign shall be removed before any Certificate of Occupancy is issued for the proposed building.
9. Prior to the issuance of any Building Permit for the subject property the applicant shall be required to pay into the "In Lieu Open Space Account" of the Park and Municipal Facilities Cumulative Reserve Fund an amount of money not less than 6% of the assessed valuation of the subject property or \$200 per unit, whichever is greater.
10. Prior to the issuance of any Building Permit, the applicant shall supply the City with a copy of a recorded easement. This easement shall be at least 24 feet wide and shall be for access and shall be for the benefit of Washington Shores I and II. This easement shall overlie the existing access driveways to both the above condominiums.

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