

RESOLUTION NO. 2554

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF AN INTENT TO REZONE AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. R-78-31(P), BY H. EUGENE HATCH TO CHANGE THE ZONING FROM RS 8.5 TO RM 3600 AT 732 1ST STREET SOUTH FOR A 3-STORY, 5-UNIT BUILDING, 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 H. Eugene Hatch, the owner of said property described in said application and located within an RS 8.5 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of September 21, 1978, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2319 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 of 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 after their public hearing 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 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-78-31(P) are adopted by the Kirkland City Council as though full 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 approves in principal, the request for reclassification from RS 8.5 to 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 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) Fire and Building Department of the City of Kirkland
- (d) Parks 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 2nd day of October, 1978.

SIGNED IN AUTHENTICATION thereof on the 2nd day of October, 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 September 21, 1978
___ ADOPTED BY _____ DATE _____

___ STAFF _____
___ BOARD OF ADJUSTMENT _____
___ HOUGHTON COMMUNITY COUNCIL _____
XX PLANNING COMMISSION _____
___ CITY COUNCIL AS INCORPORATED IN _____

David Russell
David Russell, Chairperson

___ RESOLUTION _____ ORDINANCE
NUMBER R-2554
DATE _____

FILE NUMBER R-78-31(P)

APPLICANT EUGENE HATCH

PROPERTY LOCATION 732 1st St. So.

SUBJECT RESOLUTION OF INTENT TO REZONE from RS 8500 to RM 3600

HEARING/MEETING DATE October 2, 1978

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Vicinity Map "C" Topographical Map
"D" Site Plans & Elevations "E" Environmental Information "F" Letter from
City Attorney Ralph Thomas "G" Kroll Map - Vicinity "H" Memo from A. Knuts
Public Service Director.

STATEMENTS OF FACT:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application by Eugene Hatch for a Resolution of Intent to Rezone for the property at 732 1st St. So. and identified in Exhibit "B" - Vicinity Map.
2. The applicant requests a change in zoning from Residential Single Family 8500 square feet to Residential Multi-Family 3600 square feet. The multi-family structure proposed for this site is a 3-story, 5-unit building with underground parking. The structure would be located at least 200 feet from the shoreline and would not exceed 30 feet above average existing grade. In addition, the applicant proposes to relocate the house now standing on the site to the eastern portion of the lot.
3. 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 with this application. (See Exhibit "E" - Environmental Information). After reviewing the Environmental Checklist, 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 and that an Environmental Impact Statement is not required. Because the structure is located more than 200 feet from the shoreline of Lake Washington, this action is exempted from the Substantial Development Permit procedure.

B. HISTORICAL BACKGROUND

4. In May of 1906, the Kirkland City Council vacated all but a 12 feet strip of 1st Street South through Ordinance 19. (See Exhibit "G" - KROLL Map, Vicinity). However, since that time, the road has been improved and maintained by the City as a public right-of-way for access, and as a utilities right-of-way with the installation of water lines, sanitary sewer lines, and storm drain facilities. The City Attorney has stated his legal opinion on this matter in a letter of September 13, 1978 (See Exhibit "F" - Letter from Ralph Thomas 9/13/78). Because of the maintenance over a prolonged period of time, the City Attorney found that the City and the general public do have a prescriptive right to use First Street South in its present configuration as a public right-of-way and City street."

C. EXISTING PHYSICAL CHARACTERISTICS:

5. The existing topography of the subject property is shown on Exhibit "C" - Topography Map. The eastern portion of the site is relatively level. The western edge of the property drops to Lake Street South with an approximate slope of 25%.

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STATEMENTS OF FACT, CONT'D

- C. 6. The site is presently landscaped in a residential character, with lawn, shrubs, and several trees as shown on Exhibit "D".

D. GOVERNMENTAL COORDINATION

7. Building Department.

Fire Zone will change with this proposal from Fire Zone 3 to Fire Zone 2.

8. Fire Department.

Adequacy of Emergency Access: If per page 3 of the drawing that only access is as shown then it shall be designated as a "Fire Lane" and meet the requirements of City of Kirkland Ordinance #2394.

Fire flow, fire hydrants, alarm/detection systems, and fire extinguisher(s) requirements cannot be determined until a more detailed site plan and complete set of drawings are available to this Department.

9. Public Service Department.

Sanitary Sewer: Service available on Lake Street South.

Domestic Water: Service subject to payment of appropriate fees.

Storm Water: Retention system to discharge to Lake Street South.

Right-of-way Improvements: 6' concrete sidewalk on Lake Street South. Provide minimum of 18' asphalt pavement on 1st Street South.

E. NEIGHBORHOOD CHARACTERISTICS:

10. Zoning. Approximately 120 feet of the eastern portion of the property is zoned Residential Single Family 8,500 square feet, and the land to the west of this area is zoned Residential Multi-Family 3600 square feet. The land to the north is zoned RM-3600, the land to the east is zoned RS 8500, and the land to the south is split between RS 8500 zoning and RM 3600 zoning. To the west across Lake Street South, the land is zoned Waterfront District I.

11. Land Use. The subject property presently supports a single family residence. The land to the east is a mixture of single family and multi-family resid. use. Much of the land to the south is presently vacant but has been subdivided into several single family lots and one multi-family parcel. Land along Lake St. South is primarily used for multi-family residence. The land directly across Lake Street South from the subject property has recently been developed as condominiums.

STATEMENTS OF FACT, CONT'D

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

12. Pursuant to the Kirkland Planning Commission and the City Council review of the request for 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."

Applicant's Response: "The Comprehensive Plan shows this area as RM-3600. The proposed project meets the requirements of the Zoning Ordinance for buildings in an RM-3600 zone.

- b. "The use or change in zoning requested in the Zoning Map of the Zoning Ordinance, for the establishment of Commercial, Industrial, or Residential use shall be supported by an architectural site plan showing the proposed development and its relationships to the surrounding area as set forth in application form and further described under Section 23.62.030."

Applicant's Response: "Yes."

- c. "An analysis of physiographic elements, existing and planned municipal services including water supply (domestic and emergency demand), sewerage collection or 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 must provide further evidence to the Planning Commission's satisfaction that there is an additional need for this type of land classification for which he is applying.

13. 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). Note in particular the requirements for height, Section 23.10.090,

"In an RM zone no residential building or structure shall exceed a height of thirty feet."

To reduce the visual impact of multi-family structures on adjacent single family areas, those

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STATEMENTS OF FACT, CONT'D

F. 13. a.

structures located on the perimeter of an RM zone or Planned Area and adjacent to a low density area as defined in the Land Use Policies Plan shall not exceed 25 feet in height above the average building and average lot elevations."

Whereas the zoning map indicates that the subject property is adjacent to low density residential use, the Comprehensive Plan map in the Land Use Policies Plan shows that the Hatch property is completely surrounded by land designated for multi-family use. This allows the building on the subject property to be built to the thirty foot height limit.

Section 23.48.020, Exceptions to Height Regulations, is pertinent to building height in this case, listing "elevator towers, or other appurtenances usually required to be placed above roof level and not intended for human occupancy" as exempt from the 30 feet height limitation. In terms of setback requirements, the side yards must total 15 feet, rather than 14 feet as shown.

b. Parking Requirements (Section 23.34), and

c. Landscaping Requirements (Section 23.40).

14. The Land Use Policies Plan lists standards for residential units at densities of 10 to 14 units per acre:

" The remaining category of residential land involves areas where higher density residential use appears to be feasible. This determination is based upon traffic patterns, topographic features, existing land use commitments, and unique neighborhood conditions. Higher densities would tend to have an adverse impact on existing single family uses. However, if special precautions are undertaken to reduce or offset such impacts on single family homes, then somewhat higher residential densities may be allowed, based on the standards outlined below, to ease the transition of uses.

(1) Topographic conditions and/or existing vegetation buffer single family uses from higher density developments.

STATEMENTS OF FACT, CONT'D

F. 14. (Cont'd)

- (2) Setbacks for the proposed development are greater than the minimum dimensions required by the underlying zoning.
- (3) Land dedications or public easements are made to help implement the park, open space and pathway recommendations indicated in Figure 26.
- (4) A substantial percentage of the required parking is located beneath the residential structures.
- (5) Existing amenities (for example: views, vegetation, open space) are preserved to the greatest extent possible.
- (6) New residential developments are to be assessed as "fee in lieu" in order to help meet the increased demand for parks and open space resulting from such developments. This fee is required in addition to minimal onsite open space requirements associated with residential developments.

CONCLUSIONS

A. SUMMARY OF THE PROPOSED ACTION:

1. This application appears to be consistent with the requirements of the "Intent to Rezone" provisions of the Kirkland Zoning Ordinance, Section 23.62.

B. HISTORICAL BACKGROUND

2. On the advice of legal counsel, 1st Street South will be considered adequate and legitimate access for the subject property.

C. EXISTING PHYSICAL CHARACTERISTICS:

3. None of the existing physical factors should constrain the the Kirkland Planning Commission from reaching either a positive or negative decision on this application. Where applicable, existing vegetation should be maintained to the maximum extent possible and integrated into the land-

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CONCLUSIONS, CONT'D

C. 3. (Cont'd)

scaping plan at the time of Building Permit application.

D. PUBLIC UTILITIES:

4. Water/Sewer. The applicant must follow the recommendations of the Public Service Department in regards to the connections to water and sewer.
5. Streets. On the advice of the City's legal counsel, 1st Street is construed to be public right-of-way. The applicant must provide a minimum of 18 feet of asphalt pavement on 1st Street South.
6. Sidewalks. Lake Street South is indicated as a major pedestrian way. The applicant must provide a 6 foot concrete walkway along his frontage on Lake Street South.

E. NEIGHBORHOOD CHARACTERISTICS:

7. Zoning/Land Use. Development of this property in a multi-family type configuration as proposed would not appear to be inconsistent with proposed Land Use Policies Plan designation for this area.

F. LOCAL ZONING AND/OR LAND USE POLICIES & PLANS;

8. The applicant has sufficiently met the criteria used for review of a Resolution of Intent to Rezone application as required by Section 23.62.050. of the Zoning Ordinance.
9. The "State Street Area" portion of the Land Use Policies Plan sets out a list of desirable standards for development at a density of 10 to 14 dwelling units per acre (RM 3600) The proposed site plan appears to reflect the intent of this section of the Land Use Policies Plan in the treatment of the site, the underground location of parking, and the preservation of existing amenities including the house and the vegetation.

RECOMMENDATIONS

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

1. Utilities be installed according to the recommendations of the Department of Public Services. All fees for connection to the City utility systems must be paid by the applicant.
2. First Street South must be improved to a minimum of at least

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RECOMMENDATIONS, CONT'D

2. (Cont'd)

18 feet of asphalt paving.

3. A six foot concrete sidewalk must be installed on Lake Street South at the expense of the applicant.
4. "Fee-in-lieu" money must be paid into the Park and Municipal Facilities Cumulative Reserve Fund as specified in Section 23.10.110(5) of the Zoning Ordinance. The amount shall be 6 percent of the assessed valuation of the total land area, and must be paid in full prior to the issuance of a Building Permit.
5. Applicant must submit a tree cutting plan if construction requires the removal of trees over 6 inches caliper.
6. Wiring must be undergrounded.
7. The final landscape plan must include screening of the solid waste receptacle in order to receive Department of Community Development approval at time of Building Permit.

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