

RESOLUTION NO. R-2557

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. F-PUD-78-46(H), BY KEN KESTER AND ROSS HEBB TO DEVELOP 75 CLUSTERED TOWNHOUSE UNITS BEING WITHIN AN RS.12.5(s) 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 Ken Kester and Ross Hebb, the owners of said property described in said application and located within an RS 12.5(s) zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission and Houghton Community Council who held public hearings thereon at their regular meetings of 9/21/78 and 8/1/78 respectively, 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 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 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. F-PUD-78-46(H) 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 the subject shall be grounds for revocation in accordance with Ordinance No. 2183, the Kirkland Zoning Ordinance.

Section 6. Notwithstanding, the recommendations heretofore given by the Houghton Community Council, the subject matter of this Resolution and the Final Planned Unit 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) Park Department of the City of Kirkland
- (d) Fire and Building 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 _____

David Russell
David Russell, Chairperson

____ CITY COUNCIL AS INCORPORATED IN _____

____ RESOLUTION _____ ORDINANCE

NUMBER R-2557

DATE _____

FILE NUMBER F-PUD-78-46(H)

APPLICANT KEN KESTER AND ROSS HEBB

PROPERTY LOCATION NE 52nd St. and Lake Washington Boulevard

SUBJECT FINAL PLANNED UNIT DEVELOPMENT OF "YARROW HILL"

HEARING/MEETING DATE October 2, 1978

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED See list on reverse side.

YARROW HILL FINAL PLANNED UNIT DEVELOPMENT

FILE NO. F-PUD-78-46(H)

LIST OF EXHIBITS

- "A" - Application
- "B" - Vicinity Map
- "C" - Storm Drainage (South of NE 52nd)
- "D" - Sanitary Sewer (south of NE 52nd)
- "E" - Water (south of NE 52nd)
- "F₁" - Road Grading, Storm Drainage (NE 52nd & south)
- "F₂" - Road Grading, Storm Drainage (NE 52nd & south)
- "G" - NE 52nd - Profiles Road and Storm Drainage
- "H" - Main Entrance Road - Profiles Road and Storm Drainage
- "I" - Interim and Sub-Drainage
- "J" - Details - Road, Sewer, Gas/Oil Separator
- "K" - Details - Luminaires, Rockery, Erosion Control
- "L₁" - Site Plan - (South of NE 52nd)
- "L₂" - Site Plan - (South of NE 52nd)
- "M" - Elevations - Units 2, 3, & 4 (south of NE 52nd)
- "N₁" - Typical Unit Sections (A units south of NE 52nd)
- "N₂" - Typical Unit Sections (B units south of NE 52nd)
- "N₃" - Typical Unit Sections (C units south of NE 52nd)
- "N₄" - Typical Unit Sections (D units south of NE 52nd)
- "O" - Landscaping Plant List, Notes, Legend & Details (south of NE 52nd)
- "P₁" - Tree Landscaping Plan (south of NE 52nd)
- "P₂" - Tree Landscaping Plan (south of NE 52nd)
- "Q" - Shrub Landscaping Plan (south of NE 52nd)
- "R" - Site Plan (north of NE 52nd)
- "S" - Utilities Plan (north of NE 52nd)
- "T" - Elevations - Units Y and Z (north of NE 52nd)
- "U" - Elevations and Architecture - Units X and W (north of NE 52nd)
- "V" - Landscaping Plan (north of NE 52nd)
- "W" - Houghton Community Council Resolution #78-1
- "X" - 3/27/78 Joint Letter by Ken Kester & George Valison

STATEMENTS OF FACT:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application by Kenneth Kester and Ross Hebb for a Final Planned Unit Development of Yarrow Hill. The subject property is identified on Exhibit "B" (Vicinity Map) and covers approximately sixteen acres. They have proposed to develop a total of 75 clustered townhouse units on the property with nine of those units located north of N.E. 52nd and 66 of the units located to the south. The density of the total project is 4.5 dwelling units per acre.
2. The subject property is situated astride N.E. 52nd Street east of Lake Washington Boulevard and west of the Burlington Northern railroad tracks. The applicants have proposed to relocate a portion of N.E. 52nd Street in order to achieve a maximum 15% grade serving 71 of the units. They have also proposed to re-surface the remainder of N.E. 52nd Street (see Exhibit "G" - N.E. 52nd Street Profiles). In addition, they have indicated a pedestrian way that would go from the Burlington Northern tracks on the east along the N.E. 52nd Street realignment to Lake Washington Boulevard (see Exhibits "G", P1, and Q). The total area of the subject property, after the realignment of N.E. 52nd Street and the corresponding realignment of the City right-of-way, is 16.61 acres.
3. An interior roadway off of N.E. 52nd Street is proposed to serve 66 of those units that lie south of the N.E. 52nd Street right-of-way. The other nine units, to the north, would access from two driveways directly off N.E. 52nd Street (see Exhibits G, H, and R).
4. The clustered units would be set a minimum of 25 feet back from the eastern property line and would be no higher than 20 feet above the absolute elevation of the Burlington Northern railroad tracks. (See elevations indicated on Exhibits "M", "P", and "U".)
5. Storm water management, sewer and water lines serving the subject property have been submitted for review and approval by the City of Kirkland. The storm drainage for that portion of the project which lies south of N.E. 52nd Street is illustrated on

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Statements of Fact, Cont'd

A. 5. (Cont'd)

Exhibit "C" while storm drainage and other utilities for the property to the north of N.E. 52nd Street is indicated on Exhibit "S". Sanitary sewer and water utilities for those lands south of NE. 52nd Street are indicated on Exhibits "D" and "E" respectively. As indicated on some of those drawings the sanitary sewer and storm drainage lines in some cases pass through downslope properties that are also owned by the applicants but which are not a part of this Planned Unit Development.

B. HISTORICAL BACKGROUND:

6. The Preliminary Planned Unit Development for Yarrow Hill was approved by the City of Kirkland Resolution No. 2502 in February of 1978. The Houghton Community Council passed Resolution No. 78-1 subsequent to that date of City Council action which sets forth the approval of the Community Council to that City Council P.U.D. approval. (See Exhibit "W") Also, the Houghton Community Council referenced a letter dated March 27, 1978 from one of the developers, Mr. Ken Kester, and from George Valison, a representative of the Interested Citizens of Houghton Slope. That letter (see Exhibit "X") contains four items which the applicants have been directed to address with Final P.U.D. application. Those items are as follows: (1) setback of units and garages, and a landscaped berm (2) use of the BNRR right-of-way, (3) interim storm water management to control erosion and runoff, and (4) density on the northern property to change from 12 units to 10 units.

C. GOVERNMENTAL COORDINATION:

7. Fire Services Department. Emergency access meets standards for width and turning radii. Hydrant placement is approved as submitted. Applicants should contact Kirkland Fire Department for fire extinguisher requirements.
8. Parks Department. Pedestrian access to Lake Washington Blvd. should be secured and safe. Fee in lieu of open space should be taken in funds rather than land. A vegetation buffer should be located along the eastern property line to provide insulation from railroad noise.
9. Building Department. The project will be located in Fire Zone 2. Footing design for all buildings should be done under the review of a soils engineer and should adhere to the recommendations contained in the soils report submitted with Preliminary P.U.D. application.

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- C. 10. Police Department. Entryway drop grate should have some sort of breakaway capacity in emergencies. This and any electronic monitoring or alarm system should be discussed with the Police Department prior to construction.
11. Public Services Department. The drawings submitted describing roadway and utilities improvements, building locations and minor structures (rockeries, stairs, etc.) all appear to meet the City's engineering requirements. Would advise that project engineer meet periodically with the Technical Committee to report on progress of various phases of construction and refinement to engineering design.

D. EXISTING PHYSICAL CHARACTERISTICS:

12. Topography. The grade of the subject property varies between about 5% and 140%, generally sloping down from the east to the west. In general, the steeper slopes occur on the sides of the several ravines which traverse the subject property along East-West lines. In addition, on the upland areas between the ravines, the slope tends to steepen toward the western edge of the property. Property east of the Burlington Northern right-of-way is generally higher.

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Statements of Fact, Cont'd

- D. 13. Hydrology. Intermittent streams flow within the five largest ravines on the subject property.
14. Soils/Geology. The surficial soil unit consists of loose to dense fine sands. The applicant has submitted a soils report for the subject property indicating design considerations and construction techniques to minimize potential hazards.
15. Vegetation. The vegetation on the subject property consists of a mix of second growth coniferous and deciduous trees along with the normally associated undergrowth. The existing trees range up to 48" in diameter and have been identified by the applicants in their survey. The landscaping plans that have been submitted indicate retention of much of the existing vegetation.

E. NEIGHBORHOOD CHARACTERISTICS:

16. Zoning. The subject property is zoned Residential Single Family, 12,500 square feet minimum lot size (slope), as are properties to the west, south, and north. Properties to the east, across the railroad right-of-way, are zoned Residential Single Family, 8,500 square feet minimum lot size. Properties to the west of Lake Washington Boulevard are zoned Waterfront District No. 1.
17. Land Use. The subject property south of N.E. 52nd Street is currently undeveloped. That portion of N.E. 52nd Street is vacant except for one single family home at the western edge. The applicants have indicated that the structure would be removed prior to the new construction. Single family structures exist on adjacent properties to the south, east, northwest and west of the subject property. The property to the north of the project site supports an 8-unit apartment structure while lands farther north and west of the railroad right-of-way are undeveloped (see Exhibit "B" - Vicinity Map).

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F. PUBLIC UTILITIES:

18. Streets. The subject properties are currently served by N.E. 52nd Street. This two-lane facility currently is without curb, gutter or sidewalks and is at its steepest near the Boulevard (24%), and approaching the tracks (18%). In between, the road has a relatively flatter grade of 14%. The current roadway alignment is located in a natural draw with steeper contours on the north shoulder and a drainageway on the south shoulder. The existing roadway now encroaches up to approximately 25 feet into the subject private property on the eastern portion of the slope.

The applicants have proposed to relocate a portion of N.E. 52nd Street for the purpose of achieving flatter overall and localized grades (see Exhibits "F1", "F2", and "G"). The applicants were supplied with engineering criteria by the City in order to achieve a design that would have no more than a 6% grade for a 40 foot distance at Lake Washington Boulevard, thence no more than a 15% grade serving the entrance to the Planned Unit Development. The new alignment that they have proposed would occur in the westerly most 150 foot part of the slope, measuring easterly from Lake Washington Boulevard. The applicants have indicated that they will also resurface the eastern two-thirds of N.E. 52nd Street as a part of this project. Other features indicated on the above-cited exhibits include a rockery to retain a portion of the slope near the foot of Lake Washington Boulevard and N.E. 52nd Street, as well as a pedestrian walkway on the upper portion of the slope which would meander through the natural draw. Also, a pedestrian walkway and stairs are proposed on the lower portions of the slope.

It has been estimated that the additional traffic from the proposed project would raise the figure of vehicular traffic on Lake Washington Boulevard from its current 83% of capacity to approximately 85% of capacity.

The Kirkland City Council, when considering the proposed project, commented that perhaps right turn movements out of the project eastward could be restricted at some date in the future.

The applicants are also proposing to serve the 66 units to the south of N.E. 52nd Street with a single 24 foot wide access road running parallel to the long dimension of the site on about 75% of its length. The main entrance road is shown on Exhibit "H" together with storm drainage information. Road details are indicated on Exhibit "J".

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Statements of Fact, Cont'd

- F. 19. Pedestrian Ways. The applicants have indicated that they will provide a pedestrian way along N.E. 52nd Street after it has been realigned to include a path meandering through the upper portion of the slope and a path and stairs on the lower portion of the slope (see Exhibit "P1").
20. Public Transportation. Metro bus routes 235, 251 and 254 provide service in the Lake Washington Boulevard corridor. There currently exists a Metro bus stop immediately north of the existing N.E. 52nd Street intersection with the Boulevard, as well as a corresponding bus stop on the other side of the Boulevard for southbound movement.
21. Sanitary Sewer. Applicants have proposed sanitary sewer systems as indicated on Exhibit "D". They have indicated three lines coming downslope to use gravity flow to existing City lines in Lake Washington Boulevard.
22. Storm Drainage. Applicants have indicated storm drainage plan on Exhibit "C". It includes 12 " line in the newly realigned N.E. 52nd Street together with 8 " and 12" lines in portions of their property which are not part of the PUD proposal but which connect it with City right-of-way of Lake Washington Boulevard. Also, the applicants have indicated on Exhibit "C" a combination storm drainage retention pond/tennis court facility located approximately in the middle of the project in the vicinity of a large ravine. Actually, the contours at this point indicate a relatively flat area so that no major cut and fill will be required to erect such a facility.

The applicants have also indicated on Exhibits "I" the use of graded rock filter blankets to lie beneath the perforated drainpipes where they cross roadway improvements. The applicants have proposed a number of outfalls to the lake and otherwise propose no other storm water retention on site. They have indicated the location of oil and silt separators at points where all of the site runoff can be cleansed prior to proceeding to the lake through an outfall.

Also indicated on Exhibit "I" are a number of notes which include the erection of temporary erosion control dams with the use of hay bales. They have indicated that with the addition of the 2" and smaller rock to act as a filter around the bails they will manage storm water runoff during construction. They have indicated on the notes that facil-

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Statements of Fact, Cont'd

F. 22. (Cont'd)

ities indicated shall be constructed prior to any grading or extensive land clearing on the site. They have noted that these facilities must be satisfactorily maintained until construction and landscaping is complete and any potential for on-site erosion has past. The location of these temporary erosion-control dams are indicated on Exhibit "I" as well as the drawings for the balance of the project which are on file at City Hall.

23. Domestic Water/Fire Hydrants . The applicants have indicated the installation of water line on Exhibit "E" and Exhibit "S". There is adequate water pressure and the location of fire hydrants also shown on these exhibits, has been approved by Fire Services.

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

24. Parking. The Zoning Ordinance requires 2.2 stalls per units for a total of 167 stalls for the project. The applicants have indicated 193 stalls, with 28 north of N.E. 52nd and 165 south of it.
25. Setbacks. The closest setback for any residential structure indicated in the project is 25 feet to the eastern property line. These "A" units lie south of NE 52nd and are shown on Exhibit "L1". North of N.E. 52nd, the closest units are 150' back from the BNRR right-of-way as indicated on Exhibit "R".
26. Density. The overall density for the proposal is 4.72 units per acre. The localized density for the land north of N.E. 52nd is 5.37 units per acre. The density to the south of N.E. 52nd is 4.63 units per acre.

Statements of Fact, Cont'd

6. 27. The proposed Planned Unit Development is required to be consistent with Chapter 23.28 of the Kirkland Zoning Ordinance No. 2183.

28. Land Use Policies Plan. The sections of the Land Use Policies Plan relevant to this application include Figures 17 and 18 on pages 173 and 174, respectively, and the text found on pages 210, 211 and 212 as indicated below:

"The entire residential area south of N.E. 58th Street lies on the part of the Houghton slope identified as unstable. The base density for residential development on the unstable slope is one to three dwelling units per acre...

Residential Densities on the unstable slope may be increased by an extra one to two dwelling units per acre (up to 5 dwelling units per acre) depending on the degree to which the development proposals conform to the following standards:

- (1) Soils and geologic analyses are required. The City will assist in selecting an appropriate consultant and establish reasonable study parameters. Analysis would cover the area of the site to be developed as well as adjacent sites and the immediate drainage area.
- (2) The developer will indemnify and hold harmless the City, by a covenant running with the land, in a form approved by the City Attorney.
- (3) The clustering of structures is required.
- (4) The vegetative cover is maintained to the maximum extent possible.
- (5) Water courses are to be retained in a natural state.
- (6) Surface runoff is to be controlled at pre-development levels.
- (7) Points of access to arterials are to be minimized.
- (8) The City has the present ability to provide the necessary emergency services.

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Statements of Fact, Cont'd

- G. 28. (9) A minimum level of aggregation of land may be desirable in order to minimize adverse impacts.
- (10) There will be public review of the development proposal."

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This application by Ken Kester and Ross Hebb for Final Planned Unit Development of Yarrow Hill is generally consistent with the Kirkland Zoning Ordinance and the conditions cited in the Houghton Community Council approval in Resolution 78-1. The proposed density (4.5 dwelling units per acre) is both reasonable and equitable in terms of the policy statements in the Land Use Plan for the Houghton Slope as well as the Natural Elements and Living Environment Sections.
2. The improvement and realignment of N.E. 52nd Street will greatly increase safety in that corridor due to the flatter grades that can be achieved. The placement of the roadway on the lower part of the slope will improve traffic visibility as well as stopping distance for vehicles approaching the intersection. Since no improvement or relocation of the existing roadway is proposed for the upper part of the slope, no damage will be done to either the natural drainage way on the south or the large heavily treed slope on the north side.
3. The setbacks, heights and architectural character of the structures proposed will serve to minimize adverse aesthetic impacts on the existing neighborhood. Since the same architect has done units on both sides of N.E. 52nd Street, there will be a continuity of visual identity on both sides of the road. After detailed investigation of the height question during the Preliminary Planned Unit Development stages, it was determined that no structure should be higher than 20 feet above the absolute elevation of the railroad tracks. The proposed project has been modified to adhere to this standard.

Conclusions, Cont'd

- A. 4. The arrangement of structures and roadway and utility improvements on the site will enable the retention of a substantial amount of natural vegetation and contours. This will preclude unacceptable slope instability and erosion problems.
5. Storm water management systems and techniques both prior to and during construction should help prevent runoff and erosion problems for property owners down slope. These techniques and features should be coordinated and monitored by the City at all phases of construction.

B. HISTORICAL BACKGROUND:

6. The applicants have responded to the items discussed in the City of Kirkland Resolution 2502 and the Houghton Community Council Resolution 78-1. They have responded to the four issues identified in the letter from the Interested Citizens of the Houghton Slope (See Exhibit "X") as follows:

- (1) The setbacks for the residential units have been set so that none are closer than 25 feet to the eastern property line. Moreover, the garages have been arranged so that only a few of them are as close as 5 feet to that property line and in this case they are lower than the tracks. The berm that is referenced in the letter was originally intended to be placed in the Burlington Northern right-of-way, however, that has not proven feasible. Consequently, the applicants should further modify the project so that a 10 foot wide 6 foot high berm is located easterly of the "A" units and said berm is then planted with substantial vegetation approximately 6 to 8 feet in height at the time of planting and 8 to 10 feet on center. This modified landscape plan should be reviewed by the Kirkland Department of Community Development and Parks Department prior to the issuance of Building Permits.
- (2) Not applicable.
- (3) The request that the City monitor pre-site work and during construction improvements with regard to storm water runoff and erosion has been addressed to a great extent by the applicants. Reference is made elsewhere in this report to the techniques and procedures for assuring that erosion and runoff are kept within acceptable levels.

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Conclusions, Cont'd

- B. 6. (4) The applicants have responded to the request to modify the density on the northern piece of property from 12 units to 10 units.

C. GOVERNMENTAL COORDINATION:

7. Fire Services Department. This Department has approved the adequacy of emergency access for the roadway improvements as submitted. Hydrant placement and water pressure for fire flow have also been approved as submitted. The applicant should contact the Fire Department prior to occupancy of structures for information concerning fire extinguisher requirements.
8. Parks Department. The vegetated buffer mentioned in the section above should be located on the subject property just to the east of those units that are identified on the site plan as "A" units. The fee in lieu of open space requirements should be met by depositing the appropriate amount in the fund prior to City Council consideration of Final Planned Unit Development.
9. Building Department. The footing design for all buildings should be done under the review of a soils engineer and they should adhere to the recommendations contained in the soils report.
10. Police Department. Applicants should inform the Police Department as to the structural nature and capacities of the entryway drop gate as well as any electronic monitoring or alarm systems to be installed with the project.
11. Department of Public Services. The drawings submitted with respect to all roadway, utilities, and building improvements are consistent with City engineering requirements. The applicants should instruct the project engineer to meet periodically with the Technical Committee in order to report on the progress of various phases of construction.

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Conclusions, Cont'd

D. EXISTING PHYSICAL CHARACTERISTICS:

12. Topography. The use of rockery for the maximum cuts proposed has been analyzed by the Public Service Department and meets engineering requirements. Other efforts have been taken, in the routing of the roadways and the location of structures and utilities, to minimize the cut and fill sections in the slope.
13. Hydrology. Most of the major drainageways have been avoided by the location of roadway and building improvements. A good example is the large southernmost ravine which is being left entirely as is. One notable exception is the large central ravine where the applicant has indicated a 60 foot by 120 foot tennis court that would also act as retention pond.
14. Soils/Geology. The recommendations of the soils report submitted with the Preliminary Planned Unit Development should be adhered to.
15. Vegetation. Tree retention plans should be submitted with Building Permit applications for the individual units. Said retention plan should indicate all trees six inches or greater in caliper and indicate those which are to remain and those which are to be removed.

E. NEIGHBORHOOD CHARACTERISTICS:

16. Land Use and Zoning. The Yarrow Hill project would not be the same as lands to the east in terms of building form, but it must be remembered that the unique characteristics of the land for the subject property are not the same either. Land to the east of the project (across the Burlington Northern railroad tracks) is relatively flat and consists of detached units on lots in the neighborhood of 8500 to 12,500 square feet each. The zoning to the east of the subject property would allow a density of approximately 5 dwelling units per acre. The project is comparable in overall density to those lands to the east but it is obviously different in building form. The attached units have been

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Conclusions, Cont'd

E. 16. (Cont'd)

proposed due to the unique site constraints including vegetation, drainageways, and slopes. The net evaluation of the degree to which the proposed project "fits" into the neighborhood is that although it is not like the residential land uses around it, the Yarrow Hill project would be compatible with it.

17. Streets. A realigned N.E. 52nd Street would be safer for all users in the area and improve emergency access to properties on the slope. The interior streets proposed for the project also meet emergency vehicle standards for width and turning radii.

The increased level of traffic on Lake Washington Boulevard is relatively minor compared to current levels and full development capacities.

The applicants should refine the plan indicated on Exhibit "P1" to allow for the future installation of bollards and signs that could restrict eastward (uphill) turns out of the Yarrow Hill southerly units. This alternative may be considered and implemented at a future date when the City looks at the entire question of the N.E. 52nd corridor.

18. Pedestrian Ways. By providing a facility along N.E. 52nd Street where none now exists the project will improve pedestrian access between Central Houghton and Lake Washington Boulevard. The use of asphaltic trail east of the main entry road is appropriate because it will allow a meander pattern through the natural draw. The use of special pavements and bollards in the vicinity of the street intersection with the main interior road will provide a visual and functional separation of vehicular and pedestrian traffic. The concrete walkway and stairs between the main entryway and Lake Washington Boulevard should be developed with brushed concrete in order to improve traction and should also be installed with railing under the supervision of the Public Service Department.

19. Public Transportation. By improving pedestrian access to Lake Washington Boulevard opportunities for the use of public transportation will be greatly increased.

20. Sanitary Sewer. The location and characteristics of the sanitary sewer system proposed with the project meets

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Conclusions; Cont'd

E. 20. (Cont'd)

the standards and specifications of the Kirkland Department of Public Services.

21. Storm Drainage. The location and characteristics of the proposed storm drainage system meets the specifications of the Public Service Department. The installation and operation of this system will both decrease the volume of storm water now leaving the subject property and going down slope as well as improve the water quality of water entering Lake Washington from the subject property. This latter feature will be accomplished by the installation of oil and sediment separators at appropriate places in the system. The interim storm water management and erosion control techniques proposed with the application should be monitored by a soils engineer during construction phases and periodic reports should be made to the Public Service Department and Technical Committee whenever these systems are installed. Moreover, a bond should be posted in an amount determined by the Public Service Department in order to insure that improvements will be completed. A hold harmless agreement should be submitted in a form approved by the City Attorney prior to any site work being done.
22. Domestic Water/Fire Hydrants. The water lines and hydrant locations have been approved.
23. Parking. The excess of 26 stalls should be reviewed with the Technical Committee and adjusted as appropriate.
24. Setbacks. The proposed setbacks meet minimum code requirement as well as the adjusted setbacks requested with Preliminary P.U.D.
25. Density. The density of the overall project is consistent with the policies outlined in the Land Use Policies Plan as well as the surrounding neighborhood.
26. Land Use Policies Plan. The proposed project meets the standards outlined in the Land Use Policies Plan as follows:

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Conclusions, Cont'd

E. 26. (Cont'd)

- (1) The soils and geologic analysis has been performed. This analysis covers the entire area of the site to be developed and has been referenced as a condition of approval for the project.
- (2) The developer will be required to indemnify and hold harmless the City, by a covenant running with the land, in a form approved by the City Attorney prior to the issuance of Building Permits.
- (3) The applicant has clustered structures as required.
- (4) The proposed plan achieves the retention of a maximum amount of vegetative cover.
- (5) Water courses have been retained in a natural state to the maximum extent possible.
- (6) Surface runoff will not only be controlled at pre-development levels, it will actually be decreased.
- (7) The applicants have not created any new access points onto Lake Washington Boulevard and they have, in fact, improved the safety and traffic geometry of the existing N.E. 52nd access onto Lake Washington Boulevard. The applicants have gathered the access of 66 of their units into one main entry road while the access to the other 10 units is from two driveways.
- (8) The City departments have indicated that if the application is constructed as submitted the City will have an ability to provide the necessary emergency services.
- (9) The applicants, by aggregating a total of 17 acres in two ownerships, have achieved a satisfactory level of aggregation of land. This aggregation of property allows certain economies of scale and efficiencies of design that would not have been available had a piecemeal development of the same amount of property occurred.

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Conclusions, Cont'd

- E. 26. (10) The public review of this proposal has been quite extensive over the last seven months and has undergone a great deal of modification in response to the concerns that have been raised.

RECOMMENDATIONS:

Subject to the foregoing Statements of Fact, Conclusions and Exhibits "A" through "X", we hereby recommend approval of this application for Final Planned Unit Development subject to the following conditions:

1. The approved proposal shall conform to the following notes or modifications:
 - a. All required utilities shall be undergrounded in accordance with the serving utilities current standards and specifications.
 - b. Any signing for the project shall be subject to the provisions of Chapter 23.32 of the Kirkland Zoning Ordinance.
 - c. The design of the entry way to the southerly units shall be done with the approval of the Public Services Department. The alleviation of traffic hazards shall be a main consideration of their review and approval.
 - d. A landscaped screen shall be installed parallel to and easterly of structures 5, 6, 7 and 8 on Exhibits "L1" and "L2". Said screening shall consist of various substances but should not include trees that would exceed a height of 20 feet. Design for the screen shall be subject to review and approval by the Technical Committee.
 - e. All guest parking stalls shall be either clearly marked with painted strips and wording or signs. Any guest stalls shall be surfaced with pervious materials such as grass grid or paving blocks.
 - f. The pedestrian sidewalk and stairs indicated for the lower part of the slope shall be finished in brushed concrete and shall include railings in those areas deemed appropriate by the Public Service Department. There shall be a 3 foot sloped sidewalk (no stairs) from the entrance for the southern units to Lake Washington Boulevard.
 - g. Permanent storage (more than 48 hours) of recreational vehicles shall not be permitted.
2. Prior to City Council review of the proposed Final PUD, the applicants shall:
 - a. Deposit into the "Fee, in Lieu of Open Space" account of the Park and Municipal Facilities Cumulative Reserve Fund, an amount equal to 2% of the assessed valuation of the property or \$200 per dwelling unit, whichever is greater.

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Recommendations, Cont'd

2. b. Submit for consideration by the City Attorney a hold harmless agreement agreeing to hold the City harmless from all liability from any risk or structural failure with respect to landslides. Such agreement shall constitute a covenant to be recorded and to run with the land.
- c. Meet with the Technical Committee for the purpose of defining which, if any, of the 26 'surplus' parking stalls will be deleted.
- d. The tennis court/retention pond shall be approved by the Technical Committee of the City of Kirkland in order to assure the satisfactory function for both tennis court and retention pond uses.
3. Prior to any site work being done on the property, applicants shall:
 - a. Post a performance bond, in an amount determined by the Public Services Department, to insure that any land surface modification work will be completed, as well as to perform and correct any structural or ground failures which may occur during the construction phase.
4. During the construction phases of the project, including the installation of utilities, roadway improvements, and actual building construction, erosion and storm water runoff management techniques detailed and noted on Exhibits "C", "I", and "K" shall be adhered to closely. The project engineer shall report to the Technical Committee of the City of Kirkland prior to and during the various phases of the work on the property, including the relocation of NE 52nd Street.
5. Prior to the issuance of building permits, the applicants shall:
 - a. Submit to the Department of Community Development for review and approval a detailed tree retention plan showing those trees over 6" in caliper which will be cut and which will remain, pursuant to Ordinance 2393.
6. Prior to the issuance of any Certificates of Occupancy, the applicants shall:
 - a. Complete the relocation of N.E. 52nd Street as described and effect the vacation or realignment of right-of-way to accommodate same.
 - b. Contact the Police Department concerning electronic security arrangements.
 - c. Contact the Department of Fire Services regarding fire extinguisher requirements.
 - d. Record the dedication of a public pedestrian easement over any portions of the sidewalk or stairs which may be on private property as it now exists or may be relocated.

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