

RESOLUTION NO. R- 2565

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. CUP-78-67(P) BY PATRICK G. CARROLL TO CONSTRUCT 117 MULTI-FAMILY RESIDENTIAL UNITS NORTH OF TOTEM LAKE, EAST OF 120TH AVENUE N.E., BEING WITHIN A PLANNED AREA 8 ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH CONDITIONAL USE PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Conditional Use Permit filed by Patrick G. Carroll, the owner of said property described in said application and located within a Planned Area 8 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their special meeting of October 26, 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 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-78-67(P) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Conditional Use 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 or become a part of the Conditional Use 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 Conditional Use Permit to initially meet or maintain strict compliance with the standards and conditions to which the Conditional Use Permit is subject shall be grounds for revocation in accordance with Section 23.56.110 of Ordinance No. 2183, the Kirkland Zoning Ordinance.


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

- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Building and Fire 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 6th day of November, 1978.

SIGNED IN AUTHENTICATION THEREOF on the 6th day of November, 1978.

ATTEST:


 Director of Administration and Finance
 (ex officio City Clerk)


 Mayor Bo-Dean



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY _____ DATE _____

XXX RECOMMENDED BY _____ DATE October 26, 1978

ADOPTED BY _____ DATE _____

STAFF _____

BOARD OF ADJUSTMENT _____

HOUGHTON COMMUNITY COUNCIL _____

XXX PLANNING COMMISSION _____

CITY COUNCIL AS INCORPORATED IN _____

Howard F. Peters Jr
David Russell, Chairperson

RESOLUTION _____ ORDINANCE _____

NUMBER _____

DATE _____

FILE NUMBER CUP-78-67(P)

APPLICANT Patrick G. Carroll

PROPERTY LOCATION So. of Totem Lake, east of 120th Ave. N.E.

SUBJECT Conditional Use Permit for 117 multi-family residential units in PLA 8.

HEARING/MEETING DATE November 6, 1978

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED See list on reverse.

Exhibits:

"A" - Application

"B" - Vicinity Map (page 1, Blueprints) (LARGE SCALE MAPS)(1 ea.)

"C" - Site Plan (page 3-6, and three supplemental sheets) (LARGE SCALE MAPS)(7 ea)

"D" - Historical Information

1. Plat of Puget Sound Center
2. Original Preliminary Plat of Totem Lake South
3. Short Plat, Totem Lake South
4. Final Plat, Totem Lake South

"E" - Soils Information

1. Soils Report
2. Letter from Rittenhouse-Zeman
3. Soils Map, Jones Associates

"F" - Environmental Information

1. Checklist and Attachment
2. Declaration

"G" - Landscape Plan

1. Landscape Plan
2. Letter from McClarty and Johnson regarding landscape plan
3. Specimen trees, Jones Associates

"H" - Reworking of Buildings F and G

I. SUMMARY:

A. DESCRIPTION OF PROPOSED ACTION:

This application, submitted by Patrick Carroll, is a request for a Conditional Use Permit for 117 multi-family residential units in Planned Area 8. The subject property is located south of Totem Lake, and east of 120th Avenue NE. (See Exhibit "B" - Vicinity Map)

These are proposed as townhouse-type units in eight clusters. (See Exhibit "C" - Site Plan) In addition to the residential units, the site plan shows 258 parking stalls at a ratio of 2.2 stalls per unit, a realignment of Totem Lake Way as an access road, subsurface drainage on a portion of the northern property line, a tennis court and landscaping.

This site presents some constraints to development, including the associated wetlands of Totem Lake and steep slopes. In accordance with the plat restrictions of the Totem Lake South subdivision, no fill is proposed below the 120 foot contour line. However, some units on pilings are proposed below the 120 foot line. The architects have indicated that the lowest floor level of these units would be 124 feet. The elevation of Totem Lake is about 118 feet.

The applicant has also submitted a drawing which shows all proposed cuts in excess of 8 feet, the existing vegetation, and the existing topography. (See Exhibit "C"). The unit count has been recently revised from 119 to 117 by removing 2 units from the building in the southeast corner labeled "J". Building "J" now has twenty proposed units rather than 22 and has been slightly reoriented to accommodate this change.

B. RECOMMENDATIONS:

Subject to the Statements of Fact, Conclusions and as identified in Exhibits "A" through "H", we hereby recommend approval of this application subject to the following conditions:

1. No fill will be permitted below the 120 foot contour line.
2. All utilities must be underground.
3. Buildings "E", "F", and "G" must be realigned similar to Exhibit "H", in order to retain the majority of the existing vegetation in that area.
4. This approval is contingent upon the recording of the Totem Lake South subdivision and the vacation of the portion of Totem Lake Way within this property. In addition, a lot line change must be recorded so that the area between lots B and C is removed from Tract A and a piece equal in size between lot C and Lot 1 and fronting on Totem Lake Way is included in Tract A.
5. Buildings "D" and "H" must be located so that there is a 20 foot clearance between the road and the buildings. The easternmost unit of Building "H" shall be relocated.

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I. SUMMARY: Continued

B. Continued

6. Together with application for Building Permit, the applicant shall indicate the manner in which the structural recommendations of the soils engineers have been incorporated.
7. Prior to issuance of a Building Permit, the applicant shall:
 - a. Submit for review and approval to the Department of Community Development a revised landscaping plan which bears the stamp of a licensed landscape architect. This plan must use materials that reflect the characteristics of the soils. For example, the areas west of Building "B" and east of Building "J" should be planted with trees that can survive in very wet soil rather than Douglas Fir, which will not grow in poorly drained, swampy soil. The material used in the vicinity of the area shown as "pond" on the landscape plan should also be suited to wet soils. Materials on the slope areas should be selected for their ability to stabilize hillsides. The existing vegetation in the northeast corner should be saved to the greatest extent possible, and the landscape plan must indicate which of the existing trees will be removed. The trees to be saved must be physically staked to prevent damage during construction.

The landscaping plan must also show a pedestrian system which will allow pedestrian movement throughout the proposed development. This system should be tied into the sidewalk that will be installed along the south side of Totem Lake Way. For those areas next to the road, improvements should be 5' concrete. For those areas separated from vehicular traffic, walkways may be 5' asphalt or other materials approved by the Department of Community Development. A lighting plan should be plotted wherever pedestrian paths are shown.

I. B. 7. a. (Cont'd)

The landscaping plan along the portion of Totem Lake Way west of Building "A" should be coordinated with the existing landscaping of Totem Lake Way, and the plans proposed by the adjacent properties to the west. This would include a 4 foot high earthen berm with erosion-reducing groundcover and street trees 30 feet on center.

This pedestrian system must run along the west side of the complex and continue along the south adjacent to Tract "A".

Materials or techniques will be used to create pedestrian crossings at 120th Ave. N.E. and Totem Lake Way. Location and details should be worked out with the Public Service Department and the Department of Community Development, with costs to be borne by SEBCO, Sea Galley and the applicants for Totem Lake Condominiums.

The use of "beauty bark" is explicitly prohibited except where reasonably used as mulch. The use of fertilizers should be kept to a minimum so that nitrates and other nutrients do not further degrade the water quality of Totem Lake.

- b. Submit for review and approval to the Public Service Department the following items:

(Refer to Page 4)

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I. SUMMARY: Continued

B. 2. b. Continued

(i) A storm retention system designed for 10-year storm, including methods or techniques for handling storm water runoff during construction as well as after. The retention system shall include oil/grit separators and these shall be indicated on the plans submitted for review.

(ii) A detailed utility improvement plan indicating the location, specifications and nature of the systems include water, sewer, power and communications. Applicant shall contact the NE Lake Washington Sewer District and then meet with the Kirkland Public Service Department. It shall be the purpose of said meeting to review the utility plan for conformance with Sections 4 and 5 of Resolution 2240 (minimizing hazard of flood damage or infiltration of flood waters into the sanitary sewer system).

(iii) A construction-drainage plan with measures to minimize erosion during the construction of this development.

c. Contact the Department of Fires Services for the purpose of reviewing the detailed improvements so that fire flow, hydrant, water line location, and other relevant requirements are adequately addressed.

B. Prior to the issuance of Certificate of Occupancy, the following shall be accomplished:

a. The installation of the landscaping plan approved by the Department of Community Development, incorporating all the requirements of Condition 8a.

b. The completion of the pedestrian system with 5' concrete sidewalks for the portions of the system abutting roadway, and 5' of asphalt for other pedestrian trails.

c. Approval of any sign identifying Totem Lake Condominiums.

d. Asphaltting and any stripping of parking stalls must be complete.

II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS:

A. HISTORICAL BACKGROUND:

1. Statements of Fact:

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II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS: Continued

A. 1. Continued

The subject property is located within the Totem Lake Center corrected plat which was approved by King County on September 29, 1970. The site is a portion of Lot C. (Refer to Exhibit "D1" - Plat of Puget Sound Center) On December 6, 1976, the preliminary plat of Totem Lake South received approval from the City Council through Resolution No. 2402. This was an eight lot subdivision and is included in the appendix of this report as Exhibit "D2". The applicant never did apply for final approval of this subdivision but instead short platted the property. Lots 1, 2, and 3 of the original subdivision became Lots A, B, and C of the short plat. (Refer to Exhibit "D3" for the conditions and the site plan of the short plat of Totem Lake South.)

After the short plat approval, the applicant submitted a revised preliminary plat to this City which divided tract "D" of the short plat into the same configuration as the original preliminary plat. This subdivision received preliminary approval on October 3, 1977, and final approval on June 5, 1978. The site plan and conditions of approval for the final plat are found in Exhibit "D4".

The subdivision of Totem Lake South segregated Totem Lake and the immediate wetlands as "Tract A". A small wedge of land between lots B and C provided access from Totem Lake way to Tract A. The separate owners of lots B and C have applied for a Conditional Use Permit, and the relocation of the access wedge would facilitate the overall planning of the area by allowing flexibility in the design of lots B and C as commercial sites and by providing separation between the commercial and residential areas.

The applicant received approval for a Zoning Text Amendment and a Comprehensive Plan Amendment which added residential units at a density up to 3600 square feet per unit as an allowable use in Planned Area 8. Approval was granted on July 10, 1978.

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II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS: Continued

A. 1. Continued

The applicant's present plans for the site include the vacation of Totem Lake Way which was dedicated by the approved plat. The recording of the final plat would require posting a bond for the completion of improvements required in the final plat and the applicant, as a contract purchaser, has chosen not to record the plat until the City has reviewed the subject application. If the applicant should receive approval of his Conditional Use Permit application, he would then post the money for the improvements to Totem Lake Way until he could receive approval from the City Council for the vacation of Totem Lake Way.

2. Conclusions:

In order for the applicant to proceed with this development application, he will be required to record the final plat of Totem Lake South and vacate Totem Lake Way. With the recording of the plat, the applicant should relocate the access wedge west of its present location. The new access should be of approximately the same size, between the subject property and Lot C. Until the time when that plat is recorded, this property is under the restrictions of the Informal Subdivision of Totem Lake.

B. GOVERNMENTAL COORDINATION:

1. Statements of Fact:

a. Fire Department.

Adequacy of Emergency Access: The "emergency access" is adequate per page 3 (Site Plan) date revised 9/26/78.

Fire Hydrants: A total of six fire hydrants will be required. The location of the required hydrants is marked on the attached page 3 (Site Plan) date revised 9/26/78.

Adequacy of Fire Flow: Based on the attached drawings we are unable to calculate the require fire flow at this time, however a minimum fire flow of 2500 gallons per minute will be required.

Other: Until detailed drawings of the structures are submitted to this Department, we will be unable to determine the type of alarm or/and detection system the codes require. Fire extinguishers will be required per pamphlet number 10 of the National Fire Detection Association. submit floor plans of the buildings to this Department for specific requirements and their locations. The water mains and fire hydrants shall be installed and fully operational before the framing stage of construction begins.

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II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS: Continued

B. 1. Continued

b. Building Department.

Relevant Building Code Requirements: The project will be located in Fire Zone 2.

Other: We suggest that the architect contact the Building Department for building code amendments prior to starting working drawings.

c. Public Service Department.

Sanitary Sewer: Northeast Lake Washington Sewer District

Domestic Water: King County Water District No. 79

Storm Water: Retention plan and construction drainage plan to be approved, prior to any construction, by the Public Service Department.

Right-of-Way Improvements: Sidewalk to be consistent with adjacent improvements. Sidewalk to be installed on private portion of roadway at end of dedicated right-of-way.

d. Police Department.

Adequacy of Emergency Access: No Comment

Other Public Safety Concerns: If a pedestrian system is included, should be approved by Police Department and lighted.

e. Park Department: Pedestrian Improvements: Concrete sidewalk one side of major roadway to link up with Totem Lake Way. Trail system not adjacent to paved right-of-way - connecting buildings - may be asphalt.

Landscaping: Street trees on major road 30' on center - preferably 1 1/2-1 3/4 Liquid Amber.

2. Conclusions:

a. The applicant should meet with all requirements of the Fire Department when plans are received for a Building Permit.

b. Plans for storm water retention and construction drainage must be approved by the Department of Public Service prior to any construction.

c. Sidewalks. To be required as part of the pedestrian walkway system.

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II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS: Continued

C. EXISTING PHYSICAL CHARACTERISTICS:

1. Statements of Fact:

- a. Topography. Contour lines are shown on page 2 of Exhibit "C" - Site Plan. The topography falls from approximately 240 feet above sea level to approximately 120 feet above sea level. Also refer to the elevations found on pages 5 and 6 of the proposed site plan.

The steepest portion of the lot, the northwest corner of tract "B", contains slopes up to 100%, and has been subject to slides in the past. On the advice of the soils engineer, the applicant has removed the units originally proposed for this area of the lot and has indicated instead that subsurface drains would be installed to help stabilize the slope.

Another steep slope area is found near the center of the property where the topography drops rapidly from the 150 foot contour to the 130 foot contour level. This area has slopes up to 80%. The architects re-located building "D" to avoid this area of steep slope.

- b. Geology. The Totem Lake area was created by the Vashon age glacier that covered this area with a layer of glacier till and local areas of stratified silt, sand and gravel. The major surficial geologic units of Totem Lake area are identified by "Land: Natural Elements" as made up of quarternary age Recessional Gravels and larger units of Vashon aged till. As the glacier began to retreat, the Totem Lake area became part of a melt water channel. During the past 8,000 to 9,000 years the lake bottom has been infilling with organic debris and silt.
- c. Soils. The soil on the site can be divided into three categories: glacial till and outwash, man-made fill, and organic material. Exhibit "E3" shows generally where these three soil types are located. The glacial till is ground gravelly sand with some silt, and the glacial outwash varies from a brown sand and gravel to a layered brown and gray sequence of silt, fine sands and silty clays to clay silts. The thickness of these deposits varies across the site. This material is well suited for building foundations but is located on the steeper slopes of this site.

The man-made fill was deposited in about 1972 during the construction of Totem Lake Shopping Center. This fill is of variable density. The soils report submitted with this application (Exhibit "E1") found that much of the southern half of the parcel is covered with uncompacted

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II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS: Continued

c. 1. c. Continued:

fill, and that fill is relatively deep in the low swampy areas nearest the lake.

The organic material is made up of silt and peat and has a very soft consistency. This material lies at the surface of the marshy areas and underlies the fill material in other areas. Under the fill area the depth of the peat varies between three and thirty feet, according to the soils report.

- d. Hydrology. The subject property drains into the Totem Lake basin. The lake itself has been in the process of eutrophication for the past 8,000 to 9,000 years. The lake is a maximum of 14 feet deep and has a high content of phosphates, nitrites, silicates, and fecal coliform.

The soils report found the ground water levels are near the surface over much of the site. Three out of four borings showed water within six feet of the surface.

- e. Vegetation. The vegetation in the area can be categorized as follows: (1) a remnant second growth forest; (2) open, disturbed areas; and (3) marsh land and lake foreshore. The following discussion is taken from the Environmental Assessment submitted by Jones Associates with the original preliminary plat:

1. Remnant Second Growth Forest

The forested area of the site consists largely of 19 specimen trees and is limited to the extreme northeastern corner of the property. Tree cover is primarily Douglas Fir (Pseudotsuga menziesii), Western Red Cedar (Thuja plicata) and Western Hemlock (Tsuga heterophylla).

The 19 specimen trees to be saved are listed below:

Fir	10	diameter	inches	45 [±]	years
Fir	18	"	"	35 [±]	years
Fir	20	"	"	45 [±]	"
Fir	22	"	"	70 [±]	"
Fir	24	"	"	70 [±]	"
Fir	24	"	"	70 [±]	"
Fir	36	"	"	70 [±]	"
Fir	36	"	"	70 [±]	"
Cedar	10	"	"	45 [±]	"
Cedar	12	"	"	45 [±]	"
Cedar	12	"	"	45 [±]	"
Cedar	12	"	"	45 [±]	"

II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS: Continued

C. 1. e. 1. Continued

Cedar	12	diameter	inches	45±	years
Cedar	14	"	"	45±	"
Cedar	14	"	"	45±	"
Cedar	28	"	"	35±	"
Hemlock	14	"	"	33±	"

Isolated Maple, Red Alder, Willows and Cottonwood are found in and surrounding the remnant forest area. (See Exhibit "G")
3 Specimen Trees
Jones Associates

2. Open, Disturbed Areas

These areas have been disturbed by recent filling operations and a former homestead. The plant cover includes Scotch Broom (Cytisus scoparius), Fireweed (Epilobium angustifolium), Red Alder, Douglas Fir and Cottonwood (Populus trichocarpa) seedlings, grasses and herbaceous plants.

3. Marshland and Lake Foreshore

Surrounding Totem Lake and extending along the gentle depression formed by the lake basin are plant communities composed of species that are either hydrophytic or otherwise tolerant of these poorly drained areas. This plant cover includes Willows, young Red Alders, young Cottonwoods, Cattails, reeds, spike reeds and grasses.

f. Wildlife. The Environmental Assessment for the original preliminary plat discussed wildlife as follows:

II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS:

C. 1. f. Continued

WILDLIFE

The Tsuga heterophylla zone in Western Washington approximately coincides with the Humid Transition life zone described by Merriam. This broad zone is characterized by such mammals as the Common Deer Mouse, Oregon Meadow Mouse, Pacific Jumping Mouse, Red Tree Mouse, Marsh Shrew, Townsend's Chipmunk, Douglas' Squirrel, Coast Mole and Townsend's Mole;¹ and by such birds as the Band-tailed Pigeon, Ruffed Grouse, Hairy Woodpecker, Downy Woodpecker, Pilcated Woodpecker, Traill's Flycatcher, Western Flycatcher, Steller's Jay, Screech Owl, Brown Creeper, Black-capped Chickadee, Chestnut-backed Chickadee, Bewick's Wren, Orange-crowned Warbler, Yellow Warbler, Black-throated Gray Warbler, Robin, Song Swallow, and Swainson's Thrush.²

Habitat zones do not accurately describe the actual conditions of a site; they describe the broad context into which the site fits and note the more probable characteristics of the area. Hence, several of the characteristic wildlife forms may or may not be found within the limits of the project area.

As much of the surrounding area has been developed, significant changes in the wildlife population of the site have occurred. Wildlife species more tolerant of human activity, "broad niche" species, have tended to replace less adaptable "narrow niche" species. Additionally, domestic pets have been brought into the general area, further altering the wildlife composition of the site. No rare or endangered species are known to inhabit the site or environs.

II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS: Continued

C. Continued

2. Conclusions.

a. Topography. In response to concerns regarding slope stability the soils engineers for the applicant responded as follows:

- (1) Areas of steep slope will be avoided. Excavations will generally be limited to 8' or less. In those areas where deeper cuts are planned, structural restraint will be used for hillside support.
- (2) The major portion of the site has moderate slopes which show no evidence of instability. As an exception to this, a slide has been identified near the north margin of the parcel. The limits of the slide area are shown on the Site Plan. Because of this, the Architect has eliminated Building C, which had been located within the slide area. Cross sections developed by the Architect, show that the west end of Building E can be constructed at or very near existing site grade.
- (3) Based on subsurface studies, it is our opinion that the proposed development will not create a slope stability hazard.

If these special precautions recommended by the soils engineer are taken into account in the design and construction of the buildings the steep slope should not be an insurmountable obstacle. In addition, the soils report enumerated measures for mitigating the impact of the development on the slope itself, such as subsurface drains.

- b. Geology-Soils. The problematic soils lie in the lower portions of the site. These areas contain unsupervised fill and soft organic materials that pose constraints to construction. However, the soils engineer has outlined design considerations that make development of these difficult areas feasible. Such measures include removal of unsupervised fill and replacement of compacted fill. In areas where the underlying soil is steep, keying and benching would be required. In areas covered with soft organic materials, the buildings would have to be designed with pier foundations. If these design considerations are utilized by the developer, the soils in the area can support develop without adverse impact.
- c. Hydrology. The soils engineer responded to concerns with seepage as follows:

II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS: Continued

C. 2. c. Continued

"The north slope area is underlain at relatively shallow depth by silty fine sands. These materials are relatively impermeable. As a result surface runoff and rainfall flow through the soil at shallow depths, during winter months. The installation of horizontal drains beneath the slide area should alleviate some of the water problem in the most sensitive area. On the balance of the hillside, the installation of perforated pipe footing drains adjacent to the structures and crushed rock backfill behind any rockeries, should take care of any seepage problems. By installing such drains around the structures, the net effect on groundwater due to construction should be minimal."

In regards to water quality of site runoff the soils engineer responded:

"Presently a major portion of the site does not support dense vegetation having been graded in the recent past. Runoff from the hillside to the north, flowing across the property, therefore carries silt into the Totem Lake basin. Development of the site will include extensive landscaping. This landscaping should trap much of the flowing water and any silt it might carry. We anticipate that catch basins in paved areas will be provided with grease and debris traps. Therefore, although development will increase the paved and roofed over area, the amount of silt flowing into the Totem Lake basin may be materially reduced."

On the basis of the information from the soils engineer, it would appear that problems concerning hydrology can be solved through a storm water system containing such devices as subsurface drains and grease and debris traps. These plans must be approved by the Department of Public Service, and must take into account all of the recommendations of the soils engineer.

- d. Wildlife: The applicant is attempting to transfer the habitat immediately surrounding Totem Lake to an agency interested in retaining the natural character of the area. A large portion of the Totem Lake area would thereby be reserved for naturally occurring wildlife.
- e. Vegetation. The applicant's response concerning vegetation in the Environmental Checklist stated that "con-

II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS: Continued

C. 2. e. Continued

struction will require removal of some existing trees and ground cover. Every attempt will be made to maintain as much existing flora as possible. Supplemental planting and landscaping will replace much of the existing plants removed."

Vegetation removal would have its greatest effect on the steepest slopes of this area. The old slide area is to be retained in its natural state to the greatest extent possible, with the exception of the construction of horizontal subsurface drains. All vegetation in this area should remain unless explicit permission is given by the Department of Community Development for the purposes of constructing the drainage system.

The environmental assessment speaks of the nineteen specimen trees in the northeastern corner of the property. Buildings F and G are proposed for this area. These two buildings should be located so that the maximum amount of specimen trees are retained. The applicant should indicate to the Department of Community Development which of the trees will be retained and which will be cut.

D. PUBLIC UTILITIES:

1. Statement of Fact:

- a. Streets. Access for this property would be obtained through Totem Lake Way. A portion of this street has been improved with asphalt curb and gutter, and the remainder of the street, dedicated in the Totem Lake South subdivision is presently unimproved.
- b. Sanitary Sewer. The property is in the Northeast Lake Washington Sewer District, and could be served by an existing 10-inch sanitary sewer line along 120th Avenue NE.
- c. Storm Sewer. Storm sewer would be discharged into Totem Lake and the associated wetlands.
- d. Domestic Water. Domestic water is available through Water District No. 79. There is an existing water main on 120th Avenue NE.
- e. Pedestrian Ways. No pedestrian ways now exist on Totem Lake Way or on 120th Avenue N.E. There do not appear to be any provisions for pedestrian ways within this proposal.

2. Conclusions:

- a. The streets within the proposed development should be constructed to the standards of the City of Kirkland.

II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS: Continued

D. 2. (Continued)

- b. Provisions should be made for pedestrian ways within the subdivision. The pedestrian system should provide access to the Totem Lake complex and should run along the west and south sides of the property along Tract A.

E. NEIGHBORHOOD CHARACTERISTICS:

1. Statements of Fact:

- a. Zoning. The subject property is zoned Planned Area 8. Professional offices, restaurants, multi-family dwelling units, or limited commercial uses are allowed in Planned Area 8. Multi-family dwelling units up to a density of 3600 square feet per unit are allowed in this zone and are subject to the provisions of Chapter 23.10 multi-family dwelling zone.
- b. Land Use. The subject property is presently undeveloped. The property surrounding this site is varied and includes the Totem Lake Shopping Complex, a few single family homes to the north, and vacant land. Two applications for development have been received for the two properties directly to the west. The land to the east is zoned Light Industrial and is presently vacant.

2. Conclusions:

This proposal would be consistent with the allowable uses for Planned Area 8 and the Comprehensive Plan.

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

1. Statements of Fact:

- a. Kirkland Zoning Ordinance. This proposed development would be subject to the requirements of Section 23.10 of the Zoning Code, multi-family dwelling zone, and Section 23.34 Parking and Loading.
- b. Land Use Policies Plan. The applicable sections of the Land Use Policies Plan are noted as follows:

II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS: Continued

F. 1. b. Continued

Potentially unstable slopes are present in the Totem Lake area as shown in Figure 40. These slopes are expected to remain stable if left in a natural condition. However, construction on or adjacent to these slopes may cause or be subject to landslides, excessive erosion, drainage or other problems associated with development on a slope. Therefore, a slope stability analysis is required prior to development on these potentially unstable slopes (see Natural Elements Policy 3.a.). Development is to be regulated on these slopes to minimize damage to life and property (see Natural Elements Policy 1.b.).

In all slope areas, existing vegetation should be preserved to the greatest extent feasible in order to help stabilize the slopes as well as maintain natural drainage patterns (see Natural Elements Policy 5.b. and Public Services/Facilities: Drainage Policy 2.b.). It should be noted that in slope areas, limitations on development are not due entirely to the existence of natural constraints. There may be additional reasons (for example: access, utility service, adjacent uses and others) for limiting the type or density of development in slope areas.

(p. 393)

Totem Lake is also an important element in the drainage system. This small lake provides storage for urban runoff; acts to some extent as a trap for sediment carried by surface runoff; and provides open space amenities in an area undergoing intense development. Totem Lake should be maintained in a natural condition and should not be diminished in size by filling or other land modifications (see Natural Elements Policy 2 and Policy 4). (p. 392 and 393)

II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS: Continued

F. 1. b. Continued

Lands surrounding the five-acre Totem Lake may be subject to uneven settlement (see Figure 41). In this area, developments must include methods to handle drainage; prevent methane entrapment; and prevent the settlement of structures and utility systems (see Natural Elements Policy 1.b.). In all areas subject to uneven settlement, a soils analysis is required prior to development in order to identify and mitigate possible problems. Further discussion of potential development around the Lake may be found in the Planned Areas section. (p. 393 and 394)

Portions of the Totem Lake area have been designated as flood hazard zones as illustrated in Figure 41. These designations have been made by the Federal Insurance Administration of Department of Housing and Urban Development. Federal law requires that flood insurance be obtained before any federally insured lending institution may approve a loan for development within an identified flood hazard zone. (p. 394)

II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS: Continued

F. 1. b. Continued

Totem Lake and the surrounding wetlands have been identified as a natural constraint area. These lands have been noted as being subject to possible uneven settlement and have been designated by the Federal government as a flood hazard zone. Additionally, the lake and wetlands area are to be maintained as functioning elements of the natural drainage system (see Natural Elements Policy 4 and Public services/Facilities: Drainage Policy 1). To protect the lake,

to provide visual open space, because most of the land is in a single ownership and considering the natural constraints, the area has been designated a Planned Area. Possible uses would include limited commercial and small office uses. Also permitted would be medium density residential use at 10 to 14 dwelling units per acre. All developments will be subject to the following conditions:

- (1) Developments are to be part of a plan encompassing all of the Planned Area.
- (2) The assured maintenance of the lake and wetlands as a natural water retention and cleansing system will be required (see Natural Elements Policy 4 and Public Services/Facilities: Drainage Policy 1).
- (3) The lake is to remain as a visual focal point for the area.
- (4) No construction over the lake will be permitted.
- (5) No fill for structures or parking will be permitted within a reasonable distance from the lake.
- (6) The water surface area of the lake is not to be reduced.
- (7) Lands which have been encumbered with a dedication of open space or development rights to the City may not be included in residential density computations.

(p. 396 & 397)

II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS: Continued

F. 1. b. Continued

Totem Lake has been designated as a flood hazard area by the Federal Insurance Administration (under HUD) and therefore is subject to the following sections of Resolution 2240.

"Section 4: The Building Official acting in cooperation with the Director of Public Services shall review subdivision proposals and other proposed new developments to assure that

(i) All such proposals are consistent with the need to minimize flood damage;

(ii) All public utilities and facilities such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage; and

(iii) Adequate drainage is provided so as to reduce exposure to flood hazards.

Section 5: The Building Official acting in cooperation with the Director of Public Services shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding."

2. Conclusions:

a. No fill will be allowed below the 120 foot contour level so that the hydrological value of the wetlands will be preserved.

b. Construction designs must take into account the problems associated with slope, uncompacted fill, and wetland areas. When application for Building Permit is received, the applicant shall indicate how the recommendations of the soils engineer are being implemented. These plans will also be reviewed by the Department of Public Service for improvements regarding drainage. The review of these plans should observe the policies embodied in the Land Use Policies Plan.

c. This development proposal generally meets the seven policy guidelines found on pages 396 and 397 which

II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS: Continued

F. 2. c. Continued

apply to the subject property.

- d. The utilities improvements must conform with Sections 4 and 5 of Resolution No. R-2240 in order to minimize any flood damage or infiltration of flood waters into the sanitary sewer system.
- e. The Land Use Policies Plan states that existing vegetation on these slopes should be retained to the greatest extent feasible. To this end, we recommend re-arranging Buildings F and G as shown on Exhibit "H" so that much of the significant vegetation discussed by Jones Associates (refer to Vegetation, and Exhibit "G3") are retained. The vegetated areas to be preserved must be physically staked prior to construction.
- f. In order to reflect the provisions of the Kirkland Zoning Ordinance, the most eastern unit of Building H must be relocated to allow 20 feet between the road and the building.

III. EXHIBITS:

"A" - Application

"B" - Vicinity Map (Page 1, Blueprints)

"C" - Site Plan (Pages 3-6, and three supplemental sheets)

"D" - Historical Information

1. Plat of Puget Sound Center
2. Original Preliminary Plat of Totem Lake South
3. Short Plat, Totem Lake South
4. Final Plat, Totem Lake South

"E" - Soils Information

1. Soils Report
2. Letter from Rittenhouse-Zeman
3. Soils Map, Jones Associates

"F" - Environmental Information

1. Checklist and Attachment
2. Declaration

"G" - Landscape Plan

1. Landscape Plan
2. Letter from McClarty and Johnson regarding landscape plan
3. Specimen trees, Jones Associates

"H" - Reworking of Buildings F and G