

RESOLUTION NO. R-2642

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF AN INTENT TO REZONE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. R-79-41(P), BY SATOSHI MARUYAMA FOR PROFESSIONAL OFFICE BUILDING USE OF AN EXISTING HOUSE, BEING WITHIN A RESIDENTIAL SINGLE FAMILY 7,200 ZONE, 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 Satoshi Maruyama, the owner of said property described in said application and located within a Residential Single Family 7,200 zone, and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of July 12, 1979, and

WHEREAS, pursuant to City of Kirkland Ordinance 2473 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 Chairwoman thereof and filed in the Department of Community Development File No. R-79-41(P) are adopted by the Kirkland City Council as though fully set forth herein, except Recommendation B-2 which is not adopted and in its place the following shall be a condition of approval:

"There shall be no outdoor storage of goods or materials. There shall be no warehousing or indoor storage of goods or materials beyond that normally incidental to permitted occupations."

Section 2. The Intent to Rezone Permit shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council. The City Council approves in principal this application for reclassification from Residential Single Family 7,200 to Professional Residential 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.

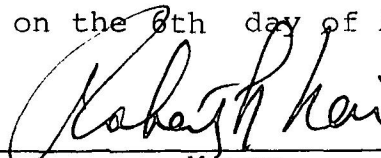
Section 5. Failure on the part of the holder of the Intent to Rezone Permit to initially meet or maintain strict compliance with the standards and conditions to which the Intent to Rezone Permit is subject shall be grounds for revocation in accordance with Ordinance 2183, the Kirkland Zoning Ordinance.

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

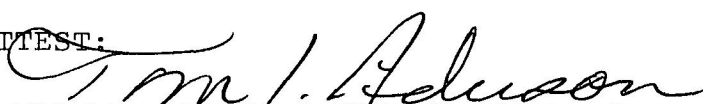
ADOPTED in regular meeting of the City Council on the 6th day of August, 1979.

SIGNED IN AUTHENTICATION THEREOF on the 6th day of August, 1979.

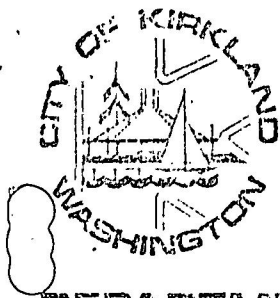


Mayor

ATTEST:



Director of Administration & Finance (ex officio City Clerk)



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY _____ DATE _____

RECOMMENDED BY _____ DATE July 12, 1979

ADOPTED BY _____ DATE _____

STAFF _____

BOARD OF ADJUSTMENT _____

HOUGHTON COMMUNITY COUNCIL _____

PLANNING COMMISSION Kay Haenggi, Chairperson

CITY COUNCIL AS INCORPORATED IN _____

RESOLUTION _____ ORDINANCE _____

NUMBER _____

DATE _____

FILE NUMBER R-79-41(P)

APPLICANT Satoshi Maruyama

PROPERTY LOCATION 812 Market St.

SUBJECT Application for Intent to Rezone from RS 7.2 to PR for professional office building use.

HEARING/MEETING DATE August 6, 1979

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Vicinity Map "C" Site Plan & Elevations "D" Environmental Information "E" Land Use "F" Zoning "G" Parking Plan

I. SUMMARY

A. DESCRIPTION OF THE PROPOSED ACTION:

This is an application for an Intent to Rezone submitted by Satoshi Maruyama. The proposed zone change is from RS 7200 to PR (Professional Residential). An 1800 square foot house (approximately) now stands on the site, and is proposed for office use. The address is 812 Market Street.

B. RECOMMENDATIONS:

approval
Based on the Statements of Fact, Conclusions and Exhibits "A" through "G", included in this report, we hereby recommend ~~contin-~~
~~uation~~ of this application for Intent to Rezone, subject to the following conditions:

1. The cedar tree in the southwest corner of the property shall be retained. If grading is to occur within ten feet of the drip line of this cedar tree, the tree shall be roped and staked prior to issuance of a grading permit. This roping and staking shall be inspected by the Department of Community Development prior to issuance of a grading permit.
2. *This shall be no*
~~est~~ There shall be no outdoor storage of goods or materials *or* ~~or~~ indoor storage of goods or materials beyond that normally incidental to permitted occupations.
3. Prior to issuance of a Certificate of Occupancy, the applicant shall:
 - a. Contact the Kirkland Fire Department for specific recommendations and locations of required fire extinguishers, as per NFPA Pamphlet No. 10.
 - b. Provide three parking stalls. These stalls shall be striped. This parking area and the access leading to the parking area shall be paved with asphalt or concrete. The backup space to the north of the existing driveway shall be covered with "grass-crete".
 - c. Propose commercial signing to be not greater than five square feet in size. This signing shall not be lighted and will be the only commercial signage allowed on the property. If ground-mounted, the top of the sign shall be no higher than five feet above grade.

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- I. B. 3. d. Provide a 4-foot wide densely planted site-screening landscape buffer along the proposed parking area, as shown in Exhibit "G". This landscaping shall not impair vision for on-coming foot and vehicular traffic along Market Street to the south. A landscaping plan showing this buffer shall be submitted with the revised parking plan. The applicant shall also submit a performance bond as required in Section 23.40.130 of the Kirkland Zoning Ordinance to insure completion of this required landscaping.
- e. Submit a lighting plan to the Department of Community Development for review and approval. Lighting shall be directed toward Market Street and away from surrounding residences. Fixtures may be on poles or on the building no higher than the top of the building's roof.
4. Prior to City Council review, the applicant shall submit - a revised parking drawing showing the two outside parking stalls moved 4 feet to the north, and proposed landscaping materials to be used in the 4-foot wide buffer as shown on Exhibit "G", as required in 3.d. above.

II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS

A. GOVERNMENTAL COORDINATION:

1. Statements of Fact.

- a. Kirkland Police Department. Emergency access to the property is adequate. The only existing on-site parking is in the driveway off of Market. Due to the need to back out of the parking area, we do not feel this is adequate or safe for commercial business.
- b. Public Service Department. There is an unimproved alley on the east side of the property, which should be developed for use to access off-street parking behind the building. Sanitary sewer, domestic water, and storm water retention system is adequate for this development. No public utility or right-of-way improvements, except for the alley, should be needed.
- c. Building Department. Use of this structure as an office will change the fire zone from Fire Zone III to Fire Zone II. Building permit will be required for the proposed changes.
- d. Fire Department. Emergency access, existing fire hydrants are adequate as shown. A minimum fire flow of 1500 gpm shall be available. The applicant should contact the Kirkland Fire Department for specific recommendations and locations for required fire extinguishers, per N.F.P.A. Pamphlet No. 10.
- e. Parks Department. No comment on this proposal at this time.

2. Conclusions.

- a. The existing parking arrangement is not safe, as it forces vehicles to back out onto Market Street.
- b. Prior to issuance of Certificate of Occupancy, the applicant should contact the Kirkland Fire Department for specific recommendations and locations of required fire extinguishers, as per N.F.P.A. Pamphlet No. 10.
- c. Primary access from the alley is not desirable due to single family residences abutting the alley to the east, and the need for a large amount of cut and fill to provide for adequate parking off the alley.

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II. B. HISTORICAL BACKGROUND:

1. Statements of Fact.

The emerging land use pattern along Market Street can be seen by looking at a number of office buildings recently rezoned along Market Street: The Kilburn rezone at 2nd Street West and 8th Avenue West; the Cunningham rezone at 1029 Market Street; the Kirk rezone at the southwest corner of 5th Avenue West and Market Street; and the HJC Real Estate (Harry Cummings) rezone at 801 Market Street.

In addition, an office building for the Ventco Corporation is currently under construction at 1801 Market Street.

The Kilburn rezone involved an existing structure plus an addition to that structure to be used for a medical clinic. Alley access to employee parking was allowed under this rezone, which was approved prior to adoption of the current Land Use Policies Plan.

The Cunningham rezone was for a 14 foot high, one-story 3900 square foot professional office building. Access to the property was from 11th Avenue West and exiting on Market Street.

The Kirk rezone was for an 18-20 foot high (two-story) approximately 6,000 square foot office building. Primary access to this property is from 5th Ave. W.

The Ventco Building at 18th and Market, has its primary access from 6th St. W.

The HJC Rezone, approved May 7, 1979 was for an existing building. A buffer strip with development rights to be dedicated to the City was not required of this Rezone.

2. Conclusions.

This proposal is consistent with the emerging land use along Market Street. No "back-out" parking has been allowed on previous Rezone projects. Because this is an existing structure, a buffer strip with dedication of development rights to the City should not be required.

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II. C. EXISTING PHYSICAL CHARACTERISTICS:

1. Statements of Fact.

- a. Topography. The subject property is fairly level, except for a steep bank in the southwest corner of the property, and a slope along the east side of the property abutting the alley.
- b. Landscaping. Existing landscaping is shown on Exhibit "C" - Site Plan. Worth noting are two large trees on the property - the cedar in the southwest corner of the property and the chestnut in the northeast corner of the property.
- c. Other. A concrete retaining wall holds the slope in the southwest corner of the property, as does a concrete retaining wall hold another slope on the east side of the property.

2. Conclusions.

The existing physical characteristics will pose no problem for the proposed use of this structure as an office. These factors come into play when looking at alternate parking arrangements. Slope problems along the east side of the property and in the southwest corner may pose some problems for locating parking in those areas. Fill material would be needed on the east side along with construction of a higher retaining wall to provide for parking off the alley. The chestnut and pine trees in the backyard may also need to be removed for parking in the backyard. The hemlock and cedar trees on the south side, and the need to construct a driveway over a 3-4 foot bank in the front combine to make parking on the southern sideyard difficult. Parking in the front yard would detract from the residential character of the existing building and site design. The cedar tree in the southwest corner of the property should be retained. If grading is to occur within 10 feet of the drip line of the cedar tree, the tree should be staked and roped and inspected by the Department of Community Development prior to issuance of a grading permit on the property. The two proposed outside parking stalls should be moved 4 feet to the north, to not encroach upon the cedar tree.

D. PUBLIC UTILITIES:

1. Statements of Fact.

- a. Streets. The subject property fronts on Market Street, which is fully improved with curb, gutter and sidewalk. A landscaped median in Market Street prohibits vehicles from turning southbound from the subject property onto Market Street
- b. Sewer/Water. Existing sewer and water lines are adequate to serve the office use. No additional hookups would be necessary.

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II. D. 2. Conclusions.

Existing sewer and water lines are adequate to serve the proposed office use.

E. NEIGHBORHOOD CHARACTERISTICS:

1. Statements of Fact.

- a. Zoning. The subject property as well as property to the east is currently zoned RS 7200 (single family). The abutting property to the north is zoned RM 3600 (multi-family) and the abutting property to the south is zoned PR (Professional Residential). Directly across the street, lies a PO (Professional Office) zone.
- b. Land Use. Abutting properties to the north and south contain multiple family residences, and to the east lie three single family residences and a duplex. To the west lie two office buildings.

2. Conclusions.

The proposed land use is consistent with the developing land use pattern in the area. Due to the single family residences to the east, the alley to the east should not be used for primary access to the property.

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

1. Statements of Fact.

a. Land Use Policies Plan.

Figure 32 on Page 308 designates the subject property for office and multi-family use.

Figure 36 on Page 312 designates Market Street as a major arterial.

Market Area - Introduction. Development along Market Street should be coordinated to minimize traffic-related problems and avoid conflicts with nearby low residential density uses. (Page 313)

Market Area/Economic Activities. The following discussion from LUPP addresses the proposed development: Offices of a residential scale as well as medium density residential uses are a desirable form of development along Market Street. However, in order to minimize adverse impacts on the surrounding single family area, development should be subject to certain performance standards:

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I. F. 1. a. (Cont'd)

All new office development in the Market Street corridor must also meet the following standards:

- (a) Structures adjacent to single family areas may not exceed a height normally associated with single family houses. The height of structures should be kept as low as possible as measured from Market Street to prevent significant view obstructions.
- (b) Development along Market Street should not significantly alter the exterior appearance of historic buildings. Restoration of such buildings is encouraged.
- (c) Signing and lighting are to be controlled to be compatible with surrounding scale.
- (d) Primary vehicular access must be directly to and from Market Street or side streets.
- (e) Office development is required to provide large, densely landscaped setbacks as a visual buffer between residential and non-residential uses. Parking would not be allowed in this setback area.
- (f) The dedication of development rights to the City in the required buffer strip around the development facing the low density residential areas.

Definition of small office - A place of employment used for business activities other than production, storage, wholesale, or retail sales. The structure is generally one-story high, residential in scale, and adheres to suitable open space and setback requirements. Small offices may be increased in height to correspond to the surrounding residential character.
(Appendix VI, Page A26)

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II. F. 1. (Cont'd)

b. Kirkland Zoning Ordinance.

Section 23.14.070. Outdoor Storage: There shall be no outdoor storage of goods or materials, and there shall be no warehousing or indoor storage of goods or materials beyond that normally incidental to permitted occupations.

Section 23.32.030. Signs: The total signage allowed for this building will be one square foot of sign per 100 square feet of gross floor space.

Section 23.34.020. Parking - Required Number of Spaces. Required parking for professional offices is one space for each 300 square feet of gross floor area of the building.

Section 23.40.130.

Performance Bond: No Certificate of Occupancy may be issued until a performance bond has been posted to insure completion of any landscaping, screening or fencing required by this Ordinance. The bonds shall be established as provided in Chapter 23.54 of this Ordinance.

2. Conclusions.

Many of the standards addressed in the Land Use Policies Plan for office development on Market Street will not be applicable to this project because an existing structure (formerly a single family residence) is being used. The standards dealing with height (Standard A), and the densely landscaped buffer strip (Standards E and F) would not be applicable in this case.

Less than 500 square feet of the building is actually being used for the office use. Applying the Zoning Ordinance parking standard of one space for each 300 square feet of gross floor area, two parking spaces will be required for the office use. The remainder of the structure will remain in residential use, for use by employees and their guests. Normally, a dwelling unit would require 2.0 spaces per unit. However, it can be determined in this case that one of the employees is also a resident of the building in question, two spaces for the small residence in addition to two spaces for the business would not be needed. It seems reasonable that three parking spaces should be provided: 2 for office use (as required) and 1 space for the residential use. These three spaces should be 20 feet by 9 feet.

II. F. 1. 2. (Cont'd)

Total commercial signage allowed for this building will be five square feet in area. This sign should not be lighted and if ground-mounted, the top of the sign should be no higher than 5 feet above the existing grade. Proposed signing should be submitted to the Department of Community Development for review and approval prior to issuance of a Certificate of Occupancy. Additional commercial signage will not be allowed on the property.

A 4-foot wide densely planted site screening landscape buffer should be planted along the parking area as shown on Exhibit "G". A landscaping plan showing materials to be used in this landscaping buffer should be submitted prior to City Council review of this application. The applicant should also submit a performance bond as required in Section 23.40.130 of the Kirkland Zoning Ordinance prior to issuance of Certificate of Occupancy, to insure completion of this required landscaping.

III. APPENDICES:

Exhibits "A" through "G" are attached.