

RESOLUTION NO. R- 2659

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF AN INTENT TO REZONE AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. R-F-PUD-79-74(P) BY ARROW DEVELOPMENT CORPORATION TO REZONE A PARCEL FROM RS 35,000 TO RM 1800/PUD FOR THE FINAL PHASE OF SALISH VILLAGE, BEING WITHIN AN RS 35,000 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 Arrow Development Corporation, the owner of said property described in said application and located within an RS 35,000 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their special meeting of September 6, 1979, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 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 Chairperson thereof and filed in the Department of Community Development File No. R-F-PUD-79-74(P) are adopted by the Kirkland City Council as though fully set forth herein.

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, the request for reclassification from RS 35,000 to RM-1800/PUD 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 resolution 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 as expressly set forth herein.

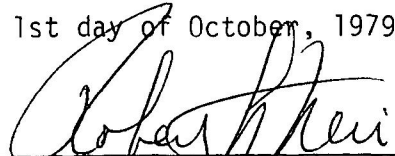
Section 5. Failure on the part of the holder of the Intent to Rezone Permit to initially meet or maintain strict compliance with the standards and conditions to which the Intent to Rezone Permit is subject shall be grounds for revocation in accordance with Section 23.62.070 of Ordinance No. 2183, the 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) Fire and Building Department of the City of Kirkland
- (d) Project and Construction Management Department of the City of Kirkland
- (e) Public Service Department of the City of Kirkland
- (f) 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 1st day of October, 1979.

SIGNED IN AUTHENTICATION THEREOF on the 1st day of October, 1979.



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 6, 1979

ADOPTED BY _____ DATE _____

STAFF _____

BOARD OF ADJUSTMENT _____

HOUGHTON COMMUNITY COUNCIL _____

xx PLANNING COMMISSION Kay Haenggi
Kay Haenggi, Chairperson

CITY COUNCIL AS INCORPORATED IN _____

RESOLUTION _____ ORDINANCE _____

NUMBER _____

DATE _____

FILE NUMBER R-F-PUD-79-74 (P)

APPLICANT Arrow Development Corporation

PROPERTY LOCATION S. of NE 132nd St., W. of Forest Grove Subdivision

SUBJECT FINAL PLANNED UNIT DEVELOPMENT FOR FINAL PHASE OF SALISH VILLAGE,
REZONE FROM RS 3.5 TO RM 1800/PUD.

HEARING/MEETING DATE October 1, 1979

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED REFER TO LIST OF EXHIBITS ON REVERSE SIDE.

EXHIBITS

- "A" - Application
- "B" - Final Environmental Impact Statement
- "C" - Vicinity Map and Site Plan
- "D" - Building Elevations (2 sheets)
- "E" - Landscape Plan
- "F" - Buffer Zone Detail
- "G" - Letter from Landscape Architect
- "H" - Soils Report
- "I" - Preliminary P.U.D. Notice of Approval
- "J" - Preliminary P.U.D. Site Plan
- "K" - Letter from Attorney Ralph Thomas

I. SUMMARY

A. PROJECT DESCRIPTION

This is an application for a Rezone from RS 35,000 to RM 1800/PUD, and a Final P.U.D. for the Final Phase of Salish Village. The Preliminary P.U.D. was approved following issuance of an Environmental Impact Statement in January of 1976. Phase I (Salish Village) was approved in April, 1976; Phase II (Shawnee Village) was approved in August, 1977, and Phase III (Falcon Ridge) was approved in March, 1978.

The subject property is located south of N.E. 132nd Street, east of the existing Salish Village, Shawnee Village and Falcon Ridge developments, and west of Forest Grove Subdivision. 96 dwelling units in 11 buildings are proposed, with 2.0 parking stalls per unit. Also proposed is a pool, recreation building and sport court. Buildings 4F, 4G and 4H lie on the top of a steep slope.

B. MAJOR ISSUES

Ralph Thomas, City Attorney, has issued an opinion regarding what is appropriate for discussion at the Final P.U.D. stage (Exhibit "K"). Broad issues such as number of units and conceptual approval of the project have been decided at the Preliminary P.U.D. stage, and should not be re-opened.

The major issues reserved for discussion at the Preliminary Planned Unit Development stage, for the Final Planned Unit Development stage, are:

1. Adequate security measures. (Condition No. 3 in Preliminary P.U.D. Notice of Approval, Exhibit "I").
2. Landscape Plan (Condition No. 6).
3. Forest Grove 50 foot buffer (Conditions 7 and 8).
4. Soils Report (Condition No. 10)
5. Water Availability (Condition No. 16).
6. Handicapped Access (Condition No. 20).

Changes from the approved Preliminary P.U.D. site plan include some minor building location shifts, and reconfiguration of some buildings (see Exhibits "C" and "J"). In addition, a "tot lot" has been replaced with a recreation building, sport court and swimming pool.

I. C. RECOMMENDATIONS:

Based on the Statements of Fact, Conclusions, and Exhibits "A" through "K" contained herein, we hereby recommend approval of this application for an Intent to Rezone and Final Planned Unit Development, subject to the following conditions:

1. Any changes in the approved site plan, or landscaping plan, shall be subject to approval by the Department of Community Development. Existing native trees shall be retained as much as possible in the construction areas. Additional landscaping, subject to Department of Community Development approval, shall be planted along the access road adjacent to Falcon Ridge. A two-year maintenance bond for landscaping shall be required.
2. The areas shown as "lawn" on the landscaping plan (Exhibit "E") shall be planted with grass. The areas shown as "natural landscaping" on the same exhibit shall remain undisturbed, except for walkway and utility installation. The use of beauty bark shall be confined to areas under shrubs and trees.
3. All recommendations in the soils report (Exhibit "H", pages 4 through 7), shall be followed.
4. All construction on the subject property shall be required to be within conformance of the Kirkland Land Modification Ordinance No. 2293.
5. All construction activities shall be confined to working hours as stipulated within the Kirkland Zoning Ordinance.
6. Prior to issuance of a Grading Permit, the applicant shall:
 - a. Submit detailed interim and permanent storm drainage plans to the Department of Public Service for review and approval. These plans shall prevent sedimentation of Totem Lake and erosion within the steep slope area associated with the P.U.D. Drainage from impervious areas shall be directed away from the steep slope area. No loose fill shall be pushed onto the steep slopes during site development. Permanent retention system shall be developed to maintain on-site a quantity, quality and velocity of storm water runoff that is equal to or better than the existing runoff conditions. This system shall be designed to maintain a minimum of a 10-year storm, and be designed with oil and sediment traps as appropriate. This system shall also provide for drainage from the parcel fronting on N.E. 132nd Street, between Phases I and III.
 - b. Subject to current regulations, apply for and receive a pre-construction review from Puget Sound Air Pollution Control, to be submitted to the Department of Community Development.

- I. C. 7. Prior to issuance of Building Permits the applicant shall:
 - a. Contact the Crime Prevention Officer of the Kirkland Police Department for approval of proposed doorlocks and windows.
 - b. Finalize the number and location of street signs, to be determined by the Building Department.
8. Within one week of the placement of foundations for Building 4H, the filled in ravine and slope south of Building 4H shall be hydroseeded.
9. Prior to the framing stage of construction, fire hydrants shall be installed, operational and charged, with a minimum fire flow of 2500 gpm available.
10. Prior to issuance of Certificates of Occupancy the applicant shall:
 - a. Install a fence along the eastern edge of the 50 foot wide buffer, separating the buffer and Forest Grove Subdivision. This fence shall be 6 feet high, sight screening, and shall leave a pedestrian opening at N.E. 129th Street for the Forest Grove Subdivision. Fencing materials shall be approved by the Department of Community Development. Motorcycle barriers shall be installed at the opening of the fence at N.E. 129th St.
 - b. Install smoke detectors conforming to the 1976 UBC, to be approved by the Fire Department. Except Buildings 4F and 4L, which shall have a Type A fire alarm system, per City rules and regulations, to be installed by the applicant and approved by the Fire Department.
 - c. Purchase, install, and maintain signs that read "FIRE LANE - MAINTAIN 12 FOOT WIDTH CLEARANCE". These signs shall be 18" by 24" and placed every 150 feet along the loop roadway. These signs shall also be maintained at the expense of the developer and/or owner.
 - d. Install and maintain special handicapped parking facilities. These special parking areas shall be posted with "HANDICAPPED PARKING ONLY" signs.
 - e. Provide pedestrian walkways as proposed along the main access street, and where appropriate, walkdowns from pedestrian walkways to street level at all street crossings and dwelling unit access areas.
11. Handicapped units and handicapped parking stalls, as shown on Exhibit "C" - Site Plan, shall be constructed to the standards and specifications as required by the Washington State Building Code, RCW 19.27, Chapter 96, Laws of 1974, as amended by Chapter 110, Laws of 1975. Adequate compliance with these standards and specifications shall be determined by the Building Department prior to issuance of Building Permit for any handicapped unit.

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I. C. Recommendations, (Cont'd)

12. The site plan shall be modified for Buildings 4A through 4E to reflect the size (footprint of the building and height) of these buildings approved as part of the Preliminary P.U.D. (Buildings 5A through 5F on the Preliminary P.U.D. Site Plan).

II. MAJOR ISSUES

A. Adequacy of Security Measures.

1. Statements of Fact.

The Police Department has found some inadequacies in the door locks and windows in Phases I-III. They recommend that the applicant contact the Crime Prevention Officer prior to Building Permit issuance for review of door locks and windows.

2. Conclusions.

Prior to Building Permit issuance, the applicant should contact the Crime Prevention Officer for approval of door locks and windows.

B. Landscape Plan. (Exhibit "E").

1. Statements of Fact.

The Parks and Community Development Departments are satisfied with the proposed landscaping. 61.7% of the site will be given to landscaped open space (both natural and planted).

2. Conclusions.

The landscaping plan (Exhibit "E") is adequate. The areas shown as "lawn" should be planted with grass. The areas shown as "natural landscaping" should remain undisturbed, except for walkway and utility installation. The use of beauty bark should be confined to areas under shrubs and trees. Existing native trees should be retained as much as possible within the construction areas. To assure maintenance of the proposed landscaping, the applicant should submit a two-year maintenance bond for landscaping.

C. Forest Grove Buffer.

1. Statements of Fact.

A 50 foot wide buffer was required west of the Forest Grove Subdivision to provide a visual screen for the subdivision residents. Additional trees were installed by the applicant with Phase I development. Replacement of dead trees was required with Phase II and III development. Many trees have been removed or have died since that time.

Since the Planning Commission needs to evaluate the adequacy of the buffer (Exhibit "I", Condition No. 8), we offer the following alternatives:

- a. Plant materials in the buffer which will provide an immediate sight-screen; 9/6/79 8/28/79 bk

- C. 1. b. Plant materials in the buffer to provide a sight-screen in the near future (see Exhibit "F");
- c. Install a 6 foot high sight-screening fence along the eastern edge of the buffer;

The buffer (located on private property) has been used by area residents as a dirt bike track, dump, and for tree-houses.

2. Conclusions.

It is the opinion of the Parks and Community Development Departments that the buffer, as it currently exists, is inadequate and has not reached a sight-obscuring stage.

Alternative a. above (immediate living screen in buffer) has not been recommended by the applicants' Landscape Architect (Exhibit "G").

Alternative b. above (future living screen in buffer) has been attempted for the past 3 1/2 years without much success and has been proposed by the applicant in Exhibit "F". Any planting within the buffer may die due to lack of sunlight and overall crowding.

Alternative c. (6 foot high fence) will serve the purpose of screening and prohibit public use of private property EXCEPT for the pedestrian pathway beginning at the N.E. 129th street end in Forest Grove, through the applicants' property. A fence will also help with security problems.

We recommend that the applicant use Alternative c. with a fence to be installed prior to issuance of any Certificate of Occupancies, to be approved by the Departments of Community Development and Parks. This alternative will provide a visual screen and help with security problems from unauthorized public use of private land. Motorcycle barriers should be installed at the opening of the fence at N.E. 129th St. to keep motorcycles out of the buffer area.

D. Soils Report

1. Statements of Fact.

The Soils Report (Exhibit "H") points out that a ravine near proposed Building 4H was recently filled with 2-3 feet of loose soil containing construction debris to a depth of 10-12 feet. The filled area is shown on Plate 2 of Exhibit "H". Building 4H and a portion of the main interior access road lie on this loose fill.

2. Conclusions.

The Soils Report concludes that Building 4H and the road over the filled ravine need special considerations in construction. The filled-in ravine and resulting slope south of Building 4H should be hydroseeded within one week

II. D. 2. (Cont'd)

following placement of foundations on the fill and slope, to prevent soil erosion. All recommendations in the Soils Report (Exhibit "H", pages 4-7) should be followed.

E. AVAILABILITY OF WATER.

1. Statements of Fact.

A letter dated August 27, 1979 from Leo Spencer Emerson of The Mueller Group states that "The domestic water system, as built to and through the project site of Salish Village Phase IV will, with system extension on the site, provide adequate pressures and flows for both domestic and fire protection throughout the project site." The 10" and 8" water lines shown on Exhibit "C" - Site Plan, have been reviewed by the Public Service Department.

2. Conclusions.

The Public Service and Fire Departments have not indicated that there will be problems providing adequate fire flow and domestic water to Phase IV.

F. HANDICAPPED ACCESS.

1. Statements of Fact.

A letter dated August 27, 1979 from Leo Spencer Emerson of The Mueller Group states "All apartment units on the site of Salish Village Phase IV designated as "accessible dwelling units," as defined by RCW 19.27, Chapter 96, 1974, Chapter 110, Laws of 1975, will be connected with an "accessible route of travel," as therein defined, to the patio slab in the rear of the apartment unit." These citations refer one to the Uniform Building Code and, in particular, a portion of the code which has not yet been adopted by the City of Kirkland, but has been adopted by the State. The basic requirement for an accessible route of travel is a path, not less than 32" of unobstructed width nor less than 79" of unobstructed height at any point providing accessibility from the accessible dwelling unit to accessible parking.

2. Conclusions.

Handicapped parking stalls and handicapped dwelling units should be constructed to the standards and specifications as required by the Washington State Building Code, RCW 19.27, Chapter 96, Laws of 1974, as amended by Chapter 110. Laws of 1975. These necessary improvements should be reviewed.

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II. F. 2. (Cont'd)

prior to issuance of any Building Permit for any accessible dwelling unit.

G. FINAL PUD SITE PLAN CHANGES

1. Statements of Fact.

The eastern edge of the Final Phase of development is closest in proximity to the single family detached Forest Grove Subdivision. Buildings 4A through 4E, the closest buildings to Forest Grove, are slightly larger buildings in terms of square footage and height than similar buildings in the same area approved as part of the Preliminary Planned Unit Development in 1975 (Buildings 5A through 5F).

2. Conclusions. To reduce the impact of large structures near the single family Forest Grove Subdivision, Buildings 4A through 4E should be no larger (footprint of the building and height) than similar buildings approved as part of the Preliminary Planned Unit Development (Buildings 5A through 5F on the Preliminary P.U.D.).

III. HISTORY

1. Statements of Fact.

The Preliminary P.U.D. was approved in January, 1976 and the Notice of Approval is attached as Exhibit "I". The Final E.I.S. required for the Preliminary P.U.D. is attached as Exhibit "L".

2. Conclusions.

Preliminary P.U.D. conditions 3, 6, 7, 8, 10 and 16 have been addressed elsewhere in this report.

Conditions 9, 12, 13, 15, 19, 20, 21, 23 and 24 should be made conditions of approval for this application.

IV. GOVERNMENTAL COORDINATION:

1. Statements of Fact.

a. Public Service

Complete interim drainage and permanent drainage plans will be required. The permanent plan should provide for drainage from parcel between Phases I and III fronting on N.E. 132nd Street.

IV. 1. b. Fire Department.

A minimum fire flow of 2500 gpm shall be available at the newly installed fire hydrants. Hydrants shall be installed, operational and charged before the framing stage of construction begins. Buildings 4F and 4L shall have installed a Type "A" fire alarm system, per City rules and regulations. Other buildings shall have smoke detectors per 1976 U.B.C.

c. Building Department.

Street signs shall be installed by the applicant conforming to street numbers provided in previous phases. Location and number of signs should be determined prior to Building Permit issuance.

2. Conclusions.

- a. Prior to Grading Permit issuance, the applicant should submit detailed interim and permanent storm drainage plans to the Department of Public Service for review and approval. The permanent system should provide for drainage from the parcel fronting on N.E. 132nd St., between Phases I and III.
- b. Prior to Building Permit issuance, the applicant should finalize the number and location of street signs to be determined by the Building Department.
- c. Prior to the framing stage of construction, fire hydrants should be installed, operational and charged, with a minimum fire flow of 2500 g.p.m. available.
- d. Prior to issuance of a Certificate of Occupancy for each building, smoke detectors conforming to the 1966 U.B.C. should be installed and approved by the Fire Department; except Buildings 4F and 4L should have a Type "A" fire alarm system, per City rules and regulations, to be approved by the Fire Department.

V. CITIZEN INPUT.

1. Statements of Fact.

John Allen, 12617 N.E. 130th Court (Falcon Ridge) requested that a buffer be planted between the existing Falcon Ridge development and Phase IV.

Janice Lesche, a Falcon Ridge resident, was concerned with the removal of existing trees.

R. B. Phillips, 12901 129th Ave. N.E. (Forest Grove) thought that a three-story building (Building 4F) was inappropriate adjacent to a single family area. (Forest Grove).

Other citizens from Falcon Ridge and Forest Grove were concerned with traffic, density, and marketing of condominiums.

2. Conclusions. To retain a natural atmosphere in the area and to provide some buffering between the new phase of development and Falcon Ridge, the applicant should plant additional materials to form a buffer between Falcon Ridge and the new phase of development along the access roads separating Falcon Ridge and Phase IV.

V. 2. (Cont'd)

Existing native trees should be retained as much as possible in construction areas. Site plans for Buildings 4A through 4E should be revised to reflect the size approved as part of the Preliminary Planned Unit Development for Buildings 5A through 5F, in terms of the footprint and the height. This is to bring the buildings closest to the Forest Grove Subdivision more into scale with the single family homes than currently proposed.

Concerns dealing with traffic, density, and marketing, while valid concerns, are inappropriate for discussion at the Final Planned Unit Development stage. Traffic and density concerns were addressed back in 1975 when the Preliminary Planned Unit Development was approved. Past marketing of previous phases is outside the City's jurisdiction.

VI. APPENDICES:

Exhibits "A" through "K" are attached.