

RESOLUTION NO. R-2674

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF THE PRELIMINARY PLANNED UNIT DEVELOPMENT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. SDP-P-F-PUD-79-91(P), BY FRANK ROSIN TO DEVELOP A .37 ACRE PIECE OF LAND IN WATERFRONT DISTRICT I ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH PRELIMINARY PLANNED UNIT DEVELOPMENT PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Preliminary Planned Unit Development Permit filed by Frank Rosin, the owner of said property described in said application and located within a Waterfront District I zone, and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of September 20, 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 Preliminary Planned Unit Development 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. SDP-P-F-PUD-79-91(P) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Preliminary Planned Unit Development Permit shall be issued to the applicant subject to the conditions set forth in the 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 Preliminary Planned Unit Development 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 expressly set forth herein.

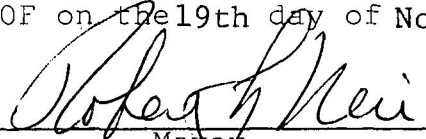
Section 5. Failure on the part of the holder of the Preliminary Planned Unit Development Permit to initially meet or maintain strict compliance with the standards and conditions to which the Preliminary Planned Unit Development Permit is subject shall be grounds for revocation in accordance with Section 23.28, 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) Public Service Department of the City of Kirkland
- (e) Project and Construction Management 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 19th day of **November**, 1979.

SIGNED IN AUTHENTICATION THEREOF on the 19th day of **November**, 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 \_\_\_\_\_

RECOMMENDED BY \_\_\_\_\_ DATE September 20, 1979

ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_

STAFF \_\_\_\_\_

BOARD OF ADJUSTMENT \_\_\_\_\_

HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_

PLANNING COMMISSION Kay Vaenggi  
Kay Vaenggi, Chairperson

CITY COUNCIL AS INCORPORATED IN \_\_\_\_\_

RESOLUTION \_\_\_\_\_ ORDINANCE \_\_\_\_\_

NUMBER \_\_\_\_\_

DATE \_\_\_\_\_

FILE NUMBER SDP-P-F-PUD-79-91 (P) (P-PUD-79-91 (P))

APPLICANT Frank Rosin

PROPERTY LOCATION 219-227 Lake St. So.

SUBJECT PRELIMINARY PLANNED UNIT DEVELOPMENT

HEARING/MEETING DATE October 15, 1979

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED (See list of Exhibits on reverse side.)

LIST OF EXHIBITS

SDP-P-F-PUD-79-82(P) - Frank Rosin

- A - Applications (Substantial Development Permit Preliminary  
Planned Unit Development and Final Planned Unit Development)
- B - Vicinity/Land Use Map
- C - Site Plan
- D - Survey
- E - Landscape Plan
- F - Floor Plan (Remodeled Building)
- G - Floor Plan (New Building)
- H - Elevations
- I - Environmental Information
- J - Public Access Easement
- K - Variance Report (Parking)
- L - Variance Report (Setbacks)
- M - Fill Information
- N - Past Citizen Input
- O - Photos (to be shown at hearing)
- P - Architect's Rendering (to be shown at hearing)



SUMMARY

A. DESCRIPTION OF THE PROPOSED ACTION:

This is an application for a Substantial Development Permit, Preliminary and Final Planned Unit Development for a .37 acre piece in Waterfront District I located at 219 through 227 Lake Street South. The applicant is proposing construction of four new dwelling units in a new structure on the southern portion of the property. Storage area (180 sq. ft.) for the Neptune Sailing Club will also be included in the new building. The existing grey building on the northern portion of the property will be remodeled to contain 3 residential units, the Candle Cove Gift Shop and a storage area. The applicant has planned for public access around the new building. A public access easement across Parcels B and C will be available for public use if and when the remodeled grey building is destroyed. Landscaped open space is planned between the grey building and new building.

B. Based on the Statements of Fact, Conclusions and Exhibits "A" through "P" contained herein, we hereby recommend approval of this application subject to the following conditions:

1. This application is subject to the various requirements contained in the Land Use Policies Plan, Shoreline Master Program, Kirkland Zoning Ordinance, and the Uniform Building Code. It is the responsibility of the applicant to assure compliance with the various provisions contained in these ordinances.
2. The interior space of the Neptune Sailing Club shall be limited to storage and bathroom facilities only. A maximum of four moorage spaces shall be allowed on the southern pier for use by the Neptune Sailing Club. No other moorages are allowed on this pier.
3. The maximum number of boats allowed to moor on the northern pier shall be seven. Rental or sale of moorage slips is a violation of the Kirkland Zoning Ordinance (except in a marina) and shall not be allowed under this application.
4. Any use other than the Candle Cove in the space shown for the Candle Cove on Exhibit "F" shall require an amendment to the approved PUD.
5. All changes to the approved PUD shall be processed as required by Section 23.28.190 of the Kirkland Zoning Ordinance, or similar provision in the upcoming development code.
6. To assure that signing on the subject property is an integral part of the entire development of the property, the applicant shall submit a comprehensive signage program to the Department of Community Development for review and approval. This program

9/20/79  
9/13/79 bk R-2674

I. B. 7. (Cont'd)

shall allow for signs for the Neptune Sailing Club, the Candle Cove, residential signs, address numbers, and shall provide signing indicating a public pedestrian route. A standard for public pedestrian signage shall be established by the Department of Community Development.

8. Since this project is reducing the number of dwelling units on the subject property, fee-in-lieu of open space shall not be required in this case.
9. To further separate private use from public trail, railings which are architecturally consistent with the new and remodeled buildings and/or vegetation may be planted along the edges of the trail, subject to Department of Community Development and Parks Department approval. Materials chosen shall not block views of the lake, as viewed from Lake Street.
10. Prior to City Council review of this application, the applicant shall revise the following exhibits as noted:
  - a. Exhibit "C":
    - (1) Designate Stall No. 1 for a compact car.
    - (2) Show the proposed balcony on the west side of the existing grey building.
    - (3) If requested by the Building Department, remove the spiral staircase from the new building and provide for direct exterior access from the third bedroom in Unit No. 4. If another exterior staircase is proposed, the new design shall be approved by the Building Department and shall not interfere with public access.
  - b. Exhibit "E": Show the revised public access.
  - c. Exhibit "G": If requested by the Building Department, remove the spiral staircase from the exterior of the new building and provide for direct exterior access from the third bedroom in Unit No. 4. If another staircase replaces the spiral staircase, the new design shall be approved by Building Department and shall not interfere with public access.

B. 10. e. Exhibit "H":

If requested by the Building Department:  
Remove the exterior spiral staircase from the new building and provide for direct exterior access from the third bedroom in Unit No. 4. If another staircase replaces the spiral staircase, the new design shall be approved by the Building Department, and shall not interfere with public access.

f. Exhibit "J":

Include a description of the northern pier on Parcel A. This exhibit shall be approved by the City Attorney prior to City Council review of this application.

11. Prior to issuance of Grading Permits on the subject property, the applicant shall submit detailed engineering drawings to the Public Service Department for approval of:

a. Public access trail (shaded area on Exhibit "C") which will be improved with 5 feet of concrete, or, brick, flagstone, bomanite, exposed aggregate concrete, or a similar hard surface improvement, to be reviewed and approved by the Department of Public Service and Community Development.

b. Interim and permanent storm drainage plans (including an oil-silt separator at the outlet to the storm drain). Downspouts from buildings shall be connected directly to the storm drainage system.

12. Prior to issuance of any Building Permits on the subject property, the applicant shall:

a. Submit plans to the Building Department for approval of bulkhead repair and stabilization of the existing shoreline.

b. Record a document reserving all of the land area on Parcel C and the lawn area on Parcel A for the common use of residents on the subject property as common open space, with the King County Department of Records and Elections. Proof of this recording shall be given to the City.

13. Prior to issuance of Building Permits on the existing grey building, the Police Department shall approve security devices for all exterior doors.

14. Prior to issuance of Building Permits for the new building on Parcel A, the applicant shall:

9/20/79  
9/13/79 bk

R-2674

- I. B. 14. a. Submit a gate design to be placed at the entrance of the parking garage, at the bottom of the driveway, for review and approval by the Department of Community Development and Police Department. This gate shall allow for Police access to the parking garage.
  - b. Submit plans for bars or plants to be placed in front of garage openings along Lake Street, to be approved by the Department of Community Development, Police and Parks.
  - c. Submit plans for security devices for all exterior doors to be approved by the Police Department.
  - d. Submit a lighting plan for approval by the Department of Community Development and Parks Department which will provide low level lighting along the length of public access trail across the subject property. This lighting may double as exterior building lighting.
  - e. Record the public access easement document (Exhibit "J"), as approved by the City Attorney, with King County Department of Records and Elections. Proof of this recording shall be given to the Department of Community Development.
  - f. Remove the covered moorage and tracks leading into the water on Parcel A.
15. Prior to issuance of Certificates of Occupancy for the new building, the applicant shall:
- a. Physically designate stalls no. 5 and no. 6 on the original site plan (Exhibit "C") for compact car use only.
  - b. Provide striping for all parking spaces and directional arrows within the parking garage and along the driveway.
  - c. Provide "NO PARKING - FIRE LANE" signs, location and type approved by the Fire Department, along the driveway into the parking garage
  - d. Provide a bench for use by the public along the public access.
  - e. Submit a revised landscaping plan showing facade landscaping or buffering on the Lake Street side, to be approved by the Department of Community Development.
16. Prior to City Council review of this application, applicant shall meet with the Building Department for review and approval of the spiral staircase design on the south side of the existing grey building. If this staircase does not meet Uniform Building Code standards, and if another exterior staircase is proposed, the new design shall be approved by the Building Department. If any alterations to Exhibits "F" and "G" are needed, these exhibits shall be altered prior to City Council review of this application.

- B. 17. It is the responsibility of the property owner of Parcel A to maintain the public access easement on Parcel A, with the exception of the northern pier on Parcel A.
18. There shall be no boat moorage on the small northern pier on Parcel A.
19. Public access area (as identified on Exhibit "J" shall not be available for public use between dusk and 10:00 a.m. each day.
20. If desired by the applicant, gates barring public access to the southern pier on Parcel A, and the pier on Parcels B and C, may be constructed.
21. Prior to Substantial Development Permit and Final Planned Unit Development hearing, the applicant shall revise the site plan to improve access to the underground garage, considering:
- a. Widening the access driveway;
  - b. Definition of a pedestrian way;
  - c. Building setbacks;
  - d. Restriction of parking along Lake Street;
  - e. Dumpster location;
  - f. Modulation of facade along Lake Street;
  - g. Landscaping against the facade along Lake Street; (including street trees) to reduce the visual scale of the structure.

III. MAJOR ISSUES SUMMARY:

The major issues are : (1) Parking, (2) design of buildings, (3) public access, (4) landscaping, (5) bulkhead repair, (6) drainage, (7) uses, (8) site coverage, (9) neighborhood, and (10) compliance with development standards.

## III. MAJOR ISSUES

### A. PARKING:

#### 1. Statements of Fact.

##### a. Historical Background

The applicant received a Variance to reduce total required parking from 18 stalls to a minimum of 9 stalls. He had requested a Variance to 11 stalls, but Public Service and Fire Departments had expressed concern over parking access safety and backing space for stall #1 (Exhibit "C"). The Variance to 9 stalls allows the Planning Commission and City Council to require design changes without violating terms of the Variance.

The Board of Adjustment felt that 9 parking stalls would be adequate to serve this development due to the increase in new on-site stalls over current stalls (4 stalls) and the elimination of the current back-out parking onto Lake Street. The Board's report is attached as Exhibit "K". The Planning Commission and City Council may re-evaluate the number of parking stalls allotted, as a Variance is only an enabling measure, allowing code standards to be reduced.

##### b. Stall Arrangement.

The Public Service Dept. questions the adequacy of the backing space for stall #1. There is 24 feet of backing space. However, once backed straight out, a full-size car is basically boxed-in by storage on the east, and parking stalls to the south and northwest. It may be difficult for a full-sized car to pull in to stall #1. The 21' backing space for compact stalls #5 and #6 is less than the City standard of 24', and may be reduced as part of the PUD.

##### c. Vehicular Access to Garage.

The access driveway from Lake Street to the garage is 12' wide plus a 5' wide strip devoted to public access, for a total of 17' of potential driving area. The Public Safety and Police Departments are concerned about the safety of this arrangement. Public Safety has suggested rumble bars as a separation, while the Police Dept. has recommended grade separation. The applicant's agent has mentioned verbally that a gate or door at the bottom of the entrance driveway, at the entrance to the parking area is planned. The Police and Fire Departments are concerned with access to the parking area being blocked. The Fire Department is requiring "NO PARKING - FIRE LANE" signs to be placed along the driveway.

9/20/79

9/13/79ln

II. A. (Cont'd)

2. Conclusions.

a. Number of Parking Stalls and Stall Arrangement.

Parking stall No. 1 may be adequate for a compact car, and should be designated as such. This designation should be placed on Exhibit "C" prior to City Council review of this application. Directional arrows, and striping should be painted prior to Certificate of Occupancy issuance. Compact stalls should be designated for compact cars prior to issuance of Certificate of Occupancy on the new building.

b. Vehicular Access to Garage.

Prior to SDP and Final PUD hearing, the applicant should improve the underground garage access with consideration given to widening the access, definition of a pedestrian way, building setbacks, restriction of parking along Lake Street, a dumpster location, modulation of the facade along Lake Street, and landscaping along the facade along Lake Street (to include street trees). Prior to issuance of Building Permits on the new building, the applicant should receive Police, Fire and Department of Community Development approval of a gate design to be placed at the entrance of the parking garage, at the bottom of the driveway. This gate should allow for emergency access to the parking garage. "NO PARKING - FIRE LANE" signs should be placed along the driveway, location and type to be approved by the Fire Department.

c. Backing Space.

The 21 foot backing space for compact stalls #5 and #6 is adequate to serve shorter, thinner compact cars. The 24 foot standard was designed for full and mid-sized cars.

B. BUILDING DESIGN - NEW BUILDING

1. Statements of Fact.

a. Garage Openings.

The parking garage will be open, as viewed from both Lake Street and Lake Washington. A safety problem may be pedestrians falling through the openings at sidewalk level down into the partially below-grade garage.

b. Spiral Staircase.

The Uniform Building Code (Section 3305(f)) does not allow an exterior spiral staircase, as proposed on the west side.

9/20/79  
9/13/79 ln

R-2674



II. B. 1. (Cont'd)

c. Emergency Exits.

The Uniform Building Code (Section 1304) requires direct outside access for emergency exit from the third bedroom in unit #4.

d. Height.

Average height is 29.5', well below the 35' maximum in the shoreline area (Section 23.12.056 of the Zoning Ordinance), approximately 6' higher than the existing grey building. A similar past proposal received some citizen input regarding view blockage (Exhibit "N"). The past proposal for the new building was approximately 6' shorter than the current proposal (same height as existing grey building). The affected properties lie on the bluff east of Lake St., and the adjacent building to the south.

e. Setbacks.

The applicant was granted Variances by the Board of Adjustment on July 13, 1979 as follows: a zero setback from the front property line, a zero to about 15 foot setback from the high water line and approximately a 30 foot setback from the north property line, all for the new structure to be built. The Board's report is attached as Exhibit "L".

As with parking, the Planning Commission and City Council may re-evaluate the setbacks allowed by the Board of Adjustment, as a Variance is only an enabling measure, allowing code standards to be reduced.

f. Security.

In other waterfront developments, security devices on all exterior doors have been required by the Police Department.

g. Trash Disposal. Proposed building design does not allow for a dumpster or cans available for pickup by the solid waste utility.

2. Conclusions.

a. Garage Openings.

The safety problem connected with garage openings at street level grade may be mitigated by either installation of bars (like the Sunset West Condominiums further south) or by planting bushes, as proposed (Exhibit "E"). Plans for bars or plants should be approved by the Department of Community Development, Police, Parks and Fire prior to issuance of Building Permits on the new building.



II. B. 2. (Cont'd)

b. Spiral Staircase and Emergency Exists.  
If requested by the Building Department, prior to City Council review, the applicant should revise Exhibits "C", "G" and "H" to remove the spiral staircase and provide for direct exterior access from the third bedroom in unit #4. If another staircase replaces the spiral staircase, the new design should be approved by the Building Department and should not interfere with the public access easement.

c. Height.

The 29.5' average height of the new building is within zoning and Shoreline Master Program limits. Since properties to the east are substantially above the subject property, views would not be blocked. In fact, the existing trees are higher than the proposed building. Northerly views from the building to the south may be slightly impaired by any construction near the high water line, regardless of height.

d. Setbacks.

In exchange for setback reduction, the applicant could be asked to provide greater public benefits than proposed (see II.D.2.a. of this report). Additional setback should be considered along Lake Street to improve sight distance from the garage entrance. Modulation of the facade should be considered, to reduce building scale and increase sight distance.

e. Security.

The Police Department should approve security devices for all exterior doors prior to any Building Permits being issued.

f. Trash Disposal.

Prior to Substantial Development Permit and Final Planned Unit Development hearing, the applicant should provide for a dumpster or can location to be shown on the applicable exhibits.

C. BUILDING DESIGN - GREY BUILDING

1. Statements of Fact.

a. Western Balcony.

The 3 foot wide western balcony meets setback requirements of the Zoning Ordinance.

II. C. 1. b. Security.

Security devices on exterior doors have been required on other waterfront developments by the Police Department.

2. Conclusions.

a. Western balcony.

Proposal shown on Exhibit "F" should be shown on Exhibit "C" prior to City Council review of this application.

b. Security.

The Police Department should approve security devices for all exterior doors prior to Building Permit issuance.

D. PUBLIC ACCESS

1. Statements of Fact.

- a. Location. The applicant is proposing public access in the shaded area shown on Exhibit "C" - Site Plan). The northern portion is connected by stairs to Lake Street. The southern portion travels through the parking garage at a maximum 15% slope, to Lake Street.

A future northerly extension of this easement through Parcels B and C which will be available for public use when the building on Parcel B is demolished, is also proposed.

- b. Type of Improvements. A 5 foot wide aggregate concrete public pedestrian trail was required as part of the Sunset, 1001 and 6001 condominiums. To accommodate this improvement, the shoreline may need stabilization. The western portion of the trail will be obscured from street view by the new building. The Parks Department has requested an 8 foot wide trail and that the trail meet handicapped requirements.

D. 1. b. (Cont'd)

Shoreline Master Program Public Access Policy 7 states "Public access should be designed with provisions for handicapped and disabled persons, where feasible." The Parks Department has also requested benches along the trail.

- c. Signing. The public has had some difficulty in determining the public access areas along the water, in past developments. The trail, adjacent to the new building on the south and travelling through the garage on the north, may appear to be a private walkway.
- d. Private rights. The public trail does not authorize public use of areas not included within the easement.

2. Conclusions.

a. Location and Improvements.

Public access (shaded area on Exhibit "C") should be improved with 5 feet of concrete or, brick, flagstone, bomanite, exposed aggregate concrete, or a similar hard surface improvement to be approved and reviewed by the Department of Public Service and Community Development with detailed drawings approved prior to Grading Permit issuance.

Since public access will not be immediately available over Parcel B and to increase the public benefit of this project, the northern pier on Parcel A should be made available for the public trail. Moorage should not be allowed.

An 8 foot walkway (recommended by Parks Department) is inconsistent with previous sections of the waterfront trail. To meet handicapped requirements, the trail would need a series of costly switchbacks, using a large portion of the small site. Handicapped access on this site is not feasible.

A bench, available for public use, should be placed on the property prior to Certificate of Occupancy issuance on the new building. This is consistent with requirements placed upon the 1001 condominiums (bench on Lake Street), and Sunset Condominiums.

9/20/79  
9/13/79 bk

R-2674

II. D. 2. a. (Cont'd)

To increase safety, low level lighting should be proposed along the length of the trail. This lighting may double as exterior building lighting, and should be approved by the Department of Community Development and Parks Department prior to Building Permit issuance on the new building.

The existing bulkhead on Parcel A should be stabilized, along with stabilization of the entire shoreline on the subject property. Plans will be approved during the building permit process for the new building.

- b. Signing. To aid the public in using the trail, informational signs, to be approved by the Department of Community Development and Parks Department should be placed along Lake Street at each entrance to the trail identifying the walk as public access, and at the east end of the northern pier, identifying the pier as part of the trail.
- c. Private rights. To further separate private use from the public easement, railings architecturally consistent with the new and remodeled buildings and/or vegetation may be planted along the edges of the trail, subject to the Department of Community Development and Parks Department approval. Materials should not block views of the lake, as viewed from Lake Street. Signs (as proposed above) will also help separate public and private uses. Gates may be placed at the entrance to the southern pier on Parcel A and the pier on Parcels B and C.
- d. Easement document. The easement document (Exhibit "J") should be revised to include a description of the northern pier on Parcel A. This document should be approved by the City Attorney prior to City Council review of this application. This easement should be recorded with King County prior to issuance of Building Permits.

E. LANDSCAPING:

1. Statements of Fact.

The landscaping plan (Exhibit "E") does not show the public access proposed on Exhibit "C" (site plan). However, the applicant's agent has indicated that the proposed landscaping will remain substantially identical to that shown as Exhibit "E". Street trees as proposed will fit in with tree planting plans for Lake Street. The cherry and redwood trees on Parcel B are proposed to remain. The two willows on Parcel A would be removed.

2. Conclusions.

Prior to issuance of Certificate of Occupancy, the landscaping plan (Exhibit "E") should be redrawn to show public access and include facade landscaping or buffering along Lake Street.

F. BULKHEAD:

1. Statements of Fact.

The existing bulkhead on Parcel A is leaning into the water, causing a dangerous situation when a public trail is developed.

2. Conclusions.

The applicant's agent has indicated that they have plans to repair the existing bulkhead. Plans should be approved prior to issuance of any Building Permit.

G. DRAINAGE.

1. Statements of Fact.

The Public Service Department is requiring an interim storm drainage plan during construction on the site. Also being required is installation of an oil/silt separator at the outlet to the storm drain on Parcel A.

2. Conclusions.

Interim and permanent drainage plans (including an oil/silt separator at the outlet to the storm drain) should be approved by Public Service prior to issuance of a Grading Permit. Downspouts from buildings should be connected directly to the storm drainage system, to reduce erosion.

H. USES.

1. Statements of Fact.

- a. A total of 7 dwelling units are proposed (4 in new building, 3 in remodeled building).
- b. Gift shop. The Candle Cove, a small non-intensive commercial use currently exists on the site. Its use rights disappear when the existing structure is demolished. Waterfront District I zoning requires new commercial uses to be included as part of a P.U.D. A Variance was received reducing required parking from one stall to zero. The shop is run by elderly relatives of the applicant - the major reason for its proposed continued existence.
- c. Sailing club. Definitely a water-dependent use, the sailing club will occupy 180 square feet of storage space (and bathroom) on the 2nd floor of the new building and will have some boat storage under the parking garage. The pier on the south side of Parcel A exists under a C.U.P. granted in 1978, for use by the sailing club. Four moorage slips currently exist. Kitchen facilities and meeting facilities are not included under this application.

II. H. 1. d. Covered moorage on Parcel A. The covered moorage on Parcel A is proposed to be removed. Railroad-type tracks provide a launching function for the single boat inside. Section 23.12.053.b.(4) of the Zoning Ordinance prohibits covered moorages.

e. Changes in uses.

Section 23.28.160(7) states: "Major changes, revisions or additions to an approved and established Planned Unit Development shall be reviewed as described in this Section and fully processed as a new project. In addition, no changes may be made in the approved final plan during the construction of the Planned Unit Development except upon application to the appropriate agency under procedures provided in Section 23.28.190 of the Zoning Ordinance.

Changes in use, provision of common open space, and all other changes in the approved plans must be approved by the City Council (Section 23.28.190(2)).

2. Conclusions.

- a. Sailing club. The interior space of the sailing club should be limited to storage and bathroom facilities only. This is the use of the space proposed under this application. Four moorage spaces should be the maximum allowed under this application as more moorages will require additional parking.
- b. Covered moorage. Because a covered moorage is not allowed by the Zoning Ordinance, the covered moorage on Parcel A should be removed prior to issuance of a Building Permit for the new building.

- II. H. 2. d. Changes in use. Because the Candle Cove is a very non-intensive commercial use, any use other than the Candle Cove in the space shown on Exhibit "F" should require an amendment to the approved Planned Unit Development.

All changes to the approved PUD should be processed as required by Section 23.28.190 of the Kirkland Zoning Ordinance, or similar provision in the new development code.

I. SITE COVERAGE

1. Statements of Fact.

The proposed site plan indicates that over 36% of the site will be covered by structures. There is no maximum lot coverage in Waterfront District I.

2. Conclusions.

Being a small, thin site, less lot coverage would pose problems for reasonable site development.

J. NEIGHBORHOOD

1. Statements of Fact.

The vicinity/land use map (Exhibit "B") shows apartments to the south, commercial uses to the north and a mixture of single and multi-family units on the high bluff to the east.

2. Conclusions.

The proposal is consistent with surrounding land uses. Relocating the Candle Cove to the north clusters existing commercial uses in the area -- a major policy of the Shoreline Master Program.

III. ALTERNATIVES TO THE PROPOSED ACTION

1. Statements of Fact

Following are some alternatives to the proposed action on the subject property:

- a. No action. This alternative would retain 10 dwelling units and all existing buildings on the subject property. In addition, the inadequate and dangerous back-out parking on the subject property would remain.
- b. Maximum development. The proposal as part of this application is the maximum development that could occur on the subject property. The existing gray building on Parcel B is a legal, non-conforming building. Therefore, it is contained on its own building site. At a density of 3600 square feet per dwelling unit, Parcels A and C would support four dwelling units, as proposed.
- c. Other uses. Under a Planned Unit Development, the applicant could propose all commercial uses for the subject property. This alternative would serve as an extension to the existing commercial uses located to the north. Other alternative uses are: Single family detached dwelling units, demolishing the existing structures and leaving the land vacant for public use as a park, or, using the land area to support a marina or other boating facilities.
- d. Alternative building and site design. If the parking to support the uses was not placed underneath the building, parking would use the majority of the land area. Height of the new structure could be reduced by placing additional dwelling units in the open space area on Parcel C.

2. Conclusions.

Recognizing the cost of waterfront property, the current zoning and land use designations of the subject property, and the surrounding neighborhood, the proposed use of the property is the best use of the property. Decreasing the height of the new structure by building in open space on Parcel C would decrease the public benefit to be gained by construction of this project (mainly, a view corridor and open space in an extremely crowded area). The "no action" alternative would perpetuate the existence of some run-down structures on the property, which is visually unpleasing to some. In addition, by allowing new development on this property, public access along the waterfront (a major City policy in the waterfront area) is gained. The development as currently proposed would be an asset to the City of Kirkland by providing redevelopment of a key site immediately south of the Central Business District which is and will continue to provide the transition between commercial and residential uses along the waterfront.



IV. DEVELOPMENT STANDARDS

The following development standards, policies and regulations, pertain to the development on the subject property:

1. Statements of Fact.

a. Shoreline Master Program.

Economic Development Policy 2 - Economic uses and activities which do not depend on a Lake Washington Shoreline location should be discouraged from locating on the shoreline. In those limited instances where such uses or activities are permitted, the applicant must demonstrate what public benefits are to be derived. Public benefits must, at least, include public access to and along the water's edge.

Economic Development Policy 3 - Permitted shoreline commercial uses and activities should locate where commercial uses presently exist.

Components Policy 7 - Retention of trees and other natural vegetation should be encouraged in all developments, particularly in those areas in or adjacent to marshes, wetlands, or other areas of ecological and environmental significance.

Components Policy 9 - Shoreline developments should provide substantial grade level views of the water from public shoreline roads running generally parallel to the water's edge.

Shoreline Protective Structures Policy 1 - Construction or repair of bulkheads should not extend into the lake beyond the existing high water line.

Utilities Policy 4 - In all new developments, the developer should install means to control the entry of contaminants into the lake within acceptable water quality standards.

Utilities Policy 4b. - Whenever possible contaminants should be removed from surface runoff at the source of contamination. Methods of removing contaminants include oil skimmers, sediment traps, and street sweeping.

b. Waterfront District I Zoning.

Section 23.12.010.6 - All waterfront development shall be evaluated in terms of how much visual and physical access to the water is provided for the use and enjoyment of the public. Structures shall be so located on any waterfront site so as to minimize view obstruction from the frontage road to the water. Development which propose structures,

IV. 1. b. (Cont'd)

landscape berms, hedges or other view obstructing elements whose greatest length is generally parallel to the frontage road may be required by the Planning Commission to develop additional visual openness to the water from the frontage road.

Signing on the subject property shall conform to the dimensions outlined in Section 23.12.043.b.(2) for residential uses and Section 23.12.044.b.(2) for the boating club and Section 23.12.055.b.(4) for the small commercial use.

Section 23.12.053.a.(3). Permitted Number of Moorages. Multi-family dwelling or condominium complexes up to 40 units in size may propose a ratio of moorages to units up to 1:1.

Section 23.12.055. Waterfront Commercial. Waterfront commercial uses may be permitted as a principal use or combined with other waterfront uses, subject to the following criteria. All of the following criteria shall be used for determining if a commercial activity is suitable for waterfront location:

- (1) Compatible with other waterfront uses within this district. Visual compatibility should be in terms of structural design reflecting a waterfront location. Also, noise generated in any commercial use shall be attenuated at the source as not to reduce the livability in any attached or adjacent dwelling units.
- (2) Shall provide the high water line setback area for public use of proper access from a public right-of-way or frontage road. A specific design for the high water line setback area and related access shall be approved as part of the Planned Unit Development.

The remaining criteria deal with parking and signing, previously mentioned.

Section 23.12.059. Bicycle Racks. Bicycle racks shall be provided in conjunction with marinas, waterfront commercial, and waterfront parks and may be provided in waterfront residential use and approved as part of the Conditional Use Permit, Unclassified Use Permit, or Planned Unit Development related to the above developments.

Section 23.12.061.b. Natural Elements - Maintenance of Trees. Cutting of trees 6" in diameter or greater, as measured one foot above the existing grade, shall not be permitted without permission of the Planning Commission. Trees shall remain, where possible, as part of the landscaping plan.

IV. 1. b. (Cont'd)

Section 23.12.065. Provision for Parks and Open Space. All proposed developments within Waterfront District I which propose residential uses shall be subject to the provisions of Section 23.10.110(5) of the Kirkland Zoning Ordinance if the residential density is greater than one dwelling unit per 7200 square feet of dryland area subject to residential use.

c. Kirkland Zoning Ordinance.

Section 23.10.110(5). Fee in Lieu of Open Space. The amount to be so deposited shall be 6% of the assessed valuation of the total land area required or allocated by the owner for the intended use or \$200 per new dwelling unit, whichever is greater.

Section 23.28.100. General Requirements, All PUD Projects. All PUD projects shall bear the burden of perimeter transition and demonstrate that there is a general public benefit to be gained by such a degree of deviation from the underlying zoning regulation, such as: (1) Additional or better related open spaces. (2) Additional public use facilities such as pedestrian walks. (3) Preservation of a natural asset such as trees or a view. (4) Better or more convenient services, or recreation facilities, such as parks and playgrounds. (5) Other general public benefit features which contribute to improving the environment of the vicinity. (6) Project shall be complete development and may be required to include facilities such as paved streets, curbs, sidewalks, street lights, underground storm drainage, sanitary sewers, underground power, telephone lines, cable T.V. facilities, landscaping and adequate off-street parking. (7) Where a PUD abuts residential zoned property, the screening requirements shall be as required in Section 23.40.070 of this ordinance.

Section 23.28.130. Common Open Space. In residential PUD's there shall be a minimum of 10% of the total area of the PUD dedicated or reserved as useable common open space land. Such provision shall, at the expense of the developer, be recorded with the King Co. Department of Records and Elections. Proof of recording shall be given to the City.

Section 23.28.150. Details, Various Administrative Conditions of Approval for Building Permits for Planned Unit Development.

IV. 2. Conclusions

a. Signs.

To assure that signing on the subject property is an integral part of the entire development of the property, the applicant should submit a comprehensive signage program to the Department of Community Development for review and approval. This program should allow for signs for the Neptune Sailing Club, the commercial use, residential signs, address numbers, and should provide signing indicating a public pedestrian route. A standard for public pedestrian signage should be established by the Department of Community Development.

b. Fee in lieu of open space.

Since this project will actually be reducing the number of dwelling units on the subject property from 10 down to 7, customary fee in lieu of open space should not be required in this case. The purpose of the fee-in-lieu of open space is to distribute the cost of providing additional park facilities to meet the needs of a growing population. It can be argued that this development, by decreasing the density on the property, will be reducing its proportional need for additional park and open space.

c. Common Open Space.

All of the land area on Parcel C and the lawn area on Parcel A should be reserved for the use of the residents on the subject property by recording a document reserving this common open space with the King County Department of Records and Elections. Proof of the recording shall be given to the City prior to issuance of any building permits. This provision is to insure permanent retention of the open space land area on the subject property.

d. Bicycle rack.

Due to the small size of the property and steep grade along the eastern portion, a bicycle rack serving the Candle Cove may not be feasible and should not be required.

e. Number of Moorages.

Total number of moorages allowed on the northern pier should be limited to 7. The total number of moorages on the southern pier should be limited to 4 (for the Neptune Sailing Club). There should be no moorage allowed on the small northern pier on Parcel A.

V. APPENDICES:

Exhibits "A" through "N" are attached. Exhibits "O" and "P" will be shown at City Council meeting.