

RESOLUTION NO. R-2690

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A FINAL PLANNED UNIT DEVELOPMENT PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. F-PUDJ-SDP-79-106(P) BY FRAN ROSIN TO CONSTRUCT 4 NEW DWELLING UNITS IN A NEW STRUCTURE AND REMODEL AN EXISTING STRUCTURE BEING WITHIN A WATERFRONT DISTRICT I ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH FINAL PLANNED UNIT DEVELOPMENT PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Final Planned Unit Development Permit filed by 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 December 20, 1979, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 2473 concerning environmental policy and 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 Final Planned Unit Development Permit subject to the specific conditions set forth in said recommendations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The Findings, Conclusions and Recommendations of the Kirkland Planning Commission as signed by the Chairwoman thereof and filed in the Department of Community Development File No. F-PUD-SDP-79-106(P) are adopted by the Kirkland City Council as though fully set forth herein, except Recommendation No. 15, Recommendation No. 19, and Statement of Fact 1-E, (Restriction Of Parking Along Lake Street), paragraph 5, which are not adopted.

Section 2. It is the responsibility of the property owner to maintain the public access easements. It is further his responsibility to reimburse the City for any costs incurred by the City in realignment of the on-street parking on Lake Street, as a result of this development.

Section 3. The Final 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 4. A certified copy of this Resolution, together with the Findings, Conclusions and Recommendations therein adopted shall be attached to and become a part of the Final Planned Unit Development Permit or evidence thereof delivered to the permittee.

Section 5. 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 6. Failure on the part of the holder of the Final Planned Unit Development Permit to initially meet or maintain strict compliance with the standards and conditions to which the Final Planned Unit Development Permit is subject shall be ground for revocation in accordance with Section 23.56.110 of Ordinance No. 2183, the Kirkland Zoning Ordinance.

Section 7. Certified or conformed copies of this Resolution shall be delivered to the following:


- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Fire and Building Department of the City of Kirkland
- (d) Public Service Department of the City of Kirkland
- (e) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland.

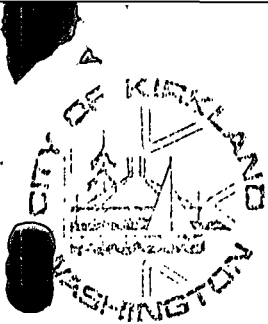
ADOPTED in regular meeting of the City Council on the 14th day of January, 1980.

SIGNED IN AUTHENTICATION THEREOF on the 14th day of January, 1980.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Director of Administration and Finance  
(ex officio City Clerk)



DEPARTMENT OF COMMUNITY DEVELOPMENT

**ADVISORY REPORT**  
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

\_\_\_\_ PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_

XXX RECOMMENDED BY \_\_\_\_\_ DATE December 20, 1979

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

\_\_\_\_ STAFF \_\_\_\_\_

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

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

XX PLANNING COMMISSION Kay Haenggi

Kay Haenggi, Chairwoman

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

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

NUMBER \_\_\_\_\_

DATE \_\_\_\_\_

FILE NUMBER F-PUD-SDP-79-106(P) (F-PUD PORTION)

APPLICANT FRANK ROSIN

PROPERTY LOCATION 219-227 Lake St. So.

SUBJECT APPLICATION FOR FINAL PLANNED UNIT DEVELOPMENT

HEARING/MEETING DATE \_\_\_\_\_

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED (See list on reverse)

ROSIN - LIST OF EXHIBITS  
(FILE F-PUD-SDP-79-106(P))

- A - Application
- B - Vicinity/Land Use Map
- C1 - Site Plan 1
- C2 - Site Plan 2
- D - Survey
- E1 - Landscape Plan 1
- E2 - Landscape Plan 2
- F - Floor Plan (Remodeled Building)
- G1 - Floor Plan 1 (New building)
- G2 - Floor Plan 2 (New building)
- H1 - Elevations 1
- H2 - Elevations 2
- I - Environmental Information
- J1 - Easement Document (Public Access)
- J2 - Easement Document (Open Space)
- K - P-PUD Notice of Approval
- L - Fill Information
- M - Photos & Slides (to be shown at hearing)
- N1 - Exhibit "H1" Colored Rendering (to be shown at hearing)
- N2 - Exhibit "H2" Colored rendering (to be shown at hearing).

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I. SUMMARY:

A. DESCRIPTION OF THE PROPOSED ACTION:

This is an application for a 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 square feet) 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 three residential units, the Candle Cove Gift Shop, and a storage area. The applicant has a plan for public access around the new building. The 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 the new building. A Preliminary Planned Unit Development was approved by the Kirkland City Council on November 19, 1979. The major issue is compliance with Preliminary P.U.D. Conditions of Approval.

B. RECOMMENDATIONS:

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

1. This application is subject to the various requirements contained in the Land Use Policies Plan, 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 7. 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.

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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 P.U.D..
5. All changes to the approved P.U.D. 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 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.
7. 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 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 "C2") which will be improved with 5 feet of concrete, or, brick, flagstone, bomanite, or a similar hard surface improvement different from the driveway material (except asphalt), 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.

11. 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 approved by the City Attorney reserving all of the land 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.
  - c. Relocate free-standing trash containers to minimize exposure upon open space and sidewalk. If possible, placement should be within the grey building.
12. Prior to issuance of Building Permits on the existing grey building, the Police Department shall approve security devices for all exterior doors.
13. Prior to issuance of Building Permits for the new building on Parcel A, the applicant shall:
  - 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 security devices for all exterior doors to be approved by the Police Department.
  - c. Submit a lighting plan for approval by the Department of Community Development and Parks Department which will provide low level lighting across the length of public access trail across the subject property. This lighting may double as exterior building lighting.
  - d. Record the public access easement document (Exhibit "J1"), as approved by the City Attorney, with the King County Department of Records and Elections. Proof of this recording shall be given to the Department of Community Development.
  - e. Remove the covered moorage and tracks leading into the water on Parcel A.

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- f. Submit plans to bring the small pier on Parcel A up to code, including upgrading the northwest pile, for City approval.
14. Prior to issuance of Certificates of Occupancy for the new building, the applicant shall:
- a. Physically designate stalls No. 1, 5, and 6 on Exhibit "C2" 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 to be 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. Complete the bulkhead and small pier repair.
15. It is the responsibility of the property owner to maintain the public access easements with the exception of the northern pier on Parcel A.
16. There shall be no boat moorage on the small northern pier on Parcel A.
17. Public access area (as identified on Exhibit "J1") shall not be available for public use between dusk and 10 a.m. each day.
18. 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.
19. The applicant should reimburse the City for the following improvements on Lake Street: The southern parking stall shown to be removed on Lake Street (Exhibit "C2") should be designated for "NO PARKING OR STOPPING"; the northern stall should be designated "NO PARKING - LOADING AND UN-LOADING ONLY"; appropriate curb coloring.
20. Exhibits "C2", "E2", "G2", and "H2" are the adopted alternatives.

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II. MAJOR ISSUES:

A. COMPLIANCE WITH APPROVED PRELIMINARY PLANNED UNIT DEVELOPMENT.

1. Statements of Fact

- a. P-PUD Condition of Approval No. 10. Condition of Approval No. 10 required the applicant to make revisions to various exhibits prior to City Council review of the Preliminary Planned Unit Development. This condition of approval has been complied with. The City Attorney has approved a revised public access easement document, shown as Exhibit "J1".
- b. Condition of Approval 14. This condition required the applicant to submit plans for bars or plants to be placed in front of the garage openings along Lake Street. The Final P.U.D. drawings attached to this advisory report show that both bars and plants will be used along Lake Street.
- c. Condition of Approval 15.e. This condition required the applicant to submit a revised landscaping plan showing facade landscaping or buffering on the Lake Street side. This plan is shown as Exhibits "E1" and "E2".
- d. Condition of Approval 16. This condition required that the applicant meet with the Building Department for review and approval of spiral staircase design on the south side of the existing grey building. Exhibit "F" has been approved by the Building Department, with regard to the spiral staircase.
- e. Condition of Approval 21. This condition of approval required the applicant to revise his site plan to improve access to the underground garage considering a number of factors. These factors are outlined and discussed below:

Widening the access driveway: The access driveway remains the same width (12 feet wide plus a 5 foot wide pedestrian way).

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Definition of a Pedestrian Way: The applicant has indicated that crushed aggregate concrete will be used for a pedestrian pathway, while plain concrete will be used for the driving surfaces. The Public Service Department recommends that brushed concrete be used for driving surfaces to increase the safety of the 15% grade.

Building Setbacks: No change in building setbacks have been proposed.

Restriction of Parking along Lake Street: The applicant is proposing that two parking stalls immediately north of the entrance driveway along Lake Street be eliminated. Eliminating these stalls will improve sight distance for cars exiting the site onto Lake Street. (See Exhibits "C1" & "C2").

Dumpster Location: The applicant is proposing garbage cans to serve the site, to be located to within the building along Lake Street, as shown on Exhibits "H1", and "H2". These locations have been approved by Sno-King Garbage Company.

Modulation of Facade along Lake Street: Exhibit "H2" addresses this concern by modulating portions of the facade, to present less of a "wall" effect.

Landscaping against the Facade along Lake Street: A revised landscaping plan is shown in Exhibits "E1" and "E2". These plans include street trees along Lake Street. In addition, the applicant has proposed to plant vegetation directly north of the entrance driveway along Lake Street.

## 2. Conclusions.

- a. The improved portion of the pedestrian access easement should be improved with a hard surface material, different from the driveway material (except asphalt), to provide a visual separation between the public access and the driving area. The driving surface of the access driveway, from Lake Street to the entrance of the parking garage, should be finished in brushed concrete.

- b. A "NO PARKING - NO STOPPING" zone should be established on the west side of Lake Street, between the access driveway and a point 20 feet north of the access driveway. This area is equivalent to one parking stall. This restriction is necessary to provide adequate sight distance for exiting vehicles. A "NO PARKING - LOADING AND UNLOADING" zone should be established from a point 20 feet north of the driveway to 40 feet north of the driveway. Appropriate curb coloring should also be painted. The applicant should be responsible for reimbursing the City for these improvements to Lake Street.
- c. Exhibit "H2" (Alternative Elevation), provides for modulation of the facade, which will break up the "wall" effect of the 115 foot long new building. Therefore, the applicant should construct the new building based on Exhibit "H2". The landscaping plan (Exhibit "E2") and site plan (Exhibit "C2"), both conforming to Elevation H2, should be adopted.
- d. The proposed location of the free-standing trash container may block views of the lake in the open space area. These containers should be relocated to minimize exposure upon open space and the sidewalk. If possible, the cans should be placed within the grey building.

## B. PIER CONSTRUCTION

### 1. Statements of Fact.

The small pier on Parcel A to be used for public access looks to be in good shape. The northwestern pile may need to be upgraded, as might some of the decking. The pier may need additional support across its' western end.

### 2. Conclusions.

The small pier on Parcel A should be brought up to code and its' northwestern pile upgraded. Plans for this work should be submitted for City approval prior to issuance of Building Permits for the new building. Repairs should be completed prior to issuance of Certificate of Occupancy for the new building.

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III. BACKGROUND:

A. HISTORY

May 4, 1978: Neptune Sailing Club received a Variance for reduction in parking from 7 parking stalls to 0, for the sailing club in its existing building.

June 5, 1978: Neptune Sailing Club received a Conditional Use Permit and Substantial Development Permit for the use of an existing structure for a sailing club and for construction of a pier for moorage.

June 13, 1979: Frank Rosin received 3 Variances from the Board of Adjustment:

- a. Variance to reduce the high water line setback (rear setback) from 15 feet to 0.
- b. Variance to reduce frontage setback (front setback) from 10 or 20 feet to 0.
- c. Variance to reduce north property line setback from 45 feet to 30 feet.
- d. The requested Variance to the high water line setback for some interior additions to the existing grey building, which would extend further toward the lake than currently exists, was denied by the Board of Adjustment.

July 23, 1979: The original Substantial Development Permit application was brought before the Development Review Committee and referred to the Planning Commission, due to lack of DRC jurisdiction. The DRC could not hear the application because it involved a commercial use and sailing club. This application was subsequently withdrawn by the applicant, in favor of the current application.

August 22, 1979: Frank Rosin received Variances from the Board of Adjustment to reduce the total required parking on site from 18 stalls to 9.

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September 20, 1979: Application for a Substantial Development Permit, Preliminary and Final Planned Unit Development was brought before the Planning Commission. The Planning Commission approved only the Preliminary Planned Unit Development, and continued the application for the SDP and F-PUD.

November 19, 1979: The Kirkland City Council approved Preliminary Planned Unit Development for this project.

B. DESCRIPTION OF NEIGHBORHOOD:

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.

IV. 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.

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- 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. The number of dwelling units could be reduced, thereby reducing building size. The large new building could be broken up into two or more separate structures.
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.

#### V. APPENDICES:

Exhibits "A" through "L" are attached. Exhibits "M" and "N" will be shown at the Planning Commission Hearing.

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