

RESOLUTION NO. 2708

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. CUP-79-109(P), BY R. R. AND L. A. WELCOME TO CONSTRUCT A PROFESSIONAL OFFICE BUILDING BEING WITHIN A PLANNED AREA 10 ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH CONDITIONAL USE PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Conditional Use Permit, filed by the owner of said property described in said application and located within a Planned Area 10 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission of who held hearing thereon at their regular meeting of February 21, 1980, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2319 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 Conditional Use Permit subject to the specific conditions set forth in said recommendations.

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

Section 1. The Findings, Conclusions and Recommendations of the Kirkland Planning Commission as signed by the Chairman thereof and filed in the Department of Community Development File No. CUP-79-109(P) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Conditional Use Permit shall be issued to the applicant subject to the conditions set forth in the 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 Conditional Use Permit or evidence thereof delivered to the permittee.

Section 4. Nothing in this section shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to this project, other than expressly set forth herein.

Section 5. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Conditional Use Permit is subject shall be grounds for revocation in accordance with Section 23.56.110 of Ordinance No. 2183, the Kirkland Zoning Ordinance.

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


- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Fire and Building Departments 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 3rd day of March, 1980.

SIGNED IN AUTHENTICATION THEREOF on the 3rd day of March, 1980.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

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DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT  
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

\_\_\_ PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
XX RECOMMENDED BY \_\_\_\_\_ DATE February 21, 1980  
\_\_\_ 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 R-2708

DATE \_\_\_\_\_

FILE NUMBER CUP-79-109(P)

APPLICANT R.R. and L.A. Welcome

PROPERTY LOCATION NE 124th St. and 120th Ave. NE Extension

SUBJECT CONDITIONAL USE PERMIT FOR PROFESSIONAL OFFICE BUILDING

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

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Vicinity Map "C" Existing and proposed Site Plans "D" Landscape Plan and Building Elevations "E" Economic Study "F" Environmental Checklist & Declaration "G" Slides (to be shown at hearing).

I. SUMMARY

A. DESCRIPTION OF PROPOSED ACTION:

This is an application for a professional office building in Planned Area 10, located at the southeast corner of the intersection of N.E. 124th Street and the new road designated 120th Ave. N.E. extension. The 19,297 square foot piece of property is totally surrounded by State or City right-of-way. The proposal is for a one-story office building and underground parking garage. Building coverage is 6,740 square feet (34.9% of the site), with an approximate floor area of 6,470 square feet. The number of parking stalls required for this office building is 22 - the applicant is proposing 24 stalls. Height of the proposed building is 26 feet above the average building elevation (a 30 foot height is allowed under the Zoning Ordinance). The City departments have reviewed the proposed plans and have few concerns with them.

Major issues are: traffic pattern, compliance with the Conditional Use Permit criteria, and compliance with the Land Use Policies Plan.

B. RECOMMENDATIONS:

Based on Statements of Fact, Conclusions and Exhibits "A" through "G" contained herein, we hereby recommend approval of this Conditional Use Permit application, subject to the following conditions:

1. The proposed northern driveway should be located either directly across or south of the driveway for the proposed restaurant across 120th N.E.
2. a. A single ground-mounted identification sign may be placed along the west or northwest portions of the site to identify the building and/or its tenants. This sign shall be a maximum of 5 feet in height and cannot be backlit. No other free-standing or ground mounted signs shall be allowed except through a Conditional Use Permit/ Comprehensive Signage Program for the entire building.

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- b. Face-mounted signs shall be placed on the north, south and west elevations only. Signs on the east elevation may be proposed through a Conditional Use Permit/ Comprehensive Signage Program.
  - c. A coordinated program for both ground and face-mounted signs shall be approved by the Department of Community Development. Readerboards and backlit signs are not allowed.
3. Prior to issuance of Certificates of Occupancy, the Department of Community Development shall evaluate the landscaping plan to determine whether adequate site distance is available for vehicles exiting the site.
  4. The applicant shall treat or design windows on the eastern side to reduce glare.
  5. It is the responsibility of the applicant to become familiar with and comply with all applicable City ordinances.

## II. MAJOR ISSUES, FACTS, AND CONCLUSIONS

### A. TRAFFIC PATTERN:

#### 1. Statements of Fact.

The Public Service Department and Department of Community Development have been working with the applicant since submittal of the Conditional Use Permit application in late September regarding the adequacy of the access, and the traffic pattern as a result of the proposed office building. Exhibit "C" (Proposed Site Plan) shows two proposed points of access for the site. Exhibit "C" also shows a restricted access zone along 120th Ave. N.E. which ends approximately 5 feet north of the northern driveway. This line is imposed by the State of Washington and extends from the point shown on Exhibit "C", to the north along 120th Ave. N.E., and swings around to the east along N.E. 124th Street, to I-405. This line limits access to the subject property.

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The City has received plans for a restaurant to be located on the King County side of 120th Ave. N.E., west of the subject property. The Public Service Department has coordinated the access points for the subject property and the restaurant property, so as to minimize potential traffic conflicts. To accomplish this, the Public Service Department has required that the northern driveway for the subject property be located directly across the street from, or south of the proposed driveway for the restaurant on the west side of the street.

As part of the recent improvement program along 120th Ave. N.E. extension, a two-way left turn lane has been installed which will service the subject property. In addition, curb and a bicycle/pedestrian lane has also been installed on the west side of 120th as part of this improvement program.

All City Departments have reviewed and approved the proposed plans.

2. Conclusions.

In order to minimize any potentially hazardous traffic conflicts, the proposed northern driveway for the subject property should ultimately be placed either directly across from or south of the driveway for the proposed restaurant on the west side of 120th Ave. N.E. extension. As long as this requirement is met, the proposed access to the development is adequate and safe in the eyes of the Public Service and Police Departments. Slides (Exhibit "G") will be shown at the public hearing.

The landscaping plan shows street trees and other vegetation which may impair sight distance. The Department of Community Development should evaluate the landscaping plan prior to issuance of Certificates of Occupancy to determine whether adequate sight distance is available for cars exiting the site.

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B. COMPLIANCE WITH LAND USE POLICIES PLAN:

1. Statements of Fact.

The following policies have direct impact on the proposed development:

Community Policy 7.b.: Encourage innovative site designs which reduce the amount of impervious surfaces, utilities, and other support facilities, which increase useable open space.

Economic Activities Policy 3: Determine the proper location for offices by a number of considerations as follows:

- a. Large offices are to be concentrated where other intensive land uses exist or in designated interchange areas.
- b. Small offices may locate where large offices are permitted and generally along major and secondary arterials where economic activities presently exist.

(The proposed office building meets the LUPP definition of small offices, by having only one story of office space.)

Economic Activities Policy 5.e.: Control the use of signs.

Public Services/Facilities Drainage Policy 2.a.: Limit the extent of impervious surfaces in order to minimize problems associated with increased volume and velocity of runoff.

Parmac Area/Planned Area 10: Office or freeway commercial uses may be permitted in Planned Area 10.

(The three specific policies in LUPP addressing development in Planned Area 10 pertain solely to development of the "hill" on the western side of a new 120th Ave. N.E. extension, and therefore do not apply for this development.)

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Totem Lake Area - N.E. 124th St. and 116th Ave. N.E. Intersection: The subject property is actually located in the southeastern quadrant of the intersection of these two streets. 116th Ave. N.E. becomes 120th Ave. N.E. extension south of N.E. 124th Street.

Standard 3.e. states that development in the interchange areas will be designed to enhance these areas as entry points to the City.

Standard 3.f. states that signing for interchange activities should not exceed signing permitted for other local activities.

## 2. Conclusions.

- a. The applicant has attempted to reduce the amount of impervious surfaces (which account for 61% of the site) by placing the majority of the required parking underneath the building. By necessity, due to setbacks, height regulations, and building lot coverage, the remaining required parking and two additional parking stalls have been placed outside the building. The applicant has also provided some useable open space on the northwestern and southern portions of the site, by proposing lawn areas. The applicant's architect has submitted an innovative site design allowing for maximum utilization of the land, within City of Kirkland regulations, on a difficult piece of property which was created when the new 120th Ave. N.E. extension cut through a larger piece of property.
- b. The proposed site is well suited for office development, due to its proximity to Totem Lake Shopping Center and other nearby commercial and industrial uses. The property is surrounded by other non-residential zones and uses. The property also provides a view of the Cascade Mountains to the east. The landscape plan (Exhibit "D") enhances the site as an entry point to the City by providing a variety of landscaping materials which will be planted on a presently vacant piece.

To enhance this freeway interchange and the subject property as an entry point to the City, and because office uses are not freeway-oriented, signing should be limited. To keep any proposed signs within a scale compatible to the proposed office building, a single ground-mounted identification sign may be placed along the western or northwestern portions of the site. The purpose of this sign would be to identify the building, and possibly its tenants, to patrons along 120th Ave. N.E. and N.E. 124th. To keep this sign in scale with the proposed building, this sign should be ground mounted, be no higher than 5 feet above grade, and should not be backlit. Any proposed free standing or ground mounted signs not conforming to the above criteria should be processed as a comprehensive signage program for the entire building, through the Conditional Use Permit process.

In addition, for the same reasons stated in the above paragraph, location of facemounted signing should also be limited. Under the present zoning code, the applicant is allowed 65 square feet of signage for the entire building. If desired, the applicant could place all 65 square feet of sign on the eastern elevation of the building, oriented toward I-405. However, the office use proposed is not freeway-oriented, and does not need freeway-oriented signs to attract potential customers. Visibility of the site is practically non-existent for motorists exiting the freeway.

Therefore, no signage should be placed on the eastern elevation of the building. This may be modified through a Comprehensive Signage Program/Conditional Use Permit.

To coordinate signage, a coordinated program for both ground and face-mounted signs should be approved by the Department of Community Development. To reduce the visual impact of the signs, readerboards and backlit signs should not be allowed.

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- c. The applicant stated in the Environmental Checklist (Exhibit "F", Question 7) that glare may be produced from window reflections. The eastern side of the building (facing I-405) contains a large area of windows which could produce glare onto the freeway. The applicant should treat or design these windows to reduce glare.

C. COMPLIANCE WITH CONDITIONAL USE PERMIT CRITERIA

1. Statements of Fact.

Kirkland Zoning Ordinance. Section 23.56.080. Standards for Granting Conditional Use Permit: Planning Commission and City Council shall be guided by the following standards and provisions in granting a CUP.

- a. The use or modification requested by the CUP shall be within the intent of this Ordinance, and in the public interest.
- b. The use or modification requested by the CUP for the operation of a permitted business in a residential zone will not do damage to adjacent residential property by decreasing property values, creating excessive noises, or creating other nuisances; the applicant for a CUP in any zone, for any business use, shall also provide the Planning Commission with an economic study to show the soundness of his business venture. The Planning Commission and City Council shall evaluate the study as consideration for approval or denial.
- c. Continuation or enlargement of non-conforming use. (Not applicable to the proposed development).
- d. The uses and standards as defined in the Land Use Policies Plan.

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2. Conclusions.

- a. The proposed office building meets the requirements of and therefore meets the intent of the Zoning Ordinance. The proposal is within the public interest by complying with the standards and policies in the Land Use Policies Plan.
- b. The subject property is not adjacent to any residential zone or residential property. The applicant's economic study is shown as Exhibit "E". The site is easily accessible from I-405, Totem Lake Area and Juanita - an asset to any business venture.
- c. The proposal conforms to standards and policies of the Land Use Policies Plan (see Section II.B. of this report).

III. BACKGROUND

A. HISTORY:

This small, oddly-shaped piece of property was created when the City constructed the 120th Ave. N.E. extension through LID 115. Originally, the subject property was part of the "hill" area of Planned Area 10.

B. DESCRIPTION OF NEIGHBORHOOD:

The subject property is totally surrounded by non-residential zones and uses. I-405 and associated State right-of-way lies along the eastern border. N.E. 124th St., some City right-of-way, and a BN zone lies directly to the north, in the northeast quadrant of the intersection of N.E. 124th Street and 120th Ave. N.E. extension. The northwest quadrant of the intersection contains a gas station and other commercial uses, and is located in King County. The southwest quadrant of the intersection (directly across the street from the subject property) is in King County, and has received approval by the County for a restaurant. Further to the southwest of the subject property lies the "hill" Planned Area 10, which is within the City limits. This property would allow professional office or freeway oriented commercial. Other uses along the new 120th Ave. N.E. extension further to the south are: a new Fred Meyer store (presently under construction), Northwest Construction, and Eastside Spraying.

120th Ave. N.E. extension was created through LID 115. This LID provided for access to many properties along I-405, and also provided for utility service to these properties. A street level, asphalt bikeway/walkway exists on both sides of the street presently. A two-way left-turn lane has also been provided for to the LID. This special lane provides left-turn access to the subject property.

#### IV. ALTERNATIVES:

Alternative use of the site would be a freeway-oriented commercial. This type of use may not be feasible at this site due to poor freeway visibility. Although the site is visible to passing motorists along the freeway, visibility is practically non-existent for freeway motorists at the northbound and southbound exits from I-405 to N.E. 124th Street.

Other alternatives are available to the applicant in terms of site design, building height and building bulk.

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V. DEVELOPMENT STANDARDS

A. Kirkland Zoning Ordinance

The applicant should be aware of the following sections of the Kirkland Zoning Ordinance:

Chapter 23.14. Professional-Residential Zone  
Chapter 23.27. Planned Areas  
Chapter 23.32. Signs  
Chapter 23.34. Parking and Loading  
Chapter 23.36. Performance Standards  
Chapter 23.40. Landscaping, Screening and Fencing  
Chapter 23.54. Administration and Enforcement  
Chapter 23.56. Conditional Use Permit

It is the responsibility of the applicant to become familiar with and comply with all applicable provisions of the Kirkland Zoning Ordinance.

B. UNIFORM BUILDING CODE:

As the building will be located in Fire Zone II, fire protected openings and parapets at the roof will be required on walls closer than 10 feet to the property lines.

No physical site work or land surface modification shall be commenced until a grading and/or building permit has been issued.

C. UNIFORM FIRE CODE:

The applicant must comply with all provisions of the Uniform Fire Code, and Operating Policies of the Kirkland Fire Department.

VI. APPENDICES

Exhibits "A" through "F" are attached.  
Exhibit "G" (slides) will be shown at the hearing.

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