

RESOLUTION NO. R-2725

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. CZ-80-15, BY ROBERT F. CRAWFORD TO CONSTRUCT TWO 6-UNIT CONDOMINIUMS BEING WITHIN PLANNED AREA 7 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 Robert F. Crawford, the owner of said property described in said application and located within a Planned Area 7 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held hearing thereon at their regular meeting of May 1, 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, and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Planning Commission.

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. CZ-80-15 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 19th day of May, 1980.

SIGNED IN AUTHENTICATION THEREOF on the 19th day of May, 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 May 1, 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-2725

DATE \_\_\_\_\_

FILE NUMBER CZ-80-15

APPLICANT ROBERT F. CRAWFORD

PROPERTY LOCATION Between 6th Ave. and 7th Ave., and W. of 5th St.

SUBJECT CONDITIONAL USE PERMIT FOR 12 CONDOMINIUM UNITS

HEARING/MEETING DATE May 19, 1980

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Environmental Info. "C" Vicinity Map

"D" Site and Landscape Plan "E" Building Elevations "F" Revisions to the Site Plan

"G" Mrs. Brown's Letter.

I. SUMMARY

A. DESCRIPTION OF PROPOSED ACTION:

This is an application for a Conditional Use Permit to construct two 6-unit condominiums at a density of RM 2400 on 28,091 square feet of property in Planned Area 7. The applicant is Robert Crawford. The property is located between 6th and 7th Avenues and west of 5th Street. The Land Use Policies Plan has designated the property for an intermediate high residential density of up to 18 dwelling units per acre. The condominium structures are 36 feet in height and have 24 associated parking stalls. Related to the 12 condominium units in Planned Area 7, the applicant will construct a 3-unit townhouse adjacent to the subject property on a 11,022 square foot parcel zoned for RM 3600 with the approval of a Building Permit.

The major issues are screening of off-street parking and building sites, right-of-way improvements and improvements in the play space for children.

B. RECOMMENDATIONS:

Based on the major issues, facts and conclusions contained herein, we hereby recommend approval of this application subject to the following conditions and Exhibits "A" through "G".

1. This application is subject to the various requirements contained in the Land Use Policies Plan and the Kirkland Zoning Ordinance. It is the responsibility of the applicant to assure compliance with the various provisions contained in these ordinances.
2. Prior to the issuance of a Building Permit, the applicant shall remove the 4 foot wide and 20 foot long parking emergency access to the west of the hammerhead turn-around from the site plan (see Exhibit "F").
3. Prior to the issuance of a Certificate of Occupancy Permit, the applicant shall:
  - a. Install a five foot wide concrete sidewalk in front of the property along the public right-of-way of 5th Street (see Exhibit "F").

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- b. Amend the landscape plan to provide an effective screen of the parking lot and to buffer the medium density use from the existing single family homes with the following additional vegetation (see Exhibit "F"):
- (1) Note the Photinia shrubs to be four feet high at the time of planting.
  - (2) Note the Vine Maple trees to be at least 2" in caliper at planting.
  - (3) Add one Photinia to the planter area along the northwest corner of the parking lot.
  - (4) Plant 5 Photinia shrubs and Periwinkle groundcover along the west side of the parking lot in place of the parking emergency access (see Exhibit "F").
  - (5) Plant four Conifer trees 2 1/2" in caliper, 18 feet on center along the north border of the parking lot in the Photinia planter area.
  - (6) Add seven Photinia to the planter area along the east property line.
  - (7) Add two Conifer trees 2 1/2" in caliper, 18' on center to the planter area along the east property liner and plant the trees 40 feet from the south entrance corner.
- c. Submit a two-year landscaping maintenance bond once the vegetation has been installed and approved by the Department of Community Development.
- d. Install a swing set, sand box and climbing apparatus in the play space for children (see Exhibit "D").

## II. MAJOR ISSUES, FACTS AND CONCLUSIONS

### A. SCREENING OF OFF-STREET PARKING AND BUILDING SITES.

#### 1. Statements of Fact.

##### a. Kirkland Zoning Ordinance.

"23.40.040. Screening of Parking Areas:  
A strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting, and which are of a type which may be expected to form a year-round dense screen within three years, measured with reference to the elevation of the parking or loading area, or

23.40.050 Screening of Building Sites:  
Where an apartment building is located adjacent to RS zoned property, the provisions of Section 23.40.060(1) or (2) shall apply.

23.40.130 Performance Bond: A maintenance bond may be required for maintenance as well as initial planting."

- b. Local nurseries indicate that Photinia shrubs should be placed 4 feet on center to obtain a dense parking screen in three years.
- c. The proposed landscape plan does not indicate the height of the Photinia shrubs.
- d. The proposed landscape plan has several Photinia planter areas with shrubs at five to six feet on center.
- e. The 36 foot high condominiums are inadequately buffered from the single family homes to the north and east with only four feet high Photinia Shrubs.
- f. The site plan shows a 4 foot wide and 20 foot long emergency vehicular access to the west of the hammerhead turn-around (see Exhibit "D").
- g. The Fire Department has indicated that such an emergency access would rarely be used and that access would come off 7th Avenue or 5th Street.

## 2. Conclusions.

- a. To provide a dense off-street parking screen, the Photinia shrubs must be four feet high and placed four feet on center. Condition 3(b) of the recommendations stipulate the necessary additions to the landscape plan to comply with the Code.
- b. To buffer the building sites, additional trees and shrubs must be planted on all sides of the buildings. Condition 3(b) of the recommendations notes the necessary additional trees and shrubs to be planted.

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- c. The emergency access provision is not necessary. Photinia shrubs and groundcover should be planted in place of the emergency vehicular access area to add vegetation between the multi-family dwelling parking lots and to deter vehicular access between the subject property and the residential use to the west.
- d. A two-year maintenance bond shall be submitted to ensure that the planted vegetation will screen the parking lot and site.

B. RIGHT-OF-WAY IMPROVEMENTS.

1. Statements of Fact.

- a. To improve pedestrian access, concrete sidewalks have been required throughout the City.
- b. The Land Use Policies Plan Vehicular Circulation Map (p. 312) designates 7th Avenue as a collector arterial. 5th Street feeds directly into the major arterial of Central Way.
- c. There are no sidewalks near the property along 5th Street.
- d. The City of Kirkland has no immediate plans to improve 5th Street.
- e. The cost of installing a concrete sidewalk is approximately \$7.00 per linear foot. For the property, the cost would be approximately \$735.00.

2. Conclusions.

- a. To provide safe pedestrian access towards Central Way on 5th Street, the Public Service Department has recommended that a five foot wide concrete sidewalk be installed in the public right-of-way in front of the subject property (see Exhibit "F").

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- b. At the time of the Building Permit, the Public Service Department will require a five foot sidewalk along 7th Street and 5th Avenue in front of the 3-unit townhouse.

C. IMPROVEMENTS IN THE PLAY SPACE FOR CHILDREN

1. Statements of Fact.

a. Kirkland Zoning Ordinance.

23.10.110. Recreation Space: If the apartment units are available to families with young children, at least 50 percent of the area as required for recreation space shall be designed and maintained in a manner that makes it suitable and safe as play space for children.

- b. The 15-unit condominiums require 2400 square feet of common open space. Approximately 1375 square feet is designated as a play space for children (see Exhibit "D").

- c. The site plan shows playground equipment for the play space area on Exhibit "D", but it does not specify the details.

2. Conclusions.

- a. To ensure that the playground is designed for children, a swing set, sand box and climbing apparatus should be installed as noted on Exhibit "D".

III. BACKGROUND

A. NEIGHBORHOOD

1. Statements of Fact.

- a. Planned Area 7 extends to the east, west and south of the subject property and is zoned RM 2400. To the north, the area is intermixed with RM 3600 and RS 7200 zoning.
- b. North and east of the property is predominantly a single family residential neighborhood. To the west is a multi-family development. To the south is vacant land as well as the Eastside Petroleum Company and the Texaco Service Station in the Central Business District.

2. Conclusions.

The proposed 12-unit condominiums are compatible with the multi-family development to the west and the commercial uses to the south. The medium density residential proposal is compatible with the potential developments to the north and east. Screening shrubs and coniferous trees buffer the medium density use from the present single family homes to the north and east.

B. SITE

1. Statements of Fact.

- a. The property has a 24" Dogwood and several Holly trees on the northern section of the property. The center and southern portion of the property is vegetated with various fruit trees.
- b. 6th Avenue has been vacated by VAC-ORD. 2377. The southern 30 feet of the property is part of the vacated 6th Avenue. The remaining 30 feet of vacated right-of-way is undeveloped and is owned by an adjacent property owner.

2. Conclusions.

- a. The applicant will retain the Dogwood and Holly trees as part of the development.
- b. Thirty feet of the vacated right-of-way will be developed with a side yard lawn, trees, shrubs and a portion of the condominium units.

IV. CITIZEN INPUT

1. Statement of Fact.

- a. The Department of Community Development received a letter from Ms. Cynthia Brown, resident of 410 7th Ave., Kirkland, commenting on the Robert Crawford Conditional Use Permit application (see Exhibit "G"). Ms. Brown lives in the single family neighborhood to the north of the subject property.

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- b. 7th Avenue is a collector arterial with an adequate vehicular flow to handle the increase in traffic from the proposal.
- c. There is a stop sign on 5th St. at the corner of 7th Ave., but not on 7th Avenue.
- d. The property is zoned for medium density residential use.
- e. The proposed 30 parking stalls on the site provide 2 spaces per unit as required in the Kirkland Zoning Ordinance Section 23.34.020.
- f. As noted in the submitted Environmental Checklist (see Exhibit "B"), approximately 150 average daily vehicle trips will access from the proposal to 5th Street.

#### V. ALTERNATIVES

- 1. Multi-family dwelling units up to a density of 3600 square feet per unit with no development permit is allowed in Planned Area 7. This would allow 8 units on the subject property with a Building Permit.

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## VI. DEVELOPMENT STANDARDS

The following development standards, policies and regulations pertain to the development on the property. However, the list does not include all of the requirements and it is the responsibility of the applicant to assure compliance with all provisions contained in the Land Use Policies Plan, the Kirkland Zoning Ordinance and the Uniform Building Code.

### 1. Statements of Fact.

#### a. Land Use Policies Plan.

Page 329: Norkirk Area - Planned Area 7

"The easterly portion of the Planned Area east of 4th Street) is primarily undeveloped. The area has immediate adjacency to the Central Business District, and as such warrants an intermediate high residential density of up to 18 dwelling units per acre. Development in this area will need to conform to the following standards:

- (1) Topographic conditions and/or vegetative buffers (combined with wide setbacks) are to provide transition between the high density development in this area and the medium density residential areas to the north and west.
- (2) Existing amenities (namely, views and existing vegetation) are to be preserved to the greatest extent possible.
- (3) Access points and parking areas are to be oriented away from the surrounding medium density residential areas. Access should be primarily off 5th Street to this area."

#### b. Zoning Ordinance.

23.10.090 Height. "In Planned Areas, the height may exceed thirty (30) feet provided that for each additional one foot of height, the sum of all the minimum yard setbacks shall be increased four feet, and provided further that a site occupied by a building or structure having a height greater than thirty (30) feet shall have no property segregated or subdivided from such site which would reduce the yards and open spaces required or provided to compensate from the greater height, nor which would reduce the total required minimum area of the site upon which the permitted lot coverage was based.

23.10.110 Recreation 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. For the purposes of this Section, "Assessed Valuation" shall mean the greater of (i) the assessed value determined by the King County Assessor for general tax purposes for the year during which the building permit is issued or (ii) the most recent taxable sales price of the parcel according to the 1% real estate excise tax records for King County.

23.40.140 Fire Hydrants: In order for the City Fire Department to function properly, all fire hydrants are to be free of bulkheads, fences, hedges, etc., and are to be free of all obstacles. All hydrant locations and removals shall be approved by the Chief of the Fire Department or his representative.

23.40.040 Off-Street Parking Areas: Parking lots in Multi-Family Residential Developments: Parking lots in multi-family residential developments containing fourteen (14) or more stalls shall be arranged so that there are no more than eight (8) contiguous parking stalls.

23.32.090. Signs Requiring Conditional Use Permits: In RM zones, free standing signs when over ten (10) square feet in area or over six (6) feet in height as measured from grade shall require a Conditional Use Permit.

## 2. Conclusions.

- a. The high density development is buffered by screening shrubs and coniferous trees.
- b. A 24" Dogwood, a 6" Holly and other existing vegetation are to be preserved.
- c. Vehicular access is provided off 5th Street and is oriented away from the single family residential area to the north.
- d. The 12-unit condominiums are 36 feet in height. With 75 feet of additional yard setbacks, each structure could be built to a height of 39.5 feet.

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- e. Prior to the issuance of a Building Permit, the applicant shall:
- (1) Submit funds to the Fee-in-Lieu of Open Space Account of either \$200 per new dwelling unit or 6% of the assessed valuation of the total land area, whichever is greater. A statement of assessed valuation from the King County Comptroller's Office should be submitted with the payment of the fee-in-lieu funds.
  - (2) Install a fire hydrant on the south side of the driveway entrance as designated by the Fire Department (see Exhibit "F"), and insure that the fire hydrant be charged and fully operational with a minimum fire flow of 1500 gallons per minute.
- f. The associated parking lot of 24 stalls is arranged so that there are no more than eight contiguous parking stalls.

VII. APPENDICES

Exhibits "A" through "G" are attached as a part of this report.

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