

RESOLUTION NO. R-2743

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-80-37, BY BRIAN LURIE TO CONSTRUCT A 3-BUILDING OFFICE COMPLEX BEING WITHIN A PLANNED AREA 5 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 Brian Lurie, the owner of said property described in said application and located within a Planned Area 5 zone, and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held hearing thereon at their regular meeting of July 10, 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-80-37 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.

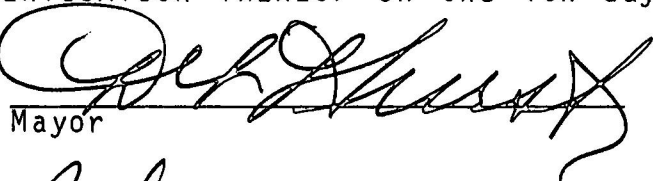
Section 5. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Conditional Use Permit is subject shall be grounds for revocation in accordance with Section 23.56.110 of Ordinance No. 2183, the Kirkland Zoning Ordinance.


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 4th day of August, 1980.

SIGNED IN AUTHENTICATION THEREOF on the 4th day of August, 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 July 10, 1980  
ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_

STAFF \_\_\_\_\_

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

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

XX PLANNING COMMISSION Kay Haenggi  
Kay Haenggi, Chairperson

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

RESOLUTION \_\_\_\_\_ ORDINANCE \_\_\_\_\_  
NUMBER \_\_\_\_\_  
DATE \_\_\_\_\_

FILE NUMBER CZ-80-37

APPLICANT BRIAN LURIE

PROPERTY LOCATION 226 6th St. S.

SUBJECT CONDITIONAL USE PERMIT to construct 3-building office complex

HEARING/MEETING DATE August 4, 1980

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Environmental Checklist "C" Vicinity  
Map "D" Site Plan "E" Landscaping Plan "F" Elevations "G" Pedestrian Trails Plan in LUPP  
"H" Existing Features Map "I" Agreement Relating to Future Public Improvements.

"J" Recommended Site Plan

I. SUMMARY:

Brian Construction Company has submitted an application for a Conditional Use Permit to construct a three-building office complex of somewhat less than 8,000 square feet in total in a Planned Area 5 zone. The site is located at 226 6th Street South. The structures are two-story in height, and Building 3 has some under-structure parking.

The major issues identified in this review include: Compliance with the Conditional Use Permit criteria, right-of-way dedication and access, and compliance with zoning code standards. Please note that this application has been submitted prior to the recent adoption of Planned Area 5 amendments to the Land Use Policies Plan.

II. RECOMMENDATIONS:

Based on the Statements of Fact, Conclusions and Exhibits shown in this report, staff recommends approval of the application with the following conditions:

1. At the time of Building Permit application:
  - a. Twenty-two (22) feet shall be dedicated along the northern property line for right-of-way.
  - b. The applicant shall sign an agreement relating to future public improvements of 6th St. and Planned Area 5 in a format approved by the City Attorney. The format shall generally follow Exhibit "I". The 16 feet of asphalt required in N.E. 84th (see Condition 2.a.) shall not be considered a contribution toward these future improvements.
  - c. At the two driveway entrances, landscaping shall be modified to increase traffic visibility. Suggested substitutions include heather or holly plant materials. The revised landscape plan must be approved by the Department of Community Development, and submitted at the time of Building Permit application.
  - d. The entryway to Buildings 2 and 3 shall be extended into the driveway, with additional landscaping and an extension of the paving material (other than asphalt). The entry walk to Building 1 shall be of a material other than asphalt and raised above the parking pavement.

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- e. The planter boxes and vegetation shown on the elevation drawings shall be included.
2. Prior to release of the Certificate of Occupancy, N.E. 84th Street shall have a partial street improvement of 16 feet of asphalt along the entire northern property line. The asphalt drive shall be centered over the existing dirt road and tie directly into the dirt road at the eastern edge of the driveway entrance at the discretion of the Public Service Department at the time of Building Permit application. The applicant may be required to provide open ditch drainage along N.E. 84th and abutting the northern property line.
3. Upon completion of N.E. 84th full street improvements, and at the discretion of the Department of Community Development, the applicant or then owner may be required to close or otherwise modify the driveway entrance onto 6th Street. If this access is closed, the asphalt driveway shall then be removed and landscape materials placed which are consistent with other planting along the 6th St. frontage.
4. Signage is restricted to face mounted and/or a ground mounted sign which is no more than 5 feet high. The ground mounted sign shall be indirectly lighted. No pole signs are allowed.
5. The site design be modified according to Exhibit "J" to provide better access and in the public safety.
6. The site plan shall incorporate only the number of stalls required by code.

### III. MAJOR ISSUES:

#### A. CONDITIONAL USE PERMIT CRITERIA

1. To assure, by means of imposing special conditions and requirements on development, that the compatibility of uses and the purpose of this ordinance shall be maintained, considering other existing and potential uses within the general area of the proposed use.
2. The conditions imposed shall be those which will reasonably assure that nuisance or hazard to life or property will not develop. The Planning Commission may not use a CUP to reduce the zoning requirements of the zone in which the use is to locate. Such reduction of requirements shall be accomplished through a Rezone application or Variance, whichever is applicable.

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B. DOES THE USE OR MODIFICATION REQUESTED BY THE CONDITIONAL USE FIT WITHIN THE INTENT OF THE KIRKLAND ZONING ORDINANCE AND IN THE PUBLIC INTEREST?

1. Applicant's response: "Yes - the land is zoned Planned Area 5, PO-underlying RM-1800. This application calls for approximately 25% ground coverage rather than the 35% allowed. All City requirements will have been met. These buildings will bring in new tax dollars, possibly new jobs, etc. Nowhere does this application ask for any conditions outside the extent of the present zoning."
2. Statements of Fact.
  - a. Section 23.27.020 identifies professional offices as one use allowed in Planned Area 5 with either a Conditional Use Permit or Planned Unit Development Permit.
  - b. Section 23.14 establishes standards for office development. Parking lot dimensions and building height are not met. (Explained further in the Development Standards, Section IV).
  - c. The site will access onto 6th St. and N.E. 84th St. Sixth St. is identified as a secondary arterial, and has the capacity to handle the additional traffic. The driveway is directly opposite the proposed Kirkland Park Place commercial project. Improvements to this street will occur in the near future in conjunction with development in Planned Area 4.
  - d. N.E. 84th Street at present is a dead-end 30 foot wide underdeveloped right-of-way. To meet minimum City standards, a 16 foot wide asphalt street improvement and open ditch drainage would be required. This improvement should tie directly into the dirt road on the eastern edge to provide access to two single family homes. Full street improvements for a 60 foot right-of-way is projected in the near future. Twenty-two feet of dedication added to the existing 8 feet south of the N.E. 84th centerline will provide one half (30 feet) of the eventual 60 foot right-of-way. Full half street improvements, if installed at this time, may conflict with the future road alignment and design.

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- e. Substantial improvements to 6th St. and N.E. 84th St. will occur in the near future. Sixth Street may be widened to three lanes with curb, gutters and sidewalk. N.E. 84th St. may be improved with two lanes, curb, gutter, sidewalk and realignment to connect with N.E. 85th St. The development contributes to the use of these streets, and should monetarily contribute toward street improvements.
- f. The site plan does not distinguish the entrances to Buildings 2 and 3, and to Building 1. These entry-ways appear to be asphalted. Because of the location of the parking stalls, it is quite possible that a car will park in front of the entry-ways thereby blocking pedestrian movement into the structures.
- g. The landscaping plan indicates Photinia Fraseri planted at the driveway entrances. This plant reaches 10 feet at maturity.
- h. Understory parking in Building "B" will back out onto N.E. 84th. chapter 23.34.040 does not allow cars to back out from a parking area (plates 1, 2 and 3).

## 2. Conclusions.

- a. The proposed use is compatible with the intent of the Zoning Ordinance.
- b. The applicant shall modify the site plan in order to create a better visibility at the driveway entrances with a substitution of holly, heather or other low bushes.
- c. The building entryways should be differentiated by a material other than asphalt. The entryway to Buildings 2 and 3 should extend out into the parking lot with plantings and a distinctive paving material. This will prevent cars from parking in front of the entryway.
- d. A 22 foot dedication along the full length of the northern property line is required, with 16 feet of asphalt as a partial street improvement.

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- e. Sixth St. is identified as a secondary arterial and needs upgrading to meet cumulative demand. Planned Area 5 also requires future improvements. The applicant should sign an agreement relating toward future improvement of 6th St. So. and Planned Area 5. The required asphalt improvement does not contribute to the future improvements and should not be considered as a deduction from future improvement assessments.
- f. The site plan shall be modified as shown in Exhibit "G" to prevent back-out parking. Essentially buildings #1 and #B have been switched.

C. INDICATE WHY THE USE OR MODIFICATION REQUESTED BY THIS APPLICATION FOR THE OPERATION OF A PERMITTED BUSINESS IN A RESIDENTIAL ZONE WILL NOT DO DAMAGE TO ADJACENT RESIDENTIAL PROPERTY VALUE, CREATING EXCESSIVE NOISES, OR CREATING OTHER NUISANCES; THE APPLICANT FOR A CONDITIONAL USE PERMIT IN ANY ZONE, FOR ANY BUSINESS USE SHALL ALSO PROVIDE THE PLANNING COMMISSION WITH AN ECONOMIC FEASIBILITY STUDY TO SHOW THE SOUNDNESS OF HIS BUSINESS VENTURE. THE PLANNING COMMISSION AND CITY COUNCIL SHALL EVALUATE THIS STUDY AS CONSIDERATION FOR APPROVAL OR DENIAL.

- 1. Applicant's response: "This application is not requesting for a permitted business in or near or a residential zone - but in Planned Area 5. If there was a residential zoned property adjacent to this proposal, the value of the residential property would be increased, not decreased. These proposed office buildings are being designed with a contemporary northwest flavor to coordinate environmentally and aesthetically into the wooded area. This application is asking for no modifications in zoning, we are only asking to work with the City in developing a small office complex conforming with the already stated goals for the area."
- 2. Statements of Fact.

The applicant is proposing an office development in a Planned Area 5 (PO/RM-1800) zone. This criteria does not apply to his development proposal.

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3. Conclusion.

The second criteria does not apply to the proposal.

- D. IS THE USE OR MODIFICATION REQUESTED BY THIS APPLICATION FOR THE CONTINUATION OR ENLARGEMENT OF A NON-CONFORMING USE? IF SO, IT SHALL BE MADE ON THE BASIS OF A SITE PLAN SHOWING PROPOSED LANDSCAPING, BUILDING RENOVATION, AND OTHER SITE IMPROVEMENTS. IF THE IMPROVEMENTS ARE TO BE MADE OVER A PERIOD GREATER THAN TWO YEARS, THE TIME OF IMPROVEMENTS SHALL BE INDICATED.

Applicant's response: "No - the use proposed in this application is not a non-conforming use. Definitely less than two years."

1. Statement of Fact.

This third criteria does not apply to this proposal.

2. Conclusions.

This third criteria does not apply to this proposal.

- E. THE PLANNING COMMISSION AND CITY COUNCIL SHALL BE GUIDED BY THE USES AND STANDARDS AS DEFINED IN THE LAND USE POLICIES PLAN.

1. Statements of Fact

- a. The Land Use Policies Plan identifies Planned Area 5 as being in the easterly section of the Central Area. It reads in part that "In order to most effectively coordinate the use of this area with the activities of the CBD, Planned Area 5 should be planned as a unit although individual developments could proceed incrementally. Permitted uses could be high density residential and/or office development. Vehicular access to the site should take advantage of the proximity to I-405 and existing arterials and respect the less intensive residential uses to the south. However, present access and utilities cannot support intensification of land use in the area. New developments shall be granted an occupancy permit only after util

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ities are provided for the area and internal access gained via the N.E. 84th Street right-of-way. Pedestrian and bicycle linkage with the CBD should be major features of future developments in Planned Area 5 (see Figure 26) Exhibit "G"). Land dedication or easements are to be made in order to help implement the park, open space and pathway systems."

- b. The applicant is dedicating 22 feet for right-of-way expansion of N.E. 84th Street. In addition, the applicant will sign an agreement relating to future public improvements as a contribution toward future improvement of 6th St. and Planned Area 5. The applicant shall make a partial street improvement along N.E. 84th Street which includes a 16 foot wide asphalt road running the length of the northern property line according to the standards of the Public Service Department.
- c. This development is depending on utilities found under 6th St. The applicant is not depending on the proposed sewer extension, nor does the City have to provide a water extension to serve the site.
- d. Access off the site is through N.E. 84th Street. Entrance onto the site is from 6th Street. The parking site can provide a two-way driving lane.
- e. This application was received prior to the recent Land Use Policies Plan amendment in Planned Area 5.
- f. Sixth Street will be intensely used when future development occurs. Controlled signage lessens visual clutter. One LUPP standard is to prevent the appearance of "commercial strips" by controlling signage.
- g. Impervious surface covers roughly 75% of the site. Under Public Services, L.U.P.P. policy #1a reads:
  - #1. Preserve the natural drainage systems as opposed to relying primarily on structural solutions.

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- a. Prohibit significant structures, impervious surfaces or land surface modifications which would adversely affect natural drainage systems.

2. Conclusions.

- a. The development is in accord with the Land Use Policies of Planned Area 5.
- b. Signage should be restricted to face mounted and/or a ground monument sign which is no more than 5 feet high. The ground monument sign shall be indirectly lighted. No pole signs are allowed.
- c. Limit impervious surface by restricting the parking stalls to the minimum number required by Zoning Code.

IV. NEIGHBORHOOD AND SITE DESCRIPTION

- A. The site has an existing single family dwelling in poor repair, a few orchard trees and is heavily overgrown with berry bushes. No stream or other watercourse is evident on the site. The neighborhood is very rural with a few scattered single family homes on the western side of 6th St. So. and to the south and north.
- B. The Jim Hart office is adjacent and to the south.
- C. Development in Planned Area 5 seems to follow the perimeter of the zone abutting public rights-of-way. This development proposal follows that trend. Little interior development has occurred to date.

V. DEVELOPMENT STANDARDS

A. Statements of Fact.

1. Any variation from the standards established in the Kirkland Zoning Ordinance requires review and approval by the Board of Adjustment. A minor site modification or a Variance is required for parking lot dimensions and building height.

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2. Parking lots must have stalls dimensioned at either 9 feet by 20 feet or, for 33% of the stalls, the lines must be dimensioned at 8 feet by 16 feet. The driving area must be 24 feet in width. The stall dimensions proposed are 9 by 19 feet. The driving lane is only 23 feet wide.
3. Offices must be 30 feet in height except for Planned Areas, where every additional foot in height requires an additional 4 feet in total yard setbacks. The building elevation indicates structures are 33 feet high and yard setbacks do not support this additional height.
4. The Building Department requests that setbacks as shown for Buildings 2 and 3 will require fire protected openings and parapets on the roof. An additional 10 foot or more setback will alleviate this problem. Please reference the Uniform Building Code Table 5.A.(1979 Edition).
5. The Public Service Department states that adequate sewer and water is available subject to the payment of appropriate fees. The basic storm water detention requirements will be enforced at the time of the Building Permit application. The applicant shall dedicate 22 feet of right-of-way along the north property line and pay \$10.00 per linear foot along the 6th St. So. property line. The Public Service Director stated verbally that right-of-way dedication shall revert to the owner if it is not developed and at the discretion of the City.
6. Project and Construction Management notes that there seems to be an extremely high proportion of impervious surface with a high storage requirement for water retention.
7. The Parks Department points out a need for sidewalks along 6th St. So. and N.E. 84th Street.
8. The Fire Department finds the access off 6th St. So. is adequate as shown. A fire hydrant will be required as indicated on the attached print. The minimum required fire flow at the "on-site" fire hydrant shall be no less than 2500 gallons per minute. "NO PARKING - FIRE LANE" signs are to be placed along the areas marked in the attached

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print. Contact the Fire Department for specific number and sign requirements at 827-4606. No shrubbery, trees, and/or bushes shall be placed around a fire hydrant. The fire hydrant shall be readily visible and accessible in the event of a fire.

#### VI. APPENDICES

Exhibits "A" through "J" are included as a part of this report.

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