

RESOLUTION NO. R-2744

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-80-35, BY LATIF LAKHANI, WESTMOUNT MANAGEMENT, INC., TO CONSTRUCT 41 CONDOMINIUM UNITS BEING WITHIN A PLANNED AREA 6B AND CBD 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 Latif Lakhani, Westmount Management, Inc., the owner of said property described in said application and located within a Planned Area 6B and CBD zone, and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held hearing thereon at their regular meeting of July 17, 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-80-35 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.

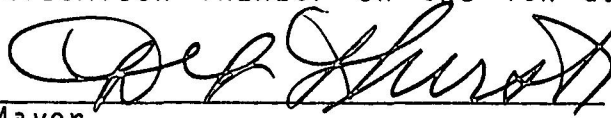
Section 5. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Conditional Use Permit is subject shall be grounds for revocation in accordance with Section 23.56.110 of Ordinance No. 2183, the Kirkland Zoning Ordinance.

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

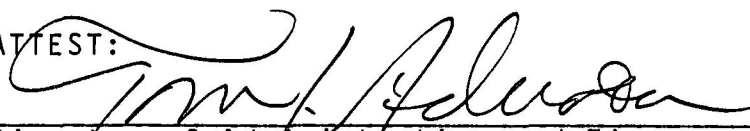
- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Fire and Building Departments of the City of Kirkland
- (d) Public Service Department of the City of Kirkland
- (e) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of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



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT  
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

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

XX RECOMMENDED BY \_\_\_\_\_ DATE July 17, 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-80-35

APPLICANT Latif Lakhani (Westmount Mgmt, Inc.)

PROPERTY LOCATION Between Kirkland Ave. & 2nd Ave. S.

SUBJECT CONDITIONAL USE PERMIT FOR 41 CONDOMINIUM UNITS (KIRKLAND CONDOMINIUMS)

HEARING/MEETING DATE August 4, 1980

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED (See list on reverse)

LIST OF EXHIBITS

KIRKLAND CONDOMINIUMS, FILE CZ-80-35

- "A" - Application
- "B" - Vicinity/Land Use Map
- "C" - Zoning
- "D" - Topographic Survey
- "E<sup>1</sup>" - Vehicular Circulation
- "E<sup>2</sup>" - Alternate Parking and Egress
- "F" - Pedestrian Circulation (See Large Map)
- "G" - Second Floor Plan (See Large Map)
- "H<sup>1</sup>" - West Elevation (Main Building) (See Large Map)
- "H<sup>2</sup>" - East Elevation (Main Building) (See Large Map)
- "H<sup>3</sup>" - North and South Elevations (Main Building)(See Large Map)
- "I" - Cross Section
- "J<sup>1</sup>" - Elevations (Entry Bldg.) (See Large Map)
- "J<sup>2</sup>" - Elevations (Entry Bldg.) (See Large Map)
- "K" - Landscape Plan
- "L" - Typical Unit Plans
- "M" - Soils and Drainage Report
- "N" - Letter from City Attorney
- "O" - Narrative on Detention Pond
- "P" - "No Protest" Agreement
- "Q" - Citizen Input
- "R" - Traffic Analysis
- "S" - Hold Harmless Agreement
- "T" - ENVIRONMENTAL CHECKLIST & DECLARATION

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## I. SUMMARY

### A. DESCRIPTION OF PROPOSED ACTION

This is an application by Latif Lakhani (Westmount Management, Inc.) to construct 41 condominium units directly east of Safeway, between Kirkland Avenue and 2nd Ave. South. The northern half of the site is in the CBD zone (RM 1800 residential density), the southern half is in Planned Area 6B (RM 1800 underlying zone).

The project consists of four residential buildings ranging in average height from 30 feet to 36.6 feet above average building elevation. Half of the required parking is beneath the large building on the west and the small northern structure. An existing ravine on the southern part of the site will be retained as both a natural asset and storm water detention pond.

Major Issues are: Access; public improvements; slope stability; view blockage; landscaping; compliance with Conditional Use Permit criteria; compliance with Land Use Policies Plan.

## II. RECOMMENDATIONS

Based upon the Statements of Fact, Conclusions and Exhibits "A" through "I" contained in this report, we hereby recommend approval of this Conditional Use Permit application subject to the following conditions:

1. The proposed entrance at the eastern property line shall be eliminated and landscaped to alleviate traffic conflicts with the adjacent driveway for the Highlander East Apartments to the east and the western driveway be redesigned subject to approval of the Public Service and Community Development Departments.
2. Additional right-of-way dedication shall not be required of this project.
3. The applicant shall install a five foot wide concrete sidewalk with curb, gutter, underground drainage and extend the asphalt to match, along the north side of 2nd Ave. South. The location shall be approved by the Public Service Department, prior to issuance of a Building Permit.
4. The applicant shall reimburse the City for installation of a crosswalk across Kirkland Way in a location approved by the Public Service Department.

5. A "no protest" agreement (Exhibit "P") shall be recorded with King County prior to issuance of a Building Permit. The "no protest" agreement shall cover asphaltting, drainage, sewer, water, right-of-way acquisition, and undergrounding of utilities.
6. A detailed soils report including exploratory borings shall be submitted prior to issuance of a Building Permit. This report shall address foundation design for the main building and the two buildings on the slopes above the ravine.
7. A "hold harmless" agreement (Exhibit "S") shall be recorded with King County prior to issuance of a Building Permit.
8. Prior to issuance of a Building Permit, the applicant shall modify the preliminary landscape plan for Department of Community Development approval as follows:
  - a. Add 3 evergreen trees along the southwestern facade of the southern building to soften the facade as viewed from properties to the south.
  - b. Increase the use of coniferous trees along the eastern facade of the main building to soften the facade as viewed from the apartments to the east.
  - c. Provide a 4 foot wide landscape strip containing hedging materials, and trees 30 feet on center, along the southern property line, to provide a sight-screen as viewed from the residences to the south.
9. Use of beauty bark shall be limited to areas in planting beds.
10. Major changes to the landscape plan (except as noted above), such as plant size, type (coniferous or deciduous), or number, shall not be allowed.
11. Hedera Helix (English Ivy) shall be planted 2 1/2 feet 2 feet on center.
12. Where tree sizes are given in both caliper and height, only the caliper shall be used.
13. Land surface modification is limited to those areas to be covered by structures, parking, pathways and utilities.

14. 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 and in particular those noted in the Development Standards Section of the Advisory Report.
15. Any changes, revisions or additions, constituting a major departure from the approved site plan submitted by the applicant or developer shall be fully processed by the Planning Commission and the City Council in the same manner as a new Conditional Use Permit application.
16. Prior to issuance of a Building Permit, the applicant shall submit detailed storm water retention plans complying with City of Kirkland standards for Public Service Department approval.

### III. MAJOR ISSUES, FACTS AND CONCLUSIONS

#### A. Vehicular Access.

##### 1. Statements of Fact.

- a. The right-of-way of 2nd Ave. So., east of State Street, varies from 50 feet to 30 feet. There is 40 feet of right-of-way across the front of the site. Pavement width varies from 18 feet to 22 feet. A sidewalk is located in front of the post office - 180 feet to the west.
- b. A secondary arterial, Kirkland Avenue (along the north property line) is a one-lane, one-way road with traffic flowing to the east. To access onto Kirkland Avenue, the driveway would need to traverse a slope of 32%.
- c. Section 23.34.040(6) of the Kirkland Zoning Ordinance requires that driveway slopes not exceed 15%. To comply with this section, access from Kirkland Avenue would need a straight driveway 240 feet in length, or a drive meandering up the slope.

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- d. Policy discussion for Planned Area 6B on page 270 of the Land Use Policies Plan addresses land along Kirkland Avenue: "Higher densities may also occur along Kirkland Avenue in the northern part of the Planned Area. Due to their nearness to the CBD and access directly off an arterial (Kirkland Avenue), some of this land is designated for high density (up to 24 dwelling units per acre) where so designated." The LUPP designates the subject property for 24 dwelling units per acre.
- e. Traffic along 2nd Ave. So. has been identified by area residents as a problem. Current accurate information on traffic flow is not available. A count by staff on July 2, 1980 (9-9:30 a.m.) revealed that 82.5% of the traffic on 2nd Ave. So., east of State Street, can be attributed to the post office.
- f. Approximately 12 single family residences and 76 apartments presently access onto 2nd Ave. So. The post office, Moss Bay plumbing and Kirkland Assembly of God also access onto 2nd Ave. So. There are 546 trip ends attributed to existing residential units (5.6 per multi-family unit, 10 per single family unit). This project will add 230 trip ends - a 42% increase over present residential traffic along 2nd Ave. So., approximately 3.7% increase in overall traffic.
- g. The proposed access driveway is directly adjacent to the driveway for the Highlander East Apartments. Public Service standards identify this as a traffic hazard.

## 2. Conclusions.

- a. Although L.U.P.P. designated the subject property for high density partly due to access being available onto Kirkland Avenue, this access is not feasible. The driveway required would devastate the northern slope and use large areas of the site which are proposed for parking. Access onto 2nd Ave. So. would result in less land surface modification.

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- b. The additional traffic generated by the proposed development on 2nd Ave. So. should have a negligible impact on the total traffic of the roadway. The major source of traffic at the intersection of 2nd Ave. So. and State Street is the post office - not the residential units along 2nd and side streets.
- c. The proposed entrance at the eastern property line should be eliminated and landscaped to alleviate traffic conflicts with the adjacent driveway for the Highlander East Apartments, to the east and the western driveway be redesigned subject to approval of the Public Service and Community Development Departments.

B. PUBLIC IMPROVEMENTS

1. Statements of Fact.

- a. Second Avenue South right-of-way varies in width from 50 feet to 30 feet. There is only 6 feet 3 inches between the 30 foot right-of-way and the Montclair Apartments to the west - inadequate for future right-of-way expansion to 50 feet or 60 feet. There is a 13 foot setback from the right-of-way for the Highlander East Apartments to the east - which is presently used for parking. The L.U.P.P. states that "The existing street network in the State Street Area is not adequate to meet anticipated traffic at full development."
- b. Kirkland Avenue is fully improved with curb, gutter and sidewalk. Second Avenue South has between 18 feet and 22 feet of paving, with a sidewalk along the northern side, adjacent to the post office and Moss Bay Plumbing. There is adequate area for a future sidewalk abutting the Montclair and Highlander East Apartments within existing right-of-way. There is adequate right-of-way abutting the subject property for a 5 foot wide concrete sidewalk. The sidewalk network will eventually provide safe pedestrian access to the post office, CBD, bus

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lines on State Street and the waterfront, and will connect with a planned walkway from Peter Kirk park south to Lakeview School along 4th St. so. The proposed path on the subject property downhill to Kirkland Avenue will also provide access to transit lines, recreational areas, the CBD and the proposed Kirkland Parkplace. Other internal pedestrian paths are shown on Exhibit "F".

- c. The L.U.P.P. states that "Major pedestrian and bicycle pathways should be enhanced throughout the State Street area according to the designations shown in Figure 26." A public walkway through the site from 2nd Ave. So. to Kirkland Avenue would have to traverse the steep northern slope.

## 2. Conclusions.

- a. Expansion of the right-of-way along 2nd Ave. So. is not feasible due to the location of the Highlander East and Montclair Apartments, relative to the existing right-of-way. Also, since the properties which would access onto 2nd Ave. So. are nearly fully developed (only 6 more units are possible - at the eastern end of the street) and 2nd Ave. So. is not a through street, additional right-of-way should not be necessary to accommodate future traffic. Therefore, additional right-of-way dedication should not be required on this project at this time.
- b. The applicant should install a 5 foot wide concrete sidewalk with curb, gutter, underground drainage and extend the asphalt to match, along the north side of 2nd Ave. So. The location should be approved by the Public Service Department prior to issuance of a Building Permit.
- c. The steep (33%) grade along the north slope makes a public pedestrian walkway infeasible. This walkway should remain, as proposed, for use by residents on the site.
- d. To facilitate safe pedestrian access from the subject property to Peter Kirk Park and the proposed Kirkland Parkplace, the applicant should reimburse the City for installation of a crosswalk across Kirkland Way, in a location approved by the Public Service Department.

- e. Because the area abutting 2nd Ave. So. is nearly fully developed, future public improvements (such as road, sewer, water and drainage) could be made through a Local Improvement District. Therefore, a "no protest" agreement (Exhibit "P") should be recorded with King County prior to issuance of a Building Permit. The "no protest" agreement should cover asphaltting, drainage, sewer, water, right-of-way acquisition, undergrounding of utilities, and pedestrian improvements.

C. SLOPE STABILITY

1. Statements of Fact

- a. The subject site is located on a "naturally stable slope" according to the City's Environmentally Sensitive Areas Map.
- b. A localized ravine exists in the southern portion of the property - the site of an old creek which no longer flows through the site. This is proposed to be used as a storm water retention system capable of managing a 10-year storm. City standards require management of a 25-year storm.
- c. The soil report (Exhibit "M") states that soils are capable of supporting anticipated building loads, "However, if buildings are located too close to the edge of the bank, it may require some piling to support the portion of the buildings. The extent of pile should be determined based upon the result of exploratory borings which will be drilled at specific building locations."
- d. The U.S.D.A. Soil Conservation Service has identified two soil types on the site: Alderwood Gravelly Sandy Loam (ravine area) and Arents Alderwood Material (balance of site).

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The Alderwood soil exhibits severe limitations for foundations due to poor natural drainage, high shrink-swell potential, occasional to frequent flooding, shallow bedrock (less than 20"), and a moderate slippage potential. The Arents soil has moderately good drainage, no flooding hazard, and moderate shrink-swell potential. This information is general in nature and is to be used in conjunction with the soils report (Exhibit "M").

- e. L.U.P.P. Natural Elements Policy 3C states that the developer should "indemnify the City from damages due to alterations in physical conditions resulting from development in natural constraint areas".

## 2. Conclusions

- a. To insure stability of slopes, a detailed soils report, including exploratory borings, should be submitted prior to issuance of a Building Permit. This report should address foundation design for the main building and the two buildings on the slopes above the ravine.
- b. A "hold harmless" agreement (Exhibit "S") should be recorded with King County prior to issuance of a Building Permit.
- c. Prior to issuance of a Building Permit, the applicant should submit detailed storm water retention plans complying with City of Kirkland standards for Public Service Department approval.

## D. VIEW BLOCKAGE

### 1. Statements of Fact

- a. Construction of this project will impair westerly views from the Highlander East Apartments.
- b. Due to the vegetation (mainly small alder and brush) on the site, there are no northerly or easterly views presently available to the homes south and apartments west of the site.

- c. Proposed building heights range from 30 feet to 36.6 feet above average building elevation.
  - d. Section 23.10.090 (RM zone) allows greater than 30 foot height with increased side yard dimensions. Section 23.20.080 prescribes no maximum building height in the CBD zone (Development Area C).
2. Conclusions. Although views will be impaired from the apartments to the east, the Zoning Ordinance allows the proposed building heights, and the additional required setbacks have been met.

#### E. LANDSCAPING

1. Statements of Fact
  - a. The proposed landscaping plan is shown on Exhibit "K".
  - b. Section 23.40.040 of the Zoning Ordinance requires screening of off-street parking areas from view from adjoining properties. Proposed screening of the southern parking area does not meet the zoning requirement.
  - c. The southwest facade of the southern building is proposed to be in full view of the single family homes to the south. The proposed "viburnum Tinus" will grow to a height of 6-12 feet depending on type planted.
  - d. The 180 foot long eastern facade of the main building will be given color by a mixture of low evergreen shrubs and taller deciduous trees. However, deciduous trees do not provide any screening or softening of the facade in the winter.
2. Conclusions.
  - a. Prior to issuance of a Building Permit, the applicant should modify the preliminary landscape plan for Department of Community Development approval as follows:
    - (1) Add 3 evergreen trees along the southwestern facade of the southern building to soften the facade as viewed from properties to the south.

- (2) Provide a 4 foot wide landscape strip containing hedging materials, and trees 30 feet on center, along the southern property line to provide a sight-screen as viewed from the residences to the south.
  - (3) Increase the use of coniferous trees along the eastern facade of the main building to soften the facade as viewed from the apartments to the east.
- b. To decrease erosion potential and clogs in the storm drain system, use of beauty bark should be limited to areas in planting beds.
  - c. Major changes to the landscape plan (except as noted above), such as plant size, type (coniferous or deciduous), or number, should not be allowed.
  - d. Hedera Helix (English Ivy) should be planted 2 1/2 feet on center.
  - e. Where tree sizes are given in both caliper and height, only the caliper should be used. This will eliminate thin, tall trees which may not survive.

F. COMPLIANCE WITH CONDITIONAL USE PERMIT CRITERIA

1. Statements of Fact

Section 23.56.080 of the Zoning Ordinance lists standards for granting C.U.P.

- a. The use or modification requested by the C.U.P. shall be within the intent of this ordinance and in the public interest.
- b. The uses and standards as defined in the Land Use Policies Plan.

2. Conclusions

- a. The proposed development, with recommended modifications, is within the intent of the Kirkland Zoning Ordinance and is in the public interest by complying with the policies and standards found in the Land Use Policies Plan.

- b. The uses and standards in the L.U.P.P. are discussed in the next section.

G. COMPLIANCE WITH LAND USE POLICIES PLAN

1. Statements of Fact

In addition to L.U.P.P. policies previously mentioned, the following policies apply to the proposed development:

- a. Community Policy 7.b.: Encourage innovative site designs which reduce the amount of impervious surfaces, utilities, and other support facilities, and which increase useable open space.
- b. Natural Elements Policy 5.a.: Limit land surface modification in natural constraint areas to the smallest extent needed for development.
- c. Natural Elements Policy 5.b.: Maintain existing vegetative cover to the greatest extent feasible. In cases where development necessitates removal of vegetation, a reasonable amount of landscaping should be required to replace trees, shrubs and groundcover removed during construction.
- d. Living Environment Policy 3.c.: Limit the height and bulk of structures to dimensions which are reasonably compatible with the character of surrounding residential uses.
- e. Living Environment Policy 3.f.: Maintain or provide adequate landscaping to preserve the visual integrity of residential neighborhoods. Utilities should be undergrounded whenever possible.
- f. Living Environment Policy 5.c.: Increase the opportunity for people to walk or bicycle from their homes to employment centers, schools, parks and retail shops.

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- g. State Street Area - Planned Area 6B Criteria: Planned Area 6B (East State Street) is roughly bounded on the west by State Street, on the east by the railroad, on the north by the Central Business District and on the south by Lakeview School (see Figure 23A). The Planned Area is predominantly a residential area between a mixture of commercial and residential uses to the west and industrial activities to the east. There are single family and multi-family units of varied densities intermingled. The area has been long designated for multi-family use and has been going through a period of transition. However, this transition has created conflicts between older single family and newer higher density uses. Accordingly, future resolution of such conflicts can be addressed development standards as outlined on page 263.

The standards on Page 263 address medium density development. High density is discussed on pages 265-6, as follows:

The remaining category of residential land involves areas where higher density residential use appears to be feasible. This determination is based upon traffic patterns, topographic features, existing land use commitments, and unique neighborhood conditions. Higher densities would tend to have an adverse impact on existing single family uses. However, if special precautions are undertaken to reduce or offset such impacts on single family homes, then somewhat higher residential densities may be allowed, based on the standards outlined below, to ease the transition of uses.

- (1) Topographic conditions and/or existing vegetation buffer single family uses from higher density developments.
- (2) Setbacks for the proposed development are greater than the minimum dimensions required by the underlying zoning.
- (3) Land dedications or public easements are made to help implement the park, open space and pathway recommendations indicated in Figure 26.



- (4) A substantial percentage of the required parking is located beneath the residential structures.
- (5) Existing amenities (for example: views, vegetation, open space) are preserved to the greatest extent possible.
- (6) New residential developments are to be assessed as "fee in lieu" in order to help meet the increased demand for parks and open space resulting from such developments. This fee is required in addition to minimal on site open space requirements associated with residential developments.

The more a development conforms to these standards, the greater the density that could be allowed--up to a maximum density.

## 2. Conclusions

- a. Community Policy 7b: The site design is innovative, providing for 50% under-building parking and retention of the slopes and ravine; provides pathways throughout the site; and provides outdoor play areas and indoor recreational space.
- b. Natural Elements Policy 5a: Land surface modification is limited to those areas to be covered by structures, parking, pathways and utilities.
- c. Natural Elements Policy 5b: The landscaping plan (Exhibit "K"), as supplemented by the Recommendations in Conclusion II.E.2. provides for adequate landscaping.
- d. Living Environment Policy 3d: Maximum building height will be at approximately the same level as the Highlander East Apartments to the east. The proposed buildings are in scale with surrounding multi-family uses, but are much larger than single family uses to the south.
- e. Living Environment Policy 3f.: The landscaping plan (Exhibit "K") as supplemented by the Recommendations in Conclusion II.E.2. provides for adequate landscaping.

f. Living Environment Policy 5c: A sidewalk along 2nd Avenue South will increase walking opportunities for area residents.

g. State Street Area - Planned Area 6B Criteria.

(1) Proposed landscaping supplemented as prescribed by the Recommendations in Conclusion II.E.2. will help to visually buffer existing single family homes on the south side of 2nd Ave. So. from the proposed development.

(2) Proposed setbacks are greater than required, except for the side yard setbacks from the smaller southern and northern buildings. Increasing setbacks on the southern building would shift the building further into the ravine. Increasing setbacks on the northern building would remove the "view terrace" and may shift the building down the north slope.

(3) Due to steep grades, it is infeasible to provide a pathway from 2nd Ave. So. to Kirkland Avenue through the site.

(4) Half of the required parking is beneath structures.

(5) Views will be obscured for some residents in the 35-unit apartments to the east. However, views will not be blocked for residents of the single-family homes to the south, since views do not presently exist.

The two major hillsides (north and west) are proposed to be retained in their natural state except for a pedestrian path winding up from Kirkland Avenue. The ravine will be retained as a storm water detention pond, supplemented with landscaping and perimeter pathways, to be used as open space.

(6) "Fee in Lieu" of open space will be collected, as required in the Zoning Ordinance.

### III. BACKGROUND

#### A. HISTORY

Prior to the adoption of L.U.P.P. in 1977, the entire subject site was zoned C.B.D.

#### B. NEIGHBORHOOD DESCRIPTION

The Highlander East Apartments (35 units) abut the subject property on the east. To the west, is the Montclair Apartments (31 units) and Safeway. Further to the west is the U. S. Post Office and Moss Bay Plumbing and Heating. To the south is a series of single family homes along 2nd Ave. So. Land use is shown on Exhibit "B". Zoning is shown on Exhibit "C".

### IV. ALTERNATIVES

#### A. ACCESS

An alternative point of ingress/egress is from Kirkland Avenue. Another alternative is securing an access easement from the Highlander East, to provide a single point of access for both sides onto 2nd Ave. So.

#### B. LAND USE

The northern half of the site is zoned CBD, which allows office and retail uses in addition to residential. If non-residential uses were proposed on the north half, L.U.P.P. stipulates that access must be off Kirkland Avenue.

### V. DEVELOPMENT STANDARDS

A. The applicant should be aware of the following chapters of the Zoning Ordinance which address development on this site:

- 23.10 (RM Zone)
- 23.20 (CBD Zone)
- 23.32 (Signs)
- 23.34 (Parking)
- 23.40 (Landscaping)

B. 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 and in particular those noted in the Development Standards Section of the Advisory Report.

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- C. Any changes, revisions or additions, constituting a major departure from the approved site plan submitted by the applicant or developer should be fully processed by the Planning Commission and the City Council in the same manner as a new Conditional Use Permit application.

#### VI. APPENDICES

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

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