

RESOLUTION NO. R-2779

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING A DEVELOPMENT PROPOSAL SUBMITTED UNDER THE INTENT TO REZONE PROVISIONS OF CHAPTER 23.62 OF THE KIRKLAND ZONING ORDINANCE AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. IR-80-80 BY FINANCIAL PLANNING ASSOCIATES TO CONSTRUCT A MEDICAL OFFICE BUILDING AND SETTING FORTH CONDITIONS TO WHICH SUCH DEVELOPMENT PROPOSAL SHALL BE SUBJECT AND SETTING FORTH THE INTENTION OF THE CITY COUNCIL TO, UPON APPROVED COMPLETION OF SAID DEVELOPMENT, REZONE THE PROPERTY FROM RESIDENTIAL SINGLE FAMILY 35,000 TO PROFESSIONAL RESIDENTIAL.

WHEREAS, the Department of Community Development has received an application filed by Financial Planning Associates as owner of the property described in said application requesting a permit to develop said property in accordance with the intent to rezone procedure established in Chapter 23.62 of Ordinance 2183; and

WHEREAS, said property is located within a Residential Single Family 35,000 zone and the proposed development is a permitted use within the Professional Residential zone; and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held a public hearing thereon at their regular meeting of December 4, 1980; and

WHEREAS, pursuant to City of Kirkland Ordinance No. 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 to the City Council approval of the proposed development and the intent to rezone pursuant to Chapter 23.62 of Ordinance 2183, all subject to the specific conditions set forth in said recommendation; 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 Chairperson thereof and filed in the Department of Community Development File No. IR-80-80 are hereby adopted by the Kirkland City Council as though fully set forth herein.

Section 2. A Development Permit, pursuant to the intent to rezone procedure of Chapter 23.62 of Ordinance 2183, shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council.

Section 3. The City Council approves in principle the request for reclassification from RS 35 to PR, pursuant to the provisions of Chapter 23.62 of Ordinance 2183, and the Council shall, by ordinance, effect such reclassification upon being advised that all of the conditions, stipulations, limitations, and requirements contained in this Resolution, including those adopted by reference, have been met within six months of the date of enactment of this Resolution.

Section 4. A certified copy of this Resolution together with the Findings, Conclusions, and Recommendations herein adopted shall be attached to and become a part of the development permit or evidence thereof, delivered to the permittee.

Section 5. Nothing in this resolution shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to the proposed development project, other than as expressly set forth herein.

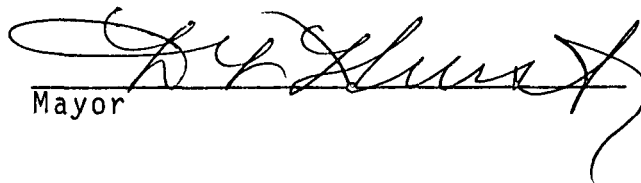
Section 6. Failure on the part of the holder of the development permit to initially meet or maintain strict compliance with the standards and conditions to which the development permit and the intent to rezone is subject shall be grounds for revocation in accordance with Ordinance 2183, the Kirkland Zoning Ordinance.

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

- (a) The applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Fire and Building Department for the City of Kirkland
- (d) Public Services Department of the City of Kirkland
- (e) Project and Construction Management 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


PASSED by majority vote of the Kirkland City Council in regular meeting on the 15th day of December, 1980.

SIGNED IN AUTHENTICATION THEREOF on the 15th day of December, 1980.



Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)

3655A





DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

___ PREPARED BY _____ DATE _____
XX RECOMMENDED BY _____ DATE December 4, 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 IR-80-80

APPLICANT Financial Planning Associates

PROPERTY LOCATION SW Corner of Intersection of 132nd St. & 120th Ave. N.E.

SUBJECT APPLICATION FOR INTENT TO REZONE FROM RS 35 TO PROFESSIONAL RESID.

HEARING/MEETING DATE December 15, 1980

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Environmental Checklist, Addendum & Final SEPA Declaration "C" Vicinity Map "D" Site Plan "E" Easement

"F" Sight Triangles "G" Former Site Plan - Previous Intent to Rezone

"H" Citizen Input



I. SUMMARY

A. PROJECT DESCRIPTION

Financial Planning Associates is applying for a Rezone from RS 35,000 to Professional Residential (PR) on a lot which is 35,000 square feet. This will allow construction of 6,100 square feet of medical office space. The lot is located at the southwest corner of the intersection of 132nd Street and 120th Avenue N.E. in the neighborhood of Evergreen Hospital.

B. MAJOR ISSUES

The applicant must meet the four criteria found in Section 23.62 of the Zoning Code (amendment and rezoning) to be eligible for a change in zone classification. If these criteria are met, then discussion on proposed development impacts may include traffic circulation, the Land Use Policies Plan, visual impact on an adjacent single family home and landscaping.

II. RECOMMENDATIONS

Based on the Statements of Fact, Conclusions and Exhibits "A" through "H" contained herein, we hereby recommend approval of this application for an Intent to Rezone subject to the following conditions:

1. A concrete sidewalk shall be located on Lot C along 120th Ave. N.E. according to City specifications. The existing driveway entrance requires curb and gutter. These improvements shall be completed prior to issuance of Certificate of Occupancy.
2. Utilities shall be underground and installed at the expense of the developer.
3. Prior to issuance of a Building Permit, plans for interim and permanent storm drainage and erosion for the entire site including the private roadway must be approved by the Public Service Department and interim erosion control facilities are to be maintained until all construction activities are completed. At a minimum the private roadway must have curbs and a system of storm drainage which meets the approval of the Public Services Department.

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4. Along with submittal of an application for a Building Permit, the applicant shall modify the landscaping plan to indicate a holly species which will be 4 feet high at time of planting except in the sight triangles shown on Exhibit "F". The western building facade shall be screened with a heavy vegetative sight screening buffer to provide privacy for the adjacent single family residence. A groundcover material approved by the Department of Community Development shall also be indicated on the shaded areas (on Exhibit "D" and the first of two prints shown during the hearing). The screening fence along the private road shall provide 100% view obstruction. The applicant shall provide pedestrian access from 120th Ave. N.E. to the stairwell. The access shall cut across the landscape bed at the northern edge of the sight triangle (Exhibit "F").
5. The applicant shall provide unlimited access along the private road for the benefit of Tax Lot 6, 11833 N.E. 132nd Street. The access shall be an easement approved by the City and recorded with King County Office of Records.

III. SITE DESCRIPTION

The L-shaped parcel is flat with a thick growth of grain-grasses. No trees are on the site. Access to a multi-family complex crosses the entire southern portion, with the easement covering approximately 15,500 square feet of the site. This easement driveway is paved, with small vegetation landscaping the northern and southern edges. A sanitary sewer easement follows the driveway. Neighboring uses include residential to the north, a single family residence to the west, Totem Lake Apartments with 200 units to the southwest, and vacant land to the south and east.

IV. HISTORY

This lot is "Parcel C" of William Vieser's Short Subdivision approved in 1979. Parcel B encompasses Totem Lake Apartments, while Parcels A and D are vacant. Evergreen Hospital to the southeast has sparked a heavy influx of medical offices and related uses to the area. A similar Intent to Rezone by the same applicant was approved October 1, 1979, extended to March 3, 1980 and expired on October 1, 1980.

IV. MAJOR ISSUES AND RECOMMENDATIONS

A. APPLICATION

1. Is the change in zoning requested in conformity with the adopted Comprehensive Plan, the provisions of the Zoning Ordinance in the public interest? If yes, indicate how so; if no, indicate how this request is justifiable.

a. Applicant's Response. The requested Rezone from RS 35 to PR is consistent with the Comprehensive Plan because the site is in an area designated for office/multi-family use. The property immediately south of the site is currently zoned PR. Providing space for medical office use if this Rezone is approved would help meet high demand for medical office and support facilities in the vicinity.

This is the second application for Rezone for this parcel. An application for the same rezone requested at this time was previously approved (File No. R-79-75) by the City of Kirkland on October 1, 1979. Due to several problems, now resolved, the project did not proceed as expected and the previous Rezone has lapsed on September 30, 1980. We are now prepared to file for a Building Permit; however, since the previous Rezone has lapsed, we are first required to again apply for Rezone. Additionally, it should be noted, this request involves a new site plan and building configuration.

b. Statements of Fact

(1) This site is located in the Totem Lake Neighborhood. Figure 39 of the Land Use Policies Plan identifies an office/multi-residential use for the site.

(2) The Zoning Ordinance permits small professional offices in the Professional Residential Zone (Section 23.14.020).

c. Conclusions

The Professional Residential category is in conformity with the Land Use Policies Plan and the Zoning Ordinance.

2. Is the use or change in zoning requested in the zoning map of the Zoning Ordinance, for the establishment of commercial, industrial, or residential uses, supported by an architectural site plan showing the proposed development and its relationship to surrounding areas as set forth in the cover sheet of this application and Section 23.62.030 of the Kirkland Zoning Code?

a. Applicant's Response. Yes, see site plan and Question 4 below.

b. Statements of Fact

The medical office project meets all the informational requirements and has been formally accepted for processing by the City of Kirkland.

c. Conclusions

Yes.

3. Prior to this application being heard by the Planning Commission, an analysis of the physiographic elements, existing and planned municipal services including water supply (domestic and emergency demand), sewerage collection or treatment, and storm water control shall be prepared by the City planning staff in conjunction with related City departments as an element of the Administrative Report.

Statement of Fact/City of Kirkland

Note: This is found in the body of the report.

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4. The applicant must provide further evidence to the Planning Commission's satisfaction that there is an additional need for this type of land classification for which he is applying.

Applicant's Response. The Evergreen Hospital has provided the nucleus for supportive medical facilities and doctor's offices in the surrounding area. There is currently a high occupancy rate for medical office space and more offices are being planned. Planned expansion of Evergreen Hospital is expected to generate even greater demand for space. The medical office complex proposed for this site, once rezoning is approved, should help meet both existing demand and future demand.

B. PEDESTRIAN AND TRAFFIC CIRCULATION

1. Statements of Fact

- a. The William Vieser Short Subdivision, File K424W, which created Parcel C, required as a Condition of Approval an easement to allow access onto the existing driveway leading to 120th Ave. N.E.

Condition 1. Prior to approval of this Short Subdivision, the applicant shall record easements allowing Parcel A to use the existing access to Kingsgate Way for ingress and egress, and for Parcels C and D to use the existing access to 120th Ave. N.E.

Condition 5. The exception parcel on N.E. 132nd St. between Parcels B and C must be granted access from the existing drive from 120th Ave. N.E. This easement shall be written into the legal description of the affected properties.

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- b. An easement recorded under Auditor's File No. 7908150883 provides an unlimited easement for the purpose of but not limited to landscaping, utilities, vehicular and pedestrian ingress/egress and parking for the apartments to the west. Access is not provided for the single family home to the west (Exhibit "E").
- c. 132nd St. is identified as a secondary arterial and is one of the main east-west connectors in the Totem Lake Area. 120th Ave. N.E. feeds directly off of 132nd and provides direct routing to the Evergreen Hospital and ancillary functions. Emergency equipment follows 132nd St. to 120th Ave. N.E. to reach the hospital. 120th Ave. N.E. links the residences to the north with Totem Shopping Center.
- d. Pedestrians can reach the building entrance by walking along the private road. This road has no sidewalks.

2. Conclusions

The easement requirements per File No. K424W have not been met. Access must be provided for the single family home on Tax Lot 6, 11833 N.E. 132nd St. 120th Ave. N.E. provides emergency vehicle access to Evergreen Hospital and access to Totem Square shopping. It is a busy street, and the site plan recognizes this by limiting access through the existing private roadway. To provide safe pedestrian access, a walkway should cut across the landscape bed to connect to the eastern stairwell (Exhibit "F").

C. CONCRETE SIDEWALK

1. Statement of Fact

Sidewalk, curb and gutter are installed on both sides of 132nd Street. Curb and gutter are found on 120th Ave. N.E. A path is worn along both sides of 120th Ave. N.E., evidencing pedestrian movement. A bus stop is located just south of Parcel C and across the street.

The driveway to Totem Lake Apartments is asphalted but has no curb and gutter.

2. Conclusions

A sidewalk along Parcel C would tie into existing sidewalk found on 132nd Street. Curb and gutters required at the driveway entrance would complete roadway improvements. The worn path and bus stop indicate pedestrian use.

D. PROTECTION OF JUANITA CREEK

1. Statements of Fact

- a. The William Vieser Short Plat (file K424W) has as a condition of approval the protection of Juanita Creek drainage as it relates to Parcel C.

Condition 2. Hydrology should be given special attention in the review of applications for Intents to Rezone on Parcels A, C and D.

- b. One common pollution problem is surface runoff carrying oil and grease from parking lots and roadways.

- c. Juanita Creek is located on Parcel D which is south and downhill of the site.

2. Conclusions

The private roadway indicated on the site plan of Parcel C shall have a curb, gutter and storm drain improvements to insure that surface runoff does not contaminate Juanita Creek.

E. LANDSCAPING

1. Statements of Fact

- a. Japanese Holly surrounding the private road and parking areas are described in the Sunset Western Gardening Book, page 305, as generally reaching 3 to 4 feet at mature height.

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- b. The Kirkland Zoning Ordinance, Section 23.40.050 requires parking lots be screened with plants 4 feet high at time of planting.
- c. The Land Use Policies Plan addresses the concern that uses and activities adjacent to low density residential development do not exceed standards normally associated with such residential development. Living Environment Policy 2 and Juanita/Parmac/Totem Lake Living Environment Policy 1 for the Totem Lake Area reference this concern.
- d. A single family home is adjacent to the site on the west.
- e. The applicant has not identified ground cover material for the shaded portion of the landscape plan.
- f. Slats run through a chain link, as proposed, provide at best 50% screening.
- g. Holly bushes within the site triangles (Exhibit "F") will block views from a car if the bushes exceed 3 feet in height.

2. Conclusions

- a. The applicant should choose a Holly species which is 4 feet high at time of planting except for plants which fall within the sight triangle.
- b. To insure that the building mass does not have a detrimental visual effect on the adjacent single family house, the western building facade shall be screened by heavy vegetative planting.
- c. A ground cover material approved by the Department of Community Development, shall be shown on the Building Permit and subsequently planted.
- d. The screen fence along the private road shall provide 100% view obstruction.

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F. LAND USE POLICIES PLAN

1. Statements of Fact

Any development requiring a zone reclassification pursuant to the designated land uses will be subject to the following standards:

- a. A development proposal shall demonstrate that adequate setbacks and other design standards are included to insure that visual and acoustic characteristics of structures, uses and activities adjacent to low density residential development do not exceed standards normally associated with such residential development. Design standards which shall be considered include building heights; dwelling unit densities; intensity of vehicular traffic; noise levels; ratio of impervious surfaces to natural or landscaped spaces; lighting; signing; and other elements to minimize adverse impacts on the surrounding area.
- b. Appropriate setbacks and vehicular, bicycle or pedestrian access shall be incorporated into the development plan in order to insure effective separation and transition of more intensive land use activities from adjacent low density residential uses.
- c. Existing trees, vegetation and topographic characteristics shall be effectively used in the site planning process in order to achieve a compatible relationship between single family uses and more intensive land uses.
- d. Special development procedures may be required, especially if proposed developments are adjacent to single family areas or to maintain natural features.

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The Land Use Policies Plan encourages undergrounding of utilities to "contribute to a more amenable and safe living environment as well as to enhance views and a sense of community identity". (Page 406). Some neighboring uses have underground utilities at the present time.

Page 401 of LUPP states "The lands along N.E. 132nd Street have been designated for office and medium density residential uses (10 to 14 dwelling units per acre). These optional uses may be desirable based on existing commitments to higher density residential uses and considering apparent needs for future medical facilities located around Evergreen Hospital".

2. Conclusions

The impact of this development on adjacent residential use is not beyond that normally associated with residential development. Parking is screened and building height is below 30 feet. Existing vegetation is minimal. Land Use Policies Plan has been met.

Undergrounding utilities serves the community interest, and shall be installed at the expense of the developer. Underground utilities are feasible at this site.

VI. AVAILABILITY OF PUBLIC SERVICES

- A. Existing services have the capability of servicing the proposed development of Parcel C, Financial Planning Associates application for Rezone. Sanitation demand can be met by the N.E. Lake Washington Sewer District. domestic water will be provided by the King County Water District No. 79. Storm water drainage is existing in a 12" storm drain along 120th Ave. N.E. and the location of two catch basins on site. There are no plans or programs that could affect the subject property.

VII. DEVELOPMENT STANDARDS

The following regulations and laws are presented for the information of the applicant and the hearing bodies.

A. KIRKLAND ZONING CODE.

While all applicable regulations and codes must be met, these sections are brought to specific attention:

Professional-Residential Zone (Chapter 23.14)
Parking and Loading (Chapter 23.34)
Landscaping, Screening and Fencing (Chapter 23.40)
Amendment and Rezoning (Chapter 23.62)
Sign Code (Chapter 23.32)

B. FIRE HYDRANT AND PORTABLE EXTINGUISHERS

The Uniform Fire Code and the National Fire Protection Association Bulletin No. 10 spell out fire protection standards required of office buildings. A Kirkland Fire Department policy derived from the Uniform Fire Code requires one fire hydrant with 2500 gallons per minute for the site. Portable fire extinguishers are required per the National Fire Protection Association.

E. Building Construction

The site is located in Fire Zone 2. The Uniform Building Code for this fire zone requires fire protected openings and a parapet when yard setbacks are below 10 feet.

VIII. APPENDICES

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

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