

RESOLUTION NO. 2784

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A PRELIMINARY PLANNED UNIT DEVELOPMENT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. PP-80-76, BY WILLIAM AND PAMELA ANDERSON FOR A PARTIAL SECOND STORY ADDITION TO AN EXISTING SINGLE FAMILY RESIDENCE, BEING WITHIN A WATERFRONT DISTRICT II ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH PRELIMINARY PLANNED UNIT DEVELOPMENT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Preliminary Planned Unit Development filed by William and Pamela Anderson, the owner of said property described in said application and located within a Waterfront District II zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held hearing thereon at their regular meeting of December 18, 1980, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2319 concerning environmental policy and the State Environmental Policy Act, this action is exempt from the environmental checklist process, and

WHEREAS, the Kirkland Planning Commission after their public hearing and consideration of the recommendations of the Department of Community Development did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Preliminary Planned Unit Development subject to the specific conditions set forth in said recommendations, and

WHEREAS, the City Council, in regular meeting, did consider 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. PP-80-76 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Preliminary Planned Unit Development 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 Preliminary Planned Unit Development 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.

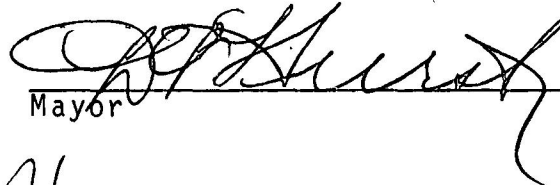
Section 5. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Preliminary Planned Unit Development is subject shall be grounds for revocation in accordance with Ordinance No. 2183, the Kirkland Zoning Ordinance.

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 5th day of January, 1981.

SIGNED IN AUTHENTICATION THEREOF on the 5th day of January, 1981.

  
\_\_\_\_\_  
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 \_\_\_\_\_  
RECOMMENDED BY \_\_\_\_\_ DATE \_\_\_\_\_  
xxx ADOPTED BY \_\_\_\_\_ DATE December 18, 1980

STAFF \_\_\_\_\_

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

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

xxx PLANNING COMMISSION Kay Haenggli, Chairperson

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

RESOLUTION \_\_\_\_\_ ORDINANCE \_\_\_\_\_

NUMBER R-2784 and R-2785

DATE \_\_\_\_\_

FILE NUMBER PP-PF-80-76

APPLICANT William P. and Pamela Anderson

PROPERTY LOCATION 545 5th Ave. W.

SUBJECT Preliminary and Final Planned Unit Development Applications

HEARING/MEETING DATE January 5, 1981

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Vicinity Map and Existing Site Plan  
"C" Proposed Site Plan, Elevations and Sun Angle "D" Building Height Measurement  
for North Property Line Setback Determination "E" North Property Line Setback  
"F" Views from Adjacent Residences "G" Citizen Input

I. SUMMARY

A. DESCRIPTION

William and Pamela Anderson have applied for a Preliminary and Final Planned Unit Development to construct a partial second story addition to an existing single family residence in Waterfront District II. The property is located at 545 5th Avenue West in an RS 12,500 zone. The site is accessed by a 20 foot wide private easement road (A.F. No. 352684).

The applicants propose to add a 9 foot high second story above a portion of the existing residences with less than the required north property line setback. Since the highest point of the structure is 27.5 feet measured from grade, the required north property line setback is 22.5 feet (Section 23.13.051.a(4)). The Andersons have an existing north property line setback of 2 feet measured from the structure. The Waterfront District II Zoning Ordinance (Section 23.13.030) allows the north property line setback to be reduced under a Planned Unit Development.

The major issues are compliance with the PUD criteria for reducing the north property line setback, compliance with the Kirkland Zoning Ordinance and views to the west.

B. RECOMMENDATIONS

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

1. This application is subject to the various requirements contained in the Land Use Policies Plan and the Zoning Ordinance. It is the responsibility of the applicants to assure compliance with the various provisions contained in these ordinances.

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II. MAJOR ISSUES, FACTS AND CONCLUSIONS

A. COMPLIANCE WITH THE P.U.D. CRITERIA FOR REDUCING THE NORTH PROPERTY LINE SETBACK

1. Statements of Fact

a. Kirkland Zoning Ordinance.

- (1) Section 23.13.051.b(4) of the PUD Provision - Setbacks:

North Property Line. The setback distance shall generally conform to the CUP conditions (setback shall be equal to the height of the structure measured from a point 5 feet into the adjoining property to the north). The buildings or structures shall be arranged as not to obstruct sunlight from habitable structures on adjacent properties. The design shall demonstrate, in any event, that the concept for a north setback is fulfilled in order to:

- (a) Permit sunlight during the year to enter habitable rooms in adjacent structures, and,
- (b) Allow openness between buildings for maximizing visual access to the water.

- (2) Compliance with the north property line setback requirement under CUP conditions assumes that sunlight will not be obstructed on adjacent properties. The north property line setback requirement can also be thought of as a plane along a 45 degree angle pointing southward along a line which is 5 feet into the adjoining property to the north. (See Exhibit "D").

12/18/80(P.C.)  
12/11/80  
3635A/0049Abk

- b. To determine the north property line setback, the building is measured from the lowest elevation to the highest point of the roofline. The average building elevation measurement is not used because sunlight to the north would be blocked by the portion of the structure that is higher than the average building elevation (see Exhibit "D").
- c. The existing residence is a legal, non-conforming structure. The 17.5 ft. high residence has a 2 ft. wide north property line setback where 12.5 feet are required ( $17.5' - 5' = 12.5'$ ) (see Exhibits "B" and "C").
- d. The applicants propose to construct a 9 foot high second story addition above the southwest portion of the existing residence. The proposed second story would make the residence 27.5 feet high measured from the west elevation (the lowest elevation). A 27.5 foot high structure requires a 22.5' wide north property line setback ( $27.5' - 5' = 22.5'$ ) (see Exhibit "C").
- e. Sunlight to the adjacent structure to the north will not be blocked by the proposed second story. The highest point of the proposed addition is under the required 45 degree sunlight plane (see Exhibits "C" and "D").
- f. Openness between buildings is unchanged with the construction of the proposed second story. The addition will be above the south portion of the existing structure next to the established 5 foot 6 inch wide south property line setback. The existing 2 foot wide north property line, as measured from the attached deck, remains the same.

12/18/80(P.C.)  
12/11/80  
3635A/0049Abk

2. Conclusions

- a. The design of the proposed second story complies with the PUD criteria (a) of permitting sunlight during the year to enter habitable rooms in adjacent structures.
- b. The design of the proposed second story complies with the PUD criteria (b) of maintaining openness between buildings.
- c. The pre-existing condition of a 2 foot wide north property line setback curtails the applicants from providing the required north property setback for the increased height of the second story addition.

B. COMPLIANCE WITH THE KIRKLAND ZONING ORDINANCE

1. Statements of Fact

a. Kirkland Zoning Ordinance

<u>Zoning Code</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
<u>Density</u> (Section 23.13.042)	12,500 sq. ft.	7,840 Sq. Ft. (legal, non-conforming lot)	Unchanged
<u>Parking</u> (Section 23.13.042)	2 stalls (1 of which is covered)	2 covered stalls	unchanged
<u>Building Height</u> (Section 23.13.042)	25 ft. above the average building elevation	17.5 ft. above the average bldg. elevation	24.95 ft. above the average bldg. elevation
<u>High Water Line Setback</u> (Section 23.13.051)	19.5 feet	38 feet	Unchanged
<u>South Property Line Setback</u> (Section 23.13.051)	5 feet	5 ft., 6 in.	Unchanged
<u>Other Property Lines</u> (Section 23.13.051)	5 ft. from the access easement to the east	No setback from the access easement to the east	Unchanged

12/18/80(P.C.)  
12/11/80  
3635A/0049Abk

North Property Line Setback

(Section 23.13.051) 22.5 feet 2 feet Unchanged

Parking Setback

(Section 23.13.051) Not in high water line setback, 5 ft. from other property lines and visually buffered Not in high water line setback, 5 ft. from the south and east property lines, 2 ft. from the north property line and buffered by a garage. Unchanged

2. Conclusions

All other zoning requirements are met or are a pre-existing, legal, non-conforming situation (see Exhibits "B" and "C").

C. VIEWS TO THE WEST

1. Statements of Fact

a. Kirkland Zoning Ordinance

Section 23.13.042 - Building Height:

The Planning Commission shall require that views from adjacent properties will not be substantially impaired. The height shall not exceed 25 feet (above average building elevation).

b. The height of the proposed structure is 24.95 feet above average building elevation. The highest point of the proposed second story is at elevation 54' 8". The proposed addition will be above the south portion of the existing residence (see Exhibit "B").

c. The residence of 759 Waverly Way is on a steep slope sited to the northeast of the proposed second story addition. The residence is a two-story structure located approximately 85 feet from the proposed addition (see Exhibits "F" and "G").

12/18/80(P.C.)  
12/11/80  
3635A/0049Abk



- d. A view to the west from the residence of 759 Waverly Way is available over the north portion of the subject property's residence and the south portion of the adjacent residence of 551 5th Ave. W. The view from 759 Waverly Way is at an approximate elevation of 57 ft. at the first floor and 67 ft. at the second floor (45 ft. elevation + 12 ft. of first floor = 57 ft. and 55 ft. elevation + 12 ft. of second floor = 67 ft.). The first floor view from 759 Waverly Way will be over the roof and to the north of the proposed second story (see Exhibits "C" and "F").
- e. The residences to the north and south are at the same distance from Lake Washington as the subject property (see Exhibit "F").
- f. Waverly Way is on a ridge above to the east. The subject residence is not visible from Waverly Way (see Exhibit "B").

## 2. Conclusions

- a. Views from the residence at 759 Waverly Way on the steep slope will not be blocked with the construction of the proposed second story addition.
- b. Views from the adjacent residences to the north and south will not be blocked by the construction of the proposed second story addition.
- c. Views from Waverly Way will be unchanged.

12/18/80(P.C.)  
12/11/80  
3635A/0049Abk

III. BACKGROUND

A. NEIGHBORHOOD

1. Statements of Fact

The area is zoned Waterfront District II and has been designated in the Land Use Policies Plan for single family residential and park uses. To the north, south and east of the subject property are single family homes. To the west is Lake Washington. The subject property and the residences 501 through 551 5th Ave. W. and 759 Waverly Way are accessed by a 20 foot wide private easement, containing approximately 10 feet of paving and some patches of gravel (A.F. No. 3523684).

IV. APPENDICES

Exhibits "A" through "G" are attached.

12/18/80(P.C.)  
12/11/80  
3635A/0049Abk