

RESOLUTION NO. R-2805

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-80-81, BY LEROY C. LOWE TO CONSTRUCT A 54-UNIT MULTI-RESIDENTIAL PROJECT BEING WITHIN A PLANNED AREA 5D 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 Leroy C. Lowe, the owner of said property described in said application and located within a Planned Area 5D zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held hearing thereon at their regular meetings of February 5, 1981 and February 19, 1981, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2473 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 hearings 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-80-81 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 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.

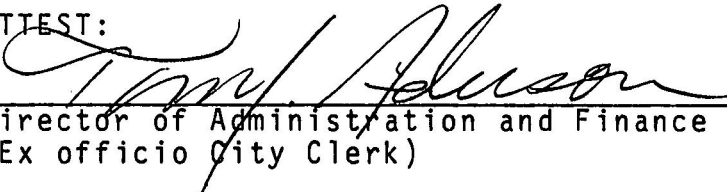
ADOPTED in regular meeting of the City Council on the 2nd day of March, 1981.

SIGNED IN AUTHENTICATION THEREOF on the 2nd day of March, 1981.



Mayor

ATTEST:



Director of Administration and Finance
(Ex officio City Clerk)

4337A



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

___ PREPARED BY _____ DATE _____
XX RECOMMENDED BY _____ DATE February 19, 1981
___ ADOPTED BY _____ DATE _____

___ STAFF _____

___ BOARD OF ADJUSTMENT _____

___ HOUGHTON COMMUNITY COUNCIL _____

XX PLANNING COMMISSION Carol Goddard
Carol Goddard, Chairperson

___ CITY COUNCIL AS INCORPORATED IN _____

___ RESOLUTION _____ ORDINANCE _____

NUMBER _____

DATE _____

FILE NUMBER CZ-80-81

APPLICANT Leroy Lowe

PROPERTY LOCATION E. & W. sides of 112th Ave. NE (10th Ave.) at intersection with N.E. 85th St. (5th Ave.)

SUBJECT CONDITIONAL USE PERMIT FOR "KIRKWOOD"

HEARING/MEETING DATE March 2, 1981

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" through "S" listed on reverse.

I. SUMMARY

A. DESCRIPTION OF PROPOSED ACTION

Leroy Lowe has applied for a Conditional Use Permit to construct 54 multi-family units on two adjacent sites in Planned Area 5d. The two sites total 107,175 sq. ft. and are located on the east and west sides of 112th Ave. N.E. (10th Avenue) at the intersection with N.E. 85th Street (5th Avenue). The Central Way fill is directly north of the sites.

The western site is characterized by a marshy area in the western portion; alder and other deciduous trees all insignificant in size (except for a large deciduous tree near Bldg. G); and other low vegetation. The eastern site contains significant stands of fir, cedar and maple trees, all nearly 12" in caliper or greater (see landscape plan Exhibit "G"). A drainage ditch exists across the middle of both sites.

Major issues are: Roadway improvements; landscaping and tree retention; compliance with the Land Use Policies Plan; compliance with Conditional Use Permit standards; and compliance with the State Environmental Policies Act.

B. RECOMMENDATIONS

Based on the Statements of Fact, Conclusions and attached Exhibits "A" through "S", we recommend approval of this Conditional Use Permit subject to the following conditions:

1. Prior to issuance of building permits:
 - a. The applicant shall dedicate right-of-way on 112th N.E., as shown on Exhibits "C" and "D".
 - b. The applicant shall revise landscape plans to comply with Sections 23.40.040 and .060 of the Kirkland Zoning Ordinance; and to show retention of the 15" maple at the major entrance on the eastern site, by shifting the driveway 10 feet to the south.

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- c. All trees to be retained shall be designated by 4 foot high stakes around the tree, wrapped with several strands of brightly colored surveyor's tape. The trees shall also be wrapped with a few strands of tape.
 - d. The City shall enter into a contract for the study authorized by Resolution No. R-2799.
 - e. The applicant shall sign a concomitant agreement, on a form acceptable to the City Attorney, for an L.I.D. which includes the items in the study authorized by Resolution R-2799. Money contributed by the applicant to the study and for any public improvements which are ultimately included in an L.I.D. shall be considered in adjusting the applicant's L.I.D. assessment.
2. Prior to issuance of grading or building permits on the western site, the applicant shall submit:
- a. A plan to utilize grasscrete, if feasible, based on a drainage investigation. If not, asphalt may be used if desired as an alternative by the applicant or recommended by the soils engineer.
 - b. A public access and utility easement for the south 20 feet of the western site, on forms approved by the City Attorney, and record the easement with King County.
3. Prior to issuance of Certificates of Occupancy:
- a. The applicant shall provide full street improvements on 112th abutting the site; all consistent with the the City approved preliminary engineering authorized by Resolution R-2799.
 - b. The applicant shall provide full street improvements on N.E. 85th abutting the site; all consistent with the City approved preliminary engineering authorized by Resolution R-2799.

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- c. The applicant shall:
- i. Provide a median traffic control in 6th St., to prohibit left turns to and from N.E. 85th Street (5th Avenue);
 - ii. Realign the intersection of N.E. 82nd St./Kirkland Way from a "Y" intersection to a 90° "T" intersection;
 - iii. Improve N.E. 82nd St. from Kirkland Way to 112th N.E. (10th St.) with a 1/2 street improvement south of the centerline, consistent with City approved preliminary engineering authorized by Resolution R-2799.
 - iv. Improve 112th N.E. (10th St.) with a 1/2 street improvement consistent with City approved preliminary engineering authorized by Resolution R-2799 on-center from N.E. 82nd St. to the site, if development on the parcel to the south of the eastern site does not occur (that parcel is to provide a 1/2 street improvement from the site to N.E. 82nd St.).
- d. If the improvements in 3c above, or the realignment of the 6th St./N.E. 85th St. (5th Ave.) intersection have been completed through an L.I.D. or other development, the applicant should not have to install the improvements in 3c.
- e. The applicant shall improve the portion of the greenbelt spine abutting or within the western site in a manner consistent with the preliminary engineering studies authorized by Resolution R-2799.
4. Prior to issuance of the final certificate of occupancy on each site:

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- a. The Department of Community Development shall insure that the correct number of parking stalls exist.
 - b. Grading of the stalls marked "R" on Exhibit "D" west of Buildings B and E shall not be permitted, unless the stalls are required by the zoning in effect at that time.
5. The design considerations of the soils report shall be followed.

II. MAJOR ISSUES, FACTS AND CONCLUSIONS

A. ROADWAY IMPROVEMENTS

1. Statements of Fact

- a. 112th Ave. N.E. is presently underimproved. The right-of-way varies from 30 feet to 60 feet in width abutting the site. City right-of-way standards for Planned Area 5 require a minimum 50 foot width. Existing paving is 22 feet wide; City standards require a minimum pavement width of 36 feet. Existing drainage is open ditch; City standards call for curbs, gutters and underground drainage. There are no existing sidewalks, however, City plans call for a pedestrian-oriented transportation system in Planned Area 5.
- b. N.E. 85th St. (5th Avenue) is also underdeveloped. The right-of-way width is 50 feet, complying with City standards. Existing pavement width is 22 feet; width of 36 feet is required by City standards for Planned Area 5. Existing drainage is open ditch; standards require curbs, gutters and underground drainage. There are no existing sidewalks, however, this right-of-way is a connecting link between Rose Hill (a sidewalk on SR 908) and downtown Kirkland.

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2. Conclusions

- a. 112th Ave. N.E. Additional right-of-way must be dedicated to provide the minimum 50 foot width (see Exhibits "C" and "D"). The right-of-way dedication should be recorded prior to issuance of grading or building permits. Within the right-of-way, the applicant should provide full street improvements, all consistent with the City approved preliminary engineering authorized by Resolution No. R-2799. These improvements should be installed prior to issuance of Certificates of Occupancy.
- b. N.E. 85th St. (5th Avenue). Within the existing right-of-way, the applicant should provide full street improvements, all consistent with the City approved preliminary engineering authorized by Resolution No. R-2799. These improvements should be installed prior to issuance of Certificates of Occupancy. The north side of the right-of-way lies directly below the Central Way fill. This side of the street will not have private development. Therefore, curb, gutter and underground drainage should not be required. For the same reason, a sidewalk on the south side only will be adequate.
- c. This application was accepted prior to adoption of Ordinance 2576, which requires specific public improvements on all right-of-ways. However, any new development applications will need to provide improvements consistent with Ordinance 2576. All streets in Planned Area 5 are designatd as neighborhood collectors, and require the following: 60 foot wide right-of-way; 36 foot pavement width; vertical curb and underground drainage; street trees at 30 foot centers, planted on the property line; 5 foot wide sidewalk adjacent to the curb; excess right-of-way

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to be in a utility strip between property line and sidewalk. A landscaping strip (between curb and sidewalk) is not required because the property is not in an RS zone. The 50 foot wide right-of-way required of the applicant is based on an emerging Master Plan for Planned Area 5 access (Master Plans supercede the specific requirements of Ordinance 2576).

B. SOILS

1. Statements of Fact

The soils report (Exhibit "D") identifies a high water table in the area west of 112th Ave. N.E. The report recommends possible use of piling to support buildings on the western site, and does not address the appropriateness of grasscrete to the wet site.

2. Conclusions

The design considerations of the soils report should be followed. Prior to issuance of a Building Permit, the applicant should submit a plan to utilize grasscrete, if feasible, based on a drainage investigation. If not, asphalt may be used if desired as an alternative by the applicant or as recommended by the soils engineer. This investigation should be performed to insure that the parking lot does not become a muddy, high maintenance area, due to seepage through the grasscrete.

C. LANDSCAPING AND TREE RETENTION

1. Statements of Fact

- a. The Kirkland Zoning Ordinance (Sections 23.40.040 and .060) require parking to be screened from adjacent properties with a 4 foot wide, 4 foot high landscaped strip, capable of forming a screen within three years. The screen shown around the parking areas on the landscape plan, Exhibit "G", does not comply with the Zoning Ordinance.

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- b. Existing trees over 6" in caliper are shown on the landscape plan, Exhibit "G"; trees to remain are also shown on Exhibit "G". Some of the large Maple and Douglas Fir west of Building B, in the parking area could be saved if parking in that area was eliminated, as shown on site plan, exhibit "D". A 15" Maple exists at the major entrance on the eastern site.

2. Conclusion

- a. Parking screens must comply with Sections 23.40.040 and .060 of the Zoning Ordinance. All landscaping sizes and spacings should comply with City of Kirkland landscaping standards. Plans should be revised prior to issuance of grading or building permits.
- b. The applicant has attempted to retain as many trees as possible. However, if the new Land Use Development Code is adopted with a 1.7 parking ratio, the stalls marked "R" on Exhibit "D" could be eliminated. Prior to issuance of the final Certificate of Occupancy (on each parcel), the Department of Community Development should insure that the correct number of parking stalls exist. Grading of the stalls marked "R" west of Buildings B and E should not be permitted (so trees can be retained) prior to issuance of the final Certificate of Occupancy (on that parcel), unless the stalls are required by zoning in effect at that time. The 15" Maple at the major entrance to the eastern site should be saved by shifting the entrance 10 feet to the south. This change should be shown on the plans prior to issuance of building permits.
- c. Prior to issuance of grading or building permits, all trees to be retained should be designated by 4 foot high stakes around the tree, with several strands of brightly colored surveyor's tape. The trees should also be wrapped with a few strands of tape.

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D. COMPLIANCE WITH THE LAND USE POLICIES PLAN

1. Statements of Fact.

a. Community Policy 7.b. Encourage innovative site designs which reduce the amount of impervious surfaces, utilities, and other support facilities and which increase open space.

b. Central Area - Natural Elements. In the eastern portion of the Central area, the water table is at, or very near, the surface (see Figure 25 - Exhibit "P"). In this area, the top soil is wet and soggy and there could be drainage problems associated with development. Future proposals for development in this area must take these hydrologic conditions into consideration. Specific methods for drainage control, including the maintenance of most of the wetland area, are to be part of such development proposals.

The H.U.D. Flood Hazard Map is included as Exhibit "S". The applicant's property is not within the Flood Hazard Area.

c. Planned Area 5 Policies. The new PLA-5 policies, adopted in July, 1980, are reproduced as Exhibit "O", and are summarized below:

i. Interior streets need widening and improvement, through a combination of local improvement districts and individual project improvements.

ii. A "greenbelt spine" should be developed in the 4th Ave. right-of-way, consisting of open green spaces, clustered front yard setbacks, a bicycle/pedestrian path, a rehabilitated creek and underground utility lines.

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- iii. A major sanitary sewer line should be installed into the 4th Ave. right-of-way, through a local improvement district or a City-sanctioned developer reimbursement arrangement.
 - iv. Large trees, watercourses and wet areas should be retained to the greatest extent possible.
 - v. If no comprehensive program, such as an L.I.D. is adopted by the City for the correction of serious infrastructure deficiencies, then the only permitted uses should be single family detached at a density of 5 units per acre.
 - vi. The maximum densities should be permitted only to the extent that a specific proposal is consistent with PLA-5 development criteria, and concepts.
 - vii. Policy for Sub-Area D permits multi-family development at densities up to 24 units per acre; building heights up to 5 or 6 stories; and limited professional office uses.
- f. Central Area - Open Space/Parks Policies. Major pathways in the Central area should be established according to the designations in Figure 26 (Exhibit "Q").

2. Conclusions

- a. The proposal reduces the amount of impervious surface by providing areas of pervious grasscrete. Care should be taken, however, to insure that the grasscrete on the western site does not become muddy and unuseable due to the high water table (see Section II.B. of this report). Open space, for recreational purposes is provided west of Building G and north of Building D. Trees and the wet area are retained to the greatest extent feasible.

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- b. The wetland area referred to on Exhibit "P", and in the L.U.P.P. is located partially on the western portion of the western site. This area will be converted into lawn and an overflow storm drainage area, providing recreation area during dry weather, while still allowing for natural drainage.
- c. Water service will be provided by the City, as authorized by the City Council on September 15, 1980. As required by the Fire Department, fire hydrants must be operational prior to framing.
- d. Serious access and storm drainage problems exist in Planned Area 5. The L.U.P.P. recommends a coordinated effort (such as an L.I.D.) toward solving these problems. The first step in forming an L.I.D. is preliminary engineering work to determine the type of improvements and costs. On February 17, 1981, the City Council approved Resolution (R-2799) authorizing the City Manager to sign an agreement with various PLA-5 property owners, whereby the owners agree to fund preliminary engineering studies. This study will include:
 - i. Preliminary design of (a) 84th85th access right-of-way, (b) pedestrian right-of-way extending east and west in the approximate center of planned area 5, (c) a storm drainage system for the entire Planned Area 5.
 - ii. Estimated cost of acquiring necessary rights-of-way for public street and pedestrian improvements including the cost of obtaining appraisals.

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- iii. Construction cost estimates for (a) 24 foot asphalt paving of 84th-85th access right-of-way with a 50 foot grading, (b) necessary storm drainage system and facilities construction at: 82nd stream crossing, 84-85th access crossing, and 6th Street entrance to the Planned Area 5 area.

Once completed, the study will be the basis for an L.I.D., which will enable construction of the necessary system improvements. Therefore, prior to issuance of building permits, the City should enter into a contract for the study mentioned above -- the first step in the L.I.D. process. The applicant should also agree to an L.I.D. by signing a concomitant agreement on a form acceptable to the City Attorney for an L.I.D. which includes the items mentioned in the study authorized by Resolution R-2799 prior to issuance of building permits. Any money contributed to the above study should be considered in adjusting any future L.I.D. assessment.

Finally, L.U.P.P. policy calls for "safer and more efficient access" to and within PLA-5. This "safer and more efficient access" consists of the following (from the L.U.P.P.):

- i. Relocation of the N.E. 85th St. (5th Ave.)/6th St. intersection southward to 4th Ave., or, at the least, restricted to right turns only;
- ii. Relocation or realignment of the N.E. 82nd St./Kirkland Way intersections;
- iii. Widening of the streets serving PLA-5.

The minimal course of action is a median in 6th Street, restricting access to and from N.E. 85th St. (5th Ave.) to right turns only. This will produce additional impact on the southern entry to PLA-5 (N.E. 82nd/Kirkland Way) as cars will be forced to use

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the southern entry, if coming from Central Way or I-405. The southern entry has poor sight visibility, and only 1/2 street improvement, and will become more hazardous when 54 units are added to PLA-5. The southern entrance will need to be upgraded if a median is installed in 6th St. The following improvements should be made: realign the intersection of N.E. 82nd St./Kirkland Way from a "Y" intersection to a 90° "T" intersection; improve N.E. 82nd St. from Kirkland Way to 112th N.E. (10th St.) with 18 feet of asphalt south of the centerline; improve 10th St. (112th N.E.) with 18 feet of asphalt on center, from N.E. 82nd St. to the site, if development on the parcel to the south of the eastern site does not occur (that parcel is to provide 1/2 street on east side); installation of a median barrier in 6th St. to prohibit left turns to and from N.E. 85th (5th Ave.). These improvements should be installed prior to issuance of Certificate of Occupancy. Costs of any of the above improvements which are ultimately included in an L.I.D. should be considered in adjusting the applicant's L.I.D. assessment.

If the above improvements, or the realignment of the 6th St./N.E. 85th St. (5th Ave.) intersection have been completed through an L.I.D. or other development prior to occupancy of this site, the applicant should not have to install the above improvements, as safe and reasonable access will have been provided.

- e. The major storm drainage facility in PLA-5 will be a realigned, rehabilitated creek through the approximate center of PLA-5 (near 4th Ave.). The "greenbelt spine" concept in the L.U.P.P. encompasses storm drainage and pedestrian facilities. The 4th Ave. alignment does not extend to the site. Therefore, a 20 foot wide access and utility easement should be recorded on forms approved by the City Attorney, prior to issuance of building permits on the western site. The easement should be located on the southern 20 feet of the western site, and should be improved in a manner consistent with the preliminary engineering studies authorized by Resolution R-2799 prior to occupancy of the western site.

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E. COMPLIANCE WITH CONDITIONAL USE PERMIT STANDARDS

1. Does the use fit within the intent of the Kirkland Zoning Ordinance, and in the public interest?

a. Applicant response. "Yes... Proposed construction of a multi-family residential development."

b. Statements of Fact

The site plan and density comply with the limitations in the Kirkland Zoning Ordinance. Infrastructure in PLA-5 is presently inadequate to serve the proposed development.

2. Conclusions

The proposal fits within the intent of the Kirkland Zoning Ordinance and the public interest if utility problems can be resolved.

2. Business use (not applicable)

3. Continuation or enlargement of a non-conforming use (not applicable)

4. Standards of the L.U.P.P. (see previous section of this report),

F. COMPLIANCE WITH THE STATE ENVIRONMENTAL POLICIES ACT

1. Statements of Fact

An Environmental Checklist was initially submitted on October 21, 1980. Additional information was requested on November 4, 1980. The project was then revised from 59 units to 54, and a revised Checklist submitted on January 20, 1981. A Final Declaration of Non-Significance was made by the Responsible Official on January 21, 1981.

2. Conclusions

The requirements of the S.E.P.A. have been complied with.

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III. NEIGHBORHOOD AND ZONING

The two sites are bordered by vacant land on the south and west; the B.N.R.R. tracks and Kelly Moore Paint up the hill on the east; and the Central Way (S.R. 908) fill on the north, across N.E. 85th St. (5th Ave.). A 16-unit multi-family project has been approved by the City, through a Building Permit, on the southern parcel abutting the eastern site. This project was approved prior to the recent zoning and L.U.P.P. changes in PLA-5.

Land to the south is zoned PLA-5D (as is the subject site), which permits attached units at RM-1800 density; and limited use of professional offices. Across the railroad tracks to the east, is zoned L.I. to the north is SR 908 (no zone). The parcel abutting the western site to the east was part of the L.U.P.P. stipulation cases, and is still zoned PLA-5D, with specific criteria.

IV. ALTERNATIVES

The site could contain 59 units, but only 54 are proposed. Other alternatives regarding site and building design are available.

V. DEVELOPMENT STANDARDS

A. FIRE DEPARTMENT

1. All turning radii shall be a minimum of 45 feet. Roadway width to be 20 feet minimum.
2. Minimum of 3 fire hydrants are required (locations are on file at Fire Department).
3. Minimum fire flow of 2500 g.p.m. shall be available.
4. "NO PARKING - FIRE LANE" signs shall be required (locations on file at Fire Department). The Fire Department shall be contacted for specific requirements.

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B. KIRKLAND ZONING ORDINANCE

Project must comply with all applicable provisions of the Kirkland Zoning Ordinance, specifically: Chapter 23.10 (RM zone); Chapter 23.27 (Planned Areas); Chapter 23.32 (Signs); Chapter 23.34 (Parking and Loading); Chapter 23.40 (Landscaping, Screening and Fencing); and Chapter 23.56 (Conditional Use Permits)

Zoning compliance is listed below:

<u>Item</u>	<u>Requirement</u>	<u>Provided</u>
1. Setbacks	20' (from 4th Ave. Alignment) 20' (from 112th Ave. N.E.) 10' (rear yards) 5' (side yards) 15' (total of both side yards)	24 1/2' minimum 35' minimum 10' minimum 10' minimum 20' minimum
2. Height	60' above avg. bldg. elev.	20'-30' maximums per building
3. Density	1800 sq. ft. per unit	1984 sq. ft. per unit
4. Lot Coverage	35% maximum	13.4% (total both sites)
5. Parking	2 stalls per unit (108 total)	111 stalls
6. Recreation space	200 sq. ft. per unit (10,800 sq. ft.)	200 sq. ft. per unit minimum (10,800 sq. ft.)
7. Fee-in-Lieu of Open Space	\$350 per unit (\$18,900)	Will be collected with Bldg. Permit

C. PROJECT MUST COMPLY WITH ORDINANCE 2430, relating to construction runoff controls.

VI. APPENDICES

Exhibits "A" through "S" are attached.

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