

RESOLUTION NO. R- 2808

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-81-16 BY WILLIAM VIESER (G&B ESTATES) TO CONSTRUCT A TWO-STORY MEDICAL CLINIC 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 RS 35,000 TO PROFESSIONAL RESIDENTIAL.

WHEREAS, the Department of Community Development has received an application filed by William Vieser 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 PR zone; and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held a public hearing thereon at their regular meeting of March 5, 1981; 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-81-16 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 35,000 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 16th day of March, 1981.

SIGNED IN AUTHENTICATION THEREOF on the 16th day of March, 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 \_\_\_\_\_  
XXX RECOMMENDED BY \_\_\_\_\_ DATE March 5, 1981  
ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_

STAFF \_\_\_\_\_

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

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

XXX PLANNING COMMISSION Carol Goddard  
Carol Goddard, Chairperson

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

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

NUMBER \_\_\_\_\_

DATE \_\_\_\_\_

FILE NUMBER IR-81-16

APPLICANT William Vieser (G&B Estates)

PROPERTY LOCATION S.E. Corner Kingsgate Way and NE 132nd St.

SUBJECT INTENT TO REZONE

HEARING/MEETING DATE March 16, 1981

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Vicinity Map "C" Existing Features "D" Site Plan "E" Elevations "F" Storm Drainage "G" SEPA Information "H" Soils Report



I. SUMMARY

A. DESCRIPTION OF PROPOSED ACTION

William M. Vieser of G&B Estates, Inc. has applied for an Intent to Rezone from RS 35,000 to PR, for construction of an approximately 12,000 square foot medical clinic located at the south-east corner of Kingsgate Way and N.E. 132nd Street.

The site is characterized by a flat swampy area in its southwestern corner, which is attributable to off-site drainage coming onto the site. The major issues are: Compliance with SEPA, compliance with Rezone criteria, compliance with Land Use Policies Plan, and parking.

B. RECOMMENDATIONS

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

1. This application is subject to the various requirements contained in the Kirkland Zoning Ordinance, the Uniform Building Code, Kirkland Municipal Code, and the various Fire Department regulations. It is the responsibility of the applicant to become familiar with and to comply with applicable provisions contained in these ordinances and regulations. The applicant is required to obtain, at the minimum, a Building Permit prior to any site work.
2. Any major changes, revisions or additions constituting a departure from the approved site plan shall be fully processed in the same manner as an amendment to the zoning map.
3. Appurtenances above the roof line shall not be allowed. Vents and ducts shall be hidden below the roof overhang.

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4. Signs shall be oriented toward Kingsgate Way or N.E. 132nd Street and may be face mounted or ground mounted. If ground mounted, height of the sign shall not exceed 5 feet above grade. Signs shall not be backlit.
5. The recommendations of the soils report shall be followed.
6. Prior to Occupancy, the applicant shall:
  - a. Plant Red Oak or Red Maple trees, 30 feet on center, 2 inches in caliper or greater, along the Kingsgate Way frontage, in lieu of the proposed Locust trees.
  - b. Extend the 4 foot wide concrete culvert from Kingsgate Way onto the site, and connect it with a manhole to the 4 foot wide steel culvert crossing N.E. 131st Place. An oil-silt separator shall be used in the on-site drainage system.
  - c. Identify 16 or more parking stalls (with signs or painting on pavement) for exclusive use of the apartment building to the east.
7. Prior to issuance of Building Permits, the applicant shall:
  - a. Obtain a Hydraulics Permit from the State Department of Fisheries, if necessary. Proof that a permit has been obtained (or is not required) shall be submitted to the City.
  - b. Record an access easement approved by the City of Kirkland for the apartments to the east to enable access through the parking lot.
  - c. Make the following site plan changes:
    - i. The stalls adjacent to the apartment and on its property shall be identified for the exclusive use of the apartments, and they must meet Residential Multi-Family parking standards.

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- ii. Pedestrian access from the northwest corner of the site to the breezeway.
- iii. Incorporate landscaping from the sidewalks to property lines along Kingsgate Way and N.E. 132nd St., and increase landscaping density along the Kingsgate Way building facade.
- iv. Remove parking stalls in the northwest corner as needed to accommodate pedestrian access and additional landscaping.
- v. Reduce building size as necessary to accommodate the reduction in parking.

## II. MAJOR ISSUES, FACTS AND CONCLUSIONS

### A. COMPLIANCE WITH THE STATE ENVIRONMENTAL POLICIES ACT (SEPA)

#### 1. Statements of Fact.

An Environmental Checklist was originally submitted on December 17, 1980. Additional information was required by the applicant, and a Final Declaration of Non-Significance was issued on February 12, 1981.

#### 2. Conclusions.

The State Environmental Policies Act has been complied with through submittal of an Environmental Checklist and issuance of a Declaration.

### B. COMPLIANCE WITH REZONE CRITERIA

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

a. Applicant's response: "Yes, the Comprehensive Plan shows professional office development on this corner. It is a busy intersection. The site is also near to other PR zoning and apartments."

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 professional offices in a Professional Residential zone (Section 23.14.020).

c. Conclusions

The requested Professional Residential zoning is in conformance 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."

b. Statements of Fact.

This medical office project meets all the informational requirements and has been formally accepted for processing by the City of Kirkland. Exhibits "D" and "E" show architectural drawings of the proposed site and building. The elevations don't show appurtenances (ducts and vents) above the roofline.

c. Conclusions

Appurtenances should not be permitted above the roofline, to minimize visual impacts. The applicant has complied with this provision of the Kirkland Zoning Ordinance.

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.

a. Statements of Fact

- (1) Physiographic Elements. The site is characterized by a low swampy area in the southern portion, which is formed by off-site drainage flowing onto the site. This drainage then leaves the site via a 4 foot wide concrete culvert under Kingsgate Way and I-405. Vegetation on the site consists of bushes, brush, and grass, in addition to residential landscaping which was planted for the abutting apartment development to the east. A 9" caliper deciduous tree would be removed by the parking in the western portion of the site. The soils report (Exhibit "H") describes soils characteristics.
- (2) Water Supply. Existing water supply is located in N.E. 132nd St. and is adequate to serve the proposed development, according to the Public Services Department.
- (3) Sanitary Sewer. Adequate sanitary sewer supply is available in Kingsgate Way.
- (4) Storm Sewer. Existing 4 foot wide concrete culvert extends from the east side of Kingsgate Way, under Kingsgate Way and I-405. This culvert will be used to transport storm water off the site. A 4

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foot wide steel culvert extends across N.E. 131st Place into the southwest corner of the site. A tributary of Juanita Creek flows through this culvert across the southwest corner and into the Kingsgate Way culvert. A 3 foot wide open ditch brings storm water onto the site from the apartment development to the east, and from N.E. 132nd Street.

- (5) Roadway Improvements. Kingsgate Way is a 60 foot wide secondary arterial. N.E. 132nd Street is an 85 foot wide secondary arterial. Both are improved with curb, gutter, 5 foot wide concrete sidewalk abutting the site, and 36 feet of asphalt paving. There are no street trees provided along Kingsgate Way abutting the property. Elm trees are planted along N.E. 132nd Street.

b. Conclusions.

- (1) Existing vegetation, topography or soils should not inhibit site development if the recommendations in the Soils Report (Exhibit "H") are followed.
- (2) Domestic and emergency water supply is adequate.
- (3) Sanitary sewer availability is adequate.
- (4) The 4 foot wide concrete culvert crossing Kingsgate Way will need to be extended to the site and connected with a new manhole to the steel culvert under N.E. 131st Place. This will provide for adequate storm drainage by placing drainage entering the site from the south entirely underground, alleviating future flooding problems.

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(5) Roadway or other public improvements are not necessary with this application. However, Red Maple or Red Oak street trees 2" in caliper or greater should be planted 30 feet on center along Kingsgate Way in lieu of the proposed Locust trees. This is consistent with previous street tree requirements in the Totem Lake Area.

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.

a. Applicant's Response: (See Exhibit "A").

C. COMPLIANCE WITH LAND USE POLICIES PLAN

1. Statements of Fact

a. Economic Activities Policy 1: Encourage the infilling of designated areas by new or expanded economic activities before considering the expansion of these areas.

b. Economic Activities Policy 5.e. Control the use of signs.

c. Totem Lake Area - Natural Elements: Two small streams exist within the Totem Lake Area as indicated in Figure 41. Both streams are major tributaries of Juanita Creek. These streams are to be maintained in a natural condition or restored, where possible, to a natural configuration and should allow for natural drainage.

The three foot wide ditch on the south side of N.E. 131st Place is one of the tributaries referred to in the above paragraph. This tributary enters a culvert under N.E. 131st Place, daylight for about 10 feet and enters a new culvert on the site, which carries the tributary under Kingsgate Way and I-405 to the west. No fish inhabit this tributary.

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- d. Totem Lake Area Economic Activities: The lands along N.E. 132nd St. have been designated for office and medium density residential uses (10 - 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

- a. Economic Activities Policy 1: The proposed rezone provides for infilling of a designated professional office area as shown in the Land Use Policies Plan.
- b. Economic Activities Policy 5.e: Existing signage for office uses in the Totem Lake area is not large, and commonly ground-mounted. To maintain this character, signs should be oriented toward Kingsgate Way or N.E. 132nd Street, and not toward the existing apartment development to the east, or to N.E. 131st Place - a residential type access - to the south. Signs may be face mounted or ground mounted. If ground mounted, height of the sign should not exceed 5 feet above grade. Signs should not be back lit. This restriction has also been placed on other rezones within the City and in the Totem Lake area in the past four years.
- c. Totem Lake Area Natural Elements: The tributary of Juanita Creek empties into the southwestern corner of the site, and then flows into a 4 foot wide culvert under Kingsgate Way and I-405, eventually flowing into Juanita Creek (a fish bearing stream). The Public Services Department has recommended that the 4 foot wide culvert under Kingsgate Way be extended onto the site, connecting with the 4 foot wide

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culvert under N.E. 131st Place. This will provide drainage control on the site. The addition of a new 10 foot long culvert (to connect to 4 foot in diameter existing culverts) should not have an adverse affect on water quality, due to the existence of the two 4 foot wide culverts, and the short 10 foot long area in which the stream daylights at present on the southwest corner of the site. Due to the fish bearing capacity of Juanita Creek, an oil/silt separator should be placed on site for any drainage which enters the tributary. Because this tributary feeds into a fish bearing stream, a hydraulics permit from the State Department of Fisheries or Department of Game may be necessary prior to construction of the culvert extension. It should be the applicant's responsibility to obtain such permits, and provide proof to the City of Kirkland that the permit has been obtained, or that the permit is not necessary. This should be done prior to issuance of Building Permits.

- d. Totem Lake - Economic Activities: The proposed medical office building is consistent with the Economic Activities policy calling for office or medium density residential uses on the subject property.

D. LANDSCAPING AND PARKING

1. Statements of Fact

- a. Exhibit "C" shows the existing parking for the apartment building to the east. The driving area for this parking is located on the subject property. At one time, the site and the apartment complex to the east was part of the Totem Lake P.U.D. (see History Section, III, of this report for further information). A subsequent short plat (which created the subject site) did not recognize the parking situation

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of the apartment complex to the east. Therefore, a portion of the apartment parking is located on the subject property. Exhibit "D" shows that the applicant has arranged for the apartment building parking, as part of the revised parking plan.

- b. The proposed landscaping plan complies with the portions of the Kirkland Zoning Ordinance regarding screening of parking areas from adjacent properties.

## 2. Conclusions

- a. Prior to issuance of Certificates of Occupancy, 16 parking stalls should be identified for use exclusively by the apartment building to the east. Identification should be through signs or painting on pavement.
- b. Landscaping complies with City screening requirement.
- c. Prior to issuance of Building Permits, the applicant shall record an access easement for the apartments to the east, to enable access through the parking lot.
- d. The stalls adjacent to the apartment and on its property should be identified for the exclusive use of the apartments. Since the apartment is zoned RM-1800, this parking should meet RM parking standards.
- e. Due to the proximity of the METRO Park and Ride (west of I-405, at N.E. 132nd) a pedestrian connection between NE 132nd St./Kingsgate Way should be provided at the northwest corner of the site to facilitate pedestrian access to the breezeway (building entry). Parking stalls will need to be removed in the northwest corner for this access. Also, additional landscaping should be provided in the northwest corner of the site - a very visible intersection - for additional buffering.

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- f. Landscaping should be incorporated from the sidewalks to the property lines along Kingsgate Way and N.E. 132nd; and landscaping density increased along the Kingsgate Way building facade to provide additional buffering.
- g. Building size should be reduced as necessary to accommodate the reduction in parking. This will bring the building into scale with the present living situation - the apartments to the east.

### III. BACKGROUND

#### A. HISTORY

This parcel was part of a Preliminary Planned Unit Development approved by the City on April 5, 1976. The PUD was to have been constructed in three phases: Phases I and II (200 apartment units) which has been completed; and Phase III, consisting of three professional clinics which were to have been developed in 1979. The subject property is a portion of Phase III. Since the applicant did not receive Final PUD and Rezone approval for the subject property as part of the PUD by April 5, 1980, the Planned Unit Development rights for this site have expired.

On January 22, 1979, the Development Review Committee approved a Short Subdivision to divide the originally approved PUD land into four separate lots, of which this site is Parcel A.

#### B. NEIGHBORHOOD AND ZONING.

The apartment complex adjacent to the east is zoned RM 1800 plus PUD (Ordinance 2448). Property to the south of N.E. 131st Place is presently zoned RS 35,000, but could be rezoned in the future to RM 3600 or Professional Office. To the west is Kingsgate Way and Interstate 405. To the north, the northeast corner of the intersection of N.E. 132nd St. and 116th Ave. N.E., presently contains a single family home, is zoned RS 7200, and is in the County's Northshore Plan as four dwelling units per acre. The northwest corner of that intersection is presently vacant, zoned RS 7200, and is also designated for four dwelling units per acre.

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IV. ALTERNATIVES

The major use alternative is multiple family residences. With 35,000 square foot lot area, ten dwelling units could be placed on the site.

V. DEVELOPMENT STANDARDS

This application is subject to the various requirements contained in the Kirkland Zoning Ordinance, the Uniform Building Code, Kirkland Municipal Code, and the various Fire Department regulations. It is the responsibility of the applicant to become familiar with and to comply with applicable provisions contained in these ordinances and regulations. The applicant is required to obtain, at the minimum, a Building Permit prior to any site work.

A. KIRKLAND ZONING ORDINANCE

	<u>Required</u>	<u>Provided</u>
1. <u>PR Zone Dimensional Standards</u>		
a. Lot Area	7200 sq. ft.	35,000 sq. ft.
b. Lot Width	60 feet	230 feet
c. Front Yard	20 feet	South - 23 feet West - 76 feet North - 38 feet
d. Side Yards	5 feet minimum	40 feet
e. Rear Yard	Not Required Due to 3 front yards required on site.	
f. Lot Coverage	35% Maximum	19.6% Maximum Provided
g. Height	30' maximum above average bldg. elev.	30 feet above average building elevation
2. Parking	1 stall for ea. 200 sq. ft. of gross floor area (approx. 60 stalls)	60 stalls for medi- cal clinic, 16 stalls for apartment bldg.

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3. Landscaping                      4 foot wide, 4 foot high                      Landscaping provided  
   landscaping strip where                      meets the required  
   parking is viewed from                      standard.  
   adjacent properties
4. Section 23.62.070:              Any major changes, revisions or additions con-  
   stituting a departure from the approved site plan  
   shall be fully processed in the same manner as an  
   amendment to the zoning map.
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B. PUBLIC SERVICES DEPARTMENT

Permanent and temporary storm drainage plans are required with the Building Permit application.

C. Fire Department

1. The existing fire hydrants shown meet the minimum fire hydrant requirements.
2. There shall be installed a fire alarm system per City of Kirkland rules and regulations for the installation of fire alarm systems. Fire extinguishers will be required per N.F.P.A. Pamphlet No. 10. Contact the Kirkland Fire Department for more information.

VI. APPENDICES

Exhibits "A" through "H" are attached.

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