

RESOLUTION NO. R-2860

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-81-86, BY KING COUNTY HOUSING AUTHORITY AND LEROY M. JOHNSON TO CONSTRUCT 26 TWO-STORY TOWNHOUSES, 2 ONE-STORY APARTMENTS AND A COMMUNITY BUILDING BEING WITHIN A PLANNED AREA 13 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 the King County Housing Authority and Leroy M. Johnson, the owner of said property described in said application and located within a Planned Area 13 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held hearing thereon at their regular meeting of August 6, 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 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 Chairperson thereof and filed in the Department of Community Development File No. CZ-81-86 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 resolution 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.

Passed by majority vote of the Kirkland City Council on the 17th day of August, 1981.

SIGNED IN AUTHENTICATION THEREOF on the 17th day of August, 1981.



Mayor

ATTEST:


Director of Administration and Finance
(Ex officio City Clerk)

6462A



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

___ PREPARED BY _____ DATE _____
XX RECOMMENDED BY _____ DATE August 6, 1981
___ ADOPTED BY _____ DATE _____

___ STAFF _____

___ BOARD OF ADJUSTMENT _____

___ HOUGHTON COMMUNITY COUNCIL _____

XX PLANNING COMMISSION _____

Robert A. Burke

Carol Goddard, Chairperson

___ CITY COUNCIL AS INCORPORATED IN _____

___ RESOLUTION _____ ORDINANCE

NUMBER _____

DATE _____

FILE NUMBER CZ-81-86

APPLICANT King County Housing Authority

PROPERTY LOCATION W. of 120th Ave NE, immed N. of Trinity Lutheran Church in the 8100 block.

SUBJECT CONDITIONAL USE PERMIT FOR 26 2-story townhouses; 2 handicapped 1-story apts & a community building in PL113.

HEARING/MEETING DATE August 17, 1981

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED Listed on reverse.

- "A" Vicinity Map
- "B" Site Plan
- "C" Elevations
- "C2" Elevations
- "D" Location of trees greater than 6" in diameter
- "E" SEPA Declaration & Environmental Checklist
- "F" LUPP Figure 23C
- "G" Existing Sewer Lines
- "H" Properties included in the Proposed LID
- "I" Parking Design
- "J" Cooperation Agreement
- "K" Public Services Department Correspondence

I. SUMMARY

A. PROJECT DESCRIPTION

King County Housing Authority and Leroy M. Johnson have applied for a Conditional Use Permit to construct 26 two-story townhouses, 2 one-story apartments and a community building on 2.58 acres of land. The site is located west of 120th Avenue N.E. and north of the Trinity Lutheran Church in the 8200 block. The zoning is Planned Area 13, Subareas A and B, which allows a multiple residential use at a unit density of 3,600 square feet through a discretionary permit process.

Major issues reviewed in this report include: Right-of-way improvements, Zoning Ordinance standards, landscaping and parking, compliance with the Land Use Policies Plan, sanitary sewer service and the State Environmental Policy Act.

B. RECOMMENDATIONS

Based on the Facts, Conclusions, and Exhibits in this report, we recommend approval of this application subject to the following conditions:

1. This application is subject to the various requirements contained in the Kirkland Municipal Code and Kirkland Zoning Ordinance. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Section VI is provided in this report to familiarize the applicant with some of the additional development regulations.
2. The Building Permit application shall show:
 - a. Right-of-way improvements in the western half of 120th Avenue N.E. right-of-way as it abuts the site. These improvements shall include: adequate asphalt widening sufficient to provide $\frac{1}{2}$ of a 36-foot roadway improvement; asphalt; vertical curb and underground storm sewer with through curb inlets and bicycle grates; a

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6-foot utility strip next to the curb and planted with street trees every 30 feet on center which may not be closer than 36 inches to the curb and must be protected by a cast iron grate; and a 6-foot wide sidewalk placed between the utility strip and property line.

- b. Facades facing the northern and western perimeter cannot exceed 24 feet in height.
 - c. An earthen berm a minimum of 15 feet wide and 5 feet high as measured from pre-existing grade is required along the northern property line. This berm shall have 6 foot high wooden fence and be planted with sight obscuring trees a minimum of 10 feet on center and 6 feet high at time of planting. This may be modified as necessary in order to save the existing 12 inch maple.
 - d. The western border contains a number of significant trees. The City has the authority to alter the minimum buffering requirement to save this natural vegetation. Therefore, the western border does not require an earthen berm. A six foot high wooden fence is required on the western and southern borders. Sight obscuring vegetation shall be planted wherever there are gaps in the natural vegetation, a minimum of 6 feet in height and approved by the Department of Community Development.
 - e. The landscape island in the interior parking area shall be increased in size, similar to Exhibit "I", per City of Kirkland approval.
3. Prior to issuance of grading or building permits, all trees to be retained should be designated by 4-foot high stakes around the dripline of 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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4. Prior to issuance of the final Certificate of Occupancy, the Department of Community Development should insure that the correct number of parking stalls exist. Grading of the stalls marked R in Exhibit "I" should not be permitted wherever there are significant trees which could be retained until the first Certificate of Occupancy has been issued.

II. PROJECT DESCRIPTION

1. The site is underlain with Alderwood gravelly sandy loam and drops from the southeast to the northwest corners at a 10% to 12% grade. Firs, cedars, maples, and hemlock heavily wood the site, many of which are greater than 6 inches in diameter. Freeway noise impacts the site.
2. Water is available through a 12-inch line in the 120th Avenue N.E. right-of-way. Storm drainage runs through open ditches on both sides of 120th Avenue N.E.
3. Neighboring land use to the west is underdeveloped with large lots containing a few single family homes and deteriorating structures. Single family homes are north of the site. The Kirkland cemetery is east and to the south are the Trinity Lutheran Church and Lake Washington High School. Retail commercial is found on N.E. 85th Street.

III. MAJOR ISSUES

A. RIGHT-OF-WAY IMPROVEMENTS

1. Statement of Facts
 - a. The site has 375.15 lineal feet fronting on 120th Avenue N.E.

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- b. Public Improvements Ordinance 2576 designates 120th Avenue N.E. as a commercial collector, requiring:
- 60 feet of right-of-way (60 feet existing)
 - 36 feet of asphalt (20 feet existing)
 - Vertical curb (not existing)
 - Underground storm sewer (not existing)
 - Through curb inlets (not existing)
 - Bicycle grates (not existing)
 - 6 foot utility strip next to curb (not existing)
 - Street trees, 30-feet on center (not existing)
 - 6 foot concrete sidewalk next to landscape strip (not existing)
- b. If the proposed development requires discretionary approval through a permit process, the group with authority to grant the approval is authorized to grant a modification, deferment or waiver under the provisions of Ordinance 2576.

2. Conclusions

- a. The applicant, per standards 2576 is required to install the following improvements along the western half of 120th Avenue N.E. right-of-way for the length of the site frontage: additional roadway improvement, vertical curb and underground storm sewer with through curb inlets and bicycle grates, a 6-foot utility strip next to the curb and planted with street trees every 30 feet on center which may not be closer than 36 inches to the curb and must be protected by a cast iron grate, and a 6 foot wide sidewalk placed between the utility strip and property line.

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- b. No request for deferment, waiver nor modification has been made. The length of right-of-way improvement is substantial and the improvements should be made at this time. The right-of-way connects the High School to a commercial area on 85th and improvements to the road would result in increased pedestrian safety.

B. ZONING ORDINANCE STANDARDS

1. Statements of Fact

- a. The project conforms to Kirkland's Zoning Standards in the following manner:

- Lot size: 100,800 sq.ft. required (112,385 sq.ft. proposed)
- Number of units: up to 31 allowed (28 units and one community building proposed)
- Lot coverage: up to 35% allowed (16% proposed)

- Setbacks:

Eastern perimeter - 20 feet required (20 feet proposed)

Western perimeter - 23 feet required (24 feet proposed)

Northern perimeter - 23 feet required (24 feet proposed)

Southern perimeter - 5 feet required (10 feet proposed)

Parking stalls: a minimum of 56 stalls required (56 stalls proposed)

Building Height: up to 30 feet allowed (proposed heights are roughly 24 feet)

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Recreation space: 5,600 sq. ft. required (more than 5,600 sq.ft. proposed, including a play area equipped with a bench, jungle gym, sand box and swings)

2. Conclusions

- a. The project meets the standards of the Zoning Ordinance with the possibility of parking stall reduction discussed in Major Issues, Section C.
- b. Building heights should not exceed 24 feet along the western and northern property lines. Section 23.27.020 stipulates that in this zone, the building setback from adjacent existing low intensity land uses must equal the height of the facing facade. The single family homes to the west and north represent existing low density land uses. Since the project buildings are set back 24 feet from these perimeters, the facades of these structures which face the perimeter must not exceed 24 feet.

C. PARKING STALLS AND LANDSCAPING

1. Statement of Fact

- a. Section 23.34.020 requires multi-family dwellings to provide 2.0 parking spaces for each dwelling unit.
- b. The City has scheduled hearings in September to adopt a new Zoning Ordinance. At present, this new Ordinance proposes a requirement of 1.7 parking spaces per multi-family dwelling unit.
- c. The site design indicates a parking plan at the 1.7 per unit ratio, and the potential parking spaces dotted in would bring this ratio up to 2 spaces per unit.

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- d. The site layout will retain 68% of the significantly sized trees on the site.
- e. The northern and western borders are adjacent to uses of a lesser use intensity. Section 23.27.020, Subareas A and B of Planned Area 13, states that "minimum buffering adjacent to uses of a lesser use intensity shall be a 6 foot high wooden fence atop an eastern berm a minimum of 15 feet wide and 5 feet high measuring from pre-existing grade. Said berm shall be planted with site obscuring vegetation, including evergreen trees a minimum of 10 feet on center and 6 feet high at time of planting. An equal or superior buffering technique may be approved by the City provided it will benefit the preservation of views or retention of natural vegetation.
- f. The western border contains significant natural vegetation including one fir 18 inches in diameter; one cedar 8 inches in diameter; and 9 maples with the following diameters: four - 12 inch, one - 14 inch, three - 18 inch, and one 24 inch.
- g. The northwest corner of the interior parking surface is heavily asphalted. A small landscape island attempts to break the plane of this asphalt surface.

2. Conclusions

- a. The applicant has attempted to retain as many trees as possible. However, if the Land Use Development Code is adopted with a 1.7 parking ration, the stalls marked R on Exhibit "I" could be eliminated. Prior to issuance of the final Certificate of Occupancy, the Department of Community Development should insure that the correct number of parking stalls exist. Grading of these stalls should not be permitted wherever there are significant trees which could be retained until the first Certificate of Occupancy has been issued.

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- b. Prior to issuance of grading or building permits, all trees to be retained should be designated by 4-foot high stakes around the dripline of the tree with several strands of brightly colored surveyor's tape. The trees should also be wrapped with a few strands of tape.
- c. An earthen berm a minimum of 15 feet wide and 5 feet high as measured from pre-existing grade is required along the northern property line. This berm shall have 6 foot high wooden fence and be planted with sight obscuring trees a minimum of 10 feet on center and 6 feet high at time of planting. This may be modified as necessary in order to save the existing 12 inch maple.
- d. The western border contains a number of significant trees. The City has the authority to alter the minimum buffering requirement to save this natural vegetation. Therefore, the western border does not require an earthen berm or fence. Sight obscuring vegetation shall be planted wherever there are gaps in the natural vegetation, a minimum of 6 feet in height and approved by the Department of Community Development.
- e. The landscape island in the interior parking area shall be increased in size, similar to Exhibit "I" per City of Kirkland approval.

D. LAND USE PLAN POLICIES

1. Statement of Fact.

- a. The site is located in the Central/State/Everest neighborhood and is designated Planned Area 13 in the N.E. 85th Interchange Area. The site straddles Subareas A and B of Planned area 13. Multi-family residential densities of 10 to 14 dwelling units per acre are appropriate with the following development standards:

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1. Clustering of structures and stacking of units is permitted to a maximum of three stories.
2. New office or residential structures should be set back from the east and south property lines by a distance at least equal to the maximum elevation of the proposed structure.
3. Substantial buffering shall be provided adjacent to less intensive uses. Such buffering shall include a fence 6 feet high within a landscaped area at least 15 feet wide. In the alternative, equal or superior buffering techniques may be proposed.
4. Noise generated should not exceed adopted City standards.

2. Conclusions

- a. The proposed multi-family project is less than the allowable density. The buildings are clustered to retain as many trees as possible and are two stories in height.
- b. The structures are set back from low density existing single family uses by a distance equivalent to the height of the facing facade.
- c. Substantial buffering shall occur through retention of large trees, supplemental planting and an earthen berm and fence along the northern property line.
- d. Noise from the multi-family project is not expected to exceed City standards.

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E. SANITARY SEWER

1. Statement of Fact

- a. A sanitary sewer line is found in the 120th Avenue N.E. right-of-way. This 6 inch plastic force main cannot be used by the project. No other sewer lines are located in the area.
- b. An LID petition to install sanitary sewers in the area is being circulated and an engineering study has been completed which studies several design alternatives.
- c. Public Services Department has indicated the project could pump the sewer up to 120th Ave. N.E. and hook into the existing line (See Exhibit "K").

2. Conclusions

The project could not be constructed until adequate lines for sanitary sewers are provided. A Local Improvement District and engineering studies are underway toward the installation of sanitary sewer lines. This project could be approved with the condition that the Conditional Use Permit may be extended beyond one year. This would allow time for a Local Improvement District to be formed or until another method of providing sanitary sewers is formally accepted by the City.

F. STATE ENVIRONMENTAL POLICY ACT COMPLIANCE

1. Statement of Fact

An Environmental Checklist was submitted April 27, 1981. Staff requested several additional items of information and a traffic impact analysis which were received May 27 and June 19, 1981 respectively. There was some concern over potential adverse traffic impacts at the intersection

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of 120th Avenue N.E. and N.E. 85th Street. Analysis shows that the project contributes 2.08% toward a traffic warrant and generates 9 left turning movements from 120th Avenue N.E. onto N.E. 85th Street in the morning peak hour.

A negative Declaration of Significance was issued July 16, 1981

2. Conclusion

The project does not pose a significant adverse impact on the environment and the applicant has complied with the requirement of the State Environmental Policy Act.

IV. HISTORY

A Cooperation Agreement was signed between King County Housing Authority and the City of Kirkland. A copy of the Cooperation Agreement is attached as Exhibit "J".

V. ALTERNATIVES

The number of units could be further reduced or the project denied.

VI. DEVELOPMENT STANDARDS

Several sections of the Zoning Ordinance apply to this project, included are the following sections: Section 23.10, Section 23.27, Section 23.34, Section 23.36, Section 23.40. No grading may occur on-site without first receiving permission from the Building Department.

VII. APPENDICES

Exhibits "A" through "J" are attached.

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