

RESOLUTION NO. R-2869

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-81-84, BY WARNER AND CRARY TO CONSTRUCT 10 MULTI-FAMILY DWELLING UNITS BEING WITHIN A PLANNED AREA 7 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 Warner and Crary, the owner of said property described in said application and located within a Planned Area 7 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held hearing thereon at their regular meeting of September 17, 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-81-84 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.

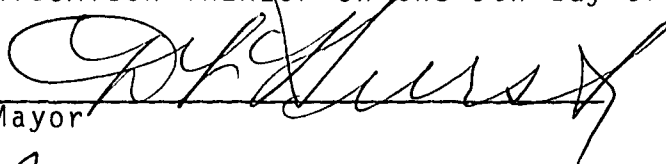
Section 5. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Conditional Use Permit is subject shall be grounds for revocation in accordance with Ordinance No. 2183, the Kirkland Zoning Ordinance.

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.

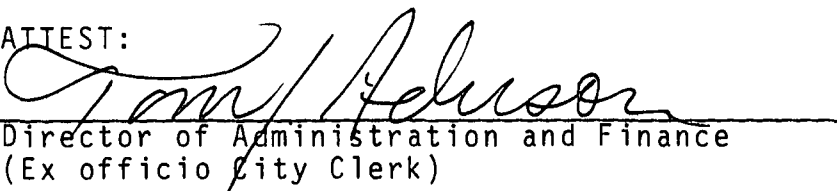
Passed by majority vote of the Kirkland City Council on the 5th day of October, 1981.

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



Mayor

ATTEST:



Director of Administration and Finance
(Ex officio City Clerk)

6929A



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

___ PREPARED BY _____ DATE _____
XX RECOMMENDED BY _____ DATE September 17, 1981
___ ADOPTED BY _____ DATE _____

___ STAFF _____
___ BOARD OF ADJUSTMENT _____
___ HOUGHTON COMMUNITY COUNCIL _____
XX PLANNING COMMISSION _____
___ CITY COUNCIL AS INCORPORATED IN _____
___ RESOLUTION _____ ORDINANCE _____
NUMBER _____
DATE _____

Robert A. Burke
FOR Carol Goddard, Chairperson

FILE NUMBER CZ-81-84
APPLICANT WARNER & CRARY
PROPERTY LOCATION So. of the Vacated 6th Ave. between 4th St. & 5th St.
SUBJECT CONDITIONAL USE PERMIT to construct 10 multi-family dwelling units
HEARING/MEETING DATE October 5, 1981
BEFORE Kirkland City Council

EXHIBITS ATTACHED "A" Environmental Checklist/Final Declaration "B" Vicinity Map
"C" Existing Features "D" Proposed Site Plan "E" Proposed Landscape Plan "F" Building
Elevations "G" Additional Tree Retention and Landscaping

I. SUMMARY

A. DESCRIPTION OF PROPOSED ACTION

James Warner of Warner and Crary have applied for a Conditional Use Permit to construct 10 multi-family dwelling units with 20 associated parking stalls on a 24,957 square foot parcel. The property is located south of the vacated 6th Avenue and east of 4th Street in the Planned Area 7 zone (RM 2400). The applicant proposes to construct 10 attached multi-family dwelling units that are two-story in height with underground parking.

The major issues are compliance with the Conditional Use Permit criteria, landscaping and public improvements.

B. RECOMMENDATIONS

Based on the Statement of Fact, Conclusions and Exhibits "A" through "G" contained herein, we hereby recommend approval of the Conditional Use Permit as shown on the site plan in Exhibits "D", "E", "F" and "G", subject to the following conditions:

1. This application is subject to the various requirements contained in the Land Use Policies Plan and the Kirkland Zoning Ordinance. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these Ordinances.
2. Prior to the issuance of a Building Permit, the applicant shall show on the landscaping plan:
 - a. Two additional 5 feet to 6 feet high Douglas Fir trees, planted next to the west side of the building as shown on Exhibit "G".
 - b. All screening shrubs (the Rhodis, J. M. Montagus and Laurestinus) at 3 feet to 4 feet high at planting and 3 feet to 4 feet on center so as to provide a dense, year-round screen in three years (see Exhibit "E").

9/22/81/bk (P.C.)
8/28/81/6661A/lh

- c. Two additional sight obscuring plants planted to the south of the two eastern parking stalls so as to screen parked cars from the property to the south subject to staff approval (see Exhibit "G").
 - d. The London Plane trees as shown on Exhibit "E" with a canopy starting at least 8 feet above finish grade as required in the Public Improvement Ordinance No. 2576, Section b.
 - e. Retention of the 6-inch in diameter Maple tree located in the northwest portion of the site as shown on Exhibit "G".
3. Prior to the issuance of a Certificate of Occupancy Permit, the applicant shall:
- a. Install the landscaping as shown on Exhibits "E" and "G", and submit a one-year landscape maintenance bond.
 - b. Install the 5 feet wide concrete sidewalk as shown on Exhibit "D".

II. BACKGROUND

A. SITE

The property is 24,957 square feet in area. The area is zoned as Planned Area 7 where multiple family residences at 2400 square feet per unit can be proposed under a Conditional Use Permit. The Land Use Policies Plan has designated the area for high density as 18 units per acre (RM 2400). Under a RM 2400 Conditional Use Permit, 10 units can be proposed on the site.

The site slopes approximately 12% to the south and is covered with underbrush, alder and maple trees. The property has direct access to 4th Street. Sixth Avenue was vacated through Ordinance No. 2377.

9/22/81/bk (P.C.)
8/28/81/6661A/lh

B. NEIGHBORHOOD

To the north are multi-family dwelling units in Planned Area 7. To the west are multi-family residences and single family homes in an area designated under the Land Use Policies Plan for multi-family dwelling units at 10 to 14 dwelling units per acre (RM 3600). To the south and east is a vacant parcel in Planned Area 7 that is the site of a proposed multi-family dwelling unit complex at a density of 2400 square feet per unit. Further to the south is the Central Business District and the site of several commercial businesses (see Exhibit "B").

III. MAJOR ISSUES, FACTS AND CONCLUSIONS

A. COMPLIANCE WITH THE CONDITIONAL USE PERMIT CRITERIA

1. Statements of Fact.

a. Kirkland Zoning Ordinance

Section 23.056.080--Standards for Granting CUP:

- (1) The use or modification requested by the Conditional Use Permit shall be within the intent of this Ordinance and in the public interest.
- (2) The use or modification requested by the Conditional Use Permit for the operation of a permitted business in a residential zone will not do damage to adjacent residential property....
- (3) The use or modification requested by the Conditional Use Permit for the continuation or enlargement of a non-conforming use....
- (4) The uses and standards as defined in the Land Use Policies Plan.

9/22/81/bk (P.C.)
8/28/81/6661A/ln

b. Land Use Policies Plan--Norkirk Area

Planned Area 7 (2)--Development in this area will need to conform to the following standards (p. 329):

- (1) Topographic conditions and/or vegetative buffers (combined with wide setbacks) are to provide transition between the high density development in this area and the medium density residential areas to the north and west.
- (2) Existing amenities (namely, views and existing vegetation) are to be preserved to the greatest extent possible.
- (3) Access points and parking areas are to be oriented away from the surrounding medium density residential areas. Access should be primarily from 5th Street to this area.

c. Applicant's response to the standards for granting a Conditional Use Permit:

- (1) "Yes, the proposed use is construction of 10 multi-family (condo units). The project to the north is a similar development".
- (2) "Not applicable."
- (3) "No."

d. Kirkland Zoning Ordinance

Section 23.10--Multi Family Dwelling Zone (RM)

The following list is the applicable requirements for all multi-family residences in Planned Area 7:

9/22/81/bk (P.C.)
8/28/81/6661A/lh

<u>Provision</u>	<u>Required</u>	<u>Proposed</u>
Building Height	Height may exceed 30' provided that for each additional one foot of height, the sum of all minimum yard setbacks shall be increased 4 feet (p. 26)	Average building elevation is 31.87 feet. 34 feet of additional setbacks are provided for the 1.87' above the 30' height limit.
Front Yard Setback	20'	25'
Side Yard Setbacks	Minimum 5' and total both sides 15'	25' (on the north side) and 24' (on the south side)
Rear Yard Setback	10'	10'
Parking	20 parking stalls (33% of compact size)	20 parking stalls (6 compact or 30%)
Recreational Space	2,000 square feet	3,960 square feet
Parking Setback	Minimum of 5'	Approximately 3' on the south side
Lot Coverage	35%	28%
Landscaping	A 4' wide planter with 3 to 4' high evergreen shrubs or trees planted 3' to 4' on center, or a 6' high solid fence placed around the parking stalls. Additional landscaping must be provided if the parking stalls encroach into the side yard setback.	Douglas Firs and Laurestinus planted around the parking stalls.

e. The property is zoned as Planned Area 7 at high density residential use (RM 2400). To the west is a medium density residential use at RM 3600. The applicant proposes a two-story building with underground parking (see Exhibits "D" and "F").

9/22/81/bk (P.C.)

8/28/81/6661A/ln

- f. The subject property slopes 12% to the south and is covered with underbrush and deciduous trees (see Exhibit "C").
- g. The applicant proposes to retain the two 7" in diameter Maple trees in the southern portion of the site. However, the applicant does not propose to retain the 6" in diameter Maple tree in the northern portion of the site, or the Alder trees. The 6" in diameter Maple tree in the northern portion of the site could be retained since it is located in a recreational space next to the proposed sidewalk on the property (see Exhibits "C" and "E").
- h. The applicant proposes to plant 2 Douglas Fir trees next to the northwest corner of the building. There will be a 25 feet wide instead of the required 20 feet wide front yard setback. The 2 Douglas Fir trees will screen the 28 feet high and 43 feet long building on the west side (see Exhibits "E" and "F").
- i. Views are not available at this time from the multi-family residential units to the north across the subject property because of the existing vegetation. The multi-family dwelling units to the north are two-stories in height and are setback approximately 30 feet from the subject property's north property line. The proposed structure is two-stories and 28 feet in height on the north side of the property facing the multi-family dwelling units to the north (see Exhibits "D" and "F").
- j. Vehicular access is only available from 4th Street because the property does not abut 5th Street. The applicant proposes the vehicular access on the southern portion of the site away from the medium density zoning of RM 3600 to the west (see Exhibits "B" and "D").

- k. Parking is located under the building and adjacent to the south property line away from the medium density zoning of RM 3600 to the west (see Exhibits "B", "D" and "F").

2. Conclusions

- a. The application meets the standards for granting a Conditional Use Permit. The use requested by the Conditional Use Permit is with the intent of the Zoning Ordinance and in the public interest concerning building height, building setbacks, recreational space and parking requirements. The use is not for the operation of a business, and is not the continuation or enlargement of a non-conforming use. The use and standards as defined in the Land Use Policies Plan concerning views, access, parking location and wide setbacks are met.
- b. The standard as defined in the Land Use Policies Plan concerning the preservation of existing vegetation is met, except for the 6" in diameter Maple tree in the northern portion of the site. As outlined in Condition 2.e., the Maple tree should be retained. The Alder trees cannot be retained because the location of the access driveway and the building.
- c. To meet the standard in the Land Use Policies Plan for providing an adequate vegetated buffer as a transition between the high density development in this area and the medium density residential areas to the west, the applicant should add additional landscaping for screening the west side of the building. As outlined in Condition 2.a., Douglas Fir trees should be planted next to the west side of the building.

9/22/81/bk (P.C.)
8/28/81/6661A/lh

B. LANDSCAPING

1. Statements of Fact

a. Kirkland Zoning Ordinance

Section 23.40.040--Screening of Parking Areas:

- (1) A strip at least 4 feet wide, densely planted with shrubs or trees at least 4 feet high at the time of planting, and are of a type which may be expected to form a year-round dense screen within 3 years, measured with reference to the elevation of the parking or loading area, or
- (2) A wall or barrier or uniformly finished fence at least 6 feet high, but no more than 8 feet above finish grade.

Section 23.34.100--Required Yards:

No parking shall be allowed in required yards, provided, however...the landscaping alternative provided herein shall demonstrate a superior solution to more restrictive setbacks in terms of additional amenities and overall aesthetic qualities.

Section 23.34.035--Special Provisions for Multi-Family Residential Development:

- (a) Interior area equivalent to 10% of the total parking area shall be landscaped.
- (b) Natural vegetation, particularly trees 6" in diameter or greater, as measured one foot above the existing grade shall be preserved to the greatest extent possible. Vegetation added to the landscaping requirements should provide a mature appearance in not more than 3 years.

Section 23.40.130--Performance Bond:

No Certificat of Occupancy may be issued until a performance bond has been posted to ensure completion of any landscaping, screening or fencing required by this Ordinance. A maintenance bond may be required for maintenance as well as initial planting.

- b. The applicant proposes to have 2 parking stalls encroaching into the south side yard setback. These 2 stalls will be buffered with one Douglas Fir tree and some Laurestinus evergreen shrubs (see Exhibit "E").
- c. The applicant proposes to landscape the interior parking area with lawn, trees, groundcover and evergreen shrubs (see Exhibit "E").
- d. To the south is the site of a proposed multi-family dwelling unit complex, but the property is vacant at this time (see Exhibits "B" and "E").

2. Conclusions

- a. To adequately screen the 2 parking stalls that are located in the side yard setback area, additional sight obscuring shrubs should be planted as outlined in Condition 2.c.
- b. To provide a dense, year-round screen in 3 years, the applicant should note on the Building Permit the exact height and spacing of the evergreen trees and shrubs as outlined in Condition 2.b.
- c. As outlined in Condition 3.a., the applicant should submit a one-year maintenance bond as generally required for all multi-family residential dwelling units.

9/22/81/bk (P.C.)
8/28/81/6661A/ln

C. PUBLIC IMPROVEMENTS

1. Statements of Fact

a. The subject property has 138 feet of land abutting 4th Street. Vehicular access is provided off of 4th Street (see Exhibit "B").

b. Fourth Street is a Neighborhood Access street as identified on the Road Designation map (see Exhibit "B").

c. Public Improvement Ordinance No. 2576

Neighborhood Access Streets. The following improvements are required:

28 feet of pavement, vertical curb and ground storm sewer with through curb inlets and bicycle grates, 5 foot wide landscaped strip adjacent to the curb, street trees planted every 30 feet on center in the center of the landscaped strip, a 5 foot wide sidewalk adjacent to the landscaped strip and a utility strip adjacent to the property line for access right-of-way.

Trees. All trees planted in the right-of-way must be 2 inches in diameter with a canopy that starts at least 8 feet above finished grade.

d. Fourth Street has full street paving and curb. There are no sidewalks or street trees along 4th Street at this time (see Exhibits "B" and "C").

e. The parcel of land to the south is vacant and is to be developed in the near future. An application for a Conditional Use Permit has been received to construct a multi-family dwelling unit complex on the site. The parcel to the south has approximately 150 feet of land abutting 4th Street and 188 feet of land abutting 4th Avenue to be improved pursuant to the Public Improvement Ordinance No. 2576 (see Exhibit "B").

- f. The applicant shows a 5 feet wide concrete sidewalk and London Plane street trees planted every 30 feet on center along the west property line (see Exhibits "D" and "E").

2. Conclusions

- a. The applicant should note on the landscape plan that the London Plane trees are to have a canopy starting at least 8 feet above finished grade as outlined in Condition 2.d.
- b. The applicant should install the street improvements at this time as outlined in Condition 3 because they will provide a safe pedestrian access in the neighborhood and will add the amenities of additional vegetation.

IV. ALTERNATIVES

A. STATEMENTS OF FACT

The applicant can apply for a 7-unit multi-family dwelling unit complex at a density of RM 3600 with a Building Permit and without a Conditional Use Permit.

V. STATE ENVIRONMENTAL POLICIES ACT REVIEW (SEPA)

A. STATEMENTS OF FACT

After review of the Environmental Checklist, a proposed Declaration of Non-Significance was issued on July 8, 1981 by the Director of Community Development (see Exhibit "A").

B. CONCLUSIONS

All the requirements imposed through the State Environmental Policy Act have been met. The project will not have a significant impact on the environment.

9/22/81/bk (P.C.)
8/28/81/6661A/lh

VI. DEVELOPMENT STANDARDS

The following development standards, policies and regulations pertain to development on the property. However, the list does not include all of the requirements and it is the responsibility of the applicant to ensure compliance with all provisions contained in the Land Use Policies Plan, the Kirkland Zoning Ordinance and the Uniform Building Code.

A. STATEMENTS OF FACT

1. Kirkland Zoning Ordinance

Section 23.10.110. In order to more equitably distribute the cost of providing additional neighborhood and community park facilities to meet the needs of a growing population and in addition to the on-site recreation spaces required by this Section, all residential development proposed in any RM Zone classification shall be required by the City of Kirkland to deposit in the "In Lieu Park and Open Space Fund" an amount of money to be used solely for the purposes for which said fund was created.

The amount to be so deposited shall be \$350 per new dwelling unit.

Section 23.32.090: In an RM zones free-standing signs when over 10 square feet in area or over 6 feet in height as measured from grade shall require a Conditional Use Permit.

Section 23.32.120: All signs require a Sign Permit.

B. CONCLUSIONS

1. Prior to the issuance of a Building Permit, the applicant shall submit funds to the Fee-In-Lieu of Open Space Account of \$350 per new dwelling unit.
2. Any sign identifying the dwelling unit complex must have a Sign Permit.

VII. APPENDICES

Exhibits "A" through "G" are attached as part of this report.