

RESOLUTION NO. R-2925

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A PRELIMINARY PLANNED UNIT DEVELOPMENT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. P-PUD-79-116(P), BY N.A.N. PARTNERSHIP, INC. TO CONSTRUCT A RESIDENTIAL PROJECT BEING WITHIN RS 35,000, RS 8,500 AND PLANNED AREA 9 ZONES, AND SETTING FORTH CONDITIONS TO WHICH SUCH PRELIMINARY PLANNED UNIT DEVELOPMENT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a PRELIMINARY PLANNED UNIT DEVELOPMENT filed by NAN Partnership, Inc., the owner of said property described in said application and located within RS 35,000, RS 8,500 and Planned Area 9 zones, and

WHEREAS, the application has been submitted to the Kirkland Planning Commission which held hearings thereon on December 15, 16 and 17 of 1981 as well as on January 7 and 20 and on May 6, 20 and 27 of 1982, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2473 concerning environmental policy and the State Environmental Policy Act, a Final Environmental Impact Statement was prepared by the City of Kirkland and issued on August 26, 1981, and

WHEREAS, said Final Environmental Impact Statement has 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 Final Environmental Impact Statement did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the PRELIMINARY PLANNED UNIT DEVELOPMENT subject to the specific conditions set forth in said recommendations, and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Planning Commission, and

WHEREAS, the City Council did consider the letter of appeal filed by the appellant and other persons subsequent to the issuance of 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. P-PUD-79-116(P) are adopted by the Kirkland City Council as though fully set forth herein. In addition, the City Council makes the following conclusions based on the record compiled in Department of Community Development File No. P-PUD-79-116(P).

(a) It is concluded that Resolution No. 2474 applies to the project site. Under the portions of this resolution that apply to most of the site, the applicant may apply for a Planned Unit Development (PUD) at a density of one dwelling unit for each 3600 square feet of lot area. The provisions of the PUD Chapter (Chapter 23.28) of the Kirkland Zoning Ordinance, Ordinance No. 2183, as amended, apply to this project. The reduction of 122 units from the proposed project is based upon policies contained in the City's Land Use Policies Plan, Zoning Code and other related ordinances, and is necessary to protect the public health, safety and welfare through reduction of the following impacts described and identified in the Environmental Impact Statement:

- (1) Visual and traffic impacts on nearby residential areas generated by the development.
- (2) Impacts on environmentally fragile areas on the site.
- (3) The impact on public services, including schools.

(b) The deletion of the 48 units on the southern hillside as part of the total 122 to be deleted will mitigate or eliminate the impacts identified in the Environmental Impact Statement and conform with specific policies of Kirkland's Land Use Policies Plan, Zoning Code and other related ordinances. The specific mitigations or eliminations are as follows:

- (1) Elimination of the additional 336 trips that would otherwise be added to 6th St. and 19th Avenue.
- (2) Elimination of the passing of eight additional vehicles every 15 minutes on 19th Avenue during the time when school children are walking to Kirkland Junior High School.
- (3) Mitigation of the potential for active creep and shallow slumping and the potential of reducing down-slope stability.
- (4) Mitigation of the risk of impacts by shallow lower-slope failures.

- (5) Elimination of removal of the southerly portion of the entire broadleaf forest habitat.
- (6) Elimination of impacts on Crestwoods Park adjacent to the project site.

(c) The deletion of six townhouse units in the northeast corner of the site and relocation of all roadways adjacent to single family residences will mitigate impacts identified and described in the environmental impact statement and conform with policies in Kirkland's Land Use Policies Plan; the Zoning Code and other related ordinances. The specific mitigations are as follows:

- (1) Mitigation of expected noise levels by up to 15 dBA by moving driving surfaces and buildings further away from adjacent single family residences.
 - (2) Mitigation of impacts on habitat by retention of more of the existing Douglas Fir habitat.
 - (3) Mitigation of noise and impacts on views from adjacent homes in the northeast corner due to retention of a greater vegetative screen.
- (d) It is concluded that the 48 units on the southern hillside are not oriented towards the remainder of the site. Traffic from these units would severely impact existing residential areas of the City. Poor soil conditions exist on portions of this area. This area is presently densely vegetated. The townhouse units identified on the site plan as Building 51 are out of scale and incompatible with existing nearby single family residences. The access driveway to serve these units will unreasonably impact nearby residences. It is appropriate under the PUD Chapter of the Zoning Ordinance and consistent with the public health, safety and welfare to eliminate the southerly 48 units and the units in Building 51.
- (e) It is concluded that the driveways along 116th N.E. and the internal access roads serving the easterly portions of the site will unreasonably impact nearby single family residences. These driveways and access roadways should be relocated and reconfigured in order to provide greater separation of ingress and egress from adjacent single family areas. Buildings should be relocated so as to further separate and buffer the on-site driving and parking areas from off-site single family residences.

- (f) It is concluded that protection against on-site and downstream flooding and water quality degradation should be afforded by means of adequate on-site storm water management. In the event that storm detention facilities are proposed, then they should be designed to accommodate at least a 100-year storm with a maximum release rate of .2 cfs per acre.
- (g) It is concluded that a pedestrian network through the site should provide for public viewing of Forbes Creek as well as safe and reasonable linkage of the Crestwoods Park area to the A.G. Bell area. This should be assured by means of easements or rights-of-way dedication and should be reviewed at time of street vacation and final Planned Unit Development hearings.
- (h) It is concluded that hazards presented by trash, car bodies, etc. exist on the site and should be eliminated by the removal of these materials prior to commencing construction.

Section 2. The PRELIMINARY PLANNED UNIT DEVELOPMENT shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council, together with the following additional conditions that the City Council deems appropriate and necessary:

- (a) Of the 122 units to be deleted, all of the units in Buildings 1, 2, 3, 4 and 51 are specifically deleted.
- (b) The most northerly of the driveway accesses onto 116th Ave. N.E. shall, consistent with the policy expressed in conclusion (e), Section 1, of this resolution, be relocated away from the boundary with the single family area. The internal configuration of roads, parking areas and buildings shall be modified as is necessary to accommodate this new driveway as well as to achieve buffering of adjacent residential areas from internal site traffic.
- (c) If on-site detention of storm water is proposed, it shall be designed to accommodate at least a 100-year storm with a maximum release rate of .2 cfs per acre.
- (d) The public shall be assured pedestrian access rights on any paths along or crossing Forbes Creek as well as on walkways necessary to provide north to south linkage from A.G. Bell school to Crestwoods Park.
- (e) Prior to issuance of grading permits, the applicants shall remove all abandoned car bodies or other debris now on the site.

Section 3. A certified copy of this Resolution, together with the Findings, Conclusions and Recommendations therein adopted shall be attached to and become a part of the PRELIMINARY PLANNED UNIT DEVELOPMENT or evidence thereof delivered to the permittee.

Section 4. Nothing in this 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 PRELIMINARY PLANNED UNIT DEVELOPMENT is subject shall be grounds for revocation in accordance with Ordinance No. 2183, the Kirkland Zoning Ordinance.

Section 6. Certified or conformed copies of this Resolution shall be delivered to the following:

- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Fire and Building Departments of the City of Kirkland
- (d) Public Service Department of the City of Kirkland
- (e) Project and Construction Management Division of the Public Services Department of the City of Kirkland
- (f) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland.

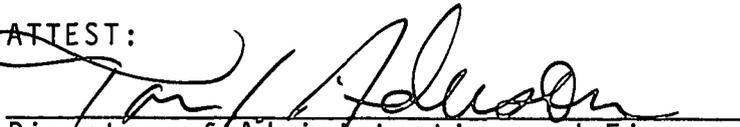
Passed by majority vote of the Kirkland City Council on the 21st day of June, 1982.

SIGNED IN AUTHENTICATION THEREOF on the 21st day of June, 1982.



Mayor Pro-Tem

ATTEST:



Director of Administration and Finance
(Ex officio City Clerk)

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