

RESOLUTION NO. R-4211

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND; CONSIDERING AN APPEAL BY THE STATE STREET/CENTRAL NEIGHBORHOOD ASSOCIATION OF THE HEARING EXAMINER DECISION ON A PROCESS IIA PERMIT AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. IIA-97-27 BY ULTRA CORPORATION FOR A PROJECT KNOWN AS KIRKLAND VISTA PLAZA.

WHEREAS, the Department of Planning and Community Development has received an application for a Process IIA permit, filed the Ultra Corporation, the owner of the property described in the application and located within a PLA6G(2) zone; and

WHEREAS, the Process IIA application for an increase in allowed building height for a new office project zone was submitted to the Hearing Examiner, who held a hearing on the application on July 15, 1999; and

WHEREAS, the Hearing Examiner, after his public hearing and consideration of the recommendations of the Department of Planning and Community Development, adopted certain Findings, Conclusions, and Decision and approved the Process IIA permit subject to the specific conditions set forth in the decision; and

WHEREAS, the City Council, in regular meeting of October 19, 1999, held an appeal hearing and reviewed the record of the decision of the Hearing Examiner, as well as a timely filed appeal of the decision; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The City Council accepts the Hearing Examiner Findings, Conclusions, and Decision except Finding A.7, Conclusion B.2, B.3, and B.4. which findings and conclusions are substituted or deleted as set forth below. The City Council finds that Hearing Examiner made an incorrect decision based on these erroneous findings and conclusions. The findings, conclusions of the Hearing Examiner, as filed in the Department of Planning and Community Development File No. IIA-97-27, is adopted by the Kirkland City Council as though fully set forth herein; except the following substitute or deleted Findings and Conclusions:

Substitute Finding A.7: The proposal requires review through Process IIA. The criteria for approval of a Process IIA permit require that the application comply with the Comprehensive Plan. The Central Neighborhood Chapter of the Comprehensive Plan (Page XV.D-27) states that "New industrial and office uses or tenants should receive all access from the east, on 6<sup>th</sup> Street South, to mitigate traffic impacts on residential uses along 7<sup>th</sup> Avenue South." The application requested 79 visitor stalls accessed from 7<sup>th</sup> Avenue South. The SEPA Determination of Nonsignificance as modified by the Hearing Examiner allows 54 stalls, subject to adjustment up to 72 spaces. Negotiations between the City staff, the applicant, and the neighborhood resulted in a concession by the neighborhood association to agree to a 37-stall visitor parking lot with direct access to 7<sup>th</sup> Avenue South.

Substitute Conclusion B.2: Vehicular access, as proposed by the applicant and conditioned by the Hearing Examiner in the SEPA Determination of Nonsignificance, is not consistent with the Comprehensive Plan. The Comprehensive Plan provides owners neighboring residential properties with reasonable assurances about future traffic patterns along 7<sup>th</sup> Avenue South upon development of office and industrial uses. The concession on the part of the neighborhood to agree to limited and incidental visitor parking to access the site via 7<sup>th</sup> Place South is a reasonable compromise for the convenience of visitors who are not familiar with the area. This does not preclude the applicant from providing additional visitor parking elsewhere on the site and providing potential visitors with adequate directions on how to access that parking.

Conclusion B.3 is hereby deleted.

Conclusion B.4 is hereby deleted

Section 2. Appeal of the Hearing Examiner's decision on the Process IIA application shall be approved. The decision of the Hearing Examiner on the Process IIA zoning permit is approved as filed in the Department of Planning and Community Development File No. IIA-97-27 subject to the following additional zoning permit condition, supported by the modified findings and conclusions noted above:

New Process IIA Permit Condition: The western entrance to the site shall be limited to access for a visitor parking lot for no more than 37 visitor stalls. This visitor parking lot shall be designed to preclude vehicular connections (except emergency vehicles as deemed necessary by the Kirkland Fire Department) to other parking or driving areas on the subject property. All stalls in this area shall be clearly marked for use by visitors only. The western entrance to the site shall be reconfigured to be perpendicular to 7<sup>th</sup> Avenue South and shall be signed to indicate that deliveries and employees must access the site via 5<sup>th</sup> Place South. Provide a permanent barrier including vertical curbing and landscaping between the visitor parking lot and the remainder of on-site parking. The proposed barrier shall be reviewed and approved by the Fire Department.

Section 3. Nothing in this resolution shall be construed as excusing the applicant from compliance with any federal, state, or local statutes, ordinance, or regulations applicable to this project, other than as expressly set forth herein. Failure to comply with Section 1 and Section 2 will result in enforcement actions pursuant to the Uniform Building Code and Zoning Code.

Section 4. A certified copy of this resolution, together with the Findings, Conclusions, and Decision, and Remand Recommendation herein adopted shall be delivered to the applicant.

Section 5. Certified or conformed copies of this resolution shall be delivered to the following:

- (a) Department of Planning and Community Development of the City
- (b) Fire and Building Departments of the City
- (c) Public Works Department of the City
- (d) City Clerk for the City

PASSED by majority vote of the Kirkland City Council on the 19th day of October, 1999.

SIGNED IN AUTHENTICATION thereof on the 19th day of October, 1999.

  
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Mayor

Attest:

  
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City Clerk