

ORDINANCE NO. 4213

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, APPROVAL OF ZONING PERMITS, PRELIMINARY PUD, AND FINAL PUD AS APPLIED FOR BY KEITH MAEHLUM OF HAL REAL ESTATE INVESTMENTS INCORPORATED, IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON08-00017 AND SETTING FORTH CONDITIONS OF SAID APPROVAL.

WHEREAS, the Department of Planning and Community Development has received an application, pursuant to Process IIB, for Zoning Permits, Preliminary Planned Unit Development (PUD), and Final Planned Unit Development (PUD) filed by Keith Maehlum of HAL Real Estate Investments Incorporated as Department of Planning and Community Development File No. ZON08-00017 to construct a new office building within a PLA 3A zone; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, KMC Title 25, a concurrency application has been submitted to the City of Kirkland, reviewed by the responsible Public Works official, the concurrency test has been passed, and a concurrency test notice issued; and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 43.21C, and the Administrative Guidelines and local ordinance adopted to implement it, an environmental checklist was submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, and a negative determination reached on this action; and

WHEREAS, said environmental checklist and determination have been available and accompanied the application through the entire review process; and

WHEREAS, the application was submitted to the Kirkland Hearing Examiner who held hearing thereon at her special meeting of September 14, 2009; and

WHEREAS, the Kirkland Hearing Examiner after her public hearing and consideration of the recommendations of the Department of Planning and Community Development did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Process IIB Permit subject to the specific conditions set forth in said recommendations; and

WHEREAS, the City Council did consider the environmental documents received from the responsible official, together with the recommendation of the Hearing Examiner; and

WHEREAS, the Kirkland Zoning Ordinance requires approval of this application for a Zoning Permit and PUD to be made by ordinance.

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

Section 1. Except as provided in Section 3, the Findings, Conclusions, and Recommendations of the Kirkland Hearing Examiner as signed by her and filed in the Department of Planning and Community Development File No. ZON08-00017 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Process IIB Permit shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council.

Section 3. The Hearing Examiner recommended that upper story of the building be modulated. The City Council concludes that the applicant shall modulate the upper story of the building by submitting a building section demonstrating that no portion of the building exceeds the building setback increase (two feet for one foot) as depicted on Attachment 3, Sheet 18 of the Staff Advisory Report dated September 3, 2009.

Section 4. Nothing in this Ordinance 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 Process IIB Permit is subject shall be grounds for revocation in accordance with Ordinance No. 3719, as amended, the Kirkland Zoning Ordinance.

Section 6. Notwithstanding any recommendations heretofore given by the Houghton Community Council, the subject matter of this Ordinance and the Permit herein granted are, pursuant to Ordinance 2001, subject to the disapproval jurisdiction of the Houghton Community Council, and therefore, this Ordinance shall become effective only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this Ordinance within 60 days of the date of the passage of this Ordinance.

Section 7. Except as provided in Section 6, this Ordinance shall be in full force and effect five (5) days from and after its passage by the City Council and publication pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this Ordinance and by this reference approved by the City Council as required by law.

Section 8. A complete copy of this Ordinance, including Findings, Conclusions and Recommendations adopted by reference, shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Section 9. A certified copy of this Ordinance, together with the Findings, Conclusions, and Recommendations herein adopted shall be attached to and become a part of the Process IIB Permit or evidence thereof delivered to the permittee.

Passed by majority vote of the Kirkland City Council in open meeting this 20th day of October, 2009.

SIGNED IN AUTHENTICATION THEREOF on this 20th day of October, 2009.




Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney