

ORDINANCE NO. 2918

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, AND APPROVAL OF A PRELIMINARY AND FINAL PUD AND ZONING CODE MODIFICATIONS FOR A HISTORIC LANDMARK AS APPLIED FOR BY CLARICE HALL IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. III-85-83 AND SETTING FORTH CONDITIONS OF SAID APPROVAL.

WHEREAS, the Department of Planning and Community Development has received an application, pursuant to Process III, for a Planned Residential Unit Development (PUD) and Zoning Code modifications for a historic landmark filed by Clarice Hall as Department of Planning and Community Development File No. III-85-83 to construct a 20-unit townhouse PUD called Marsh Commons within a RM 3.6 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held hearing thereon at their regular meeting of December 3, 1985, and

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

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

WHEREAS, the Houghton Community Council, after public hearing and consideration of the recommendations of the Department of Planning and Community Development, did give final approval of the Process III Permit subject to the specific conditions set forth in said approval; and

WHEREAS, the Kirkland Planning Commission after its 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 III Permit subject to the specific conditions set forth in said recommendations; and

WHEREAS, the applicant did submit a timely filed letter of challenge to the recommendations of the Planning Commission; 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 the letter of challenge, and

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

NOW THEREFORE, BE IT ORDAINED 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 Planning and Community Development File No. III-85-83, except for Conclusion C.1., 2 and 3 and Recommendations 6 and 11 are adopted by the Kirkland City Council as though fully set forth herein, provided that Recommendation 13e is adopted with the addition that installation of these five stalls is waived until a need is demonstrated.

Section 2. The Process III Permit shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council. Furthermore, Recommendation 6 shall state that "the height of the residential units 11 thru 15 shall not exceed a height of 30 feet above average building elevation. The portion of the clock tower that exceeds the height of the residential units 11 thru 15 cannot exceed 10 feet in width." Recommendation 11 shall state that, "After issuance of occupancy permits for the townhouse units, the Department of Planning and Community Development staff shall periodically monitor the east and west gates during the a.m. (7:00 - 9:00 a.m.) and p.m. (4:00 - 6:00 p.m.) peak traffic hours. If the Department finds that cars which are waiting for the gates to open are blocking traffic on Lakeview Drive and Lake Washington Boulevard, the Department shall require that the gates remain open during those times when problems are apparent."

Section 3. 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 4. 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 III Permit is subject shall be grounds for revocation in accordance with Ordinance No. 2740, as amended, the Kirkland Zoning Ordinance.

Section 5. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and posting or publication, as required by law.

Section 6. 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 III Permit or evidence thereof delivered to the permittee.

Section 7. Certified or conformed copies of this Ordinance shall be delivered to the following:

- (a) Department of Planning and Community Development of the City of Kirkland
- (b) Fire and Building Departments of the City of Kirkland
- (c) Public Works Department of the City of Kirkland
- (d) 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 in regular,
open meeting this 16th day of December, 1985.

SIGNED IN AUTHENTICATION THEREOF on this 16th day of December,
1985.

Louis Cooper
Mayor

Janice Lewis, Deputy City Clerk/for
Director of Administration and Finance
(Ex officio City Clerk)

APPROVED AS TO FORM:

Acting *Gail Gould*
City Attorney

1451C/1435C/144A/ES:br:dc