

ORDINANCE NO. 3179 *

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, AND APPROVAL OF A PRELIMINARY PUD AS APPLIED FOR BY FIRST CITY DEVELOPMENTS IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. III-87-105 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 Preliminary Planned Unit Development (PUD) filed by First City Developments as Department of Planning and Community Development File No. III-87-105 to construct a 90-unit multifamily development within the Planned Area 2 (PLA 2) zone, and encroach into the wetland buffer with a driveway adjacent to Building 4 in the Planned Area 3A (PLA 3A) zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission which held hearing thereon at its regular meeting of July 6, 1989; and

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

WHEREAS, said addendum and previous environmental documents have been available and accompanied the application through the entire review process; 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 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 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-87-105 are adopted by the Kirkland City Council, as modified by the additions contained in the memo dated July 26, 1989, from Joe Tovar, as though fully set forth herein.

Section 2. Preliminary approval of said PUD is hereby approved subject to the condition of approval adopted in Section 1 of this ordinance.

Section 3. After completion of review for final PUD, as established in Sections 125.50 through 125.75 (inclusive) of the Kirkland Zoning Code, Ordinance 2740, as amended, final approval shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council.

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 Preliminary PUD approval is subject shall be grounds for revocation in accordance with Ordinance No. 2740, as amended, the Kirkland Zoning Ordinance.

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

said Community Council to disapprove this resolution within 60 days of the date of the passage of this resolution.

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 Kirkland City Council and publication, pursuant to Section 1.08.010 of the Zoning Code.

Section 8. 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 9. 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 City Clerk for the City of Kirkland.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 1st day of August, 1989.

SIGNED IN AUTHENTICATION THEREOF on this 1st day of August, 1989.

Joris Cooper
Mayor

Jane Perry
City Clerk

APPROVED AS TO FORM:

Taylor
City Attorney