

ORDINANCE NO. 0-3263*

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, AND APPROVAL OF A PRELIMINARY PUD AS APPLIED FOR BY VERN DELGATTY OF DELGATTY ARCHITECTS, INC. IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. IIB-90-6, #2, AND SETTING FORTH CONDITIONS OF SAID APPROVAL.

WHEREAS, the Department of Planning and Community Development has received an application, pursuant to Process IIB, for a Preliminary Planned Unit Development (PUD) filed by Vern Delgatty as Department of Planning and Community Development File No. IIB-90-6, #2, to construct a 60-unit senior housing and retail project within a Planned Area 4 zone; and

WHEREAS, the application was submitted to the Kirkland Hearing Examiner who held hearing thereon at his regular meeting of April 11, 1991; 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 was submitted the City of Kirkland, reviewed by the responsible official of the City of Kirkland, and a negative determination reached; and

WHEREAS, the Kirkland Hearing Examiner after his 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 Preliminary PUD and Process IIB 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 Hearing Examiner, as well as a timely filed challenge of said Recommendations; and

WHEREAS, the Kirkland Zoning Ordinance requires approval of this application for PUD to be made 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 Hearing Examiner as signed by him and filed in the department of Planning and Community Development File No. IIB-90-6, #2 are adopted by the Kirkland City Council insofar as Phase 1 of the proposed project is concerned, reserving, however, any decision as to Phase 2, any issues pertinent to Phase 2, and the challenge of Six Continental Associates insofar as Phase 2 may be concerned.

Section 2. Subject to the conditions of approval adopted by Section 1 together with the conditions set forth in this Section, the preliminary PUD for Phase 2 is tabled at this time and for Phase 1 is hereby approved. The applicant may proceed with the filing of an application for final PUD approval of Phase 1 of the PUD including the building shown on SK-5 Attachment 4 to Exhibit A (Planning Department Staff Report), which shall not exceed 35 residential units. Prior to resubmission of the application for preliminary PUD approval for Phase 2 for reconsideration by the City Council or occupancy of any residential unit in Phase 1, whichever shall first occur, applicant shall sign and cause to be recorded with the King County Department of Elections and Records, the document required by Condition III.D.7. of the Hearing Examiner's Recommendations relating to Senior and Low Income Special Needs Housing. Should the applicant decide not to execute said document within said time limitation, then,

in such event, the applicant shall submit for approval by the Planning Department a landscape plan for the area which would have been covered by Phase 2. Said landscaping within Phase 2 shall be installed prior to occupancy of any residential unit in Phase 1. To the extent of any inconsistency between the conditions approved by Section 1, and the conditions set forth in this Section 2, the Section 2 conditions shall prevail.

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 PUD and Process IIB Permit are subject shall be grounds for revocation in accordance with Ordinance No. 2740, as amended, the Kirkland Zoning Ordinance.

Section 5. 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.

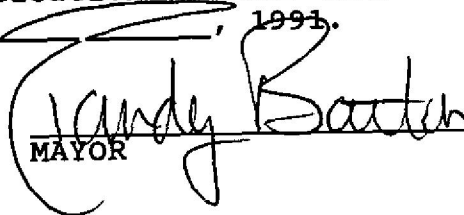
Section 6. Certified or conformed copies of this ordinance shall be delivered to the following:

- (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.

Section 7. This ordinance shall be in full force and effect five (5) days from and after its passage by the Kirkland City Council and publication, in accordance with law.

PASSED by majority vote of the Kirkland
City Council on the 17th day of June, 1991

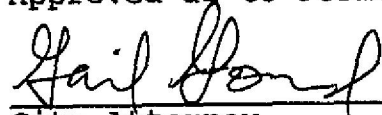
Signed in authentication thereof this
17th day of June, 1991.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney

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