

RESOLUTION NO. 2128

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND DIRECTING THE ISSUANCE OF A SUBSTANTIAL DEVELOPMENT PERMIT No. 9 BEING PLANNING DEPARTMENT FILE NO. SDP-72-1(H) AND DIRECTING THE GRANTING OF A CONDITIONAL USE PERMIT BEING PLANNING DEPARTMENT FILE NO. CUP-72-3(H) SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY The City Council of the City of Kirkland as follows:

WHEREAS, Joan Schoenecke has made and filed proper application for a Substantial Development Permit and for a Conditional Use Permit for construction of a restaurant to be located on the wetlands only of Lake Washington within Government Lot 4, Section 8, Township 25, North, Range 5 EWM, and

WHEREAS, pursuant to Section .01(1) of Ordinance No. 2165 relating to the issuance of Substantial Development Permits, the Houghton Community Council, following public hearing held on April 4, 1972, and the Kirkland Planning Commission, following public hearing held on May 11, 1972, have recommended approval of the request for Substantial Development Permit, and

WHEREAS, pursuant to Article VI, Chapter 3 of the Houghton Area Zoning Ordinance, No. 132(H), relating to the issuance of Conditional Use Permits, the Houghton Community Council, following public hearing held May 2, 1972, and the Kirkland Planning Commission following public hearing on May 11, 1972 have recommended the approval of the request for Conditional Use Permit, and

WHEREAS, on May 15, 1972, in regular meeting, the Kirkland City Council did consider both applications, the report and recommendation of the Planning Department and of the Planning Commission and the Houghton Community Council,

NOW, THEREFORE, the City Council does make the following findings:

1. The property of applicant is located in an R-4 waterfront residential district which under Section 22-20 of Ordinance No. 132(H) The Houghton Area Zoning Ordinance allows a restaurant, but requires a Conditional Use Permit to be issued, prior to the establishment of such restaurant use.

2. The construction of applicant's restaurant indicated on the submitted plans, is a substantial development within a shoreline and associated wetlands of statewide significance as defined in Chapter 286, Laws of 1971, First Ex Session of the State of Washington and requires a Substantial Development Permit to be issued by the City of Kirkland pursuant to Ordinance No. 2165.

3. Site and development plans for the proposed development were exhibited to the City Council at the time of its regular meeting. Said plans are, by this reference incorporated within the findings of the City Council. Construction and size of all of the requested development and improvements must conform to said plans.

4. The City Council finds that the proposal of applicant falls within the criteria for grant of:

A. Substantial Development Permit as set forth in Section .05 of Ordinance No. 2165 and the principals for Shoreline Management as set forth in the City of Kirkland "Waterfront: Plans & Programs" adopted by Ordinance No. 2160 and

B. Conditional Use Permit as set forth in Article VI, Section 3 of the Houghton Zoning Ordinance No. 132(H); Provided that the following conditions are met and maintained as conditions of both permits:

1. That an adequate landscaping plan including the accessory parking lot, be submitted to the Planning Department for review, reviewed by the Houghton Community Council and installed prior to the issuance of an occupancy permit.

2. Total parking be provided for one car per one hundred gross feet of floor area with any off-premise parking subjected to a recorded covenant for that purpose solely for the benefit of the restaurant use.

3. The easterly 10 feet of the site be designed as an intrical part of a pedestrian way tying it into the existing sidewalk system and landscaped.

4. That the waterfront area be available for public access by customers and prospective customers or as part of a coordinated waterfront public way.

5. The restaurant use allowed by the Conditional Use Permit does not include the presentation of live entertainment.

Based upon the foregoing Findings, the Council makes the following Order:

1. The Substantial Development Permit applied for by Joan Schoenecke being Substantial Development Permit No. 9 and the Conditional Use Permit applied for by the same applicant, being Conditional Use Permit No. CUP-72-3(H) shall issue subject to the conditions set forth or included by reference in the foregoing Findings. The property subject to said permits is described in appendix A attached hereto.

2. A certified copy of this Resolution and Order shall attach to and become a part of the Substantial Development Permit and the Conditional Use Permit or evidence thereof delivered to the permittee.

3. Nothing in this Permit 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 as expressly set forth herein or other than the permit requirements of the Shoreline Management Act of 1971.

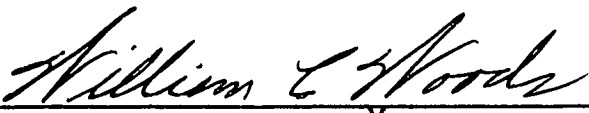
This Permit may be rescinded pursuant to Section 14.(7) of the Shoreline Management Act of 1971 in the event the Permittee fails to comply with any condition hereof.

Construction pursuant to this permit shall not begin or be authorized within 45 days from the date of its final approval by the local government or until all review proceedings initiated within said 45 days from the date of final approval by local government have been terminated.

Pursuant to the Shoreline Management Act of 1971 and Section 8 of Ordinance 2165 of the City of Kirkland certified or conformed copies of this Resolution shall be delivered to the following:


- A. The applicant
- B. The Kirkland Planning Department
- C. The Kirkland Building Official
- D. The Department of Public Services for the City of Kirkland
- E. The Department of Ecology for the State of Washington
- F. The office of the Attorney General for the State of Washington.

PASSED in regular meeting of the Kirkland City Council on the 15th day of May, 1972.



Mayor

Attest:



Director of Administration and Finance
(ex officio City Clerk)

APPENDIX A

DESCRIPTION

PARCEL A:

That portion of Section 8, Township 25 North, Range 5 East, W.M., described as follows:

Beginning at the meander corner between Sections 8 and 17, Township 25 North, Range 5 East, W.M., in King County, Washington and running
thence along the section line produced Westerly South 89° 24'50" West 18.21 feet to the East line of Northeast Lake Washington Boulevard;
thence along the said East line North 11°13'20" West 208.10 feet to the true point of beginning;
thence continuing North 11°13'20" west 40.22 feet;
thence South 89° 24'50" West to the inner harbor line;
thence Southerly along said inner harbor line 39.5 feet, more or less, to a point which bears South 89° 24'50" West from the true point of beginning;
thence North 89° 24'50" East to the true point of beginning;
EXCEPTING the portion thereof embraced within said Boulevard;

PARCEL B:

That portion of Section 8, Township 25, North, Range 5 East, W.M., described as follows:

Beginning at the meander corner between Sections 8 and 17, Township 25 North, Range 5 East, W.M., in King County, Washington, and running
thence along the Section line produced Westerly, South 89° 24'50" West 18.21 feet to the East line of Northeast Lake Washington Boulevard;
thence along said East line North 11°13'20" West 167.88 feet to the true point of beginning;
thence continuing North 11°13'20" West 40.22 feet;
thence South 89°24'50" West to the inner harbor line;
thence Southerly along said inner harbor line 39.5 feet, more or less to a point which bears South 89°24'50" West from the true point of beginning;
thence North 89°24'50" East to the true point of beginning;
EXCEPTING the portion thereof embraced within said Boulevard;

ALL situate in the City of Kirkland, County of King, State of Washington.