

RESOLUTION NO. 2189

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A SUBSTANTIAL DEVELOPMENT PERMIT AND A CONDITIONAL USE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. CUP-SDP-73-22(H) BY B-J APARTMENT COMPANY FOR DEVELOPMENT OF A PIER EXTENDING 180 FEET INTO THE WATERS OF LAKE WASHINGTON, AND SETTING FORTH CONDITIONS TO WHICH CONDITIONAL USE AND SUBSTANTIAL DEVELOPMENT PERMITS SHALL BE SUBJECT.

WHEREAS, the Kirkland Department of Community Development has received an application for Conditional Use Permit and for Substantial Development Permit filed by B-J Apartment Company, owner of the property described in said application and located within the shoreline and/or associated wetlands of Lake Washington for the purpose of developing a small boat pier to extend 180 feet into the Waters of Lake Washington, and

WHEREAS, the application has been assigned for identification Department of Community Development File No. CUP-SDP-73-22(H) and submitted to the Houghton Community Council and to the Kirkland Planning Commission who respectively held public hearings thereon, May 1, 1973 and May 10, 1973, and

WHEREAS, pursuant to Section .01(1) of Ordinance 2165 relating to the issuance of Substantial Development Permits said bodies have recommended approval of the request for a Substantial Development Permit, and

WHEREAS, pursuant to Chapter 23.56 of Ordinance 2183 the Kirkland Zoning Ordinance, both bodies have recommended approval of a Conditional Use Permit, and

WHEREAS, both bodies have concluded that the proposed development meets the requirements for issuance of Conditional Use Permit and Substantial Development Permit and the Kirkland Planning Commission did adopt certain Findings, Conclusions, Conditions and Recommendations approving issuance of both permits,

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

Section 1. The Substantial Development Permit and the Conditional Use Permit applied for by the above named applicant under File No. CUP-SDP-73-22(H) shall issue subject to the conditions set forth in the Findings, Conclusions and Recommendations of the Kirkland Planning Commission as signed by the Chairman thereof and filed in said file, which said Findings, Conclusions, Recommendations and Conditions are by this reference adopted by the Kirkland City Council as though fully set forth herein.

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

Section 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 the proposed project other than as expressly set forth herein or other than the Permit requirements of the Shoreline Management Act of 1971.

Section 4. Failure on the part of the holder of the Conditional Use Permit to initially meet or to maintain strict compliance with said standards and conditions shall be grounds for revocation in accordance with Section 23.56.110 of Ordinance 2183 the Kirkland Zoning Code. The Substantial Development 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.

Section 5. Construction pursuant to this Permit shall not begin or be authorized within 45 days of 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.


Section 6. 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 Department of Community Development
- C. The Kirkland Building Official
- D. The Department of Public Services for the City of Kirkland
- E. The Department of Fire Services for the City of Kirkland
- F. The Police Department of the City of Kirkland
- G. The Department of Ecology for the State of Washington
- H. The Office of Attorney General for the State of Washington

Section 7. Notwithstanding the recommendation heretofore given by the Houghton Community Council, the subject matter of this Resolution and the Conditional Use Permit herein granted are, pursuant to Ordinance No. 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 from the date of its passage.

ADOPTED in regular meeting of the Kirkland City Council on the 4th day of June, 1973.

  
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Mayor

ATTEST:  
  
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Director of Administration and Finance  
(ex officio City Clerk)

Address: (Parkside Apartments)  
B-J Apartment Company  
c/o Lane, Powell, Moss & Miller  
1700 Washington Building  
Seattle, Washington 98101

TRANSMITTAL REPORT:

Report Prepared: May 15, 1973 File No.: CUP-SDP-73-22(H)  
Name: B-J Apartment Co. Hearing Body: City Council  
Property Location: 5535 Lake Wash. Blvd. Hearing Date: June 4, 1973  
Subject: Conditional Use Permit and Substantial Development Permit Applications

BACKGROUND AND ANALYSIS:

The Houghton Community Council at their regular meeting of May 1, 1973, and the Kirkland Planning Commission at their regular meeting of May 10, 1973 have both recommended approval of the Conditional Use Permit and Substantial Development Permit applications as applied for per the Findings, Conclusions and Recommendations of the attached Staff Report dated May 3, 1973.

As you will note, the specific recommendations for approval include that:

1. The proposed pier be subject to approval of the King County Health Department in terms of water quality and the potential effect on Houghton Beach Park.
2. That the pier structure is to meet all the requirements of Waterfront District I, building code requirements, fire code requirements, etc.

A letter has gone out to the King County Health Department requesting their comments on this application. This letter was mailed out May 10, 1973 and at the time of the writing of this report, no response has been received.

Report prepared by:

DEPARTMENT OF COMMUNITY DEVELOPMENT

*Kjell Stoknes*  
Kjell Stoknes  
Associate Planner

- Attachments:
1. Administrative Report dated May 3, 1973.
  2. Corps of Engineers drawing showing the location and pier construction.

G. S. Lane, Powell, Ross  
and Miller  
1700 Washington Bldg.  
Seattle, Wa. 98101

ADMINISTRATIVE REPORT

REPORT PREPARED: May 3, 1973 FILE NO.: CUP-SDP-73-22(H)  
 NAME: B-J Apartment Co. HEARING BODY: Planning Commission  
 PROPERTY LOCATION: 5535 Lake Wash. HEARING DATE: May 10, 1973  
 Boulevard  
 SUBJECT: Conditional Use Permit and Substantial Development  
 Permit Applications

BACKGROUND ANALYSIS:

This application is for a Conditional Use Permit and Substantial Development Permit for the installation of a pier adjacent to an existing 27-unit apartment structure that is built over the water. The purpose of the dock is for the tying up of small boats.

FINDINGS:

1. The proposed pier is 4 feet wide and 180 feet long.
2. There is no proposed alteration of the shoreline.
3. The proposed pier is to be constructed with open pilings.
4. The State Final Guidelines indicates priority should be given to the use of community and cooperative piers.
5. There will inevitably be some impact on water quality from gas and oil spillage from boats which could have an effect on Houghton Beach Park adjacent to the north.
6. The existing building located on this property is non-conforming as of the adoption of Waterfront Districts.
7. The purpose of Waterfront District I is to protect the features of the Lake Washington waterfront for the optimum use and enjoyment of present and future generations.
8. The basic development standards for Waterfront District I includes:
  - a. No over-water construction except for moorages and other elements consistent with public enjoyment of the waterfront.
  - b. Provisions for a major pedestrian way along public rights-of-way and a land reservation for a water edge trail.

- c. Multi uses which increase public access to the water are allowed.
  - d. All waterfront developments shall be evaluated in terms of how much visual and physical access to the water is provided for the use and enjoyment of the public.
9. Any moorage, including piers, adjacent to waterfront parks shall not be located within a triangular area which extends outward from the property line of a waterfront park at a 45° angle. (W.D., P. 32).
  10. All pier structures not floating shall not have deck elevations more than two feet above high water level.
  11. Piers shall not be closer than 10 feet to a property line.
  12. Piers are an allowed use beyond the high water line.
  13. The construction of any structure cannot exceed beyond 250 feet from the high water line.
  14. Creosote is proposed as preservative.
  15. The pier extends beyond 250 feet from an improved public street giving access thereto for fire fighting equipment.
  16. An environmental assessment should be done to determine the effects of this pier.

CONCLUSIONS: (The following tie directly into the prior FINDINGS)

1. The proposed length and width of the pier meet existing State and local regulations.
2. The shoreline is not being altered which meets local and State regulations.
3. Due to open pilings used, no water movement will be significantly affected.
4. This pier is for the use of 29 apartment units meeting the State criteria of cooperative piers.
5. The effect of gas on oil spills on water quality should be reviewed and cleared with the King County Health Department since Houghton Beach is adjacent.
6. Although the existing building is non-conforming, this does not affect this application.
7. This pier could affect the character of the Lake Washington waterfront. The outdoor use and enjoyment of present and future generations is not affected. (See above.)

8. This pier meets the basic development standards for Waterfront District I.
9. The westerly + 50 feet of this pier does come within the 45° triangular area. Whether this applies since there is a structure between the pier and park should be determined.
10. The deck elevations are shown as being 3'6" above the high water line. Existing City law requires deck elevations not be more than two feet above the high water level.
11. The pier is located 10 feet from the south property line and meets existing City regulations.
12. The pier is an allowed use beyond the high water line by both State and local regulations.
13. The pier extension of 180' is within the 250' maximum extension in Waterfront Districts. (Also reference Item 9 in CONCLUSIONS for 45° angle requirement.)
14. Creosote is proposed as the preservative. Creosote is not allowed by local regulations.
15. The pier extends beyond 250 feet from an improved street and a dry or wet standpipe should be required within this area for fire protection to boats. (Ord. 2132).
16. The pier should be reviewed for its impact on the area.

RECOMMENDATION:

Waterfront Districts, Section 23.12.064, reads: "since the waterfront is a vulnerable and valuable resource, any proposed development along the shoreline shall not significantly disrupt the natural characteristics of the shoreline." Based on this and the findings and conclusions mentioned earlier in this report, the Houghton Community Council recommended the Conditional Use Permit and Substantial Development Permit applications be granted subject to the following conditions:

1. That the proposed pier be subject to approval of the King County Health Department in terms of water quality and the potential effect on the adjacent Houghton Beach Park. (It was the feeling of the Community Council that the Houghton Beach Park should be the primary use area and anything creating negative effect on that park should be discouraged.)
2. The pier structure to meet all the requirements of Waterfront District I, building code requirements, fire code requirements, etc.

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ACTION OF THE PLANNING COMMISSION:

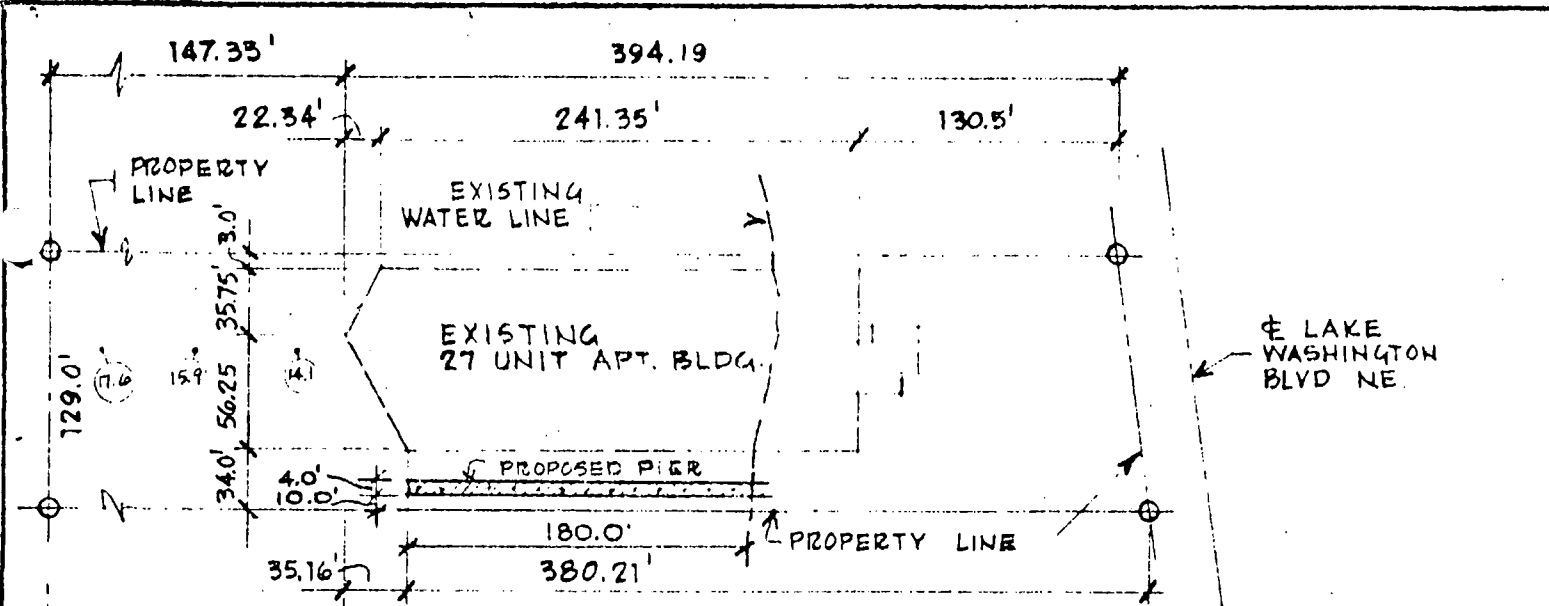
The Kirkland Planning Commission hereby makes the following decision:

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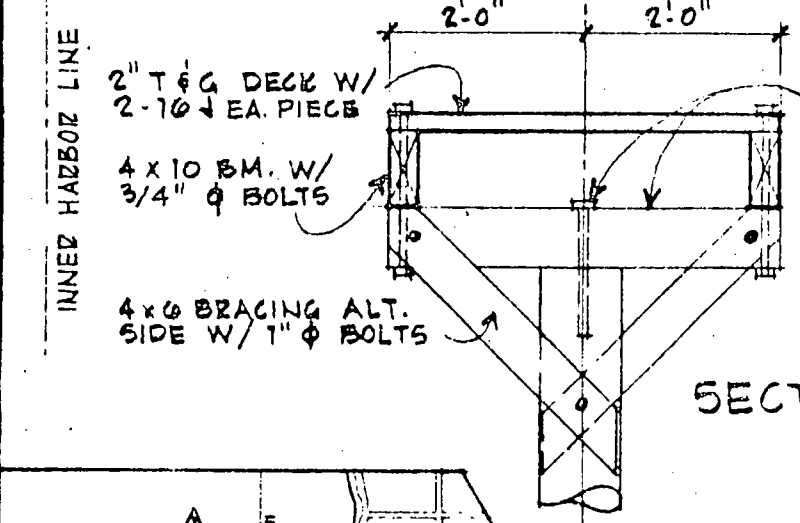
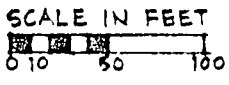
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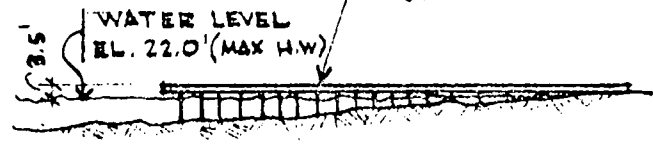
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**PLAN**

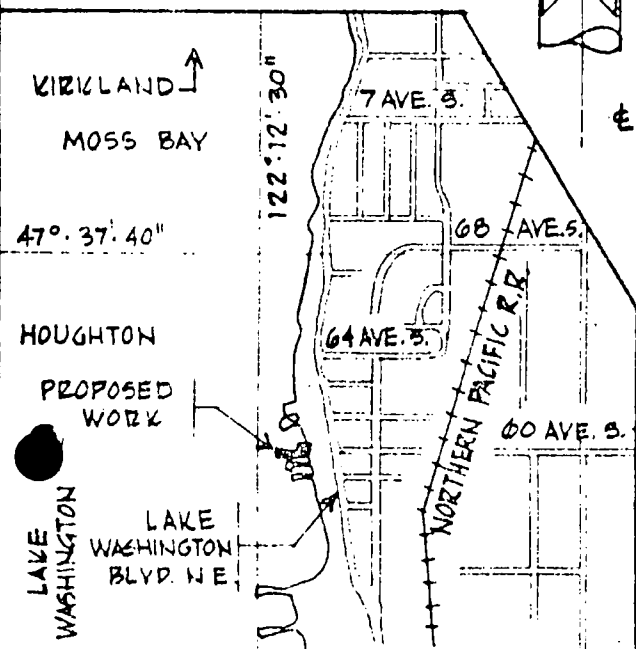


8x8 W/ 1"  $\phi$  x 1'-4" DOWEL TO PILE



**SECTION**

**ELEVATION OF PROPOSED PIER**



**VICINITY MAP**  
FROM CGS CHART MB 2751

**NOTES:**

- PILING: CREOSOTED WOOD.
- DATUM BASED ON M.L.L.W.
- (11.9) SOUNDINGS BASED ON LAKE ELEV. NOV. 15, 1967

**LEGAL DESCRIPTION**

BLOCK H, LAKE WASHINGTON SHORELANDS, PLAT NO. 41, SECTION 17, T25N, R5E, WM, KING COUNTY, WASH.

**PROPOSED PIER FOR BOAT MOORAGE.**

IN LAKE WASHINGTON  
AT HOUGHTON, WASHINGTON  
COUNTY OF KING STATE WASH.  
APPLICATION FOR BUTTERWORTH & JACOBSON  
BY: MCCOOL & McDONALD  
ARCHITECTS AT 4-10651  
SEATTLE, WASH. DATE 3-19-69

REVISED JULY 20, 1970