

RESOLUTION NO. 2206

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE APPLICATION FOR SUBSTANTIAL DEVELOPMENT PERMIT NO. 9 AS APPLIED FOR IN PLANNING DEPARTMENT FILE NO. SDP-72-2 AND NO. UUP-72-19, BEING KNOWN AS "THE HADLEY DEVELOPMENT" AND INCORPORATING BY REFERENCE CERTAIN FINDINGS AND CONDITIONS IMPOSED UPON SAID DEVELOPMENT BY RESOLUTION NO. 2163 ADOPTED BY THE KIRKLAND CITY COUNCIL ON FEBRUARY 5, 1973.

WHEREAS, by Resolution No. 2163 adopted by the Kirkland City Council on February 5, 1973, the City of Kirkland did approve the issuance of a Substantial Development Permit and Unclassified Use Permit as to the application filed with the City on October 17, 1972 by C.S. Hadley, Sr. and known as the "Hadley Development", and assigned by the City of Kirkland file numbers SDP-72-2 and UUP-72-19, and

WHEREAS, thereafter, request for review of the Substantial Development Permit was by the Department of Ecology and others filed with the Shorelines Hearings Board and within said proceeding before the Shorelines Hearings Board a stipulation and order was filed, signed by all parties, providing that the city of Kirkland reconsider the issuance of the Substantial Development Permit to C.S. Hadley, Sr., based upon an environmental impact statement prepared pursuant to Chapter 43.21C RCW (the State Environmental Policy Act of 1971), and

WHEREAS, such environmental impact statement has been prepared and circulated, and said statement, including comments thereon received by the city, has been available to the Planning Commission and the City Council in the course of their reconsideration of the Hadley Substantial Development Permit application, and

WHEREAS, during said reconsideration the Planning Commission did recommend denial of the Substantial Development Permit, and

WHEREAS, pursuant to Ordinance No. 2165, the developer did thereupon appeal said denial to the City Council, and

WHEREAS, pursuant to said procedural ordinance the City Council did then return said matter to the Planning Commission for report and reconsideration, and

WHEREAS, thereafter the Planning Commission did make such report and reconsideration, again recommending denial of the issuance of said Substantial Development Permit, and

WHEREAS, prior to such reconsideration by the Planning Commission the developer did file a modification of said proposal, which modification would appear to reduce the potential environmental impact, but not change the general nature of such impact, and

WHEREAS, on September 4, 1973, the City Council did in open regular meeting consider the application of the developer, including said modification to his proposal, the environmental impact statement, including comments received thereon, and the report and recommendation of the Planning Commission and the comments made by interested parties appearing at said Counsel meeting, both for and against said proposal,

NOW, THEREFORE, the City Council of the City of Kirkland makes the following Findings, Conclusions and Resolution:

Section 1. The following portions of Resolution No. 2163 adopted by the Kirkland City Council on February 5, 1973 are hereby reaffirmed and adopted by this reference as a part of this Resolution as though fully set forth herein [provided that the reference to exhibits shall mean exhibits "A-1" and "B-1" which exhibits include applicant's modifications to his proposal submitted subsequent to the adoption of Resolution No. 2163]: Findings Nos. 1, 2, 3, 4, 5, 6, and 7, including all subparagraphs of Finding No. 7.

Section 2. In addition to the conditions included by reference in paragraph 1 above, the following conditions are additionally imposed on said development:

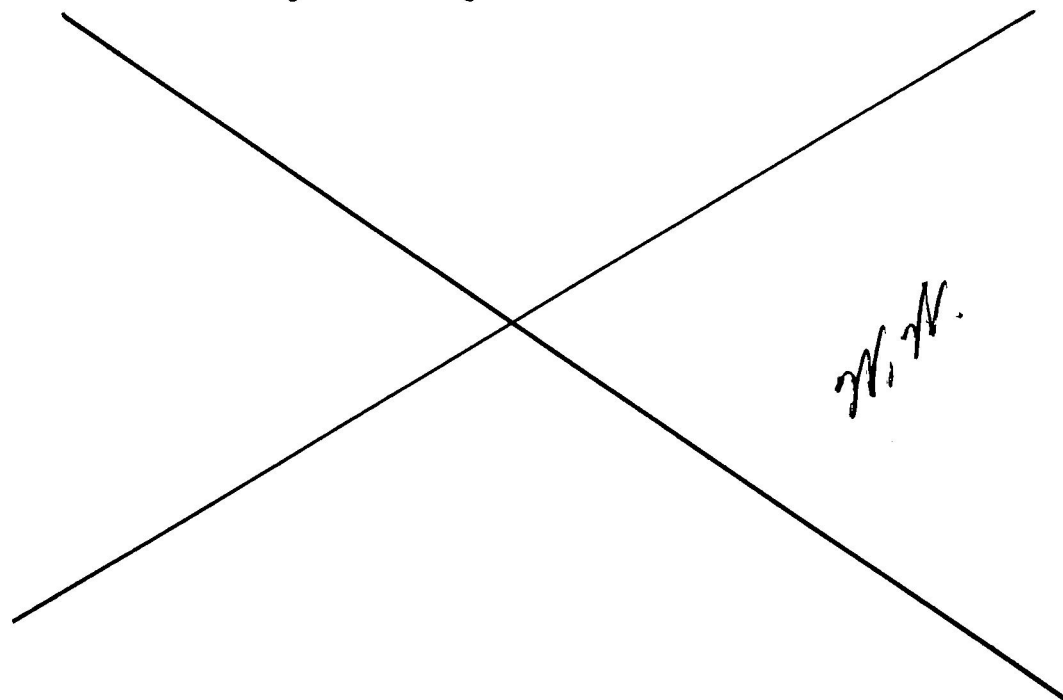
- a. At the time of application for a building permit the applicant shall present plans and measures to ensure that the overboard discharge of debris and waste from small recreational watercraft which will use the marina is minimized.
- b. At the time of final design documents by the Planning Commission the applicant shall submit design and performance characteristics of the proposed wave dampener. The design and performance characteristics shall demonstrate that:

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- (1) The main pier facility will not hold pollutant residuals in the area of this marina for unacceptably long periods of time with special reference to the more quiescent periods of the summer when surface flushing currents are minimal.
 - (2) That the energy performance characteristics of the wave dampener with respect to reflected wave energy will not cause an erosive effect on the adjacent shoreline.
 - (3) That the wave dampener system will achieve the desired characteristics of energy dissipation without undesirable deflection or amplitude of wave energy aggravating shoreline erosion.
- c. The applicant shall propose facilities to be provided by the marina for removing sewage from boat holding tanks. Alternative negotiations with the City may be permitted to discharge sewage waste to the sewers eliminating the necessity for storage tanks. Satisfactory plans and measures to achieve this requirement shall be presented to the Planning Commission during final design review.
 - d. The applicant shall submit additional analysis by a traffic engineer to determine what type of traffic carrying configuration should be designed on Lake Street at this project site to facilitate traffic movement and turning movements. Such additional analysis should also indicate at what point in time this type of new configuration on Lake Street would be necessary. Cost to modify Lake Street and Second Street South pursuant to recommendations in a traffic engineering study shall be borne by the applicant.
 - e. The applicant shall incorporate the use of collection manholes as identified in the final environmental impact statement and as shown by a schematic section also included in the final statement. Such special manholes shall be incorporated into the storm water system to provide settlement of fine material from earthwork and trapping of oils and greases from paved parking areas.
 - f. The applicant shall demonstrate conformance with the Federal Water Pollution Control Act Amendment of 1972 (P.L. 92-500).

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- g. The applicant shall demonstrate conformance with all self-imposed conditions in applicant's letter to the Department of Community Development dated June 9, 1973, and incorporated as part of the final Environmental Impact Statement.
- h. The applicant shall be required to grout all voids above water and ground in rip rap at the site.
- i. The applicant shall submit a lighting plan which exhibits that lighting will be directional in character and be directed away from adjacent residential structures.



From the foregoing Findings, Conclusions and Conditions specifically therein set forth or incorporated by reference, the City Council makes the following:

ORDER

1. The Substantial Development Permit applied for by the above named applicant being Substantial Development Permit No. 9 shall issue subject to the conditions set forth or included by reference in the foregoing Findings. The property subject to said permit 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 of the Unclassified Use Permit or evidence thereof delivered to the permittee.

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3. Nothing in this Resolution, Order or Permit shall be construed as a grant or authorization of issuance of a street use permit, easement or license of any nature as to Second Avenue South street end lying westerly of Lake Street South. 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.

4. 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.


5. 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, provided, however, that a stipulation filed in the review proceeding presently pending before the Shoreline Hearings Board in regard to this proposed development signed by all parties thereto agreeing that said 45 day delay or any portion thereof may be waived, shall supercede the provisions of this Section 5.

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
- i) The Shoreline Hearings Board for the State of Washington

PASSED in regular meeting of the Kirkland City Council on the 4th day of September, 1973.

ATTEST:


Director of Administration and Finance
(ex officio City Clerk)


Mayor

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PARKING ANALYSIS

04 AREA

PENTHOUSE (PER 9 JAN) = 1152 SF
 OFFICE 37 X 145 = 3265 x 4000 = 33060
 MARINA OFFICE = 600
34812 SF

PARKING ANALYSIS

USAGE REQUIREMENTS

OFFICE 34812 SF @ 1/300 = 116
 MARINA 1/2 SUPS @ 1/150 = 50

PEAK DEMAND

OFFICE MON - FRI 0900 TO 1700
 MARINA FRI - SUN 1100 - 2400 (CONT)

PEAK OVERLAP - NONE

PARKING REQUIREMENT

HIGHEST DEMAND OFFICE 116 STALLS
 JOINT USAGE ALLOWANCE (3%) 12% 12 " "
 BALANCE REQUIRED 104 " "
 DESIGN STALLS 104 " "

RECEIVED

AUG 30 1973

PLANNING DEPARTMENT

Julk

EXHIBIT A-1
File No: SDP-72-2