

RESOLUTION NO. 2229

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A SUBSTANTIAL DEVELOPMENT PERMIT AND GRANTING PRELIMINARY APPROVAL FOR A PLANNED UNIT DEVELOPMENT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. SDP-PUD-73-36(H) BY 6000 LAKE WASHINGTON CORPORATION FOR CONSTRUCTION OF AN EIGHT UNIT CONDOMINIUM WITHIN THE SHORELINE AND ASSOCIATED WETLANDS OF LAKE WASHINGTON WITHIN WATERFRONT DISTRICT I.

WHEREAS, the Kirkland Department of Community Development has received an application for Substantial Development Permit and approval of a Planned Unit Development filed by 6000 Lake Washington Corporation, owner of the property described in said application and located within Waterfront District I for the construction of an eight unit condominium with a pier and boat moorage for six boats to be located at 6000 Lake Washington Boulevard, and

WHEREAS, the application has been assigned for identification File No. SDP-PUD-73-36(H) and submitted to the Houghton Community Council and the Kirkland Planning Commission for their consideration and recommendation, and

WHEREAS, the Houghton Community Council held public hearing thereon during their regular meeting of December 4, 1973, and the Kirkland Planning Commission held public hearing thereon at their regular meeting of December 13, 1973, and

WHEREAS, pursuant to City of Kirkland Resolution No. 2181 concerning environmental policy and the State Environmental Policy Act an environmental assessment has been submitted to the city, reviewed by the responsible official of the City of Kirkland and a negative declaration reached, and

WHEREAS, said environmental assessment and declaration have been available and accompanied the application through the entire review process, and

WHEREAS, the Houghton Community Council and Kirkland Planning Commission, after their respective public hearings and consideration of the recommendations of the Department of Community Development and having available to them the environmental assessment and negative declaration did each adopt certain findings, conclusions, and conditions, did recommend approval of the preliminary planned unit development and substantial development permit subject to the specific conditions set forth in said recommendation,

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

Section 1: The Planned Unit Development is hereby given preliminary approval and the Substantial Development Permit applied for by the above named applicant 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 Department of Community Development File No. SDP-PUD-73-36(H), which findings, conclusions, recommendations and conditions are by this reference adopted by the Kirkland City Council as though fully set forth herein, provided, however, that:

(a) The proposed development shall be subject to such additional environmental assessment and consideration as may be required for all future non-duplicative actions to be taken by the city in the further process and review of the Planned Unit Development to its final approval, and

(b) The Substantial Development Permit herein granted shall not include pier construction, dredging or any other development within the submerged shorelands.

Section 2: A certified copy of this resolution, together with the findings, conclusions, recommendations and conditions herein adopted shall attach to and become a part of the substantial development permit and preliminary Planned Unit Development approval, or evidence thereof delivered to the permittee.

Section 3: Nothing in this resolution, order or permit shall be construed as a grant or authorization for use of any portion of the Houghton Beach Park, including the Northeast 60th Street End for ingress or egress for the proposed development.

Section 4: Nothing in this resolution and 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.

Section 5: Construction pursuant to the Substantial Development 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) Applicant
- (b) The 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 for the City of Kirkland
- (g) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland
- (h) The Department of Ecology for the State of Washington
- (i) The Office of Attorney General for the State of Washington

ADOPTED in regular meeting of the Kirkland City Council on the 4th day of February, 1974.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Director of Administration & Finance  
(ex officio City Clerk)



*Tabled  
until 2-4-75*

DEPARTMENT OF COMMUNITY DEVELOPMENT

**ADVISORY REPORT**  
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

_____	PREPARED BY	DATE	_____
<u>X</u>	RECOMMENDED BY	DATE	<u>December 13, 1973</u>
_____	ADOPTED BY	DATE	_____

_____	STAFF	_____
_____	BOARD OF ADJUSTMENT	_____
_____	HOUGHTON COMMUNITY COUNCIL	_____
<u>X</u>	PLANNING COMMISSION	<u><i>[Signature]</i></u> for John Cushing
_____	CITY COUNCIL AS INCORPORATED IN	_____
<u>X</u>	RESOLUTION	_____ ORDINANCE
	NUMBER	<u>2229</u>
	DATE	_____

FILE NUMBER SDP-PUD-73-36 (H)

APPLICANT 6000 Lake Washington Corporation

PROPERTY LOCATION Approx. 6000 Lake Washington Boulevard

SUBJECT Preliminary Planned Unit Development Application

HEARING/MEETING DATE January 21, 1974

BEFORE Kirkland City Council

- EXHIBITS ATTACHED
1. Statement of Declaration
  2. Topography Map
  3. Site Plan
  4. Section thru lobby
  5. West elevation

BACKGROUND ANALYSIS

The applicant is applying for a Substantial Development Permit and a Planned Unit Development for the purpose of constructing an 8-unit condominium with a pier and boat moorage for six boats. The proposal for the pier and moorage would also include some dredging to increase the water depth. This item was tabled at the Community Council's last meeting of October 2, 1973 with the recommendation that the height of the building be reduced. The applicant is re-submitting the application with the building height reduced four feet, to 44 feet above average grade, and is providing public access to the water's edge.

FINDINGS:

1. The responsible official has reviewed all applicable information available and comments from other agencies and has reached a negative declaration on the necessity for requiring a full environmental impact statement. This decision was based on comments from state and regional agencies, guidelines offered in Waterfront District I zoning and the Comprehensive Plan for the waterfront, Waterfront: Plans and Programs, Resolution No. 2181 dealing with environmental impact, and the Washington State Guidelines for the implementation of the State Environmental Policy Act.
2. The property lies within Waterfront District I which does allow residential condominiums with accessory boat moorage subject to a Conditional Use Permit or Planned Unit Development application being granted by the City of Kirkland. The applicant has applied for a Planned Unit Development since the proposed development exceeds the Conditional Use Permit restrictions in the following areas:
  - a. Waterfront District I allows a maximum height of 30 feet on buildings. The applicant is proposing a structure 44 feet high. Under the P.U.D. option, higher buildings may be allowed if there are overriding public benefits derived.
  - b. The north setback is required to be 51 feet based upon the height of the structure. The actual setback proposed is 45 feet.
  - c. The total area of the lot is approximately 22,275 square feet. Under the Planned Unit Development option, the floor area of the building can be 96% of the area of the lot, that is, approximately 21,380 square feet; the applicant indicates on his drawings that the actual floor area is 19,280 square ft.
  - d. No moorage adjacent to a public park can extend waterward from a line drawn 45° from an extension of the property line over the water. Approximately 30 feet of the proposed pier extends outward beyond that line.
3. The applicant has proposed a portion of the structure to extend within the 20 foot front setback area. When this is the case, Waterfront Districts requires that the front 10 feet be developed as an integral part of the pedestrian walkway system.

4. The required waterfront setback, based on an average parcel depth of 135 feet, is 20 feet. The applicant is proposing a 27 foot waterfront setback.
5. The required south setback is 10 feet. The applicant is proposing approximately a 45 foot setback on this end which will include landscaping, parking, and a fenced pool.
6. 2.2 parking stalls are required per unit. This would indicate a need for 18 parking spaces. The applicant is proposing 19. This parking must be buffered from the water, street, and adjacent properties per Section 23.40.060 of the Kirkland Zoning Ordinance, No. 2183.
7. Any signing must be included in the approval of the Planned Unit Development application and must generally conform to the requirements of the Sign Ordinance in the Kirkland Zoning Ordinance. If the sign is to be free standing, it cannot exceed 3 feet above average ground level.
8. All projects are required to have statements from a qualified soils engineer stating that the limitations of the site can be overcome to ensure user safety.
9. The following items are related to the pier and moorage facility:
  - a. Moorages are allowed when accessory to other waterfront uses.
  - b. The Lake Washington Regional Citizens Advisory Committee and Technical Committee have recommended cooperative use of piers wherever possible rather than to encourage a proliferation of individual piers.
  - c. The State Department of Ecology's Final Guidelines for the Shoreline Management Act of 1971 encourages cooperative use of piers.
  - d. Local regulations would allow eight moorages to be constructed. Six moorage spots are proposed.
  - e. Pier decks cannot extend more than two feet above high water line.
  - f. Creosote treatment on any pile component is not allowed.
  - g. Waste receptacles must be located on pier structures, designed as an integral part of the pier, and secured from being overturned by winds or rains. These must be placed every 100 feet on a pier.
  - h. All piers must be adequately lighted. Lights are to be shielded and approved as a part of the Planned Unit Development application.

10. The applicant is proposing to dredge in order to increase the depth of the water for the proposed moorage. The developer is required to have a plan approved by the City for the removal of the dredge material. Dredging and removal of the dredge material must be approved as a part of the PUD.
11. Cutting of all trees over 6" in diameter is not allowed without permission of the Planning Commission. The developer has indicated that no trees will be removed.
12. The Shoreline Management Act of 1971 states "No permits shall be issued pursuant to this Chapter for any new or extended building or structure of more than 35 feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served." The applicant's building will be 44 feet high.
13. The applicant is proposing to use the paved area of the boat launch ramp located in Houghton Beach Park as a part of his automobile circulation plan.
14. From field and map observation, it appears that this structure would be visible to approximately 24 residential structures within the affected area. It is expected that any adverse visual effect from the proposed condominium will occur within the block bounded by 59th St. on the south, 60th St. on the north, Lakeview Blvd. on the east, and Lake Washington Blvd. on the west. The most immediate visual effect will be on the structure immediately across Lake Washington Blvd. to the east. (We have on file a petition from six property owners within the affected area stating their approval of the subject, and several objecting.)

#### CONCLUSIONS:

1. The applicant has applied for a P.U.D. to allow him to vary from the following C.U.P. requirements:
  - a. To allow the building to be 44 feet above average grade level, rather than the allowed 30 feet. The shade factor on the property to the north should not create any adverse effects based on this additional height.
  - b. The north setback is required to be not less than 1.5 times the height of the building as measured 10 feet into the adjacent property. Based on the height of the structure, a 51 foot north setback would be required under the C.U.P. requirements. Under the Planned Unit Development option the City may vary these requirements when there are no adverse effects on the public or when there are overriding public benefits to be gained.

- c. The maximum square footage allowed under the P.U.D. option would be + 21,380 square feet. The applicant indicates that the floor area of the structure will be 19,280 sq. ft. This does fit within the requirements of Waterfront District I.
  - d. The Park Department has recommended favorably on the pier due to the additional public benefits derived from the applicant allowing public access and a waterfront trail across the water's edge of the property. This also is consistent with Waterfront Districts.
2. Based on the fact that a portion of the structure extends within the front 20 foot setback area, the applicant would be required to develop the front 10 feet as an integral part of the pedestrian way.
  3. The waterfront setback area is adequate and is proposed to be left in an open state. The applicant is proposing to allow public access to the water's edge and develop a path for that purpose, connecting the Foghorn Restaurant site with Houghton Beach Park.
  4. Parking is in excess of the required 2.2 parking spaces per unit.
  5. No signing has been proposed in conjunction with this preliminary PUD. application. In order for the applicant to be allowed a sign, this must be included with the Final PUD application.
  6. No statement has been received from a registered soils engineer to the effect that any site limitations can be overcome to ensure user safety. This should be supplied to the City prior to the processing of the Final PUD application.
  7. The following conclusions relate to the pier and moorage facility:
    - a. The condominium is an allowed waterfront use and the moorage facility is allowed as accessory to the condominium unit.
    - b. Cooperative use of piers are encouraged by the Department of Ecology Final Guidelines for the Shoreline Management Act and the Lake Washington Regional Citizens Committee and Technical Committee. Based on this, the applicant was requested to investigate a joint use pier facility with the adjacent restaurant to the north, rather than create an additional new pier.
    - c. Creosote treatment is not allowed on any pile components.
    - d. Waste receptacles will be required, designed as an integral part of the pier, and secured every 100 feet.



- e. The pier must be lighted, shielded and approved as a part of the Planned Unit Development. The lighting scheme was not included under the Preliminary Planned Unit Development and should be included upon submittal of the Final Planned Unit Development.
- f. The City of Kirkland has received responses from various agencies in relation to dredging. The applicant must have a plan for the dredging approved by the City, and this also must be processed with the PUD application. The City has not received any plans for dredging from the applicant to date. This plan must be submitted to the City with the Final P.U.D.
8. If the applicant wishes to cut any trees over 6" in diameter, this must be brought in as a request in conjunction with the Final P.U.D. application.
9. The Shoreline Management Act of 1971 does not allow buildings over 35 feet high, except under certain conditions as stated under Item 12 under Findings in this report. The City at the present time has a Substantial Development Permit application before the State Shorelines Hearing Board on appeal, one of the reasons of appeal being that the structure is in excess of 35 feet above average grade level and does not block the view of a substantial number of people. The view impact in this proposal will be similar to the view impact under the latter mentioned application, specifically, the Charles Hadley Marina application. We do not have specific criteria to date to indicate when the Department of Ecology will appeal Substantial Development Permit applications for structures over 35 feet in height.
10. The area identified on the site plan as N.E. 60th St. is the boat launch ramp in Houghton Beach Park. This is current City right-of-way and may be used as a part of the vehicular circulation plan for the property.
11. The City of Kirkland Comprehensive Plan for the Waterfront, Waterfront: Plans and Programs, and the existing Zoning Ordinance for the waterfront, Waterfront Districts, do allow for buildings in excess of 35 feet in height when the proposed structure does not obstruct the view of a substantial number of people and public access to the waterfront plus additional frontal openness do appear to be overriding public benefits from this project.

RECOMMENDATIONS:

Based on the Findings and Conclusions in this report, we recommend that this Planned Unit Development application be granted subject to the plans submitted and the following conditions imposed:

1. The high water line setback must be designed and constructed for public use. The applicant is instructed to submit the design of the waterfront area for potential public access with the final P.U.D. A public access easement shall be provided and recorded with the King County Department of Records and Elections.

2. The developer is required to construct the front 10 feet of the property adjacent to Lake Washington Blvd. as an integral part of the pedestrian way. Plans for the construction and landscaping within this area shall be submitted to the City in conjunction with the Final P.U.D. application.
3. A complete landscape plan shall be submitted in conjunction with the Final Planned Unit Development indicating ground preparation, types of vegetation to be planted, numbers, and their locations.
4. If signing is proposed for the building, the applicant shall be required to include this within the Final P.U.D.
5. A statement from a registered soils engineer shall be submitted with the Final P.U.D. application to indicate that any site limitations can be overcome to ensure user safety.
6. The applicant shall be required to either enter a joint use agreement for the use of the pier on the Foghorn Restaurant site adjacent to the north for moorage or demonstrate to the City of Kirkland that efforts were made to reach a mutually satisfying agreement on the joint use of the Foghorn Restaurant pier in lieu of constructing a new pier. Should the applicant be able to demonstrate that a cooperative agreement could not be worked out satisfactorily, the proposed pier and moorage should conform to rulings from necessary government agencies and the Kirkland Waterfront Zoning Ordinance of a 45° setback from Houghton Beach and that no covered moorage be allowed.
7. A plan for the dredging and removal of dredge must be submitted to the City in conjunction with the Final P.U.D. application and approved as a part of it. All proposed work in the waters of Lake Washington must be in compliance with the quality limits set forth in the Washington State Water Quality Regulations. These are maintained and issued by the Washington State Dept. of Fisheries.
8. The building shall not exceed 44 feet in height as measured from an average grade elevation.
9. All additional items which are required in Waterfront Districts shall be submitted in conjunction with the Final Planned Unit Development application. This would include, but not be limited to, requests for cutting trees over 6" in diameter, the lighting scheme for the pier, the design of the pier, waste receptacles, type of preservatives proposed for the pier, etc.
10. Access to N.E. 60th St. should be resolved with the City Attorney and the Kirkland Park Board before completing drawings for the Final P.U.D.