

RESOLUTION NO. R-2300

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING A CONDITIONAL USE PERMIT AND SUBSTANTIAL DEVELOPMENT PERMIT AS APPLIED FOR BY FRANK ROSIN, BEING DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. CUP-SDP-74-37(P), IN REGARD TO THE REPAIR AND EXTENSION OF AN EXISTING PIER LOCATED AT 219 LAKE STREET, AND SETTING FORTH CONDITIONS TO WHICH SUCH CONDITIONAL USE PERMIT SHALL BE SUBJECT.

WHEREAS, the Kirkland Department of Community Development has received an application for a Conditional Use Permit/Substantial Development Permit, said application having been made by Frank Rosin, and said property as legally described in application in WD I zone, and

WHEREAS, piers and semi-public moorage are allowed within a WD I zone upon issuance of the Conditional Use Permit/Substantial Development Permit, and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearings thereon at their regular meetings of March 13, 1975, and April 10, 1975, and

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

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

WHEREAS, the Kirkland Planning Commission, after their public hearing in consideration of the recommendations of the Department of Community Development and having available to them the environmental worksheet and negative declaration, did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Conditional Use Permit/Substantial Development Permit subject to the specific conditions set forth in said Recommendations.

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

Section 1. The Conditional Use Permit/Substantial Development Permit is hereby given approval 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. CUP-SDP-74-37(P), which Findings, Conclusions and Recommendations are by this reference adopted by the Kirkland City Council as though fully set forth herein.

Section 2. A certified copy of this resolution, together with the Findings, Conclusions and Recommendations herein adopted shall be attached to and become a part of the Conditional Use Permit/Substantial Development Permit approval, or evidence thereof delivered to the permittee.

Section 3. Nothing in this resolution should be construed as excusing the applicant from compliance with all federal, state or local statutes, ordinances or regulations applicable to this project, other than expressly set forth herein.

Section 4. The Conditional Use Permit/Substantial Development Permit applied for by Frank Rosin shall issue, subject to the performance standards and other conditions of approval set forth herein above-mentioned and included by reference in the foregoing Findings. Failure on the part of the holder of a Conditional Use Permit/Substantial Development Permit to initially meet or maintain strict compliance with said standards and conditions shall be grounds for revocation in accordance with Section 23.56.100 of Ordinance No. 2183.

Section 5. Certified or conformed copies of this resolution shall be delivered to the following:

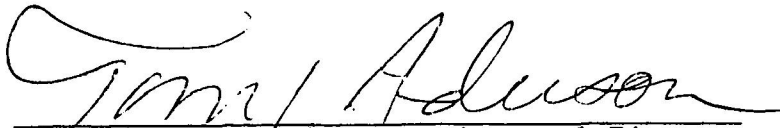
- a. Applicant
- b. Department of Community Development of the City of Kirkland
- c. Building Department of the City of Kirkland
- d. Fire Department of the City of Kirkland
- e. Police Department of the City of Kirkland
- f. Public Service Department of the City of Kirkland
- g. The office of the director of Administration and Finance (ex officio City Clerk) of the City of Kirkland.

ADOPTED in regular meeting of the City Council on the 21st day of April, 1975.



Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)

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Findings, Cont'd

11. Fillings are proposed to be driven to bearing depth (no detailed data available).
12. The underlying soil conditions are a layer of hardpan covered with varying depths of sand and gravel. The sand is about 15 feet in depth at the end of the existing pier.
13. No new parking is proposed.
14. One paved parking space is required for every one and one-half moorages. (Waterfront Districts 23.12.053.4(1)(5)).
15. No increased traffic should be generated by this proposed pier extension because the property is presently being used by the Sea Scouts. Also, most Sea Scouts are below driving age and are dropped off by their parents.
16. The distance from Lake St. So. to the end of the proposed pier is approximately 250 feet. The Bureau of Fire Prevention, Operating Policy No. 2, states: "It shall be the policy of this Department to require dry standpipe type fire protection systems on piers over 250 feet long, measured from where a fire truck can rest safely."
17. No further public access is proposed aside from usage by the Sea Scouts.
18. A preference should be given to those uses or activities or provide public access to the shoreline while minimally disrupting the natural amenities of the Lake. (Uses and Activities Element, Urban Environment, Policy 2a).
19. All waterfront developments are to be evaluated in terms of minimizing view obstruction from the Frontage road to the water, and providing public access (W.D. 23.12.010(6)).
20. Provisions for public access to and along the water's edge should be provided in all Conditional Use Permits (Waterfront Districts 23.12.40(3)).
21. Provisions should be made for public access to and along the water's edge when substantial additions or modifications are proposed to substantial developments. Public access should be made available if physically feasible. (Public Access Element, Policy 6).
22. Semi-public water dependent recreational facilities (Boating Club, Sea Scouts) should be recognized as providing limited access to the water since they relieve some pressures in public areas. (Uses and Activities Element, Recreation Policy 4).

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Findings, Cont'd

23. Pursuant to the Kirkland Waterfront Master Program, General Policy 3, "permitted components should be designed to permit normal circulation of water, sediments, fish and other aquatic life in and along the water area."
24. All persons within 300 feet have been notified of the proposed conditional use permit and substantial development permit applications as required by the Kirkland Zoning Ordinance.
25. This application must be reviewed by the State Department of Ecology pursuant to the Kirkland Waterfront Master Program and the Shoreline Management Act of 1971 (RCW 90.58).

CONCLUSIONS:

1. Moorages are allowed when accessory to other waterfront uses, such as boating clubs, provided for in Kirkland Zoning Ordinance 23.12.053 and the Kirkland Waterfront Master Program. Piers and Moorages, Policy 1.
2. Repairs to the existing pier must be consistent with the Uniform Building Code, 1973 Edition as amended and adopted by the City of Kirkland. The existing pier should be examined by a licensed structural engineer and existing deteriorated members be replaced as per his direction. The structural engineer should be experienced in marine design. (Please see attached memorandum from the Building Department.)
3. A detailed engineer's drawing should be required to show pier construction and piling depths to insure adequate design safety. The engineer should be experienced in marine design. As indicated in Exhibit 8 the applicant proposes to include a sewage disposal system in the design. (See Exhibit 9 with regard to the requirement for such facilities.)
4. The existing pier is located more than 10 feet away from the north property line and more than ~~10~~¹⁰ feet away from the south property line.
5. Since the proposed number of moorages will be two, only one parking space is required. This space is already provided south of 219 Lake St. So. (See attached Exhibit B dated January 16, 1975).
6. The proposed pier extension does not exceed 250 feet from where a fire truck can rest safely, therefore meets the Fire Prevention Operating Policy No. 2.
7. The use by the Sea Scouts of this pier appears to be an appropriate water dependent use.
8. The use of this pier for the Sea Scout, should be recognized as a unique water dependent civic organization, and while physical access to the water may not be feasible with the residential character of the dwelling unit, this pier extension appears to be a reasonable

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DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY _____ DATE _____

RECOMMENDED BY April 10, 1975 DATE _____

ADOPTED BY _____ DATE _____

STAFF _____

BOARD OF ADJUSTMENT _____

HOUGHTON COMMUNITY COUNCIL _____

PLANNING COMMISSION _____

CITY COUNCIL AS INCORPORATED IN John Cushing, Chairperson

RESOLUTION _____ ORDINANCE _____

NUMBER _____

DATE _____

FILE NUMBER CUP-SDP-74-37(P)

APPLICANT FRANK ROSIN

PROPERTY LOCATION 219 Lake St. So.

SUBJECT Application for a Conditional Use Permit and Substantial Development Permit to extend a pier 84 additional feet into Lake Washington

HEARING/MEETING DATE _____

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED Exhibit 1 Site Plan, (2) Application (3) Environmental Assessment (4) Negative Declaration (5) Exhibit "C" Site Plan (6) Bluff, Dent, Memo, Exhibit (8) New Dock Design, (9) Alternate Site Plan

(10) Ralph Thomas Letter (11) Frank Rosin Letter

FINDINGS:

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 Frank Rosin
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- The applicant is applying for a Conditional Use Permit and Substantial Development Permit for the purpose of constructing an 84 foot extension to an existing 60 foot pier, within Waterfront District 1, at 219 Lake St. So., to be used in conjunction with the Sea Scout Boating Club (Exhibit C, 3/3/75). Also proposed are repairs to the existing pier.
- The existing pier is 60 feet long and sits in the center of a 30 foot lot. It is presently used for the moorage of two Sea Scout vessels; (The Adventurer of Kirkland, a 40 foot schooner, and the Wanderlust of Bothell, a 42 foot power boat). No other vessels are proposed to be moored at this facility. The pier has been used by Sea Scouts since 1954. (Exhibit 9)
- This pier extension is asked for in order to moor the present two vessels in deeper water with bows into the wind. Presently, the end of the existing pier is in 8 feet of water at times of low water. The 40 foot schooner has a six foot draft and cannot be moored with bow into the wind at times of low water. The proposed extension will put the end of the pier in 16 feet of water. Also, the extension will allow both boats to be placed on the north side of the pier so that the southwest winds will hold the boats away from the pier. (See attached Exhibit A dated February 6, 1975.)
- No pier shall be closer than 10 feet from any property line. (Waterfront Districts 23.12.053.a(7)(b).)
- Proposed pier extension is to be built on 18 pilings.
- The proposed deck elevation is not more than two feet above the high water level. Creosote treatment of any pier component shall not be allowed. (Waterfront Districts 23.10.053.a(7)(a).) (Exhibit 8).
- As indicated in the Kirkland Master Program, Economic Element Section, marinas and other boating facilities should be limited to designated commercial areas. Further, Use Regulation 1: "Marinas and other boating facilities should be equipped with receptacles to receive and adequately dispose of sewage, waste, rubbish and litter from boats." (See Exhibits 10 and 11)
- Waste receptacles must be located on pier structures; designed as an integral part of the pier, and secured from being overturned by winds and rains. These must be placed every 100 feet on a pier. (Waterfront Districts 23.12.053.a(7)(d)).
- All piers shall be adequately lighted. Light sources shall be directed away and shielded from adjoining properties. The lighting plan shall be approved as part of the Conditional Use Permit. (Waterfront Districts 23.12.053.a(7)(e)).
- All necessary utilities shall be provided and constructed below the pier deck and/or concealed underground. (Waterfront Districts 23.12.053.a(9).)

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 7/26/75

1. Application Form
2. Site Plan, Natural
3. Site Plan, Proposed
4. Vicinity Map
5. 8-1/2" X 11" Subdivisions
6. Names and Addresses
7. Economic Feasibility Study

APPLICATION FOR CONDITIONAL USE PERMIT

Application No. _____

Name of Applicant FRANK ROSIN

Mailing Address 219 LAKE ST

City KIRKLAND

Phone WT 22812

Zip Code 98033

Date of Filing _____

Receipt No. _____

Date Set for Hearing: _____

NOTE: Before preparing this application, read information on cover page of this form.

DO NOT WRITE ABOVE THIS LINE

The undersigned applicant (s) is (are) the owners of the property described as follows:

Seg #1 is on W. 1/2 of Lot 10 of a 19-20-11 & 203,66 sq ft from Section with

Seg #2 is on W. 1/2 of Lot 10 of a 19-20-11 & 203,66 sq ft from Section with
N 67-45-06 & 700.10 sq ft on W. 1/2 of Lot 10 of a 19-20-11 & 203,66 sq ft from Section with

The above property was acquired by the applicant on the 19th day of 1989 19__
The present zoning is WSP?

1. Does the use or modification requested by the conditional use fit within the intent of the Kirkland Zoning Ordinance, and in the public interest? If so, indicate the proposed use and how it fits the above:

The space is presently used for the moorage of

Sea Scout vessels and has been so since 1984 - the

improvement will provide safer and more convenient

use. The number of moorage spaces (2) will not

change

2. Indicate why the use or modification requested by this application for the operation of a permitted business in a residential zone will not do damage to adjacent residential property by decreasing property values, creating excessive noises, or creating other nuisances; the applicant for a conditional use permit in any zone, for any business use, shall also provide the Planning Commission with an economic feasibility study to show the soundness of his business venture. The Planning Commission and City Council shall evaluate this study as consideration for approval or denial.

Zoning permits this type of use - since it is

not business - no economic statement is given - no change

is taking place

3. Is the use or modification requested by this application for the Commission to be a large part of a non-conforming use? If so it shall be made on the basis of a site plan showing proposed landscaping, building renovation, and other site improvements. If the improvements are to be made over a period greater than two years, the time of improvements shall be indicated.

This is not non-conforming

There are 2 parking spaces for this lot.

There is a possible non-conforming building (side yard setbacks) on the property - it will not be part of the construction plans

AFFIDAVIT

STATE OF WASHINGTON)
COUNTY OF KING)
CITY OF KIRKLAND)

Frank Rosin, being duly sworn depose and say, that I am (we are) the owner (s) of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith stated are in all respects true and correct to the best of my (our) knowledge and belief.

Frank Rosin
(Signature)

(Date)

Subscribed and sworn to before me this 5th day of August 19 70

Robert Ristic
Notary Public in and for the State of Washington, residing at 1111 1st St

Conclusion, Cont'd

use. Further, it does not appear that this use will significantly disrupt the natural amenities of the lake or create additional view obstruction.

9. Construction of the proposed facility would permit normal circulation of water, sediments, fish and other aquatic life in and along the water area.

RECOMMENDATIONS:

Based upon the foregoing Findings and Conclusions, the Department of Community Development hereby recommends approval of a Conditional Use Permit and Substantial Development Permit as applied for subject to Exhibits 3 and 7, and further subject to the following conditions:

1. Prior to issuance of a building permit, a licensed structural engineer, preferably experienced in marine design shall inspect the existing pier and file a report with the Building Department specifying any modifications to deteriorating members. In addition, said structural engineer shall submit a detailed and dimensioned site plan of the existing pier and the proposed addition indicating piling depths and all members dimensioned to the satisfaction of the Building Department. Said plans shall be subject to the normal structural plans review by the Building Department.
2. Deck elevations of the pier extension shall not exceed a 2 foot vertical dimension above high water.
3. No creosote treatment of any pier component shall be allowed.
4. Waste receptacles, lighting and sewage disposal system for the boats shall conform to the provisions of the Waterfront Districts Zoning Ordinance, the Shoreline Master Program and the Uniform Building Code, as adopted.
5. Review and approval by the Department of Ecology and the Attorney General's Office pursuant to the Shoreline Management Act.