

RESOLUTION NO. R-2528

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT AND A SUBSTANTIAL DEVELOPMENT PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. CUP-SDP-78-12(P), BY THE NEPTUNE SAILING CLUB TO RELOCATE THE SAILING CLUB AND CONSTRUCT A PIER, BEING WITHIN A WATERFRONT DISTRICT I ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBSTANTIAL DEVELOPMENT PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Conditional Use Permit and Substantial Development Permit filed by Frank Rosin, the owner of said property described in said application and located within a Waterfront District I zone, and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of May 11, 1978, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2319 concerning environmental policy of the State Environmental Policy Act, an environmental checklist 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 checklist and declaration have been available and accompanied the application through the entire review process, and

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

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

Section 1. The Findings, Conclusions and Recommendations of the Kirkland Planning Commission as signed by the Chairperson thereof and filed in the Department of Community Development File No. CUP-SDP-78-12(P) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Conditional Use Permit and Substantial Development Permit shall be issued to the applicant subject to the conditions set forth in the Findings, Conclusions and Recommendations hereinabove adopted by the City Council.

Section 3. A certified copy of this Resolution, together with the Findings, Conclusions and Recommendations therein adopted shall be attached to and become a part of the Substantial Development Permit or evidence thereof delivered to the permittee.

Section 4. Nothing in this section 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 expressly set forth herein, or other than the permit requirements of the Shoreline Management Act of 1971. Construction pursuant to the Substantial Development Permit and Conditional Use Permit shall not begin or be authorized within 30 days of the date of its final approval by the local government or until all review proceedings initiated within said 30 days from the date of final approval by local government have been terminated.

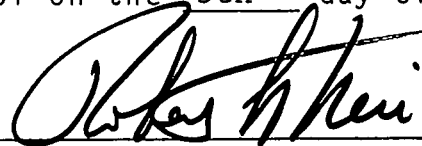
Section 5. Failure on the part of the holder of the Substantial Development Permit to initially meet or maintain strict compliance with the standards and conditions to which the permit is subject shall be grounds for revocation in accordance with Section 23.54.090 of Ordinance No. 2183, the Kirkland Zoning Ordinance. 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 6. 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 and Fire Department of the City of Kirkland
- D. Police Department of the City of Kirkland
- E. Parks 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
- H. The Department of Ecology for the State of Washington
- I. The Office of the Attorney General for the State of Washington.

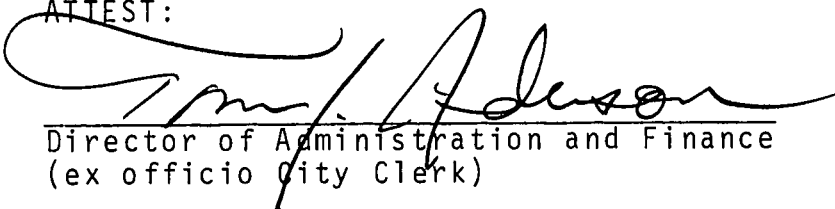
ADOPTED in regular meeting of the City Council on the 5th day of June, 1978.

SIGNED IN AUTHENTICATION thereof on the 5th day of June, 1978.



Mayor

ATTEST:



Director of Administration and Finance  
(ex officio City Clerk)



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT  
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

\_\_\_ PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_

XX RECOMMENDED BY \_\_\_\_\_ DATE May 11, 1978

\_\_\_ ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_

\_\_\_ STAFF. \_\_\_\_\_

\_\_\_ BOARD OF ADJUSTMENT \_\_\_\_\_

\_\_\_ HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_

XX PLANNING COMMISSION \_\_\_\_\_  
David Russell, Chairperson

\_\_\_ CITY COUNCIL AS INCORPORATED IN \_\_\_\_\_

\_\_\_ RESOLUTION \_\_\_\_\_ ORDINANCE

NUMBER \_\_\_\_\_

DATE \_\_\_\_\_

FILE NUMBER CUP-SDP-78-12(P)

APPLICANT NEPTUNE SAILING CLUB

PROPERTY LOCATION 227 Lake St. So.

SUBJECT Conditional Use Permit and Substantial Development Permit for relocation of sailing facilities.

HEARING/MEETING DATE June 5, 1978

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Site Plan "B" Adjacent Property "C" Vicinity Map

"D" Site Plan of Pier "E" Pier Elevation "F" Application for CUP

"G" Application for SDP "H" Environmental Checklist & Declarations

STATEMENTS OF FACT:

**A. SUMMARY OF THE PROPOSED ACTION:**

1. This is an application for a Conditional Use Permit and a Substantial Development Permit submitted by the Neptune Sailing Club. The applicants propose to use an existing structure at 227 Lake Street South for the relocation of their sailing facilities. They propose to use the existing structure in its present state for equipment storage and to build a pier for moorage of the club's boats.

**B. HISTORICAL BACKGROUND:**

2. The Neptune Sailing Club has been located just south of the Kirkland Central Business District for a number of years. The City of Kirkland purchased their former site for a public park and Neptune must now relocate.
3. The Board of Adjustment approved V-78-13(B), a Variance for reduction of required parking for the Neptune Sailing Club from seven stalls to zero. The conditions of approval were: (1) the yellow paint along the curb be removed so that one additional parking space is created, (2) the number of boats shall be restricted to no more than ten, (3) This action shall not be considered a precedent setting action due to the unique nature of Neptune's usage pattern.
4. This Variance shall be contingent upon the satisfactory resolution of the legal description of property.
5. The usage must not increase to the point that parking is impacted.

**C. EXISTING PHYSICAL CHARACTERISTICS:**

6. This property is bounded by Lake Street on the east, Lake Washington to the west, and a mix of residential and commercial uses along Lake Street to the north and south. Lake Street provides access.
7. A small, older house stands on the site along with wooden decking that has been used as parking. There is a drop of over seven feet in elevation between the house and the sidewalk. Lawn and other vegetation, including a willow tree, lie between the house and the shoreline.

**D. PUBLIC UTILITIES:**

8. Pedestrian Paths and Trails. Sidewalk runs along Lake Street S. but no public path exists along the waterfront.

Statements of Fact, Continued

D. 9. Public Transportation. The property is served by Metro Transit Routes 240, 251, and 254.

E. NEIGHBORHOOD CHARACTERISTICS:

10. Zoning. The proposed site is zoned Waterfront District I, as is the property located to the north and to the south. Land to the east of Lake Street is zoned Planned Area 6b.

11. Land Use. The surrounding area supports a mixture of uses, including commercial, multi-family, and single family residential.

F. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:

12. The following policies from the Shoreline Master Program are relevant to the Neptune Sailing Club application:

- a. "The area between the Central Business District and Yarrow Bay should continue as a multi-use zone with a preference for recreational uses (public parks, marinas, boating clubs)." (page 17, no. 3)
- b. "Piers should be allowed only for moorage of pleasure craft, for water dependent recreation, marinas, boating clubs, or for required public health or safety vessels." (page 41)
- c. "The size and extent of a pier should not exceed that which is required for the water dependent purposes for which it was constructed." (page 41)
- d. "All conditional uses shall be processed according to adopted procedures and, in addition, the applicant must demonstrate the following:
  - (1) The proposed use or activity will not adversely affect the environment.
  - (2) The proposed use of activity will not interfere with public use of the shoreline or access to the shoreline.
  - (3) The site design will be compatible with the natural characteristics.
  - (4) The proposed use or activity will be consistent with the intent and policies of the Master Program." (page 45)

13. The following excerpts from the Waterfront District Zoning Ordinance apply to the Neptune Sailing Club application:

Statements of Fact, Continued

F. 13. Continued

- a. "All pier structures shall be either floating or have elevations of not more than two feet above the high water level. Creosote treatment of pier components shall not be permitted." (section 23.12.053(7)(a)).
- b. "Piers or any moorage shall not be closer than ten feet from any property line." (section 23.12.053(7))
- c. "Covered waste receptacles shall be located at a maximum of 100 feet intervals on the pier structures and designated as an integral part of the pier structure and shall be secure from being overturned by wind or waves. A minimum of two receptacles shall be required when part of the marina or public moorage." (section 23.12.053(7)(d))
- 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." (section 23.12.053(7)(e))
- e. "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." (section 23.12.010)

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This application for a Conditional Use Permit and a Substantial Development Permit appears to be within the intent of both the Kirkland Zoning Ordinance and Shoreline Master Program.

B. HISTORICAL BACKGROUND:

2. Under the conditions of approval of V-78-13(B), Neptune Sailing Club fleet has been limited to 10 boats. This stipulation would be binding unless another Variance for parking were to be granted in the future.

C. EXISTING PHYSICAL CHARACTERISTICS:

3. Neptune proposes to use the existing house for storage of equipment and materials. The house can not be used for meetings since the Variance for parking was granted based on a computation of stalls which considered the house as "warehouse" space rather than space for meetings. To use the house for meetings would change the specified usage, increase the parking requirement, and invalidate the Variance.

Conclusions, Continued

- C. 4. According to the applicants, all facilities on land would remain in their present state, including the vegetation along the shore.

D. PUBLIC UTILITIES:

5. Public access along the waterfront is a major policy goal of the City of Kirkland (see Master Shoreline Program, pgs. 12-15) and "should be one element in the consideration of public benefit" when proposals arise for shoreline locations. In their application, the proponents state that the "continued existence of the Neptune Sailing Club along the Kirkland waterfront will, at our new location, provide and actually encourage public access to the waterfront view."
6. The proposal would appear to be contributing a public benefit in the form of increased accessibility to the waterfront, which is encouraged in the Shorelines Master Program.

E. NEIGHBORHOOD CHARACTERISTICS:

7. The proposal would be compatible with the character of the neighborhood as it presently exists. Boating clubs are considered a preferential use for this area.

F. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:

8. This proposal is consistent with all the applicable policies found in the Shoreline Master Program so long as the construction of the pier meets approval of the State of Washington and meets all requirements of the Kirkland Zoning Ordinance. The usage is listed as a preferred usage, and no alteration of the existing facilities on land will occur.
9. This application appears to be within the intent of all pertinent sections of the Waterfront District I Zone so long as the proposed ramp to the float is not more than two feet above the water level. The application states that waste receptacles will be provided within a 100 foot interval.

RECOMMENDATIONS:

The Department of Community Development recommends approval of this application for Conditional Use Permit and Substantial Development Permit contingent upon the following:

1. All conditions imposed upon the Neptune Sailing Club by the Board of Adjustment shall remain under the Conditional Use Permit and Substantial Development Permit.
2. The piers shall comply with section 23.12.053 of the Kirkland Zoning Ordinance. The pier shall not rise more than 2 feet above the water level and no part of the pier structure shall be treated with creosote.

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Recommendations, Continued

3. The existing house shall be used for storage purposes only and not for meetings.
4. This approval does not obviate the requirements of the applicants to obtain approval from all other applicable State and Federal agencies for construction of the proposed pier. Department of Army Corps of Engineers is the State and Federal clearing house for applications in piers and moorages.