

RESOLUTION NO. R-2628

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A ZONING CONDITIONAL USE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. ZCUP-SDP-79-50(P) BY DR. ROBERT E. KELLER TO CONSTRUCT A PIER, BEING WITHIN A WATERFRONT DISTRICT II ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH ZONING CONDITIONAL USE PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Zoning Conditional Use Permit filed by Dr. Robert E. Keller, the owner of said property described in said application and located within a Waterfront District II zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of June 21, 1979, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 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 Zoning 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. ZCUP-SDP-79-50(P) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Zoning Conditional Use Permit shall be issued to the applicant subject to the conditions set forth in the 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 Zoning Conditional Use 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.

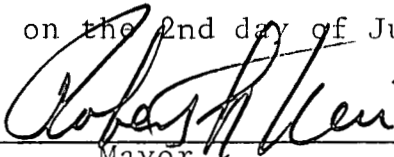
Section 5. Failure on the part of the holder of the Zoning Conditional Use Permit to initially meet or maintain strict compliance with the standards and conditions to which the Zoning Conditional Use Permit is subject shall be grounds for revocation in accordance with Section 23.56.110 of Ordinance No. 2183, the Kirkland Zoning Ordinance.

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) Fire and Building Department of the City of Kirkland
- (d) Parks 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) for the City of Kirkland.

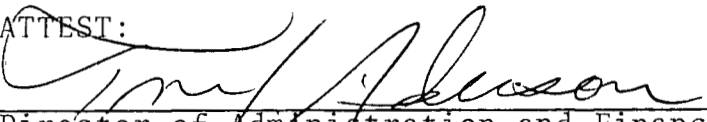
ADOPTED in regular meeting of the City Council on the 2nd day of July, 1979.

SIGNED IN AUTHENTICATION THEREOF on the 2nd day of July, 1979.



Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

____ PREPARED BY _____ DATE _____

xxx RECOMMENDED BY _____ DATE June 21, 1979

____ ADOPTED BY _____ DATE _____

____ STAFF _____

____ BOARD OF ADJUSTMENT _____

____ HOUGHTON COMMUNITY COUNCIL _____

xx PLANNING COMMISSION Kay Haenggi
Kay Haenggi, Chairperson

____ CITY COUNCIL AS INCORPORATED IN _____

____ RESOLUTION _____ ORDINANCE

NUMBER _____

DATE _____

FILE NUMBER ZCUP-SDP-79-50(P)

APPLICANT ROBERT KELLER

PROPERTY LOCATION 169 Lake Ave. W.

SUBJECT CONDITIONAL USE PERMIT & SUBSTANTIAL DEVELOPMENT PERMIT for construction of a pier for private boat moorage

HEARING/MEETING DATE July 2, 1979

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Applications "B" Vicinity Map "C" Site Plan
"D" Environmental checklist "E" Declaration of Non-Significance

SUMMARY

A. DESCRIPTION OF PROPOSED ACTION:

This is an application for a Conditional Use Permit and a Substantial Development Permit for a dock at 169 Lake Ave. W. The applicant proposes a pier extending 70 feet over Lake Washington. The proposed deck would be two feet above the high-water line of 21.8 feet. Draft at the end of the pier would be 8 feet.

Approval of this application will constitute a "major action" under the provisions of RCW 43.21C and WAC 197.10. The applicant submitted an Environmental Checklist with the application. After reviewing the Environmental Checklist, the Director of the Department of Community Development made a Threshold Determination that approval of this application would not have a significant adverse impact upon the quality of the environment and that an Environmental Impact Statement is not required. On May 4, 1979, the Director of the Department of Community Development adopted the proposed declaration as a final Declaration of Non-Significance. (See Exhibits "D" and "E" Environmental Checklist and Environmental Declaration)

B. RECOMMENDATIONS:

Based on the Statements of Fact, conclusions, and Exhibits "A" through "E" included with this report, we hereby recommend approval of this application, subject to the following conditions:

1. Prior to the issuance of a Building Permit:
 - a. The applicant shall meet with the Fire Department to determine the nature and location of fire safety equipment. Plans for any such equipment must be submitted to the Fire Department for approval.
 - b. Plans for the Building Permit shall indicate how the dock will be accessed from the lawn level.
2. Components used in the construction of this pier must not have a significant adverse impact on the quality of the lake water or aquatic life.
3. The address of the subject property shall be placed at the end of the dock and visible from the water.

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II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS:

A. GOVERNMENTAL COORDINATION:

1. Statements of Fact.

- a. Fire Department. If the distance from where a fire truck can rest safely to the outboard end of the pier exceeds 250 feet, then a Fire Department horizontal standpipe will be required. The existing fire hydrant locations and fire flow are adequate. If a horizontal standpipe is required, a set of plans of the proposed standpipe installation shall be submitted to the Fire Department for approval before installation.
- b. Building Department. Design appears to be acceptable. Plans do not indicate how the dock will be accessed from the lawn level which appears to have a three to four foot height differential.
- c. Public Service Department. No requirements from this department for this proposal.
- d. Park Department. This Department has not comment on this application at this time.
- e. Police Department. The address of the applicant should be placed at the end of the dock visible from the water.

2. Conclusions.

The Fire Department must be satisfied that emergency access is available, and a horizontal standpipe may be required. The building plans should show a method of access from the lawn level to the dock level. The address of the subject property should be visible from the water.

B. EXISTING PHYSICAL CHARACTERISTICS:

1. Statements of Fact.

The land west of Lake Avenue West is quite level. A house now stands on the subject property.

2. Conclusions.

The applicant does not propose to change the configuration of the shore line. Topography does not constrain this proposal.

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C. NEIGHBORHOOD CHARACTERISTICS:

1. Statements of Fact.

- a. Zoning. The subject property is zoned Waterfront District II as is the surrounding area along the waterfront. Waterfront District I zoning, which allows multi-family development, lies to the south of this property, close to Marina Park and the Central Business District. On the other side of Lake Avenue West, the land is zoned for single family use with a minimum lot size of 7200 square feet.
- b. Land Use. The property along the water is developed with single family homes. Multi-family units exist further to the south of the property, adjacent to a public park. On the other side of Lake Avenue West is property owned by the Lake Washington School District, presently used for continuing education.

2. Conclusions.

The construction of this dock would not be inconsistent with either the zoning or the land use for this area.

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

1. Statements of Fact.

- a. The following are policies from the Kirkland Shoreline Master Program which are applicable to this action:
"Components in or near the water should not be constructed from materials which have significantly adverse physical or chemical effects on water quality, vegetation, fish and/or wildlife." Components Policy No. 1

"Permitted components should be designed to permit normal circulation of water, sediments, fish, and other aquatic life in and along the water's edge." Components Policy No. 2

"Construction of new or expanded piers may be permitted for the moorage of private pleasure craft, however, the size and extent of the pier should not exceed that which is required for the water dependent purpose for which it is constructed. Further, adjoining waterfront property owners should be encouraged to share a common pier."
Piers and Moorage Policy No. 1

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- b. The following items are listed from the Kirkland Waterfront District Zoning Ordinance regarding construction of new or extended piers:

"All pier structures should 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 23.12.052(5a)

"Piers shall not extend beyond 250 feet from the high-water line. Piers shall not be closer than 10 feet from any property line." Section 23.13.052(5b)

2. Conclusions:

The proposed dock appears to be consistent with the policies in both the Kirkland Shoreline Master Program and the Waterfront District Zoning Ordinance. Components used for the structure should not have a significant adverse physical or chemical effect on water quality or aquatic life.

III. APPENDICES

Exhibits "A" through "E" are attached.