

RESOLUTION NO. 2739

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A SUBSTANTIAL DEVELOPMENT PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. SD-80-17 BY WESLEY R. ROUNDS AND ASSOCIATES TO CONSTRUCT A DOCK, 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 Substantial Development Permit filed by Wesley R. Rounds and Associates, the owner of said property described in said application and located within a Waterfront District I zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held a public hearing thereon on May 15, 1980 and a public meeting thereon on June 5, 1980, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2319 concerning environmental policy and 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 subject to the specific conditions set forth in said recommendations, and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Planning Commission.

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 Vice Chairperson thereof and filed in the Department of Community Development File No. SD-80-17 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Substantial Development 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 Substantial Development Permit or evidence thereof delivered to the permittee.

Section 4. Nothing in this Resolution 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 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 6. 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 RCW 90.58.140(8). The local procedure for revocation shall substantially follow the procedure set forth in Section 23.56.110 of Ordinance 2183.

Section 7. 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) Public Service Department of the City of Kirkland
- (e) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland
- (f) The Department of Ecology for the State of Washington
- (g) The Office of the Attorney General for the State of Washington.

ADOPTED in regular meeting of the City Council on the 7th day of July, 1980.

SIGNED IN AUTHENTICATION THEREOF on the 7th day of July, 1980.



Mayor pro tem

ATTEST:



Director of Administration & Finance
(ex officio City Clerk)



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

____ PREPARED BY _____ DATE _____
XX RECOMMENDED BY _____ DATE June 5, 1980
____ ADOPTED BY _____ DATE _____

____ STAFF _____
____ BOARD OF ADJUSTMENT _____
____ HOUGHTON COMMUNITY COUNCIL _____
XX PLANNING COMMISSION *Kay Haenggi for*
____ CITY COUNCIL AS INCORPORATED IN Kay Haenggi, Chairperson

RESOLUTION _____ ORDINANCE _____
NUMBER R-2739
DATE _____

FILE NUMBER SD-80-17

APPLICANT WESLEY ROUNDS

PROPERTY LOCATION 4437 Lake Washington Boulevard

SUBJECT SUBSTANTIAL DEVELOPMENT PERMIT FOR A DOCK

HEARING/MEETING DATE July 7, 1980

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED EXHIBITS "A" through "I" ATTACHED TO FILE PP-FP-80-16

I. PROJECT SUMMARY

A. DESCRIPTION OF PROPOSED ACTION:

Wesley Rounds has submitted a Substantial Development Permit application for a dock to serve a multi-unit condominium which will be built at 4437 Lake Washington Boulevard N.E., Kirkland. The 6-unit condominium proposal has received a Substantial Development Permit in July, 1979. The dock is 467 feet in length with four finger slips 42 feet apart and 50 feet in length. The dock provides moorage for 7 boats. The moorage water depth ranges from 3'10" to 5'. The site is located in Waterfront District I.

The major issues identified in this Substantial Development Permit application are: Extension of the storm drain outfall; the number of moorage slips proposed, establishment and installation of the public access trail, dock dimensions, and compliance with the Shoreline Master Program.

B. RECOMMENDATIONS:

Based on the Statements of Fact, Findings Conclusions and Exhibits found in this report, we recommend approval of the dock subject to the following conditions:

1. The approval of this application does not obviate the requirement for the applicant to obtain approval from all other applicable State and Federal agencies for construction of the proposed pier.
2. The applicant shall redesign the pier to provide moorage for six boats only, using minimal dimensions. Dock dimensions cannot exceed 250 feet in length.
3. The existing pier shall be removed.
4. The applicant is financially responsible for the entire extension of the adjacent storm drain outfall, and will reimburse the City for any expenses incurred. Plans to extend the storm drain to a point where it is readily accessible for maintenance shall be approved by the Departments of Community Development and Public Service at the time of Building Permit approval for the pier structure. The extension shall be installed in an approved manner or financially

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guaranteed in a form approved by the City Attorney prior to final Building Department approval of the dock structure. A utility easement shall be approved by the City Attorney and deeded to the City at the time of Building Permit application.

5. A 15 foot wide public access easement is identified in the condominium proposal (File No. SDP-79-63(DRC) and must be recorded at time of Building Permit application. Improvements to this easement trail shall be completed prior to final inspection and approval of the pier by Building Department. All public access improvements shall be reviewed and approved by the Department of Community Development at the time of Building Permit application. Improvements shall include: A six foot wide walkway following the shoreline; a six foot wide walkway lying flush within the asphalt driveway along its northern edge which connects to the shoreline walkway; and a landscaping plan. The pedestrian walkway shall be open to the public during daylight hours only. The City reserves the right to post identification signs on the easement.
6. Public access trail will be improved with 6 feet of concrete, brick, flagstone, bomanite, or a similar hard surface improvement (except asphalt), to be reviewed and approved by the Department of Public Service and Community Development
7. To further separate private use from public trail, the applicant shall install fences which are architecturally consistent with the new building and/or vegetation may be planted along the edges of the trail, subject to Department of Community Development and Parks Department approval. Materials chosen shall not block views of the lake, as viewed from Lake Washington Blvd. The applicant shall sign the fence/vegetation to keep pedestrians on the trail. The design shall be approved by the Department of Community Development.
8. It is the responsibility of the property owner to maintain the public access easements.

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II. MAJOR ISSUES, STATEMENTS OF FACT, AND CONCLUSIONS

A. IMPROVEMENTS ALONG THE PEDESTRIAN WALKWAY:

1. Statements of Fact.

- a. The Substantial Development Permit for the condominium project required a 15 foot wide easement be recorded at the time of Building Permit application. This easement was not required to be developed until such time as a connection is available to public access ways on adjoining properties. (Exhibit "G")
- b. Subsequent to the condominium SDP approval, two other waterfront parcels without direct trail connection have approved development proposals. Public trail improvements will be installed by the developer of Winmar (Preliminary PUD approval, File P-PUD-SDP-79-115(P)). The Rosin proposal will also install trail improvements (File CUP-SDP-79-130). Both proposals connect their waterfront trail to Lake Washington Boulevard/Lake Street South.
- c. The Shoreline Master Program identifies the goal to "increase public access to and along the shoreline areas, provided public safety and unique or fragile areas are not adversely affected.". Policy Statements toward achieving this goal are: "The public access policies apply to all shoreline uses and activities unless noted otherwise. In addition, the introduction states that "The physical public access requirements of this section are applicable to all uses and activities, except for single family."

Policy 1 - Public access, to and along the water's edge, should be consistent with the public safety, private property rights, and the conservation of unique or fragile areas.

Policy 3 - Where shoreline areas are available for public pedestrian and bicycle pathways, these should be developed as close to the water's edge as reasonable....

Policy 4 - Provisions should be made for public access to and along the water's edge in new substantial shoreline developments.

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Policy 7 - Public access should be designed with provisions for handicapped and disabled persons where feasible.

- d. Private boat moorage is defined by the Department of Community Development as a private recreation shoreline use or activity. In the Shoreline Master Program on Page 14 private recreational uses must provide public access consistent with private property rights.
- e. Policy 3 as a Shoreline Master Program Residential Goal states that - Public Access to and along the water's edge should be required in the design and construction of multi-family structures, subdivisions, into five or more lots, and planned unit developments occurring on the shoreline and provided for use by the public except for access to or along the water's edge is demonstrably not required.

USE REGULATION NO. 3. When the structure(s), subdivision or planned unit development has developments on both sides that are not physically able to provide access along the water's edge, the water's edge public access may be scheduled for a later date when feasible.

- f. The City of Kirkland customarily ties conditions of approval to development permits or through the submittal of a security device. At present trail improvements are not required through the condominium project. It is not known at this time when the north/south developments will provide public trails.
- g. The landward public access trail is roughly 360 feet long.
- h. The water edge trail could utilize building setback areas and meander through recreation areas and should only be implemented:
 - (1) After consent of the property owner, or
 - (2) A use easment is obtained, and
 - (3) There is adequate water frontage available;
 - (4) Access will be limited in unique and fragile areas.

2. Conclusions

- a. The Substantial Development Permit for the condominium project required an easement for a public trail with no improvements.
- b. The Shoreline Master Program identifies goals and policies to require public access trails to and along the water's edge. The physical public access requirements are applicable to all uses and activities. Generally these trails are improved by the applicant.
- c. If public walkway improvements are delayed on this project until neighboring trails are installed, all development permits will have been issued and the City of Kirkland will not have a means to require walkway improvements. A financial security to cover the cost by the developer is administratively unmanageable as no installation date is foreseen.
- d. The public access trail is long enough to provide enjoyable passive recreation on site.
- e. The applicant is physically able to provide a public access trail but because of the adjacent single family home, separation of public and private uses is required to aid single family privacy. No identification signs will be posted, though the City retains the right to post signs at a later date when a north or south trail connection is available.

B. NUMBER AND LOCATION OF MOORAGE BERTHS, LENGTH OF DOCK

1. Statements of Fact.

- a. Piers and Moorages.

Policy 1 - Construction of new or expanded piers may be permitted under the following criteria:

- 1) Piers should be allowed only for moorage of pleasurecraft, the water-dependent recreation, marinas, boating clubs, or for required public health or safety vessels.

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- 4) The size and extent of a pier should not exceed that which is required for the water-dependent purposes for which it was constructed.
 - 5) In multi-family or condominium developments the ratio of moorage berths to residential units should be some fraction less than one.
- b. The City has historically considered, in past developments, that each point at which a ship ties to the dock is equivalent to one moorage berth. Using this established definition, the applicant proposes 7 moorage berths for his 6-unit condominium project.
 - c. The proposed dock length (467 feet) represents one of the longest privately owned docks in the City. Most docks in the City of Kirkland are 250 feet or less.
 - d. Lake depths are shallow, ranging from 3'4" to 5 feet.
2. Conclusions.
- a. The applicant shall redesign his dock to provide six moorage berths for the 6-unit condominium project, to stay in compliance with the Shoreline Master Program policies. The new design shall use minimal dimensions and follow the configuration shown in Exhibit "E".
 - b. The existing dock shall be removed to preserve the moorage/unit ratio.
 - c. The proposal exceeds the minimally required dimension. Dock length could be reduced to 250 feet with a water depth range from around 3'4" to 3'7", and provide boat moorage and conform to general dock dimensions found in the City of Kirkland.

III. COMPLIANCE WITH SUBSTANTIAL DEVELOPMENT PERMIT AND SHORELINE MASTER PROGRAM CRITERIA

- A. URBAN ENVIRONMENT.
1. Statements of Fact.

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Goal. The urban environment is to provide for optimal utilization of the shorelines within extensively developed areas by planning and managing for public use and private development in a manner to further shoreline goals and policies.

Policy 2. Reasonable and appropriate uses and activities should be planned for the urban environment.

Policy 2a. Preference should be given to those uses or activities which depend on a shoreline location or provide public access to the shoreline while minimally disrupting the natural amenities of the lake.

Policy 2b. Planning, zoning, capital improvements and other policy and regulatory standards should not increase the density or intensity of shoreline uses and activities except on a demonstrated need considering the entire lake shoreline.

2. Conclusions.

- a. The dock, as proposed with 7 moorage berths, represents an intensification of shoreline use. The applicant should redesign the dock to drop the number of moorage berths down to six.
- b. The pedestrian path is a compatible use with the pier and condominium project. The path should be improved and available for public passive recreation. Reserving trail identification signs until a connecting linkage is available further protects the neighbors' privacy.

B. RECREATION

1. Statements of Fact.

- a. The Shoreline Master Program states that "Approximately 70 percent of the responses (to a mail-out survey) wanted to see a pedestrian walkway linking the shoreline parks. The most important recreational activities are, in the following order of preference; walking along the shoreline, swimming, picnicking, fishing, boating and bicycling."

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- b. Goals. Water-dependent recreational activities available to the public are to be encouraged and increased on the shoreline where appropriate and consistent with public interest.

Policy 4. Private and semi-public water-dependent recreational facilities should be recognized as providing limited access to the water since they relieve some pressures in public areas.

2. Conclusions.

The multi-residential use of boat moorage is identified as a private recreation use. Installation of the public access trail serves the public interest.

C. PIERS AND MOORAGE

1. Statements of Fact.

- a. Policy 1. - Construction of new or expanded piers may be permitted under the following criteria:
- (1) Piers should be allowed only for moorage of pleasurecraft, for water-dependent recreation, marinas, boat clubs or for required public health and safety vessels.
 - (2) Temporary moorage may be permitted for vessels used in the construction of shoreline facilities.
 - (3) Adjoining waterfront property owners should be encouraged to share a common pier.
 - (4) The size and extent of a pier should not exceed that which is required for the water-dependent purposes for which it was constructed.
 - (5) In multi-family or condominium developments the ratio of moorage berths to residential units should be some fraction less than one.

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- b. Policy 2. The use of buoys for moorages should be considered as an alternative to the construction of piers for residences for this purpose. Such buoys shall be placed as close to shore as possible in order to minimize hazards to navigation.

2. Conclusions.

The pier proposes 7 moorage berths for a residential development of 6 units. This exceeds the number of berths allowed under the Shoreline Master Program, and requires that the dock be redesigned accordingly.

D. SIGNS

1. Statements of Fact.

Policy 1. Signing on the shoreline shall be kept to a minimum.

The following are sign use regulations:

- 1) Off-premise and non-appurtenant signs are prohibited in the shoreline area.
- 2) Free-standing signs or any signs extending above rooflines should be prohibited on the shoreline.
- 3) Advertising signs, when permitted, should be limited to areas of high intensity land use, and should be stationary, non-blinking, and of a size commensurate with the structure to which it is fixed.
- 4) Exterior high intensity artificial lighting should be directed away from adjacent property and the water wherever offensive.
- 5) Required navigational signs may be permitted.

2. Conclusions.

When the applicant submits a sign application to identify the condominium project, he shall comply with the policies outlined above. An address sign should be located at the end of the dock and be highly visible from the water.

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E. COMPONENTS

1. Statements of Fact

Components of structures or modifications which are either required by or are accessory to a shoreline use or activity. More specifically, components include buildings, bulkheads, dredging, sowing, piers and moorages, utilities, boat launching facilities, parking and signs.

Policy 1 Components in or near the water should not be constructed from materials which have significant adverse physical or chemical affects on water quality, vegetation, fish and/or wildlife.

Policy 3 Permitted components should be designed to permit normal circulation of water, sediments, fish and other aquatic life in or along the water.

2. Conclusions

- a. The pier shall not be treated with creosote nor any other substance which has a significant adverse impact upon the environment.
- b. Boat moorage shall be as far away from the shoreline as possible due to the very shallow water depth. This would permit normal circulation of the water, sediments, fish and aquatic life.

F. LANDFILL

1. Statements of Fact

- a. Policy 2 Landfill or dredging should generally not be permitted.

Use Regulations: Landfill or dredging should not be permitted except in the following cases, and even then should generally be discouraged.

- (2) Replenishing sand on public and private community beaches may be permitted.

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- (4) In those limited instances where landfill is permitted, the waterside perimeter of the fill should be stabilized with vegetation and/or materials that would promote fish and wildlife.
 - (5) When dredging is permitted, the dredging spoils should be deposited on approved dumping sites. Dumping sites should not be allowed in the Lake or unique or fragile areas.
 - (6) Dredging could be permitted to maintain waterflow and maintain navigability.
 - (7) Dredging for the purpose of obtaining fill or construction materials should be prohibited.
- b. A storm drain outfall is adjacent to the southern property line, and some lake bottom sedimentation has occurred from the outfall.

2. Conclusions

- a. Dredging could be permitted to maintain navigability and would require a separate permit.
- b. The applicant shall extend the storm sewer outfall to the western end of the proposed dock.

G. UTILITIES

1. Statements of Fact

Policy 2 When technically and economically feasible, overhead facilities shall be placed underground.

Policy 3 After completion of installation or maintenance of these facilities, the shoreline area should be restored to its pre-project condition, or improved to promote fish or wildlife habitat, if the previous condition is identified as being undesirable, then landscaping or other improvements should be undertaken.

Policy 4 In all the new developments, the developer should install means to control the entry of contaminants into the Lake within acceptable water quality standards.

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Policy 4b - Whenever possible contaminants should be removed from the surface runoff at the source of contamination. Methods of removing contaminants include oil skimmers, sediments traps, and street sweeping.

Policy 5 - Prior to construction of new outfalls, water circulation studies should be conducted to determine the best shoreline location for such facilities.

Policy 6 - Shoreline outfalls should be designed and constructed to minimize damage to the Lake's edge and be placed below the surface of the Lake where feasible.

2. Conclusions

- a. If electrical outlets are proposed for the dock, all wires shall be underground or run under the dock.
- b. The dock shall not be used for residential purposes. Prohibiting residential use of the dock lessens the likelihood that contaminants will enter the Lake.
- c. Any new shoreline outfall must minimize Lake edge damage.

IV CITIZEN INPUT

Written comments are attached in Exhibit "G".

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V. DEVELOPMENT STANDARDS

1. The pier structure shall not be treated with creosote.
2. An address sign shall be located at the end of the dock, and the lettering should be highly visible.
3. Dock shall not serve a residential use.
4. Electrical wires and utilities shall be placed underground or under the dock.

VI. APPENDIX

Exhibits "A" through "I" are included as a part of this report.

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