

RESOLUTION NO. R-2740

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. PP-FP-80-16, BY WESLEY R. ROUNDS AND ASSOCIATES TO CONSTRUCT A DOCK BEING WITHIN A WATERFRONT DISTRICT I ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Preliminary and Final Planned Unit Development 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 and Houghton Community Council who held hearing thereon at their regular meetings of April 1, April 29, May 15 and 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 and Houghton Community Council after their public hearings 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 Preliminary and Final Planned Unit Developments 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 Chairman thereof and filed in the Department of Community Development File No. PP-FP-80-16 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Preliminary and Final Planned Unit Development 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 Preliminary and Final Planned Unit Development 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 permit to initially meet or maintain strict compliance with the standards and conditions to which the Preliminary and Final Planned Unit Development is subject shall be grounds for revocation in accordance with Section 23.28 of Ordinance No. 2183, the Kirkland Zoning Ordinance.

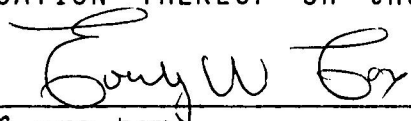
Section 6. Notwithstanding any recommendations heretofore given by the Houghton Community Council, the subject matter of this Resolution and the Preliminary and Final Planned Unit Development herein granted are, pursuant to Ordinance 2001, subject to the disapproval jurisdiction of the Houghton Community Council, and therefore, this Resolution shall become effective only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this Resolution within 60 days of the date of the passage of this Resolution.

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 Departments 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.

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

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



Mayor pro tem

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 June 5, 1980
____ 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 R-2740

DATE _____

FILE NUMBER PP-FP-80-16

APPLICANT WESLEY ROUNDS

PROPERTY LOCATION 4437 Lake Washington Boulevard

SUBJECT Preliminary & Final Planned Unit Development to construct a dock

HEARING/MEETING DATE _____

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Vicinity Map "B" Proposed Pier "C" Application "C" Environmental Checklist & Threshold Determination "E" Conceptual Pier Design & Pedestrian Walkway "F" Conditions of Approval for Condominium "G" Citizen Input "H" Storm Drain "J" - Report from Houghton Community Council

I. PROJECT SUMMARY

A. Description of Proposed Action

Wesley Rounds has submitted a Planned Unit Development Permit application for a dock to serve a multi-unit condominium which will be built at 4437 Lake Washington Blvd. N.E., Kirkland. The six 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 feet. The site is located in Waterfront District I.

The major issues identified in this application include: extension of the storm drainage outfall, the proposed number of moorage slips, dock dimensions, establishment and installation of public access trail in compliance with the Waterfront District I zoning code and Planned Unit Development Permit criteria.

B. Recommendations:

Based on the statements of facts, findings, conclusions and exhibits found in this report, staff recommends approval of the dock application with the following conditions:

1. The pier shall be required to obtain the necessary approvals from the Corps of Engineers, the Washington State Department of Ecology, and other agencies having jurisdiction.
2. As a condition of approval, all services and utilities necessary for public safety shall be approved as adequate by, at least, the Public Service Department and Fire Department. The approved plan of installation of such facilities shall be adequate for approval of a Planned Unit Development Permit, however, the public safety improvements shall be completed prior to final review and approval by the Building Department.
3. All necessary utilities shall be provided and constructed below pier deck and/or concealed underground. A 15 foot wide easement for a public access trail identified in the condominium proposal (File No. SDP-79-63(DRC)), shall be approved by the Kirkland City Attorney and

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recorded at the time of the Building Permit application. Improvements to this easement trail shall be completed prior to final inspection and approval of the pier by the Building Department. All improvement plans shall be approved by the Department of Community Development at the time of Building Permit application and 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 the shoreline walkway to Lake Washington Blvd.; and a landscaping plan. The pedestrian walkway shall be open to the public during daylight hours only. The City reserves the right to place signs on the easement at a later date.

4. The public access trail on land will be improved with six feet of concrete, brick, slate stone, bomonite, or a similar hard surface improvement (except asphalt), to be reviewed and approved by the Department of Public Service and Community Development.
5. To further separate private use from public trail, an appropriate physical barrier and signing with vegetation shall be placed 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, and shall be chosen in consultation with adjoining property owners.
6. It is the responsibility of the property owner to maintain the public access easement and provide waste receptacles at the end of the dock and at 100 foot spacing along the dock.
7. The applicant shall redesign the pier to a maximum length of 250 feet to provide moorage for six boats only.
9. 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 Services at the time of building permit approval for the pier

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structure. The extension shall be installed in an approved manner or financially 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.

10. The dock provides private moorage for owners of the on-site condominium project only. Proper parking shall be provided according to Section 23.12.053(a) and (b).

II. MAJOR ISSUES, STATEMENTS OF FACT, CONCLUSIONS

A. PUBLIC ACCESS TRAILS

1. Statements of Fact

- a. The Waterfront District I chapter of the Kirkland Zoning Code (Section 23.12.010) identifies several purposes of the zone, among which are:

No overwater construction except for moorages and other elements consistent with public enjoyment of the waterfront.

- b. The moorage provides a private recreational use to the owners of the six unit condominium. The public access trail provides public enjoyment of the waterfront.

- c. Some other purposes identified in the Waterfront District I zoning chapter include:

1. Provisions for a major pedestrian way along public rights-of-way and a land reservation for a water edge trail. (Section 23.12.010)

2. Multi-uses which increase public access to the water can include waterfront parks, waterfront related retail shops, various types of housing units including single family dwelling units, marinas and moorages, office facilities, and other uses requiring a water edge location which are compatible with the above facilities. (Section 25.12.010)

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4. All waterfront development 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. Structures shall be so located in any front site as to minimize view obstruction from the frontage road to the water. Developments which propose structures, landscape berms, hedges or other view obstructing elements whose greatest length is generally parallel to the frontage road may be required by the Planning Commission to develop additional visual openness to the water from the frontage road. (Section 23.12.010)
5. Man-made structures or hedges shall not be permitted in this (high waterline) setback area with the exception of piers, boat launching ramps, public facilities and other elements which improve public access to the water. (Section 23.12.052)
- d. A pier may extend beyond two hundred fifty feet (250) from the high waterline under a Planned Unit Development and in the public interest. For example, in exchange for the additional length, the following shall be required:
 1. The high waterline setback shall be required for public use along with property access from a public right-of-way, and
 2. The pier, except for side or finger piers with boat slips, shall be available for public use.
- e. The applicant has submitted a PUD application for a 467 foot long pier with finger slips 50 feet in length. Water depths range from 3 feet 10 inches to five feet.
- f. Single family homes are adjacent to the north property line and trail. A Planned Unit Development Permit encourages "interaction and cooperation between the community and property owners in order to maximize benefits to the public while recognizing private interests." (Page 9).

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2. Conclusions

- a. Waterfront District I requires that all developments be evaluated in terms of how much physical access or visual access is provided.
- b. The City has, through regulation and policy, established that a waterfront trail can be required from development proposals. The SDP approval (File No. SDP-79-63(DRC)) has required an easement dedication for such a trail. As there are no other foreseeable development permits beyond the dock, trail improvements must either be physically established now or installed by the City at a later date. Hence, trail improvements are requested now with certain modifications.

Signs identifying the landward trail are not required until a north or south trail connection is available. Requiring trail improvements be installed at this time, requiring fencing and/or vegetative buffering and signs indicating the adjacent property is private, as well as reserving the trail identification signs; protects the neighbors' privacy and physically establishes the trail for future use.

B. THE PROPOSED NUMBER OF MOORAGE SLIPS.

1. Statements of Fact

Waterfront District I Zoning Chapter requires that:

"Permitted numbers of moorages For multi-family dwelling units or condominiums the total number of moorages shall not exceed twenty-five percent (25%) of the total number of dwelling units. It is recognized that smaller multi-family developments (in terms of number of dwelling units) would not enjoy the same benefits as larger developments under the percentage criteria as stated in the Planned Unit Development Permit conditions. Therefore, multi-family dwelling or condominium complexes up to 40 units

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in size may propose a ratio of moorages to units up to 1:1. Generally, this ratio shall be inversely related to the number of units proposed (i.e., as the number of units approaches 40, the permitted moorages percentage shall approach 25%, and, conversely, as the number of units approaches zero, the permitted moorage percentage may approach 100%).

- c. Moorage is defined as "any device or structure used to secure a vessel, such as a pier, buoy or other means that and that is not attached to the vessel or temporary anchorage".

2. Conclusions

The applicant shall redesign his dock to provide six individual boat moorage spots; to comply with the Waterfront District I Planned Unit Development Permit requirement. This reconfiguration shall follow that showing in Exhibit "E".

C. EXTENSION OF THE STORM DRAIN OUTFALL

1. Statements of Fact.

- a. A 36" storm drain outfall is located just south of the subject property. Storm drains carry silt which sediments at the outfall. Maintenance of the City storm drainage system includes periodic dredging of accumulated silt at the outfall points (Exhibit "H").
- b. Construction of the proposed dock creates a tight open ended "box" around the outfall.
- c. The outfall is located on neighboring private property. It may be necessary for the City to extend the storm drain to abut the rounds property.

2. Conclusions.

The location of the proposed pier impairs City servicing of storm drains by limiting the maneuverability of dredging equipment. The applicant should correct this situation by extending the storm drain to a point easily accessible by City equipment. As the outfall is located on neighboring property, the City may have to extend the outfall so that it abuts the subject site.

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D. DOCK DIMENSIONS AND NEIGHBORHOOD DESCRIPTION

1. Statement of Fact

- a. The subject site presently has a small existing dock and a single family house. To the south is the Yarrow Bay Sailing and Tennis Club, to the north are single family residential homes. Lake Washington Boulevard is on the east and Lake Washington is on the west.
- b. The shoreline is fairly level on a north-south line with a gravelly beach, and rock retaining wall.
- c. Yarrow Bay Sailing and Tennis Club has an existing dock with 42 moorage berths extending 320 feet into the Lake. The single family neighbors on the north also each have a pier roughly 80 feet in length.
- d. The site has a shallow lake bed due to the natural sedimentation of Yarrow Bay. The dock proposes moorage for 50 foot boats, is 467 feet long and provides a mooring draft from 3'10" to 5'.
- e. Other private moorage in the City is generally 250 feet in length or less.
- f. The pier is subject to other applicable requirements as established for the Waterfront District or in the Shoreline Master Program, whichever is more restrictive. The Shoreline Master Program states: "The size and extent of a pier should not exceed that which is required for the water-dependent purposes for which it was constructed (p.41)".
- g. Through public hearing testimony, boat length and draw were discussed. No set ratio is appropriate, as boat draw varies by types of manufacturer and model, and not necessarily by length. Boats can moor in a 3'4" water depth.

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2. Conclusions.

To receive PUD approval, a public benefit must be demonstrated. The public access trail over the dock is not enough of a public benefit to warrant a 467 foot dock. It is in the public interest and benefit to restrict the dock to 250 feet or less so it will remain in dimensional character with the majority of neighboring docks. The Yarrow Bay Sailing and Tennis Club dock, which exceeds 250 feet, was constructed prior to the Shoreline Management Act and was not affected by the Waterfront policies and regulations. It is also considered an isolated exception to the dimensional character of the neighborhood's private docks.

The water depths of 3'4" to 3'7" resulting from the restricted dock size are adequate for boat moorage.

III. PUBLIC INPUT

1. Exhibit "G" includes letters received from the public regarding this application.
2. A meeting between staff and John Lind, agent for Yarrow Bay Sailing and Tennis Club, was held March 6, 1980. His concerns regarding the original proposal were discussed.
3. During the April 29, 1980 and May 15, 1980 public hearing, concern was raised by the public regarding substantiation of the "need" for 467 feet in length, whether the dock length would set a precedent, and public use of the trail.

IV. HISTORY

The original Conditional Use Permit dock application was presented to Houghton Community Council March 4, 1980. The proposal for a 250 foot dock was continued to April 1, 1980 at which time it was modified to a PUD application for 467 feet. It then was continued to April 29, 1980, to correct an omission in the mailing list for public notice. Houghton Community Council recommendations are presented in the attached cover memorandum.

The Planning Commission held a public hearing on May 15, 1980 and a public meeting to reconsider their motion on June 5, 1980.

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V. COMPLIANCE WITH THE WATERFRONT DISTRICT I ZONING CODE AND
PLANNED UNIT DEVELOPMENT PERMIT CRITERIA

1. Statements of Fact

- a. Waterfront District I zone (Section 23.12.053)
states the following conditions.

Piers

- (1) Pier Dimensions. All piers shall be low in profile and treated with compounds other than oil base. The low profile is adequate for most boats. The minimum height of two (2) feet at high water will be the case in the summer months, and four (4) feet at low water during the winter months...
- (2) Pier Setbacks. Piers or any moorage shall not be closer than ten (10) feet from any property line. Piers may be built on or straddling the common side property lines if the two adjoining owners' property by the mutual agreement of the adjoining owners' acknowledge as a deed and recorded with the King County Auditor. Refer to Section 23.12.062b (construction limit) of the setback condition. Deviations from these conditions may be permitted provided adjacent property owner(s) will not be disadvantaged in any way or the public use is not substantially impaired.
- (3) Pier Identification Signs. Identification signs for slips or piers may be permitted if they do not exceed one square foot per moorage and attached to the pier or covered moorage.
- (4) Waste Receptacles. Covered waste receptacles shall be required on piers and shall be secure from being overturned by winds or waves. A minimum of two (2) receptacles shall be required when part of the marina or public moorage.
- (5) Lighting. All piers shall be adequately lighted. Light sources shall be directed away and shielded from adjoining properties. The lighting plan shall be approved as a part of the Planned Unit Development Permit.

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- (6) Navagational Aids - Lights and other devices required as navagational aids are permitted.
- (7) Utilities. "All necessary utilities shall be provided and constructed below the pier deck and/or concealed underground. A marina shall include a sewage to remove affluents from boat holding tanks. Gasoline and oil storage tank lines shall be underground and/or concealed below the pier deck.
- (8) Dredging (23.12.060). Dredging shall not be permitted for any waterfront dwvelopment unless access to the water is the prime reason. The owner or developer of the parcel shall have a plan approved by the City for the removal of dredge material. Dredging and the removal of dredge material shall be approved as part of a Conditional Use Permit for a Planned Unit Development.

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