

RESOLUTION NO. R-2801

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. CZ-80-83, BY RICHARD SEABORN TO CONSTRUCT A PIER BEING WITHIN A WATERFRONT DISTRICT I ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH CONDITIONAL USE PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Conditional Use Permit filed by Richard Seaborn, 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 hearings thereon at their regular meetings of February 5, 1981 and June 4, 1981, 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 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 Conditional Use 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 Chairman thereof and filed in the Department of Community Development File No. CZ-80-83 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The 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 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.

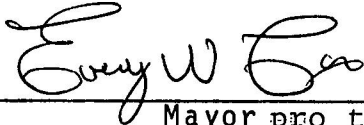
Section 5. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Conditional Use Permit is subject shall be grounds for revocation in accordance with The Kirkland Zoning Ordinance No. 2183, the Kirkland Zoning Ordinance.

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) Project and Construction Management Department of the City of Kirkland
- (e) Public Service Department of the City of Kirkland
- (f) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland

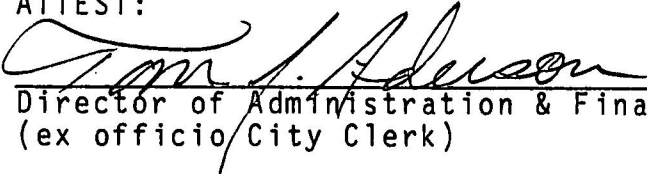
ADOPTED in regular meeting of the City Council on the 6th day of July, 1981.

SIGNED IN AUTHENTICATION THEREOF on the 6th day of July, 1981.



Mayor pro tem

ATTEST:



Director of Administration & Finance
(ex officio City Clerk)

04229A



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

___ PREPARED BY _____ DATE _____

XX RECOMMENDED BY _____ DATE June 4, 1981

___ ADOPTED BY _____ DATE _____

___ STAFF _____

___ BOARD OF ADJUSTMENT _____

___ HOUGHTON COMMUNITY COUNCIL _____

XX PLANNING COMMISSION Carol Goddard
Carol Goddard, Chairperson

___ CITY COUNCIL AS INCORPORATED IN _____

___ RESOLUTION _____ ORDINANCE

NUMBER _____

DATE _____

FILE NUMBER CZ-80-83

APPLICANT Seaborn and Lyshol

PROPERTY LOCATION 407 Lake Street South

SUBJECT Conditional Use Permit for Construction of a Pier

HEARING/MEETING DATE June 15, 1981

BEFORE Kirkland City Council

EXHIBITS ATTACHED "A" Application (See File SD-80-82 for Exhibits "B" through "R").

I. SUMMARY

A. PROJECT DESCRIPTION

This is an application for a Conditional Use Permit to construct a pier extending 100 feet into Lake Washington with a 6 foot water depth at the westerly end. The pier is located in Waterfront District I at 407 Lake Street South and serves a 3-unit multi-residential land use. The proposal provides moorage for three boats.

Major issues include the State Environmental Policies Act and Waterfront District I Zoning Ordinance.

B. RECOMMENDATIONS

Based on the facts, conclusions and exhibits in this report, we hereby recommend approval subject to the following conditions:

1. Plans for dock construction must be prepared and submitted by a registered engineer.
2. Prior to issuance of a Building Permit:
 - a. Obtain all other applicable City, State and federal permits and submit copies to the Department of Community Development. This may include permits from the Army Corps of Engineers, and the Kirkland Fire Department and Public Services Department.
 - b. Building plans shall show not greater than a 1 1/2 foot distance between the top of the pier deck and the high water line.
 - c. The applicant shall submit design and location of a single waste receptacle for the pier. This receptacle shall be covered, and designed as an integral part of the pier structure, and shall be secured from being overturned by winds or waves.

6/4/81 (P.C.)

2/5/81 (P.C.)

1/29/81/4122A/bk

- d. The applicant shall submit a lighting plan providing for adequate lighting on the pier. The light source shall be directed away and shielded from adjoining properties. The design and location of this lighting shall be approved as part of the Building Permit application.
3. Components used in the construction of this pier shall not have a significant adverse impact on the quality of the lake water or aquatic life. Creosote is specifically prohibited.
4. The pier is for the exclusive use of the occupants or guests of the three-unit multi-residential structure located on the subject property, for pleasure craft only. The slips cannot be rented out.
5. The number of moorage berths cannot exceed the number of dwelling units on the site.

II. EXISTING PHYSICAL CHARACTERISTICS

1. Statements of Fact

- a. Topography. The lake bottom slope where the pier would be constructed is approximately 6%. A cement bulkhead retains the dry land.
- b. Soils. Local soil mapping indicates the subject property is located within a Coastal Beach (CB) classification. These soils are of erosional deposits and are too variable for general analysis.
- c. Hydrology. Water depth in the moorage area ranges from 4 feet to 6 feet at high water. Water depth at the westerly end is 6 feet at high water.
- d. Flora/Fauna. This area is not used for feeding or nesting by waterfowl. The Kirkland Shoreline Master Program indicates that this area is not a good habitat for Sockeye Salmon beach spawning.

6/4/81 (P.C.)

2/5/81 (P.C.)

1/29/81/4122A/bk

- e. Public Utilities. A 12 inch line and 10 inch water line are located in the Lake Street South right-of-way.
- f. Neighborhood Characteristics. Other moorage facilities in the immediate area (Exhibit "I") include:

| <u>Location</u> | <u>Distance</u> | <u>Moorage Type</u> |
|-----------------|-----------------|--|
| North | 46 feet | Pier, roughly 75 feet in length with two buoys. |
| South | 70 feet | Pier roughly 60 feet in length with two mooring buoys. |
- g. Land Use. The 3-boat moorage dock serves a z-unit multi-residential structure on the site.

2. Conclusions.

None of the existing physical characteristics of the site will be adversely affected by the proposal. The moorage proposal is in general harmony with the existing moorage facilities, though there may be some conflict in boat maneuverability between the proposed dock and the two mooring buoys to the south.

III. MAJOR ISSUES

A. STATE ENVIRONMENTAL POLICIES ACT

1. Statement of Fact

- a. The proposal is not exempt from the State Environmental Policies Act. A checklist was submitted on September 25, 1980. After a thorough review, Proposed and Final Declarations of Non Significance were issued by the Responsible Official on November 19, 1980 and December 5, 1980, respectively.

2. Conclusions

The requirement of the State Environmental Policies Act has been met. The project will not have an adverse impact on the environment.

6/4/81 (P.C.)

2/5/81 (P.C.)

1/29/81/4122A/bk

B. THE CONDITIONAL USE PERMIT REGULATED THROUGH THE WATERFRONT DISTRICT I ZONING ORDINANCE AND THE LAND USE POLICIES PLAN.

1. Statement of Fact.

The following items are listed from the Kirkland Waterfront District Zoning Ordinance regarding construction of new or extended piers through a Conditional Use Permit:

- a. All pier structures shall be either floating or have deck elevations 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. The proposal indicates a deck elevated 1 1/2 feet above the high water line.
- c. Piers or any moorage shall not be closer than 10 feet from any property line. Piers may be built on or straddling the common side property line of the two adjoining owners' property by the mutual agreement of the adjoining owners acknowledged as a deed and recorded with King County Auditor. (23.12.053.a(b)).
- d. The proposed pier is 26 feet from the north property line and 16 feet from the south property line.
- e. 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. (23.12.053.a(e)).
- f. No buildings, structures or any other manmade elements are to be constructed beyond the high water line with the exception of boat moorages, and whereas the boat moorage shall not exceed beyond 250 feet from the high water line. (Section 23.12.062).

6/4/81 (P.C.)

2/5/81 (P.C.)

1/29/81/4122A/bk

- g. Permitted number of moorages. For multi-family dwelling units or condominiums the total number of moorages should not exceed twenty-five percent (25%) of the total number of dwelling units. It is recognized that smaller multi-family developments (in terms of the number of dwelling units) would not enjoy the same benefits as larger developments under the percentage criteria as stated in the CUP conditions. Therefore, multi-family dwelling or condominium complexes up to 40 units in size may propose a ration 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%).

2. Conclusions

This application is consistent with the following sections of the Kirkland Waterfront Districts Zoning Ordinance No. 2206.

- a. The proposed pier would have a deck elevation of no more than two feet above the high water line. The applicant has not stated the type of material used. However, Creosote treatment would not be permitted.
- b. Proposed pier will not be closer than 10 feet from a property line.
- c. The applicant must provide low level lighting.
- d. Overwater construction for boat moorage is a permitted use and the proposed pier will not extend more than 100 feet into Lake Washington nor have a water depth exceeding 6 feet.

6/4/81 (P.C.)
2/5/81 (P.C.)
1/29/81/4122A/bk

- e. The number of dwelling units is low enough to allow an equivalent number of moorage berths. In no event may the number of moorage berths exceed the number of dwelling units.

IV. HISTORY

1. The structure was built around 1945, shortly after World War II as indicated in a letter from Einar Peterson, the builder. The 1942 Zoning Ordinance would apply to this property and would allow the three-unit density. The primary use is, therefore, legal non-conforming.
2. The dock application does not expand or enlarge the non-conformity of the multi-residential building. No additional parking is required per Section 23.12.053.

V. CITIZEN INPUT

Three letters were received regarding this proposal. Einar Peterson wrote to explain the history of the site and submitted a separate letter supporting the proposal. Lloyd Pugh, representing the Sands Condominium, wrote to point out possible navigability hazards. The letters are found in Exhibits "D" and "E".

VI. APPENDICES

Exhibits "A" is attached. Exhibits "B" through "R" are attached to File No. SD-80-82.

6/4/81 (P.C.)
2/5/81 (P.C.)
1/29/81/4122A/bk