

RESOLUTION NO. 3036

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A PROCESS IIB PERMIT AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. IIB-82-97, BY HOWARD PROPERTIES, INC. TO CONSTRUCT A RETAIL, OFFICE AND MULTI-FAMILY STRUCTURE CALLED MOSS BAY COMMONS BEING WITHIN A CBD-B ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH PROCESS IIB PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Planning and Community Development has received an application for a Process IIB Permit filed by Howard Properties, Inc., the owner of said property described in said application and located within a CBD-B zone.

WHEREAS, the application has been submitted to the Hearing Examiner who held hearing thereon at his meetings of January 12, February 9 and April 7, 1983, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2473 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 Hearing Examiner after his public hearing and consideration of the recommendations of the Department of Planning and Community Development and having available to him the environmental checklist and negative declaration did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Process IIB Permit subject to the specific conditions set forth in said recommendations, and

WHEREAS, the applicant submitted a challenge to certain of the Hearing Examiner's conclusions and recommended conditions by his letter of July 13, 1983, which challenge was disputed by another party of record by his letter of July 15, 1983, and

WHEREAS, the City council decided to hold a limited public hearing on the issues of building height and view corridors as viewed from the east and did, in fact, hold such a hearing on August 15, 1983, and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Hearing Examiner and the materials entered at their own hearing on August 15, 1983.

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 Hearing Examiner as signed by the Examiner on April 20, 1983 and filed in the Department of Planning and Community

Development File No. IIB-82-97 are adopted by the Kirkland City Council as though fully set forth herein, except for Conclusions 1, 3, 4, 5, 6 and the last sentence of the first paragraph and all of the second paragraph of Conclusion 2, which are not adopted and also except for recommended condition 1 which is not adopted. The City Council does adopt the Conclusions listed on pages 3 and 4 of the August 10, 1983 memorandum from Joseph W. Tovar and also adopts the following condition: The City Council specifically adopts the 4-story design of Moss Bay Commons as described in Exhibit CC-6 of the City Council hearing record on the above-named file.

Section 2. The Process IIB Permit shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council.

Section 3. 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.

Section 4. 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 Process IIB Permit is subject shall be grounds for revocation in accordance with Ordinance No. 2740, as amended, the Kirkland Zoning Ordinance.

Section 5. 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 Process IIB Permit or evidence thereof delivered to the permittee.

Section 6. Certified or conformed copies of this Resolution shall be delivered to the following:

- (a) Department of Planning and Community Development of the City of Kirkland
- (b) Fire and Building Departments of the City of Kirkland
- (c) Public Works Department of the City of Kirkland
- (d) Project and Construction Management Division of the Public Works 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.


Passed by majority vote of the Kirkland City Council on the 15th day of August, 1983.

SIGNED IN AUTHENTICATION THEREOF on the 15th day of August, 1983.



Mayor Pro Tem

ATTEST:



Director of Administration and Finance
(Ex officio City Clerk)

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