

RESOLUTION NO. R-3041

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A PROCESS III HISTORIC LANDMARK MODIFICATION PERMIT AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. III-83-45, BY RICHARD AND SALLI HARRIS TO USE THE SHUMWAY MANSION AS A SINGLE FAMILY RESIDENCE, RECEPTION CENTER AND BED AND BREAKFAST USE AND TO ALLOW A HEIGHT MODIFICATION TO 40 FEET BEING WITHIN A RS 12.5(s)/ "HL" OVERLAY ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH PROCESS III PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Planning and Community Development has received an application for a Process III Permit to modify uses to allow a reception center use, filed by Richard and Salli Harris, the owner of said property described in said application and located within a RS 12.5(s)/"HL" Overlay zone; and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held hearing thereon at their special meeting of July 26, 1983 and August 2, 1983; and

WHEREAS, pursuant to City of Kirkland Ordinance No. O-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 with conditions reached; and

WHEREAS, the Kirkland Planning Commission after their public hearings and consideration of the recommendations of the Department of Planning and Community Development and the Houghton Community Council and having available to them the environmental checklist and negative declaration did adopt certain Findings, Conclusions and Recommendations and did recommend denial of the wedding reception use and approval of up to seven bed and breakfast rooms 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 and testimony received during a public hearing before City Council on the 6th day of September 1983.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The Findings and Conclusions of the Kirkland Planning Commission as signed by the Chairperson thereof and filed in the Department of Planning and Community Development File No. III-83-45 are adopted by the Kirkland City Council as though fully set forth herein, with the exception of Conclusion 2 on page 9, and with the addition of the Findings and Conclusions of the supplementary staff report dated September 1, 1983.

Section 2. The Process III Permit for up to seven bed and breakfast rooms, the reception center, a single family residence, and a building height of 40 feet shall be issued to the applicant subject to the conditions set forth below:

1. Recommendations 1, 2, 5 and 6 of the Kirkland Planning Commission as signed by the Chairperson thereof and filed in the Department of Community Development File No. III-83-45, except City Council does not adopt the recommendation by the Planning Commission to deny the wedding reception function.
2. Exterior features of the building are considered significant and cannot be altered except as herein approved. Exterior floodlighting is not allowed, and an exterior lighting plan shall be approved by the Planning Department prior to installation.
3. A detailed landscaping plan, revised site and parking plan shall be submitted for staff review. The primary components will be the establishment of lawn or groundcover on all pervious areas and the installation of buffers along the north and south property lines. An additional 9 feet of landscaping shall be provided on the southern side of the parking lot. The structure side yard setback shall be increased to ten feet. All parking and driving areas shall be landscaped and screened to maximize the privacy of adjacent property owners in a manner acceptable to the city. This condition shall not cause the 40 parking stalls to be reduced.
4. The applicant shall sign a concomitant agreement which is approved by the City of Kirkland, recorded with King County, and runs with the subject property, with the following conditions:
  - a. There shall be no outdoor sound amplification of any kind at any time.
  - b. The reception function on the site, either indoor or outdoor, shall end by 11:30 p.m. with the exception of New Years which shall be no later than 1:00 a.m.
  - c. No outdoor music shall be permitted after sunset.
  - d. The applicant shall provide written contract for use of suitable off site parking and shuttle plan, which shall be approved by the City Council.
  - e. One year from the date of occupancy, the City Council will review the bed, breakfast and reception use conditions.

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

Section 5. Notwithstanding any recommendations heretofore given by the Houghton Community Council, the subject matter of this Resolution and the Permit 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.

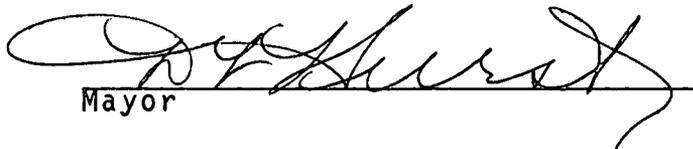
Section 6. A certified copy of this Resolution, together with the Findings, Conclusions and Recommendations therein adopted shall be attached to and become a part of the Process III Permit or evidence thereof delivered to the permittee.

Section 7. 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 6th day of September, 1983.

SIGNED IN AUTHENTICATION THEREOF on the 6th day of September, 1983.

  
Mayor

ATTEST:

  
Director of Administration and Finance  
(Ex officio City Clerk)

5320B/bk

R-3041