

RESOLUTION NO. R-3570

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 PLANNING AND COMMUNITY DEVELOPMENT FILE NO. SD-IIB-89-70, BY PHILLIP CARTER FOR MADRONA VIEW PROPERTIES TO CONSTRUCT 56 CONDOMINIUM UNITS, BEING WITHIN THE PLANNED AREA 6H (PLA 6H) AND PLANNED AREA 6I (PLA 6I) ZONES, AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBSTANTIAL DEVELOPMENT PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Planning and Community Development has received an application for a Substantial Development Permit filed by Phillip Carter for Madrona View Properties, the owner of said property described in said application and located within the Planned Area 6H (PLA 6H) and Planned Area 6I (PLA 6I) zones.

WHEREAS, The application has been submitted to the Kirkland Hearing Examiner who held public hearing thereon at his regular meeting of October 12, 1989; and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 43.21C and the Administrative Guideline and local ordinance adopted to implement it, an environmental checklist has been submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, and a negative determination reached; and

WHEREAS, said environmental checklist and determination have been available and accompanied the application through the entire review process; and

WHEREAS, the Kirkland Hearing Examiner after his public hearing and consideration of the recommendations of the Department of Planning and Community Development 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 Hearing Examiner, as well as two timely filed challenges of said recommendation.

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 Hearing Examiner as signed by him and filed in the Department of Planning and Community Development File No. SD-IIB-89-70 are adopted by the Kirkland City Council as though fully set forth herein, except the staff report recommendation, Conclusion II.F.4.b., is substituted by the City Council for the Hearing Examiner's Conclusion II.B.

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. 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 until 30 days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-14-090 or until all review proceedings initiated within 30 days from the date of such filing have been terminated, except as provided in RCW 90.58.140(5) (a) (b) (c).

Section 4. 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 170.50 of Ordinance 2740, as amended.

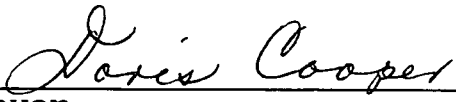
Section 5. A certified copy of this Resolution, together with the Findings, Conclusions and Recommendations herein adopted shall be attached to and become a part of the Substantial Development Permit or evidence thereof delivered to the permittee.

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 Department of the City of Kirkland.
- (c) Public Works Department of the City of Kirkland
- (d) The City Clerk for the City of Kirkland
- (e) The Department of Ecology for the State of Washington
- (f) The Office of the Attorney General for the State of Washington

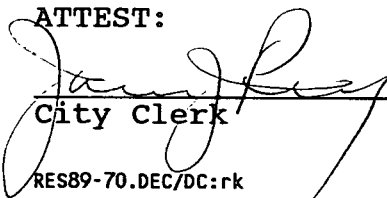
ADOPTED in regular meeting of the City Council on the 19th day of December, 1989.

SIGNED IN AUTHENTICATION THEREOF on the 19th day of December, 1989.



Mayor

ATTEST:



City Clerk

RES89-70.DEC/DC:rk