

RESOLUTION. R- 4603

A RESOLUTION OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A PROCESS IIB PERMIT AND OF A SUBSTANTIAL DEVELOPMENT PERMIT AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON06-00001 AND SHR06-00001 BY MARINA SUITES LLC BEING WITHIN A PLA 15A ZONE AND UM 2 SHORELINE ENVIRONMENT, AND SETTING FORTH CONDITIONS TO WHICH SUCH PROCESS IIB PERMIT AND SUBSTANTIAL DEVELOPMENT PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Planning and Community Development has received an application for a Process IIB permit, filed by Marina Suites LLC, representing the owner of said property described in said application and located within PLA 15A zone; and

WHEREAS, the Department of Planning and Community Development has received an application for a Substantial Development Permit filed by Marina Suites LLC, representing the owner of said property described in said application and located within a UM 2 zone.

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, KMC Title 25, a concurrency application has been submitted to the City of Kirkland, reviewed by the responsible Public Works official, the concurrency test has been passed, and a concurrency test notice issued; 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 application has been submitted to the Kirkland Hearing Examiner who held public hearing thereon at the special meeting of July 31, 2006; and

WHEREAS, after the public hearing and consideration of the recommendations of the Department of Planning and Community Development, the Kirkland Hearing Examiner did adopt certain Findings, Conclusions and Recommendations and recommended approval of the Process IIB Permit and Substantial Development Permit subject to the specific conditions set forth in said recommendation; 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 a timely filed challenge 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 recommendation of the Hearing Examiner as signed by the Hearing Examiner and filed in the Department of Planning and Community Development File No. ZON06-00001 and SHR06-00001 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Process IIB permit and Substantial Development permit shall be issued to the applicant subject to the conditions set forth in the recommendation 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 3. 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 3719, as amended, the Kirkland Zoning Ordinance.

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 3719, as amended.

Section 5. Notwithstanding any recommendation 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 or the failure of said Community Council to disapprove this resolution within sixty days of the date of the passage of this resolution.

Section 6. A complete copy of this resolution, including Findings, Conclusions and Recommendation adopted by reference, shall be certified by the City Clerk who shall then forward the certified copy to the King County Department of Assessments.

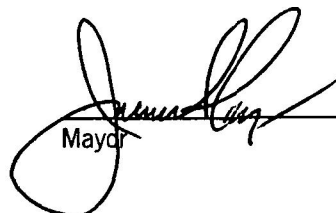
Section 7. A certified copy of this resolution, together with the findings, conclusions, and recommendation herein adopted shall be attached to and become a part of the Process IIB permit and Substantial Development permit or evidence thereof delivered to the permittee.

Section 8. Copies of this resolution shall be delivered to the following:


- (a) The Department of Ecology for the State of Washington
- (b) The Office of the Attorney General for the State of Washington

PASSED by majority vote in open meeting of the Kirkland City Council on the 19th day of September, 2006.

SIGNED IN AUTHENTICATION thereof this 19th day of September, 2006.


Mayor

Attest:


City Clerk