



CITY OF KIRKLAND

Planning and Community Development Department
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MEMORANDUM

To: City Council

From: Eric Shields, Planning Director
Stacy Clauson, Project Planner

Date: Monday, August 28, 2006

Subject: Staff Response to Challenge to the Hearing Examiner Recommendation on the Yarrow Bay Marina/Marina Suites Project
File No. SHR06-00001 and ZON06-00001

INTRODUCTION

A challenge has been filed to the Hearing Examiner's recommendation for the Yarrow Bay Marina site redevelopment in a timely manner on August 21, 2006. The issues raised in the challenge are summarized by staff below and can be found in more detail as part of the challenge letter dated August 21, 2006. The purpose of this response is to provide clarification and staff's interpretation of policies relating to issues addressed in the challenge.

SUMMARY OF SPECIFIC ISSUES RAISED IN THE CHALLENGE:

1. Excessive Fill

Challenge: The challenger has stated that the proposal contains landfill on the mid to western side of the project and is inconsistent with the provisions of the Shoreline Master Program addressing landfill. The challenger has requested that the project be redesigned to eliminate the fill.

Applicable code provision:

KMC 24.05.140.b states that Land Surface Modification Within the High Waterline Yard. Land surface and modifications within the high waterline yard may be permitted only if no unique or significant natural area of flora or fauna will be destroyed and only for the following purposes:

- (1) The land surface modification is proposed by a public agency to improve public safety, recreation or access.*
- (2) The land surface modification is part of a development on the subject property and is to improve access to a pier, dock or beach.*
- (3) The land surface modification is necessary to provide public pedestrian access or a public use area.*

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- (4) The land surface modification is necessary for the structural safety of a structure.*
(5) There has been severe and unusual erosion within the one year immediately preceding the application and the land surface modification is to restore the shoreline to its configuration prior to this erosion.

KMC 24.05.140(c) states that Land surface modification landward of the high waterline yard is only permitted if it is necessary for an approved development or use of the subject property or if it is incidental to landscaping for an existing use on the subject property.

Hearing Examiner Recommendation:

The Hearing Examiner considered the issue of fill raised by the challenger and concluded that the application as conditioned would meet all relevant codes, plans and policies, including the City's Shoreline Master Program, and applicable state laws and regulations, including WAC 173-27 (see page 3 of HE recommendation, conclusion B.4 and 5). Staff agrees with the Hearing Examiner that the land surface modification is consistent with the provisions of KMC 24.05.140.b and c.

Applicable provisions in Hearing Examiner Exhibits:

- Attachment 2.a, Sheet A1.1 of the staff advisory depicts the site development as well as finished grades. Within the high waterline yard, the proposal includes the public access trail system, with grading work associated with the construction of the access trail. Landward of the ordinary high water mark, the proposal depicts the grades of the access driveway and trail system, with a retaining wall proposed along the south side of the public access trail.
- Pages 25-27 of the staff advisory report includes the staff analysis concerning the grading work associated with the proposed construction of the retaining wall along the south property line, noting that the topography along the driveway has been raised in order to meet the requirements of KZC 105.12, which regulates the maximum slope of driveways. The grading work has been viewed as necessary to support the development and provide the public pedestrian access.
- Attachment 2.a, Sheet A4.5 provides site sections through the site showing existing grades and the proposed development. Another section drawing is provided depicting the retaining wall and driveway as well as existing grades.
- Attachment 5, Enclosure 3, Section B.1 of the Environmental Checklist addresses issues related to grading and filling, including estimated quantities of grading excavation and fill.
- As noted in the public hearing by the applicant, the public access trail has been retained at the height of the access driveway, in order to encourage a more pedestrian friendly design than if the walkway was lowered below the elevation of the driveway.

2. Parking Quantity

Challenge: The challenger has contested the parking supply provided, indicating that sufficient parking has not been provided for the marina services building. The challenger has requested that

the parking requirements for the proposal be recalculated and parking sufficient to meet the demand should be located on site.

Applicable code provision:

KZC 105.45 establishes that two or more uses may share a parking area if the number of parking spaces provided is equal to the greatest number of required spaces for uses operating at the same time.

Hearing Examiner Recommendation:

The Hearing Examiner considered the issue of parking quantity raised by the challenger and concluded that the application as conditioned would meet all relevant codes, plans and policies, including the City's Shoreline Master Program, and applicable state laws and regulations, including WAC 173-27 (see page 3 of HE recommendation, conclusion B.4 and 5). Staff agrees with the Hearing Examiner that the parking quantity, as conditioned, would be consistent with the provisions of KZC 105.45.

Applicable provisions in Hearing Examiner Exhibits:

- Pages 21-23 of the staff advisory report include the staff analysis of the parking requirements. Staff concluded that the parking requirement has been met based on a supply that would satisfy the combined peak demand of all uses.
- Existing demand for the general moorage facility was based upon the results of a parking study of existing marina operations, which includes the service operations occurring within the existing marina services building (see Enclosure 5 of Attachment 5). Therefore, the parking demand related to the marina services building has been appropriately accounted for.
- Attachment 21, the use zone chart for general moorage facilities, notes under Special Regulation 17 that boat and motor sales leasing, repair and service as well as gas and oil sales are accessory components of a general moorage facility. The regulations concerning general moorage facilities do not establish additional parking requirements for these accessory uses.
- As noted by staff at the public hearing, the City has not previously required additional parking stalls to be provided for users of the public trail system.

3. Parking Location

Challenge: The challenger has contested the location of surface parking areas located between the office building and Lake Washington, indicating that these are not consistent with regulations contained in the Shoreline Master Program addressing parking location. The challenger requests the surface parking be eliminated and replaced with additional underground parking.

Applicable code provision:

KMC 24.05.130.c states that parking layouts must be designed efficiently to use the minimum amount of space necessary to provide the required parking and safe and reasonable access. Wherever possible, parking should be located out of the shoreline area and should not be located between the building or buildings on the subject property and Lake Washington. Exterior parking areas, other than for detached dwelling units, must be attractively landscaped with vegetation that will not obstruct views of the lake from the public right-of-way.

Hearing Examiner Recommendation:

The Hearing Examiner considered the issue of parking location raised by the challenger and concluded that the application as conditioned would meet all relevant codes, plans and policies, including the City's Shoreline Master Program, and applicable state laws and regulations, including WAC 173-27 (see page 3 of HE recommendation, conclusion B.4 and 5). Staff agrees with the Hearing Examiner that the parking location would be consistent with the provisions of KMC 24.05.130.c.

Applicable provisions in Hearing Examiner Exhibits:

- Attachment 2.a of the Staff Advisory Report depicts the site development, including the location of the surface parking. The majority of the parking is proposed to be provided in two parking levels underneath the office building. Additional parking is proposed to be provided in surface parking located on the southern portion of the site, together with 15 stalls proposed in between the Marina Services building and Lake Washington.
- As shown in the demolition plan in Attachment 2.a of the Staff Advisory Report and aerial photographs as shown in Exhibit C, parking is currently located in this vicinity and serves marina patrons and employees. This provides customers of the marina with parking near the access point to the piers. The parking use in this area is proposed to continue and would not be expanded.
- As noted by the applicant in their presentation and as depicted in Exhibit D, the paved area between the marina services building and the shoreline also serves as circulation area for access to the bay doors of the marina services building, which face west, as well as a staging area for boats awaiting service to be stored during the boating off season, when the parking demand for the marina is reduced.

4. Yarrow Bay Boat Parking

Challenge: The challenger has indicated that the application does not indicate where boat storage facilities will be located on site and requests the plans be revised to accommodate both boat parking and storage.

Applicable code provision:

Both the Zoning Code (KZC 60.172.050) and Shoreline Master Program (KMC 24.05.165) regulations permit the following accessory uses as part of a general moorage facility use:

- (A) Boat and motor sales and leasing;*
- (B) Boat and motor repair and service, if:
 - (i) This activity is conducted on dry land and either totally within a building or totally sight-screened from adjoining property and the right-of-way; and*
 - (ii) All dry land motor testing is conducted within a building.**
- (C) Pumping facilities to remove effluent from boat holding tanks.*
- (D) Dry land boat storage; provided, however, that stacked storage is not permitted.*
- (E) Meeting and special event rooms.*
- (F) Gas and oil sales for boats, if:
 - (i) All storage tanks are underground and on dry land; and*
 - (ii) The use has facilities to contain and clean up gas and oil spills.**This accessory use (gas and oil sales) may be conducted within an over water shed that is not more than fifty square feet in area and ten feet high as measured from the deck...**

Hearing Examiner Recommendation:

The Hearing Examiner considered the issue of parking for boats raised by the challenger and concluded that the application as conditioned would meet all relevant codes, plans and policies, including the City's Shoreline Master Program, and applicable state laws and regulations, including WAC 173-27 (see page 3 of HE recommendation, conclusion B.4 and 5). Staff agrees with the Hearing Examiner that the boat parking, as conditioned, would be consistent with the provisions of the zoning and shoreline regulations.

Applicable provisions in Hearing Examiner Exhibits:

- As noted on page 36 of the staff advisory report, the existing dry land storage activities that occur on the site would be eliminated under the proposal.
- As noted by the applicant in their presentation and as depicted in Exhibit D, the applicant is proposing to utilize the shoreline area for short term haul out and staging area for boats, consistent with existing uses in this area. Photographs of the existing shoreline operations are included in the applicant's presentation under Exhibit C.
- Further, as noted by the applicant in their presentation and as depicted in Exhibit D, the paved area between the marina services building and the shoreline also serves as a short term storage area for boats awaiting service during the boating off season, when the parking demand for the marina is reduced and the demand for service and repair is the greatest.

5. Moorage Extension

Challenge: The challenger requests that the proposed dock extension be denied because it will decrease the available maneuvering area between the Breakwater property and the moorage and create interference with the Breakwater property.

Applicable code provision:

Nonconformance Issue:

KZC 60.172.050 Special Regulation #14 prohibits covered moorage.

KZC 162.35.9 states that any nonconformance must be brought into conformance if the applicant is making any alteration or change or doing any other work in a consecutive 12 month period to an improvement that is nonconforming or houses, supports or is supported by the nonconformance, and the cost of the alteration, change or other work exceeds 50% of the replacement cost of the improvement.

Other:

KMC 24.05.165.e states that moorage structures may not be larger than is necessary to provide safe and reasonable moorage for the boats to be moored. The city will specifically review the size and configuration of each proposed moorage structure to help ensure that:

- (1) The moorage structure does not extend waterward beyond the point necessary to provide reasonable draft for the boats to be moored, but not beyond the outer harbor line;*
- (2) The moorage structure is not larger than is necessary to moor the specified number of boats; and*
- (3) The moorage structure will not interfere with the public use and enjoyment of the water or create a hazard to navigation; and*
- (4) The moorage structure will not adversely affect nearby uses; and*
- (5) The moorage structure will not have a significant long-term adverse effect on aquatic habitats.*

KZC 60.172.050, Special Regulation 7 states that moorage structures may not be larger than is necessary to provide safe and reasonable moorage for the boats moored. The City will specifically review the size and configuration of moorage structures to insure that:

- a. The moorage structures do not extend waterward of the point necessary to provide reasonable draft for the boats to be moored, but not beyond the outer harbor line; and*
- b. The moorage structures are not larger than is necessary to moor the specified number of boats; and*
- c. The moorage structures will not interfere with the public use and enjoyment of the water or create a hazard to navigation; and*
- d. The moorage structures will not adversely affect nearby uses; and*
- e. The moorage structures will not have a significant long-term adverse effect on aquatic habitats.*

Hearing Examiner Recommendation:

The Hearing Examiner considered the issues of expansion of the moorage raised by the challenger and concluded that the application as conditioned would meet all relevant codes, plans and policies, including the City's Shoreline Master Program, and applicable state laws and regulations, including WAC 173-27 (see page 3 of HE recommendation, conclusion B.4 and 5). Staff agrees with the Hearing Examiner that the expansion of the moorage, as conditioned, would be consistent with the zoning and shoreline regulations for general moorage facilities.

Applicable provisions in Hearing Examiner Exhibits:

Nonconformance:

- Pages 35-36 of the staff advisory report include the staff analysis of the nonconforming covered moorage and concluded that the covered moorage was not required to be brought into conformance at this time. Staff based its evaluation on the cost of the expansion of the moorage piers as a percentage of the replacement cost of the existing moorage piers, since this is the improvement that supports the nonconforming covered moorage.

Other:

- Pages 10, 14, and 33-35 of the staff advisory report include the staff analysis of the expansion of the moorage facilities and potential affects to nearby uses. Staff has concluded that the addition, as a result of its location and separation both from the Breakwater property line and the Breakwater dock, would not cause additional or increased adverse impacts to the adjoining property.
- As noted, many of the impacts described by the challenger are a result of the existing access for the fuel docks. The fuel facility is not proposed to be expanded. To address these existing impacts, the applicant has proposed signage to be installed (see Exhibit D) and the Hearing Examiner has recommended a condition of approval to provide tie-up points at the end of the pier extension to be made available for boats waiting for fuel (see recommended condition number 2 in Hearing Examiner report).

6. Public Access Trail

Challenge: The challenger requests that the public access trail located on the south side of the property adjoining the Breakwater Condominiums be deleted from the plan.

Applicable code provision:

KZC 60.172.025, Special Regulation 2 states that an office project must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property...

KMC 24.05.065 establishes that public pedestrian access along the water's edge of all shoreline development, other than single-family residential or where unique and fragile shoreline areas would be adversely affected, should be required of all developments. All developments required to provide public pedestrian access along the water's edge should connect this access to the right-of-way unless access to the water's edge can easily be gained via existing access points.

Hearing Examiner Recommendation:

The Hearing Examiner considered the issue of the public access by the challenger and concluded that the application as conditioned would meet all relevant codes, plans and policies, including the City's Shoreline Master Program, and applicable state laws and regulations, including WAC 173-27 (see page 3 of HE recommendation, conclusion B.4 and 5). Staff agrees with the Hearing Examiner that the public access, as conditioned, would be consistent with the provisions in the zoning and shoreline regulations addressing public access.

Applicable provisions in Hearing Examiner Exhibits:

- Pages 11, 15–18, 27-28, and 41 of the staff advisory report include staff analysis addressing the recommendation for a public access trail connecting the waterfront trail to Lake Washington Blvd. NE. The Hearing Examiner and Houghton Community Council have both recommended that the trail be included as part of the proposal.

7. Buffer area between Commercial and Residential Use

Challenge: The challenger requests that the nature and size of the landscape buffer between the subject property and the Breakwater Condominiums be substantially increased.

Applicable code provision:

Zoning Code section 60.172.025 requires office uses in a PLA 15A zone to comply with Landscape Category D. Section 95.40 lists the applicable regulations for Landscape Category D. Given the adjoining uses, the office use is not required to provide a landscape buffer under the provisions of KZC 90.40.

Zoning Code section 60.172.050 requires general moorage facilities in a PLA 15A zone to comply with Landscape Category B. Section 95.40 lists the applicable regulations for Landscape Category B. Because the marina property is adjacent to medium and high density uses to the south, Section 95.40 (6)(a) (Buffering Standard 1) applies. Buffering Standard 1 requires that the applicant provide a 15-foot-wide landscaped strip with a six-foot-high solid screening fence or wall along the south property line. The land use buffer must be planted with trees planted at the rate of one tree per 20 linear feet of land use buffer, and large shrubs or a mix of shrubs planted to attain coverage of at least 60 percent of the land use buffer area within two years.

KZC 95.40.8 establishes that land use buffers must only be brought into conformance with the requirements of KZC 95.40.6 in either of the following situations:

- *An increase in gross floor area of any structure (the requirement to provide conforming buffers applies only where new gross floor area impacts adjoining property); or*
- *A change in use on the subject property and the new use requires larger buffers than the former use.*

KZC 95.40.7.b requires the applicant to buffer all parking areas and driveways from the right-of-way and from adjacent property with a five-foot-wide strip along the perimeter of the parking areas and driveways planted with one row of trees planted 30 feet on center along the entire length of the strip and living groundcover planted to attain coverage of at least 60 percent of the strip area within two years.

Hearing Examiner Recommendation:

The Hearing Examiner considered the issue of the need for additional buffering between the project and Breakwater Condominiums and has recommended that evergreen and taller vegetation be permitted within the landscape strip located along the south property line in order to provide greater buffering for the property to the south (see page 3-4 of HE recommendation, conclusion B.4 through 6 and recommended conditions of approval). Staff agrees with the Hearing Examiner that the buffering, as conditioned, would be consistent with the provisions in the zoning and shoreline regulations. Concerns raised about the ownership interests of the maple tree are civil issues.

Applicable provisions in Hearing Examiner Exhibits:

- Pages 20-21 of the staff advisory report include staff analysis addressing the recommendation for increased vegetation height within the landscape strip located along the south property line.
- Pages 23 and 39 of the staff advisory report include staff analysis of the project compliance with the landscaping requirements for the office use. As noted, the zoning regulations do not require a land use buffer to be provided between the office and medium density residential use to the south.
- Pages 23-24 of the staff advisory report include staff analysis of the landscape buffering requirements for access driveways and parking areas. As noted, the proposal includes a five-foot wide landscape strip, consistent with the buffering requirements for driveways and parking areas.
- Page 23-24 of the staff advisory report includes staff analysis of the project compliance with the landscaping requirements for the general moorage facility.
- Sheets L-2 and L-3 of Attachment 2.a as included in the staff advisory report show the proposed landscaping plan as well as a site section through the public access trail and south property line.
- Exhibit C contains photographs of the existing landscape buffer located along the north property line at the Breakwater Condominium site.

- Attachment 9 of the staff advisory report provides information on the impacts and need for removal of the Maple tree located along the south property line.

8. Public Park Area

Challenge: The challenger requests the elimination of the waterfront access area and the limitation of access in the waterfront area to maintenance of a lineal trail parallel to the shoreline.

Applicable code provision:

KZC 60.172.025, Special Regulation 5.d requires the following if structure height to be increased to 40 feet above average building: A waterfront area developed and open for public use shall be provided with the location and design specifically approved by the City. Public amenities shall be provided, such as non-motorized watercraft access or a public pier. A public use easement document shall be provided to the City for the public use area, in a form acceptable to the City. The City shall require signs designating the public use area.

Hearing Examiner Recommendation:

The Hearing Examiner considered the issue of the waterfront use area by the challenger and concluded that the application as conditioned would meet all relevant codes, plans and policies, including the City's Shoreline Master Program, and applicable state laws and regulations, including WAC 173-27 (see page 3 of HE recommendation, conclusion B.4 and 5). Staff agrees with the Hearing Examiner that the waterfront use area, as conditioned, would be consistent with the provisions in the zoning code. Please note that the terminology used by the challenger of a public park is incorrect, as the waterfront use area will not be managed by a governmental agency.

Applicable provisions in Hearing Examiner Exhibits:

- Pages 28-30 of the staff advisory report include staff analysis addressing the waterfront use area.
- The landscape plan and plaza plan provided in Attachment 2.a of the staff advisory report provide a plan and perspective drawings of the waterfront use area.

9. Dangerous and Congested Roadway Conditions

Challenge: The challenger contests the traffic evaluation, indicating that impacts relating to turning movements on and off Lake Washington Blvd. in the location of the proposal and queue back-ups from the project driveway have not been appropriately mitigated and requests that the proposal be remanded for the development of transportation solutions that address these impacts.

Hearing Examiner Decision: Issues relating to traffic were evaluated through the SEPA appeal process, which was decided by the Hearing Examiner. In issuing the decision on the SEPA appeal,

which affirmed the Mitigated Determination of Non-Significance issued by the Planning Department, the Hearing Examiner concluded that with regard to transportation, the record, including Exhibit A and the testimony of the applicant's traffic engineer, William Popp, show that the potential impacts from traffic would not have significant adverse environmental impacts and are otherwise adequately conditioned. The decision on the SEPA appeal issued by the Hearing Examiner is the final decision of the City.

10. View Corridor

Challenge: The challenger has contested that the proposal is inconsistent with the view corridor requirements because a substantial amount of the view corridor is taken up with covered moorage.

Applicable code provision:

KMC 24.05.160 states that for properties lying waterward of Lake Washington Boulevard, Lake Street South, 98th Avenue NE or Juanita Drive, a minimum view corridor of thirty percent of the average parcel width must be maintained. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure the view from these rights-of-way to and beyond Lake Washington.

KZC 60.170.2 states that a view corridor shall be provided and maintained across the subject property as follows and as described in Plate 27 (does not apply to Development containing Attached or Stacked Dwelling Units and Restaurant or Tavern and General Moorage Facility use under an approved master plan):

- a. A view corridor must be maintained across 30 percent of the average parcel width; and*
- b. Along Lake Washington Boulevard, the view corridor of 30 percent of the average parcel width shall be increased 2.5 feet for each foot, or portion thereof, that any building exceeds 30 feet above average building elevation. If the subject property does not directly abut Lake Washington Boulevard, the length of the view corridor along its east property line shall be determined by projecting the view corridor as required along Lake Washington Boulevard across the subject property to the view corridor required along the shoreline; and*
- c. Along the shoreline, the width of the view corridor shall be:*
 - 1. Sixty percent of the length of the high water line if the height of any building is greater than 30 feet but less than or equal to 35 feet above average building elevation, or*
 - 2. Seventy percent of the high water line if the height of any building is greater than 35 feet above average building elevation. If the subject property does not directly abut the shoreline, the width of the view corridor along its west property line shall be determined by projecting the view corridor as required along Lake Washington Boulevard across the subject property to the view corridor required along the shoreline; and*
- d. The view corridor must be in one continuous piece; and*
- e. Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure the view from Lake Washington Boulevard to and beyond Lake Washington. Trees or shrubs that mature to a height of greater than three feet above average grade may not be*

*placed in the required view corridor. Parking stalls or loading areas are not permitted in the required view corridor that would result in vehicles obscuring the line of sight from Lake Washington Boulevard to the high water line as shown in Plate 27; and
f. The view corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties.*

Plate 27 indicates that the required shoreline view corridor across the property shall be determined by taking the view corridor required along Lake Washington Boulevard (30 percent of the average parcel width plus 2.5 feet for each foot the building height exceeds 30 feet above average building elevation) and then extending the view corridor across the property to the shoreline to provide a shoreline view corridor of 60 percent if building height is greater than 30 feet, but equal to or less than 35 feet or 70 percent if building height is greater than 35 feet (see diagram above).

View corridor is defined in KZC 5.10.974 as an open area that provides an unobstructed view across the subject property to and beyond Lake Washington from the adjacent right-of-way.

Hearing Examiner Recommendation:

The Hearing Examiner considered the issue of impacts to views raised by the challenger and concluded that the application as conditioned would meet all relevant codes, plans and policies, including the City's Shoreline Master Program, and applicable state laws and regulations, including WAC 173-27 (see page 3 of HE recommendation, conclusion B.4 and 5). Staff agrees with the Hearing Examiner that the view corridor, as conditioned, would be consistent with the provisions in the zoning and shoreline regulations.

Applicable provisions in Hearing Examiner Exhibits:

- Pages 18-20 of the staff advisory report includes the staff analysis of the view corridor. Staff concluded that the proposed development was consistent within the dimensional requirement for the view corridor. The view corridor across the site would allow views to the lake and boats moored at the marina as well as to Lake Washington beyond the covered moorage.
- Pages 35-36 of the staff advisory report includes the staff analysis of the nonconforming covered moorage and concluded that the covered moorage was not required to be brought into conformance at this time.

11. Notice Adequacy

Challenge: The challenger has requested that the City Council require a re-notice of the project to correct deficiencies in the notice of application.

Hearing Examiner Recommendation: The issue concerning notice adequacy has been reviewed by staff, the City Attorney and the Hearing Examiner, who have concluded that the notice provided

was adequate and did not provide a basis for remanding the application to the Planning Department for further notice.

Conclusion

The general issue raised in the challenge is that the Hearing Examiner did not adequately discuss and evaluate concerns raised in the July 31, 2006 letter submitted on behalf of the Breakwater Condominium Association. Based on the detailed consideration of City policies and regulations contained in the supporting exhibits to the Hearing Examiner recommendation, including the staff advisory report, staff concludes that the Hearing Examiner did adequately and appropriately address these concerns.

Enclosure: Affidavit of Service

Cc: File SHR06-00001

RESOLUTION 2006-6

A RESOLUTION OF THE HOUGHTON COMMUNITY COUNCIL APPROVING RESOLUTION NO. 4603 ADOPTED BY THE KIRKLAND CITY COUNCIL ON SEPTEMBER 19, 2006, RELATING TO LAND USE; APPROVING A PROCESS IIB PERMIT AND SUBSTANTIAL DEVELOPMENT PERMIT AS APPLIED FOR BY MARINA SUITES LLC IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON06-00001 and SHR06-00001 AND SETTING FORTH CONDITIONS OF THE APPROVAL.

WHEREAS, the Houghton Community Council has received from the Kirkland City Council Resolution No. 4603, approving a Process IIB permit and Substantial Development Permit filed by Marina Suites LLC as Department of Planning and Community Development File No. ZON06-00001 and SHR06-00001 to extend a pier and redevelop the upland portion of the Yarrow Bay marina site located at 5207 Lake Washington Blvd NE with a new 53,000 square foot office building and a new 6,980 square foot marina services building; and

WHEREAS, the subject matter of this resolution, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council and shall become effective within the Houghton Community Municipal Corporation only upon approval by 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; and

WHEREAS, the subject matter of this resolution was reviewed and discussed by the Houghton Community Council at meetings held on July 31, 2006 and August 2, 2006, and at said meeting(s) the Houghton Community Council provided recommendations on said subject matter; and

WHEREAS, the subject matter of this resolution will serve the interests and promote the health, safety, and welfare of the Houghton Community Municipal Corporation;

NOW, THEREFORE, be it resolved that Resolution 4603 is hereby approved and effective within the Houghton Community Municipal Corporation.

PASSED by majority vote of the Houghton Community Council in regular, open meeting this _____ day of _____, 2006.

SIGNED IN AUTHENTICATION thereof this _____ day of _____, 2006.

Chair, Houghton Community Council

City Clerk