CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

MEMORANDUM

Date: December 12, 2005

To: David Ramsay, City Manager

From: Eric R. Shields, AICP, Planning Director
Stacy Clauson, Associate Planner

Subject: 118TH AVENUE NE RIGHT-OF-WAY VACATION, FILE NO. VAC05-00003

RECOMMENDATION:

The Department of Planning and Community Development recommends that City Council hold a Public Hearing and adopt a Resolution of Intent to Vacate a portion of the 118th Ave NE right-of-way, subject to the conditions established in the Staff Advisory Report.

RULES FOR CITY COUNCIL CONSIDERATION:

The City Council shall consider the vacation at a public hearing. Any interested person may participate in the public hearing by either or both submitting written comments to the City Council or by appearing in person, or through a representative, at the hearing and make oral comments directly to the City Council.

After the public hearing, the City Council shall, by motion approved by a majority, do one of the following:

1. Adopt an ordinance granting the vacation; or
2. Adopt a motion denying the vacation; or
3. Adopt a resolution of intent to vacate stating that the City Council will, by Ordinance, grant the vacation if the applicant meets specified conditions within 90 days, unless otherwise specified in the ordinance.

BACKGROUND DISCUSSION:

LMJ Enterprises Limited Partnership has filed a petition to vacate a 19,439 square foot portion of 118th Avenue NE. The owners of two-thirds of the property abutting the right-of-way to be vacated must agree to the vacation. In this case, LMJ Enterprises Limited Partnership represents more than two-thirds of the property abutting the proposed vacation.

On November 15, 2005, the City Council adopted Resolution No. 4534 setting a public hearing date the proposed vacation on January 3, 2006.

ATTACHMENTS:

1. Staff Report
2. Resolution of Intent to Vacate

CITY OF KIRKLAND
Planning and Community Development Department
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ADVISORY REPORT
FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

To: Kirkland City Council

From: _____ Eric R. Shields, AICP, Planning Director

_____ Stacy Clauson, Project Planner

Date: December 12, 2005

File: 118TH AVENUE NE RIGHT-OF-WAY VACATION, FILE NO. VAC05-00003

Hearing Date and Place: January 3, 2006
City Hall Council Chamber
123 Fifth Avenue, Kirkland

I. INTRODUCTION

A. APPLICATION

1. Applicant: LMJ Enterprises Limited Partnership

2. Site Location: A portion of 118th Ave NE right-of-way located between NE 80th and NE 85th Streets (see Attachment 1).

3. Request: The proposal is to vacate a portion of the 118th Ave NE right-of-way that currently separates the applicant's property, which adjoins 118th Ave NE on the east and west. The proposal is to vacate the full width of 118th Ave NE right-of-way extending south from I-405 approximately 323 feet. A portion of the applicant's property is proposed to be dedicated to the City of Kirkland to allow for construction of a new cul-de-sac at the proposed new terminus of 118th Ave NE (see Attachment 2).

4. Review Process: City Council conducts public hearing. Following the public hearing, the Council makes the final decision by motion approved by a majority of the entire membership in a roll call vote.

5. Summary of Key Issues: Compliance with right-of-way vacation criteria.

B. RECOMMENDATIONS

Based on Statements of Fact and Conclusions (Section II), and Attachments in this report, we recommend approval of this application subject to the following conditions:

1. Within ninety (90) days of the passage of the Resolution of Intent to grant the vacation, the applicants shall:

a. Pay to the City as compensation for vacating the requested portion of right-of-way, the full appraised value of the subject site totaling $539,610 (see Conclusion II.C.3.b).

b. Submit to the City a copy of the following recorded easements (see Conclusion II.C.4.b).

(1) A 20-ft minimum width easement for the sewer main.
(2) A 15-ft minimum width easement for the water main.
(3) A 15-ft minimum width easement shall for the storm main.
(4) An access easement for maintenance of the sewer manhole in the vacated right-of-way should be provided from the end of the new cul-de-sac or through the car dealership site from 120th Ave. NE.
(5) A utility easement encompassing the entire vacated right-of-way unless the applicant prepares individual legal descriptions for each specific easement based on the location and minimum size determined by each utility company.

c. Install the required improvements as described in Attachment 3 (see Conclusion II.C.1.b). Prior to installing these improvements, plans must be submitted for approval by the Department of Public Works.

In lieu of completing these improvements, the applicant may submit to the Department of Public Works a security device to cover the cost of installing the improvements and guaranteeing installation within one year (see Conclusion II.C.5.b).

d. As shown on Attachment 2, dedicate sufficient land to the city to allow installation of a 70-foot diameter paved cul-de-sac with a 6-ft wide paved parallel parking area on the north and east side of the cul-de-sac and a 4.5-ft minimum landscape strip behind the curb. (see Conclusion II.C.1.b).

II. FINDINGS OF FACT AND CONCLUSIONS

A. SITE DESCRIPTION

1. Site Development and Zoning:

a. Facts:

(1) Size: The portion of the 118th Ave NE right-of-way requested to be vacated is 60 feet wide by approximately 345 feet long along the east site street frontage. The area to be vacated also contains a partial cul-de-sac. The total area of proposed vacation is 19,439 square feet.

(2) Land Use: The right-of-way to be vacated is currently developed with a public roadway. The applicant's property on the west side of the roadway is undeveloped, with the exception of a personal wireless service facility that has a lease agreement with LMJ Enterprises Limited Partnership. The right-of-way to be vacated also partially adjoins the Spruce Villas Condominium project, a multifamily project containing 4 units. The applicant's property on the east side of the roadway is vacant, except on the north half where the renovated Lee Johnson Chevrolet Mazda site is currently under construction.

(3) Zoning: The north portion of the right-of-way is located in the PLA 13A and PLA 13A(1) zones, a commercial zoning district. The south portion of the right-of-way is located in the PLA 13B zone, an office/residential zone (see Attachment 4). New zoning classifications affecting the area are expected to be adopted by the City Council in January, 2006. Under the draft new zoning regulations, a portion of the

vacated right-of-way would be located in the RH 2B and RH 2C zones, both designated as commercial zones. A portion would be located in the PR 3.6 zone, a professional office/residential zone (see Attachment 5).

(4) Development Potential: The portion of the right-of-way to be vacated could be aggregated with the surrounding property owned by LMJ Enterprises Limited Partnership for future commercial, office, or residential development.

(5) Terrain: The portion of right-of-way to be vacated slopes downhill to the north.

(6) Vegetation: The portion of right-of-way to be vacated contains a 12" Hawthorn tree, a 24" Maple tree partially located in the right-of-way, and 4 smaller deciduous street trees, two located on the east side of 118th Ave NE and two fronting the Spruce Villas Condominiums.

b. Conclusions: Size, Land Use, Zoning, Terrain, Vegetation and Development Potential are not constraining factors in the proposed street vacation application.

2. Neighboring Development and Zoning:

a. Facts: The area of the proposed street vacation and adjoining site are located just east of I-405 and south of NE 85th Street. The immediate area is developed with a mixture of single-family and multi-family uses to the south, located in the PLA 13B zone.

b. Conclusion: The neighboring development and zoning are not constraining factors in the proposed street vacation application.

B. PUBLIC COMMENT

The Department of Planning and Community Development has received one public comment letter prior to the issuance of this staff report (see Attachment 6). The questions raised in the letter concern traffic on 118th Avenue NE, particularly access for the car dealership and other uses from this street. The proposed street vacation would not affect any access rights. Access restrictions, if there are any, would be established as part of the new zoning regulations contemplated for the area, which are to be reviewed by City Council in January, 2006.

C. KIRKLAND MUNICIPAL CODE – COMPLIANCE WITH STREET VACATION CRITERIA

1. Street Vacation Criteria

a. Facts:

(1) Section 19.16.130 of the Kirkland Municipal Code states: "Criteria for granting Street Vacation - The City Council may, in its discretion vacate a street, alley or public easement if it determines the vacation is in the public interest and that:

(a) The street, alley, or public easement is not currently necessary for travel or other street purposes, nor likely to be in the future; and

(b) No property will be denied all access as a result of the vacation.

(2) The City Council may consider any other fact or issue it deems relevant when deciding whether to vacate a street, alley or public easement.

(3) 118th Ave NE is a dead-end street that terminates at the I-405 right-of-way on the north. The properties that border the portion of 118th Ave proposed to be vacated include properties owned by LMJ Enterprises Limited Partnership and the Spruce Villas Condominiums.

(4) The right-of-way vacation has been designed to retain an access driveway connection to 118th Ave NE for the Spruce Villas Condominium project.

(5) All of the other potentially impacted parcels are in common ownership of the applicant, LMJ Enterprises Limited Partnership. LMJ Enterprises Limited Partnership has extensive contiguous land holdings in the area which have frontage on other public streets, including NE 85th Street and 120th Ave NE.

(6) 118th Ave NE is designated as an R-28 Neighborhood Access Street. Pursuant to KZC 110.38, an R-28 street requires a cul-de-sac on dead-end streets exceeding 200 feet in length. The portion of 118th Ave NE that would not be vacated is a dead-end street that would exceed 200 feet in length. The existing partial cul-de-sac is proposed to be vacated, eliminating the existing turnaround area.

(7) The proposal has been designed and includes a street dedication on property owned by LMJ Enterprises Limited Partnership to provide a cul-de-sac at the new terminus of 118th Ave NE.

(8) The Public Works Department has recommended approval of the proposed street vacation, subject to conditions (see Attachment 3, Development Standards).

b. Conclusion: The proposed street vacation will not deny all access to any lots. Prior to the use of the vacated area, the applicant should dedicate and construct a new cul-de-sac at the new north end of 118th Ave NE, consistent with the recommendations by the Public Works Department contained in Attachment 3. With this improvement, the vacated area would no longer be needed for travel or other street purposes.

2. Initiation of Vacation Procedure

a. Facts:

(1) Section 19.16.030 of the Kirkland Municipal Code (Initiation of Proceedings) allows a vacation to be initiated by the City Council or by owners of more than two thirds of the property abutting the part of the street or alley to be vacated. The applicants represent more than two-thirds of the property abutting the proposed vacation.

(2) A petition signed by LMJ Enterprises Limited Partnership has been submitted (see Attachment 7).

b. Conclusion: The requirements of Section 19.16.030 have been met.

3. Street Vacation - Final Decision and Compensation

a. Facts:

(1) Section 19.16.160 of the Kirkland Municipal Code indicates that following the public hearing, the City Council shall, by motion approved by a majority of the entire membership in a roll call vote, either (a) adopt an ordinance granting the vacation; or (b) adopt a motion denying the vacation, or (c) adopt a resolution of intent to vacate stating that the City Council will, by ordinance, grant the vacation if the

applicant meets specified conditions within 90 days, unless otherwise specified in the resolution.

(2) The City may require the following as conditions:

(a) Monetary compensation to be paid to the City in an amount of up to one-half the appraised value for the subject property; provided, that compensation may be required in an amount of up to full appraised value of the subject property if either of the following applies to the street vacation:

(i) It has been part of a dedicated public right-of-way for twenty five years or more; or

(ii) The subject property or portions thereof were acquired at public expense.

(b) The grant of a substitute public right-of-way which has value as right-of-way at least equal to the subject property; or

(c) Any combination of (a) and (b) above, provided that the total value of the combined conditions shall not total more than the maximum amount of monetary compensation allowed under subsection (2) (a) of this section.

(3) The City has acquired an independent appraisal of the subject site from Washington Appraisal Service, Inc (see Attachment 8) concluding a fair market land value of $30 per square foot.

(4) The value of the total right-of-way to be vacated is $583,170 (19,439 square feet times $30 per square foot). The value of the right-of-way to be dedicated to construct the new cul-de-sac is $43,560 (1,452 square feet times $30 per square foot). Therefore, the net value of the right-of-way would be $539,610 (17,987 square feet times $30 per square foot).

(5) The 118 Ave NE right-of-way was dedicated with the recording of the plat of Burke & Farrar's Kirkland Addition to the City of Seattle, Division No. 6 on December 28, 1910.

(6) A portion of the 118th Ave NE right-of-way to be vacated was later acquired for construction of I-405 and then relinquished by Washington State to the City of Kirkland on June 20, 1980.

(7) Since the right-of-way was dedicated more than 25 years ago, the City may require compensation in any amount up to the full-appraised value of the subject site.

b. Conclusion: The applicant should compensate the City $539,610 (the full appraised value) for vacating this portion of the 118th Ave NE right-of-way.

4. Street Vacation – Easements

a. Facts:

(1) KMC Section 19.16.140 allows the City Council to reserve for the City any easement or the right to exercise and grant any easements for public utilities and services, pedestrian trail purposes; and any other type of easement relating to the City's right to control, use and manage rights-of-way.

(2) The City has the following utilities located within the right-of-way to be vacated (see Attachment 3):

i. An existing 8-inch sewer main and sewer manhole.
ii. An existing 8-inch water main that is being connected to a new water main that loops through the project site over to 120th Ave. NE as part of the renovation of the Lee Johnson Chevrolet Mazda dealership.
iii. An existing public storm main.

(3) The City has obtained written comments from applicable franchise utilities regarding their need to retain a utility easement over the area to be vacated (see Attachment 9.a-d). To date, Verizon and Puget Sound Energy have both expressed an interest in a utility easement. Comcast has indicated that the existing utility route can potentially be removed or relocated per a new utility design.

b. Conclusion: If the vacation is approved, the following easements shall be reserved over the right-of-way to be vacated:

- A 20-ft minimum width easement for the sewer main.
- A 15-ft minimum width easement for the water main.
- A 15-ft minimum width easement shall for the storm main.
- An access easement for maintenance of the sewer manhole in the vacated right-of-way should be provided from the end of the new cul-de-sac or through the car dealership site from 120th Ave. NE.

In addition, utility easements will be retained for any franchise utility companies that express an interest in retaining a utility easement for their existing or future utilities, including Verizon, Puget Sound Energy, and Comcast. The utility easement should encompass the entire vacated right-of-way unless the applicant prepares individual legal descriptions for each specific easement based on the location and minimum size determined by each utility company.

A copy of the completed easements should be submitted to the City within ninety (90) days of the passage of the Resolution of Intent to grant the vacation.

5. Bonds and Securities

a. Fact: Zoning Code section 175.10.2 establishes the circumstances under which the City may consider the use of a performance security in lieu of completion of certain site work prior to occupancy or other permit. The City may consider a performance security only if: the inability to complete work is due to unavoidable circumstances beyond the control of the applicant; there is certainty that the work can be completed in a reasonable period of time; and granting the certificate of occupancy or other permit prior to completion will not be materially detrimental to the City or properties adjacent to the subject site.

b. Conclusion: In order to ensure timely completion of all required site and right-of-way improvements, such improvements should be completed prior to passage of the ordinance vacating the street, unless the applicant can demonstrate compliance with the criteria in Zoning Code section 175.10.2.

D. COMPREHENSIVE PLAN

1. Fact: The subject property is located within the NE 85th Street Subarea. The NE 85th Street Subarea Land Use Map designates the subject property for both commercial (RH 2B and 2C districts) and office/multifamily (see Attachment 10).

2. Conclusion: The vacation of the right-of-way would not change the Comprehensive Plan Land Use Designation.

E. STATE ENVIRONMENTAL POLICY ACT (SEPA)

Street Vacations are categorically exempt from SEPA pursuant to WAC 197-77-800 (2)(h).

III. APPENDICES

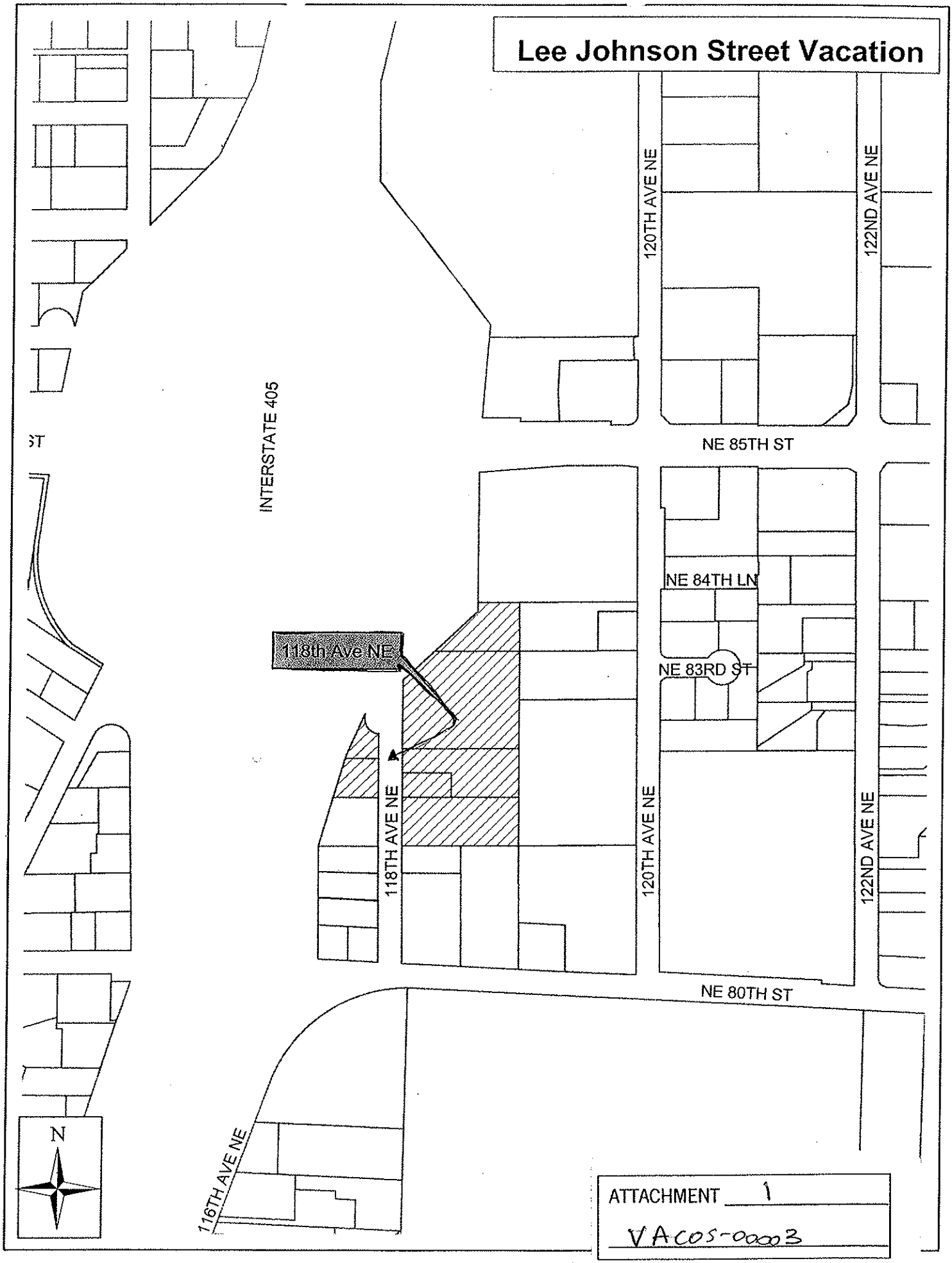
Attachments 1 through 10 are attached.

1. Vicinity Map
2. Site Map
3. Development Standards
4. Current Zoning Map
5. Draft Zoning Map for NE 85th Street Subarea
6. Letter from Tom Gill dated September 12, 2005
7. Petition to Vacate Right-of-Way
8. Land Appraisal Report
9. Letters from Utility Companies
   a. Letter from King County Wastewater Treatment Division
   b. Letter from Verizon
   c. Letter from Comcast
   d. Letter from Puget Sound Energy
10. NE 85th Street Subarea Land Use Map

IV. PARTIES OF RECORD

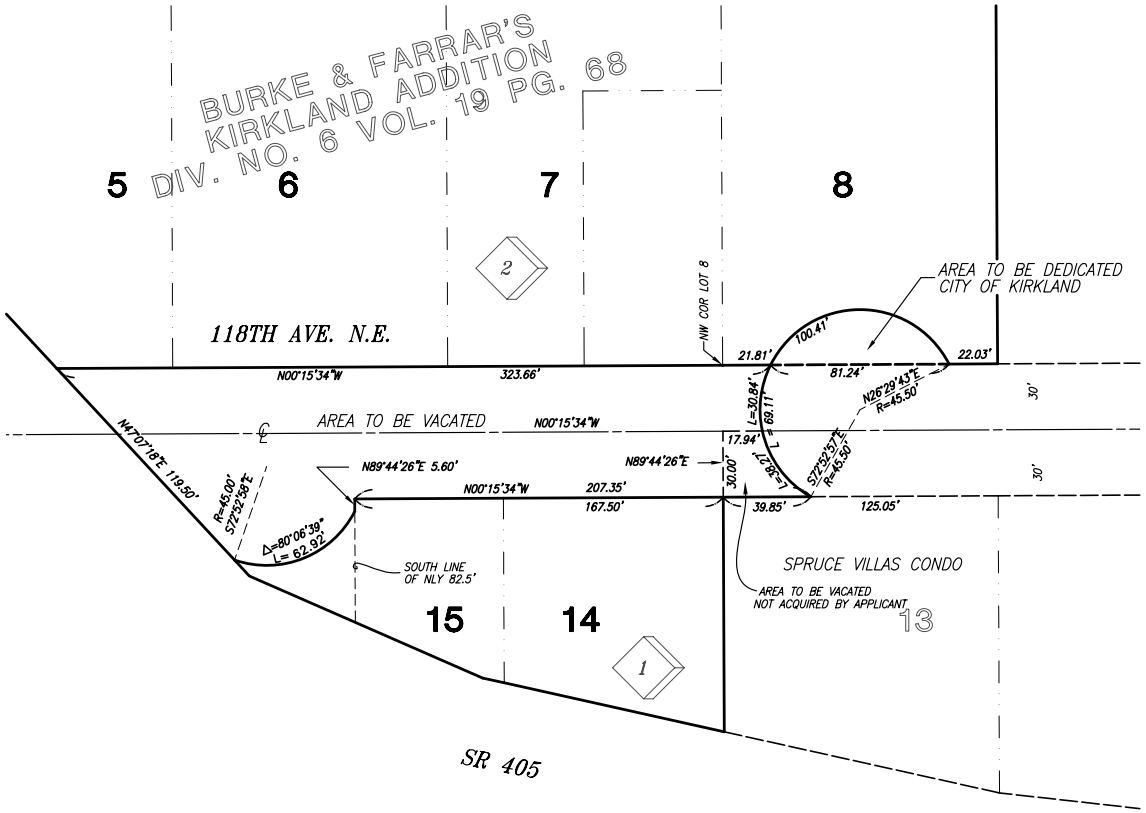
Applicant, Tod Johnson, LMJ Enterprises Limited Partnership, 11845 NE 85th Street, Kirkland, WA 98033
Dan Hardin, Jim Hart & Associates, 220 Sixth Street, Kirkland, WA 98033
Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services
Tom Gill, LCSW, Attachment Center NW, 8011 118th Ave NE, Kirkland, WA 98033
Diane Albright, Comcast, 1525 75th St SW, Suite 200, Everett, WA 98203
Chung-I Lin, Verizon, PO Box 1003, Everett, WA 98206-1003
Shirley Marroquin, King County Wastewater Treatment Division, Department of Natural Resources and Parks, King Street Center, 201 South Jackson Street, Seattle, WA 98104-3855
William Craven, Puget Sound Energy, Inc., PO Box 90868, Bellevue, WA 98009-0868

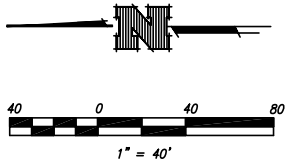
Lee Johnson Street Vacation



ATTACHMENT 1

VACOS-00003





BASIS OF BEARING: NAD 83 (91)

AREAS	
TOTAL VACATION	19,439' ±
TO BE VACATED TO APPLICANT	18,671' ±
VACATED AREA NOT ACQUIRED BY APPLICANT	768' ±
DEDICATED	1,452' ±

LEGEND

PROPERTY LINE

ADJACENT PROPERTY LINE

EXISTING R.O.W.

R.O.W. CENTERLINE

TOTAL ROAD VACATION

LEGAL DESCRIPTION:

THAT PORTION OF 118TH AVE NE (DONALD STREET) AND THAT PORTION OF LOT 15, BLOCK 1, BURKE AND FARRAR'S KIRKLAND ADDITION, DIVISION No. 6, AS RECORDED IN VOLUME 19 OF PLATS, PAGE 68, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 8, BLOCK 2 OF SAID PLAT; THENCE SOUTH 00°15'34" EAST ALONG THE WESTERLY LINE THEREOF 21.81 FEET TO THE TRUE POINT OF BEGINNING; THENCE RETURNING NORTH 00°15'34" WEST ALONG SAID WESTERLY LINE 323.86 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY OF S.R. 405; THENCE SOUTH 47°07'18" WEST ALONG SAID RIGHT OF WAY 119.50 FEET, MORE OR LESS, TO THE SOUTHWESTERLY LINE OF THAT PORTION OF ABOVEMENTIONED LOT 15 RELINQUISHED TO THE CITY OF KIRKLAND UNDER RECORDING No. 8006200424, BEING A CURVE TO THE SOUTHWEST; THENCE ALONG SAID CURVE HAVING A RADIUS OF 45 FEET THE CENTER OF WHICH BEARS SOUTH 72°52'58" EAST, FOR AN ARC LENGTH OF 62.92 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF THE NORTHERLY 82.5 FEET OF SAID LOT 15; THENCE NORTH 89°44'26" EAST 5.60 FEET, MORE OR LESS, TO THE EASTERLY LINE OF SAID LOT 15; AND THE WESTERLY MARGIN OF 118TH AVE. NE THENCE SOUTH 00°15'34" EAST ALONG THE WESTERLY MARGIN OF SAID 118TH AVE. NE; 207.35 FEET TO A POINT ON A CURVE; THENCE NORTHEASTERLY ALONG SAID CURVE HAVING A RADIUS OF 45.50 FEET, THE CENTER OF WHICH BEARS SOUTH 72°52'57" EAST, FOR AN ARC LENGTH OF 69.11 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 19,439 SQUARE FEET, MORE OR LESS.

SITUATE IN THE CITY OF KIRKLAND, KING COUNTY, WASHINGTON.

ROAD DEDICATION

LEGAL DESCRIPTION:

THAT PORTION OF LOT 8, BLOCK 2, BURKE AND FARRAR'S KIRKLAND ADDITION, DIVISION No. 6, AS RECORDED IN VOLUME 19 OF PLATS, PAGE 68, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 8; THENCE SOUTH 00°15'34" EAST ALONG THE WESTERLY LINE THEREOF 21.81 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°15'34" EAST ALONG SAID WESTERLY LINE 81.24 TO A POINT ON A CURVE THE CENTER OF WHICH BEARS NORTH 27°02'21" WEST 45.50 FEET; THENCE NORTH EASTERLY ALONG SAID CURVE 100.41 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 1,452 SQUARE FEET, MORE OR LESS.

SITUATE IN THE CITY OF KIRKLAND, KING COUNTY, WASHINGTON.

ROAD VACATION
SPRUCE VILLAS PORTION

LEGAL DESCRIPTION:

THAT PORTION OF 118TH AVE NE (DONALD STREET), BURKE AND FARRAR'S KIRKLAND ADDITION, DIVISION No. 6, AS RECORDED IN VOLUME 19 OF PLATS, PAGE 68, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 13, BLOCK 1 OF SAID PLAT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 00°15'34" EAST ALONG THE WESTERLY MARGIN OF SAID 118TH AVE. NE 39.85 FEET TO A POINT ON A CURVE; THENCE NORTHEASTERLY ALONG SAID CURVE HAVING A RADIUS OF 45.50 FEET, THE CENTER OF WHICH BEARS SOUTH 72°52'57" EAST, FOR AN ARC LENGTH OF 38.27 FEET TO THE CENTERLINE OF SAID 118TH AVE NE; THENCE NORTH 00°15'34" WEST ALONG SAID CENTERLINE 17.94 FEET; THENCE SOUTH 89°44'26" WEST 30.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 768 SQUARE FEET, MORE OR LESS.

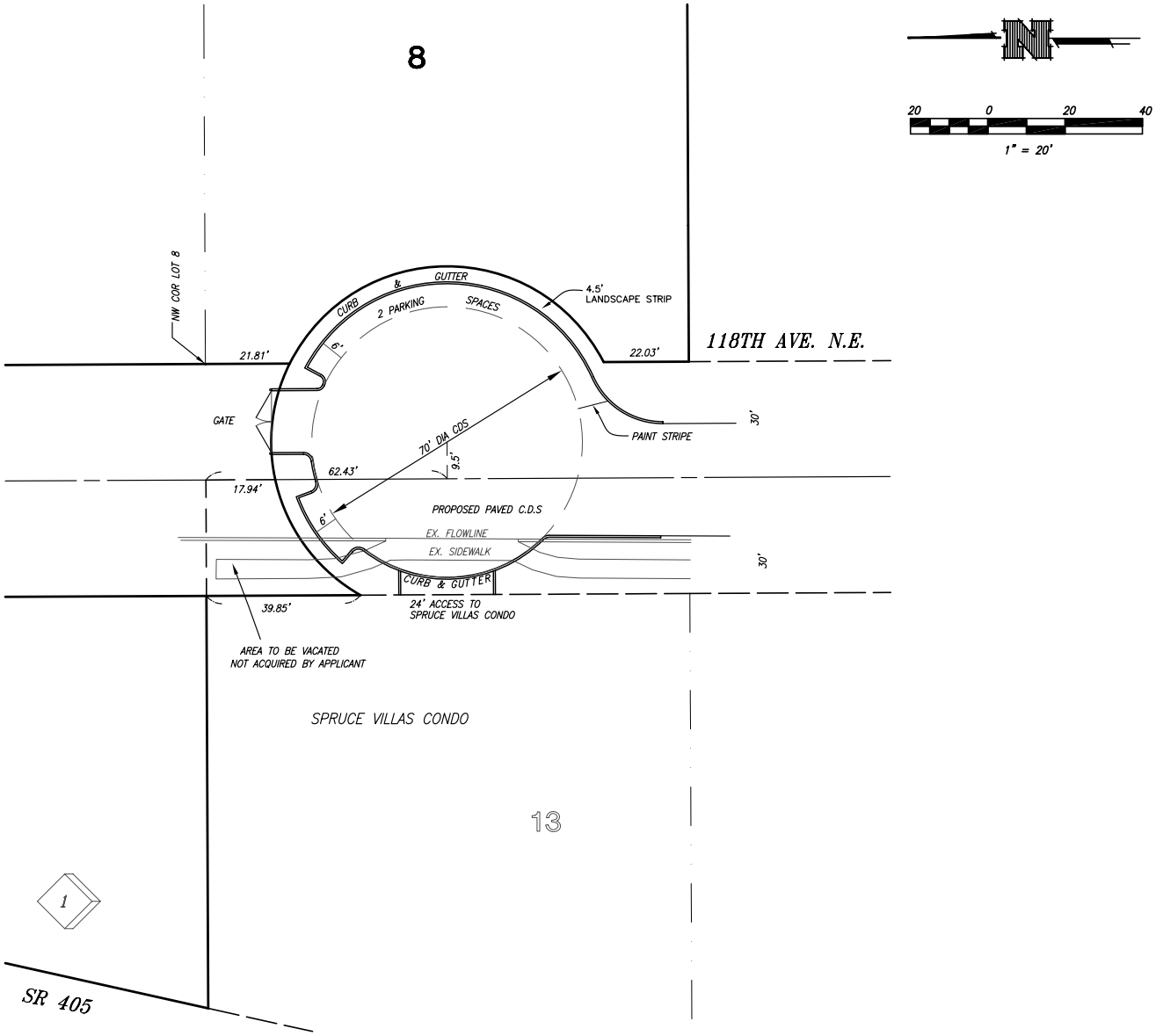
SITUATE IN THE CITY OF KIRKLAND, KING COUNTY, WASHINGTON.

JIM HART AND ASSOCIATES
PROFESSIONAL LAND SURVEYORS
220 - 6th St. KIRKLAND, WASHINGTON 98033
PHONE (425) 822-4171

DEDICATION & VACATION PROPOSAL
FOR: LMJ ENTERPRISES
11845 NE 85TH ST
KIRKLAND, WA 98033

SW 1/4 SW 1/4 Section 4, Twp. 25 N.,R. 5 E.,W.M.

SCALE: 1"=40'	DATE: 7/7/05
FIELD BOOK: N/A	
DRAWN BY: BJM	
CHECKED BY: DH	
APPV'D BY: JAH	
PROJECT NO. 05-41	SHEET 1/1



JIM HART AND ASSOCIATES
PROFESSIONAL LAND SURVEYORS
220 - 6th St. KIRKLAND, WASHINGTON 98033
PHONE (425) 822-4171

SUGGESTED CONSTRUCTION PLAN
FOR: LMJ ENTERPRISES
11845 NE 85TH ST
KIRKLAND, WA 98033

SW 1/4 SW 1/4 Section 4, Twp. 25 N.,R. 5 E.,W.M.

SCALE: 1"=20'	DATE: 11/11/05
FIELD BOOK: N/A	
DRAWN BY: BJM	
CHECKED BY: DH	
APPV'D BY: JAH	
PROJECT NO. 05-41	SHEET 2/2

CITY OF KIRKLAND
123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189 (425) 587-3225

Date:
12/12/2005

DEVELOPMENT STANDARDS
CASE NO.: VAC05-00003
PCD FILE NO.:VAC05-00003

You can review your permit status and conditions at www.kirklandpermits.net

PUBLIC WORKS CONDITIONS

Permit Information
Permit #: VAC05-00003
Project Name: 118th Ave. NE Street Vacation
Project Address: 11845 NE 85th St.
Date: September 1, 2005

Public Works Staff Contacts
Land Use and Pre-Submittal Process:
Rob Jammerman, Development Engineering Manager
Phone: 425-587-3845 Fax: 425-587-3807
E-mail: rjammer@ci.kirkland.wa.us

Building and Land Surface Modification (Grading) Permit Process:
John Burkhalter, Senior Development Engineer
Phone: 425-587-3846 Fax: 425-587-3807
E-mail: jburkhal@ci.kirkland.wa.us

General Conditions:

1. All public improvements associated with this project including street and utility improvements, must meet the City of Kirkland Public Works Pre-Approved Plans and Policies Manual. A Public Works Pre-Approved Plans and Policies manual can be purchased from the Public Works Department, or it may be retrieved from the Public Works Department's page at the City of Kirkland's web site at www.ci.kirkland.wa.us.

2. This project will be subject to Public Works Permit Fees. It is the applicant's responsibility to contact the Public Works Department by phone or in person to determine the fees. The fees can also be review the City of Kirkland web site at www.ci.kirkland.wa.us. The applicant should anticipate the following fees:
- o Right-of-way Fee
- o Review and Inspection Fee (for utilities and street improvements).

3. This project is exempt from concurrency review.

4. All civil engineering plans which are submitted in conjunction with a building, grading, or right-of-way permit must conform to the Public Works Policy titled ENGINEERING PLAN REQUIREMENTS. This policy is contained in the Public Works Pre-Approved Plans and Policies manual.

ATTACHMENT 3
VAC05-00003

5. All street improvements and underground utility improvements (storm, sewer, and water) must be designed by a Washington State Licensed Engineer; all drawings shall bear the engineers stamp.

6. All plans submitted in conjunction with a building, grading or right-of-way permit must have elevations which are based on the King County datum only (NAVD 88).

7. Utility easements will be retained for any franchise utility companies that express an interest in retaining a utility easement for their existing or future utilities. To date, Comcast, Verizon, and Puget Sound Energy have all expressed an interest in a utility easement. The utility easement will encompass the entire vacated right-of-way unless the applicant desires to have their surveyor prepare individual legal descriptions for each specific easement based on the location and minimum size determined by each utility company.

Sanitary Sewer Conditions:

1. The City has an existing 8-inch sewer main in the right-of-way to be vacated. If the vacation is approved, a 20-ft minimum width easement shall be retained for the sewer main. In addition, access for maintenance of the sewer manhole in the vacated right-of-way shall be provided from the end of the new cul-de-sac or through the car dealership site from 120th Ave. NE.

Water System Conditions:

1. There is an existing 8-inch water main in the right-of-way to be vacated. If the vacation is approved, a 15-ft minimum width easement shall be retained for the water main. Note: this water is being connected to a new water main that loops through the project site over to 120th Ave. NE. All of the water main will be encompassed in a 15-ft minimum width easement.

Surface Water Conditions:

1. At the end of new cul-de-sac, install surface water collection and conveyance.

2. There is an existing public storm main in the right-of-way to be vacated. If the vacation is approved, a 15-ft minimum width easement shall be retained for the storm main.

Street and Pedestrian Improvement Conditions:

1. With approval of this street vacation , a new cul-de-sac turn-around will need to be constructed at the new north end of 118th Ave. NE. The improvements in the cul-de-sac shall match the preliminary drawings submitted by Jim Hart and Associates on November 21, 2005 and include the following:
" 70-ft diameter paved cul-de-sac
" 6-ft wide paved parallel parking area on the north and east side of the cul-de-sac.
" 4.5-ft wide landscape strip behind the curb with street trees planted 30-ft on-center
" Vertical curb and gutter around the entire perimeter of the cul-de-sac.
" Installation of "NO PARKING ANYTIME" signs in the cul-de-sac where parking is not provided for.
" Surface water collection and conveyance.
" Fire Department access drive from the north end of the cul-de-sac.
" Dedication of public right-of-way north the existing 118th Ave. NE right-of-way to encompass these new cul-de-sac improvements.

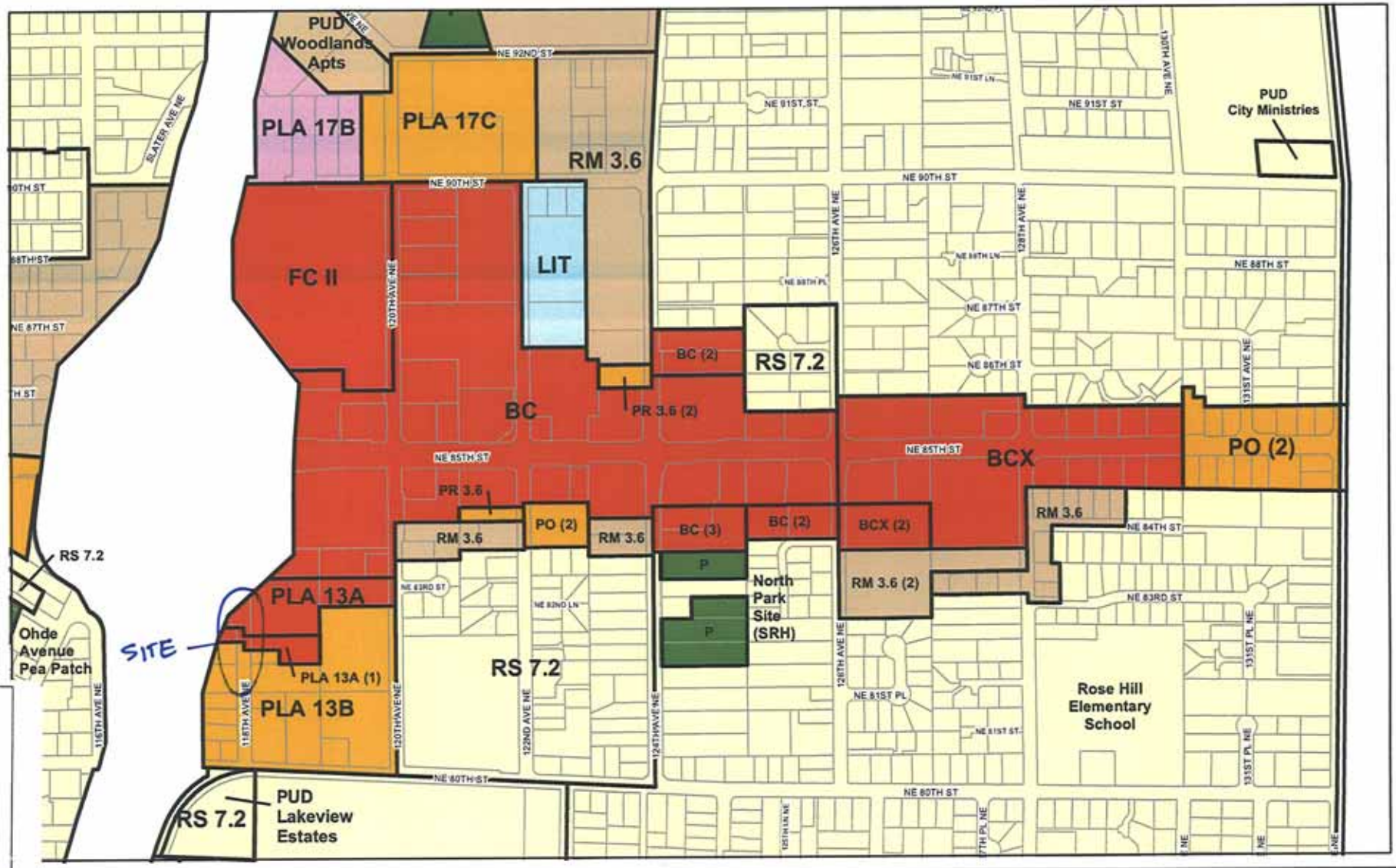
2. The required street improvements shall be installed, or a Performance Bond posted, prior to recording of the street vacation area. The bond shall be in accordance with Chapter 175 of the Kirkland Zoning Code.

3. Install a new survey monument marker in the center of the new cul-de-sac.

4. It shall be the responsibility of the applicant to relocate any above-ground or below-ground utilities which conflict with the project associated street or utility improvements.

5. Install new street lights in the new cul-de-sac Puget Power design and Public Works approval. Design must be submitted prior to issuance of a permit to install the street improvements.

NE 85th Street Subarea Current Zoning



Produced by the City of Kirkland.

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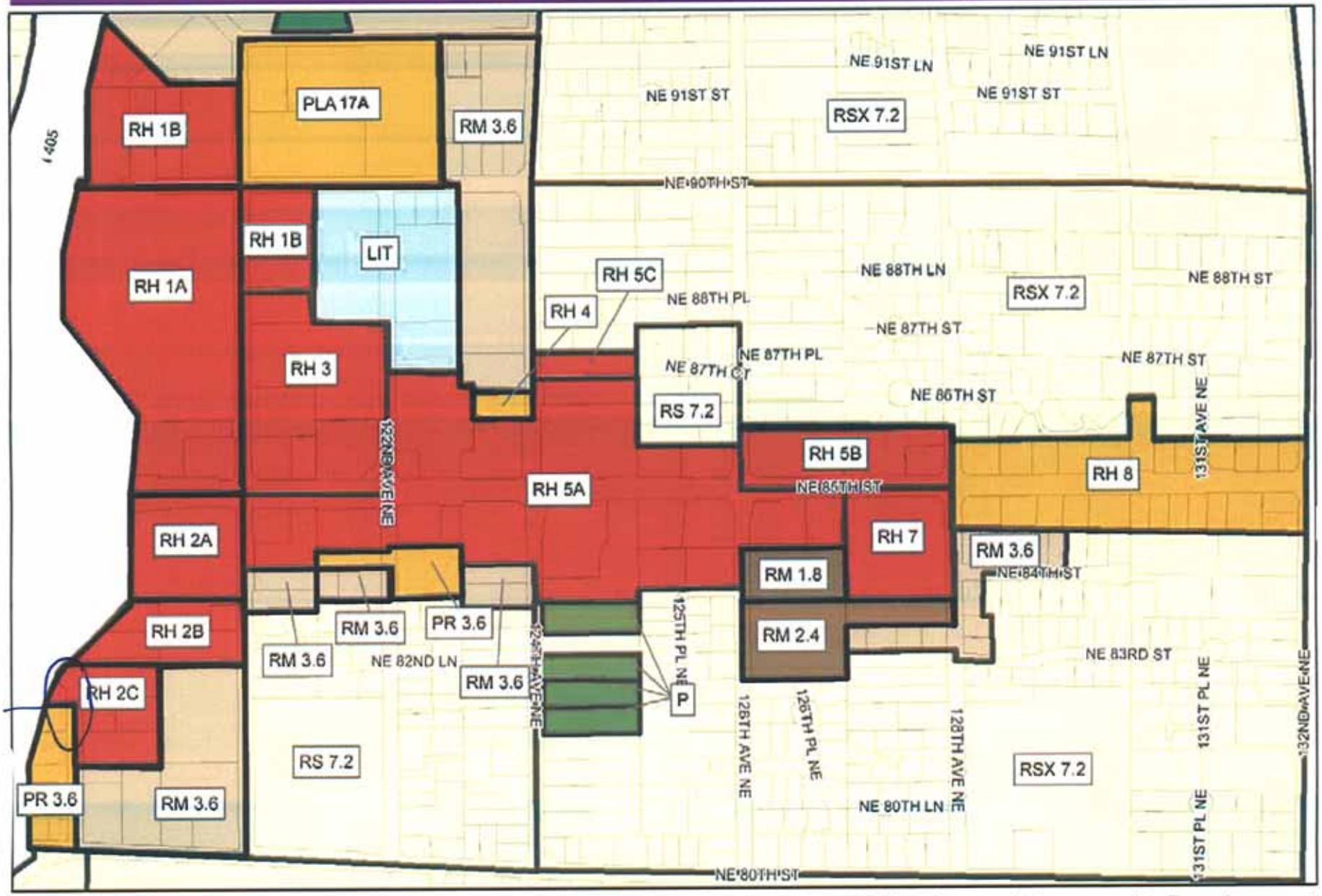
ATTACHMENT 4

~~VAC~~ 05-00003

NE 85th St Subarea Proposed Zoning - 8/4/2005



Commercial
Industrial
Office or Office MF
High Density Residential
Medium Density Residential
Low Density Residential
Institutions
Park/Open Space

N

Department of Planning and Community Development

CITY OF KIRKLAND WASHINGTON

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to accuracy, fitness or merchantability, accompany this product.

ATTACHMENT 5
VAC05-00003

Attachment Center Northwest

8011 118th Avenue NE Kirkland, WA 98033 www.attachmentcenternw.com Fax: 425-576-8274 Phone: 425-889-8524

September 12, 2005

RECEIVED
SEP 15 2005
_____AM _____PM
PLANNING DEPARTMENT
BY_____

Stacy Clauson, Associate Planner
City of Kirkland
123 Fifth Ave
Kirkland, WA 98033-6189

Re: Lee Johnson Street Vacation, File No. VAC05-00003

Dear Ms. Clauson:

Thank you for sending the information regarding the proposed vacating of a portion of 118th NE. My question, consequent to this proposal, is what changes in traffic on 118th NE would occur if this request is granted. Specifically:

1. Would the car dealership have access to 118th NE after the temporary access, related to current construction, is terminated?

2. Would Lee Johnson, or whatever legal entity owns the property, have access for other than a car dealership? What would the restrictions, if any, be?

Thank you for your assistance.

Yours truly,

Tom A. Gill, L.C.S.W.

TG/pgh

ATTACHMENT 6
VAC05-00003

PETITION TO VACATE A STREET, ALLEY OR PUBLIC EASEMENT

Name of Person Filing Petition (Agent): Dan Hardin

Address: Jim Hart & Associates
220 Sixth Street
Kirkland, WA 98033

Phone: (425) 822-4171

RECEIVED
JUL 26 2005
AM
PLANNING DEPARTMENT
BY

Name of additional recipient of staff report, meeting agendas and final decision:

Tod Johnson

Address: LMJ Enterprises Limited Partnership
11845 NE 85th St
Kirkland, WA 98033

Daytime Phone: (425) 827-0521

Legal Description of Street, Alley, or Public Easement to be Vacated:

See Site Map and Vacation and Dedication Proposal Map
And Proposed Legal Description

Tax parcel number:

123310-0075; 123310-0080; 123310-0145; 123310-0150; 123310-0151;
123310-0155

Does the Street, Alley, Public Easement or Part Thereof abut any body of water? No If so, please describe:

Will the vacation result in any parcel of land being denied direct access?

No.

How is the vacation in the public interest?

See attachment

Size of Street, Alley, Public Easement, or Part Thereof to be vacated (in square feet):

Total area to be vacated	20,123 sq ft
Area to be Vacated to applicant	19,032 sq ft
Area to other than applicant	1,091 sq ft
Area to be Dedicated for turnaround	1,216 s

ATTACHMENT 7

VACOS-00003

PETITION TO VACATE A STREET. ALLEY OR PUBLIC EASEMENT

We, the owners of two-thirds of the real property abutting the street, alley, or part thereof, or underlying the public ease-ment, or part thereof, legally described on page 1 of this Petition, petition the City Council of the City of Kirkland to vacate this street, alley, public easement, or part thereof:

NAME	ADDRESS	LEGAL DESCRIPTION
LMJ Enterprises Ltd Partnership **Tax Parcel # 123310-0145**	8208 118th Ave NE Kirkland, WA 98033	Lots 5 -6, Block 2, Burke & Farrars Kirkland Addition to the City of Seattle, Division No. 6, according to the Plat thereof recorded in volume 19 of Plats, Page 68, records of King County, Washington; Except that portion conveyed to the State of Washington by deed recorded under King County Recording No. 6479537. Situate in the County of King, State of Washington
LMJ Enterprises Ltd Partnership **Tax Parcel # 12310-0150**	(none)	Lot 7, Block 2, Burke & Farrars Kirkland Addition to the City of Seattle Division No. 6, according to the Plat thereof recorded in volume 19 of Plats, Page 68, records of King County, Washington; Except the South 63 feet of the West 125 feet thereof. Situate in the County of King, State of Washington
LMJ Enterprises Ltd Partnership **Tax Parcel # 12310-0151**	8044 118th Ave NE Kirkland, WA 98033	The South 63 feet of the West 125 feet of Lot 7, Block 2, Burke & Farrars Kirkland Addition to the City of Seattle Division No. 6, according to the Plat thereof recorded in volume 19 of Plats, Page 68, records of King County, Washington. Situate in the County of King, State of Washington
LMJ Enterprises Ltd Partnership **Tax Parcel # 12310-0155**	8034 118th Ave NE Kirkland, WA 98033	Lot 8, Block 2, Burke & Farrars Kirkland Addition to the City of Seattle Division No. 6, according to the Plat thereof recorded in volume 19 of Plats, Page 68, records of King County, Washington. Situate in the County of King, State of Washington
LMJ Enterprises Ltd Partnership **Tax Parcel # 12310-0075**	8051 118th Ave NE Kirkland, WA 98033	The East 100 feet of Lot 14 Block 1 Burke & Farrars Kirkland Addition to the City of Seattle Division No. 6, according to the Plat thereof recorded in volume 19 of Plats, Page 68, records of King County, Washington; Except the North 25 feet thereof; and Except the Westerly portion thereof conveyed to State of Washington for Primary

State Highway "SR 405" by deed recorded under No. 6415661; Together with that part of the South 100 feet of lot 14 14 Block 1 Burke & Farrars Kirkland Addition to the City of Seattle Division No. 6, according to the Plat thereof recorded in volume 19 of Plats, Page 68, records of King County, Washington, lying Southeasterly of a line described as Beginning at Point on the West line Lot 12, Said Block 1, which is 66 feet Southerly of the Northwest corner thereof; Thence Northeasterly to a point opposite Highway Engineer's Station 557+00 on the L line survey of SR 405, Northrup Interchange to Northeast 140th St., and 230 feet Easterly therefrom and the end of this line description; Excepting therefrom the East 100 feet of Said Lot 14. Situate in the County of King, State of Washington.

LMJ Enterprises Ltd Partnership (none)
Tax Parcel # 12310-0080

That portion of Lots 14 and 15, Block 1, Burke & Farrar's Kirkland Addition to the City of Seattle, Division No. 6, according to the plat thereof recorded in Volume 19 of Plats, Page 68, records of King County, Washington, lying North of South 100 feet of said Lot 14, lying Easterly of the following described right-of-way line "A" and lying Southwesterly of the following described right-of-way line "B":

Line "A" description: Beginning at point on West line of said Lot 12 in said block distant 66 ft South of Northwest corner of said Lot; Thence Northeasterly to a point opposite Highway Engineer's Station L-557+00 on the L-Line Survey of State Highway No 405 & 230 feet Easterly therefrom; Thence Northeasterly to a point opposite Highway Engineer's Station L-558+00 on said L-Line Survey and 270 feet Easterly therefrom; Thence Northeasterly to a point opposite Highway Engineer's Station L-560+50 on said L-Line Survey and 550 feet Easterly therefrom and the end of this right-of-way Line "A" description;

Line "B" description: Beginning at the intersection of the above-described right-of-way Line "A" with arc of a curve having a radius of 45 feet, the radial center of which is 45 feet Westerly, when measured at right angles, from the Easterly line 118th Ave NE and 40 feet Northerly, when measured at right angles, from Easterly production of Southerly line of the Northerly 82.5 feet of said lot 15; Thence Southerly and Southeasterly, along the arc of said curve, to the Southerly line of the Northerly 82.5 feet of said Lot 15 and the end of this right-of-way Line "B" description.

Tod Johnson
LMJ Enterprises

7/26/05
Date

NOTE: If any petitioner is purchasing the property under a real estate contract, the signature of the contract seller is also required.

MARKET VALUE APPRAISAL

OF

A STREET VACATION
118TH AVENUE NE
KIRKLAND, WASHINGTON

DATE OF APPRAISAL:

OCTOBER 4, 2005

CLIENT:

THE CITY OF KIRKLAND

PREPARED BY:

GARRETT W. WALDNER, MAI

WASHINGTON APPRAISAL SERVICES, INC.
10020 MAIN STREET, SUITE A229
BELLEVUE, WA 98004
(425) 453-1456

W.A.S. 05-124

ATTACHMENT 8
VACOS-00003

WASHINGTON APPRAISAL SERVICES, INC.

10020 MAIN STREET, SUITE A229 - BELLEVUE, WA 98004-4289 - (425) 453-1456

October 10, 2005

Stacy Clauson
Planning & Community Development
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033

Re: Street Vacation
118th Avenue NE
Kirkland, WA

Dear Ms. Clauson:

As requested by you, our client, I have made an appraisal of the above described property for the purpose of estimating the Market Value of the fee simple rights of ownership.

As a result of this appraisal, it is my opinion that the estimated Market Value of the subject property, as of October 4, 2005 was:

FIVE HUNDRED SIXTY FOUR THOUSAND FIVE HUNDRED DOLLARS
($564,500)

This estimate of value is based on inspection, investigation and analysis as set forth in the attached appraisal report and is subject to the Assumptions and Limiting Conditions set forth therein. This appraisal may not be used or relied upon by anyone other than the stated client, for any purpose whatsoever, without the express written consent of the appraiser.

This is a Summary Appraisal Report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice for a Summary Appraisal Report. As such it presents only summary discussions of the data, reasoning, and analysis that were used in the appraisal process to develop the opinion of value. Supporting documentation concerning the data, reasoning, and analysis is retained in my files. The depth of discussion contained in this report is specific to the needs of the client and for the intended use stated below. I am not responsible for the unauthorized use of this report.

If I can be of further service please do not hesitate to call on me.

Sincerely,

Garrett W. Waldner, MAI

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ADDENDA

Section "M" - Market Data
Section "Q" - Qualifications
Section "Z" - Zoning

ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal has been made with the following general assumptions:

1. No responsibility is assumed for the legal description or for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.

2. The property is appraised free and clear of any or all liens of encumbrances unless otherwise stated.

3. Responsible ownership and competent property management are assumed.

4. The information furnished by others is believed to be reliable.

5. All engineering is assumed to be correct. The plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.

6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.

7. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless noncompliance is stated, defined, and considered in the appraisal report.

8. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a nonconformity has been stated, defined, and considered in the appraisal report.

9. It is assumed that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.

10. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in the report.

This appraisal has been made with the following General Limiting Conditions:

1. The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.

2. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraiser, and in any event only with proper written qualification and only in its entirety. Further, the appraiser or firm assumes no obligation, liability, or accountability to any third party. If this report is placed in the hands of anyone but the client, client shall make such party aware of all the assumptions and limiting conditions of the assignment. Any party who uses or relies upon any information in this report, without the written consent of the preparer, does so at his own risk.

3. The appraiser herein by reason of this appraisal is not required to give further consultation, testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made.

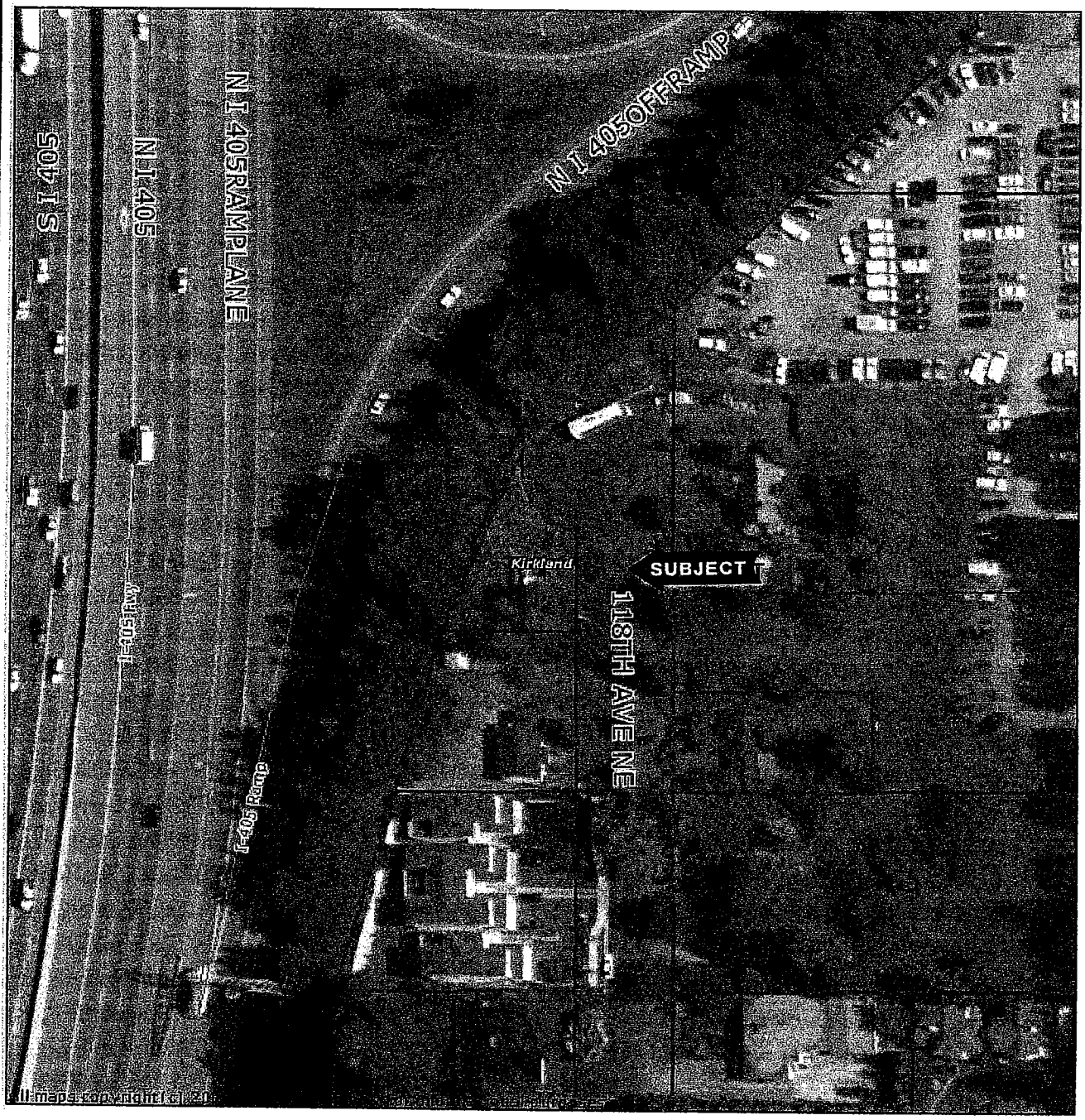
4. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the appraiser.

5. No environmental impact studies were ordered or made in conjunction with this appraisal investigation; therefore, no responsibility is assumed by the appraisers for any factors which might be disclosed as the result of such studies and thereby influence the opinions or values set forth in this appraisal report.

   In the absence of such studies, the appraisers hereby reserve the right to review, alter, revise and/or rescind this report, or any part thereof, based upon any subsequent environmental impact studies.

6. The liability of Washington Appraisal Services, Inc., and its employees is limited to the client only and only up to the amount of the fee actually paid. There is no liability, accountability or obligation to any third party.

Subject Property



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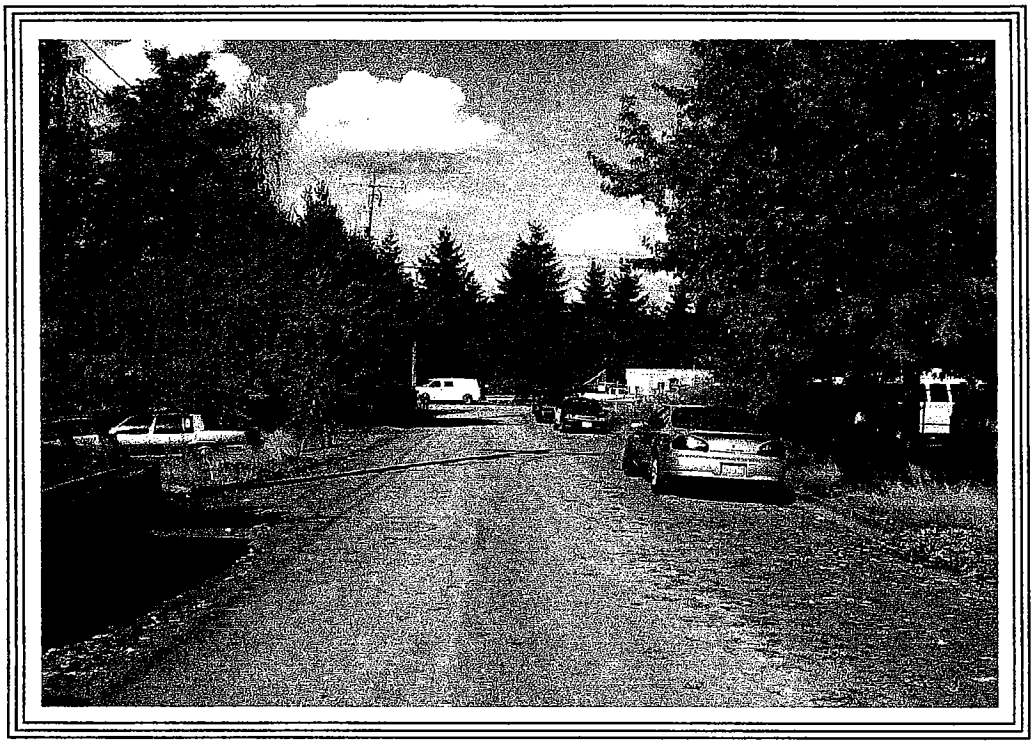
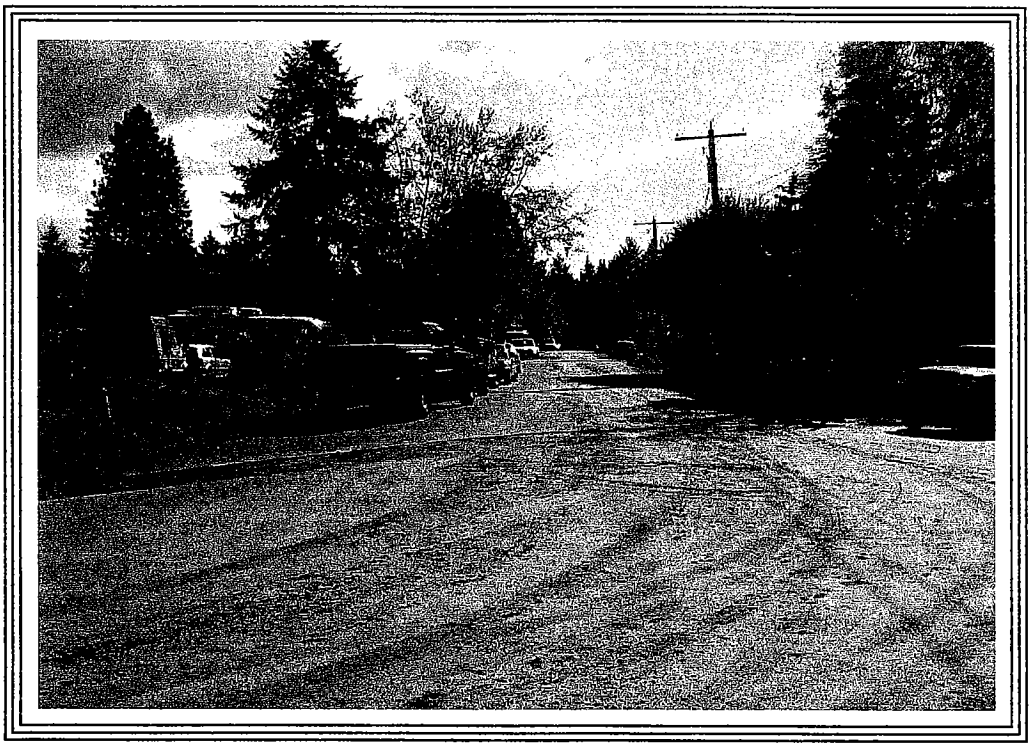
SUBJECT PHOTOGRAPHS



VIEW NORTHERLY



VIEW SOUTHERLY

PURPOSE AND FUNCTION OF THE APPRAISAL

The purpose of this appraisal is to estimate the Market Value of the Subject property as of October 4, 2005, to assist the city in a street vacation request.

DEFINITION OF MARKET VALUE

Market Value is defined in the third edition of The Dictionary of Real Estate Appraisal, published by The Appraisal Institute, 1993, pages 222 and 223, as:

> "The most probable price in terms of money which a property should bring in competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus"

Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. buyer and seller are typically motivated.

2. both parties are well informed or well advised, and each acting in what they consider their own best interest.

3. a reasonable time is allowed for exposure in the open market.

4. payment is made in cash in United States dollars or in terms of financial arrangements comparable thereto.

5. the price represents a normal consideration for the property sold unaffected by special financing amounts and/or terms, services, fees, costs, or credits incurred in the transaction.

IDENTIFICATION OF SUBJECT PROPERTY

Subject property consists of a 18,817 square foot (20,033 sf vacation less 1,216 sf dedication) portion 118th Avenue NE at its northerly terminus. The legal description of the portion to be vacated was not provided, thus the reader is referred to the property sketch.

PROPERTY RIGHTS APPRAISED

The fee simple rights of ownership are appraised in this report. Fee simple interest is defined by *The Appraisal of Real Estate, Tenth Edition* as:

> The maximum possible estate one can possess in real property. A fee simple estate is the least limited interest and the most complete and absolute ownership in land; it is of indefinite duration, freely transferrable, and inheritable. Fee simple title is sometimes referred to as "the fee". All other estates may be created from it, which means that all other estates must be something less than fee simple (such as life estates, leaseholds, etc.) Any limitations that exist on the control and use of the land held in fee do not result from the nature of the estate itself but are the result of limitations of eminent domain, escheat, police power, and taxation.

STATEMENT OF OWNERSHIP

The reputed owner of Subject property is the City of Kirkland.

DATE OF INSPECTION

The appraiser personally inspected Subject property, on October 4, 2005 .

DATE OF APPRAISAL

The value estimate reported herein is applicable on October 4, 2005 .

SCOPE OF THE REPORT

This is a complete appraisal, presented in a summary report. The Subject property is a portion of a street right-of-way. Instead of valuing the right-of-way as a separate entity, the appraisers have estimated the value of the land in the adjacent sites, or "across the fence" from the Subject land, since when vacated, the Subject will assume a similar unit value as the adjacent properties, if they were vacant and available for development. Based on comparable sales of similar land sites, the appraisers have been able to estimate a unit value, before and after the vacation, which we have applied to the Subject land.

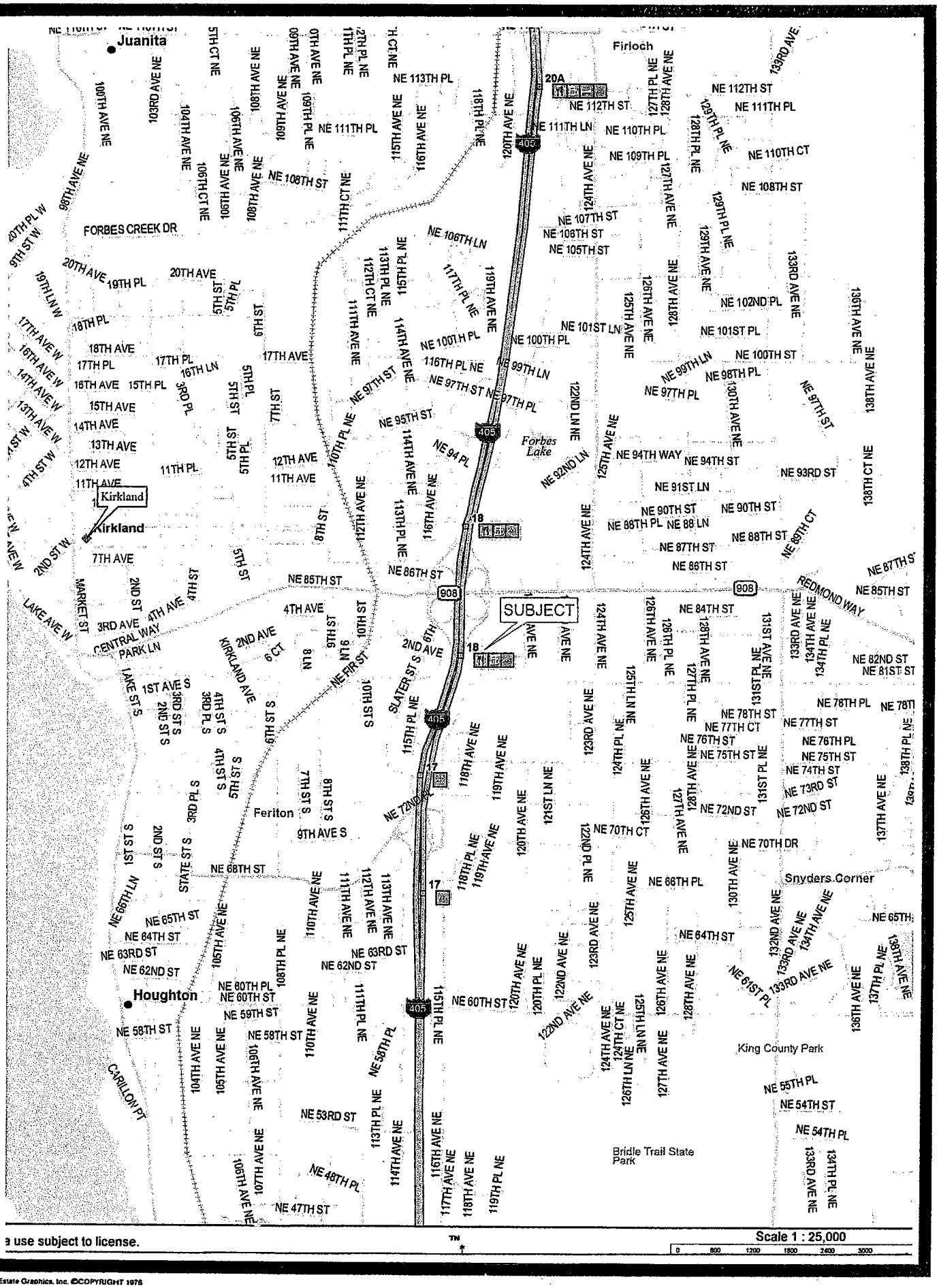
Public records and the computer data services to which the appraiser subscribes were researched, and other appraisers were consulted to uncover recent transactions involving comparable properties. In addition to a personal inspection of Subject, all market indicators utilized in the report were inspected and photographed.

REASONABLE EXPOSURE TIME

Exposure time is defined as "the estimated length of time the property interest being appraised would have been offered on the market prior to the consummation of a sale at market value on the effective date of appraisal, assuming a competitive and open market.."

Based on upon research and analysis of the subject market, and discussions with individuals active in said market, I am of the opinion that a reasonable exposure time of six months to one year is appropriate for subject, predicated upon the indicated market value. The exposure time estimate is based upon cash or cash equivalent financing available at market rates in effect as of the date of valuation, and a marketing effort which is typical for this type of property, such as listing the property with an independent broker who is experienced in the local market for this type of property.

Neighborhood Map



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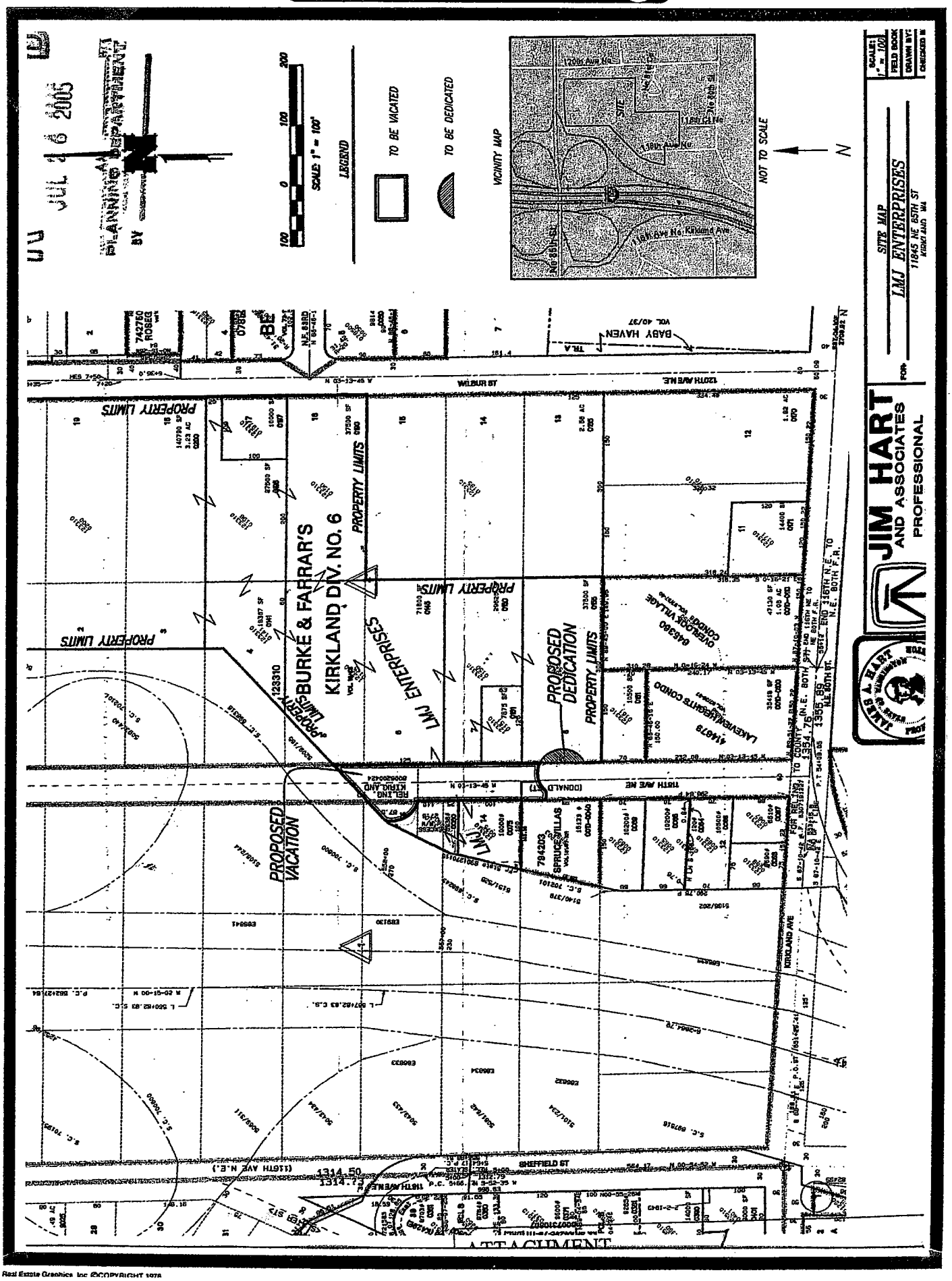
NEIGHBORHOOD DATA

The Subject property is located in the City of Kirkland, just east of I-405 and south of NE 85th Street.. The immediate area consists mainly of older, mixed single family and multi-family uses to the east, west and south. The area to the north is dominated by Lee Johnson Chevrolet. The other dominate feature in the immediate area is Lake Washington High School, approximately one block to the southeast.

Overall, the neighborhood has access to, all desired amenities and has convenient access to and is centrally located with respect to the major Puget Sound employment centers of Seattle, Redmond, and Bellevue.

This section is intentionally brief, since the intended user of this report, the City of Kirkland, is familiar with the area demographics and economics.

Subject Property



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SITE DESCRIPTION AND ANALYSIS

PRESENT USE:

Public right of way. The sites to which it will accrue are vacant land.

ACCESSIBILITY AND ROAD FRONTAGE:

Subject street is a sixty foot right of way. The recipient sites have approximately 250 feet of frontage on both the east and west sides.

LAND CONTOUR AND ELEVATIONS:

The site is level and at grade with the adjoining properties.

LAND AREA:

Vacation:	20,033 square feet
Dedication	1,216 square feet
Net Vacation	18,817 square feet

LAND SHAPE:

Irregular

UTILITIES:

All are available in the area.

SITE IMPROVEMENTS:

None of value.

PROPERTY HISTORY

As a portion of the public right of way, the portion to be vacated does not have a sales history.

REAL PROPERTY ASSESSMENT AND TAXES

Since subject is a public right of way, it is exempt from taxes.

SPECIAL ASSESSMENTS

Not applicable.

ZONING AND RESTRICTIONS

The underlying zoning of the surrounding properties is PLA 13 A & B, mixed use zonings that permit residential, office and some commercial uses. Revised zonings of O/MF and RH-2c, substantially similar classifications are expected to be implemented in December. The reader is referred to the Addenda for details on these classifications.

HIGHEST AND BEST USE

In common appraisal practice, the concept of Highest and Best Use represents the premise upon which value is based. The determination of Highest and Best Use is the result of the appraiser's judgment and analytical skill. The use determined from analysis represents an opinion, not a fact to be found.

Highest and Best use is defined in The Dictionary of Real Estate Appraisal, American Institute of Real Estate Appraisers, Chicago, Illinois, 1984, page 152, as:

1. "The reasonable and probable use that supports the highest present value of vacant land or improved property, as defined, as of the date of the appraisal.

2. The reasonably probable and legal use of land or sites as though vacant, found to be physically possible, appropriately supported, financially feasible, and that results in the highest present land value.

3. The most profitable use.

Implied in these definitions is that the determination of highest and best use takes into account the contribution of a specific use to the community and community development goals as well as the benefits of that use to individual property owners. Hence, in certain situations, the highest and best use of land may be for parks, greenbelts, preservation, conservation, wildlife habitats, and the like."

Four considerations are imposed upon a site in the estimation of Highest and Best Use:

1. Possible Use: What uses of the site in question are physically possible?

2. Permissible Use (legal): What uses are permitted by zoning, deed restrictions, etc., on the site in question?

3. Financially Feasible Use: Among the possible and permissible uses, which use(s) will produce a positive net return?

4. Maximally Productive: Among the feasible uses, which use will produce the highest rate of return or the highest present worth?

As indicated previously, the Subject site is limited by its configuration as a portion of a right-of-way. The highest and best use of the Subject property is as a vacated street section to be assembled with the adjacent property. As part of the larger parcel, any use which conforms to the zoning designation, would be a permissible use. Due to the large size of the assembled parcel, the availability of utilities, access, and the physical characteristics, the highest and best use, as vacant, would be for a commercial use as permitted by zoning. As improved, the existing use as an auto dealership is considered the highest and best use.

LAND VALUATION

Land is customarily appraised as if vacant and available for development to its Highest and Best Use. Of the accepted procedures available for valuing land, the most reliable (when there is adequate data) is the market comparison procedure. This procedure entails gathering data on transactions involving land similar, to the Subject land. These transactions are analyzed and adjusted to reflect any differences in financing terms, market conditions and physical characteristics with the net result being an indication of the Subject's land value.

Following is a tabulation which summarized the important data from each of the transactions considered most pertinent.

Trans. #	Date	Price	Area	Zoning	$/SF
1	9-04	$1,595,000	30,017 SF	PR 3.6	$53.14
2	3-05	$550,000	19,988 SF	PR-3.6	$27.52
3	1-04	$3,760,000	164,312 SF	RM-5.0	$22.88

Transaction #1: This is the sale of a level, cleared, rectangular, at grade site in the 1800 Block of Market Street with a view of Lake Washington. At the time of sale, it was improved with two older buildings that were demolished and did not contribute to value. A multi-family project is currently under construction. An upward adjustment for time is indicated. Overall, the sale property is considered superior and that the Subject would sell for less on a unit basis.

Transaction #2: This is the sale of level, cleared, rectangular, at grade site in the 8500 Block of 124th Avenue NE, behind Mc Donalds. At the time of sale, it was improved with an older single family residence that did not contribute to value. Like the Subject, it is in the process of being rezoned in December. A two story office building is planned for the site. Overall the sale property is considered on par with the Subject.

Transaction #3: This is the sale of a slightly irregular, brushed over site in the 6500 Block of 108 Avenue NE that also fronts on 106th Avenue NE. The easterly 15% +/- portion of the property slopes down 15'-20' from 108th, with the balance being generally level and at the grade of 106th Avenue NE. It is in an area of, almost exclusively, residential uses and has an inferior zoning. An upward adjustment for time is indicated. Overall, it is felt that the Subject would sell for more on a unit basis.

After consideration of the above, with allowances for the differences indicated, it is my opinion that the indicated unit value applicable to subject, as part of the larger parcel, would closely approximate $30.00 per square foot. This develops as follows:

18,817 SF X $30.00/SF = $564,510

INDICATED VALUE: **$564,500**

CERTIFICATE OF APPRAISAL

I, Garrett W. Waldner, MAI, SRA certify that, to the best of my knowledge and belief:

- the statements of fact contained in this report are true and correct.
- the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analysis, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.
- my compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
- the appraisal assignment was not based on a requested minimum valuation, a specific valuation, or loan approval. The employment of the appraiser was not conditioned upon the appraisal producing a specific value or value within a given range.
- my analysis, opinion, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP) as adopted by the Appraisal Standards Board of the Appraisal Foundation, and with the requirements of the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute.
- I have made a personal inspection of the property that is the subject of this report.
- no one provided significant professional assistance in developing the analysis or conclusions in this report.
- I have the required knowledge and experience necessary to complete this appraisal competently.
- the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- as of the date of this report, I have completed the requirements of the continuing education program of the Appraisal Institute.
- The Americans with Disabilities Act ("ADA") became effective January 26, 1992. I have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could revel that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since I have no direct evidence relating to this issue, I did not consider possible non-compliance with the requirements of ADA in estimating the value of the property.

Garrett W. Waldner, MAI, SRA
Certified General Appraiser
27011-1100617

ADDENDA

SECTION "M"

MARKET DATA

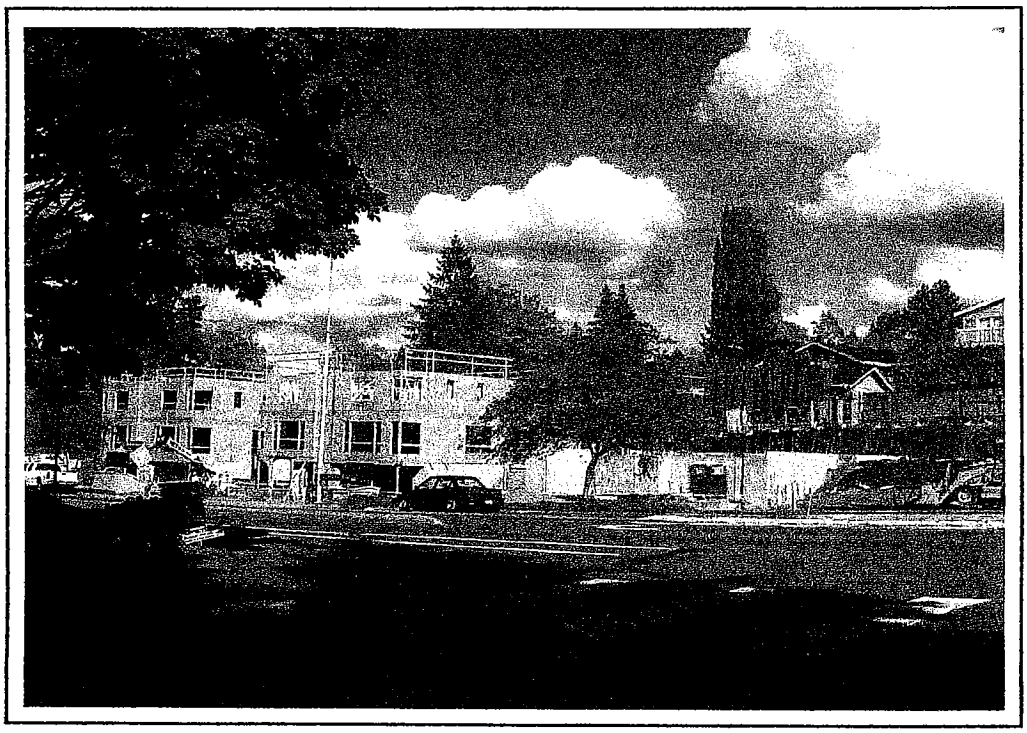
LAND SALE COMPARABLE # 1

Address:	1830-40 Market Street
City:	Kirkland **County:** King **State:** Washington
S-T-R:	SE 31-26-05
Zoning:	PR-3.6
Highest & Best Use:	Office/Residential
Access:	Paved
Utilities:	All available
Land Area (SF):	30,017 SF
Seller:	T&A Market Associates
Buyer:	Chaffey Homes, Inc.
Sale Date:	09-14-04
Price:	$1,595,000
Unit Price:	$53.14/SF
Instrument:	WD
Terms:	Cash
Aud. File No.:	20040914-2051
Legal Description:	Assessor's #085600-1560 & 124500-1050
Confirmation:	Public Records

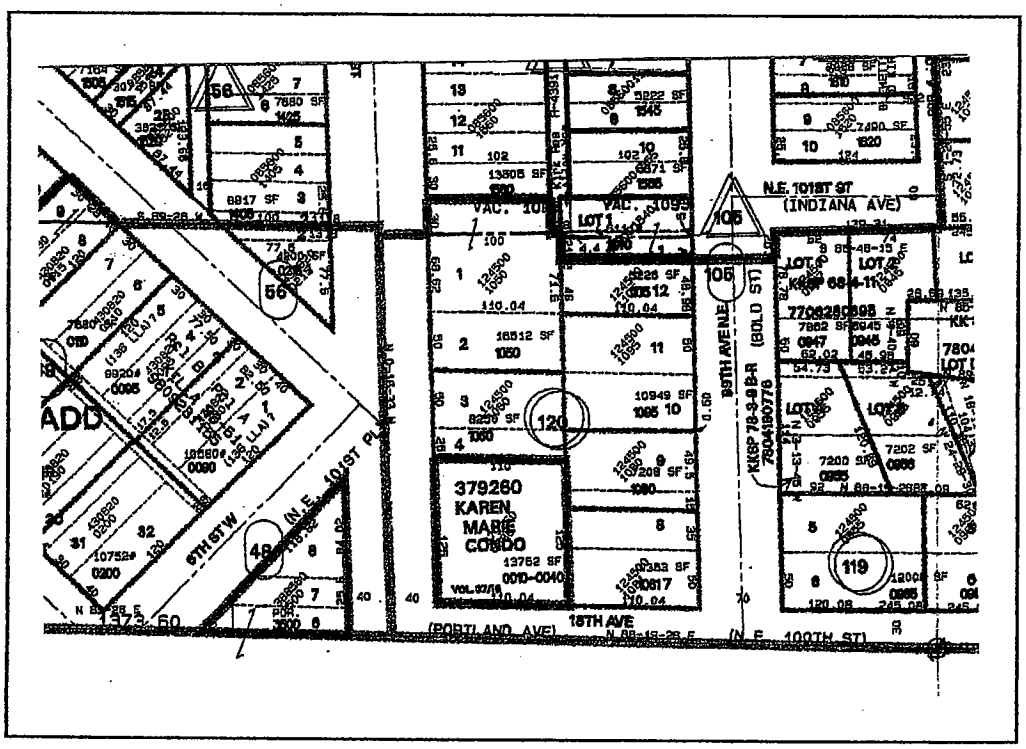
Remarks:

This is the sale of a level, cleared, rectangular, at grade site in the 1800 Block of Market Street with a view of Lake Washington. At the time of sale, it was improved with two older buildings that were demolished and did not contribute to value. A multi-family project is currently under construction.

PHOTO



MAP


N.E. 101ST ST
(INDIANA AVE)
379260
KAREN
MARIE
CONDO
18TH AVE
(PORTLAND AVE)
(N.E. 100TH ST)
99TH AVE NE
(BOLD ST)
5TH ST W
(N.E. 101ST PL)

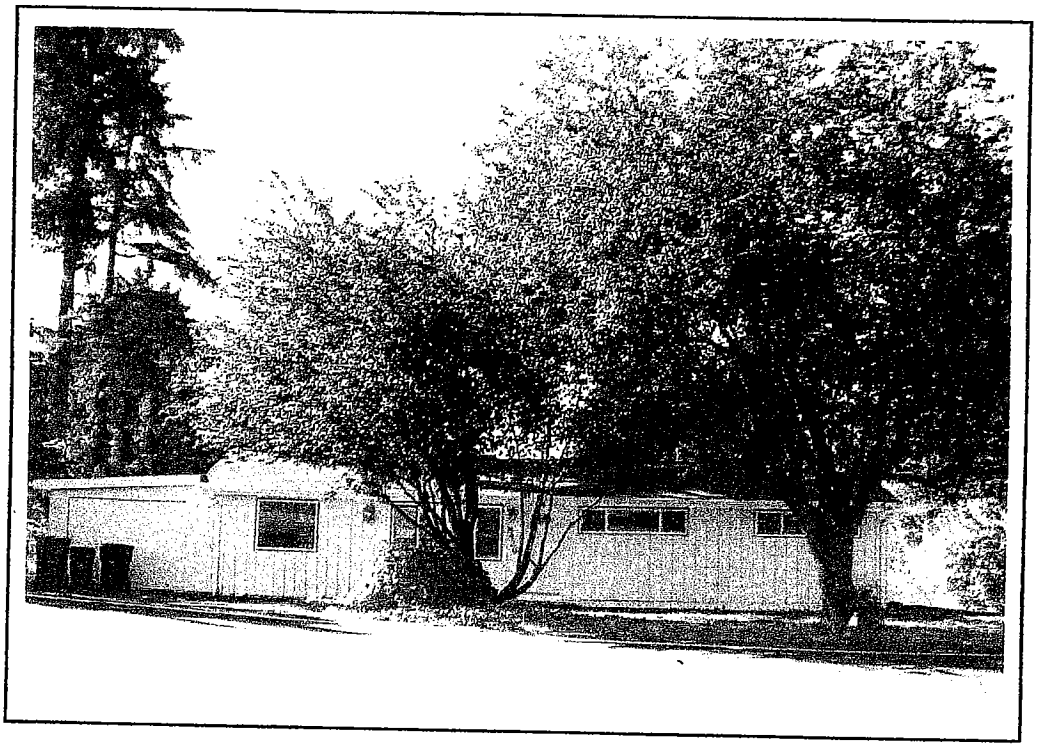
LAND SALE COMPARABLE # 2

Address:	8529 124th Avenue NE
City:	Kirkland **County:** King **State:** Washington
S-T-R:	SW 04-25-05
Zoning:	PR-3.6
Highest & Best Use:	Office/Residential
Access:	Paved
Utilities:	All available
Land Area (SF):	19,988 SF
Seller:	T&H International
Buyer:	Mi S. Song
Sale Date:	03-10-05
Price:	$550,000
Unit Price:	$27.52/SF
Instrument:	WD
Terms:	Cash
Aud. File No.:	20050310-0953
Legal Description:	Assessor's #123850-0245
Confirmation:	Public Records

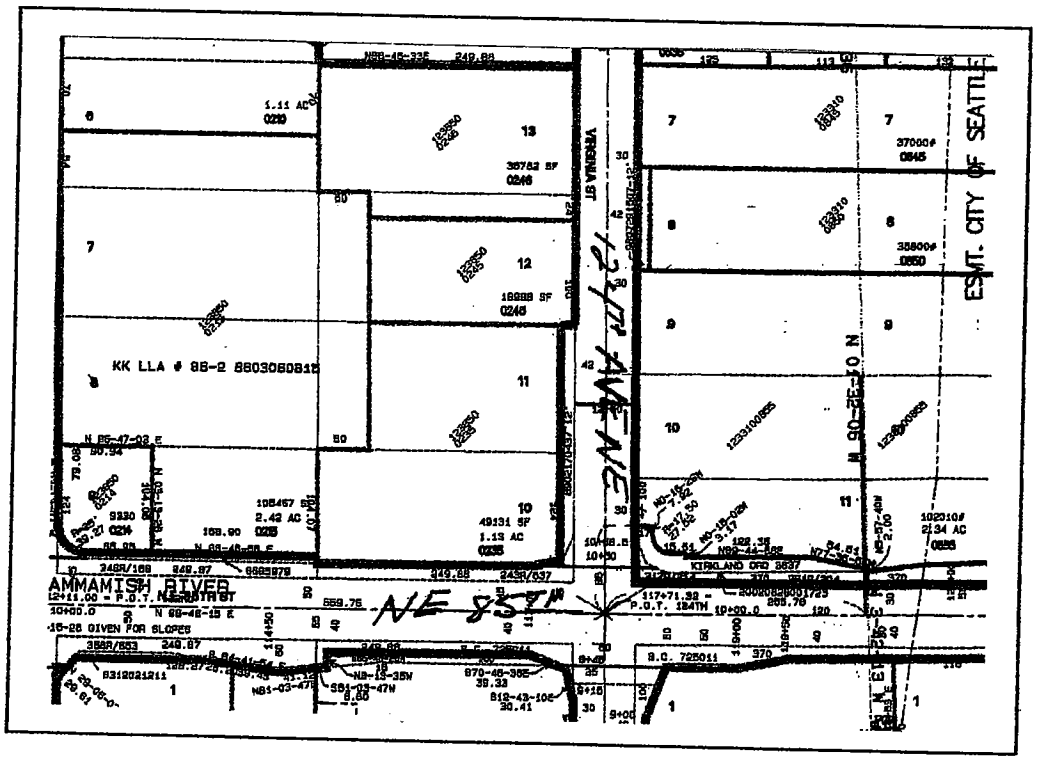
Remarks:

This is the sale of level, cleared, rectangular, at grade site in the 8500 Block of 124th Avenue NE, behind Mc Donalds. At the time of sale, it was improved with an older single family residence that did not contribute to value. Like the Subject, it is in the process of being rezoned in December.

PHOTO



MAP


KK LLA # 88-2
AMMAMISH RIVER
NE 85TH
12TH AVE NE
VIRGINIA ST
KIRKLAND ORD 3637
ESMT. CITY OF SEATTLE

LAND SALE COMPARABLE # 3

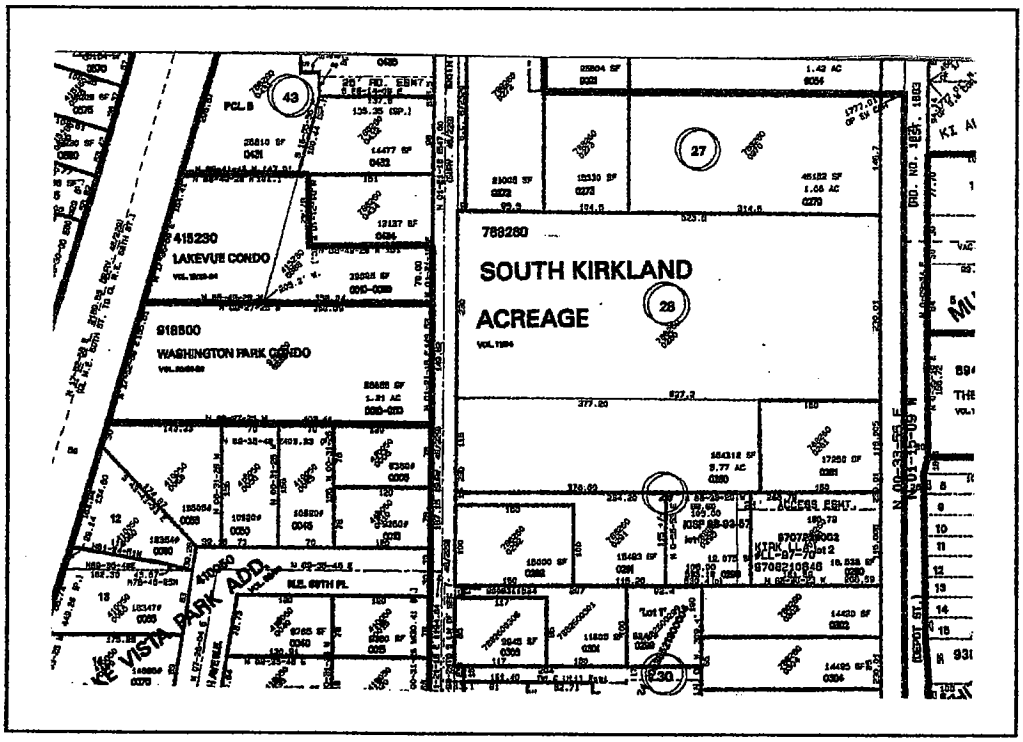
Address:	108th Avenue NE
City:	Kirkland **County:** King **State:** Washington
S-T-R:	SW 08-25-05
Zoning:	RM-5.0
Highest & Best Use:	Office/Residential
Access:	Paved
Utilities:	All available
Land Area (SF):	164,312/SF
Seller:	CR Merriwether
Buyer:	Lakeview Residential, LLC
Sale Date:	01-30-04
Price:	$3,760,000
Unit Price:	$22.88/SF
Instrument:	WD
Terms:	Cash
Aud. File No.:	20040130-2861
Legal Description:	Assessor's #788260-0280
Confirmation:	Public Records

Remarks:

This is the sale of a slightly irregular, brushed over site in the 6500 Block of 108 Avenue NE that also fronts on 106th Avenue NE. The easterly 15% +/- portion of the property slopes down 15'-20' from 108th , with the balance being generally level and at the grade of 106th Avenue NE.

PHOTO

MAP


43
PCL B
415230
LAKEVUE CONDO
918500
WASHINGTON PARK CONDO
VISTA PARK ADD.
N.E. 60TH PL.
27
28
30
769280
SOUTH KIRKLAND
ACREAGE
ACCESS EMT.
(DEPOT ST.)

SECTION "Q"

QUALIFICATIONS

QUALIFICATIONS AND EXPERIENCE
GARRETT W. WALDNER, MAI, SRA

State Certified General Appraiser
Certificate #27011-1100617

EDUCATION:

Graduate Augsburg College
Majors: Mathematics, Business Administration

American Right-of-Way Association
Courses I, II, III

Appraisal Institute
Courses II, VI, & VIII, 550, Standards of Professional Practice & Litigation Valuation

Various Appraisal, Finance, Economics Seminars & Workshops

PROFESSIONAL ASSOCIATIONS:

The Appraisal Institute

MAI & SRA - Chapter Officer	1975-1981 President 1981
National Governing Council	1981-1983, 1984-1987
Vice Chairman Northwest Region	1986-1987

American Public Works Association

Homebuilders Association of Alaska, Inc.
Past State Vice-President

Alaska Landlords & Property Managers Association
Past State President

Society of Real Estate Appraisers
Past President, Alaska Chapter

American Right-of-Way Association

Anchorage Board of Equalization 1977-1978

EXPERIENCE:

1988-Present	President & Senior Appraiser	Washington Appraisal Services, Inc.
1973-1988	President & Senior Appraiser	Real Estate Services Company
1974-1988	Partner & Agent	Professional Realty/Equivest Corp.
1971-1973	Director, Urban Renewal	Alaska State Housing Authority
1966-1971	Real Estate Officer	Alaska State Housing Authority
1964-1966	Staff Appraiser	Minnesota Department of Taxation

Lecturer
Anchorage Board of Realtors
Private Real Estate Schools
University of Alaska

Court Experience
Expert Witness
Master & Arbitrator - Real Estate Valuation Proceedings

CLIENTS:

Alaska State Housing Authority
Atlantic Richfield Company
Bank of St. Louis
City of Auburn
City of Bainbridge Island
City of Barrow
City of Bellevue
City of Burien
City of Cordova
City of Federal Way
City of Fife
City of Homer
City of Kent
City of Kirkland
City of Kodiak
City of Lynnwood
City of Mount Vernon
City of Puyallup
City of Renton
City of Seattle
City of Sumner
City of Tukwila
City of Unalaska
City of Whittier
City of Woodinville
City of Yakutat
Clallam County
Everett School District
First National Bartlesville,Oklahoma
General Electric Company
INA Corporation
Island County
Jefferson County
King County
Municipality of Anchorage
New England Fish Company
Northshore School District
Numerous Banks, Savings & Loan Assoc.
Owen-Corning Fiberglass Corporation
Pierce County
Snohomish County
Standard Oil Company
Stanford University
State of Alaska`
State of Washington - Attorney General
Tiger Investors Mortgage Insurance Co.
U.S. Postal Service
United States Steel Corporation
Westinghouse Corporation
Whitney-Fidalgo Seafoods, Inc.

PROPERTIES:

Houses	Apartments	Warehouses
Service Stations	Condominiums	Canneries
Shopping Centers	Office Buildings	Retail Stores
Bulk Plants	Hotels & Motels	Subdivisions
Mobile Home Parks	Recreational Prop.	Tidelands
Public Facilities	Nursing Homes	Marinas
Retirement Homes	Airport Facilities	Schools

ATTORNEYS:

Stephanie Croll	(206) 623-8861
Teena Killian	(206) 628-6600
John Salmon	(360) 753-1622
Steve DiJulio	(206) 447-4400
Janis Cunningham	(206) 583-8607
Livingston Wernecke	(206) 292-9988
Kelly Wiley	(206) 623-8861

SECTION "Z"

ZONING

or wholesale uses through establishment of a size limitation that, in recognition of convenient access to I-405, may be greater than in the rest of the Subarea.

- **Building bulk:**

  Establish a maximum building height that allows for a maximum of five stories if offices above retail or a maximum of six stories if residential above retail. The maximum height should be 67 feet with additional height allowed for a sloping roof form (five feet) and roof top appurtenances. Provide openness by limiting the total floor area, separating the buildings and including ample building modulation. Step back upper stories from NE 85th Street.

- **Traffic and access:**

  Recognizing that redevelopment will generate additional traffic compared to traffic generated by existing development, require mitigation for traffic impacts from the redevelopment. Allow vehicular access to NE 85th Street and 120th Avenue NE. Permit emergency vehicles only to access from 118th Avenue NE.

- **Design considerations:**

  Buffer new structures from nearby residential uses through the use of substantial landscaping, fences, and/or berms. Mitigate noise and light and glare impacts on adjacent residential properties. Encourage underground or structured parking (discourage large ground level parking lots).

Policy NE85-4.2b:

Area RH-2b:

- **Land Use:**

  Permit retail (including car dealer) if developed in conjunction with RH-2a, office and/or residential uses.

- **Building bulk:**

  Establish a maximum building height that allows for a maximum of four stories if office above retail or a maximum of five stories if residential above retail. The maximum height should be 55 feet with additional height allowed for a sloping roof form (five feet) and roof top appurtenances. Provide openness by limiting the total floor area, separating the buildings and including ample building modulation. Step back upper stories from 120th Avenue NE.

- **Traffic and access:**

  Same as RH-2a.

- **Design considerations:**

  Same as RH-2a. Limit the impacts of new signs for residents across 120th Avenue NE.

Policy NE85-4.2c:

Area RH-2c:

- **Land use:**

  Permit a car dealer use if developed in conjunction with RH-2a and RH-2b, office and/ or residential uses.

- **Building bulk:**

  Allow buildings to step up to three stories with lower heights starting next to existing residences. Provide openness by limiting the total floor area, separating the buildings and including ample building modulation.

- **Traffic and access:**

  Recognizing that redevelopment will generate additional traffic compared to traffic generated by existing development, require mitigation for traffic impacts from the redevelopment. Allow vehicular access for the car dealer use from NE 85th Street or 120th Avenue NE. Permit traffic from office and residential uses to access from 118th Avenue NE that is equal to traffic that could be generated from office/residential

ATTACHMENT 5

development at 12 units per acre. Any traffic in excess of this amount should access from NE 85th or 120th Avenue NE.

- **Design considerations:**

  Buffer new structures from nearby residential uses through the use of substantial landscaping, fences, and/or berms. Design new signs facing onto 118th Avenue NE to be compatible with nearby properties. Mitigate noise and light and glare impacts on adjacent residential properties. Encourage underground or structured parking (discourage large ground level parking lots).

Policy NE85-4.3:

Area RH-3:

Allow this area to redevelop with mixed use development up to five stories in height on the northern part of the site (where the ground elevation is lower) if the area is developed as a single, coordinated project with ground-level retail and pedestrian amenities. This mixed-use development may be phased to include office, retail, hotel and multifamily residential. Emphasize transit access in any such redevelopment. Require redevelopment to include an east-west pedestrian connection near the north end of the site, between 120th to 122nd Avenues NE. Encourage infill or "liner" retail along NE 85th Street as an interim alternative to complete site redevelopment. Reduce the number of vehicular access points onto NE 85th Street in any redevelopment, and encourage existing development to consolidate driveways and curb cuts.

Policy NE85-4.4:

Area RH 4:

Allow office or medium-density multifamily residential uses in this area. Alternately, allow the site to be developed as parking and access for the commercial use to the south. Do not allow Area RH-4 to be developed as a self-contained commercial use.

Policy NE85-4.5:

Areas RH-5a, 5b, and 5c:

Continue to allow general commercial uses in this core portion of the NE 85th Street commercial area, subject to district-wide design guidelines. Require new development to limit the number of driveways on NE 85th Street, and encourage existing development to consolidate driveways and curb cuts. In addition, observe the following transition standards:

(1) Set vehicular access points located on north-south side streets back from adjacent residential properties as much as possible without creating problems for traffic turning to and from NE 85th Street. Allow only one driveway for access to commercial property on the east side of 124th Avenue NE.

(2) Locate a heavily landscaped buffer strip along any boundary with residential properties or along streets separating commercial development from residential properties.

(3) Retain existing significant trees and vegetation within the buffer. Preclude this landscaped area from further development by the creation of a greenbelt protective easement.

(4) Keep sources of noise and light to a minimum and directed away from adjacent residential properties.

(5) Area RH-5b: On the north side of NE 85th Street east of 126th Avenue NE, restrict permitted uses to those that generate limited noise, light and glare, odor, and traffic impacts. Examples of uses that would be appropriate in this area include medical/ dental offices, insurance offices, dry cleaners, and coffee shops. Examples of uses that would not be appropriate in this location include gas stations, car washes, uses with drive-through windows, and uses with extended hours of operation.

3. LAND USE

A. INTRODUCTION

The NE 85th Street Subarea is characterized by a wide range of land uses, from single-family residences to large regional stores such as the Costco membership warehouse and several car dealerships. Commercial (retail, office, and service) land uses are located along and adjacent to NE 85th Street itself. Generally speaking, the largest and most intensive of these uses are in the west end of the Subarea, nearest I-405. In this area, the commercial uses also extend farther north and south than they do in the east end of the Subarea, where the retail and commercial uses are generally smaller and less intensive. North and south of the NE 85th Street commercial area, the Subarea is almost exclusively residential, with the exception of the Kirkland Cemetery and Rose Hill Elementary School. Lake Washington High School is located immediately south of NE 80th Street, just out of the Subarea.

The Subarea includes some multifamily housing, generally on properties adjacent to commercial uses. Much of the Subarea was developed in unincorporated King County prior to annexation by the City of Kirkland. Following annexation, the City of Kirkland adopted a dual set of zoning categories that recognized the earlier King County standards in the annexation areas and facilitated the transition of these areas to City of Kirkland standards. Eventually, new and remodeled commercial structures in these areas should meet the same standards as those that apply in similar zones throughout the City.

B. RESIDENTIAL

Outside of the NE 85th Street commercial area, most of the NE 85th Street Subarea is designated for, and developed as, residential use. There are several limited areas designated for multifamily residential (medium-density, up to 12 units per acre, and high density, between 12 and 24 units per acre) development south of NE 85th Street, and one area to the north. (See Figure NE85-2, "NE 85th Subarea Land Use").

With the exception of these multifamily areas (most of which have already been developed with multifamily housing), and the Kirkland Cemetery and Rose Hill Elementary School, all of the areas north of the NE 85th Street commercial area and east of 124th Avenue NE, and south of the commercial area and east of 120th Avenue NE, are designated for and developed in single-family (low density residential) use. Although there are a few older single-family homes (such as in the area south of NE 85th Street between 122nd and 126th Avenues NE) there also are several areas of newly constructed homes.

New residential development in the low-density residential areas should be compatible with the current character of the neighborhood. New multifamily development or redevelopment should incorporate architectural and site design features to assure compatibility with adjacent single-family areas.

Goal NE85-1: Maintain and enhance the predominantly single-family residential character of the neighborhoods adjacent to the north and south of the NE 85th Street commercial area.

Policy NE85-1.1:

Maintain low-density detached residential housing as the primary land use in the areas north of the NE 85th Street commercial area and east of 124th Avenue NE, and south of the commercial area and east of 120th Avenue NE.

Policy NE85-1.2:

Encourage the efficient use of larger lots within the Subarea at the maximum densities allowed by the underlying zoning.

ATTACHMENT 6

60.159 User Guide. The charts in KZC 60.162 contain the basic zoning regulations that apply in Planned Area 13A, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.160

Zone PLA13A

Section 60.160 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.

   See KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details. (Does not apply to Detached Dwelling Units uses).
3. If the subject property adjoins a low density use, the minimum setback of any structure from the lot containing that low density use is equal to the height of that structure, as measured on the side of that structure closest to the detached unit (does not apply to Vehicle Service Station, Retail establishment providing new vehicle or boat sales or vehicle or boat service or repair, Restaurant or Tavern, Fast Food Restaurant and Any retail establishment other than those specifically listed in this zone, selling goods or providing services including banking and related financial services uses).

ATTACHMENT 2

Zone PLA13A

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 60.162	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.010	Vehicle Service Station See Special Regulation 1.	Process I, Chapter 145 KZC.	22,500 sq. ft.	20′	15′ on each side	15′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	A See Spec. Reg. 10.	E See Spec. Reg. 3.	See KZC 105.25.	1. May develop this use only in conjunction with the development located the property in the commercial zone abutting the northern boundary of t. zone. 2. If the subject property adjoins a non-retail use, the minimum setback of any structure from the lot containing that non-retail use is twice the height of that structure, as measured on the side of that structure closest to the non-retail use. 3. Free-standing signs and back-lit signs are not permitted along or oriented to 118th NE and 120th NE. 4. The City may require that the topography be recontoured and that structures be depressed to mitigate the impacts of bulk and noise on surrounding uses. 5. May not access directly onto 118th NE. 6. Parking and circulation must be coordinated with commercial development to the north. 7. The following regulations apply only to vehicle service stations: a. May not be more than two vehicle service stations at any intersection. b. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.30, Outdoor Use, Activity and Storage, for further regulations. 8. The following regulation applies only to new vehicle or boat sales or v cle or boat repair or service: a. Vehicle and boat rental and used vehicles or boat sales are allowed as part of this use. 9. On Lot 6, within Block 2, automobile service areas, body shops, and customer parking are not permitted. 10. Uses that abut a residential use must install a landscape buffer consisting of a berm that is a minimum of 20 feet wide and five feet high at the center or an equal to or superior alternate design. The berm shall include fencing, trees, and shrubs in sufficient size and spacing to provide for a screening of the views of the subject property from the abutting residential uses. 11. The site must be designed so that noise from the use will not be audible off the subject property. A certification to this effect by an acoustical engineer must be submitted with the development permit application. 12. The type of exterior lighting may be limited by the City to reduce glare on neighboring properties. See KZC 115.50, Glare Regulation.
				See Special Regulations 2 and 7.								
.020	A retail establishment providing new vehicle or boat sales or vehicle or boat service and repair. See Special Regulation 1.	None	None	20′	10′ on each side	10′						
				See Special Regulation 2.								

Zone PLA13A

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 60.162	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.030	Restaurant or Tavern See Special Regulation 1.	None	None	20′	10′ on each side	10′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	A See Spec. Reg. 12.	E See Spec. Reg. 3.	1 per each 100 sq. ft. of gross floor area.	1. May develop this use only in conjunction with the development located on the property in the commercial zone abutting the northern boundary of this zone. 2. If the subject property adjoins a non-retail use, the minimum setback of any structure from the lot containing that non-retail use is twice the height of that structure, as measured on the side of that structure closest to the non-retail use. 3. Free-standing signs and back-lit signs are not permitted along or oriented to 118th NE and 120th NE. 4. The City may require that the topography be recontoured and that structures be depressed to mitigate the impacts of bulk and noise on surrounding uses. 5. May not access directly onto 118th NE. 6. Parking and circulation must be coordinated with commercial development to the north. 7. The following regulation applies only to fast food restaurants: a. Must provide one outdoor waste receptacle for every 8 parking stalls. 8. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: a. The seating and associated circulation area does not exceed more tha 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. 9. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. 10. Ancillary assembly and manufactured goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 11. On Lot 6, Block 2, automobile service area, body shops, customer parking are not permitted. REGULATIONS CONTINUED ON NEXT PAGE
.040	Fast Food Restaurant See Special Regulation 1.										1 per each 80 sq. ft. of gross floor area.	
.050	Any retail establishment other than those specifically listed in this zone, selling goods or providing services including banking and related financial services See Special Regulation 1.										1 per each 300 sq. ft. of gross floor area.	

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 60.162	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.050	Any retail establishment other than those specifically listed in this zone, selling goods or providing services including banking and related financial services (continued)											REGULATIONS CONTINUED FROM PREVIOUS PAGE 12. Uses that abut a residential use must install a landscape buffer consisting of a berm that is a minimum of 20 feet wide and five feet high at the center, or an equal to or superior alternative design. The berm shall include fencing, trees, and shrubs in sufficient size and spacing to provide for screening of the views of the subject property from the abutting residential uses. 13. The site must be designed so that noise from the use will not be audible off the subject property. A certification to this effect by an acoustical engineer must be submitted with the development permit application. 14. The type of exterior lighting may be limited by the City to reduce glare on neighboring properties. See KZC 115.50, Glare Regulation.
.060	Office Use	None	7,200 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	D	If a Medical, Dental, or Veterinary office, then 1 per 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate t and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.070	Detached Dwelling Unit	None	3,600 sq. ft.						E	A	2.0 per unit	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Zone PLA13A

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 60.162	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.080	Detached, Attached or Stacked Dwelling Units	None	3,600 sq. ft. per unit	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	A	1.7 per unit.	1. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment, and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 60.162	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.090	Development containing attached or stacked dwelling units and office uses. See Special Regulation 1.	None	3,600 sq. ft. per unit	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	D	See KZC 105.25.	1. A veterinary office is not permitted in any development containing dwe units. 2. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment, and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.100	Church		7,200 sq. ft.		20′ on each side.	20′				B	1 for every 4 people based on maximum occupancy load of any area of worship. See Special Regulation 1.	1. No parking is required for day-care or school ancillary to the use.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 60.162	USE ⇩ REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.110	School or Day-Care Center	None	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: 50′	50′ on each side	50′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation. See Spec. Reg. 8.	D	B	See KZC 105.25.	1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 8. For school use, structure height may be increased, up to 35 feet, if: a. The school can accommodate 200 or more students; and b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan. d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.
				If this use can accommodate 13 to 49 students or children, then: 20′	20′ on each side	20′						

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 60.162	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.120	Mini-School or Mini-Day-Care	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	E	B	See KZC 105.25.	1. A six-foot-high fence is required only along the property lines adjacer the outside play areas. 2. Structured play areas must be setback from all property lines by five feet. 3. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 4. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 5. May include accessory living facilities for staff persons. 6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.130	Assisted Living Facility								C	A	1.7 per independent unit. 1 per assisted living unit.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property. Through Process IIB, Chapter 152 KZC, up to 1 1/2 times the number of stacked dwelling units allowed on the subject property may be approved if the following criteria are met: a. Project is of superior design, and b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development. 4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.140	Convalescent Center or Nursing Home		7,200 sq. ft.		10′ on each side					B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.150	Public Utility		None		20′ on each side	20′			A		See KZC 105.25.	1. For a Government Facility Use, Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.160	Government Facility or Community Facility				10′ on each side	10′			C See Spec. Reg. 1			

(Revised 9/03)

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 60.162	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.170	Public Park	See Special Regulations 1 and 2.	None	Will be determined on a case-by-case basis.					--	B	See KZC 105.25.	1. Except as provided for in Special Regulation 2 below, any development or use of a park must occur consistent with a Master Plan. A Master Plan shall be reviewed through a community review process, established by the Parks and Community Services Director, which shall include at a minimum: a. One formal public hearing, conducted by the Parks Board, preceded by appropriate public notice. b. The submittal of a written report on the proposed Master Plan from the Parks Board to the City Council, containing at least the following: 1) A description of the proposal; 2) An analysis of the consistency of the proposal with adopted Comprehensive Plan policies, including the pertinent Park and Recreation Comprehensive Plan policies; 3) An analysis of the consistency of the proposal with applicable developmental regulations, if any; 4) A copy of the environmental record, if the proposal is subject to the State Environmental Policy Act; 5) A summary and evaluation of issues raised and comments received on the proposed Master Plan; and 6) A recommended action by the City Council. c. City Council review and approval. The City Council shall approve the Master Plan by resolution only if it finds: 1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and 2) It is consistent with the public health, safety, and welfare. In addition to the features identified in KZC 5.10.505, the Master Plan shall identify the following: a. Location, dimensions, and uses of all active and passive recreation areas; b. Potential users and hours of use; c. Lighting, including location, hours of illumination, lighting intensity, and height of light standards; d. Landscaping; e. Other features as appropriate due to the character of the neighborhood or characteristics of the subject property. REGULATIONS CONTINUED ON NEXT PAGE

Section 60.162	USE ⇩ REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.170	Public Park (continued)											REGULATIONS CONTINUED FROM PREVIOUS PAGE 2. Development and use of a park does not require a Master Plan under this code if it will not involve any of the following: a. Lighting for outdoor nighttime activities; b. The construction of any building of more than 4,000 square feet; c. The construction of more than 20 parking stalls; d. The development of any structured sports or activity areas, other than minor recreational equipment including swing sets, climber toys, slides, single basketball hoops, and similar equipment.

60.164 User Guide. The charts in KZC 60.167 contain the basic zoning regulations that apply in Planned Area 13B, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.165

Zone PLA13B

Section 60.165 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.

   See KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details. (Does not apply to Detached Dwelling Unit and Vehicle Storage uses).
3. If the subject property adjoins a low density use, the minimum setback of any structure from the lot containing that low density use is equal to the height of that structure, as measured on the side of that structure closest to low density use (does not apply to Detached Dwelling Unit, Vehicle Storage, School or Day-Care Center and Public Park uses).

ATTACHMENT 3

Zone PLA13B

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 60.167	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.010	Detached Dwelling Unit	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless c size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached or Stacked Dwelling Units		3,600 sq. ft. per unit		5′, but 2 side yards must equal at least 15′.				C		1.7 per unit.	1. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment, and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. 2. Chapter 115 KZC contains regulations regarding home occupations other accessory uses, facilities and activities associated with this use.
.030	Office Use	Process I, Chapter 145 KZC.	7,200 sq. ft.							D	If a Medical, Dental, or Veterinary office, then 1 per 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

Zone PLA13B

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 60.167	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115): Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.040	Development Containing Attached or Stacked Dwelling Units and Office Uses See Special Regulation 1.	Process I, Chapter 145 KZC.	3,600 sq. ft. per unit	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	D	See KZC 105.25.	1. A veterinary office is not permitted in any development containing dwelling units. 2. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment, and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Zone PLA13B

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 60.167	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.050	Vehicle Storage See Special Regulation 1.	Process I, Chapter 145 KZC.	None	20′	5′, but 2 side yards must equal at least 15′.	10′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	See Spec. Reg. 7.	None See Spec. Reg. 3.	See KZC 105.25.	1. This use is only permitted on Lot 7 within Block 2 if it is ancillary to t existing land use on Lot 6 in PLA 13A. When the use on Lot 6 is no longer associated with the automobile sales and service establishment abutting NE 85th Street zoned BC, the use of Lot 7 must cease. 2. Vehicular access to 118th Avenue NE is prohibited. 3. Signs are prohibited. 4. See also KZC 115.105, Outdoor Use Activity and Storage, for further regulations. 5. The type of exterior lighting may be limited by the City to reduce glare on neighboring properties. See KZC 115.50, Glare Regulation. 6. The site must be designed so that noise from the use will not be audible off the subject property. A certification to this effect, signed by an acoustical engineer, must be submitted with the development application. 7. Uses that abut a residential use must install a landscape buffer consisting of a berm that is a minimum of 20 feet wide and five feet high at the center or an equal to or superior alternate design. The berm shall include fencing, trees, and shrubs in sufficient size and spacing to provide for screening of the views of the subject property from the abutting residential uses.
.060	Church		7,200 sq. ft.		20′ on each side.	20′	70%		C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Special Regulation 1.	1. No parking is required for day-care or school ancillary to the use.

Zone PLA13B

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 60.167	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.070	School or Day-Care Center	None	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: 50′	50′ on each side	50′ If this use can accommodate 13 to 49 students or children, then: 20′	5′, on side yards must equal at least 15′. 20′ See Special Regulation 1.	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation. See Spec. Reg. 9.	D	B	See KZC 105.25.	1. If the subject property adjoins a low density use, the minimum setback of any structure from the lot containing that low density use is equal to the height of that structure, as measured on the side of that structure closest to the detached unit. 2. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 5. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 9. For school use, structure height may be increased, up to 35 feet, if: a. The school can accommodate 200 or more students; and b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan. d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.

(Revised 9/03)

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Section 60.167	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115): Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.080	Mini-School or Mini-Day-Care	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	D	B	See KZC 105.25.	1. A six-foot-high fence is required along the property lines adjacent to outside play areas. 2. Structured play areas must be setback from all property lines by five feet. 3. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 4. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 5. May include accessory living facilities for staff persons. 6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.090	Assisted Living Facility								C	A	1.7 per independent unit. 1 per assisted living unit.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property. Through Process IIB, Chapter 152 KZC, up to 1 1/2 times the number of stacked dwelling units allowed on the subject property may be approved if the following criteria are met: a. Project is of superior design, and b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development. 4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.100	Convalescent Center or Nursing Home	Process I, Chapter 145 KZC.	7,200 sq. ft.		10′ on each side					B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.110	Public Utility		None		20′ on each side	20′			A		See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.120	Government Facility or Community Facility				10′ on each side	10′			C See Spec. Reg. 1			

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 60.167	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.130	Public Park	See Special Regulations 1 and 2.	None	Will be determined on a case-by-case basis.					--	B	See KZC 105.25.	1. Except as provided for in Special Regulation 2 below, any development or use of a park must occur consistent with a Master Plan. A Master Plan shall be reviewed through a community review process, established by the Parks and Community Services Director, which shall include at a minimum: a. One formal public hearing, conducted by the Parks Board, preceded by appropriate public notice. b. The submittal of a written report on the proposed Master Plan from the Parks Board to the City Council, containing at least the following: 1) A description of the proposal; 2) An analysis of the consistency of the proposal with adopted Comprehensive Plan policies, including the pertinent Park and Recreation Comprehensive Plan policies; 3) An analysis of the consistency of the proposal with applicable developmental regulations, if any; 4) A copy of the environmental record, if the proposal is subject to the State Environmental Policy Act; 5) A summary and evaluation of issues raised and comments received on the proposed Master Plan; and 6) A recommended action by the City Council. c. City Council review and approval. The City Council shall approve the Master Plan by resolution only if it finds: 1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and 2) It is consistent with the public health, safety, and welfare. In addition to the features identified in KZC 5.10.505, the Master Plan shall identify the following: a. Location, dimensions, and uses of all active and passive recreation areas; b. Potential users and hours of use; c. Lighting, including location, hours of illumination, lighting intensity, and height of light standards; d. Landscaping; e. Other features as appropriate due to the character of the neighborhood or characteristics of the subject property. REGULATIONS CONTINUED ON NEXT PAGE

Section 60.167 USE ⇩ REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.130	Public Park (continued)											REGULATIONS CONTINUED FROM PREVIOUS PAGE 2. Development and use of a park does not require a Master Plan under this code if it will not involve any of the following: a. Lighting for outdoor nighttime activities; b. The construction of any building of more than 4,000 square feet; c. The construction of more than 20 parking stalls; d. The development of any structured sports or activity areas, other than minor recreational equipment including swing sets, climber toys, slides, single basketball hoops, and similar equipment.

King County
Wastewater Treatment Division
Department of Natural Resources and Parks
King Street Center
201 South Jackson Street
Seattle, WA 98104-3855

RECEIVED
AUG 12 2005
_____AM _____PM
PLANNING DEPARTMENT
BY_____

August 10, 2005

Stacy Clauson, Planner
City of Kirkland
Department of Planning and Community Development
123 Fifth Avenue
Kirkland, WA 98033

RE: Request for Public Utility Review of a Proposed Street Vacation of 118th Avenue NE between I-405 and a Line About 430 Feet North of NE 80th Street

Dear Stacy:

I'm writing in response to the August 3, 2005, letter requesting a statement to the City of Kirkland concerning existing and potential utility routes in the area of the proposed street vacation of 118th Avenue NE. We have reviewed the information provided by Jim Hart and Associates on behalf of the City of Kirkland—a site map, legal description, and map showing the configuration after the street vacation, and we are providing the following information:

- There is not an existing King County utility route or facility within the area described.
- King County does not have an interest in a potential utility route being retained in the vacated right-of-way.

If you have further questions, please contact Eric Davison in the Design, Construction and Asset Management Program, Civil/Architectural Section, at (206) 684-1707 or eric.davison@metrokc.gov .

Thank you for the opportunity to review and comment on this proposal.

Sincerely,

Shirley Marroquin, Supervisor
Environmental Planning and Community Relations

cc: Dan Hardin, AICP, Jim Hart and Associates
Eric Davison, DCAM, Civil/Architectural Section

ATTACHMENT 9.a
VACOS-00003

PO BOX 1003
EVERETT, WA 98206-1003

RECEIVED
AUG 16 2005
_____AM_____PM
PLANNING DEPARTMENT
BY_____

August 12, 2005

Ms. Stacy Clauson, Planner
Department of Planning and Community Development
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033

RE: Request for Public Utility Review of a proposed street vacation of 118th Avenue NE, between I-405 and a line about 430 feet north of NE 80th Street

Dear Ms. Clauson:

A Verizon staff visited the proposed street vacation area and has determined that a Verizon utility route exists within the area described in the legal description. Verizon has an interest in a potential utility route being retained in the vacated right-of-way.

If there are any questions please contact Chung-I Lin at 425-710-4112.

Sincerely,

Chung-I Lin

ATTACHMENT 9.b
VACOS-00003

Comcast

RECEIVED
AUG 19 2005
PLANNING DEPARTMENT
BY

August 18, 2005

Stacy Clauson, Planner
City of Kirkland
Department of Planning and Community Development
123 – Fifth Ave
Kirkland, WA 98033

Dan Hardin
Jim Hart & Associates
220 – Sixth St
Kirkland, WA 98033

RE: Request to vacate 118th Ave NE

Dear Stacy and Dan;

This letter is in response to the vacation request.

- There is an existing utility route with in the area described, but they can be removed or relocated underground per a new utility design. Please see enclosed map.

Any questions, please give me a call at 425.263.5361

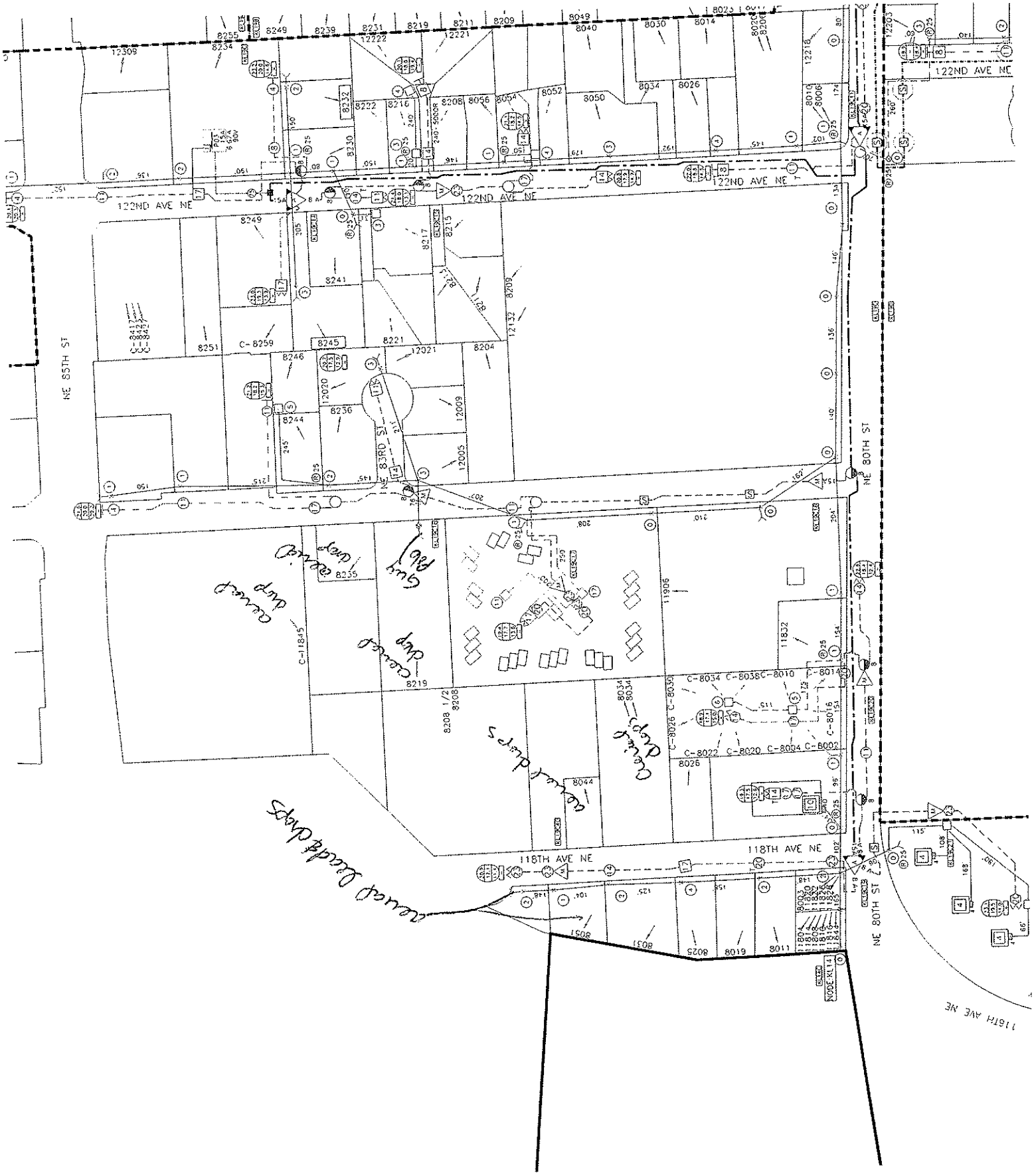
Sincerely,

Diane Albright

Diane Albright
1525 75th St SW, Suite 200
Everett, WA 98203

Enclosure: Comcast plant map

ATTACHMENT 9.c
VACO5-00003


122ND AVE NE
NE 85TH ST
NE 80TH ST
83RD ST
118TH AVE NE
Gas pipe
Capped drop
Capped drop
Capped drop
Capped drops
Capped drops
Capped Bulkhead drops

PUGET SOUND ENERGY

Puget Sound Energy, Inc.
P.O. Box 90868
Bellevue, WA 98009-0868

RECEIVED
OCT 07 2005
Jim Hart & Associates

October 5, 2005

Dan Hardin
Jim Hart & Associates
220 – 6th Street
Kirkland, WA 98033

RE: Road Vacation at 118th AVE NE

Dear Mr. Hardin;

After careful review Puget Sound Energy, INC has determined that there are existing gas and electric facilities within the requested road vacation of 118th AVE NE. If LMJ Enterprises decides to move forward with the street vacate, PSE requests that this easement be signed to protect our facilities.

I am enclosing an original and copy of the easement. Please have the original signed by an authorized agent of LMJ Enterprises in the presence of a notary of the public, and return it to my office in the self addressed stamped envelope.

Should you or LMJ Enterprises have any questions regarding this I can be reached at 425-462-3446, or via email at william.craven @ pse.com.

Sincerely,

William (Bill) Craven
Right of Way Agent
Puget Sound Energy, INC

ATTACHMENT 9-d
VAC05-00003

RETURN ADDRESS:
Puget Sound Energy, Inc.
Attn: ROW Department
PO BOX 90868 GEN - 03E
Bellevue, WA 98009-0868
ATTN.: WRC

COPY

EASEMENT

REFERENCE #:
GRANTOR: **LMJ Enterprises Limited Partnership**
GRANTEE: **PUGET SOUND ENERGY, INC.**
SHORT LEGAL: **Vacated 118th AVE NE (Ronald Street) being a portion of SW ¼ of SW ¼ 4 – 25N. – 5E.W.M.**
ASSESSOR'S PROPERTY TAX PARCEL:

For and in consideration of One Dollar ($1.00) and other valuable consideration in hand paid, **LMJ ENTERPRISES, LIMITED PARTNERSHIP** ("Grantor" herein), hereby conveys and warrants to **PUGET SOUND ENERGY, INC.**, a Washington Corporation ("Grantee" herein), for the purposes hereinafter set forth, a nonexclusive perpetual easement over, under, along across and through the following described real property ("Property" herein) in **KING** County, Washington:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

Except as may be otherwise set forth herein Grantee's rights shall be exercised upon that portion of the Property ("Easement Area" herein) described as follows:

A RIGHT OF WAY TEN (10) FEET IN WIDTH WITH FIVE (5) FEET ON EITHER SIDE OF A CENTERLINE DESCRIBED AS FOLLOWS:

THE CENTERLINE OF GRANTEE'S FACILITIES AS NOW CONSTRUCTED, TO BE CONSTRUCTED, EXTENDED OR RELOCATED LYING WITHIN THE ABOVE DESCRIBED PARCEL.

1. **Purpose.** Grantee shall have the right to construct, operate, maintain, repair, replace, improve, remove, enlarge, and use the easement area for one or more utility systems for purposes of transmission, distribution and sale of gas and electricity. Such systems may include, but are not limited to:

a. **Overhead facilities.** Poles, towers and other support structures with crossarms, braces, guys and anchors; electric transmission and distribution lines; fiber optic cable and other lines, cables and facilities for communications; transformers, street lights, meters, fixtures, attachments and any and all other facilities or appurtenances necessary or convenient to any or all of the foregoing; and.

b. **Underground facilities.** Conduits, lines, cables, vaults, switches and transformers for electricity; pipes, pipelines, mains, laterals, conduits, regulators and feeders for gas; fiber optic cable and other lines, cables and facilities for communications; semi-buried or ground-mounted facilities and pads, manholes, meters, fixtures, attachments and any and all other facilities or appurtenances necessary or convenient to any or all of the foregoing.

Following the initial construction of all or a portion of its systems, Grantee may, from time to time, construct such additional facilities as it may require for such systems. Grantee shall have the right of access to the Easement Area over and across the Property to enable Grantee to exercise its rights hereunder. Grantee shall compensate Grantor for any damage to the Property caused by the exercise of such right of access by Grantee.

2. **Easement Area Clearing and Maintenance.** Grantee shall have the right to cut, remove and dispose of any and all brush, trees or other vegetation in the Easement Area. Grantee shall also have the right to control, on a continuing basis and by any prudent and reasonable means, the establishment and growth of brush, trees or other vegetation in the Easement Area.

3. **Trees Outside Easement Area.** Grantee shall have the right to cut, trim remove and dispose of any trees located on the Property outside the Easement Area that could, in Grantee's sole judgment, interfere with or create a hazard to Grantee's systems. Grantee shall, prior to the exercise of such right, identify such trees and make a reasonable effort to give Grantor prior notice that such trees will be cut, trimmed, removed or disposed of (except that Grantee shall have no obligation to identify such trees or give Grantor such prior notice when trees are cut, trimmed, removed or otherwise disposed of in response to emergency conditions). Grantor shall be entitles to no compensation for trees cut, trimmed, removed or disposed of except for the actual market value of merchantable timber (if any) cut and removed from the Property by Grantee.

4. Grantor's Use of Easement Area. Grantor reserves the right to use the Easement Area for any purpose not inconsistent with the rights herein granted, provided, however, Grantor shall not construct or maintain any buildings, structures or other objects on the Easement Area and Grantor shall do no blasting within 300 feet of Grantee's facilities without Grantee's prior written consent.

5. Indemnity. Grantee agrees to indemnify Grantor from and against liability incurred by Grantor as a result of Grantee's negligence in the exercise of the rights herein granted to Grantee, but nothing herein shall require Grantee to indemnify Grantor for that portion of any such liability attributable to the negligence of Grantor or the negligence of others.

6. Abandonment. The rights herein granted shall continue until such time as Grantee ceases to use the Easement Area for a period of five (5) successive years, in which event, this easement shall terminate and all rights hereunder, and any improvements remaining in the Easement Area, shall revert to or otherwise become the property of Grantor; provided, however, that no abandonment shall be deemed to have occurred by reason of Grantee's failure to initially install its systems on the Easement Area within any period of time from the date hereof.

7. Successors and Assigns. Grantee shall have the right to assign, apportion or otherwise transfer any or all of its rights, benefits, privileges and interests arising in and under this easement. Without limiting the generality of the foregoing, the rights and obligations of the parties shall inure to the benefit of and be binding upon their respective successors and assigns.

DATED this _____ day of _____, 2005.

GRANTOR:

BY: _____

ITS: _____

STATE OF WASHINGTON)
) ss
COUNTY OF)

On this _____ day of _____, 2005, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____, to me known to be the person who signed as _____, of **LMJ Enterprises**, the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be his/her free and voluntary act and deed and the free and voluntary act and deed of **LMJ Enterprises** for the uses and purposes therein mentioned; and on oath stated that _____ was authorized to execute the said instrument on behalf of said **LMJ Enterprises.**

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.

_____
(Signature of Notary)

_____
(Print or stamp name of Notary)
NOTARY PUBLIC in and for the State of
Washington, residing at _____
My Appointment Expires: _____

Notary seal, text and all notations must not be placed within 1" margins

EXHIBIT "A"
LEGAL DESCRIPTION OF 118TH AVE NE
VACATION NUMBER _____

JIM HART AND ASSOCIATES
220 6TH STREET, KIRKLAND, WA 98033-6335, 425-822-4171 FAX 425-827-3085

05-41
7/22/05

TOTAL ROAD VACATION

LEGAL DESCRIPTION:

THAT PORTION OF 118TH AVE NE (DONALD STREET) AND THAT PORTION OF LOT 15, BLOCK 1, BURKE AND FARRAR'S KIRKLAND ADDITION, DIVISION No. 6, AS RECORDED IN VOLUME 19 OF PLATS, PAGE 68, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

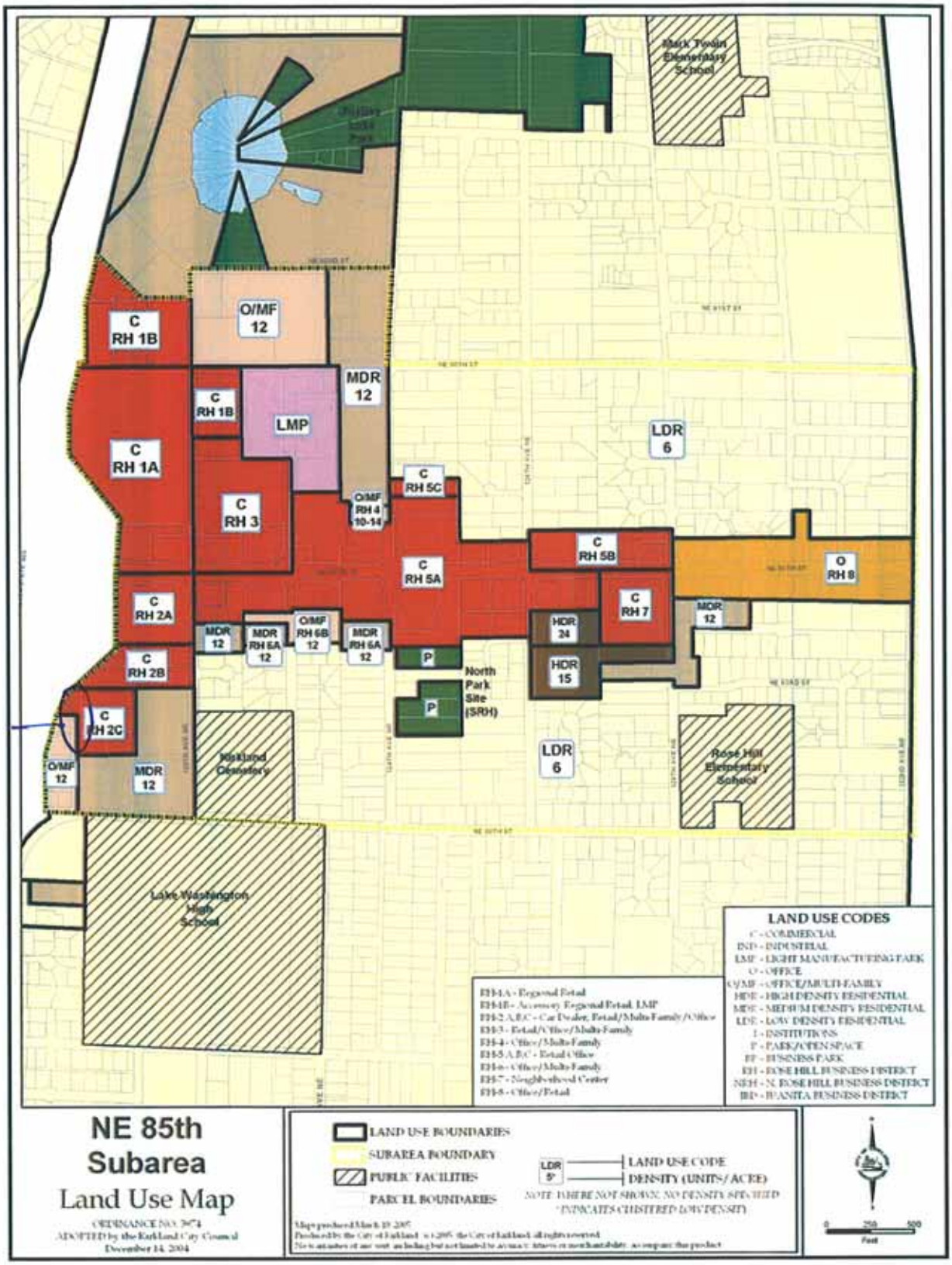
COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 8, BLOCK 2 OF SAID PLAT; THENCE SOUTH 00°15'34" EAST ALONG THE WESTERLY LINE THEREOF 29.60 FEET TO THE TRUE POINT OF BEGINNING; THENCE RETURNING NORTH 00°15'34" WEST ALONG SAID WESTERLY LINE 331.45 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY OF S.R. 405; THENCE SOUTH 47°07'18" WEST ALONG SAID RIGHT OF WAY 119.50 FEET, MORE OR LESS, TO THE SOUTHWESTERLY LINE OF THAT PORTION OF ABOVEMENTIONED LOT 15 RELINQUISHED TO THE CITY OF KIRKLAND UNDER RECORDING No. 8006200424, BEING A CURVE TO THE SOUTHWEST; THENCE ALONG SAID CURVE HAVING A RADIUS OF 45 FEET THE CENTER OF WHICH BEARS SOUTH 72°52'58" EAST, FOR AN ARC LENGTH OF 62.92 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF THE NORTHERLY 82.5 FEET OF SAID LOT 15; THENCE NORTH 89°44'26" EAST 5.60 FEET, MORE OR LESS, TO THE EASTERLY LINE OF SAID LOT 15; THENCE SOUTH 00°15'34" EAST ALONG THE WESTERLY MARGIN OF SAID 118TH AVE. NE 207.35 FEET; THENCE NORTH 89°44'26" EAST 14.02 FEET TO A POINT ON A CURVE; THENCE NORTHEASTERLY ALONG SAID CURVE HAVING A RADIUS OF 39.50 FEET, THE CENTER OF WHICH BEARS SOUTH 49°25'52" EAST, FOR AN ARC LENGTH OF 50.47 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 20,033 SQUARE FEET, MORE OR LESS.

SITUATE IN THE CITY OF KIRKLAND, KING COUNTY, WASHINGTON.

JAMES A. HART
STATE OF WASHINGTON
8409
REGISTERED
PROFESSIONAL LAND SURVEYOR
EXPIRES 7-22-07
7-22-05

LMJ Enterprises, 118th S.V.
REDT: 56660
Date: October 2005



SITE

Figure NE85-2: NE 85th Subarea Land Use

ATTACHMENT 10

VACUS-00003

RESOLUTION R-4543

A RESOLUTION OF THE CITY OF KIRKLAND EXPRESSING AN INTENT TO VACATE A PORTION OF A RIGHT-OF-WAY FILED BY LMJ Enterprises Limited Partnership, FILE NUMBER VAC05-00003.

WHEREAS, the City has received an application filed by LMJ Enterprises Limited Partnership to vacate a portion of a right-of-way; and

WHEREAS, by Resolution Number R-4534, the City Council of the City of Kirkland established a date for a public hearing on the proposed vacation; and

WHEREAS, proper notice for the public hearing on the proposed vacation was given and the hearing was held in accordance with the law; and

WHEREAS, it is appropriate for the City to receive compensation for vacating the right-of-way as allowed under state law; and

WHEREAS, no property owner will be denied direct access as a result of this vacation; and

WHEREAS, it appears desirable and in the best interest of the City, its residents and property owners abutting thereon that said street to be vacated;

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

Section 1. The Findings and Conclusions as set forth in the Recommendation of the Department of Planning and Community Development contained in File Number VAC05-00003 are hereby adopted as though fully set forth herein.

Section 2. Except as stated in Section 3 of this Resolution, the City will, by appropriate ordinance, vacate the portion of the right-of-way described in Section 4 of this Resolution if within 90 days of the date of passage of this Resolution the applicant or other person meets the following conditions:

(a) Pays to the City $539,610 as compensation for vacating this portion of the right-of-way.

(b) Within seven (7) calendar days after the final public hearing, the applicant shall remove all public notice signs.

(c) Submit to the City a copy of the following recorded easements:

(1) A 20-ft minimum width easement for the sewer main.

(2) A 15-ft minimum width easement for the water main.

(3) A 15-ft minimum width easement shall for the storm main.

(4) An access easement for maintenance of the sewer manhole in the vacated right-of-way should be provided from the end of the new cul-de-sac or through the car dealership site from 120th Ave. NE.

(5) A utility easement encompassing the entire vacated right-of-way unless the applicant prepares individual legal descriptions for each specific easement based on the location and minimum size determined by each utility company.

(d) Install the required improvements as described in Attachment 3. Prior to installing these improvements, plans must be submitted for approval by the Department of Public Works.

In lieu of completing these improvements, the applicant may submit to the Department of Public Works a security device to cover the cost of installing the improvements and guaranteeing installation within one year.

(e) As shown on Attachment 2, dedicate sufficient land to the city to allow installation of a 70-foot diameter paved cul-de-sac with a 6-ft wide paved parallel parking area on the north and east side of the cul-de-sac and a 4.5-ft minimum landscape strip behind the curb.

Section 3. If the portion of the right-of-way described in Section 4 of this resolution is vacated, the City will retain and reserve an easement, together with the right to exercise and grant easements along, over, under and across the vacated right-of-way for the installation, construction, repair and maintenance of public utilities and services.

Section 4. The right-of-way to be vacated is situated in Kirkland, King County, Washington and is described as follows:

That portion of 118th Ave NE (Donald Street) and that portion of Lot 15, Block 1, Burke and Farrar's Kirkland Addition, Division No. 6, as recorded in

Volume 19 of Plats, Page 68, records of King County, Washington, described as follows:

Commencing at the northwest corner of said Lot 8, Block 2 of said plat; thence south 00°15'34" east along the westerly line thereof 21.81 feet to the true point of beginning; thence returning north 00°15'34" west along said westerly line 323.86 feet, more or less, to the easterly right-of-way of S.R. 405; thence south 47°07'18" west along said right-of-way 119.50 feet, more or less, to the southwesterly line of that portion of abovementioned Lot 15 relinquished to the City of Kirkland under Recording No. 8006200424, being a curve to the southwest; thence along said curve having a radius of 45 feet at the center of which bears south 72°52'58" east, for an arc length of 62.92 feet, more or less, to a point on the south line of the northerly 82.5 feet of said Lot 15; thence north 89°44'26" east 5.60 feet, more or less, to the easterly line of said Lot 15; thence south 00°15'34" east along the westerly margin of said 118th Ave NE 207.35 feet; thence north 89°44'26" east 14.02 feet to a point on a curve; thence northeasterly along said curve having a radius of 45.50 feet, the center of which bears south 72°52'57" east, for an arc length of 69.11feet to the true point of beginning.

Containing 19,439 square feet, more or less.

Situate in the City of Kirkland, King County, Washington.

Section 5. Certified or conformed copies of this Resolution shall be delivered to the following within seven (7) days of the passage to this resolution:

(a) Applicant;
(b) Department of Planning and Community Development of the City of Kirkland;
(c) Fire and Building Departments of the City of Kirkland;
(d) Public Works Department of the City of Kirkland; and
(e) The City Clerk for the City of Kirkland.

Passed by majority vote of the Kirkland City Council in open meeting on the _____ day of _____, 20___.

SIGNED IN AUTHENTICATION THEREOF on the _____ day of _____, 20___.

_____
Mayor

ATTEST:

_____

City Clerk