

WD I Zone

Section 30.15

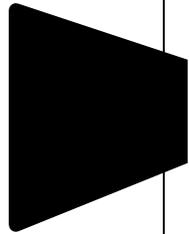
Zone
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USE ZONE CHART

CHAPTER 30 – WATERFRONT DISTRICT (WD) ZONES

30.05 User Guide. The charts in KZC 30.15 contain the basic zoning regulations that apply in the WD I zones of the City. 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
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Section 30.10 – 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. ~~See KZC 30.17 for regulations regarding bulkheads and land surface modification.~~
 3. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:
 - a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and
 - b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and
 - c. The design of the public use area is specifically approved by the City.
- (Does not apply to Public Access Pier ~~;~~ ~~or~~ Boardwalk ~~or~~ Public Access Facility; Boat launch; ~~;~~ ~~Moorage Facility for 1 or 2 Boats~~ Piers, docks, boat lifts and canopies serving Detached Dwelling Unit; Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units; Public Park; ~~;~~ ~~or~~ Public Utility uses; Boat Launch; or Water Taxi).

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	<p>3. <u>The required 30-foot front yard may be reduced, subject to the following conditions:</u></p>
	<p><u>a. The existing primary structure does not conform to the minimum shoreline setback standard;</u></p>
	<p><u>b. The front yard may be reduced one foot for each one foot of the shoreline setback that is increased in dimension;</u></p>
	<p><u>c. The new or remodeled primary structure must comply with the minimum required shoreline setback established under the provisions of KZC Chapter 83, or as otherwise approved under the shoreline setback reduction provisions established in Section 83.380 KZC; and</u></p>
	<p><u>d. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line.</u></p>
	<p><u>(Does not apply to Public Access Pier, Boardwalk, or Public Access Facility; Boat launch; Piers, docks, boat lifts and canopies serving Detached Dwelling Unit; Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units; Public Park; Public Utility uses; Boat Launch; or Water Taxi).</u></p>
	<p>4. A view corridor must be maintained across 30 percent of the average parcel width. <u>Refer to KZC Chapter 83 for additional details. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided that they do not obscure the view from Lake Washington Boulevard to and beyond Lake Washington. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties (does not apply to Public Access Pier or Boardwalk, Moorage Facility for 1 or 2 Boats, or Public Park uses).</u></p>
	<p>5. May not use lands waterward of the <u>high waterlineordinary high water mark</u> to determine lot size or to calculate allowable density.</p>
	<p>6. May also be regulated under the Shoreline Master Program, <u>KMG Title 24 refer to KZC Chapter 83.</u></p>

Section 30.15	REGULATIONS	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category	Sign Category	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure	Special Regulations					
				Front	North Property Line	South Property Line						Shoreline Setback	
010	Detached Dwelling Unit	None	3,600 sq. ft./unit, except if 1,800 sq. ft./unit for up to 2 dwelling units if the public access provisions of KZC 83.390 are met (3,600 sq. ft.).	30'	The greater of: a. 15' or b. 1 1/2 times the height of the primary structure above average building elevation minus 10'.	5', but two side yards must equal at least 15 feet.	See Chapter 83 KZC. The greater of: a. 15' or b. 15% of the average parcel depth.	80%	30' above average building elevation. This provision may not be varied.	E	A	2.0 per unit.	<p>1. No structures, other than moorage structures or public access piers, may be waterward of the high-waterline ordinary high water mark. For the regulations regarding moorages and public access piers, see the specific listings in this zone piers or docks serving detached dwelling units, refer to the specific listings in this zone and Chapter 83 KZC.</p> <p>2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</p>
			The minimum dimension of any yard, other than those listed, is 5'. See General Regulations.										

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<p>. 0 2 0</p>	<p>Attached or Stacked Dwelling Units</p>	<p>Process I, Chapter 145 KZC</p>	<p>3,600 sq. ft. per unit.</p>	<p>30'</p>	<p>The greater of: a. 15' or b. 1-1/2 times the height of the primary structure above average building elevation or minus 10'.</p>	<p>10' 5', but the two side yards must</p>	<p>See Chapter 83 KZC. The greater of: a. 15' or b. 15% of the average parcel depth.</p>		<p>30' above average building elevation. See also Special Regulation 3.</p>	<p>D</p>		<p>1. No structures, other than moorage structures or public access piers, may be waterward of the high waterline <u>ordinary high water mark</u>. For the regulations regarding moorage and public access piers, see the specific listings in this zone <u>and Chapter 83 KZC</u>.</p> <p>2. Chapter 83 KZC contains regulations regarding shoreline. Must provide public pedestrian access from the right of way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. The City shall require signs designating the public pedestrian access and public use areas.</p> <p>3. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and</p> <p>a. The increase is offset by a view corridor that is superior to that required by the General Regulations; or</p> <p>b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation.</p> <p>REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE</p>
<p>. 0 2 0</p>	<p>Attached or Stacked Dwelling Units (continued)</p>											<p>REGULATIONS CONTINUED FROM PREVIOUS PAGE</p> <p>4. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation.</p> <p>5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</p> <p>6. Any required yard, other than the front yard or high water line or shoreline setback required yard, may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached shall provide the minimum required yard.</p>

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

Section 30.15	USE ↓	REGULATIONS □	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)				Height of Structure					
				Front	North Property Line	South Property Line	Shoreline e Setback High Water Line						
.030	Public Access Pier, or Board-walk, or Public Access Facility	Process 1, Chapter 145 KZC See Chapter 83 KZC-	None	See Chapter 83 KZC Waterward of the High Waterline - 10' 10' - See also Special Regulation 8-				-	See Chapter 83 KZC Pier decks may not be more than 24' above mean sea level. Diving boards and similar features may not be more than 3' above the deck.	-	See Spec. Reg. 7-	See KZC 105.25.	Refer to Chapter 83 KZC for additional regulations. 1. No accessory uses, buildings, or activities are permitted as part of this use. 2. If a structure will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to submittal of a building permit for this use. 3. May not treat a structure with creosote, oil base or toxic substances. 4. Must provide at least one covered and secured waste receptacle. 5. All utility lines must be below the pier deck and, where feasible, underground. 6. Piers must be adequately lit; the source of the light must not be visible from neighboring properties. 7. Structures must display the street address of the subject property. The address must be oriented to the lake with letters and numbers at least four inches high, and visible from the lake. 8. North and south property line yards may be decreased for over-water public use facilities which connect with waterfront public access on adjacent property.
.040	Piers, docks, boat lifts and canopies	See Chapter 83 KZC None		See Chapter 83 KZC Waterward of the High Waterline - 10' 10' -				-80%		See Spec. Reg. 8-	None 1 per each 2 slips. Otherwise,	Refer to Chapter 83 KZC for additional regulations. 1. No accessory uses, buildings, or activities are permitted as part of this use. Various accessory components are permitted as part of a	

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DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 30.15	USE ↓	REGULATIONS	Required	MINIMUMS				MAXIMUMS		Landscaping Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Review	Lot Size	REQUIRED YARDS				Height of Structure				
			Process		(See Ch. 115)								
				Front	North Property Line	South Property Line Side Property Line	Shoreline Setback High Water Line						
serving Detached Dwelling Unit Moorage Facility for 1 or 2 boats				<p>In addition, no moorage structure may be within-</p> <p>a. 25' of a public park; or</p> <p>b. 25' of another moorage structure not on the subject property.</p> <p>The minimum dimension of any yard, other than those listed, is 5'.</p>						None if the moorage is reserved for the exclusive use of an adjoining residential development.			<p>General Moorage Facility. See that listing in this zone.</p> <p>2. Moorage structure may not extend waterward beyond a point 150 feet from the high waterline. In addition, piers and docks may not be wider than is reasonably necessary to provide safe access to the boats, but not more than eight feet in width.</p> <p>3. If the moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to submittal of a building permit for this use.</p> <p>4. May not treat moorage structure with creosote, oil base or toxic substances.</p> <p>5. Must provide at least one covered and secured waste receptacle.</p> <p>6. All utility lines must be below the pier deck and, where feasible, underground.</p> <p>7. Piers must be adequately lit; the source of the light must not be visible from neighboring properties.</p> <p>8. Moorage structures must display the street address of the subject property.</p> <p>9. Covered moorage is not permitted.</p> <p>10. Aircraft moorage is not permitted.</p>
.050	Piers, docks, boat lifts and canopies serving Detached,	See Chapter 83 KZC	None	See Chapter 83 KZC				-		None			Refer to Chapter 83 KZC for additional regulations.

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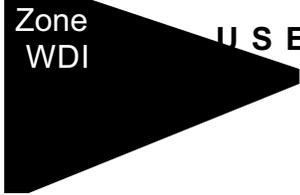
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Section 30.15	USE ↓	REGULATIONS	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)				Height of Structure					
					Front	North Property Line	South Property Line	Shoreline or Setback High Water Line						
	Attached or Stacked Dwelling Units													
.0650	Marina General Moorage Facility	Process IIA, Chapter 150 KZC-See Chapter 83 KZC	None, but must have at least 100' of frontage on Lake Washington.	Landward of the High Waterline	Ordinary High Water Mark	80%	Landward of the High Waterline or ordinary high water mark, 30' above average building elevation. See also Spec. Reg. 32.	B	B	1 per each 2 slips. Otherwise, None, if the moorage is reserved for the exclusive use of an adjoining residential development.	<p>1. Refer to Chapter 83 KZC for additional regulations.</p> <p>1. Except as permitted by Special Regulation 16, no structures, other than each moorage structure or public access pier, may be waterward of the high waterline. For regulations regarding public access piers, see the specific listing in this zone.</p> <p>2. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas.</p> <p>3. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and</p> <p>a. The increase is offset by a view corridor that is superior to that required by the General Regulations; or</p> <p>b. The increase is offset by maintaining comparable portions of the structure lower than 30' above average building elevation.</p>			
				30'	The greater of: a. 15'-or b. 1-1/2 times the height of the primary structure above average building elevation minus 10'.	5', but two side yards must equal at least 15 feet	See Chapter 83 KZC For moorage structure, 0'- For other structures, the greater of a. 15'-or b. 15% of the average parcel depth.	Waterward of the High Waterline, Dock and Pier decks may not be more than 24' above mean sea						

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											<p>general public. This facility must be easily accessible to the general public and clearly marked for public use.</p>
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060	Restaurant or Tavern	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	30'	The greater of: a. 15' or b. 1-1/2 times the height of the primary structure above average building elevation minus 10'.	5', but two side yards must	See Chapter 83 KZC. The greater of: a. 15' or b. 15% of the average parcel depth.	80%	30' above average building elevation. See also Special Regulation 3.	B	E	1 per each 100 sq. ft. of gross floor area.	<ol style="list-style-type: none"> No structures, other than moorage structures or public access piers, may be waterward of the <u>high waterline/ordinary high water mark</u>. For the regulations regarding moorages, see the <u>moorage specific listings</u> in this zone <u>and Chapter 83 KZC</u>. Chapter 83 KZC contains regulations regarding shoreline. Must provide public pedestrian access from the right of way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and <ol style="list-style-type: none"> The increase is offset by a view corridor that is superior to that required by the General Regulations; or The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design, and landscaping must mitigate the impacts of that isolation. Outside storage is not permitted. The required yard of a structure abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation. Drive-in or drive-through facilities are prohibited.
070	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process. <u>May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.</u>										<ol style="list-style-type: none"> The provisions of Chapter 90 KZC, limiting development in and around wetlands, do not apply to a public park, if the development is approved as part of a Master Plan. This use may include a public access pier, or boardwalk, or public access facility. See KZC 30.15.030 <u>the specific listing in this Zone and Chapter 83 KZC</u> for regulations regarding these uses. 	

Section 30.15	S U C ↓	REGULATIONS	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category	Sign Category	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure	Lot Coverage				Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
					Front	North Property Line	South Property Line							
. 100	Assisted Living Facility	Process I, Chapter 145 KZC.	3,600 sq. ft.	30' See General Regulations and Social Regulation 6.	The greater of: a. 15' or b. 1 1/2 times the height of the primary structure above average building elevation or minus 10'.	5', but two side yards must equal at least 15 feet 40'	See Chapter 83 KZC. The greater of: a. 15' or b. 15% of the average parcel depth.	80%	30' above average building elevation. See also Special Regulation 6.	D	A	2.0 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home is included, the following parking standards shall apply to the nursing home portion of the facility: <ol style="list-style-type: none"> One parking stall shall be provided for each bed. 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 property may be approved if the following criteria are met: <ol style="list-style-type: none"> Project is of superior design, and Project will not create impacts that are substantially different than would be created by a permitted multifamily development. No structures, other than moorage structures or public access piers, may be waterward of the high water line ordinary high water mark. For the regulation regarding moorages and public access piers, see the specific listings in this zone and Chapter 83 KZC. Chapter 83 KZC contains regulations regarding shoreline. Must 	

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				The minimum dimension of any yard, other than those listed, is 5'.						<p>provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property, within the high-water-line yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from the adjoining property. The City shall require signs designating the public pedestrian access and public uses areas.</p> <p>6. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and</p> <p>a. The increase is offset by a view corridor that is superior to that required by the General Regulations;or</p> <p>b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation.</p> <p>7. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design, and landscaping must mitigate the impacts of that isolation.</p> <p>8. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</p>
<u>110</u>	<u>Boat launch (for non-motorized</u>	<u>See Chapter 83 KZC</u>	<u>None</u>	<u>See Chapter 83 KZC</u>	<u>-</u>				<u>None</u>	<u>Refer to Chapter 83 KZC for additional regulations.</u>

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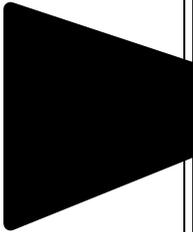
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.120	<u>W</u> <u>a</u> <u>t</u> <u>e</u> <u>r</u> <u>t</u> <u>a</u> <u>x</u> <u>i</u>	<u>See Chapter</u> <u>83 KZC</u>	<u>Non</u> <u>e</u>	<u>Landward of the Ordinary High Water</u> <u>Mark</u>	<u>80</u> <u>%</u>	<u>Land</u> <u>ward</u> <u>of</u> <u>theor</u> <u>dinar</u> <u>y</u> <u>high</u> <u>water</u> <u>mark,</u> <u>30'</u> <u>above</u> <u>avera</u> <u>ge</u> <u>buildi</u> <u>ng</u> <u>elevat</u> <u>ion.</u> <u>See</u> <u>also</u> <u>Spec.</u> <u>Reg.</u> <u>2</u>	<u>B</u> <u>B</u>	<u>See</u> <u>KZC</u> <u>105.25.</u>	<p><u>1. Refer to Chapter 83 KZC for additional regulations.</u></p> <p><u>2. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and</u></p> <p><u>The increase is offset be a view corridor that is superior to that required by the General Regulations</u></p>
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WD II Zone

30.19 User Guide. The charts in KZC 30.25 contain the basic zoning regulations that apply in the WD II zones of the City. 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 30.20



Section 30.20 – 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. See KZC 30.27 for regulations regarding bulkheads and land surface modifications.~~

~~3~~2. May not use lands waterward of the ordinary high water mark~~high waterline~~ to determine lot size or to calculate allowable density.

~~4~~3. May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83~~KMC Title 24~~.

Section 30.25	M S C	REGULATIONS														
			Lot Size	MINIMUMS					MAXIMUMS		Landscape Category	Sign Category	Required		Special Regulations	
				REQUIRED YARDS (See Ch. 115)									Parking Spaces (See Ch. 105)		(See also General Regulations)	
				Front	North Property Line	South Property Line	Shore line Setback High Water Line	Side Property Line	Height of Structu re							

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0 1 0	Detached Dwelling Unit	None	1 2, 5 0 0 s q. ft.	10' for those properties that conform to the standard shoreline setback requirements established in Chapter 83 KZC. See Spec. Reg. 10 Otherwise, 20' See Spec. Reg. 8 and 11.-	5'	5'	See Chapter 83 KZC for the greater of: a. 15' or b. 15% of the average parcel depth.	5', but 2 side yards must equal at least 15' or Spec Reg 5	5 0 %	For properties with a minimum of 45' of frontage along Lake Washington, 30' above average building elevation. See Special Reg 10 Otherwise, 25' above average building elevation.	E	A	2.0 per unit.	<ol style="list-style-type: none"> No structure, other than a moorage structure, may be waterward of the <u>high waterline/ordinary high water mark</u>. For the regulations regarding moorage, see the <u>Moorage listing in this zone/Chapter 83 KZC</u>. For this use, only one dwelling unit may be on each lot regardless of lot size. If dwelling units exist on property that abuts the subject property to the north and south, the required high waterline yard is the average of the distance of existing legally constructed structures from the high waterline on these two abutting properties. If, because of abutting properties, the required high waterline yard is increased. For properties located south of the Lake Ave S street end park, the required opposite-front yard may be decreased to the average of the existing opposite front yards on the properties abutting the subject property to the north and south. If either the north property line yard or the south property line yard is also the front yard of the subject property, it will be regulated as a front yard. The dimensions of any required yard, other than as specifically listed, will be determined on a case-by-case basis. The City will use the setback for this use in RS zones as a guide. <u>The gross floor area of any floor above the first story at street or easement level shall be reduced by a minimum of 15% of the floor area of the first story, subject to the following conditions:</u> <ol style="list-style-type: none"> <u>The structure must conform to the standard shoreline setback requirements established in Chapter 83 KZC, or as otherwise approved under the shoreline setback reduction provisions established in Section 83.380 KZC.</u> <u>The required floor area reductions shall be</u>
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<p>20</p>	<p>boat lifts and canopies serving Detached Dwelling Unit Moorage Facility for 1 or 2 boats. See also Special Regulations 1 and 11.</p>	<p>83 KZC Non e</p>	<p>ne</p>	<table border="1"> <tr> <td>20'</td> <td>5'</td> <td>10'</td> <td>--</td> </tr> </table>	20'	5'	10'	--	<table border="1"> <tr> <td colspan="4">Waterward of the High Waterline Ordinary High Water Mark, see Chapter 83 KZC</td> </tr> <tr> <td>--</td> <td>10'</td> <td>10'</td> <td>--</td> </tr> </table>	Waterward of the High Waterline Ordinary High Water Mark, see Chapter 83 KZC				--	10'	10'	--	<p>yards must equal at least 15'.</p>	<p>%</p>	<p>83 KZC Landward of the High Waterline, 25' above average building elevation. Waterward of the High Waterline, dock and pier decks may not be more than 24' above mean sea level. Diving boards and similar features may not be more than 3' above the deck.</p>	<p>Sp ee. Re g- 8-</p>		<ol style="list-style-type: none"> 1. Moorage must be for the exclusive use of residents of the subject property. Renting moorage space is not permitted. 2. Moorage structures may not extend waterward beyond a point 150 feet from the high waterline. In addition, piers and docks may not be wider than is reasonably necessary to provide safe access to the boats, but not more than eight feet in width. 3. If the moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use. 4. May not treat moorage structure with creosote, oil base or toxic substances. 5. Must provide at least one covered and secured waste receptacle. 6. All utility lines must be below the pier deck and, where feasible, underground. 7. Piers must be adequately lit; the source of the light must not be visible from neighboring properties. 8. Moorage structures must display the street address of the subject property. The address must be oriented to the lake with letters and numbers at least four inches high, and visible from the lake. 9. Covered moorage is not permitted. 10. Aircraft moorage is not permitted. 11. Two or more adjoining waterfront lots may share a mooring facility. If this occurs, the following regulations apply: <ol style="list-style-type: none"> a. All lots will be taken together as the subject property to determine compliance with the requirements of this use. b. The moorage structure may be built to accommodate two boats for each residential unit on the subject property. c. The owner of each lot must deed to the City the over water development rights to the property. Upon request, the City will, without cost, deed this right back to the owner of a lot, but the number of boats permitted to moor at the shared moorage facility will be reduced by two.
20'	5'	10'	--																				
Waterward of the High Waterline Ordinary High Water Mark, see Chapter 83 KZC																							
--	10'	10'	--																				

Section 30.25

Zone
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USE ZONE CHART

.030	Public Utility	Process IIA, Chapter 150 KZC.	None	20'	20'	20'	See Chapter 83 KZC for the greater of:	5', but 2 side yards must equal at least 15'.	70%	25' above average building elevation.	A	B	See KZC 105.25.	1. Site design must minimize adverse impacts on surrounding residential neighborhoods.
.040	Government Facility Community Facility			20'	40'	40'	a. 15' or b. 15% of the average parcel depth.				C See Spec. Reg. 4.			2. If any portion of a structure is adjoining a detached dwelling unit in 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 maximum horizontal facade shall not exceed 50 feet. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for more details. 3. If either a north property line yard or the south property line yard is also the front yard of the subject property, it will be regulated as a front yard. The dimension of any required yard, other than as specifically listed, will be determined on a case-by-case basis. The City will use the setback for this use in RS zones as a guide. 4. 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 nearby uses.
.050	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.											1. 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. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for more details. 2. The provisions of Chapter 90 KZC limiting development in and around wetlands do not apply to a public park, if the development is approved as part of a Master Plan. 3. This use may include a public access pier or boardwalk. See KZC 30.15.030 Chapter 83 KZC for regulations regarding these uses.	

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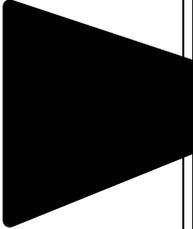
USE ZONE CHART



WD III Zone

30.29 User Guide. The charts in KZC 30.35 contain the basic zoning regulations that apply in the WD III zones of the City. 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 30.30



Section 30.30 – GENERAL REGULATIONS

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

1. ~~See KZC 30.37 for regulations regarding bulkheads and land surface modification.~~
2. ~~Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.~~
3. May not use lands waterward of the ~~high waterline~~ordinary high water mark to determine lot size or to calculate allowable density.
4. May also be regulated under the Shoreline Master Program, ~~KMC Title 24~~Chapter 83 KZC.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS														
Section 30.35	USE ↓	REGULATIONS	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure						
					Front	North Property Line	South Property Line Side							Shoreline Setback High Water Line
.010	Detached Dwelling Unit		None	3,600 sq. ft./unit, except if 1,800 sq. ft./unit for up to 2 dwelling units if the public accesses provisions of KZC 83.390 are met (3,600 sq. ft.)	30' See also Section 2.	t. The greater of: a. 15' or b. 1 1/2 times the height of the primary structure above average building elevation minus 10'.	5', but 2 side yards must equal at least 15', 40'	See Chapter 83 KZC: The greater of: a. 15' or b. 15% of the average parcel depth.	80%	30' above average building elevation. This provision may not be varied.	E	A	2.0 per unit.	<ol style="list-style-type: none"> No structures, other than moorage structures or public access piers, may be waterward of the <u>high waterline ordinary high water mark</u>. For the regulations regarding moorages and public access piers, see the specific listings in this zone <u>and Chapter 83 KZC</u>. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if: <ol style="list-style-type: none"> Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and The design of the public use area is specifically approved by the City. The required 30-foot front yard may be reduced, subject to the following conditions: <ol style="list-style-type: none"> The existing primary structure does not conform to the minimum shoreline setback standard; The front yard may be reduced one foot for each one foot of

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

Section 30.35	REGULATIONS	MINIMUMS		MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		Required Review Process	Lot Size	REQUIRED YARDS (See Ch. 115)					
		USE							
			ft.	The minimum dimension of any yard, other than those listed, is 5'.				<p><u>the shoreline setback that is increased in dimension;</u></p> <p><u>c. The new or remodeled primary structure must comply with the minimum required shoreline setback established under the provisions of KZC Chapter 83, or as otherwise approved under the shoreline setback reduction provisions established in Section 83.380 KZC; and</u></p> <p><u>d. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line. increase in</u></p> <p>34. A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure the view from Lake Washington Boulevard to and beyond Lake Washington. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties. Chapter 83 KZC contains regulations regarding shoreline</p> <p>45. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</p> <p>56. The required yard of a structure abutting Lake Washington Blvd. must be increased two feet for each one foot that structure exceeds 25 feet above the adjacent centerline of Lake Washington Blvd.</p>	

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

Section 30.35	USE	REGULATIONS	Required Review		MINIMUMS				MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Process	Lot Size	REQUIRED YARDS										
					(See Ch. 115)										
.0 2 0	Attached or Stacked Dwelling Units	Process I, Chapter 145 KZC.	3,600 sq. ft. per unit	30'	The greater of: a. 15' or b. 1 1/2 times the height of the primary structure above average building elevation minus 10'.	5', but 2 side yards must equal at least 15', 10'.	See Chapter 83 KZC: The greater of: a. 15' or b. 15% of the average parcel depth.	80%	30' above average building elevation. See also Spec. Reg. 5.	D	A	2.0 per unit.	<ol style="list-style-type: none"> No structures, other than moorage structures or public access piers, may be waterward of the high-waterline <u>ordinary high water mark</u>. For the regulations regarding moorages and public access piers, see the specific listings in this zone <u>and Chapter 83 KZC</u>. Chapter 83 KZC contains regulations regarding shoreline. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high-waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. The City shall require signs designating the public pedestrian access and public uses areas. See Chapter 83 KZC for requirements. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if: <ol style="list-style-type: none"> Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and 		

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USE ZONE CHART

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

Section 30.35	USE	REGULATIONS	Required Review		MINIMUMS				MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Process	Lot Size	REQUIRED YARDS (See Ch. 115)									
.020	Attached or Stacked Dwelling Units (continued)												REGULATIONS CONTINUED FROM PREVIOUS PAGE	
													7. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.	
													8. Any required yard, other than the front <u>required yard</u> or <u>high water line required yard shoreline setback</u> , may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached shall provide the minimum required yard.	
.030	Public Access Pier or Boardwalk or Public Access Facility	See Chapter 83 KZC Process 1, Chapter 445 KZC.	None	See Chapter 83 KZC Waterward of the High Waterline	--	Pier decks may not be more than 24' above mean sea level. Diving boards and similar features may not be more than 3' above the deck.	--	See Spec. Reg. 7.	See KZC 105.25.	Refer to Chapter 83 KZC for additional regulations.				
										--	10'	10'	--	
										See also Special Regulation 8.				
		4. No accessory uses, buildings, or activities are permitted as part of this use.												
		5. All utility lines must be below the pier deck and, where feasible, underground.												
		6. Piers must be adequately lit; the source of the light must not be visible from neighboring properties.												
		7. Structures must display the street address of the subject property. The address must be oriented to the lake with letters and numbers at least four inches high, and visible from the lake.												
		8. North and south property line yards may be decreased for over-water public use facilities which connect with waterfront public access on adjacent property.												

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

Section 30.35	USE	REGULATIONS	Required Review		MINIMUMS		MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)					
			Process	Lot Size	REQUIRED YARDS (See Ch. 115)												
.040	Piers, docks, boat lifts and canopies serving Detached Dwelling UniMoorage Facility for 1 or 2 boats See Spec. Reg. 1.	See Chapter 83 KZC None	None	See Chapter 83 KZC Waterward of the High Waterline <table border="1" style="width: 100%; text-align: center;"> <tr> <td>—</td> <td>10'</td> <td>10'</td> <td>—</td> </tr> </table> In addition, no moorage structure may be within— a. 25' of a public park; or b. 25' of another moorage structure not on the subject property. The minimum dimension of any yard, other than those listed, is 5'.				—	10'	10'	—	80%	Pier decks may not be more than 24' above mean sea level. Diving boards and similar features may not be more than 3' above the deck.	—	See Spec. Reg. 9.	None	Refer to Chapter 83 KZC for additional regulations. 1. Moorage must be for the exclusive use of the residents of the subject property. Renting moorage spaces is not permitted. 2. No accessory uses, buildings, or activities are permitted as part of this use. Various accessory components are permitted as part of a General Moorage Facility. See that listing in this zone. 3. Moorage structure may not extend waterward beyond a point 150 feet from the high waterline. In addition, piers and docks may not be wider than is reasonably necessary to provide safe access to the boats, but not more than eight feet in width. 4. If the moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to submittal of a Building Permit for this use. 5. May not treat moorage structure with creosote, oil base or toxic substances. 6. Must provide at least one covered and secured waste receptacle. 7. All utility lines must be below the pier deck and, where feasible, underground. 8. Piers must be adequately lit; the source of the light must not be visible from neighboring properties. 9. Moorage structures must display the street address of the subject property. The address must be oriented to the Lake with letters and numbers at least four inches high, and visible from the Lake. 10. Covered moorage is not permitted. 11. Aircraft moorage is not permitted. 12. Live-aboard boats are prohibited.
—	10'	10'	—														
.05	General Moorage	See Chapter	None, but	Landward of the High Waterline Ordinary High Water Mark				80%	Landward of the	B	B	None	Refer to Chapter 83 KZC for additional regulations. 4. — Moorage must be for the exclusive use of the residents				

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

Section 30.35	REGULATIONS	Required Review Process	Lot Size	MINIMUMS				MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)				Height	Waterward of the High Waterline				
				Front	Side	Back	Other						
o	Facility Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units	83 KZC 150-KZC-11A, Chapter 150-KZC-	must have at least 100'-of frontage on Lake Washington.	30'	The greater of: a. 15' or b. 1 1/2 times the height of the primary structure above average building elevation minus 10'.	5', but 2 side yards must equal at least 15' 10'.	See Chapter 83 KZC For moorage structure, 0'. For other structures, the greater of: a. 15' or b. 15% of the average parcel depth.	High Waterline Ordinary High Water Mark, 30' above average building elevation. Waterward of the High Waterline, Dock and Pier decks may not be more than 24' above mean sea level.			1. of the subject property. Renting moorage space is not permitted. 2. No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For regulations regarding public access piers, see the specific listing in this zone. 3. Must provide public pedestrian access from the right of way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas. 4. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if: a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and c. The design of the public use area is specifically approved by the City. 5. A view corridor must be in one continuous piece. Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure the view from Lake		

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

Section 30.35	REGULATIONS	MINIMUMS		MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required	Special Regulations (See also General Regulations)
		Required Review Process	Lot Size	REQUIRED YARDS (See Ch. 115)				Required Parking Spaces (See Ch. 105)	
USE									<p><i>Washington Boulevard to and beyond Lake Washington. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties.</i></p> <p><i>6. The design on the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation.</i></p> <p><i>7. The City will determine the maximum allowable number of moorages based on the following factors:</i></p> <p><i>a. The ability of the land landward of the high waterline to accommodate the necessary support facilities.</i></p> <p><i>b. The potential for traffic congestion.</i></p> <p><i>c. The number of moorages shall not exceed the number of dwelling units on the subject property.</i></p> <p>REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE</p>

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

Section 30.35	REGULATIONS	Required Review		MINIMUMS		MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
		Process	Lot Size	REQUIRED YARDS (See Ch. 115)								
USE												
.050	General Moorage Facility			<p>e. Closer to a lot containing a detached dwelling unit than a line that starts where the high waterline of the lot intersects the side property line of the lot closest to the moorage structure and runs waterward toward the moorage structure at a 30° angle from that side property line. This setback applies whether or not the subject property abuts the lot, but does not extend beyond any intervening overwater structure; or</p> <p>d. Within 25' of another moorage structure not on the subject property.</p>							<p>8. Moorage structures may not be larger than is necessary to provide safe and reasonable moorage for the boats moored. The City will specifically review size and configuration of moorage structures to insure that:</p> <p>a. The moorage structures do not extend waterward of the point necessary to provide reasonable draft for the boats to be moored, but not beyond the outer harbor line; and</p> <p>b. The moorage structures are not larger than is necessary to moor the specified number of boats; and</p> <p>c. The moorage structures will not interfere with the public use and enjoyment of the water or create a hazard to navigation; and</p> <p>d. The moorage structures will not adversely affect nearby uses; and</p> <p>e. The moorage structures will not have a significant long-term adverse effect on aquatic habitats.</p> <p>9. If the moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to submittal of a Building Permit for this use.</p> <p>10. May not treat moorage structure with creosote, oil base or toxic substance.</p> <p>11. Must provide at least two covered and secured waste receptacles.</p> <p>12. All utility and service lines must be below the pier deck and, where feasible, underground.</p> <p>13. Piers must be adequately lit. The source of light must not be visible from neighboring properties.</p> <p>14. Moorage structures must display the street address of the subject property. The address must be oriented to the lake with letters and numbers at least four inches high.</p> <p>15. Covered moorage is not permitted.</p>	
	(continued)			<p>The minimum dimension of any yard, other than those listed, is 5'.</p> <p>(See previous page for the rest of this column)</p>								

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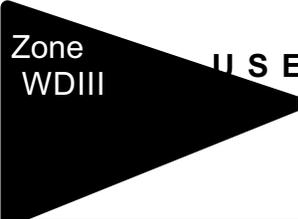
DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 30.35	REGULATIONS	MINIMUMS		MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		Required Review	Lot Size	REQUIRED YARDS					
		Process		(See Ch. 115)					
		USE							
									16. Aircraft moorage is not permitted. 17. At least one pump-out facility shall be provided.

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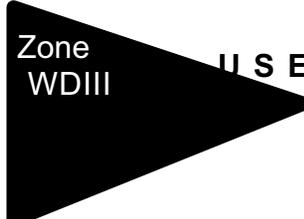
DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 30.35	USE	REGULATIONS	Required Review		MINIMUMS				MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Process	Lot Size	REQUIRED YARDS (See Ch. 115)				Height of Structure					
					Front	North Property Line	South Property Line	Shoreline Setback High Water Line						
.060	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process. <u>May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.</u>										<ol style="list-style-type: none"> The provisions of Chapter 90 KZC limiting development in and around wetlands do not apply to a public park, if the development is approved as part of a Master Plan. This use may include a public access pier, or boardwalk <u>or public access facility.</u> See the specific listing in this Zone and Chapter 83 KZC for regulations regarding these uses. <u>See KZC 30.15.030 for regulations regarding these uses.</u> This use may include swimming beaches or other public recreational uses. See Chapter 83 for regulations regarding these uses. 		
.070	Public Utility	Process IIA,	None	30'		5', but 2	See	80%	30' above	A	B	See KZC	1. No structures, other than moorage structures or public access piers,	

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Section 30.35	USE ↓	REGULATIONS ↓	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure						
					Front	North Property Line	South Property Line							Shoreline Setback High Water Line
080	Government Facility Community Facility		Chapter 150 KZC.	See also Spec Reg. 3.	The greater of: a. 15' or b. 1 1/2 times the height of the primary structure above average building elevation minus 10'.	side yards must equal at least 15' or 10'	Chapter 83 KZC The greater of: a. 15' or b. 15% of the average parcel depth.	average building elevation. See also Special Regulation 5.	C See Spec. Reg. 7.	105.25.	<p>may be waterward of the <u>high waterline</u> or <u>ordinary high water mark</u>. For regulations regarding moorages and public access piers, see the specific listings in this zone and <u>Chapter 83 KZC</u>.</p> <p>2. Must provide public pedestrian access from the right of way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from the adjoining property. The City shall require signs designating the public pedestrian access and public uses areas.</p> <p>3. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:</p> <p>a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and</p> <p>b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and</p> <p>c. The design of the public use area is specifically approved by the City.</p> <p>4. Chapter 83 KZC contains regulations regarding shoreline view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure the view from Lake Washington Boulevard to and beyond Lake Washington. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties.</p>			

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USE ZONE CHART

.0 9 0	Assisted Living Facility	Process I, Chapter 145 KZC.	3,600 sq. ft.	30' See also Special Reg. 6.	The greater of: a. 15' or b. 1 1/2 times the height of the primary structure above average building elevation minus 40'.	5', but 2 side yards must equal at least 15', 10'	See Chapter 83 KZC: The greater of: a. 15' or b. 15% of the average parcel depth.	80 %	30' above average building elevation. See also Special Regulation 8.	D	A	2.0 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> 1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home is included, the following parking standards shall apply to the nursing home portion of the facility: <ol style="list-style-type: none"> a. One parking stall shall be provided for each bed. 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 property may be approved if the following criteria are met: <ol style="list-style-type: none"> 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. No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For the
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Section 30.35

Zone
WDIII

USE ZONE CHART

The minimum dimension of any yard, other than those listed, is 5'.

regulation regarding moorages and public access piers, see the specific listings in this zone [and Chapter 83 KZC.](#)

5. ~~Chapter 83 KZC contains regulations regarding shoreline. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from the adjoining property. The City shall require signs designating the public pedestrian access and public uses areas.~~

6. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:

a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and

b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and

c. The design of the public use area is specifically approved by the City.

REGULATIONS CONTINUED ON NEXT PAGE

Section 30.35

Zone
WDIII

USE ZONE CHART

.100	Boat launch (for non- motorized boats)	See Chapter 83 KZC	None	See Chapter 83 KZC							None	Refer to Chapter 83 KZC for additional regulations.	
.110	Water taxi	See Chapter 83 KZC	None	Landward of the Ordinary High Water Mark				80%	Landward of the ordinary high water mark, 30' above average building elevation. See also Spec. Reg. 3.	B	B	See KZC 105.25.	Refer to Chapter 83 KZC for additional regulations.
				30'		5', but 2	See						
				See Gen.		yards	Chapter						
				Regs		must	83 KZC						
					equal at								
					least 15'								

P Zone

CHAPTER 49 – PARK/PUBLIC USE (P) ZONE

49.05 User Guide. The charts in KZC 49.15 contain the basic zoning regulations that apply in each P zone of the City. 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 49.10



Section 49.10 – 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.

See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.

[3. May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.](#)

CBD 1 Zone

CHAPTER 50 - CENTRAL BUSINESS DISTRICT (CBD) ZONES

50.05 User Guide.

The charts in KZC [50.12](#) contain the basic zoning regulations that apply in the CBD 1 zones of the City. 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 50.10 Section 50.10 – 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. The maximum height of structure shall be measured at the midpoint of the frontage of the subject property on the abutting right-of-way, excluding First Avenue South. See KZC [50.62](#) for additional building height provisions.
3. The street level floor of all buildings shall be limited to one or more of the following uses: Retail; Restaurant or Tavern; Banking and Related Financial Services; and Entertainment, Cultural and/or Recreational Facility use. The required uses shall have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building on the abutting right-of-way). Buildings proposed and built after April 1, 2009, and buildings that existed prior to April 1, 2009, which are at least 10 feet below the maximum height of structure, shall have a minimum depth of 10 feet and an average depth of at least 20 feet containing the required uses listed above.

The Design Review Board (or Planning Director if not subject to D.R.) may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the retail frontage will maximize visual interest. Lobbies for residential, hotel, and office uses may be allowed within this space subject to applicable design guidelines.

4. Where public improvements are required by Chapter [110](#) KZC, sidewalks on pedestrian-oriented streets within CBD 1A and 1B shall be as follows:

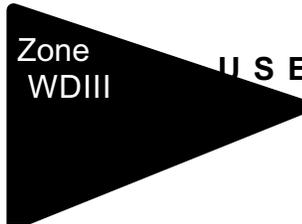
Sidewalks shall be a minimum width of 12 feet. The average width of the sidewalk along the entire frontage of the subject property abutting each pedestrian-oriented street shall be 13 feet. The sidewalk configuration shall be approved through D.R.

5. Upper story setback requirements are listed below. For purposes of the following regulations, the term “setback” shall refer to the horizontal distance between the property line and any exterior wall of the building. The measurements shall be taken from the property line abutting the street prior to any potential right-of-way dedication.

a. Lake Street: No portion of a building within 30 feet of Lake Street may exceed a height of 28 feet above Lake Street except as provided in KZC [50.62](#).

b. Central Way: No portion of a building within 30 feet of Central Way may exceed a height of 41 feet above Central Way except as provided in KZC

Section 30.35



USE ZONE CHART

[50.62.](#)

c. Third Street and Main Street: Within 40 feet of Third Street and Main Street, all stories above the second story shall maintain an average setback of at least 10 feet from the front property line.

d. All other streets: Within 40 feet of any front property line, other than Lake Street, Central Way, Third Street, or Main Street, all stories above the second story shall maintain an average setback of at least 20 feet from the front property line.

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

e. The required upper story setbacks for all floors above the second story shall be calculated as Total Upper Story Setback Area as follows:

Total Upper Story Setback Area = (Linear feet of front property line(s), not including portions of the site without buildings that are set aside for vehicular areas) x (Required average setback) x (Number of stories proposed above the second story). See Plate 35.

f. The Design Review Board is authorized to allow a reduction of the required upper story setback by no more than five feet subject to the following:

1) Each square foot of additional building area proposed within the setback is offset with an additional square foot of public open space (excluding area required for sidewalk dedication) at the street level.

2) The public open space is located along the sidewalk frontage and is not covered by buildings.

3) For purposes of calculating the offsetting square footage, along Central Way, the open space area at the second and third stories located directly above the proposed ground level public open space is included. Along all other streets, the open space area at the second story located directly above the proposed ground level public open space is included.

4) The design and location is consistent with applicable design guidelines.

g. The Design Review Board is authorized to allow rooftop garden structures within the setback area.

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Zone
WDIII

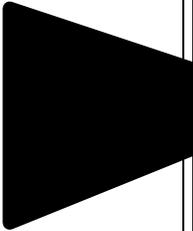
USE ZONE CHART

h. May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.

CBD 2 Zone

50.14 User Guide. The charts in KZC 50.17 contain the basic zoning regulations that apply in the CBD 2 zones of the City. 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 50.15



Section 50.15 – 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.— See KZC 50.20 for regulations regarding bulkheads and land surface modification.~~

~~3~~2. Along Lake Street South, north of Kirkland Avenue, buildings exceeding one story above Lake Street South shall demonstrate compliance with the Design Regulations of Chapter 92 KZC and all provisions of the Downtown Plan. Through Design Review (D.R.) the City shall find that any allowance for additional height is clearly outweighed by identified public benefits such as through-block public pedestrian access or through-block view corridors (Does not apply to Public Access Pier, Boardwalk, or Public Access Facility; Piers, docks, boat lifts and canopies serving Detached Dwelling Unit; or Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units)(does not apply to Public Access Pier or Boardwalk and Moorage Facility for One or Two Boats uses).

~~4~~3. In no case shall the height exceptions identified in KZC 50.62 and 115.60(2)(d) result in a structure which exceeds 28 feet above the abutting right-of-way (Does not apply to Public Access Pier, Boardwalk, or Public Access Facility; Boat launch; Piers, docks, boat lifts and canopies serving Detached Dwelling Unit; Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units; or Marina)(does not apply to Public Access Pier or Boardwalk, Moorage Facility for One or Two Boats uses and General Moorage Facility Uses).

~~5~~4. South of Second Avenue South, maximum height of structure is three stories above Lake Street South as measured at the midpoint of the frontage of the subject property on Lake Street South. Buildings exceeding two stories shall demonstrate compliance with the design regulations of Chapter 92 KZC and all provisions of the Downtown Plan (Does not apply to Public Access Pier, Boardwalk or Public Access Facility; Piers, docks, boat lifts and canopies serving Detached Dwelling Unit; or Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units)(does not apply to Public Access Pier or Boardwalk and Moorage Facility for One or Two Boats uses).

~~6~~5. For purposes of measuring building height, if the subject property abuts more than one right-of-way, the applicant may choose which right-of-way shall be used to measure the allowed height of structure (does not apply to Public Access Pier or Boardwalk, Moorage Facility for One or Two Boats, and General Moorage Facility uses) (Does not apply to Public Access Pier, Boardwalk or Public Access Facility; Piers, docks, boat lifts and canopies serving Detached Dwelling Unit; Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units).

~~7~~6. May not use land waterward of the high waterlineordinary high water mark to determine lot size or to calculate allowable density.

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Zone
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USE ZONE CHART

87. Development in this zone may also be regulated under the City's Shoreline Master Program; [refer to KZC Chapter 83](#). ~~consult that document.~~

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

Section 50.17	USE ↓	REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS			Landscaping Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure					
					Front	Side	Rear						
									100%				
.010	A Retail Establishment, other than those specifically listed, limited, or prohibited in this zone, selling goods or providing services, including banking and related financial services	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	28' above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	E	One per each 350 sq. ft. of gross floor area. See KZC 50.60.	1. The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington: <ul style="list-style-type: none"> a. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. Chapter 83 KZC contains regulations regarding shoreline b. Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard. c. No structure, other than moorage structures, may be waterward of the high waterline ordinary high water mark. For regulation regarding moorages, see the moorage listings in this zone and Chapter 83 KZC. d. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas. 2. The following uses are not permitted in this zone: <ul style="list-style-type: none"> a. Vehicle service stations. b. The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers; provided, that motorcycle sales, service, or rental is permitted if conducted indoors. c. Drive-in facilities and drive-through facilities. 3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ul style="list-style-type: none"> a. The assembled or manufactured goods are directly related to and 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. 4. The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis.	
.020	Entertainment, Cultural and/or Recreational Facility										See KZC 50.60 and 105.25.		
.030	Hotel or Motel										One for each room. See Special Regulation 4 and KZC 50.60.		
.040	Restaurant or Tavern										One per each 125 sq. ft. of gross floor area. See KZC 50.60.		

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USE ZONE CHART

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

Section 50.17	USE ↓	REGULATIONS ↘	Required Review Process	MINIMUMS			MAXIMUMS			Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure					
					Front	Side	Rear						
.050	School, Day-Care Center, or Mini School or Day-Care Center	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	28' above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	B	See KZC 50.60 and 105.25.	1. The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington: Chapter 83 KZC contains regulations regarding shoreline. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. b. Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard. c. No structure, other than moorage structures, may be waterward of the high waterline ordinary high water mark. For regulations regarding moorages, see the moorage listings in this zone and Chapter 83 KZC. 2. A six-foot-high fence is required along all property lines adjacent to outside play areas. 3. Structured play areas must be setback from all property lines by at least five feet. 4. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 5. 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. 6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).	

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USE ZONE CHART

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

Section 50.17	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure				
					Front	Side	Rear					
.060	Assisted Living Facility See Special Regulation 4.	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	28' above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	A	1.7 per independent unit. 1 per assisted living unit. See KZC 50.60.	<ol style="list-style-type: none"> A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility: <ol style="list-style-type: none"> One parking stall shall be provided for each bed. The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington: <ol style="list-style-type: none"> Chapter 83 KZC contains regulations regarding shoreline. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard. No structure, other than moorage structures, may be waterward of the high waterline ordinary high water mark. For regulations regarding moorages, see the moorage listings in this zone and Chapter 83 KZC. Must provide public pedestrian access from an adjoining right of way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior

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CBD-2

USE ZONE CHART

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

Section 50.17	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure				
					Front	Side	Rear					
											visual interest and potential foot traffic as would compliance with the required dimension.	
.070	Private Club or Lodge	D.R., Chapter	None	0'	0'	0'	100 %	28' above	D	B	See KZC 50.60 and 105.25.	1. The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake

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CBD-2

USE ZONE CHART

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

Section 50.17	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS		MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)							Height of Structure
					Front	Side	Rear					
.080	Office Use		142 KZC.					D	One per 350 sq. ft. of gross floor area. See KZC 50.60.	<p>Washington:</p> <p>Chapter 83 KZC contains regulations regarding shoreline. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property.</p> <p>b. Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard.</p> <p>c. No structure, other than moorage structures, may be waterward of the high waterline ordinary high water mark. For regulations regarding moorages, see the moorage listings in this Zone and Chapter 83 KZC.</p> <p>d. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas.</p> <p>2. Ancillary assembly and manufacture of goods on premises may be permitted as part of an office use if:</p> <p>a. The ancillary assembled or manufactured goods are subordinate to and dependent on this office use; and</p> <p>b. The outward appearance and impacts of this office use with ancillary assembly and manufacturing activities must be no different from other office uses.</p> <p>3. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.</p> <p>4. Veterinary offices are not permitted in this zone.</p>		

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USE ZONE CHART

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

Section 50.17	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure				
					Front	Side	Rear					
				Section 50.17								
.090	Stacked or Attached Dwelling Units	D.R., Chapter 142 KZC.	None	0'	0'	0'	100 %	28' above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	A	1.7 per unit. See KZC 50.60.	<p>1. The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington:</p> <p>a. Chapter 83 KZC contains regulations regarding shoreline A high waterline yard equal in depth to the greater of 15 ft. or 15 percent of the average parcel depth is hereby established on the subject property.</p> <p>b. Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard.</p> <p>c. No structure, other than moorage structures, may be waterward of the high waterline ordinary high water mark. For regulations regarding moorages, see the moorage listings in this Zone and Chapter 83 KZC.</p> <p>d. Must provide public pedestrian access from an adjoining right of way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas.</p> <p>2. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.</p>

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Zone
CBD-2

USE ZONE CHART

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

Section 50.17	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS			Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)		
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure	--					--	--
					Front	Side	Rear								
.100	Public Access Pier of, Boardwalk, or Public Access Facility			Landward of the high waterline ordinary high water mark	0'	0'	0'	--	Pier decks may not be more than 24 feet above mean sea level. Diving boards and similar features may not be more than 3 feet above the deck. See Chapter 83 KZC	--	See Spec. Reg. 7.	--	<ol style="list-style-type: none"> 1. Refer to Chapter 83 KZC for additional regulations. No accessory uses, buildings, or activities may be permitted as part of this use. 2. If a structure will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use. 3. May not treat structures with creosote, oil base, or toxic substances. 4. Must provide at least one covered and secured waste receptacle. 5. All utility lines must be below the pier deck and, where feasible, underground. 6. Piers must be adequately lit; the source of the light must not be visible from off the subject property. 7. The pier or boardwalk must display the street address of the subject property. The address must be oriented to and visible from the lake with letters and numbers at least four inches high. 8. The side property line yards may be reduced for over water public access piers or boardwalks which connect with waterfront public access on adjacent property. 		
.110	Piers, docks, boat lifts and canopies serving Detached Dwelling Unit Moorage Facility for One or Two Boats	D.R., Chapter 142 KZC. Also see Chapter 83 KZC	None	Landward of the high waterline ordinary high water mark	0'	0'	0'	100 %	See Chapter 83 KZC Pier decks may not be more than 24 feet above mean sea level. Diving boards and similar features may	--	See Spec. Reg. 9.	See KZC 50-60 and 105-25-None	<ol style="list-style-type: none"> 1. Refer to Chapter 83 KZC for additional regulations. No accessory use, buildings, or activities are permitted as part of this use. Various accessory components are permitted as part of a General Moorage Facility. See that listing in this zone. 2. Moorage structures may not extend waterward beyond a point 150 feet from the high waterline. In addition, piers and docks may not be wider than is reasonably necessary to provide safe access to the boats, but not more than eight feet in width. 3. If moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use. 		

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USE ZONE CHART

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

Section 50.17	USE ↓	REGULATIONS →	Required Review	MINIMUMS			MAXIMUMS			Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Process	Lot Size	REQUIRED YARDS (See Ch. 115)		Height of Structure	Landwa	B					See KZC
			Front	Side	Rear									

See Special Regulation 5.

not be more than 3 feet above the dock.

- 4. May not treat structures with creosote, oil-based, or toxic substances.
- 5. Moorage structures may not be closer than 25 feet to another moorage structure not on the subject property.
- 6. Must provide at least one covered and secured waste receptacle.
- 7. All utility lines must be below the pier deck and, where feasible, underground.
- 8. Piers must be adequately lit; the source of the light must not be visible from off the subject property.
- 9. Moorage structures must display the street address of the subject property. The address must be oriented to and visible from the lake, with letters and numbers at least four inches high.
- 10. Covered moorage is not permitted.
- 11. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. No structure other than moorage structures may be within the high waterline yard.

<input type="checkbox"/>	Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units	D.R., Chapter 142 KZC. See Chapter 83 KZC	None	0'	0'	0'	100%	See Chapter 83 KZC	=	=	None	Refer to Chapter 83 KZC for additional regulations.
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<input type="checkbox"/>	General	Process	None	0'	0'	0'	10	Landwa	See	B	See KZC	1. Refer to Chapter 83 KZC for additional regulations. The City will determine the
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Zone
CBD-2

USE ZONE CHART

1 2 0	Moorage FacilityMarina	s-IIA, Chapter 150 KZC, and D.R., Chapter 142 KZC.	, but must have at least 100 ft. of fronta go on Lake Wash - ingte n.	See Spec. Reg 10.	0 %	rd of the high waterlin eordinar y high water mark, 28' above the abutting right- of-way measure d at the midpoi nt of the frontage of the subject propert y on each	Spe c. Reg . 53.	Se e Sp ee- Re g- 14 -	50.60 and 105.25.	<p>maximum allowable number of moorages based on the following factors:</p> <p>a. The topography of the area.</p> <p>b. The ability of the land waterward of the high waterline to support the moorages.</p> <p>c. The nature of nearby uses.</p> <p>d. The potential for traffic congestion.</p> <p>e. The effect on existing habitats.</p> <p>2. Moorage structures may not be larger than is reasonably necessary to provide safe and reasonable moorage for the boats to be moored. The City will specifically review the size and configuration of moorage structures to insure that:</p> <p>a. The moorage structures do not extend waterward of the point necessary to provide reasonable draft for the boats to be moored, but not beyond the Outer Harbor Line.</p> <p>b. The moorage structures are not larger than is necessary to moor the specified number of boats.</p> <p>c. The moorage structures will not interfere with the public use and enjoyment of the water or create a hazard to navigation.</p> <p>32. The following accessory components are allowed if approved through Process IIB, Chapter 152 KZC:</p> <p>a. Gas and oil sale for boats, if:</p> <p>1) Storage tanks are underground and on dry land; and</p> <p>2) The use has facilities to contain and clean up oil and gas spills.</p> <p>b. An over-water shed, which is no more than 50 square feet and not more than 10 feet high as measured from the deck, accessory to oil and gas sale for boats.</p> <p>c. Boat and motor sales and leasing.</p> <p>d. Boat or motor repair and service if:</p> <p>1) This activity is conducted on dry land and either totally within a building or totally sight screened from the adjoining property and the right-of-way; and</p> <p>2) All dry land motor testing is conducted within a building.</p> <p>e. Meeting and special events rooms.</p> <p>4. Must provide public pedestrian access from an adjoining right of way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas.</p> <p>53. The City may require the applicant to install a buffer between the subject property and adjoining property. The City will use the requirements of Chapter 95 as a guide for requiring a buffer.</p>
512	Revised)	right-of- way. Wate rward of the high waterline, pier decks may not be more than 24 feet	Kirkland Zoning Code	REGULATIONS CONTINUED ON NEXT PAGE	64					

Section 50.17

Zone
CBD-2

USE ZONE CHART

	Tour Boat	D.R., Chapter 142 KZC See Chapter 83 KZC.	None	0'	0'	0'	100%	Landward of the ordinary high water mark, 28' above the abutting right-of- way measured at the midpoint of the frontage of the subject property on each right-of-way.	See Spec. Reg. 2	B	See KZC 50.60 and 105.25.	<p>1. Refer to Chapter 83 KZC for additional regulations.._____</p> <p>2. The City may require the applicant to install a buffer between the subject property and adjoining property. The City will use the requirements of Chapter 95 as a guide for requiring a buffer.</p>
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Section 50.17

Zone
CBD-2

USE ZONE CHART

	Passenger Only Ferry Terminal	D.R., Chapter 142 KZC	None	0'	0'	0'	100%	Landward of the ordinary high water mark, 28' above the abutting right-of- way measured at the midpoint of the frontage of the subject property on each right-of- way.	See Spec. Reg. 2	B	See KZC 50.60 and 105.25.	<p>1. Refer to Chapter 83 KZC for additional regulations..</p> <p>2. The City may require the applicant to install a buffer between the subject property and adjoining property. The City will use the requirements of Chapter 95 as a guide for requiring a buffer.</p>
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Section 50.17

Zone
CBD-2

USE ZONE CHART

	Water Taxi	D.R., Chapter 142 KZC	None	0'	0'	0'	100%	Landward of the ordinary high water mark, 28' above the abutting right-of- way measured at the midpoint of the frontage of the subject property on each right-of- way.	See Spec. Reg. 2	B	See KZC 50.60 and 105.25.	<p>1. Refer to Chapter 83 KZC for additional regulations..</p> <p>2. The City may require the applicant to install a buffer between the subject property and adjoining property. The City will use the requirements of Chapter 95 as a guide for requiring a buffer.</p>
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Section 50.17

Zone
CBD-2

USE ZONE CHART

	<u>Boat Launch (motorized boats)</u>	<u>D.R., Chapter 142 KZC</u> <u>See Chapter 83 KZC.</u>	<u>None</u>	<u>0'</u>	<u>0'</u>	<u>0'</u>	<u>100%</u>	<u>Landward of the ordinary high water mark, 28' above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.</u>	<u>See Spec. Reg. 2</u>	<u>B</u>	<u>See KZC 50.60 and 105.25.</u>	<u>1. Refer to Chapter 83 KZC for additional regulations..</u> <u>2. The City may require the applicant to install a buffer between the subject property and adjoining property. The City will use the requirements of Chapter 95 as a guide for requiring a buffer.</u>
<u>.130</u>	<u>Public Utility</u>	<u>D.R., Chapter 142 KZC.</u>	<u>None</u>	<u>0'</u>	<u>0'</u>	<u>0'</u>	<u>100%</u>	<u>28' above the</u>	<u>D</u>	<u>B</u>	<u>See KZC 50.60 and 105.25.</u>	<u>1. May be permitted only if locating this use in the immediate area of subject property is necessary to permit efficient service to the area or the City as a whole.</u> <u>2. No structures, other than moorage structures, may be waterward at the high</u>
<u>.140</u>	<u>Government Facility</u>											

Section 50.17

Zone
CBD-2

USE ZONE CHART

.150	Community Facility							abutting right-of- way measured at the midpoint of the frontage of the subject property on each right-of-way.		<p>waterlineordinary high water mark. For regulations regarding moorages, see the moorage listings in this zone and Chapter 83 KZC.</p>
.160	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process. May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.								

52.14 User Guide.

The charts in KZC [52.17](#) contain the basic zoning regulations that apply in the JBD 2 zones of the City. 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 52.15 – GENERAL REGULATIONS

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

Zone
JBD-2

1. Refer to Chapter [1](#) KZC to determine what other provisions of this code may apply to the subject property.
2. Must provide a public pedestrian access easement if the Planning Official determines that it will furnish a pedestrian connection or part of a connection between 98th Avenue NE and 100th Avenue NE. Pathway improvements will also be required if the easement will be used immediately. No more than two complete connections shall be required.
3. The maximum height of structures on the subject property may be increased by up to 13 feet if a view corridor is maintained across 30 percent of the average parcel width for the portion of the building above 26 feet. The corridor will be located to provide the widest view corridor given development on adjacent properties to the north and south.
4. See Chapters [100](#) and [162](#) KZC for information about nonconforming signs. KZC [162.35](#) describes when nonconforming signs must be brought into conformance or removed (does not apply to Public Parks uses).
5. [May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.](#)

52.19 User Guide.

The charts in KZC [52.22](#) contain the basic zoning regulations that apply in the JBD 3 zones of the City. 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 52.20 – GENERAL REGULATIONS



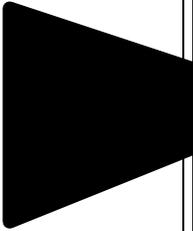
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter [1](#) KZC to determine what other provisions of this code may apply to the subject property.
2. A 10-foot landscape buffer shall be provided along 98th Avenue NE. Alternative techniques for framing this entryway to the business district may be proposed by the applicant as part of D.R.
3. The maximum height of structures on the subject property may be increased by up to 13 feet if a view corridor is maintained across 30 percent of the average parcel width for the portion of the building above 26 feet. The corridor will be located to provide the widest view corridor given development on adjacent properties to the north and south.
4. See Chapters [100](#) and [162](#) KZC for information about nonconforming signs. KZC [162.35](#) describes when nonconforming signs must be brought into conformance or removed (does not apply to Public Parks uses).

[5. May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.](#)

52.24 User Guide. The charts in KZC 52.27 contain the basic zoning regulations that apply in the JBD 4 zones of the City. 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 52.25



Section 52.25 – 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. ~~Must provide public pedestrian access as required under Chapter 83 KZC. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas.~~
3. ~~A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided they do not obscure the view from Juanita Drive or 98th Avenue NE to and beyond Lake Washington. This corridor must be adjacent to either of the side property lines, whichever will result in the widest view corridor, given development on adjacent properties to the east and west (does not apply to Public Parks uses).~~
43. May not use lands waterward of the ~~high waterline~~ordinary high water mark to determine lot size or to calculate allowable density.
54. May also be regulated under the Shoreline Master Program, ~~refer to KZC Chapter 83~~KMC Title 24.

Section 52.27

Zone
JBD-4

USE ZONE CHART

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

Section 52.27	USE ↓	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)			Height of Structure				
					Front	Side	Rear					
.010	Retail Establishment providing boat sales, service, or repair. See Spec. Reg. 1.	D.R., Chapter 142 KZC.	None	0'	0'	0'	80%	26' above average building elevation.	A	E	See KZC 105.25.	<ol style="list-style-type: none"> Boat rental and used boat sales are allowed as part of this use. Storage of parts must be conducted entirely within an enclosed structure. Outdoor boat parking and storage areas must be buffered as required for a parking area per design regulations, KZC 95.40(7). See also KZC 115.105, Outdoor Activity and Storage, for further regulations.
.020	Restaurant or Tavern								C		1 per each 100 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Drive-in or drive-through facilities are prohibited.
.040	A Retail Establishment providing entertainment, recreational, or cultural activities										See KZC 105.25.	

Section 52.27

Zone
JBD-4

USE ZONE CHART

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

Section 52.27	USE ↓	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)			Height of Structure				
					Front	Side	Rear					
.050	A 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.	D.R., Chapter 142 KZC.	None	0'	0'	0'	80%	26' above average building elevation.	C	E	1 per each 300 sq ft. of gross floor area.	1. The following uses are not permitted in this zone: <ul style="list-style-type: none"> a. Retail establishments providing storage services unless accessory to another permitted use. b. Automobile sales and/or rental facilities. c. Automobile service station or center. d. Outdoor storage of bulk commodities, except in the following circumstances: <ul style="list-style-type: none"> 1) If the square footage of the storage area is less than 20 percent of the total square footage of the retail structure, or; 2) If the commodities represent growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers. e. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses. 2. Drive-through facilities are prohibited. 3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ul style="list-style-type: none"> 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.

Section 52.27

Zone
JBD-4

USE ZONE CHART

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

Section 52.27	USE ↓	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)			Height of Structure				
					Front	Side	Rear					
.060	Office Use	D.R., Chapter 142 KZC.	None	0'	0'	0'	80%	26' above average building elevation.	C	D	If a Medical, Dental or Veterinary office, then 1 per each 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: <ul style="list-style-type: none"> 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. d. A veterinary office is not permitted if the subject property contains dwelling units. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ul style="list-style-type: none"> a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use; and 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, Attached or Stacked Dwelling Unit		3,600 sq. ft. with a minimum of 1,800 sq. ft. per unit.						D	A	1.7 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Section 52.27

Zone
JBD-4

USE ZONE CHART

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

Section 52.27	USE ↓	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)			Height of Structure					
					Front	Side	Rear						
.080	Church	None						C	B	1 per every four people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to the use.		
.090	Hotel or Motel							B	E	1 per each room. See Spec. Reg. 2.	1. May include ancillary meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.		
.100	Private Lodge or Club							C	B	1 per each 300 sq. ft. of gross floor area.			

Section 52.27

Zone
JBD-4

USE ZONE CHART

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

Section 52.27	USE ↓	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)			Height of Structure				
					Front	Side	Rear					
.110	School or Day-Care Center	D.R., Chapter 142 KZC.	None	0'	0'	0'	80%	26' above average building elevation.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> A six-foot-high fence is required along all property lines adjacent to the outside play areas. Structured play areas must be setback from all property lines as follows: <ol style="list-style-type: none"> 20 feet if this use can accommodate 50 or more students or children. 10 feet if this use can accommodate 13 to 49 students or children. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area 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 nearby residential uses. May include accessory living facilities for staff persons. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.
.120	Mini-School or Mini-Day-Care											<ol style="list-style-type: none"> A six-foot-high fence is required along all property lines adjacent to the outside play areas. Structured play areas must be setback from all property lines by five feet. 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. May include accessory living facilities for staff persons. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 52.27

Zone
JBD-4

USE ZONE CHART

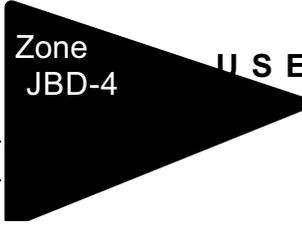
DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

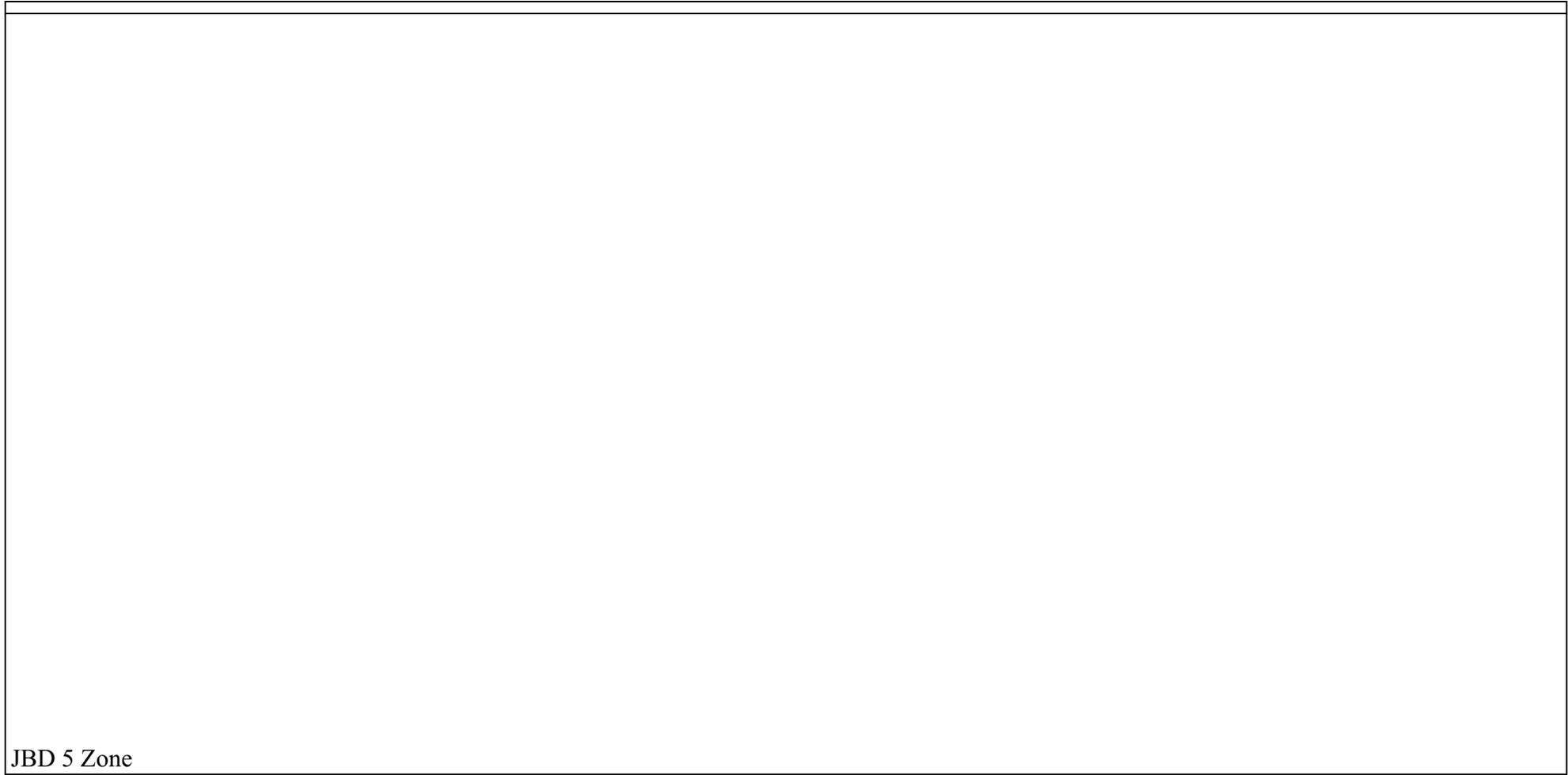
Section 52.27	USE ↓	REGULATIONS ⇨	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure				
					Front	Side	Rear					
.130	Assisted Living Facility	D.R., Chapter 142 KZC.	3,600 sq. ft.	0'	0'	0'	80%	26' above average building elevation.	D	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. 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		None					26' above average building elevation.	C	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, Government Facility, and Community Facility								D See Spec. Reg. 1.		See KZC 105.25.	1. Landscape Category B or C may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses.
.160	Public Parks	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

Section 52.27

Zone
JBD-4

USE ZONE CHART

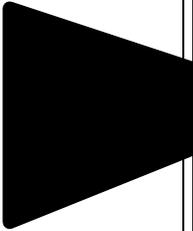




JBD 5 Zone

52.29 User Guide. The charts in KZC 52.32 contain the basic zoning regulations that apply in the JBD 5 zones of the City. 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 52.30



Section 52.30 – 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. ~~Must provide public pedestrian access as required under Chapter 83 KZC. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas.~~
3. ~~A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided they do not obscure the view from Juanita Drive or 98th Avenue NE to and beyond Lake Washington. This corridor must be adjacent to either of the side property lines, whichever will result in the widest view corridor, given development on adjacent properties to the east and west (does not apply to Public Access Pier or Boardwalk, Public Parks, Moorage Facility for 1 or 2 Boats and General Moorage Facility uses).~~
4. ~~Must provide a required yard of 15 feet or 15 percent of average parcel depth, whichever is greater, measured from the high waterline. To the extent that this provision is inconsistent with other required yard dimensions identified in this Chapter, this provision shall govern (does not apply to Public Access Pier or Boardwalk, Public Parks, Moorage Facility for 1 or 2 Boats and General Moorage Facility uses).~~
53. May not use lands waterward of the ~~high waterline~~ordinary high water mark to determine lot size or to calculate allowable density.
64. May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83KMC Title 24.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 52.32	USE ↓	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)			Height of Structure				
					Front	Side	Rear					
.010	Retail Establishment providing boat sales, service, or repair. See Spec. Reg. 1.	D.R., Chapter 142 KZC.	None	0'	0'	0'	80%	26' above average building elevation.	A	E	See KZC 105.25.	<ol style="list-style-type: none"> Boat rental and used boat sales are allowed as part of this use. Gross floor area for this use may not exceed 10,000 square feet. Storage of parts must be conducted entirely within an enclosed structure. Outdoor boat parking and storage areas must be buffered as required for a parking area per design regulations, KZC 95.40(7). See also KZC 115.105, Outdoor Activity and Storage, for further regulations.
.020	Restaurant or Tavern								C		1 per each 100 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Gross floor area for this use may not exceed 10,000 square feet. Drive-in or drive-through facilities are prohibited.
.040	A Retail Establishment providing entertainment, recreational, or cultural activities										See KZC 105.25.	<ol style="list-style-type: none"> Gross floor area for this use may not exceed 10,000 square feet.

Section 52.32

Zone
JBD-5

USE ZONE CHART

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

Section 52.32	USE ↓	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)			Height of Structure				
					Front	Side	Rear					
.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.	D.R., Chapter 142 KZC.	None	0'	0'	0'	80%	26' above average building elevation.	C	E	1 per each 300 sq. ft. of gross floor area	1. The following uses are not permitted in this zone: <ul style="list-style-type: none"> a. Retail establishments providing storage services unless accessory to another permitted use. b. Automobile sales and/or rental facilities. c. Automobile service station or center. d. Outdoor storage of bulk commodities, except in the following circumstances: <ul style="list-style-type: none"> 1) If the square footage of the storage area is less than 20 percent of the total square footage of the retail structure; or 2) If the commodities represent growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers. e. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses. 2. Gross floor area for this use may not exceed 10,000 square feet. 3. Drive-through facilities are prohibited. 4. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ul style="list-style-type: none"> 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.

Section 52.32

Zone
JBD-5

USE ZONE CHART

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

Section 52.32	USE ↓	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)			Height of Structure				
					Front	Side	Rear					
.060	Office Use	D.R., Chapter 142 KZC.	None	0'	0'	0'	80%	26' above average building elevation.	C	D	If a Medical, Dental or Veterinary office, then 1 per each 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: <ul style="list-style-type: none"> 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. d. A veterinary office is not permitted if the subject property contains dwelling units. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ul style="list-style-type: none"> a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use; and 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, Attached or Stacked Dwelling Unit		3,600 sq. ft. with a minimum of 1,800 sq. ft. per unit.						D	A	1.7 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Section 52.32

Zone
JBD-5

USE ZONE CHART

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

Section 52.32	USE ↓	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)			Height of Structure				
					Front	Side	Rear					
.080	Church		None					C	B	1 per every four people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to the use.	
.090	Private Lodge or Club									1 per each 300 sq. ft. of gross floor area	1. Gross floor area for this use may not exceed 10,000 square feet.	
.100	School or Day-Care Center	D.R., Chapter 142 KZC.	None	0'	0'	0'	80%	26' above average building elevation.	D	B	See KZC 105.25.	1. A six-foot-high fence is required along all property lines adjacent to the outside play areas. 2. 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. 3. 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 nearby residential uses. 4. May include accessory living facilities for staff persons. 5. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.

Section 52.32

Zone
JBD-5

USE ZONE CHART

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

Section 52.32	USE ↓	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)			Height of Structure				
					Front	Side	Rear					
.110	Mini-School or Mini-Day-Care										<ol style="list-style-type: none"> 1. A six-foot-high fence is required along all property lines adjacent to 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. May include accessory living facilities for staff persons. 5. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 	
.120	Assisted Living Facility	D.R., Chapter 142 KZC.	3,600 sq. ft.	0'	0'	0'	80%	26' above average building elevation.	D	A	<ol style="list-style-type: none"> 1.7 per independent unit. 1 per assisted living unit. <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. 	

Section 52.32

Zone
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USE ZONE CHART

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

Section 52.32	USE ↓	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)			Height of Structure				
					Front	Side	Rear					
.130	Convalescent Center or Nursing Home		None					C	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.	
.140	Public Utility, Government Facility, and Community Facility							D		See KZC 105.25.	1. Landscape Category B or C may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses.	
.150	Public Parks	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process. <u>Also see Chapter 83 KZC</u>										
.160	Public Access Pier or Boardwalk or Public Access Facility	D.R., Chapter 142 KZC. <u>Also see Chapter 83 KZC</u>	None	Landward of the high waterline 0' 0' 0' See Chapter 83 KZC Waterward of the high waterline 0' 10' 0'	—	Pier decks may not be more than 24 feet above mean sea level. Diving boards and similar features may	—	See Spec. Reg. 7.	—	<u>Refer to Chapter 83 KZC for additional regulations.</u> 1. No accessory uses, buildings, or activities may be permitted as part of this use. 2. If a structure will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use. 3. May not treat structures with creosote, oil base, or toxic substances. 4. Must provide at least one covered and secured waste receptacle.		

Section 52.32

Zone
JBD-5

USE ZONE CHART

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

Section 52.32	USE ↓	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)			Height of Structure	not be more than 3 feet above the deck.			Required Parking Spaces (See Ch. 105)			
				Front	Side	Rear								
				See also Spec. Reg. 8.										
														5. All utility lines must be below the pier deck and, where feasible, underground.
														6. Piers must be adequately lit; the source of the light must not be visible from off the subject property.
														7. The pier or boardwalk must display the street address of the subject property. The address must be oriented to and visible from the lake with letters and numbers at least four inches high.
														8. The side property line yards may be reduced for over water public access piers or boardwalks which connect with waterfront public access on adjacent property.
														9. See KZC 52.35 for regulations regarding bulkheads and land surface modification.
														10. This development may also be regulated under the City's Shoreline Master Program; consult that document.
						11. May not use land waterward of the high waterline to determine lot size or to calculate allowable density.								

Section 52.32	USE ↓	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 Height	Required Parking Spaces (See Ch. 105)					

Section 52.32

Zone
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USE ZONE CHART

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					ont	de	ar				Structur		e
. 1 7 0	Piers, docks, boat lifts and canopies serving Detached Dwelling Unit Moorage Facility for One or Two Boats	None	None	Landward of the high waterline	0'	0'	0'	80 %	Pier decks may not be more than 24 feet above mean sea level. Diving boards and similar features may not be more than 3 feet above the deck.	-	See Spec. Reg. 5.	See KZC 105.25.	Refer to Chapter 83 KZC for additional regulations. 1. No accessory uses, buildings, or activities are permitted as part of this use. Various accessory components are permitted as part of a General Moorage Facility. See that listing in this zone. 2. Moorage structures may not extend waterward beyond a point 150 ft. from the high waterline. In addition, piers and docks may not be wider than is reasonably necessary to provide safe access to the boats, but not more than eight feet in width. 3. If moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use. 4. May not treat structures with creosote, oil base, or toxic substances. 5. Moorage structures may not be closer than 25 feet to another moorage structure not on the subject property. 6. Must provide at least one covered and secured waste receptacle. 7. All utility lines must be below the pier deck and, where feasible, underground. 8. Piers must be adequately lit; the source of the light must not be visible from off the subject property. 9. Moorage structures must display the street address of the subject property. The address must be oriented to and visible from the lake, with letters and numbers at least four inches high. 10. Covered moorage is not permitted. Aircraft moorage is not permitted. 11. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. No structure other than moorage structures may be within the high waterline yard. 12. See KZC 52.35 for regulations regarding bulkheads and land surface modification. In addition, refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property. 13. This development may also be regulated under the City's Shoreline Master Program; consult that document. 14. May not use land waterward of the high waterline to determine lot size or to calculate allowable density.

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USE ZONE CHART

.175	<u>Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units</u>	None								Refer to Chapter 83 KZC for additional regulations.
.180	<u>General Moorage Facility Marina</u>	<u>Process II A, Chapter 150 KZC, and D.R., Chapter 142 KZC.</u>	None, but must have at least 100' of frontage on	Landward of the <u>high waterline ordinary high water mark</u> 0' 0' 0' <u>Waterward of the high waterline</u> 0' 10' 0'	80 %	Landward of the <u>high waterline ordinary high water mark</u> 26' above average building	See Spec. Reg. 4.	B See Spec. Reg. 13.	See KZC 105.25.	Refer to Chapter 83 KZC for additional regulations. 1. The City will determine the maximum allowable number of moorages based on the following factors: a. The topography of the area. b. The ability of the land waterward of the high waterline to support the moorages. c. The nature of nearby uses. d. The potential for traffic congestion. e. The effect on existing habitats.

Section 52.32

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USE ZONE CHART

			Lake Washington.	See also Spec. Reg-5.	elevation. Waterward of the high waterline, pier decks may not be more than 24 feet above mean sea level. Diving boards and similar features may not be more than 3' above the deck.					<p>2. Moorage structures may not be larger than is reasonably necessary to provide safe and reasonable moorage for the boats to be moored. The City will specifically review the size and configuration of moorage structures to insure that:</p> <p>a. The moorage structures do not extend waterward of the point necessary to provide reasonable draft for the boats to be moored, but not beyond the Outer Harbor Line.</p> <p>b. The moorage structures are not larger than is necessary to moor the specified number of boats.</p> <p>c. The moorage structures will not interfere with the public use and enjoyment of the water or create a hazard to navigation.</p> <p>3. The following accessory components are allowed if approved through Process IIB, Chapter 152 KZC:</p> <p>a. Gas and oil sale for boats, if:</p> <p>1) Storage tanks are underground and on dry land; and</p> <p>2) The use has facilities to contain and clean up oil and gas spills.</p> <p>b. An over-water shed, which is no more than 50 square feet and not more than 10 feet high as measured from the deck, accessory to oil and gas sale for boats.</p> <p>c. Boat and motor sales and leasing.</p> <p>d. Boat or motor repair and service if:</p> <p>1) This activity is conducted on dry land and either totally within a building or totally sight screened from the adjoining property and the right-of-way; and</p> <p>2) All dry land motor testing is conducted within a building.</p> <p>e. Meeting and special events rooms.</p> <p>4. The City may require the applicant to install a buffer between the subject property and adjoining property. The City will use the requirements of Chapter 95 KZC as a guide for requiring a buffer.</p> <p>REGULATIONS CONTINUED ON NEXT PAGE</p>
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Section 52.32

Zone
JBD-5

USE ZONE CHART

	Tour Boat	See Chapter 83 KZC.	None	0'	0'	0'	80%	Landward of the Ordinary High Water Mark, 26' above average building elevation.	B	B	See KZC 105.25	1. Refer to Chapter 83 KZC for additional regulations.
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Section 52.32

Zone
JBD-5

USE ZONE CHART

	<p>Passenger Only Ferry Terminal</p>	<p>See Chapter 83 KZC.</p>	<p>None</p>	<p>0'</p>	<p>0'</p>	<p>0'</p>	<p>80%</p>	<p>Landward of the Ordinary High Water Mark, 26' above average building elevation.</p>	<p>B</p>	<p>B</p>	<p>See KZC 105.25</p>	<p>1. Refer to Chapter 83 KZC for additional regulations.</p>
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Section 52.32

Zone
JBD-5

USE ZONE CHART

	Water Tax	See Chapter 83 KZC.	None	0'	0'	0'	80%	Landward of the Ordinary High Water Mark, 26' above average building elevation.	B	B	See KZC 105.25	1. Refer to Chapter 83 KZC for additional regulations.
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Section 52.32

Zone
JBD-5

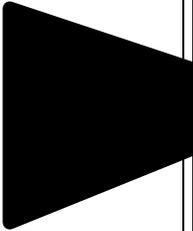
USE ZONE CHART

	Boat Launch (motorized boats)	See Chapter 83 KZC.	None	0'	0'	0'	80%	Landward of the Ordinary High Water Mark, 26' above average building elevation.	B	B	See KZC 105.25	1. Refer to Chapter 83 KZC for additional regulations.
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PLA 2 Zone

60.14 User Guide. The charts in KZC 60.17 contain the basic zoning regulations that apply in Planned Area 2, 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 60.15



Section 60.15 – 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. Development in parts of this zone may be limited by Chapter 83 or 90 KZC, regarding development near streams, lakes and wetlands. In addition, the site must be designed to concentrate development away from, and to minimize impact on, the wetlands.
3. ~~See KZC 60.18 for regulations concerning bulkheads and land surface modifications (does not apply to Mini-School or Mini-Day-Care (7–12 attendees) and Day-Care Home (6 or less attendees) uses).~~
43. May not use lands waterward of the high-waterlineordinary high water mark to determine lot size or to calculate allowable density.
54. May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83KMC Title 24.

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

Section 60.17	USE ↓	REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure				
					Front	Side	Rear					
.010	Attached or Stacked Dwelling Unit	Process IIB, Chapter 152 KZC.	35,000 sq. ft. per unit	20'	5', but 2 side yards must equal at least 15'.	10'	60%	25' above average building elevation. See Special Regulation 4.	D	A	1.7 per unit.	<ol style="list-style-type: none"> No structure may be waterward of the high-waterline<u>ordinary high water mark</u>. No structure may be within 50 feet of the high waterline of the canal. No structure may be within 100 feet of the high waterline of the remainder of Lake Washington. If the development includes portions of Planned Area 3, the applicant may propose and the City may require that part or all of the density allowed in Planned Area 2 be developed in Planned Area 3. The height of a structure may be increased as long as neither of the following maximums is exceeded: <ol style="list-style-type: none"> The structure may not exceed 60 feet above average building elevation. The structure may not exceed a plane that starts 3.5 feet above the outside westbound lane of SR 520 and ends at the high waterline of Lake Washington in the zone, excluding the canal. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.
.020	Mini-School or Mini-Day-Care	Process IIB, Chapter 152 KZC.	35,000 sq. ft.	20'	5', but 2 side yards must equal at least 15'.	10'	60%	25' above average building elevation. See Special Regulation 4.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> No structure may be waterward of the high-waterline<u>ordinary high water mark</u>. No structure may be within 50 feet of the high waterline of the canal. No structure may be within 100 feet of the high waterline of the remainder of Lake Washington. If the development includes portions of Planned Area 3, the applicant may propose and the City may require that part or all of the density

Section 60.17

Zone
PLA2

USE ZONE CHART

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

Section 60.17	USE ↓	REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS			Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure					
					Front	Side	Rear						
												allowed in Planned Area 2 be developed in Planned Area 3. 4. The height of a structure may be increased as long as neither of the following maximums is exceeded: a. The structure may not exceed 60 feet above average building elevation. b. The structure may not exceed a plane that starts 3.5 feet above the outside westbound lane of SR 520 and ends at the high waterline of Lake Washington in the zone, excluding the canal. 5. May locate on the subject property if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 6. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 7. Hours of operation may be limited by the City to reduce impacts on nearby residential areas. 8. Structured play areas must be setback from all property lines by five feet. 9. 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. 10. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential areas. 11. May include accessory living facilities for staff persons. 12. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).	

Section 60.17

Zone
PLA2

USE ZONE CHART

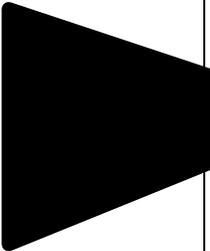
DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 60.17	USE ↓	REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS			Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure					
					Front	Side	Rear						
.030	Public Utility	Process IIA, Chapter 150 KZC.	None	20'	20' on each side	10'	70%	25' above average building elevation.	A	A	See KZC 105.25.	1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. Landscape Category A may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.	
.040	Government Facility				10' on each side				B	B			
.050	Community Facility	Process IIB, Chapter 152 KZC.							See Spec. Reg. 2.				
.060	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										1. Portions of the park located within the wetlands must be devoted exclusively to passive recreation that is not consumptive of the natural environment.	

PLA 3A Zone

60.19 User Guide. The charts in KZC 60.22 contain the basic zoning regulations that apply in Planned Area 3A, 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 60.20



Section 60.20 – 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 provision of this code may apply to the subject property.
2. Developments in parts of this zone may be limited by Chapter [83 or 90](#) KZC, regarding development near streams, lakes, and wetlands.
3. The site must be designed to concentrate development away from and to minimize impacts on the wetlands (does not apply to Detached Dwelling Unit, Attached or Stacked Dwelling Unit, Mini-School or Mini-Day-Care and Public Park uses).
4. If the development includes portions of Planned Area 2, the applicant may propose and the City may require that part or all of the density allowed in Planned Area 2 be developed in Planned Area 3 (does not apply to Detached Dwelling Unit, Attached or Stacked Dwelling Unit, Public Utility, Government or Community Facility, and Public Park uses).
5. The height of structures may be increased if:
 - a. The structure does not exceed 60 feet above average building elevation,
 - b. The amount of pervious surface on the subject property in this zone significantly exceeds 50 percent, and
 - c. The site is designed to the maximum extent feasible to provide views through the subject property from Lake Washington Boulevard and Bellevue Way while complying with the General Regulations.(Does not apply to Detached Dwelling Unit, Attached or Stacked Dwelling Unit, Public Utility, Government or Community Facility, and Public Park uses).
6. May not use lands waterward of the [high-waterlineordinary high water mark](#) to determine lot size or to calculate allowable density.
7. The required yard of a structure abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot that structure extends 25 feet above average building elevation.
8. City entryway design must be provided on the subject property adjacent to Lake Washington Boulevard as follows:
 - a. An earthen berm, 12 feet wide and with a uniform height of three feet at the center;
 - b. Lawn covering the berm;
 - c. London Plane at least two inches in diameter, planted 30 feet on center along the berm.

Section 60.22

Zone
PLA3A

USE ZONE CHART

9. Vehicular circulation on the subject property must be designed to minimize traffic impacts on Lake Washington Boulevard and at the SR-520 interchange. The city may limit access points onto Lake Washington Boulevard and Points Drive and require traffic control devices and right-of-way realignment (does not apply to Detached Dwelling Unit, Attached or Stacked Dwelling Unit, Public Utility, Government or Community Facility, and Public Park uses).

10. May also be regulated under the Shoreline Master Program, [refer to KZC Chapter 83](#)~~KMC Title 24~~.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 60.22	USE ↓	REGULATIONS ↘	Required Review Process	MINIMUMS			MAXIMUMS			Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure					
					Front	Side	Rear						
.010	Detached Dwelling Unit		None	5,000 sq. ft. per unit	20'	5'	10'	70%	30' above average building elevation.	E	A	2.0 per unit.	1. Access points onto Lake Washington Boulevard must be minimized to prevent arterial congestion and traffic safety hazards. Shared access points must be utilized where feasible.
.020	Attached or Stacked Dwelling Unit					5', but 2 side yards must equal at least 15'. See Spec. Reg. 3.	See Spec. Reg. 4.			D		1.7 per unit.	2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. 3. For attached or stacked dwelling units, the side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. 4. For attached or stacked dwelling units, the rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.
.030	Attached or Stacked Dwelling Units		Process IIB, Chapter 152 KZC.	Must be part of a development with a site area of at least 15 acres with 3,600 sq. ft. per unit.		10' on each side. See Spec. Reg. 2.	10' See Spec. Reg. 3.		30' above average building elevation. See General Regulations.				1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. 2. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of 10 feet. 3. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

Section 60.22

Zone
PLA3A

USE ZONE CHART

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

Section 60.22	USE ↓	REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure				
					Front	Side	Rear					
.040	Office Uses	Process IIB, Chapter 152 KZC.	Must be part of a development with a site area of at least 15 acres. See Special Regulation 1.	20'	5', but 2 side yards must equal at least 15'.	10'	70%	30' above average building elevation. See General Regulations.	C	D	If a Medical, Dental, or Veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, one per each 300 sq. ft. of gross floor area.	1. The minimum lot size for this use is 7,200 square feet if the subject property has frontage on Lake Washington Boulevard. 2. 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. 3. 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.

Section 60.22

Zone
PLA3A

USE ZONE CHART

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

Section 60.22	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure				
					Front	Side	Rear					
.050	Development Containing Attached, or Stacked Dwelling Units and Office uses.	Process IIB, Chapter 152 KZC.	Must be part of a development with a site area of at least 15 acres with 3,600 sq. ft. per unit.	20'	5', but 2 side yards must equal at least 15'. See Spec. Reg. 4.	10' See Spec. Reg. 5.	70%	30' above average building elevation. See General Regulations.	C	D	See KZC 105.25.	<ol style="list-style-type: none"> A veterinary office is not permitted in any development containing dwelling units. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The ancillary assembled or manufactured goods are subordinate to and dependent on this use. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.
.060	School or Day-Care Center		Must be part of a development with a site area of at least 15 acres.	If this use can accommodate 50 or more students or children, then:			30' above average building elevation. See General Regulations.	D	B		<ol style="list-style-type: none"> The minimum lot size for this use is 7,200 square feet if the subject property has frontage on Lake Washington Boulevard. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. Hours of operation may be limited to reduce impacts on nearby residential areas. Structured play areas must be setback from all property lines as fol- 	

Section 60.22

Zone
PLA3A

USE ZONE CHART

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

Section 60.22	USE ↓	REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS			Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure					
					Front	Side	Rear						
					If this use can accommodate 13 to 49 students or children, then:								
.070	Mini-School or Mini-Day-Care	Process IIB, Chapter 152 KZC.	Must be part of a development with a site area of at least 15 acres.	20'	5', but 2 side yards must equal at least 15'.	10'	70%	30' above average building elevation. See General Regulations.	E	B	See KZC 105.25.	<ol style="list-style-type: none"> A six-foot-high fence is required along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential areas. 	

Section 60.22

Zone
PLA3A

USE ZONE CHART

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

Section 60.22	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS			Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure					
					Front	Side	Rear						
												6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).	
.080	(Reserved)												
.090	Convalescent Center or Nursing Home	Process IIB, Chapter 152 KZC.	Must be part of a development with a site area of at least 15 acres. See Special Regulation 1.	20'	10' on each side	10'	70%	30' above average building elevation. See General Regulations.	C	B	1 for each bed	1. The minimum lot size for this use is 7,200 square feet if the subject property has frontage on Lake Washington Boulevard.	

Section 60.22

Zone
PLA3A

USE ZONE CHART

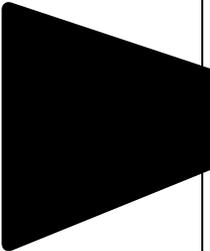
DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 60.22	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure				
					Front	Side	Rear					
.100	Church	Process IIB, Chapter 152 KZC.	Must be part of a development with a site area of at least 15 acres. See Special Regulation 1.	20'	20' on each side	20'	70%	30' above average building elevation. See General Regulations.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Special Regulation 2.	1. The minimum lot size for this use is 7,200 square feet if the subject property has frontage on Lake Washington Boulevard. 2. No parking is required for day-care or school ancillary to the use.
.110	Public Utility		None					30' above average building elevation.	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.			
.130	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process. <u>May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.</u>									1. Any portion of the park located within the wetland must be devoted exclusively to passive recreation that is not consumptive.	

PLA 6A Zone

60.54 User Guide. The charts in KZC 60.57 contain the basic zoning regulations that apply in Planned Area 6A, 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 60.55



Section 60.55 – GENERAL REGULATIONS

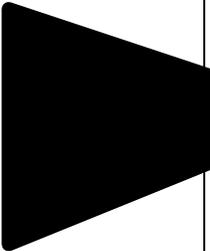
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision 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.
- See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
(Does not apply to Detached Dwelling Unit uses).
3. The required yard of a structure abutting Lake Washington Blvd. or Lake Street South must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation (does not apply to Public Park uses).
 4. May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.

PLA 6H Zone

60.89 User Guide. The charts in KZC 60.92 contain the basic zoning regulations that apply in Planned Area 6H, 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 60.90



Section 60.90 – 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 provision 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.

See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.

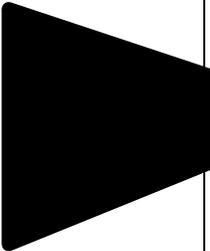
(Does not apply to Detached Dwelling Unit uses).

[3. May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.](#)

PLA 6I Zone

60.94 User Guide. The charts in KZC 60.97 contain the basic zoning regulations that apply in Planned Area 6I, 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 60.95



Section 60.95 – GENERAL REGULATIONS

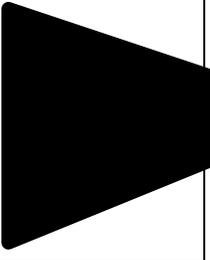
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision 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.
- See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
(Does not apply to Detached Dwelling Unit uses).
3. The required yard of a structure abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation (does not apply to Public Park uses).
 4. May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.

PLA 15A Zone

60.169 User Guide. The charts in KZC 60.172 contain the basic zoning regulations that apply in Planned Area 15A, 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 60.170



Section 60.170 – 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. A view corridor shall be provided and maintained across the subject property as follows and as described in Plate 27 (does not apply to Development containing Attached or Stacked Dwelling Units and Restaurant or Tavern and General Moorage Facility use under an approved Master Plan):
 - a. A view corridor must be maintained across 30 percent of the average parcel width; and
 - b. Along Lake Washington Boulevard, the view corridor of 30 percent of the average parcel width shall be increased 2.5 feet for each foot, or portion thereof, that any building exceeds 30 feet above average building elevation. If the subject property does not directly abut Lake Washington Boulevard, the length of the view corridor along its east property line shall be determined by projecting the view corridor as required along Lake Washington Boulevard across the subject property to the view corridor required along the shoreline; and
 - c. Along the shoreline, the width of the view corridor shall be:
 1. Sixty percent of the length of the high waterline if the height of any building is greater than 30 feet but less than or equal to 35 feet above average building elevation, or
 2. Seventy percent of the high waterline if the height of any building is greater than 35 feet above average building elevation. If the subject property does not directly abut the shoreline, the width of the view corridor along its west property line shall be determined by projecting the view corridor as required along Lake Washington Boulevard across the subject property to the view corridor required along the shoreline; and
 - d. The view corridor must be in one continuous piece; and
 - e. Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure the view from Lake Washington Boulevard to and beyond Lake Washington. Trees or shrubs that mature to a height of greater than three feet above average grade may not be placed in the required view corridor. Parking stalls or loading areas are not permitted in the required view corridor that would result in vehicles obscuring the line of sight from Lake Washington Boulevard to the high waterline as shown in Plate 27; and
 - f. The view corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties.

Section 60.172

Zone
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USE ZONE CHART

3. Structures may extend into the required front yard along Lake Washington Boulevard, provided that:

- a. The entire structure within the required front yard is below the elevation of Lake Washington Boulevard; and
- b. A public use area with superior landscaping is provided over the entire structure within the required front yard, the design of which is approved by the City; and
- c. The required view corridor is provided for the portion of the structure within the required yard; and
- d. Landscaping or other similar measures shall be provided to screen the exterior walls of any portion of the structure within the required yard that are visible from Lake Washington Boulevard or adjacent properties.

GENERAL REGULATIONS CONTINUED ON NEXT PAGE

Section 60.172

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USE ZONE CHART

Section 60.170

Zone
PLA15A

Section 60.170 – GENERAL REGULATIONS (Continued)

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

~~4. The required north property line is five feet if the adjacent property to the north contains a use other than residential.~~

~~54.~~ Trees or shrubs that mature to a height that would exceed the height of the primary structure are not permitted to be placed on the subject property.

~~6. — See KZC 60.173 for regulations regarding bulkheads and land surface modifications.~~

~~75.~~ May not use lands waterward of the ~~high waterline~~ ordinary high water mark to determine lot size or to calculate allowable density.

~~86.~~ May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83 ~~KMC Title 24.~~

Section 60.172														
REGULATIONS														
Required Review Process	MINIMUMS			MAXIMUMS			Special Regulations							
	Lot Size	REQUIRED YARD (See Ch. 115)			Height of Structure	Landscape Category	Sign Category	Required Parking Spaces (See Ch. 105)						
	Front	North Property Line	South Side Property Line	Shoreline Setback High Water Line						Special Regulations (See also General Regulations)				
010	Detached Dwelling Unit	5,000 sq. ft.	30'	The greater of: a. 15', or b. 1 1/2 times the height of the primary structure above average building elevation minus 10'.	5', but two side yards must equal at least 15 feet.	See Chapter 83 KZC. The greater of: a. 15' or b. 15% of the average parcel depth.	80%	30' above average building elevation.	E	A	2.0 per unit.	<ol style="list-style-type: none"> The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if: <ol style="list-style-type: none"> Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and The design of the public use area is specifically approved by the city. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. An applicant may propose a development containing residential uses and moorage facilities using this use listing only if the use of the moorage facilities is limited to the residents of the subject property. 		
The minimum dimension of any yard, other than those listed, is 5'.														

Section 60.172

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PLA15A

USE ZONE CHART

.020	Attached or Stacked Dwelling Units	Process IIB, Chapter 152 KZC.	7,200 sq. ft. with at least 3,600 sq. ft. per unit	30' See also Spec. Regs. 3 and 4.	<p>The greater of:</p> <p>a. 15', or</p> <p>b. 1 1/2 times the height of the primary structure above average building elevation minus 10'.</p> <p>See General Regulations.</p>	<p>5', but two side yards must equal at least 15 feet.</p>	<p>See Chapter 83 KZC. The greater of:</p> <p>a. 15' or</p> <p>b. 15% of the average parcel depth.</p>	80%	30' above average building elevation. See Spec. Reg. 5.	D	A	2.0 per unit.	<ol style="list-style-type: none"> No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For regulations regarding moorages and public access piers, see the specific listings in this zone. <u>Must provide public pedestrian access as required under Chapter 83 KZC.</u> Must provide public pedestrian access from the right of way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. The City shall require signs designating the public pedestrian access and public use areas. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if: <ol style="list-style-type: none"> Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and Substantially, the entire width of this yard, from north to south property lines, is developed as a public use area; and The design of the public use area is specifically approved by the city. The required front yard for any portion of the structure over 30 feet in height above average building elevation shall be 35 feet. This required front yard cannot be reduced under Special Regulation 3 above for a public use area. Structure height may be increased to 40 feet above average building elevation if:
The minimum dimension of any yard, other than those listed, is 5'.					See Spec. Reg. 10.								

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USE ZONE CHART

0 2 5	Office		None	See also Spec Reg s. 3 and 4.	The greater of: a. 15', or b. 1 1/2 times the height of the primary structure above average building elevation minus 10'.	5', but two side yards must equal at least 15 feet.	See Chapt er 83 KZC-14 e greater of: a. 15' or b. 15% of the aver- age parcel depth.					D	If medical or dental office, then one per each 200 sq. ft. of gross floor area. Oth- erwise, one per each 300 sq. ft. of gross floor area.
						See Gen- eral Regula- tions.							

The minimum dimension of any yard, other than those listed, is 5'.

- a. Obstruction of views from existing development lying east of Lake Washington Boulevard is minimized; and
- b. Maximum lot coverage is 80 percent, but shall not include any structure allowed within the required front yard under the General Regulations in KZC 60.170; and
- c. Maximum building coverage is 50 percent, but shall not include any structure allowed within the required front yard under the General Regulations in KZC 60.170 or any structure below finished grade; and

REGULATIONS FOR THESE USES
CONTINUED ON THE NEXT PAGE

Section 60.172

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USE ZONE CHART

<p>0 2 0</p>	<p>Attached or Stacked Dwelling Units (continued)</p>	
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REGULATIONS CONTINUED FROM PREVIOUS PAGE

- d. A waterfront area developed and open for public use shall be provided with the location and design specifically approved by the City. Public amenities shall be provided, such as non-motorized watercraft access or a public pier. A public use easement document shall be provided to the City for the public use area, in a form acceptable to the City. The City shall require signs designating the public use area; and
- e. The required public pedestrian access trail from Lake Washington Boulevard to the shoreline shall have a trail width of at least six feet and shall have a grade separation from the access driveway; and
- f. No roof top appurtenances, including elevator shafts, roof decks or plantings, with the exception of ground cover material on the roof not to exceed four inches in height, shall be on the roof of the building or within the required view corridors.
- 6. A transportation demand management plan shall be provided and implemented for the subject property, including provisions for safe pedestrian crossing and vehicle turning movements to and from the subject property to Lake Washington Boulevard, and bus stop improvements if determined to be needed by METRO. The City shall review and approve the plan.
- 7. The design of the site must be compatible with the scenic nature of the waterfront.
- 8. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
- 9. An applicant may propose a development containing residential uses and moorage facilities using this use listing

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USE ZONE CHART

. 0 2 5	Office (continued)		only if the use of the moorage facilities is limited to the residents of the subject property.						
	10. Any required yard, other than the front or high water line required yard, may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached shall provide the minimum required yard.								
. 0 3 0	Public Access Pier, or Public	Process IIB, Chapter 152	None	See Chapter 83 KZC. Waterward of the High Waterline	-	See Chapter 83 KZC. Pie	-	See KZC 105.25.	Refer to Chapter 83 KZC for additional regulations.
			-	40'	40'	-	See	-	See

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USE ZONE CHART

Access Facility, or Boardwalk

KZC. Also See Chapter 83 KZC.

See Special Regulation 8.

r-decks may not be more than 24' above mean sea level. Diving boards and similar features may not be more than 3' above the deck.

Re 9-7.

- 2. If a structure will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to submittal of a building permit for this use.
- 3. May not treat a structure with creosote, oil base or toxic substances.
- 4. Must provide at least one covered and secured waste receptacle.
- 5. All utility lines must be below the pier deck and, where feasible, underground.
- 6. Piers must be adequately lit; the source of the light must not be visible from neighboring properties.
- 7. Structure must display the street address of the subject property. The address must be oriented to the Lake with letters and numbers at least four inches high, and visible from the Lake.
- 8. North and south property line yards may be decreased for over-water public use facilities which connect with waterfront public access or adjacent property.

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Piers, docks, boat lifts and canopies

See Chapter 83 KZC. No

See Chapter 83 KZC. Waterward of the High Waterline

80 %

See Chapter 83 KZC. Pier-decks

- 10' 10' -

See Sp ee. Re

None 1-per each 2 slips. Otherwise, none if the

- Refer to Chapter 83 KZC for additional regulations.
- 1. No accessory uses, buildings, or activities are permitted as part of this use. Various accessory components are permitted as part of a General Moorage Facility. See that listing in this

Section 60.172

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USE ZONE CHART

0 4 5	serving Detached Dwelling Unit Moorage Facility for 1 or 2 Boats	See Chapter 83 KZC.	In addition, no moorage structure may be within: a. 25' of a public park; or b. 25' of another moorage structure not on the subject property. The minimum dimension of any yard, other than those listed, is 5'.	may not be more than 24' above mean sea level. Diving boards and similar features may not be more than 3' above the deck.	moorage facility is reserved for the exclusive use of an adjoining residential development.	zone: 2. Moorage structures may not extend waterward beyond a point 150 feet from the high waterline. In addition, piers and docks may not be wider than is reasonably necessary to provide safe access to the boats, but not more than eight feet in width. 3. If the moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to submittal of a Building Permit for this use. 4. May not treat moorage structure with creosote, oil base or toxic substances. 5. Must provide at least one covered and secured waste receptacle. 6. All utility lines must be below the pier deck and, where feasible, underground. 7. Piers must be adequately lit; the source of the light must not be visible from neighboring properties. 8. Moorage structures must display the street address of the subject property. The address must be oriented to the Lake with letters and numbers at least four inches high, and visible from the Lake. 9. Covered moorage is not permitted. 10. Aircraft moorage is not permitted.	
	Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units	See Chapter 83 KZC.	See Chapter 83 KZC.	See Chapter 83 KZC.	See Chapter 83 KZC.	None	Refer to Chapter 83 KZC for additional regulations.

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USE ZONE CHART

.050	General Moorage Facility Marina	Process IIB, Chapter 152 KZC. Also See Chapter 83 KZC.	None, but must have at least 100' of frontage on Lake Washington.	Landward of the High Waterline Ordinary High Water Mark	80%	Landward of the High Waterline Ordinary High Water Mark, 30' above average building elevation. See Spec. Reg. 4. Waterward of the High Waterline	B	B See Special Reg. 14.	1 per each 2 slips. Otherwise, none if the moorage facility is reserved for the exclusive use of an adjoining residential development.	<p><u>Refer to Chapter 83 KZC for additional regulations.</u></p> <p>1. Except as permitted by Special Regulation 17, no structures, other than moorage structures or public access piers, may be waterward of the high waterline. For regulations regarding public access piers, see the specific listing in this zone.</p> <p>2. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas.</p> <p>3. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:</p> <p>a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the</p>
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Section 60.172

Zone
PLA15A

USE ZONE CHART

30' Se Sp ec · R eg · 3.	The greater of: a. 15' or b. 1-1/2 times the height of the primary structure above average building elevation minus 10'.	5', but two side yards must equal at least 15 feet.	For moorage structure, 0' For other structures, the greater of: a. 15' or b. 15% of the average parcel depth.	e. Deck and Pier decks may not be more than 24' above mean sea level.	front property line; and b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and c. The design of the public use area is specifically approved by the City.
	4. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and a. The increase is offset by a view corridor that is superior to that required by the General Regulations; or b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation.				
5. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation.					
6. The City will determine the maximum allowable number of moorages based on the following factors: a. The ability of the land landward of the high waterline to accommodate the necessary support facilities.					
Waterward of the High Waterline					
-	10'	10'	-		

USE ZONE CHART

No moorage structure may be:

a. Within 100' feet of a public park; or

b. Closer to a public park than a line that starts where the high waterline of the park intersects with the side property line of the park closest to the moorage structure at a 45° angle from the side property line. This setback applies whether or not the subject property abuts the park, but does not extend beyond any intervening overwater structure; or

(See next page for the rest of the Required Yard Regulations)

b. The potential for traffic congestion.

REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 60.172

Zone
PLA15A

USE ZONE CHART

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a. Boat and motor sales leasing.

REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 60.172

Zone
PLA15A

USE ZONE CHART

PLA15A	Tour Boat	See Chapter 83 KZC.	None	30' See Spec. Reg. 2.	5', but two side yards must equal at least 15 feet.	See Chapter 83 KZC	80%	Landward of the Ordinary High Water Mark, 30' above average building elevation. See Spec. Reg. 3	B	B	See KZC 105.25	<p>1. Refer to Chapter 83 KZC for additional regulations.</p> <p>2. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:</p> <p>a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and</p> <p>b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and</p> <p>c. The design of the public use area is specifically approved by the City.</p> <p>3. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and</p> <p>a. The increase is offset by a view corridor that is superior to that required by the General Regulations</p>
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Section 60.172

Zone
PLA15A

USE ZONE CHART

	Passenger Only Ferry Terminal	See Chapter 83 KZC.	None	30' - See Spec. Reg. 2.	5', but two side yards must equal at least 15 feet.	See Chapter 83 KZC	80%	Landward of the Ordinary High Water Mark, 30' above average building elevation. See Spec. Reg. 3	B	B	See KZC 105.25	<p>1. Refer to Chapter 83 KZC for additional regulations.</p> <p>2. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:</p> <p>a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and</p> <p>b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and</p> <p>c. The design of the public use area is specifically approved by the City.</p> <p>3. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and</p> <p>a. The increase is offset by a view corridor that is superior to that required by the General Regulations</p>
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Section 60.172

Zone
PLA15A

USE ZONE CHART

	Boat Launch (motorized boats)	See Chapter 83 KZC.	None	30' - See Specific Regulations.	5', but two side yards must equal at least 15 feet.	See Chapter 83 KZC	80%	Landward of the Ordinary High Water Mark, 30' above average building elevation.	B	B	See KZC 105.25	<p>1. Refer to Chapter 83 KZC for additional regulations.</p> <p>2. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:</p> <p>a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and</p> <p>b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and</p> <p>c. The design of the public use area is specifically approved by the City.</p>
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Section 60.172

Zone
PLA15A

USE ZONE CHART

	Boat Launch (for non-motorized boats)	See Chapter 83 KZC.	None	30' - See Specific Regulations.	5', but two side yards must equal at least 15 feet.	See Chapter 83 KZC	80%	Landward of the Ordinary High Water Mark, 30' above average building elevation.	B	B	See KZC 105.25	<p>1. Refer to Chapter 83 KZC for additional regulations.</p> <p>2. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:</p> <p>a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and</p> <p>b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and</p> <p>c. The design of the public use area is specifically approved by the City.</p>
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Section 60.172

Zone
PLA15A

USE ZONE CHART

	Water Taxi	See Chapter 83 KZC.	None	30' - See Special Regulation 2.		5', but two side yards must equal at least 15 feet.	See Chapter 83 KZC	80%	Landward of the Ordinary High Water Mark, 30' above average building elevation. See Special Reg. 3	B	B	See KZC 105.25	<p>1. Refer to Chapter 83 KZC for additional regulations.</p> <p>2. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:</p> <p>a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and</p> <p>b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and</p> <p>c. The design of the public use area is specifically approved by the City.</p> <p>3. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and</p> <p>a. The increase is offset by a view corridor that is superior to that required by the General Regulations</p>
7060	Professional Football, Baseball, or Soccer Practice or Play Facility	Process HB, Chapter 152 KZC.	3 acres See Special Regulation 6.	20' See Special Regulation 3.	The greater of: a. 15' or b. 15% of the average parcel depth.	40'	The greater of: a. 15' or b. 15% of the average parcel depth.	80%	30' above average building elevation. See Special Regu-	C	B	See KZC 105.25.	<p>1. No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For regulations regarding moorages, see the moorage listings in this zone.</p> <p>2. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access</p>

USE ZONE CHART

~~The minimum dimension of any yard, other than those listed, is 5 feet.~~

~~ation 4.~~

~~and public use areas.~~

~~3. The required 20-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:~~

~~a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and~~

~~b. Substantially, the entire width of this yard, from north to south property lines, is developed as a public use area; and~~

~~c. The design of the public use area is specifically approved by the City.~~

~~4. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and~~

~~a. The increase is offset by a view corridor that is superior to that required by the General Regulations; or~~

~~b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation.~~

~~5. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation.~~

~~6. Subsequent division of an approved Master Plan into smaller lots is permitted provided that the required minimum acreage is met for the Master Plan.~~

Section 60.172

Zone
PLA15A

USE ZONE CHART

.070	<p>Development containing: Attached or Stacked Dwelling Units; and Restaurant or Tavern; and General Moorage Facility</p> <p>See Special Regulation 1 for other uses also allowed.</p>	See Special Regulation 2.	5 acres with no less than 3,100 sq. ft. per dwelling unit. See also Special Regulations 3 and 14.	See Special Regulation 7.	See Special Regulation 8.	See KZC 105.25.	<p>1. The following uses and components are also allowed:</p> <ul style="list-style-type: none"> a. Retail establishment. b. Office use. c. Hotel. d. Boat and motor repair and service if: <ul style="list-style-type: none"> 1) This activity is conducted on dry land and either totally within a building or totally sight screened from adjoining property and the right-of-way; and 2) All dry land motor testing is conducted within a building. e. Dry land boat storage. However, stacked storage is not permitted. f. Gas and oil sales or boats if: <ul style="list-style-type: none"> 1) Storage tanks are underground and on dry land; and 2) The use has facilities to contain and clean up gas and oil spills. May have an over-water shed that is not more than 50 square feet and 10 feet high as measured from the pier deck. g. Meeting and or special events rooms. h. Boat launching ramp if it is paved with concrete. i. School or day-care center. j. Mini-school or mini-day-care center, or day-care home. <p>2. Development must be consistent with an approved Master Plan. The Master Plan must address all properties within PLA-15A and PLA-15B, which are owned by the applicant. The Master Plan will be approved in two stages:</p> <ul style="list-style-type: none"> a. The first stage will result in approval of a Preliminary Master Plan using Process IIB, Chapter 152 KZC. The Preliminary Master Plan shall consist of at least the following: <ul style="list-style-type: none"> 1) A site plan which diagrammatically shows the general location, shape and use of the major features of development. 2) A written description of the planned development which discusses the elements of the site plan and indicates the maximum number of dwelling units and their probable size; the maximum area to be developed with nonresidential uses; the maximum size of moorage
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Section 60.172

Zone
PLA15A

USE ZONE CHART

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facilities and the maximum number of moorage slips; the maximum and minimum number of parking stalls; and the schedule of phasing for the final Master Plan.

In approving the Preliminary Master Plan, the City shall determine

REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 60.172

Zone
PLA15A

USE ZONE CHART

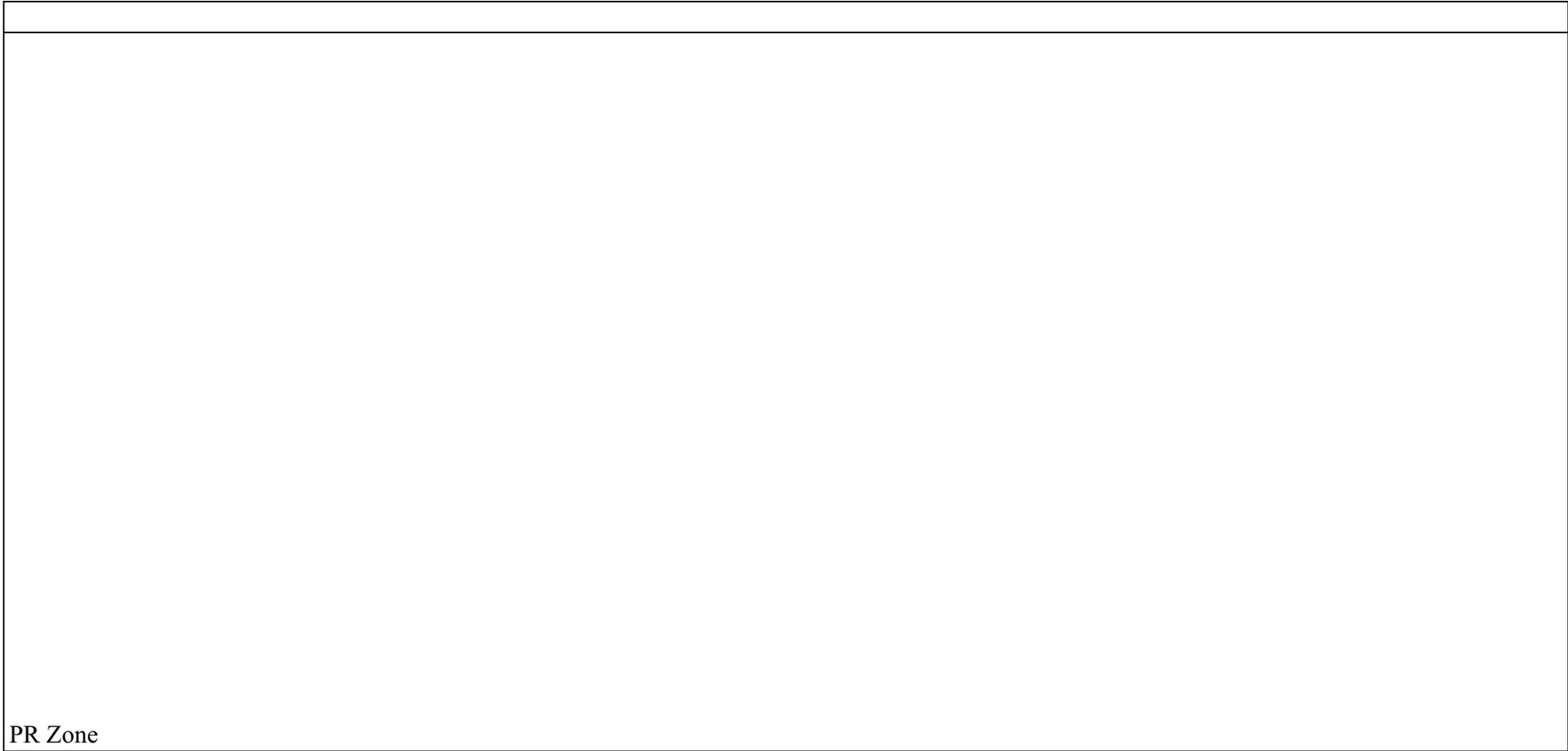
<p>080</p>	<p>Public Utility</p>	<p>Process IIA, Chapter 150 KZC.</p>	<p>None</p>	<p>30' See Special Regulation 3.</p>	<p>The greater of: a. 15' or b. 1 1/2 times the height of the primary structure above average building elevation minus 10'.</p>	<p>5', but two side yards must equal at least 15 feet.</p>	<p>The greater of: a. 15' or b. 15% of the average parcel depth.</p>	<p>80%</p>	<p>30' above average building elevation. See Special Regulation 4.</p>	<p>A</p>	<p>B</p>	<p>See KZC 105.25.</p>	<ol style="list-style-type: none"> 1. No structures, other than moorage structures or public access piers, may be waterward of the high waterline <u>ordinary high water mark</u>. For the regulations regarding moorages, see the moorage-specific <u>listings</u> in this zone <u>and Chapter 83 KZC</u>. 2. Chapter 83 KZC contains regulations regarding shoreline. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas. 3. The required 30' front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if: <ol style="list-style-type: none"> a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and b. Substantially, the entire width of this yard, from north to south property lines, is developed as a public use area; and c. The design of the public use area is specifically approved by the City. 4. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and <ol style="list-style-type: none"> a. The increase is offset by a view corridor that is superior to that required by the General Regulations; or b. The increase is offset by maintaining comparable portions
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Section 60.172

Zone
PLA15A

USE ZONE CHART

<p>. 0 9 0</p>	<p>Governm ent Facility Communi ty Facility</p>									<p>C See Spe c. Reg . 6.</p>		<p>of the structure lower than 30 feet above average building elevation.</p> <p>5. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation.</p> <p>6. 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.</p>
<p>. 1 0 0</p>	<p>Public Park</p>	<p>Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.</p>										

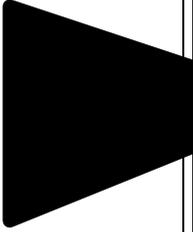


PR Zone

CHAPTER 25 – PROFESSIONAL OFFICE RESIDENTIAL (PR) ZONES

25.05 User Guide. The charts in KZC 25.10 contain the basic zoning regulations that apply in each PR 8.5, PR 5.0, PR 3.6, PR 2.4 and PR 1.8 zone of the City. 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 25.08

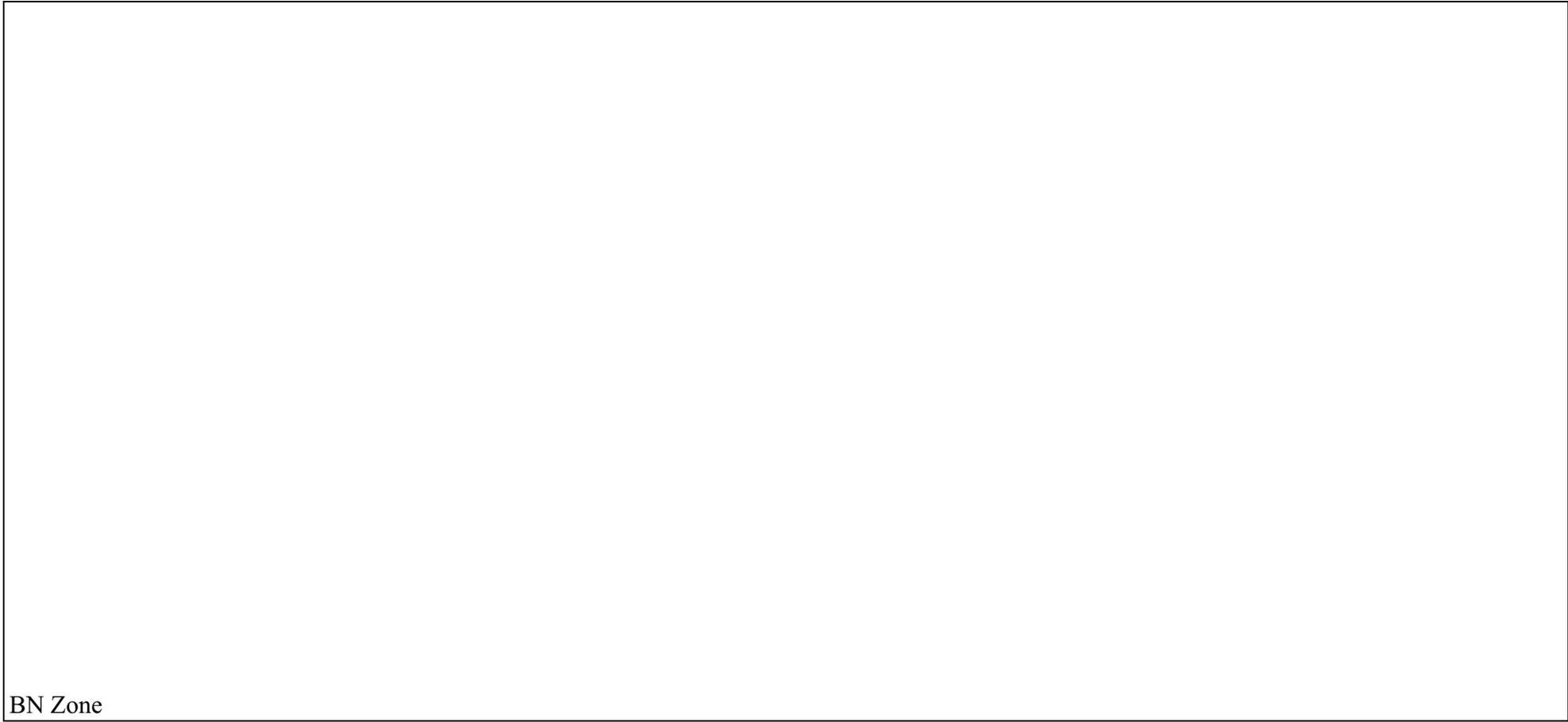


Section 25.08 – GENERAL REGULATIONS

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.

See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
3. The required yard of a structure abutting Lake Washington Boulevard or Lake St. S. must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation (does not apply to Public Park uses).
4. If the property is located south of NE 85th Street between 124th Avenue and 120th Avenue, to the extent possible, the applicant shall save existing viable significant trees within the required landscape buffers separating nonresidential development from adjacent single-family homes.
5. May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.

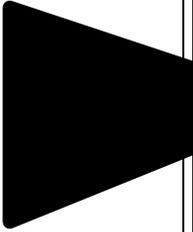


BN Zone

CHAPTER 40 – NEIGHBORHOOD BUSINESS (BN) ZONES

40.05 User Guide. The charts in KZC 40.10 contain the basic zoning regulations that apply in each of the BN zones of the City. 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.

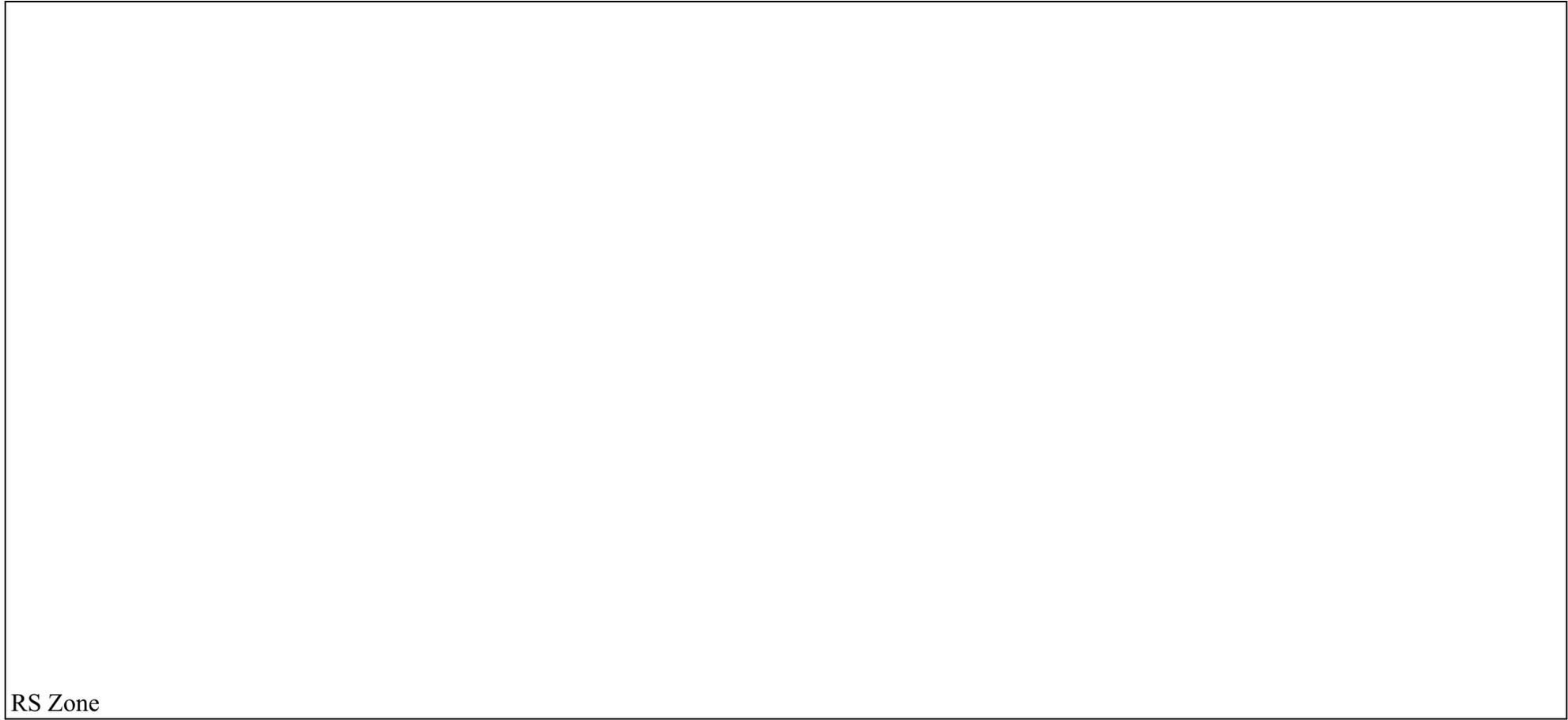
Section 40.08



Section 40.08 – 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/Adjacency to Institutional Use, for further details.
3. The required yard of a structure abutting Lake Washington Blvd. or Lake Street South must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation (does not apply to Public Park uses).
 4. At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway.
 5. May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83.

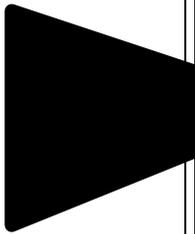


RS Zone

CHAPTER 15 - SINGLE-FAMILY RESIDENTIAL (RS) ZONES

15.05 User Guide. The charts in KZC 15.10 contain the basic zoning regulations that apply in each RS 35, RS 12.5, RS 8.5, RS 7.2, RS 6.3 and RS 5.0 zones of the City. 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.

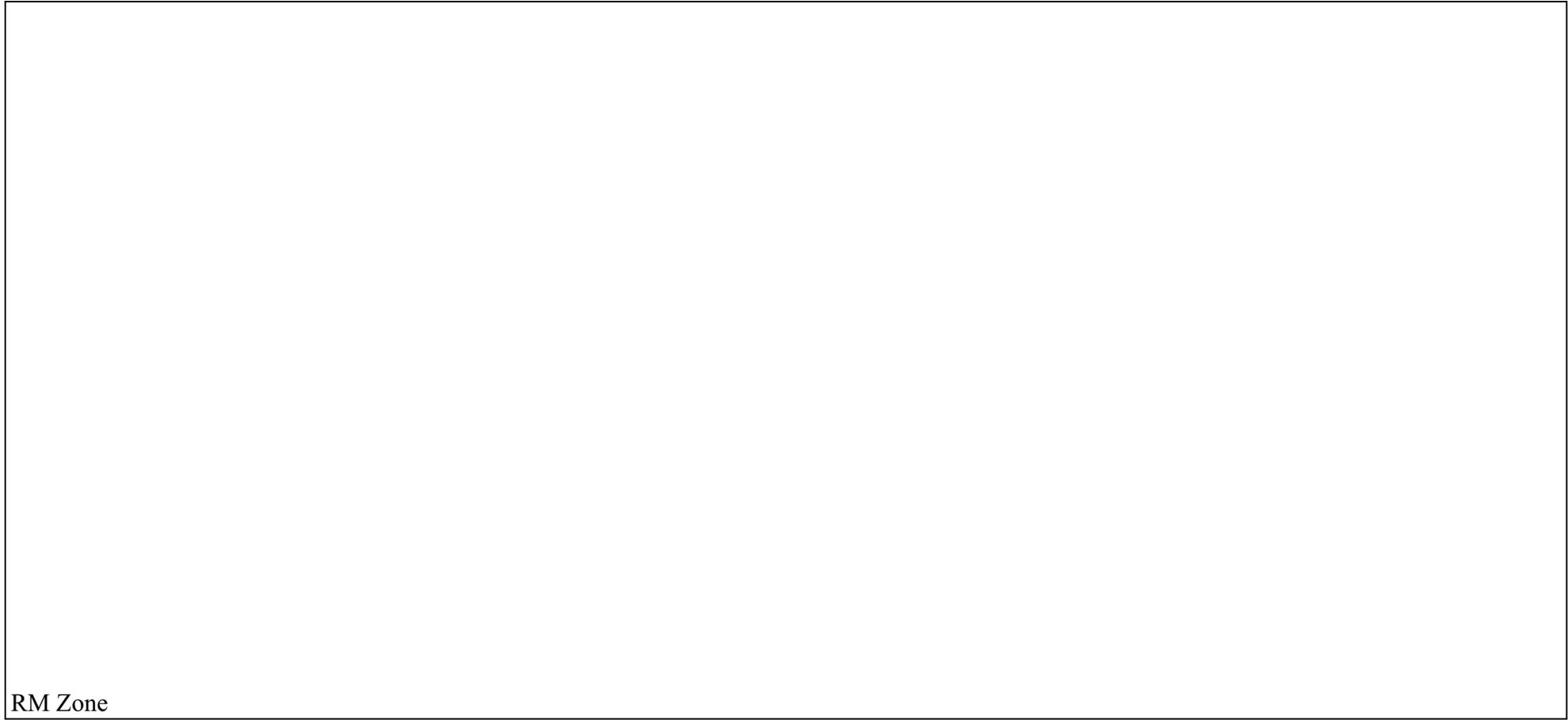
Section 15.08



Section 15.08 – 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 detached dwelling unit in 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 maximum horizontal facade shall not exceed 50 feet.See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
(Does not apply to Detached Dwelling Unit and Mini-School or Mini-Day-Care Center uses).
3. May not use lands waterward of the ~~high waterline~~ ordinary high water mark to determine lot size or to calculate allowable density.
4. May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83KMC Title 24.



RM Zone

CHAPTER 20 – MULTIFAMILY RESIDENTIAL (RM) ZONES

20.05 User Guide. The charts in KZC 20.10 contain the basic zoning regulations that apply in each RM 5, RM 3.6, RM 2.4, and RM 1.8 zone of the City. 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 20.08



Section 20.08 – 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 or a low density use in PLA 17, 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.

See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
(Does not apply to ~~Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units~~ ~~General Moorage Facility~~ and Detached Dwelling Units uses).
3. If the subject property is located east of JBD 2 and west of 100th Avenue NE, the following regulation applies:

Must provide a public pedestrian access easement if the Planning Official determines that it will furnish a pedestrian connection or part of a connection between 98th Avenue NE and 100th Avenue NE. Pathway improvements will also be required if the easement will be used immediately. No more than two complete connections shall be required.

~~(Does not apply to General Moorage Facility uses).~~
4. If the subject property is located within the North Rose Hill neighborhood, east of Slater Avenue NE and north of NE 116th Street, the minimum required front yard is 10 feet. Ground floor canopies and similar entry features may encroach into the front yard; provided, the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking may encroach into the required 10-foot front yard.
5. Any required yard abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot the structure exceeds 25 feet above average building elevation.

(Does not apply to ~~Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units and General Moorage Facility~~ and Public Park uses).

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

Section 20.10

Zone
RM

USE ZONE CHART

6. If the subject property is located between Juanita Drive and Lake Washington or 98th Avenue NE and Lake Washington, ~~the following regulations apply: refer to~~

~~Chapter 83 KZC for regulations regarding shoreline.—Must provide a required yard of 15 feet or 15 percent of average parcel depth, measured from the high waterline. To the extent that this provision is inconsistent with other required yard dimensions identified in this chapter, this provision shall govern.~~

~~b.—Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas.~~

~~c.—A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one contiguous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided they do not obscure the view from Juanita Drive or 98th Avenue NE to and beyond Lake Washington. This corridor must be adjacent to either of the side property lines, whichever will result in the widest view corridor given development on adjacent properties.~~

~~—(Does not apply to General Moorage Facility, Detached Dwelling Units and Public Park uses).~~

7. If the property is located in the NE 85th Street Subarea, the following shall apply:

a. If the subject property is located south of NE 85th Street between 124th Avenue NE and 120th Avenue NE, the applicant shall to the extent possible save existing viable significant trees within the required landscape buffer separating nonresidential development from adjacent single-family homes.

b. If the subject property is located directly north of the RH 4 zone, the applicant shall install a through-block pedestrian pathway pursuant to the standards in KZC 105.19(3) to connect an east-west pedestrian pathway designated in the Comprehensive Plan between 124th Avenue NE and 120th Avenue NE. (See Plate 34K).

8. May not use lands waterward of the ~~high waterline~~ordinary high water mark to determine lot size or to calculate allowable density.

9. May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83~~KMC Title 24~~.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 20.10	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure				
					Front	Side	Rear					
.010	Detached Dwelling Units	None	5,000 sq. ft. in an RM 5.0. Otherwise, 3,600 sq. ft.	20'	5'	10'	60%	If adjoining a low density zone other than RSX, then 25' above	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of the size of the lot. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Section 20.10

Zone
RM

USE ZONE CHART

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

Section 20.10	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure				
					Front	Side	Rear					
.020	Detached, Attached or Stacked Dwelling Units Stacked Dwelling Units are not permitted in RM 5.0.	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	3,600 sq. ft. with a density as established on the Zoning Map. See Spec. Reg. 1.	5' for detached units. For attached or stacked units, 5', but 2 side yards must equal at least 15'. See Spec. Reg. 6.	10' See Spec. Reg. 7.	average building elevation. Otherwise, 30' above average building elevation. See Spec. Reg. 8.	D See Spec. Regs. 4 and 9.	1.7 per unit.	<ol style="list-style-type: none"> Minimum amount of lot area per dwelling unit is as follows: <ol style="list-style-type: none"> In RM 5.0 zones, the minimum lot area per unit is 5,000 sq. ft. In RM 3.6 zones, the minimum lot area per unit is 3,600 sq. ft. In RM 2.4 zones, the minimum lot area per unit is 2,400 sq. ft. In RM 1.8 zones, the minimum lot area per unit is 1,800 sq. ft. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. Chapter 115 KZC contains regulations regarding common recreational space requirements for this use. Except for low density uses, if the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA 17, then landscape category A applies. Development located in the RM 3.6 zone in North Rose Hill, lying between Slater Avenue NE and 124th Avenue NE, and NE 108th Place (extended) and approximately NE 113th Place (extended) shall comply with the following: <ol style="list-style-type: none"> Each development shall incorporate at least two acres; and Significant vegetation that provides protection from I-405 shall be retained to the maximum extent feasible. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot. 			

REGULATIONS CONTINUED ON NEXT PAGE

Section 20.10

Zone
RM

USE ZONE CHART

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

Section 20.10	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure				
					Front	Side	Rear					
.020	Detached, Attached or Stacked Dwelling Units (continued)										REGULATIONS CONTINUED FROM PREVIOUS PAGE	
											8. Where the 25-foot height limitation results solely from an adjoining low density zone occupied by a school that has been allowed to increase its height to at least 30 feet, then a structure height of 30 feet above average building elevation is allowed. 9. When a low density use adjoins a detached dwelling unit in a low density zone, Landscape Category E applies.	
.030	Church	Within the NE 85th Street Sub-area, D.R., Chapter 142 KZC. Otherwise, Process IIA, Chapter 150 KZC.	7,200 sq. ft.	20'	20'	20'	70%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C See Spec. Reg. 3.	B	1 for every 4 people based on maximum occupancy load of worship. See Spec. Reg. 2.	1. The property must be served by a collector or arterial street. 2. No parking is required for day-care or school ancillary to the use. 3. If the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA 17, then landscape category A applies.

Section 20.10	US E ↓	REGULATIONS □	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)				Height of Structure					
					Front	North Property Line	South Side Property Line	High Water Line Shoreline Setback						
.040	Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units, General Moorage Facility	Process HA, Chapter 150 KZC See Chapter 83 KZC.	None, but must have at least 100' of frontage on Lake Washington.	30' See also Spec. Reg. 4.	Landward of the high waterline the greater of: a. 15'-or b. 1 1/2 times the height of the primary structure above average building elevation minus 10'.	5', but two side yards must equal at least 15 feet.	See Chapter 83 KZC For moorage structure, 0'. For other structures the greater of: a. 15', or b. 15% of the average parcel depth.	60% Landward of the ordinary high water mark high waterline 30' above average building elevation. Waterward of the high waterline, dock and pier decks may not be more than 24' above mean sea level.	B	B	None for residents or their guests.	<ol style="list-style-type: none"> 1. Refer to Chapter 83 KZC for additional regulations. 2. Chapter 83 KZC contains regulations regarding shoreline <ul style="list-style-type: none"> 4. Moorage may only be used by residents of the dwelling units on the subject property, or their guests. 2. Except as permitted by Special Regulation 18, no structures, other than moorage structures or public access piers or boardwalks, may be waterward of the high waterline. For regulations regarding public access piers, see the specific listing in this zone. 3. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas. 4. The required 30' front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if: 		
					Waterward of the high waterline:									

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Section 20.10	USE REGULATIONS	Required Review Process	MINIMUMS				MAXIMUMS				Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)					
			Lot Size	REQUIRED YARDS (See Ch. 115)				Height of Structure											
				Front	North Property Line	South Side Property Line	High Water Line Shoreline Setback												
			<p>No moorage structure may be:</p> <p>a. Within 100' of a public park; or</p> <p>b. Closer to a public park than a line that starts where the high waterline of the park intersects with the side property line of the park closest to the moorage structure at the 45-degree angle from that side property line. This setback applies whether or not the subject property abuts the park, but does not extend beyond any intervening over water structure; or</p>																
			REGULATIONS - CONTINUED ON NEXT PAGE																
			<p>a. Within 30' of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and</p> <p>b. Substantially, the entire width of this yard, from north to south property lines, is developed as a public use area; and</p> <p>c. The design of the public use area is specifically approved by the City.</p>																
			<p>5. A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided that they do not obscure the view from Lake Washington Boulevard to and beyond Lake Washington. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties.</p>																
			<p>6. The design on the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation.</p>																
			REGULATIONS CONTINUED ON NEXT PAGE																

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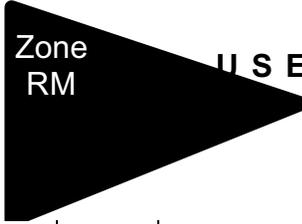
USE ZONE CHART

.04 0	Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units Moorage Facility (continued)	See Chapter 83 KZC	None	See Chapter 83 KZC e. Closer to a lot containing a detached dwelling unit than a line that starts where the high waterline of the lot intersects the side property line of the lot closest to the moorage structure at a 30-degree angle from that side property line. This setback applies whether or not the subject property abuts the lot, but does not exceed beyond any intervening over water structure; or d. Within 25' of another moorage structure not on the subject property. The minimum dimension of any yard, other than listed, is 5'.				None		Refer to Chapter 83 KZC for additional regulations. 7. The City will determine the maximum allowable number of moorages based on the following factors: a. The ability of the land landward of the high waterline to accommodate the necessary support facilities. b. The potential for traffic congestion. c. The number of moorages shall not exceed the number of dwelling units on the subject property. 8. Moorage structures may not be larger than is necessary to provide safe and reasonable moorage for the boats moored. The City will specifically review the size and configuration of moorage structures to insure that: a. The moorage structures do not extend waterward of the point necessary to provide reasonable draft for the boats to be moored, but not beyond the outer harbor line; and b. The moorage structures are not larger than is necessary to moor the specified number of boats; and c. The moorage structures will not interfere with the public use and enjoyment of the water or create a hazard to navigation; and d. The moorage structures will not adversely affect nearby uses; and e. The moorage structures will not have a significant long term adverse effect on aquatic habitats. 9. If the moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to submittal of a Building Permit for this use. 10. May not treat moorage structure with creosote, oil base, or toxic substance. 11. Must provide at least two covered and secured waste receptacles. 12. All utility and service lines must be below the pier deck and, where feasible, underground. 13. Piers must be adequately lit. The source of the light must not be visible from neighboring properties. 14. Moorage structures must display the street address of the subject property. The address must be oriented to the lake with letters and numbers at least four inches high. 15. Covered moorage is not permitted.
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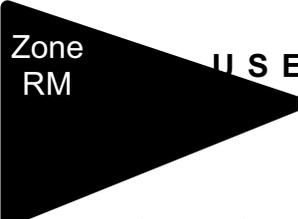
16. Aircraft moorage is not permitted.
17. At least one pump-out facility shall be provided.
18. See KZC 30.11 for regulations regarding bulkheads and land surface modification.

Section	REGULATIONS	Required	MINIMUMS	MAXIMUMS	Landscape Sign Cate	Special Regulations

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	USE	Review Process	Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure			Required Parking Spaces (See Ch. 105)	(See also General Regulations)	
				Front	Side	Rear						
.050	School or Day-Care Center	Within the NE 85th Street Sub-area, D.R., Chapter 142 KZC. Otherwise, Process IIA, Chapter 150 KZC.	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: 50' 50' on 50' each side			70%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise,	D	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will not be materially detrimental to the character of the neighborhood in which it is located. b. Site and building design must minimize adverse impacts on surrounding residential neighborhoods. 2. A six-foot-high fence is required only along the property line adjacent to the outside play areas. 3. Structured play areas must be set back from all property lines as follows:

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Section 20.10	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure				
					Front	Side	Rear					
						20'	20' on each side					

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Section 20.10	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure				
					Front	Side	Rear					
.060	Grocery Store, Drug Store, Laundromat, Dry Cleaners,	Process IIA, Chapter 150 KZC. Also see Chapter 83 KZC for properties in shoreline jurisdiction.	7,200 sq. ft.	20'	5' but 2 side yards must equal	10'	60%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	B	E	1 per each 300 sq. ft. of gross floor area.	1. This use may be permitted only if it is specifically consistent with the Comprehensive Plan in the proposed location.
	Barber Shop, Beauty Shop or Shoe Repair Shop See Spec. Reg. 9.				at least 15'.							2. May only be permitted if placement, orientation, and scale indicate this use is primarily intended to serve the immediate residential area.
												3. Must be located on a collector arterial or higher volume right-of-way.
												4. Placement and scale must indicate pedestrian orientation.
												5. Must mitigate traffic impacts on residential neighborhood.
												6. Gross floor area may not exceed 3,000 square feet.
												7. May not be located above the ground floor of a structure.
												8. Hours of operation may be limited to reduce impacts on nearby residential uses.
												9. This use is not permitted in an RM zone located within the NE 85th Street Subarea.

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Section 20.10	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS			Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure					
					Front	Side	Rear						
.070	Mini-School or Mini-Day-Care		Within the NE 85th Street Sub-area, D.R., Chapter 142 KZC. Otherwise, none.	3,600 sq. ft.					D	B	See KZC 105.25.	1. May locate on the subject property if: <ul style="list-style-type: none"> a. It will not be materially detrimental to the character of the neighborhood in which it is located. b. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. A six-foot-high fence is required along the property line adjacent to the outside play areas. 3. Structured play areas must be set back from all property lines by five feet. 4. 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. 5. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).	

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Section 20.10	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure				
					Front	Side	Rear					
.080	Assisted Living Facility (Not permitted in RM 5.0)	Within the NE 85th Street Sub-area, D.R., Chapter 142 KZC. Otherwise, none.	3,600 sq. ft.	20'	5' but 2 side yards must equal at least 15'.	10'	60%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	D See Spec. Reg. 6.	A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 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. 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 property may be approved if the following criteria are met: <ol style="list-style-type: none"> Project is of superior design, and Project will not create impacts that are substantially different than would be created by a permitted multifamily development. The assisted living facility shall provide usable recreation 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 recreation space per unit located outside. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. If the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA 17, then landscape category A applies.

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Section 20.10	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure				
					Front	Side	Rear					
.090	Convalescent Center or Nursing Home	Within the NE 85th Street Sub-area, D.R., Chapter 142 KZC. Otherwise, Process IIA, Chapter 150 KZC.	7,200 sq. ft.		10' on each side		70%		C	B	1 for each bed.	<ol style="list-style-type: none"> 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. If the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA 17, then Landscape Category A applies.
.100	Public Utility	Within the NE 85th Street Sub-area, D.R., Chapter 142 KZC.	None	20'	20' on each side	20'	70%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	A	B	See KZC 105.25.	<ol style="list-style-type: none"> Site design must minimize adverse impacts on surrounding residential neighborhoods. 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. If the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA 17, then Landscape Category A applies.
.110	Government Facility Community Facility	Otherwise, Process IIA, Chapter 150 KZC.			10' on each side	10'			C			
.120	Public Park	Development standards will be determined on case-by-case basis. See Chapter 49 KZC for required review process.										

Definitions

(Revised)

Revise the Definitions Section of the Kirkland Zoning Ordinance as follows:

~~.060 Average Parcel Depth – The average of the distance from the high waterline ordinary high water mark to the street providing direct access to the subject property as measured along the side property lines or the extension of those lines where the water frontage of the subject property ends, the center of the high waterline of the subject property and the quarter points of the high waterline of the subject property. See the following diagram for examples. At the northern terminus of the 5th Ave West private access easement, the average parcel depth shall be measured from the high waterline to the public pedestrian access easement providing access to Waverly Beach Park.~~

~~.065 Average Parcel Width – The average of the distance from the north to the south property lines as measured along the high waterline and the front property line, or along the east and west property lines if the parcel does not abut the high waterline of Lake Washington.~~

~~.245 Dry Land – The area of the subject property landward of the high waterline ordinary high water mark.~~

~~.365 High Waterline – The line where the water meets the land when the water level of Lake Washington is 21.8 feet above mean sea level based on the Corps of Engineers Datum Point. High Waterline shall be construed to be the same as Ordinary High Water Mark (OHWM), as defined in WAC 173-16-030(10).~~

~~.612 Ordinary High Waterline – This term has the same meaning as “high waterline.”~~

.720 Property Line – Those lines enclosing a lot and those lines defining a recorded vehicular access easement. The following are categories of property lines:

1. Front property line is any property line that is adjacent to a street or vehicular access easement or tract more than 21 feet in width, except when said vehicular access easement or tract:

- a. Is located entirely on an adjacent lot or lots and does not serve the subject property; or
- b. Encompasses a hammerhead turnaround required by the Fire Department, whether or not it is located on or serves the subject property.

Neither the Burlington Northern, I-405, nor SR-520 rights-of-way shall be considered front property lines.

2. Rear property line is any property line that is farther from and essentially parallel to a front property line except on a lot which contains two or more front property lines; or any property line that is adjacent to a street, alley or vehicular access easement or tract 21 feet or less in width, except when said vehicular access easement or tract serves only one lot, or is located entirely on an adjacent lot or lots and does not serve the subject property; or any property line that is adjacent to a vehicular access easement or tract which encompasses a hammerhead turnaround required by the Fire Department.

(Revised)

3. Side property line is any property line other than a front property line or a rear property line, or in Waterfront District Zones, any property line other than a north, south, front, or high waterline shoreline setback required under Chapter 83 KZC.

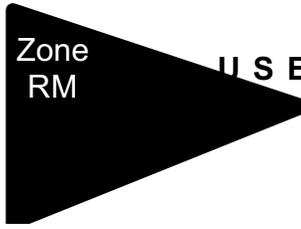
~~4. North property line is the property line running essentially east to west at the northern end of the lot, at an angle of more than 67° 30' from a line running true north-south (see Plate 28).~~

~~5. South property line is the property line running essentially east to west at the southern end of a lot that also contains a north property line.~~

~~6. High Waterline – This term is defined separately in this chapter.~~

.727 Public Access Pier or Boardwalk – An elevated structure which is constructed waterward of the **high waterline** **ordinary high water mark** and intended for public use.

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.775 Required Yard – Those areas adjacent to and interior from the property lines and involving the following designations (if two required yards are coincidental, the yard with the greater dimensions shall predominate):

1. Front: That portion of a lot adjacent to and parallel with any front property lines and at a distance therefrom equal to the required front yard depth.
2. Rear: That portion of a lot adjacent to and parallel with the rear property line and at a distance therefrom equal to the required rear yard depth.
3. Side: That portion of a lot adjacent to and parallel with the side property line and at a distance therefrom equal to the required side yard depth. All yards not otherwise categorized shall be designated side yards.
- ~~4. North Property Line Yard: That portion of a lot adjacent to and parallel with the north property line and at a distance therefrom equal to the required north property line yard depth.~~
- ~~5. South Property Line Yard: That portion of a lot adjacent to and parallel with the south property line and at a distance therefrom equal to the required south property line yard depth.~~
- ~~6. High Waterline Yard: That portion of a lot adjacent to and parallel with the high waterline and at a distance landward therefrom equal to the required high waterline yard depth.~~

(Revised)

Accessory Dwelling Unit

(Revised)

115.07 Accessory Dwelling Units

One accessory dwelling unit (ADU) is permitted as subordinate to a single-family dwelling; provided, that the following criteria are met:

1. Number of Occupants – The total number of occupants in the principal dwelling unit and the ADU combined shall not exceed the maximum number established for a single-family dwelling as defined in KZC 5.10.300.
2. Owner Occupancy – One of the units must be the principal residence of the property owner(s).
3. Subdivision – Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
4. Scale – The square footage of the accessory dwelling unit shall not exceed 40 percent of the primary residence and accessory dwelling unit combined. If the accessory unit is completely located on a single floor, the Planning Director may allow increased size in order to efficiently use all floor area.

Detached accessory dwelling units shall not exceed 800 square feet of gross floor area. The gross floor area shall not include area with less than five feet of ceiling height, as measured between the finished floor and the supporting members for the roof. When calculating the square footage of the ADU (see KZC 5.10.340, definition of “gross floor area”), covered exterior elements such as decks and porches will not be included; provided, the total size of all such covered exterior elements does not exceed 200 square feet. An accessory dwelling unit will be considered to be “detached” from the principal unit if it has any of the following characteristics:

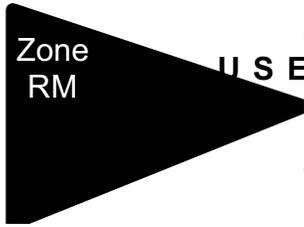
- a. It does not share a common roof structure with the principal unit.
 - b. It is not integrated into the footprint of the principal unit.
 - c. The design is inconsistent with the existing roof pitch, siding treatment, and window style of the principal unit.
5. Location. The accessory dwelling unit may be added to or included within the principal unit, or located in a detached structure. Detached structures must conform with the setbacks, height restrictions, lot coverage and other applicable zoning regulations required for single-family dwellings in the applicable use zone; provided, that an accessory dwelling unit shall not be considered a “dwelling unit” in the context of Special Regulations in Chapters 15 through 60 KZC which limit the number of detached dwelling units on each lot to one.
 6. Entrances. The primary entrance to the accessory dwelling unit shall be located in such a manner as to be clearly secondary to the main entrance to the principal unit and shall not

(Revised)

detract from or alter the single-family character of the principal unit.

7. Parking. There shall be one off-street parking space provided for the accessory dwelling unit.
8. ~~WD I and WD III Zones. Properties located in the WD I and WD III Zones which develop accessory dwelling units must provide public pedestrian access consistent with the regulations contained in KZC 30.15.020 and 30.35.020 for attached or stacked dwelling units.~~
9. Applicable Codes. The portion of a single-family dwelling in which an accessory dwelling unit is proposed must comply with all standards for health and safety contained in all applicable codes, with the following exception for ceiling height. Space need not meet current Uniform Building Code (UBC) ceiling height requirements if it was legally constructed as habitable space.

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10. Permitting

a. Application

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1) The property owner shall apply for an accessory dwelling unit permit with the Building Department. The application shall include an affidavit signed by the property owner agreeing to all the general requirements outlined in this section.

In the event that proposed improvements in the accessory dwelling unit do not require a building permit, a registration form for the unit must be completed and submitted to the Planning Department.

2) The registration form as required by the City shall include a property covenant. The covenant must be filed by the property owner with the City for recording with the King County Department of Records and Elections to indicate the presence of the accessory dwelling unit, and reference to other standards outlined in this section. The covenant shall run with the land as long as the accessory dwelling unit is maintained on the property.

3) If an ADU was or is created without being part of a project for which a building permit was or is finalized, an ADU inspection will be required for issuance of an ADU permit. The ADU inspection fee will cover a physical inspection of the ADU. This fee will be waived if the ADU existed on January 1, 1995, and the ADU permit is applied for by December 31, 1995.

b. Eliminating an Accessory Dwelling Unit – Elimination of a registered accessory dwelling unit may be accomplished by the owner filing a certificate with the Planning Department, or may occur as a result of enforcement action.

c. Preexisting Units – That portion of a single-family residence which meets the definition of accessory dwelling unit which existed on January 1, 1995, may be legally established, and not subject to zoning violation fines, if the following requirements are met:

- 1) An application for an accessory dwelling permit is filed by December 31, 1997;
- 2) The accessory dwelling unit is determined to meet the requirements of this section, as well as the other code requirements referred to in KZC 115.65(5)(g).

d. Appeals. An applicant may appeal to the Hearing Examiner the decision of the Planning Official in denying a request to construct an accessory dwelling unit. A written notice of appeal shall be filed with the Planning Department within 14 calendar days of the date the Planning Official's decision was mailed or otherwise delivered to the applicant. The City

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shall give notice of the hearing to the applicant at least 17 calendar days prior to the hearing. The applicant shall have the burden of proving the Planning Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse, or modify the decision being appealed.

Miscellaneous

(Revised)

(Revised)

30.17

Bulkhead and Land Surface Modification

1. Bulkheads

- a. ~~General~~—Bulkheads are permitted in this zone subject to all of the conditions and restrictions of this section. A permit may be required from the U.S. Army Corps of Engineers. Consult with that agency for further information.
- b. ~~Allowable Reasons~~—A bulkhead may be constructed only if:
 - 1) ~~It is needed to prevent significant erosion due to wave action; and~~
 - 2) ~~The use of vegetation will not sufficiently stabilize the shoreline to prevent significant erosion.~~
- c. ~~Prohibited Location~~—A bulkhead may not be erected within a wetland or between a wetland and the lake.
- d. ~~Design of Bulkhead~~—The bulkhead must be designed to minimize the transmittal of wave energy to other properties.
- e. ~~Placement of the Bulkhead~~—The bulkhead may not extend waterward of the high waterline. If there has been severe and unusual erosion within one year preceding the application for the bulkhead, the City may allow the placement of the bulkhead to recover the dryland area lost by this erosion.
- f. ~~Change in Configuration of the Land~~—Except as allowed under subsections (2) and (3) of this section, alteration of the horizontal or vertical configuration of the land must be kept to a minimum.
- g. ~~Backfill~~—The extent and nature of any backfill proposed landward of the bulkhead must be approved by the City.

2. Land Surface Modification Waterward of the High Waterline

- a. ~~General~~—Land surface modification waterward of the high waterline is permitted in this zone subject to all of the conditions and restrictions in this section.
- b. ~~Required Permit~~—The City will use Process IIB, described in Chapter 152 KZC, to review and decide upon an application for a land surface modification waterward of the high waterline. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.
- c. ~~Allowable Reasons~~—The City may approve an application for a land surface modification waterward of the high waterline only if:
 - 1) ~~No unique or significant natural area of flora or fauna will be destroyed; and~~
 - 2) ~~The land surface modification will not result in erosion of the shoreline or undermine stability of neighboring properties; and~~
 - 3) ~~Either:~~
 - a) ~~The application is filed by a public agency to improve navigability, public safety; or~~
 - b) ~~The application is to create a public use or recreation area; or~~
 - c) ~~The application is for dredging to remove silt or sediment deposited because of~~

~~severe and unusual erosion or resulting from the existence of a bulkhead on nearby property; or~~

~~d) At such time as permitted by the Shoreline Master Program, the application is for dredging to provide sufficient draft for boat moorage.~~

~~d. Requirements for Dredging—If the land surface modification involves dredging, the following regulations apply:~~

~~1) Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity on the subject property.~~

~~2) The applicant shall restore any beneficial vegetation disturbed during dredging.~~

~~3) The dredging shall be the minimum necessary to provide sufficient draft for navigation or moorage.~~

~~e. Requirements for Fill—If the land surface modification involves fill, the following regulations apply:~~

~~1) Material Used for Landfill—The material used in the landfill must be nondissolving and nondecomposing. The fill material must not contain organic and inorganic material that would be detrimental to the water quality of the existing habitat.~~

~~2) Use of Vegetation—Exposed fill areas must be stabilized with vegetation.~~

~~3. Land Surface Modification within the High Waterline Yard~~

~~a. General—Land surface modification in the high waterline yard is permitted in this zone subject to all of the conditions and restrictions of this section. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.~~

~~b. Allowable Reasons—The City may approve an application for a land surface modification within the high waterline yard only if:~~

~~1) No unique or significant natural area of flora or fauna will be destroyed; and~~

~~2) Either:~~

~~a) The application is filed by a public agency to improve public safety, recreation, or access; or~~

~~b) The application is part of a development proposal for the subject property and is to improve access to a pier or beach; or~~

~~c) The land surface modification is necessary to provide public access; or~~

~~d) The land surface modification is necessary to the structural safety of a structure; or~~

~~e) There has been severe and unusual erosion within one year directly preceding the application and the land surface modification is to restore the shoreline to its configuration prior to this erosion; or~~

~~f) This application is part of an application for bulkhead approved under paragraph 1 of this section. For backfill landward of a bulkhead, see subsection (1)(g) of this section.~~

- ~~c. Material Used for Landfill — The material used in a landfill must be nondissolving and non-decomposing. The fill material must not contain organic or inorganic material that would be detrimental to the water quality of the existing habitat.~~
 - ~~d. Use of Vegetation — The applicant shall stabilize exposed areas left after land surface modification with vegetation.~~
 - ~~e. Disposition of Excavated Materials — Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity.~~
- ~~4. Land Surface Modification Landward of the High Waterline Yard — Land surface modification landward of the high waterline yard is regulated like land surface modifications throughout the City. See Chapter 115-KZC for those regulations.~~
- ~~5. Emergency Measures — An applicant may erect a temporary bulkhead and take other emergency measures to protect against harm to persons or property resulting from imminent and unanticipated natural hazards. The area modified must be restored to the condition that existed immediately prior to any emergency modification as soon as practicable after the emergency.~~

(Revised)

30.27

Bulkhead and Land Surface Modification

1. Bulkheads

- a. ~~General~~—Bulkheads are permitted in this zone subject to all of the conditions and restrictions of this section. A permit may be required from the U.S. Army Corps of Engineers. Consult with that agency for further information.
- b. ~~Allowable Reasons~~—A bulkhead may be constructed only if:
 - 1) ~~It is needed to prevent significant erosion due to wave action; and~~
 - 2) ~~The use of vegetation will not sufficiently stabilize the shoreline to prevent significant erosion.~~
- c. ~~Prohibited Location~~—A bulkhead may not be erected within a wetland or between a wetland and the lake.
- d. ~~Design of Bulkhead~~—The bulkhead must be designed to minimize the transmittal of wave energy to other properties.
- e. ~~Placement of the Bulkhead~~—The bulkhead may not extend waterward of the high waterline. If there has been severe and unusual erosion within one year preceding the application for the bulkhead, the City may allow the placement of the bulkhead to recover the dryland area lost by this erosion.
- f. ~~Change in Configuration of the Land~~—Except as allowed under subsections (2) and (3) of this section, alteration of the horizontal or vertical configuration of the land must be kept to a minimum.
- g. ~~Backfill~~—The extent and nature of any backfill proposed landward of the bulkhead must be approved by the City.

2. Land Surface Modification Waterward of the High Waterline

- a. ~~General~~—Land surface modification waterward of the high waterline is permitted in this zone subject to all of the conditions and restrictions in this section.
- b. ~~Required Permit~~—The City will use Process IIB, described in Chapter 152-KZC, to review and decide upon an application for a land surface modification waterward of the high waterline. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.
- c. ~~Allowable Reasons~~—The City may approve an application for a land surface modification waterward of the high waterline only if:
 - 1) ~~No unique or significant natural area of flora or fauna will be destroyed; and~~
 - 2) ~~The land surface modification will not result in erosion of the shoreline or undermine stability of neighboring properties; and~~
 - 3) ~~Either:~~
 - a) ~~The application is filed by a public agency to improve navigability, public safety; or~~
 - b) ~~The application is to create a public use or recreation area; or~~
 - c) ~~The application is for dredging to remove silt or sediment deposited because of~~

~~severe and unusual erosion or resulting from the existence of a bulkhead on nearby property.~~

~~d. Requirements for Dredging—If the land surface modification involves dredging, the following regulations apply:~~

~~1) Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity on the subject property.~~

~~2) The applicant shall restore any beneficial vegetation disturbed during dredging.~~

~~e. Requirements for Fill—If the land surface modification involves fill, the applicant must comply with the provisions of subsections (3)(c) and (d) of this section.~~

~~3. Land Surface Modification within the High Waterline Yard~~

~~a. General—Land surface modification in the high waterline yard is permitted in this zone subject to all of the conditions and restrictions of this section. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult with that agency for further information.~~

~~b. Allowable Reasons—The City may approve an application for a land surface modification within the high waterline yard only if:~~

~~1) No unique or significant natural area of flora or fauna will be destroyed; and~~

~~2) Either:~~

~~a) The application is filed by a public agency to improve public safety, recreation, or access; or~~

~~b) The application is part of a development proposal for the subject property and is to improve access to a pier or beach; or~~

~~c) The land surface modification is necessary to provide public access; or~~

~~d) The land surface modification is necessary to the structural safety of a structure; or~~

~~e) There has been severe and unusual erosion within one year directly preceding the application and the land surface modification is to restore the shoreline to its configuration prior to this erosion; or~~

~~f) This application is part of an application for bulkhead approved under subsection (1) of this section. For backfill landward of a bulkhead, see subsection (1)(g) of this section.~~

~~c. Material Used for Landfill—The material used in a landfill must be nondissolving and nondecomposing. The fill material must not contain organic or inorganic material that would be detrimental to the water quality of the existing habitat.~~

~~d. Use of Vegetation—The applicant shall stabilize exposed areas left after land surface modification with vegetation.~~

~~e. Disposition of Excavated Materials—Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity.~~

- ~~4. Land Surface Modification Landward of the High Waterline Yard—Land surface modification landward of the high waterline yard is regulated like land surface modifications throughout the City. See Chapter 115 KZC for those regulations.~~
- ~~5. Emergency Measures—An applicant may erect a temporary bulkhead and take other emergency measures to protect against harm to persons or property resulting from imminent and unanticipated natural hazards. The area modified must be restored to the condition that existed immediately prior to any emergency modification as soon as practicable after the emergency.~~

Bulkhead and Land Surface Modification

1. Bulkheads

- a. ~~General~~—Bulkheads are permitted in this zone subject to all of the conditions and restrictions of this section. A permit may be required from the U.S. Army Corps of Engineers. Consult with that agency for further information.
- b. ~~Allowable Reasons~~—A bulkhead may be constructed only if:
 - 1) ~~It is needed to prevent significant erosion due to wave action; and~~
 - 2) ~~The use of vegetation will not sufficiently stabilize the shoreline to prevent significant erosion.~~
- c. ~~Prohibited Location~~—A bulkhead may not be erected within a wetland or between a wetland and the lake.
- d. ~~Design of Bulkhead~~—The bulkhead must be designed to minimize the transmittal of wave energy to other properties.
- e. ~~Placement of the Bulkhead~~—The bulkhead may not extend waterward of the high waterline. If there has been severe and unusual erosion within one year preceding the application for the bulkhead, the City may allow the placement of the bulkhead to recover the dryland area lost by this erosion.
- f. ~~Change in Configuration of the Land~~—Except as allowed under subsections (2) and (3) of this section, alteration of the horizontal or vertical configuration of the land must be kept to a minimum.
- g. ~~Backfill~~—The extent and nature of any backfill proposed landward of the bulkhead must be approved by the City.

2. Land Surface Modification Waterward of the High Waterline

- a. ~~General~~—Land surface modification waterward of the high waterline is permitted in this zone subject to all of the conditions and restrictions in this section.
- b. ~~Required Permit~~—The City will use Process IIB, described in Chapter 152 KZC, to review and decide upon an application for a land surface modification waterward of the high waterline. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.
- c. ~~Allowable Reasons~~—The City may approve an application for a land surface modification waterward of the high waterline only if:
 - 1) ~~No unique or significant natural area of flora or fauna will be destroyed; and~~
 - 2) ~~The land surface modification will not result in erosion of the shoreline or undermine stability of neighboring properties; and~~
 - 3) ~~Either:~~
 - a) ~~The application is filed by a public agency to improve navigability, public safety; or~~
 - b) ~~The application is to create a public use or recreation area; or~~
 - c) ~~The application is for dredging to remove silt or sediment deposited because of~~

~~severe and unusual erosion or resulting from the existence of a bulkhead on nearby property; or~~

~~d) At such time as permitted by the Shoreline Master Program, the application is for dredging to provide sufficient draft for boat moorage.~~

~~d. Requirements for Dredging—If the land surface modification involves dredging, the following regulations apply:~~

~~1) Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity on the subject property.~~

~~2) The applicant shall restore any beneficial vegetation disturbed during dredging.~~

~~3) The dredging shall be the minimum necessary to provide sufficient draft for navigation or moorage.~~

~~e. Requirements for Fill—If the land surface modification involves fill, the following regulations apply:~~

~~1) Material Used for Landfill—The material used in the landfill must be nondissolving and nondecomposing. The fill material must not contain organic and inorganic material that would be detrimental to the water quality of the existing habitat.~~

~~2) Use of Vegetation—Exposed fill areas must be stabilized with vegetation.~~

~~3. Land Surface Modification within the High Waterline Yard~~

~~a. General—Land surface modification in the high waterline yard is permitted in this zone subject to all of the conditions and restrictions of this section.~~

~~b. Required Permit—The City will use Process I, described in Chapter 145 KZC, to review and decide upon an application for land surface modification within the high waterline yard. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult with that agency for further information.~~

~~c. Allowable Reasons—The City may approve an application for a land surface modification within the high waterline yard only if:~~

~~1) No unique or significant natural area of flora or fauna will be destroyed; and~~

~~2) Either:~~

~~a) The application is filed by a public agency to improve public safety, recreation, or access; or~~

~~b) The application is part of a development proposal for the subject property and is to improve access to a pier or beach; or~~

~~c) The land surface modification is necessary to provide public access; or~~

~~d) The land surface modification is necessary to the structural safety of a structure; or~~

~~e) There has been severe and unusual erosion within one year directly preceding the application and the land surface modification is to restore the shoreline to its configuration prior to this erosion; or~~

- ~~f) This application is part of an application for a bulkhead approved under subsection (1) of this section. For backfill landward of a bulkhead, see subsection (1)(g) of this section.~~
- ~~d. Material Used for Landfill — The material used in a landfill must be nondissolving and non-decomposing. The fill material must not contain organic or inorganic material that would be detrimental to the water quality of the exposing habitat.~~
- ~~e. Use of Vegetation — The applicant shall stabilize exposed areas left after land surface modification with vegetation.~~
- ~~f. Disposition of Excavated Materials — Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity.~~
- ~~4. Land Surface Modification Landward of the High Waterline Yard — Land surface modification landward of the high waterline yard is regulated like land surface modifications throughout the City. See Chapter 115-KZC for those regulations.~~
- ~~5. Emergency Measures — An applicant may erect a temporary bulkhead and take other emergency measures to protect against harm to persons or property resulting from imminent and unanticipated natural hazards. The area modified must be restored to the condition that existed immediately prior to any emergency modification as soon as practicable after the emergency.~~

(Revised)

Format	Date	Kirkland Representative	Other Party	Summary of Content
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Masterbuilders Association: Don Davis (Director of Government Affairs), Tim Attebery (King County Manager), Garrett Huffman (South King County Manager), Allison Butcher (Public Policy Manager), Scott Hildebrand (Director of Public Policy), Aaron Adelstein (Director of Built Green TM), Amanda Reed (Built Green TM Coordinator)	Sent message to the Masterbuilders Association informing them about the upcoming Shoreline Master Program Update process in Kirkland and whether they are interested in being added to the listserv to receive more information.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Jim McElwee, Director of the Kirkland Alliance of Neighborhoods	Sent e-mail to the Jim informing him about the upcoming Shoreline Master Program Update process in Kirkland and whether he is interested in being added to the listserv to receive more information.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Teresa Sollitto, Park Project Coordinator for Juanita Bay Rangers	Sent e-mail to the Teresa informing her about the upcoming Shoreline Master Program Update process in Kirkland and whether she is interested in being added to the listserv to receive more information.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Kirkland Chamber of Commerce: Bill Vadino (Executive Director), Judi Meek (Operations and Member Services Manager), Mary Ously (Administrative Assistant)	Sent e-mail to the Kirkland Chamber of Commerce informing them about the upcoming Shoreline Master Program Update process in Kirkland and whether they are interested in being added to the listserv to receive more information.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Kirkland Downtown Association: Dick Beazell (Executive Director) and Kellie Jordan (Executive Assistant)	Sent e-mail to the Kirkland Downtown Association informing them about the upcoming Shoreline Master Program Update process in Kirkland and whether they are interested in being added to the listserv to receive more information.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Kirkland City Council Members: Dave Asher, Mary-Alyce Burleigh, Jessica Greenway, Tom Hodgson, Bob Sternoff and James Lauinger (Mayor of Kirkland)	Sent e-mail to the Kirkland City Council informing them about the upcoming Shoreline Master Program Update process in Kirkland and whether they are interested in being added to the listserv to receive more information.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Tom Hodgson, Kirkland City Council Member	Received response from Tom confirming interest in being listed on the listserv.

		Intern		
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Mary-Alyce Burleigh, Kirkland City Council Member	Received response from Mary-Alyce confirming interest in being added to the SMP listserv.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Kathy Nygard, Representative for the Kirkland Parks and Recreation Division	Sent e-mail to the Kathy informing her about the upcoming Shoreline Master Program Update process in Kirkland and whether she is interested in being added to the listserv to receive more information.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Jane Hague, Councilmember District 6 (representing Kirkland)	Sent e-mail to Jane informing her about the upcoming SMP Update process in Kirkland and whether she is interested in being added to the listserv to receive more information.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Toby Nixon, Washington State Legislator (representing Kirkland)	Sent e-mail to Toby Nixon (Washington State Legislator representing Kirkland) informing him about the upcoming SMP Update process in Kirkland and whether he is interested in being added to the listserv to receive more information.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Joe Burcar, Washington Department of Ecology	Sent e-mail to Joe informing him about the upcoming Shoreline Master Program Update process in Kirkland and whether he is interested in being added to the listserv to receive more information.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	King Conservation District: Geoff Reed (District Co-Coordinator, Board Administration Lead & Watershed Projects), Brandy Reed (District Co-Coordinator, Noncompetitive Grants, Watershed Projects, Natrive Plant Nursery Lead), Debbie Meisinger (Watershed Projects), Roseanne Campagna (Newsletter, Public Information, Envirothon), Pete Landry (District Engineered Project), Paul Borne (Small Farm Planner)	Sent e-mail to King Conservation District informing them about the upcoming Shoreline Master Program Update process in Kirkland and whether they are interested in being added to the listserv to receive more information.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Teresa Sollitto, Park Project Coordinator for Juanita Bay Rangers	Received response from Teresa informing the Planning Dept. that she forwarded the information to all volunteer Rangers as well as members of the East Lake Washington Audubon Society.
Email	08/16/06	Linh Huynh, Undergraduate Planning	Joe Burcar, Washington Department of Ecology	Received response from Joe Burcar confirming his interest into being added to the SMP listserv.

		Intern		
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Karen Walters, Representative of the Muckleshoot Indian Tribe	Sent e-mail to Karen informing her about the upcoming Shoreline Master Program Update process in Kirkland and whether any tribe members are interested in being added to the listserv to receive more information.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Washpirg	Sent message informing Washpirg about the upcoming Shoreline Master Program Update process in Kirkland and whether they are interested in being added to the listserv to receive more information.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Eastside Friends of Lake Washington	Sent message informing them about the upcoming Shoreline Master Program Update process in Kirkland and whether they are interested in being added to the listserv to receive more information.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Friends of the Cedar River Watershed	Sent e-mail to Friends of Cedar River Watershed informing them about the upcoming Shoreline Master Program Update process and whether they are interested in being added to the listserv.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Rebecca Phelps, Center for Environmental Law and Policy (CELP)	Sent message to CELP informing them about the upcoming Shoreline Master Program Update process and whether they are interested in being added to the listserv.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Joe Burcar, Washington Department of Ecology	Asked Joe (via e-mail) whether he knew of any other stakeholders that may prove relevant or interested in the SMP update.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Lisa McConnell, Chair of the Central Houghton Neighborhood Association	Sent e-mail to the Central Houghton Neighborhood Association informing them about the upcoming Shoreline Master Program Update process and whether they are interested in being added to the listserv.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Annemieke Hagman, Chair of the Everest Neighborhood Association	Sent e-mail to the Everest Neighborhood Association informing them about the upcoming Shoreline Master Program Update process and whether they are interested in being added to the listserv.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Marianna Hanefield, Chair of the Juanita Neighborhood Association	Sent e-mail to the Juanita Neighborhood Association informing them about the upcoming Shoreline

		Intern		Master Program Update process and whether they are interested in being added to the listserv.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Highlands Neighborhood Association: Bob Kamuda (Chair) and Steve Hager (Co-Chair)	Sent e-mail to the Highlands Neighborhood Council informing them about the upcoming Shoreline Master Program Update process and whether they are interested in being added to the listserv.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Lakeview Neighborhood Association: Paul Robichaux (Chair) and Robert Miller (Co-Chair)	Sent e-mail to the Lakeview Neighborhood Association informing them about the upcoming Shoreline Master Program Update process and whether they are interested in being added to the listserv.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Moss Bay Neighborhood Association: Don Winters (Chair) and Mark Eliassen (Co-chair)	Sent e-mail to the Moss Bay Neighborhood Association informing them about the upcoming Shoreline Master Program Update process and whether they are interested in being added to the listserv.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Loren Spurgeon, Chair of Market Neighborhood Association	Sent e-mail to the Market Neighborhood Association informing them about the upcoming Shoreline Master Program Update process and whether they are interested in being added to the listserv.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Norkirk Neighborhood Association: Eric Eng (Chair) and Mary Redmayne (Co-Chair)	Sent e-mail to the Norkirk Neighborhood Association informing them about the upcoming Shoreline Master Program Update process and whether they are interested in being added to the listserv.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Margaret Carnegie, Chair of North Rose Hill Neighborhood Association	Sent e-mail to the North Rose Hill Neighborhood Association informing them about the upcoming Shoreline Master Program Update process and whether they are interested in being added to the listserv.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	South Rose Hill/Bridle Trails Neighborhood Association: Jeanette Simecek (Chair) and Andy Held (Co-Chair)	Sent e-mail to the South Rose Hill/Bridle Trails Neighborhood Association informing them about the upcoming Shoreline Master Program Update process and whether they are interested in being added to the listserv.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Tim Attebery, King County Manager (Masterbuilders Association)	Received response from Tim confirming that he is the representative SMP contact for the Masterbuilders Association.

Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Lynda Haneman, Chair of the Totem Lake Neighborhood Association	Sent e-mail to the Totem Lake Neighborhood Association informing them about the upcoming Shoreline Master Program Update process and whether they are interested in being added to the listserv.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Jeanette Simecek, Chair of South Rose Hill/Bridle Trails Neighborhood Association	Received response from Jeanette confirming interest in being listed on the listserv.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Rebecca Phelps, Center for Environmental Law and Policy (CELP)	Received response from Rebecca confirming interest in being listed on the listserv.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Lynda Haneman, Chair of Totem Lake Neighborhood Association	Received response from Lynda expressing that she is unable to participate but has forwarded the message to all fellow board members.
Email	08/16/06	Linh Huynh, Undergraduate Planning Intern	Mary Redmayn, Co-Chair of Norkirk Neighborhood Association	Received response from Mary confirming interest in being listed on the listserv.
Email	08/17/06	Linh Huynh, Undergraduate Planning Intern	Toby Nixon, Washington State Legislature representing Kirkland	Received response from Toby confirming his interest in being listed on the listserv.
Email	08/17/06	Linh Huynh, Undergraduate Planning Intern	Patrick Williams, Center for Environmental Law and Policy (CELP)	Received response from Patrick Williams (CELP) confirming interest in being listed on the listserv—as of the rest of the organization by e-mailing messages directly to info@celp.org
Email	08/17/06	Linh Huynh, Undergraduate Planning Intern	Jim McElwee, Chair of Kirkland Alliance of Neighborhoods	Received response from Jim confirming interest in being listed on the listserv.
Email	08/17/06	Linh Huynh, Undergraduate Planning Intern	Jim McElwee, Chair of Kirkland Alliance of Neighborhoods	Jim McElwee forwarded SMP message to all neighborhood associations in Kirkland.
Email	08/17/06	Linh Huynh, Undergraduate Planning Intern	Eric Eng, Chair of Norkirk Neighborhood Association	Received response from Eric confirming interest in being listed on the listserv.
Email	08/18/06	Linh Huynh, Undergraduate Planning Intern	Karen Walters, Representative of the Muckleshoot Indian Tribe	Received response from Karen confirming interest in being listed on the listserv

Email	08/18/06	Linh Huynh, Undergraduate Planning Intern	Kathy Nygard, Representative for the Kirkland Parks and Recreation Division	Received response from Kathy Nygard (King County Parks Department) confirming interest in being listed on the listserv. Informed that messages should be sent to Sharon Claussen at Sharon.claussen@metrokc.gov
Email	08/18/06	Linh Huynh, Undergraduate Planning Intern	Greg Butler, Chair of Juanita Neighborhood Association	Received response from Greg confirming interest in being listed on the listserv.
Email	08/22/06	Linh Huynh, Undergraduate Planning Intern	Don Winters, Chair of Moss Bay Neighborhood Association	Received response from Don confirming interest in being listed on the listserv.
Email, mail, public notice sign, and television	9/1/2006			Introductory flyer was extensively posted, emailed, mailed, and televised beginning on September 1, 2006
Public Comment Period	9/1/06-10/15/06			An opportunity for public comment on the draft shoreline inventory, characterization, and analysis was held September 1 – October 15, 2006. The draft was presented at the forums and the comment opportunity was widely advertised via mail, email, newspaper, TV, and posting on prominent public signs and at City facilities as well as on the City's Shoreline Master Program Update webpage
Email	09/05/06	Patrice Tovar, Project Manager & Linh Huynh, Undergraduate Planning Intern	n/a	Request to add Kate Conant, Sharon Rodman, and Margaret Schwender to the SMP contact database.
Email	09/05/06	Patrice Tovar, Project Manager & Linh Huynh, Undergraduate Planning Intern	n/a	Request to add contacts for Shoreline Property Owners and Contractors Association (SPOCA) to the SMP contact list/database.
Email	09/05/06	Patrice Tovar, Project Manager & Linh Huynh, Undergraduate Planning Intern	n/a	Informed Patrice that all suggested contacts and all those pertaining to the state and federal agencies required by the DOE have been added to SMP database. E-mails will be sent out today.

Email	09/06/06	Patrice Tovar, Project Manager & Linh Huynh, Undergraduate Planning Intern	n/a	Informed Patrice that all contact information for property owners within SMP jurisdiction have been compiled. Sent final electronic copy of SMP poster.
Email	09/06/06	Patrice Tovar, Project Manager & Linh Huynh, Undergraduate Planning Intern	n/a	Began forwarding Patrice all the SMP replies (from stakeholders) received.
Email	09/06/06	Patrice Tovar, Project Manager & Linh Huynh, Undergraduate Planning Intern	n/a	Response to listserv question. Emails will have to be sent out requesting individuals to sign onto the listserv.
Email	09/07/06	Patrice Tovar, Project Manager & Linh Huynh, Undergraduate Planning Intern	n/a	Received contact information for Amy Myers, Sandra Lange, Betty Renkor, Sally Abella, Harry Reinert, Mary Jorgensen, and Richard Sandaas
Email	09/06/06	Linh Huynh, Undergraduate Planning Intern & Janet Jonson, Executive Assistant (City Manager's Office)	n/a	Request contact information for Dave Russell and Nona Ganz (former Kirkland Council Members)
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	Contacts for all Neighborhood Association Chair Members in Kirkland: Lisa McConnell, Annemieke Hagman, Bob Kamuda, Steve Hager, Marianna Hanefield, Paul Robichaux, Robert Miller, Loren Spurgeon, Don Winters, Mark Eliassen, Eric Eng, Mary Redmayne, Margaret Canegie, Jeanette Simecek, Andy Held, Lynda Haneman, and Dick Sandaas	Sent most recent SMP Update message
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	Jim McElwee. Kirkland Alliance of Neighborhoods	Sent most recent SMP Update message
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	Kirkland Natural Resource Management Team: Patrice Tovar, Paul Stewart, Debbie Natelson, Erica Hall, Linh Huynh, Janet Jonson, Sally Abella, Harry Reinert, Michael Cogel, Vandana Ingram-Lock, Jenny Gaus, Erin Leonhart, Jason Filan, Wendy Kremer, Elizabeth Walker, Bobbi Wallace (see e-mail or contact list)	Sent most recent SMP Update message

Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	Teresa Sollitto, Park Project Coordinator for Juanita Bay Rangers	Sent most recent SMP Update message
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	Masterbuilders Association: Don Davis (Director of Government Affairs), Tim Attebery (King County Manager), Garrett Huffman (South King County Manager), Allison Butcher (Public Policy Manager), Scott Hildebrand (Director of Public Policy), Aaron Adelstein (Director of Built Green TM), Amanda Reed (Built Green TM Coordinator)	Sent most recent SMP Update message
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	Kirkland Downtown Association: Bill Vadino (Executive Director), Judi Meek (Operations and Member Services Manager), and Mary Ously (Administrative Assistant) Kirkland Chamber of Commerce: Dick Beazell (Executive Director) and Kellie Jordan (Executive Assistant)	Sent most recent SMP Update message
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	Downtown Action Team: Boris Srdar, Glenn Peterson, Sinclair Jones, Carolyn Hayek and Doug Davis	Sent most recent SMP Update message
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	Kirkland City Council: James Lauinger (City of Kirkland Mayor), Dave Asher, Mary-Alyce Burleigh, Jessica greenway, Tom Hodgson, Bob Sternoff King County Parks System: Kathy Nygard Houghton Community Council: Betsy Pringle and Rick Whitney. Bill Goggins	Sent most recent SMP Update message NOTE: Patrice later identified that the contacts listed under the Kirkland City Council and Houghton Community Council was incomplete on 09/28/06. At this point, the missing council members were immediately added to the list and an apology message sent out.
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	Toby Nixon, Washington State Legislature representing Kirkland	Sent most recent SMP Update message
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	Jane Hague, King County Councilmember District 6	Sent most recent SMP Update message
Email	09/07/06	Linh Huynh, Undergraduate Planning	Directors of City of Kirkland Departments: Dave Ramsey (City Manager's Office), Stan Aston (Police	Sent most recent SMP Update message

		Intern	Department), Robin Jenkinson (City's Attorney Office), Jennifer Schroder (Parks and Community Services), Brenda Cooper (Information Technology), Jeff Blake (Fire and Building Department), and Eric Shields (Planning and Community Development)	
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	King County Staff with interest in Kirkland's Potential Annexation Area: Stephanie Warden (Director of Dept. of Development and Environmental Services), Pat Lemus (Assistant Director of the Community Services Division), Barry Meade (Vice President and Manager of the Cascade Gateway Foundation. Cadman Inc.), Ron Sims (Cascade Gateway Foundation King County Executive), Carolyn Edmonds (King County Council District 1), Bob Ferguson (King County District 2 Council), Kathy Lambert (King County District 3), Larry Phillips (King County Council District 4), Reagan Dunn (King County Council District 6), Pete von Reichbauer (King County District Council District 7), Dow Constantine (King County Council District 8), and Larry Gossett (King County Council District 10). Steve Hammond, David Irons and Julia Peterson	Sent most recent SMP Update message
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	Neighboring Cities and All Jurisdictions with Lake Washington Shoreline: Steve Sarkozy (City of Bellevue City Manager's Office), May Icasiano (City of Bellevue City Manager's Office), Service First (City of Bellevue Parks and Community Services), Bobbi Pochman (City of Bellevue Planning and Community Development)	Sent most recent SMP Update message
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	Heidi Bedwell (City of Bellevue Environmental Team) Neighboring Cities and All Jurisdictions with Lake Washington Shoreline: Drew Folsom (City of Bellevue Environmental Team), Kerry Kriner (City of Bellevue Environmental Team), Mary Jo McArdle (City of Bellevue Environmental Team), Morgan Nichols (City of Bellevue Environmental Team), Michael Paine (City of Bellevue Environmental Team), Bryan Cairns (Mayor of City of Mercer Island), Sven Goldmanis (Mercer Island Council Member), Mike Grady (Mercer Island Council Member), and Dan Grausz (Mercer Island Council Member)	Sent most recent SMP Update message

Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	Heidi Bedwell, City of Bellevue Environmental Team	Sent most recent SMP Update message
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	Morgan Nichols, City of Bellevue Environmental Team	Sent most recent SMP Update message
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	Neighboring Cities and All Jurisdictions with Lake Washington Shoreline: El Jahncke (Mercer Island Council Member), Steve Litzow (Mercer Island Council Member), Jim Pearman (Mercer Island Council Member), City of Mercer Island Parks and Recreation, Community Center at Mercer View, Steve Bennett (Planning Director of City of Lake Forest Park), Shana Restall (City of Lake Forest Park)	Sent most recent SMP Update message
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	State and Federal Agencies: Mark Isaacson (Director for King county Department of Natural Resources and Land Resources Division), Lani Moeller (Confidential Secretary for King County Department of Natural Resources and Land Resources Divison), Lorien Wendt (EPA Region 10 Support Team), Charles Bert (EPA Region 10 Support Team), Billy Butler (EPA Region 10 Support Team), Tom Sibley (National Marine Fisheries Service), Marcy Reed (U.S. Army Corps or Engineers), Craig Calhoon (Washington Department of Natural Resources, Aquatic Lands and Resources Program), Boyd Powers (Washington State Department of Natural Resources), Hugo Flores (Washington State Department of Natural Resources) Chris Regan (Washington State Parks and Recreation Commission), Don Kraege (Washington Department of Fish and Wildlife), Stewart Reinbold (Washington Department of Fish and Wildlife), Doug Myers (Puget Sound Water Quality Action Team), Jane Rubey (Shorelines/Water Resources Program), Kitty Nelson (National Oceanic & Atmosphere Administration NOAA), Peter Skowlund (Washington Department of Ecology), Richard Robohm (Washington Department of Ecology), Rebekah Padgett (Washington Department of Ecology),	Sent most recent SMP Update message

			Erik Stockdale (Washington Department of Ecology)	
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	State and Federal Agencies: Chuck Steele (Washington Department of Ecology), Betty Renkor (Washington Department of Ecology), Rich Costello (Washington Department of Fish & Wildlife), Mark Eberlein (Federal Emergency Management Agency FEMA), Joseph Weber (Federal Emergency Management Agency (FEMA), Mark Carey Denise Atkinson (Federal Emergency Management Agency FEMA), Mark Riebau (Federal Emergency Management Agency FEMA), Mike Howard (Federal Emergency Management Agency FEMA)	Sent most recent SMP Update message
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	State and Federal Agencies: Lyman Thorsteinson (Western Fisheries Research Center WFRC), David Woodson (Western Fisheries Research Center WFRC), John Vaccaro (USGS Washington Water Science Center), Sandra Lange (NWRO Shoreline Planning, Permitting & Compliance/WSDOT Project)	Sent most recent SMP Update message
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	King Conservation District: Geoff Reed (District Co-Coordinator, Board Administration Lead & Watershed Projects), Brandy Reed (District Co-Coordinator, Noncompetitive Grants, Watershed Projects, Native Plant Nursery Lead), Debbie Meisinger (Watershed Projects), Roseanne Campagna (Newsletter, Public Information, Envirothon), Pete Landry (District Engineered Project), Paul Borne (Small Farm Planner)	Sent most recent SMP Update message
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	Shoreline Property Owners & Contractors Association (SPOCA): Mark B. Nelson and Kjrj Lund (Executive Director)	Sent most recent SMP Update message
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	Indian Tribes: Karen Walter (Muckleshoot Indian Tribe) Kathleen Cox (FEMA Tribal Contact) Andrew Hendrickson (FEMA Alaska, Idaho, Oregon & Washington Tribal Contact)	Sent most recent SMP Update message
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	WRIA 8 (Lake Washington/Cedar/Sammamish Watershed): Mary Jorgensen (Watershed Coordinator), Julie Morgan, Linda Grob (Administrative Coordinator)	Sent most recent SMP Update message

Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	East Lake Washington Audubon Society: Christy Anderson, (President), Mary-Frances Mathis (Birding Chair), Tim McGruder (Conservation Chair), Mary Britto-Simmons (Education Chair), and Kate Conant	Sent most recent SMP Update message
Email	09/07/06	Patrice Tovar, Project Manager & Linh Huynh, Undergraduate Planning Intern	Karen Walter , Muckleshoot Indian Tribe	Received question on Commenting Deadline for Shoreline Inventory Report
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	Other Environmental Groups or Companies: Len Barson (The Nature Conservancy of Washington), Joe La Tourrette (Pacific Coast Joint Venture), John Arrabito (Washington Waterfowl Association), Michelle Connor (Cascade Land Conservancy) Si Simenstad (University of Washington School of Aquatic & Fishery Sceinces), WASHpirg, Eastside Friends of Lake Washington, Friends of the Cedar River Watershed	Sent most recent SMP Update message
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	Mid Puget Sound Fisheries Enhancement Group: Troy Fields (Executive Director), Andrew Pavone (Project Manager), Nathalie Stamey (Outreach & Volunteer Coordinator)	Sent most recent SMP Update message
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	Other Environmental Groups or Companies: Rebecca Phelps (Center for Environmental Law and Policy CELP), Sharon Rodman (iLANGA Inc. Environmental Coordination & Documentation), Amy Myers (The Watershed Company)	Sent most recent SMP Update message
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	Tim Attebery, King County Manager of Masterbuilders Association	Tim will serve as the main correspondent or representative of the Masterbuilders Association regarding any news on the SMP
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	Dave Russell and Nona Ganz (Past City of Kirkland Council Members)	Sent most recent SMP Update message
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	Andrew Hendrickson	Andrew shared SMP update message with his office
Email	09/07/06	Linh Huynh, Undergraduate Planning	David Woodson, Western Fisheries Research Center (WFRC)	Out of Office Reply

		Intern		
Email	09/07/06	Patrice Tovar, Project Manager & Linh Huynh, Undergraduate Planning Intern	n/a	Sent draft copy of SMP letter/flier to Patrice
Email	09/07/06	Patrice Tovar, Project Manager & Linh Huynh, Undergraduate Planning Intern	n/a	Request to add Barbara McGrath (contact for Denny Creek Neighborhood Alliance in annexation area) to database
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	Barbara McGrath, Denny Creek Neighborhood Alliance in Annexation Area	Sent most recent SMP Update message
Email	09/07/06	Patrice Tovar, Project Manager & Linh Huynh, Undergraduate Planning Intern	n/a	Request to add Shelley Taylor (Carillon Properties) to database.
Email	09/07/06	Linh Huynh, Undergraduate Planning Intern	Shelley Taylor, Carillon Properties	Sent most recent SMP Update message
	09/07/06	Linh Huynh (Undergraduate Planning Intern)	n/a	Posted all SMP public notice posters onto the signs.
Email	09/08/06	Linh Huynh (Undergraduate Planning Intern), Caryn Saban (Administrative Clerk), Theresa Stricker (Planning Receptionist), and Betty Kalan (Planning Department "On Call")	n/a	Prior notification on bulk mailing for more than 600 SMP letters
Mailing	9/06			Bulk mailing to all property owners and residents within shoreline jurisdiction
Public Notice Signs	09/10/06	Linh Huynh (Undergraduate Planning Intern)	n/a	Stapled envelop SMP flyers to each public notice sign.

Email	09/13/06	Patrice Tovar, Project Manager & Linh Huynh, Undergraduate Planning Intern	n/a	Informed Patrice hard copies have been mailed out on 09/12/06
Email	09/15/06	Linh Huynh, Undergraduate Planning Intern	Washington State Department of Ecology: Peter Skowlund, Richard Robohm, Rebekah Padgett, Erik Stockdale, Chuck Steele, Betty Renkor	Questioned whether DOE's list of required state and federal agencies online is the most recent list. Inquired if current Kirkland list of state and federal agencies meets all of the requirements.
Public Forum	9/18/2006			Public forums to: <ul style="list-style-type: none"> ▪ Inform interested parties about why the update is required, what is needed, and what issues may be addressed. ▪ Find out what issues are of greatest interest and concern to the stakeholders and, therefore, should be included in the project. ▪ Identify the City's and stakeholders' common interests in protecting the City's waterfront.
Public Notice Signs	09/21/06	Linh Huynh (Undergraduate Planning Intern),	n/a	Posted SMP poster and enveloped flyers onto the 2 new SMP public notice signs. Refilled all empty envelopments (on existing signs) with additional flyers.
Email	09/26/06	Patrice Tovar, Project Manager & Linh Huynh, Undergraduate Planning Intern	n/a	Request to add a comments column to the contact list as well as two additional individuals: Harold Forsen (President of Yarrow Shores Condominium Association) and residents Jack and Shaune Troutman
Public Forum and Shoreline Tour	9/30/06	Patrice Tovar, Project Manager		Public forum and a shoreline tour to: <ul style="list-style-type: none"> ▪ Inform interested parties about why the update is required, what is needed, and what issues may be addressed. ▪ Find out what issues are of greatest interest and concern to the stakeholders and, therefore, should be included in the project. ▪ Identify the City's and stakeholders' common interests in protecting the City's waterfront.

Email	09/29/06	Patrice Tovar, Project Manager & Linh Huynh, Undergraduate Planning Intern	n/a	Confirmed that Kathleen as well as all other missing HCC and City Council members are added to the contact list
Television	October 1-15			For the first two weeks in October 2006, videos of the forums and tour were broadcast on Kirkland's cable TV channel
Public Notice Signs	Fall 2006			Poster installed on public notice signs advising public about website and to Stay Tuned for future meetings in 2007
Public Notice Signs	Fall 2006			Flyer installed on public notice boards signs advising public of current status of SMP Update
Public Meeting	3/19/07	Patrice Tovar, Project Manager		Patrice Tovar attended 3/19/07 meeting of the North Rose Hill Neighborhood Association to introduce the SMP Update
Inventory Report Distribution	4/9/07	Patrice Tovar, Project Manager		Electronic copy of the Final Shoreline Inventory, Analysis, and Characterization Report posted on the Shoreline Master Program Update webpage
Listserv	6/15/2007	Patrice Tovar, Project Manager		Notice of July and August meetings before Planning Commission, Houghton Community Council and City Council
Public Notice Sign	June 2007			Installed new posters on public notice signs providing notice of July 12 and July 23 public meetings
Inventory Report Distribution	7/12/07	Patrice Tovar, Project Manager		Hard copy of the Final Shoreline Inventory, Analysis, and Characterization Report provided to Planning Commission members
Inventory Report Distribution	7/16/07	Patrice Tovar, Project Manager		Hard copy of the Final Shoreline Inventory, Analysis, and Characterization Report provided to Houghton Community Council Members
Inventory Report Distribution	8/2/07	Patrice Tovar, Project Manager		Hard copy of the Final Shoreline Inventory, Analysis, and Characterization Report provided to City Council
Listserv	7/10/2007	Patrice Tovar, Project Manager		Notice of availability of staff report for Planning Commission study session and notice of future meetings

Listserv	8/14/2007	Patrice Tovar, Project Manager		Notice of meeting cancellation
Listserv	9/7/07	Patrice Tovar, Project Manager		Notice of Shoreline Tour provided
Email	9/7/2007	Caryn Saban		Notice of Shoreline Tour provided to City Council, Houghton Community Council, Planning Commission members
Public Notice Signs	9/07			Notice of Shoreline Tour
Public Shoreline Tour	9/20/07			
Email	10/11/2007	Stacy Clauson, Project Manager	Attendees of Shoreline Tour	Notice sent to shoreline tour attendees encouraging them to continue involvement and sign up for listserv
Public Notice Signs	1/8/2008	James Dewar, Intern		New public notice signs and flyers installed. Notice of 2/25 HCC and 2/28 PC meetings placed on signs
Listserv	1/8/2008	Stacy Clauson, Project Manager		Notice of 2/25 HCC and 2/28 PC meetings sent to listserv
E-mail	1/8/2008	Stacy Clauson, Project Manager		Notice of 2/25 HCC and 2/28 PC meetings sent to SMP Update Contact List (government agencies, nongovernmental organizations, people with interest)
News Release	1/8/2008	Marie Stake, Communications Manager		Notice of SMP Update and of 2/25 HCC and 2/28 PC meetings distributed to news agencies
Newspaper (Kirkland Courier)	1/23/2008			News Release on SMP Update published in 1/23 edition of Kirkland Courier Update
Listserv	2/19/2008	Stacy Clauson, Project Manager		Notice of staff report materials available for review for 2/25 and 2/28 meetings

Houghton Community Council Meeting	2/25/2008	Stacy Clauson, Project Manager		Overview of project schedule, plan format, draft shoreline environment designations, and draft Shoreline land Use polices.
Planning Commission Meeting	2/28/2008	Stacy Clauson, Project Manager		Overview of project schedule, plan format, draft shoreline environment designations, and draft Shoreline land Use polices.
Public Notice Signs	3/4/2008	Greg Brey, Intern		Posted new notice for 3/13 PC meeting and new shoreline flier
Listserv	3/5/2008	Stacy Clauson, Project Manager		Notice of 3/13 PC meeting and availability of staff report. Notice of future meetings including 3/24, 4/8, and 4/14 meetings.
Public Notice Signs	3/14/2008	Greg Brey, Intern		Posted new notice for 3/24 HCC Meeting
Kirkland Alliance of Neighborhood Meeting	3/12/2008	Stacy Clauson, Project Manager		Brief introduction to SMP and request to encourage public participation in neighborhood association
City List-Serve (543 participants)	3/7/2008	Stacy Clauson, Project Manager		Notice of SMP Update Process and opportunities to participate in update process
Neighborhood Associations	3/7/2008	Stacy Clauson, Project manager		Notice of SMP Update Process and opportunities to participate in update process
Meeting	3/12/2008	Stacy Clauson and Paul Stewart	Richard Sandaas, SPOCA Member	Discuss SMP Update, including public participation, interests of SPOCA
Planning Commission Meeting	3/13/2008	Stacy Clauson, Project Manager		Overview of draft Shoreline land Use polices, draft Shoreline Environment Policies, and draft Shoreline Parks, Recreation and Open Space policies.
Listserv	3/20/2008	Stacy Clauson, Project Manager		Notice of 3/24 HCC meeting and availability of staff report. Notice of future meetings including 4/9, 4/10, and 4/24 meetings.
Newspaper	3/19/2008			Article on SMP Update: "City seeking input on shoreline update"

Houghton Community Council Meeting	3/24/2008	Stacy Clauson, Project Manager		Overview of draft Shoreline land Use polices, draft Shoreline Environment Policies, and draft Shoreline Parks, Recreation and Open Space policies.
Listserv	4/3/2008	Stacy Clauson, Project Manager		Notice of 4/10 PC meeting and availability of staff report. Notice of future meetings including 4/9, 4/24, 5/8, 5/27, and 6/9 meetings.
Public Notice Signs	4/4/2008	Greg Brey, Intern		Posted new notice for 4/10 and 5/8 PC Meeting and new shoreline flier
Parks Board Meeting	4/9/2008	Stacy Clauson and Paul Stewart		Overview of Shoreline Parks, Recreation and Open Space policies and Shoreline Environment Designations for public parks.
E-mail	4/4/2008	Stacy Clauson, Project Manager		E-mail to Zelma Zima at Governor's Office of Regulatory Assistance to obtain information on streamline permitting efforts
E-mail	4/4/2008	Stacy Clauson, Project Manager		E-mail to project attorneys representing shoreline overwater residential condominiums.
Planning Commission Meeting	4/10/2008	Stacy Clauson, Project Manager		Overview of draft Shoreline land Use polices, draft Shoreline Environment Policies, and draft Shoreline Parks, Recreation and Open Space policies.
City Update (Newspaper)	4/2008			Notice of public comment opportunities for Shoreline Update
Public Notice Signs	4/29/2008	Greg Brey, Intern		Re-posted notice for 5/8 PC Meeting
City Website	On-going	Stacy Clauson		On-going maintenance of Shoreline Master Program website
Listserv	5/1/2008	Stacy Clauson, Project Manager		Notice of 5/8 PC meeting and availability of staff report. Notice of future meetings including 5/27, and 6/9 meetings.
Planning Commission	5/8/2008	Stacy Clauson and Paul Stewart		Overview of draft policies.

Meeting				
Parks Board Meeting	5/14/2008	Stacy Clauson and Paul Stewart		Overview of Shoreline Parks, Recreation and Open Space policies and Shoreline Environment Designations for public parks.
SMP Contact List	5/2008	Greg Brey, Intern		Update SMP Contact list (e.g. newly elected officials, change in staff, etc.)
SMP Contact List	5/8/2008	Stacy Clauson, Project Planner		Sent e-mail to Joe Burcar to receive contact lists for Lake Washington shoreline planners.
Notice Boards	5/16/2008	Greg Brey, Intern		Posted notice of May 27th Houghton Community Council meeting and June 9th Open House. New flyers placed in sign boards.
SMP Contact List	5/19/2008	Caryn Saban, Administrative Assistant		Postcard notice of June 9th Open House sent to all property owners and residents within Shoreline Jurisdiction (3299 notices mailed) Postcard notice sent to all prior participants in SMP update process.
SMP Contact List	5/19/2008	Stacy Clauson, Project Planner		E-mail notice of June 9th Open House sent to SMP Contact List
Television	5/20/2008	Betty Kalan, Administrative Assistant		Posted notice of Community Open House on KGov
Newspaper	5/20/2008	Betty Kalan, Administrative Assistant		Published notice of Community Open House. E-mail of notice also sent to Chamber of Commerce, Kirkland Courier, Seattle Times, and Kirkland Library. Posted notice of meeting in City Hall Bulletin Board.
E-mail	5/20/2008	Heather Fralick, Economic Development Analyst		E-mail notification of meeting to Business Groups within Kirkland.
News Release	5/22/2008	Marie Stake, Communications Manager		News Release for Community Open House

Newspaper	5/26/2008	Prins Cowin, Administrative Supervisor		Publication of notice for Community Open House in Seattle Times
City Listserv	5/22/2008	Prins Cowin, Administrative Supervisor		Notice of Open House sent to Kirkland Neighborhood E-Bulletin listserv ((543 participants)
Listserv	5/22/2008	Stacy Clauson, Project Planner		Notice of Open House sent to SMP listserv (~ 110 participants)
City Website	5/28/2008	Stacy Clauson, Project Planner		Notice of Open House posted on main City web-site
Meeting	5/22/2008	Stacy Clauson, Project Planner		Attended Juanita Neighborhood Association to provide overview of SMP update
Houghton Community Council Meeting	5/27/2008	Stacy Clauson, Project Planner		Overview of draft policies.
SMP Website	5/23/2008	Stacy Clauson, Project Planner		Posted draft goals and policies on website for public comment.
City Council Update	6/2/2008	Stacy Clauson, Project Planner		Information for 6/2/2008 City Council reading file updating City Council on progress and next steps
E-mail	6/4/2008	Jim McElwee, Chair of Kirkland Alliance of Neighborhoods		Notice to Neighborhood Representatives about meeting
Notice Boards	6/5/2008	Greg Brey, Intern		Notice of Open House posted on boards
Newspaper (Kirkland Reporter)	6/4/2008	Stacy Clauson, Project Planner		Articles on SMP Update: "City preparing update to shoreline plan" and "Calling all who care about Kirkland's shorelines"
Open House	6/9/2008	Staff		Open House for Shoreline Master Program
Survey	6/10/2008	Interns		Notice of survey posted on website, cable TV, on flyers on public notice signs, at City Hall, and sent to both Shoreline and City list-serv.

Notice Boards	6/20/2008	Greg Brey & Stefanie Loomis, Interns		Notice boards updated with new schedule and flyer describing opportunities to participate, including review of draft goals and policies and survey.
Neighborhood Association Meeting	6/23/2008	Amy Summe, City Consultant		Attended Lakeview Neighborhood Association to make brief presentation on SMP Update
Listserv	6/24/2008	Terrence Creighton		Notice sent of survey and project schedule, with meetings to start in September
SMP Website	6/25/2008	Jon Regala		Posted Summary of Open House on website
Notice Boards	6/25/2008	Stefanie Loomis, Intern		Notice of September 11 Planning Commission meeting posted on boards
Notice Boards	9/2/2008	Stefanie Loomis, Intern		Notice of September 11 & October 9 Planning Commission meeting posted on boards. Updated flyer describing opportunities to participate, including review of draft goals and policies and survey
Planning Website	9/2/2008	Jon Regala		Update to SMP posted on Planning website, including notice of September 11 Planning Commission meeting.
Listserv	9/3/2008	Jon Regala		Notice sent of September 11 & October 9 Planning Commission meetings
Planning Commission	9/11/08	Stacy Clauson, Paul Stewart, Teresa Swan and Amy Summe		Reviewed environmental designations, uses and activities, critical areas and public access, and obtained direction
Listserv	9/16/08	Teresa Swan, project planner		Notice sent on October 9, 2008 Planning Commission meeting and October 27, 2008 Houghton Community Council meeting. Mention of November 20, 2008 Planning Commission meeting.
Notice Boards	9/18/08	Greg Brey, intern		Notice of October 9, 2008 Planning Commission meeting and October 27, 2008 Houghton Community meeting with a flyer with some potential changes to regulations

Meeting with interested citizens	9/22/08	Teresa Swan, Stacy Clauson, Paul Stewart and City consultants		Meet with Mark Nelson and Robert Sandaas, interested waterfront property owners
Planning Website	9/25/08	Jon Regala		Added overall project schedule, upcoming meeting dates, link to packets, and key issues
Listserv	10/6/08	Jon Regala		Notice of updated Planning website
Planning Commission meeting	10/9/08	Stacy Clauson, Paul Stewart, Teresa Swan and Amy Summe		Reviewed draft regulations on bulkheads and mitigation options
Notice Boards	10/17/08	Greg Brey, Intern		Posted updated flyer with notices of November 20 Planning Commission and November 24 Houghton Community Council meetings
Planning Website	10/17/08	Jon Regala		Added upcoming meetings, links to studies and more general information
Listserv	10/21/08	Teresa Swan		Notice of updated Planning website
Planning website	11/3/08	Jon Regala		Added flyer, summary of why SMP must be updated and City Council informational memo with attachments
Listserv	11/4/08	Teresa Swan		Notice of updated Planning website
Flyer	11/4/08	Angela Mason and Teresa Swan		Mailed out flyer on shoreline stabilization and storm water flow into Lake Washington
Neighborhood Association meeting	11/17/08	Teresa Swan		Meet with Moss Bay Neighborhood Association, made a presentation and answered questions
Planning website	11/18/08	Jon Regala		Added PC 11/20 and HCC 11/24 meeting packet links
Listserv	11/20/08	Teresa Swan		Notice of updated Planning website

Neighborhood Association Meeting	11/19/08	Paul Stewart and Amy Summe		Meet with Market Neighborhood Association, made a presentation and answered questions
Planning Commission meeting	11/20/08	Stacy Clauson, Paul Stewart, Teresa Swan and Amy Summe		Reviewed bulkheads and shoreline setbacks
Houghton Community Council	11/24/08	Stacy Clauson, Paul Stewart, Teresa Swan and Amy Summe		Reviewed environmental designations, uses and activities, general regulations, critical areas and other topics.
Notice boards	12/5/08	Stefanie Loomis, intern		Posted new updated flyers.
Planning web site	12/10/08	Jon Regala		Added upcoming meetings and past power point presentations.
Listserv	12/10/08	Teresa Swan		Send out notice of updates to web site.
Planning Commission meeting	12/11/08	Stacy Clauson, Paul Stewart, Teresa Swan and Amy Summe		Reviewed shoreline setback and general regulations.
Notice Boards	9/18/08	Stefanie Loomis, intern		Notice of December 11, 2008, January 22, 2009 Planning Commission meeting and January 26, 2009 Houghton Community meeting with a flyer with some potential changes to regulations
Planning web site	12/16/08	Jon Regala		Added upcoming 2009 meetings and link to power point presentation of 12/11/08
Listserv	12/16/08	Teresa Swan		Sent out notice of updates to web site.
Notice boards	12/19/08	Stefanie Loomis, intern		Posted new updated flyers.
Notice boards	12/29/08	Stefanie Loomis, intern		Posted new updated flyers for the revised planning commission meetings on Jan 8 and Jan 22, 2009

Planning web site	01/05/09	Jon Regala		Added link to the Planning Commission meeting packet of 1/8/09
Listserv	01/05/09	Teresa Swan		Sent out notice of update to web site.
Planning Commission meeting	01/08/09	Stacy Clauson, Paul Stewart, Teresa Swan		Reviewed Shoreline regulations
Website	01/12/09	Jon Regala		Added link to the power point presentation for the Planning Commission meeting on January 8, 2009.
Listserv	01/13/09	Teresa Swan		Sent out notice of update to web site
Meeting with interested citizens	1/13/09	Paul Stewart, Teresa Swan		Met with Bob Style, a shoreline property owner, to talk about regulations.
Website	01/20/09	Jon Regala		Added link to the Planning Commission packet of January 22, 2009, to the City of Seattle's Green Shorelines guidebook and more scientific research site.
Listserv	01/20/09	Teresa Swan		Sent out notice of update to web site
Cable channel	01/20/09	Teresa Swan and Betty Kalan		Prepared notice for the City's cable channel about Green Shorelines guidebook.
Currently Kirkland	01/20/09	Teresa Swan and Tanya Woo		Notice will be provided on the City's TV production about the shoreline property owner workshop.
Planning Commission meeting	1/22/09	Stacy Clauson, Paul Stewart, Teresa Swan		Reviewed Shoreline regulations
Meeting with interested citizens	2/11/09	Paul Stewart, Teresa Swan		Met with Bob Style, a shoreline property owner, to talk about regulations.

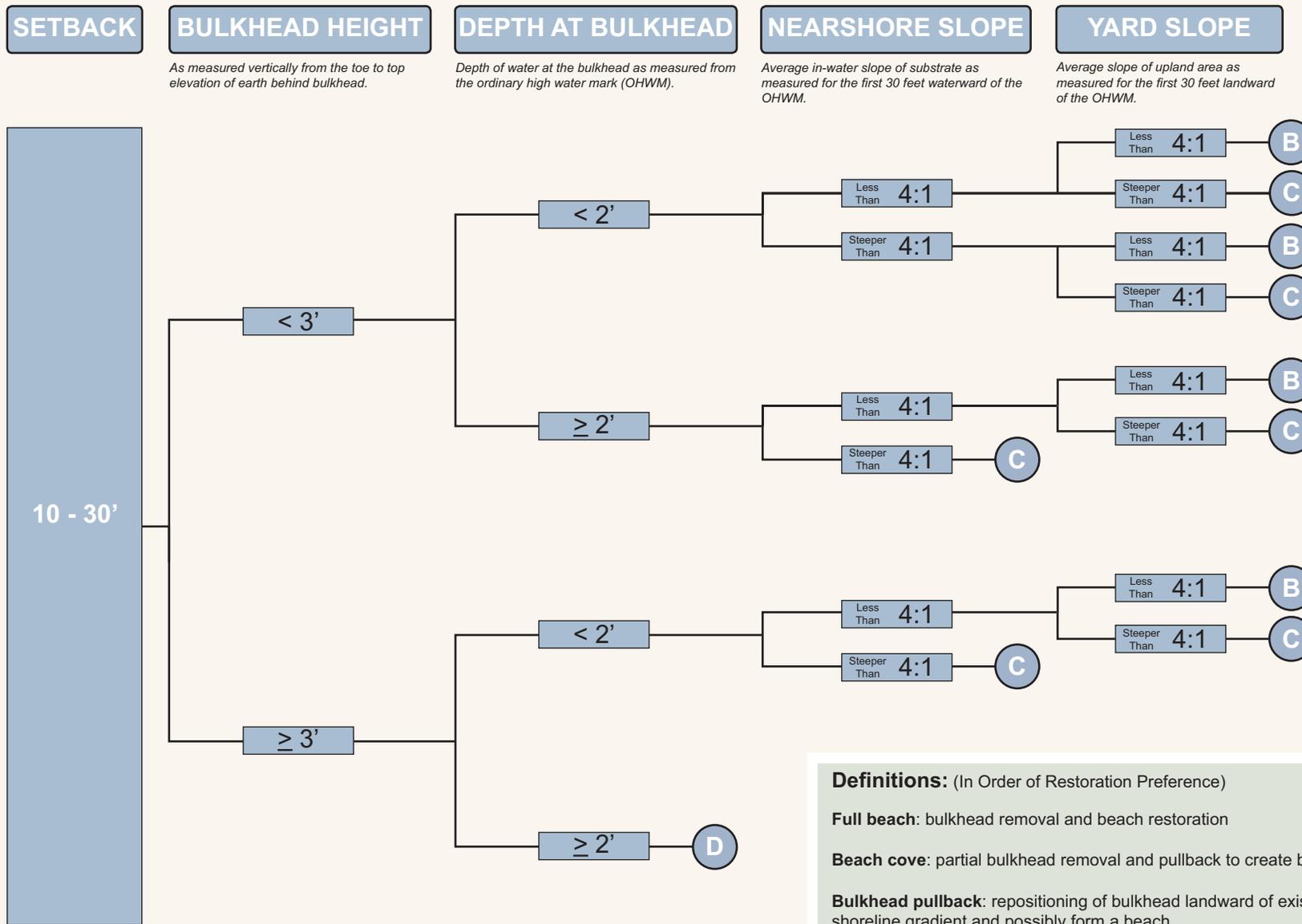
Houghton Community Council	1/26/09	Stacy Clauson, Paul Stewart, Teresa Swan		Reviewed Shoreline regulations
Website	1/27/2009	Jon Regale		Updated to provide link to power point presentation, PC/HCC meeting schedule, scientific and other information. For PC meeting 1/22/09
Website	1/27/2009	Jon Regale		Updated to provide link to power point presentation, PC/HCC meeting schedule, scientific and other information. For HCC meeting 1/26/09
List Serv	1/28/2009	Teresa Swan		Notified list serv of website update.
Notice Boards	2/6/09	Stefanie Loomis, intern		Posted new flyers for the Houghton Community Council Meeting on Feb 23 and the Shoreline Property Owner Workshop on Feb 28.
SMP Contact List	2/9/2009	Caryn Saban, Administrative Assistant		Mailed out postcard notice to 1600 property owners along the shoreline for the 2/28/09 property owner workshop.
Houghton Community Council	2/23/2009	Stacy Clauson, Paul Stewart, Teresa Swan		Reviewed Shoreline regulations
Website	2/24/2009	Jon Regale		Updated to provide link to power point presentation, PC/HCC meeting schedule, scientific and other information. For HC meeting 2/23/09
List Serv	2/25/2009	Teresa Swan		Notified list serv of website update.
Shoreline Property Owner Workshop	2/28/2009	Stacy Clauson, Paul Stewart, Teresa Swan		Provided info on draft regulations and received comments
Notice boards	3/5/09	Stefanie Loomis, intern		Posted new flyers for the Planning Commission meeting on March 12, 2009 and Houghton Community Council meeting on March 23, 2009.
Planning Commission	3/12/09	Stacy Clauson, Paul Stewart, Teresa Swan,		Reviewed Shoreline regulations

meeting		Eric Shields		
Website	3/16/2009	Jon Regale		Updated to provide link to power point presentation, PC/HCC meeting schedule, scientific and other information. For PC meeting 3/12/09
Listserv	3/17/2009	Teresa Swan		Notified list serv of website update.
Houghton Community Council	3/23/2009	Stacy Clauson, Paul Stewart, Teresa Swan		Reviewed Shoreline regulations
Website	3/24/2009	Jon Regale		Updated to provide link to power point presentation, PC/HCC meeting schedule, scientific and other information. For HC meeting 3/23/09
Listserv	3/25/2009	Teresa Swan		Notified listserv of website update.
SMP Contact List	3/26/2009	Teresa Swan		Emailed notice to participants in the focus group meeting of April 9 th . 2009 before the PC.
Planning Commission meeting	4/9/2009	Stacy Clauson, Paul Stewart, Teresa Swan, Eric Shields Joe Burcar from DOE	Invited interested shoreline property owners	Met with shoreline property owners to discuss concerns and questions on the draft regulations
Website	4/14/2009	Jon Regale		Updated to provide link to power point presentation, PC/HCC meeting schedule, scientific and other information. For PC meeting 4/9/09
Listserv	4/15/2009	Teresa Swan		Notified listserv of website update.
Notice Boards	4/17/2009	Stefanie Loomis		Posted new flyers for the PC on April 23 and May 28, 2009 and HCC on May 20, 2009.
Planning Commission meeting	4/23/09	Stacy Clauson, Paul Stewart, Teresa Swan, Eric Shields		Reviewed regulations and discussed meeting of 4/9/09 with focus group

Website	4/28/09	Jon Regala		Updated to provide responses to questions from the 2/28/09 workshop, power point presentation from the PC 4/23 meeting and additional links to background information.
Listserv	4/30/09	Teresa Swan		Notified listserv of website update.
Shoreline Focus group meeting	5/4/09	Stacy Clauson, Paul Stewart, Teresa Swan Joe Burcar from DOE	Invited a select group (those who have shown interest in regulations) for focus group meeting	Met with focus group to discuss draft setback, pier and shoreline modification regulations and to get their input on other potential changes to height and yard setbacks.
Houghton Community Council	5/20/09	Stacy Clauson, Paul Stewart, Teresa Swan		Reviewed draft regulations, Restoration Plan and Cumulative Impact Analysis
Planning Commission meeting	5/28/09	Stacy Clauson, Paul Stewart, Teresa Swan		Reviewed draft regulations, Restoration Plan and Cumulative Impact Analysis
Website	6/8/09	Jon Regala		Update to reflect upcoming meetings, meeting packets, power point presentations and other information
Listserv	6/10/09	Teresa Swan		Sent notice
Notice Board	6/12/09	Stefanie Loomis		Posted revised notice of meetings on boards
Website	6/15/09	Jon Regala		Current draft SMP available as separate link and meeting packets
Listserv	6/16/09	Teresa Swan		Sent notice
Houghton Community Council meeting	6/22/09	Stacy Clauson, Paul Stewart, Teresa Swan		Reviewed draft regulations, Restoration Plan and Cumulative Impact Analysis

Open House Public Hearing Notice	6/22/09	Angela Mason		Emailed notice to agencies, environmental groups, adjacent cities, county, boards and commissions interested parties Mailed postcard notice to property owners and residents
Planning Commission meeting	6/25/09	Stacy Clauson, Paul Stewart, Teresa Swan		Reviewed draft regulations, Restoration Plan and Cumulative Impact Analysis

Notes: Sites with less than a 10' building setback are not included with this decision tree as those sites will likely require some form of hard armoring. However, those sites may still benefit from the addition of an in-water gravel/cobble wedge to improve shoreline gradient along with a native plant buffer.



Typical Options:

- (A) Full beach, beach cove, pullback, bioengineering, enhancement, gradient improvement
- (B) Beach cove, pullback, bioengineering, enhancement, gradient improvement
- (C) Pullback, bioengineering, enhancement, gradient improvement
- (D) Bioengineering, enhancement, gradient improvement

Definitions: (In Order of Restoration Preference)

Full beach: bulkhead removal and beach restoration

Beach cove: partial bulkhead removal and pullback to create beach cove

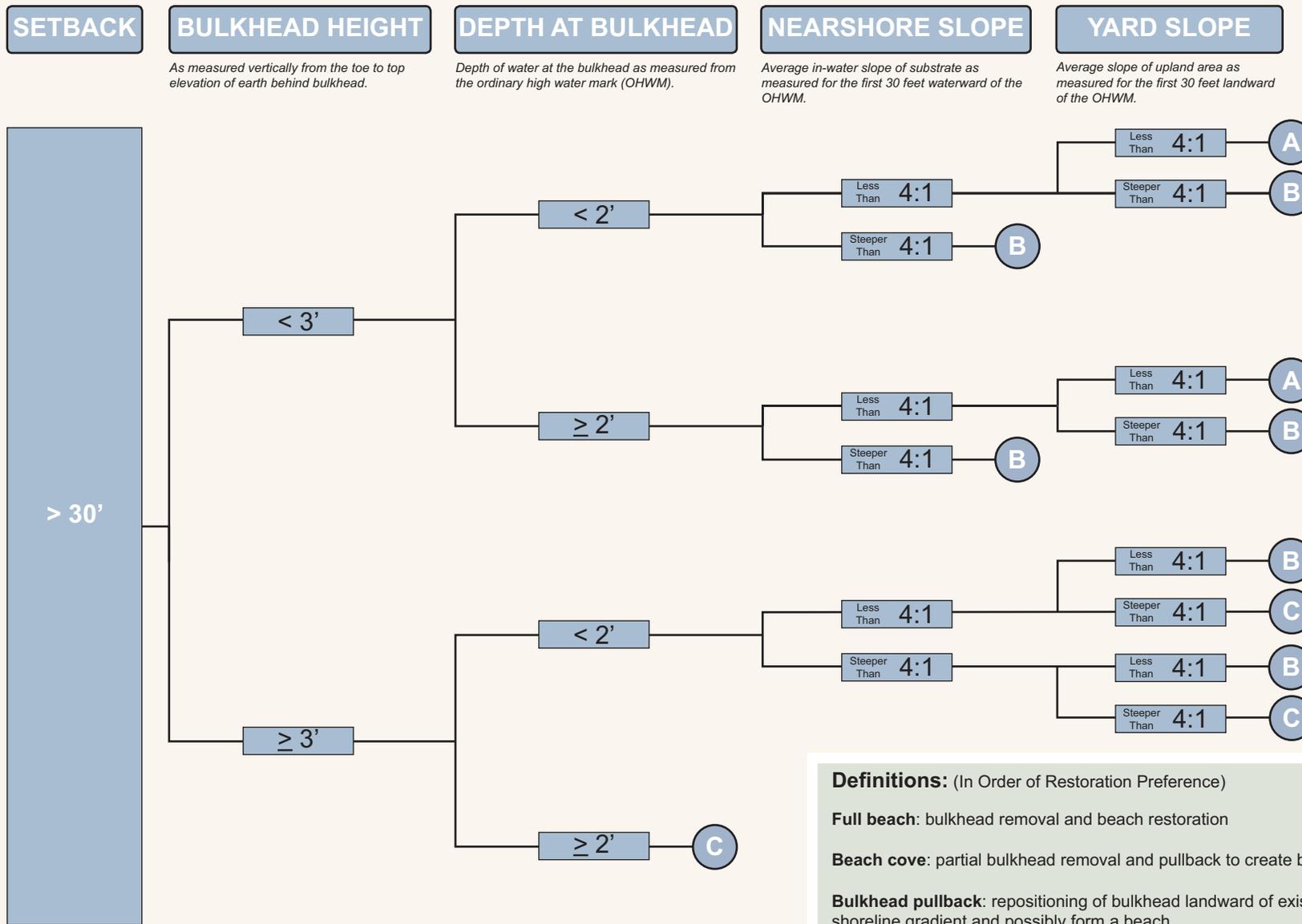
Bulkhead pullback: repositioning of bulkhead landward of existing location to improve shoreline gradient and possibly form a beach

Slope bioengineering: shoreline stabilization using plant material and other biodegradable materials to hold upland soils in place

Bulkhead enhancement: bulkhead may stay in same general location, but modifications may include sloping back existing hard structure and/or modifying material type and layout to create potential pocket beach areas.

Nearshore gradient improvement: installation of gravel/cobble substrate wedge for the purposes of improving nearshore gradients

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Nearshore gradient improvement: installation of gravel/cobble substrate wedge for the purposes of improving nearshore gradients

Fact Sheet

Action Sponsor and Lead Agency	City of Kirkland Department of Planning and Community Development
Proposed Action	Legislative adoption of Shoreline Master Program update (policies, regulations and restoration plan) generally following the review process of Chapter 160 KZC (Process IV)
Responsible Official	<hr/> Eric R. Shields, AICP Planning Director
Contact Person	Paul Stewart, Deputy Director, (425) 587-3227 or Teresa Swan, Senior Planner, (425) 587-3258, City of Kirkland
Required Approvals	Initial adoption by Kirkland City Council to be transmitted to the Department of Ecology for final approval
Location of Background Data	File ZON06-00017 City of Kirkland Department of Planning and Community Development 123 Fifth Avenue Kirkland, WA 98033
Date of Issuance	July 16, 2009

City of Kirkland

Process IV Shoreline Master Program Update

EIS Addendum dated July 16, 2009

File No. ZON06-00017

I. Background

The City of Kirkland proposes to adopt a Shoreline Master Program (SMP) update consisting of new shoreline goals and policies, regulations and a restoration plan. The SMP update consists of amendments to the City's Comprehensive Plan and Zoning Code generally following the process outlined in Chapter 160 KZC, Process IV with adoption by City Council and final approval of the City's Shoreline Master Program update by the Department of Ecology.

This Environmental Impact Statement (EIS) Addendum is intended to fulfill the environmental requirements pursuant to the State Environmental Policy Act (SEPA).

II. EIS Addendum

According to the SEPA Rules, an EIS addendum provides additional analysis and/or information about a proposal or alternatives where their significant environmental impacts have been disclosed and identified in a previous environmental document (WAC 197-11-600(2)). An addendum is appropriate when the impacts of the new proposal are the same general types as those identified in the prior document, and when the new analysis does not substantially change the analysis of significant impacts and alternatives in the prior environmental document (WAC 197-11-600(4)(c), -625 and -706).

The City published the *2004 Draft and Final Environmental Impact Statement for the City of Kirkland Comprehensive Plan 10-year Update*. This EIS addressed the 2004 Comprehensive Plan, Zoning Code and Zoning Map updates required by the Washington State Growth Management Act (GMA). Elements of the environment addressed in this EIS include population and employment growth, earth resources, air quality, water resources, plants and animals, energy, environmental health (noise, hazardous materials), land use, socioeconomics, aesthetics, parks/recreation, transportation, and public services/utilities.

In addition, this EIS specifically addressed the 2009 update to the City's Shoreline Master Program that is being proposed now (Relationship to Plans and Policies, page 3-47). Both the No Action and the Proposed Action alternatives in the EIS did not differ in their consistency with the Shoreline Management Act requirements.

This addendum to the *2004 Draft and Final Environmental Impact Statement for the City of Kirkland Comprehensive Plan 10-year Update* is being issued pursuant to WAC 197-

11-625 to meet the City’s SEPA responsibilities. The EIS evaluated plan alternatives and impacts that encompass the same general policy direction, land use pattern, and environmental impacts that are expected to be associated with the proposed Shoreline Master Program update discussed herein. While the specific location, precise magnitude, or timing of some impacts may vary from those estimated in the *2004 Draft and Final Environmental Impact Statement for the City of Kirkland Comprehensive Plan 10-year Update*, they are still within the range of what was evaluated and disclosed there. No new significant impacts have been identified.

III. Non-Project Action

Decisions on the adoption or amendment of the Shoreline Master Program are referred to in the SEPA rules as “non-project actions” (WAC 197-11-704(2)(b)). The purpose of an EIS in analyzing a non-project action is to help the public and decision-makers identify and evaluate the environmental effects of alternative policies, implementation approaches, and similar choices related to future growth. While plans and regulations do not directly result in alteration of the physical environment, they do provide a framework within which future growth and development – and resulting environmental impacts – will occur. Both the adoption of the Comprehensive Plan evaluated in the *2004 Draft and Final Environmental Impact Statement for the City of Kirkland Comprehensive Plan 10-year Update* and eventual action on the Shoreline Master Program update are “non-project actions”.

IV. Environmental Analysis

The *2004 Draft and Final Environmental Impact Statement for the City of Kirkland Comprehensive Plan 10-year Update* evaluated the environmental impacts associated with adoption of proposed policies and land use designations. The plan’s policies are intended to accomplish responsibilities mandated by the Washington State Growth Management Act (GMA), and to mitigate the impacts of future growth. In general, environmental impacts associated with the proposed Shoreline Master Program are similar in magnitude to the potential impacts disclosed in the *2004 Draft and Final Environmental Impact Statement for the City of Kirkland Comprehensive Plan 10-year Update*. As this proposal is consistent with the policies and designations of the Comprehensive Plan and the environmental impacts disclosed in the *2004 Draft and Final Environmental Impact Statement for the City of Kirkland Comprehensive Plan 10-year Update*, no additional or new significant impacts beyond those identified in the EIS for the Comprehensive Plan are anticipated.

V. Description of the Proposed Shoreline Master Program

The Shoreline Master Program consists of the following three components:

A. COMPREHENSIVE PLAN

The proposal would add a new Shoreline chapter to the City Comprehensive Plan containing new shoreline goals and policies. The new chapter is divided into seven topic sections: land use, environment, park, open space and recreation; transportation, utilities, design, and archaeological, historic and cultural. The goals and policies within the new Shoreline chapter would be consistent with the existing goals and policies found in the Comprehensive Plan (see Attachment A).

B. ZONING CODE

The proposal would add two new chapters to the Kirkland Zoning Code. Chapter 83, Shoreline Management, would contain such regulations as shoreline designations, land use, shoreline modifications (piers, marinas, shoreline stabilization, landfill, etc), setbacks from the lake, vegetation within the shoreline setback , parking, lighting, critical areas and non-conformances. Chapter 141, Shoreline Administration, would cover the City's shoreline permit process. In addition, amendments are proposed to the existing Waterfront District use zone charts in Chapter 30 of the Zoning Code for building height and setbacks. Lastly, minor housekeeping amendments are proposed to other sections of the Zoning Code to make the code internally consistent with the new shoreline regulations (see Attachment B and summary of key Zoning Code changes).

C. RESTORATION PLAN

A required component of a Shoreline Master Program is a Restoration Plan to assure that no net loss of shoreline ecological functions is met through a combination of regulations and restoration projects. The plan consists of baseline shoreline conditions, a list of restoration goals and objectives, a list of existing or potential city programs and projects that positively impact the shoreline environment and a ranking analysis of designated projects on both ecological benefit and overall feasibility (see Attachment C).

VI. **Public Involvement**

A public involvement plan for the update to the Shoreline Master Program was prepared and approved. Along with public meetings before the Planning Commission and Houghton Community Council, a variety of public involvement activities have occurred over the past three years including community forums, shoreline tours, open houses, neighborhood meetings , e-mail notices, newspaper articles, workshops and small focus group meetings . These have been documented in the official file (**ZON06-00017**).

The Planning Commission will hold a public hearing on July 23, 2009 and the Houghton Community Council will hold a public hearing on July 27, 2009 respectively. Public notice of the amendments and the public hearings is being provided in accordance with State law. Following the public hearings, the Planning Commission and Houghton Community Council will make a recommendation to the Kirkland City Council. The

City Council is scheduled to take action on the proposal in November 2009. All dates are subject to change.

VII. Conclusion

This EIS Addendum fulfills the environmental review requirements for the proposed Shoreline Master Program update. The impacts of the proposal are within the range of impacts disclosed and evaluated in the *2004 Draft and Final Environmental Impact Statement for the City of Kirkland Comprehensive Plan 10-year Update*; no new significant impacts have been identified. Therefore, issuance of this EIS Addendum is the appropriate course of action.

Attachments:

A - Shoreline Chapter of the Comprehensive Plan

B - Chapter 83 and 141 of the Kirkland Zoning Code and a summary of key changes

C – Restoration Plan



RECEIVED
JUN 16 2009

____ AM ____ PM
PLANNING DEPARTMENT
BY _____

June 15, 2009

Paul Stewart, Deputy Director
Kirkland Planning Department
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033

Dear Mr. Stewart:

I am writing on behalf of the Kirkland Lakeshore Association (KLA), an organization comprised of owners of property along the shores of Lake Washington within the Kirkland city limits, and others interested in promoting the well-being of Kirkland's lakeshore. KLA is very concerned with several of the proposed requirements being considered as part of the new Kirkland Shoreline Master Program (SMP). KLA would like further time to engage the City in an honest dialogue leading to changes in the SMP that meet the requirements of state law but reflect the needs of Kirkland's citizens.

I have been asked by KLA to independently evaluate the current draft of the SMP in light of the legal standards for the City's SMP update under state law. As a land use attorney with over 22 years experience drafting, evaluating and challenging land use plans and regulations, including shoreline and critical area regulations, I have particular expertise to conduct this review. I am keenly aware of the provisions of Washington's Shoreline Management Act, Chapter 90.58 RCW (the "Act"), the Washington Department of Ecology's Shoreline Master Program Guidelines, Chapter 173-26 WAC (the "Guidelines"), and the responsibility for local governments, such as Kirkland, to update their SMP to meet the requirements of the Act and the Guidelines.

Based upon my review of the current draft SMP and the discussions in various memorandum and reports prepared by your staff and the City's consultant, it is clear that many of the specific requirements being recommended by staff for the SMP go far beyond the requirements of the Guidelines and do not adequately consider several fundamental provisions of the Act.

KLA recognizes that Kirkland's shorelines are a valuable natural resource that needs to be protected. KLA acknowledges that the Act and Guidelines establish important policies and requirements and support the protection of the lakeshore.

KLA's concern, however, is that the SMP is supposed to recognize single family residences as a preferred shoreline use; to avoid taking of private property; and to consider other existing federal, state and local regulations that already control most shoreline development. The SMP is supposed to be founded upon applicable scientific studies of ecological resources not simply an assumption that certain development standards must be implemented. The appropriate balance seems to have been lost in the current draft.

The Act recognized that single family residences are a "preferred use" along shorelines. "[A]lterations of the natural conditions of the shorelines . . . shall be given priority for single family residences and their appurtenant structures . . ." RCW 90.58.020. The Act expressly requires master programs to include provisions for the "protection of single family residences and appurtenant structures against damage or loss due to shoreline erosion." Single family residences are so much a preferred use that their construction is exempt from obtaining a Shoreline Substantial Development Permit. RCW 90.58.030.(3)(e)(iv).

Property rights are to be protected in all SMPs. For example, the "Governing principles of the Guidelines" note that local governments should assure that "proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights." WAC 173-26-186 (5). Local governments are directed to "design and implement such regulations and mitigation standards in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property." WAC 173-26-186 (6)(b)(i). Ecology has expressly acknowledged that any approach to implementing the "no net loss" requirements "must honor the requirements established in case law concerning nexus and proportionality of requirements imposed on development . . ." What Does No Net Loss Mean in the 2003 SMA Guidelines, Draft Publication 04-06-020, June 2004, Department of Ecology.

Kirkland is not obligated to implement a "one size fits all" set of requirements, yet the approach taken by the City's consultants reflect otherwise. The Guidelines expressly recognize that "local governments have reasonable discretion to balance the various policy goals of this chapter, in light of other relevant local, state, and federal regulatory and nonregulatory programs, and to modify master programs to reflect changing circumstances." WAC 173-26-186(9). Before adopting additional mandates, jurisdictions are supposed to "consider the beneficial effects of any established regulatory programs under other local, state and federal laws" in assessing regulations needed to ensure no net loss of ecological functions. WAC 173-26-186(8). It appears that the existing state and federal requirements that tightly regulate in-water work and other city zoning and stormwater standards have been ignored. Finally, in planning for restoration, the Guidelines emphatically note that the approach "may vary significantly among local jurisdictions." Instead of offering a broad spectrum of choices, many of which would better accommodate residential uses, the City's consultants have provided a narrow approach without flexibility.

KLA is particularly concerned with the consultant's inappropriate use of ecological studies undertaken on buffers in natural forested environments in developing buffer requirements on the developed urban shorelines of Kirkland. The technical reports cited on pages 7 to 9 of the

April 15, 2009, memorandum from Stacy Clauson to the Planning Commission are studies evaluating the biological benefit of fully functioning buffers in a natural forested condition. It is a fatal flaw for the SMP to propose setbacks in an urban setting, allegedly needed to prevent a net loss of ecological functions, based upon these inapplicable reports. These studies provide no tools to evaluate whether the existing buffer widths in the urban setting of Kirkland's shoreline would result in a loss of ecological productivity if maintained. Unless and until the City has scientific evidence that significant additional setbacks are needed, it is improper to include additional setbacks requirements in the SMP under the guise of being needed to avoid loss of ecological function.

Because of the City's lack of adequate outreach to those most affected by the proposed changes to the SMP and because of the need to develop specific revisions that better accommodate lakeshore owners, KLA requests that the City seek a one-year extension from the Department of Ecology to finalize the SMP update. The Act requires Ecology to freely grant such a request:

Local governments may be provided an additional year beyond the deadlines in this section to complete their master program or amendment. The department shall grant the request if it determines that the local government is likely to adopt or amend its master program within the additional year.

RCW 90.58.080(8). I am aware that other cities in the central Puget Sound area are taking advantage of this one-year extension.

KLA proposes that during this additional time period, KLA and other stakeholders be engaged in further dialogue with the City in order to ensure that the adopted SMP both complies with the applicable Guidelines and addresses the needs and concerns of affected property owners. During this time period, we ask that you consider a number of issues, including the following:

1. All existing residential uses should be fully grandfathered with more flexible modification provisions than currently applicable under nonconforming use rules.
2. All mitigation requirements should be limited by an express "reasonable and proportional" standard that would limit the cost and scope of mitigation under particular circumstances.
3. A reasonable "upper bound" on the costs of any particular mitigation measures should be established for single family residences. This could be a fixed dollar limit or a percentage of the related development. Either way, this would prevent imposition of abusive requirements that create a hardship on single family owners.
4. The setback standard should be revised to allow existing setbacks to be met unless the City demonstrates that compliance with such setback would cause a decrease in the inventoried ecological functions for that shoreline.

Mr. Paul Stewart

- 4 -

June 15, 2009

KLA is developing additional specific recommendations and will be sharing these ideas in the very near future. Additionally, as you proceed with consideration of the draft SMP, we ask you to be mindful of the discretion you have in achieving the proper balance between preferred and protected single family interests and ecological resources and not blindly following the single path being promoted by a few.

Thank you for this opportunity to provide comments from your lakefront single family homeowners.

Very truly yours,

A handwritten signature in black ink, appearing to read "Brent Carson", written over a horizontal line.

Brent Carson

BC:tt

cc: Client

KIRKLAND LAKESHORE ASSOCIATION

A voluntary association dedicated to promoting the well-being of Kirkland's lakeshore

RECEIVED

To Kirkland City Council Members
Cc Planning Commission and Planning Staff
From Kirkland Lakeshore Association
Re Kirkland's SMP Update
Date June 12, 2009

JUN 22 2009

CITY OF KIRKLAND
CITY MANAGER'S OFFICE

The Kirkland Lakeshore Association (KLA) is a voluntary, non-affiliated, unincorporated association of over 80 Kirkland property owners and others interested in promoting the well-being of the Kirkland lakeshore. KLA was formed in 2009 to help inform members about the SMP Update process and to provide constructive feedback to public employees and officials. In order to accomplish these goals, KLA members need time to evaluate the current draft SMP proposal. With that goal, we ask that the City Council request an extension to the deadline to enact the SMP Update. Details of this request are provided below.

Lakeshore Property Owners Care Deeply About the Environment

No one cares more about the health of the lakeshore than the people who live on it. KLA members strongly support reasonable regulation of lakeshore property uses as well as voluntary efforts to improve ecological functions. Many owners are dedicated environmentalists who not only support environmental causes but have expended considerable sums of money reducing lakeshore impacts of their own property through voluntary actions such as native plantings, "soft" shoreline projects, dock decking upgrades, and the like. KLA members do and will support a reasonable SMP Update in Kirkland.

There Has Been Limited Time for Property Owner Evaluation

Unfortunately, it has been difficult for lakeshore property owners to become informed of and understand the effects of the Kirkland SMP Update. Although the process of creating the regulations has been underway for almost two years, the completed draft proposal was not available until March 30, 2009. As laypersons, the property owners could not effectively respond to or provide input on the SMP until they had the draft to review. Therefore, many lakeshore property owners have not had the opportunity to adequately understand how the proposed regulations will affect them. To assist in this process, KLA has retained expert legal counsel, who has been tasked with providing an independent evaluation of the proposed Update. These findings of counsel (attached) have only now been received for distribution to the KLA membership. As is evident from counsel's evaluation, there are a number of significant issues that will need to be addressed to alleviate the concerns of members. Clearly, this will take more time than is contemplated by the schedule published by planning staff, which has work on the draft completed in July for consideration by the City Council in August.

There Is a Reasonable Solution: Deadline Extension

Fortunately, there is a reasonable solution specifically provided for by State law: Kirkland may request an extension to the deadline to enact the SMP Update (currently December 2009). Applicable law provides that a one year extension "shall" be granted if requested. See, advice of counsel letter.

What Benefits Would Come From an Extension?

First, additional time will allow all affected property owners to learn precisely how the current proposal will affect them, something that has not been possible to date. Second, additional time will allow KLA and its members a reasonable opportunity to provide well-informed feedback. KLA would anticipate facilitating this through member education activities, workshops, and other opportunities for its members to receive specific information relating to their properties. In addition, more time will allow Kirkland to benefit from the experiences of other municipalities and their SMP Update processes, some of which border on the same body of water. Finally, additional time will allow all parties to reach a consensus so that Kirkland's SMP Update can be supported by all concerned.

We believe there is every upside and no downside to an extension request. The KLA remains dedicated to crafting a reasonable SMP Update which all parties can support. Thank you for your consideration.

KLA Organizing Members: Kevin Harrang, Rob Horwitz, Mark Nelson, Cindy Zech, Gary Gelow, Randy Zeller

Teresa Swan

From: Lisa A. McConnell [kirby994@verizon.net]
Sent: Monday, June 29, 2009 7:21 PM
To: Teresa Swan
Subject: please forward to HCC
Attachments: shorebird and airplane noise ref.docx

Dear Teresa Swan,

Below is the text of comments I made regarding the Shoreline Master Plan at the last Houghton Community Council meeting. I've attached the references as well. If you could please forward this on to Houghton Community Council members, I would greatly appreciate it.

Lisa McConnell

Dear Houghton Community Council members,

I would like to address a specific portion of the Shoreline Master Plan that gives me a great deal of concern. It is obvious to me that the City of Kirkland has spent tremendous effort to balance homeowner concerns with the needs of the shoreline environment and wildlife. Both the Planning Commission and the Houghton Community Council have taken particular care to ensure no net loss of ecological function of our City's precious shoreline. This makes the inclusion of float plane service all the more confusing to me.

I do not want to include float planes service as part of the Shoreline Master Plan for several reasons:

1. Threat to wildlife. It took me very little time on the internet to find scientific citations and studies of the detrimental effect of the noise of low flying aircraft to songbirds, fish, reptiles, amphibians, and most especially shore birds. (I have attached some of the citations and/or excerpts) Yarrow Bay Wetlands is in very close proximity to Carillon Point, one of the three locations considered for float plane service. Forbes Creek and Juanita Bay Wetland refuges are right next to Juanita Beach, another location for service. The downtown Marina is the only location not adjacent to a wildlife refuge. From My Park and Recreation online about Juanita Bay : 'The City of Kirkland is known for its dedication to preserving the natural beauty of the environment, and there is no better evidence of that than this park. Come for a guided tour offered the first Sunday of each month beginning at 1:00pm, or come on your own any time to visit the abundance of wildlife that fills these 110 acres of preserved wetlands and marshes. The animal population within this habitat includes songbirds, waterfowl, raptors, shorebirds, amphibians, turtles, beavers and other small mammals. The park offers extraordinary views of Forbes Creek Wetland, Juanita Beach and Juanita Bay.
2. Long term parking. It is my understanding that a lot of the float plane service is used to transport people to the San Juan Islands. This would mean that people would be leaving their cars for at least the weekend, if not longer. Although Carillon Point might have arrangements for long term parking and a secure site for such long term accommodations, the downtown Marina and Juanita Bay do not. I also think that there may be a need for increased security if it is known that there will be a longterm parking situation, since car prowls seem to be a number one crime in our fair city.
3. Possible class action suits due to noise. Anyone who lives near the water or on any of the surrounding hillsides already know how noisy jet skis and powerboats can be during the summer months. Just imagine adding float plane take-offs and landings to that list. Below are 2 news articles regarding the lawsuits that were filed by surrounding cities and class action lawsuit filed by citizens regarding the third runway at Sea Tac. And that was with an established airport. I can believe that a similar situation might arise here.

Wednesday, March 4, 1998 - Page updated at 12:00 AM

4 Cities Sue Seatac Over Comprehensive Plan

By **Marc Stiles**

Seattle Times South Bureau

Leaders of four neighboring cities say they have reluctantly filed a lawsuit against SeaTac for approving a comprehensive plan that clears the way for the third runway.

<http://community.seattletimes.nwsourc.com/archive/?date=19980304&slug=2737749>

And more recently Originally published Monday, June 15, 2009 at 12:00 AM

Neighbors to sue airport over noise from new runway

Residents near Seattle-Tacoma International Airport's new emergency runway are suing the airport for excessive noise and traffic.

SeaTac

Neighbors to sue airport over noise

Some neighbors are demanding compensation for what they call excessive noise and plane traffic at the new third runway of the Seattle-Tacoma International Airport.

http://seattletimes.nwsourc.com/html/localnews/2009338948_webseatacsue15.html

These are just a few of the many scientific citations that I found when I “googled” effects of airplane disturbance on birds.

Manci, K.M., D.N. Gladwin, R. Villella, and M.G. Cavendish. 1988. Effects of aircraft noise and sonic booms on domestic animals and wildlife: a literature synthesis. U.S. Fish and Wildl. Serv. National Ecology Research Center, Ft. Collins, CO. NERC-88/29. 88 pp. (list of cited literature to extensive to place here. See following URL for complete list <http://www.nonoise.org/library/animals/litsyn.htm>)

Acoustical Society of America. 1980. San Diego workshop on the interaction between manmade noise and vibration and Arctic marine wildlife. Acoust. Soc. Am., Am. Inst. Physics, New York. 84 pp. Nesting common eiders (*Somateria mollissima*) have been disturbed by low-flying, small, fixed-wing aircraft and by helicopters. Recent experiments and experience have shown that the lesser snow goose (*Anser caerulescens*) is sensitive to aircraft disturbance. Low-level (150 m AGL) aircraft overflights elicited a stronger response from molting, flightless sea ducks [particularly, oldsquaw (*Clangula hymalis*)] than did higher level overflights.

Smit, C. J. & Visser, G. J. M. 1993. Effects of disturbance on shorebirds: a summary of existing knowledge from the Dutch Wadden Sea and Delta area. Wader Study Group Bull. 68: 6-19.

Heinen (1986) found that a small aircraft flying over roosts of shorebirds on the East Frisian islands led to 'disturbed behaviour' (varying from looking up and more frequent calling to taking flight and not returning to the initial roosting place and 4 categories in between) in 44-53% of the cases, depending on species, altitude, location and aircraft type.

Brent Geese were among the most strongly reacting species (64-92%), together with Curlew (42-86%) and Redshank (70%). Shelduck (42%) and Bar-tailed Godwit (38%) reacted less often.

These figures are comparable with those found by de Vlas (1986) in the Dutch Wadden Sea.

Observations on the tidal flats east of the island respectively) caused more dramatic effects. After 45 minutes only 67% and 87% of the originally present Oystercatcher and Curlew numbers had returned to the study plot (Glimmerveen & Went 1984). Small and slow flying aircraft are considered to be among the most disturbing phenomena in the Wadden Sea. The behaviour of the plane and its altitude both govern the reaction of the birds: flying high in a straight line leads to smaller effects than flying low or with unpredictable curves (Boer et al 1970).

Light aircraft are a new development in aviation technology. Very little research on the effects of Ultra Lights has been carried out so far, but our first impression is that they are very disturbing, probably because of the low altitude at which these planes operate and the noise they produce. Numbers of roosting and foraging Bewick's Swans *Cygnus bewickii* close to an Ultra Light airstrip at Schouwen Duiveland (Delta area) dropped from 1,400-4,300 in 1986-88 to only a few birds in 1989, after the strip had been used for one year (Brilman in Smit & Visser 1989).

Reijnen & Thissen (1987), studying the presence of breeding songbirds along motorways, found reduced

densities for some species, despite the predictability and constancy of sound levels and traffic activity on the motorways. Apparently, some birds do not 'get used' to disturbance

Heavy disturbance can also lead to a total departure from feeding sites

Teresa Swan

From: Allen Schwartz [allenschwartz@hotmail.com]
Sent: Friday, July 10, 2009 10:34 AM
To: Eric Shields; Paul Stewart; Teresa Swan; sclauson@lcog.org
Subject: Comments on draft SMP

To: Kirkland planning commission
Stacy Clauson, Contract planner
Teresa Swan, Senior planner
Paul Stewart, Deputy Director of planning

I attended the July 9 SMP open house and picked up a draft (6/29/09) copy of the Shoreline Management Plan. After reviewing this data, I have some comments and concerns as follows. Please forward these comments to the Planning Commission as I do not have their E-mail address.

A. Boat Lifts

The table on page 23 of the draft SMP states for Residential-L, a Substantial Development Permit (SD) is required for “Piers, docks, boat lifts and canopies” I can understand this for piers and docks, but no permit has been required for free standing boat lifts. I do not believe any permit should be required for boat lifts and canopies, but certainly they should not be considered a substantial development.

B. Building Height vs Side Yard Setback

The table on page 32 states the building height for Residential-L is 30’ above ABE. This was previously 25’. A display chart at the open house stated (if my memory is correct):

A 30 foot building height is allowed if;

- a) The combined side yard setbacks are 15 feet or greater or
- b) If the combined side yard setback is 10 feet, then the second story must have 15% less square feet than the first floor.

I could not find this language in the draft SMP, so it is not there yet or I just could not find it.

There is nothing in this that prevents a 30 “wall” within 5 feet from the North property line. This “wall” could be up to 70 feet long in my area. I personally like the existing sun angle setback requirement we now have on 5th Ave W. I am OK with the 30 foot height but believe a 30 foot height should be set back at least 10 feet from the North property line.

C. New or Enlarged Structural Shoreline Stabilization

Section 83.300.2.a (page 70) states “New hard or soft structural shoreline stabilization measures shall not be authorized , except when a geo-technical report confirms that there is a significant possibility that an existing structure will be damaged generally within 3 years as a result of shoreline erosion in the absence of such structural shoreline stabilization measures, or where waiting until the need is immediate results in the loss of opportunity to use measures that would avoid impacts on ecological functions.

As a Kirkland waterfront owner for 38 years, It is my observation we get one or two storms a year with sustained winds of 25 to 30 miles per hour. The following chart shows some significant storms at Boeing Field over the last 75 years.

Maximum Winds at Boeing Field for Selected Storms		
Date of Storm	Peak Wind	Peak Gust
Oct 21, 1934	58 mph	75 mph (E)
Jan 20, 1993	44 mph	70 mph
Oct 12, 1962	44 mph	66 mph
Jan 15, 1951	40 mph	60 mph
Feb 25, 1958	40 mph	58 mph
Dec 12, 1995	40 mph	47 mph
Oct 27, 1950	35 mph	65 mph
Nov 24, 1983	35 mph	54 mph
Nov 14, 1981	35 mph	46 mph
Mar 3, 1999	33 mph	52 mph
Jan 16, 2000	32 mph	54 mph
Jan 09, 1953	31 mph	53 mph
Feb 28, 1955	30 mph	49 mph
Mar 26, 1971	30 mph	46 mph
Nov 15, 1981	29 mph	48 mph
Dec 27, 2002	26 mph	48 mph
Jan 19, 1964	25 mph	48 mph
Dec 22, 1955	25 mph	44 mph

I do not know if this is all the significant storms that have occurred over this time period or just “selected” storms. If I assume this is all of the significant storms, then storm occurrence frequency is approximately as follows.

Wind in excess of 50 mph a couple times in 100 years; a wind in excess of 40 mph about every 10 years; a wind in excess of 30 mph about every 5 years and a wind in excess of 25 mph every year.

Wave height is proportional to wind speed squared and wave energy is proportional to wave height squared, Shoreline destruction is directly proportional to wave energy. If shoreline destruction is assumed to be 1X for our annual 25 mph wind, then the destruction level for stronger winds is as follows:

<u>Wind Speed</u>	<u>Shoreline destruction</u>
25 mph	1X
30 mph	2.1X
35 mph	3.8X
40 mph	6.5X
45 mph	10.5X
50 mph	16X

Clearly the large storms cause major damage compared to our annual storms. If the city assumes a three year storm (occurs only once in 3 years on average) is only 25 to 30 mph and shoreline protection is not allowed for stronger winds, when these stronger winds do occur, property damage is assured.

Surely home owners should not be expected to endure damage to their homes on a regular basis. Surely we should not be expected to replace our soft shorelines on a regular basis. Unless this criterion is revised, waterfront destruction is assured.

The terms used in the SMP (significant possibility, generally) are vague and are not measurable. Is a significant possibility 50%?, 90%? I believe a home owner would think a 1% chance his home would be damaged in 3 years is significant. Perhaps a planning department reviewer would have a much different interpretation. What is feasible for the survival of the stabilizing measure itself? What threat should be used in the design? The suggestion is the worst wind in an average three year period.

As an ex design engineer, I know you cannot start a design until you understand the design criteria and the design requirements. For a shoreline design, this means having a description of the threat (wave) criteria and the success criteria (protect property). It is an absolute necessity to equip the designer and the city reviewer with something measurable.

I suggest something along the lines of the following:

A feasible shoreline stabilization design must accomplish the following:

- a. Protect the upland structure from damage for 50 years when exposed to occurrences of fully developed waves from the direction with maximum fetch as follows:
 - 1 occurrence of 50 mph winds
 - 5 occurrences of 40 mph winds
 - 10 occurrences of 30 mph winds
 - 50 occurrences of 25 mph winds
- b. When exposed to fully developed waves from a 40 mph wind from the direction of maximum fetch, the shoreline stabilization design shall survive with less than 20% of the original design damaged.

I believe without measurable criteria, there will be chaos between designers, home owners and the city reviewers. Anger, frustration, and lawsuits would be the result. I believe the current criteria guarantees property damage will occur.

D. Shoreline Vegetation

1. Three for one tree replacement

Section 83.400.1.a.2) (page 85) and section 83.400.b.3).a) (page 86) state a 3 for 1 tree replacement is required upon removal of a significant tree within the shorelines setback area. Section 83.400.3.a.2).d) (page 87) states at least 3 trees per 100 feet of linear shoreline is required. As currently worded pages 85 and 86 suggest if 2 significant trees die and are removed, then 6 must be planted. Some lots are as narrow as 30 feet. I am sure it is not intended 6 trees are required in 30 feet. The 3 for 1 requirement should be clarified with something like "a 3 for 1 replacement is required or 3 trees per 100 feet, whichever is less.

2. Kirkland Native Plants

Section 83.400.1.a.2).d) (page 86) states "...consisting of shrubs, perennials, groundcovers selected from the Kirkland Native Plant List...". I am aware of a Kirkland Native Tree list and a Kirkland Native Shrub list but am unaware of such a list for perennials or groundcover. Either these lists must be available or groundcover and perennials should be deleted from this section.

Also, the list of shrubs only had two shrubs less than 6 feet tall; Salal and Thimbleberry. Water views are precious and a 5 to 10 foot section of 6 foot high shrubs would block all ground level views.

3. Recorded Agreement

Section 83.400.4.b (page 89) states "All required vegetation shall be maintained throughout the life of the development. Prior to issuance of certificate of occupancy, the proponent shall provide a final as-built landscape plan and a recorded agreement to maintain and replace all vegetation that is required by the city."

I assume the life of the development is forever. Are we being ask to provide a contract that has no end date? It is my understanding that "recorded" means with King County records. This means it would show up on a title search of our property as an encumbrance. This is a burden a prospective buyer may not accept and be a deal breaker or a loss of property value. From a practical point of view the property would already be covered by other SMP requirements for maintaining shoreline vegetation. I believe this has legal implications that are very messy and should be deleted. I also believe this requirement does not provide a benefit that justifies its cost (loss of property value) to the homeowner. Also I believe this is way beyond "no net loss".

Summary

I appreciate the open house provided by the planning department. I did not realize it was also intended to allow interaction with the Planning Commission members until I attended the 7:30 meeting and was informed of this. Had I known, I would have provided them some of my feedback. Reviewing the 127 page SMP is a time consuming task as each revision evolves. Certainly some of the revisions have been helpful in my opinion. Also some revisions, such as the above recorded agreement requirement have been harmful. I hope we have adequate time for additional comments as the SMP continues to evolve and we review a more stable version. Again thank you for considering our concerns.

Allen Schwartz
409 5th Ave W
Kirkland, WA 98033

425-827-5183
allenschwartz@hotmail.com

Teresa Swan

From: Mohaghegh, Michael [michael.mohaghegh@boeing.com]
Sent: Friday, July 10, 2009 2:05 PM
To: Teresa Swan
Subject: RE: Kirkland Shorelines

Teresa,

It was very nice to be able to talk with you last night and the Public Workshop was excellent. I appreciate everything that you are doing to comply with the state requirements and make Kirkland waterfront even better.

I am concerned about your new requirement for added setback from the waterline. My two properties, one vacant land and one with a small house on Yarrow Bay are fifty feet wide and about 100 feet long. Required 25 foot set back would take out 25% of the property for development. At the same time a few lots north of me a condo building is extended over water about 100 feet (blocking a great amount of the lake view) and all surrounding buildings are built very close to the water. I don't fully understand the need for doing this. If this is really needed, can you consider an equal reduction of the front yard set back.

I will also try and attend your public hearing.

Thanks.

Mike

-----Original Message-----

From: Teresa Swan [mailto:TSwan@ci.kirkland.wa.us]
Sent: Wednesday, July 08, 2009 11:43 AM
To: Mohaghegh, Michael
Subject: RE: Kirkland Shorelines

Michael:

Here is the Shoreline Master Program Update Schedule

-Public Workshop: July 9, 2009 5:30-7:30pm in the Peter Kirk Room (south side of building next to the Police entrance and not north main entrance), City Hall - Public Hearing before the Planning Commission on July 23, 2009 7pm, Council Chambers -Public Hearing before the Houghton Community Council on July 27, 2009 7pm, Council Chambers -Follow up Planning Commission meeting on August 13, 2009 -City Council study session (tentative) on September 15, 2009 (time and location to be determined) -City Council action (tentative) November 2009 after 7:30pm in Council Chambers -Dept of Ecology reviews plans for compliance with Guidelines following Council action

Notes:

* The Planning Commission and the Houghton Community Council may hold additional meetings after the hearings. Check the City's web site noted above.

* The Department of Ecology will have a comment period and may hold a public hearing

Teresa Swan

Senior Planner
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tswan@ci.kirkland.wa.us

City of Kirkland
123-5th Ave
Kirkland, WA 98033

Tuesdays-Thursday 8:45pm to 5pm

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-----Original Message-----

From: Mohaghegh, Michael [mailto:michael.mohaghegh@boeing.com]
Sent: Wednesday, July 08, 2009 11:30 AM
To: Teresa Swan
Subject: RE: Kirkland Shorelines

Hi Teresa,

When and where is the hearing tomorrow?

Thanks.

Mike

-----Original Message-----

From: Teresa Swan [mailto:TSwan@ci.kirkland.wa.us]
Sent: Tuesday, July 07, 2009 1:34 PM
To: Mohaghegh, Michael
Subject: RE: Kirkland Shorelines

Hi Michael:

Here is a handout for the July 9th open house this Thursday. It includes the draft key changes to the City's shoreline regulations.

Did you receive information about the open house? We hope that you can attend the open house.

For more information and the complete draft regulations, see link at [http://www.ci.kirkland.wa.us/depart/Planning/Code_Updates/Shoreline Master_Program_Update.htm](http://www.ci.kirkland.wa.us/depart/Planning/Code_Updates/Shoreline_Master_Program_Update.htm)

Keep in mind that the Planning Commission will hold a hearing on July 23, discuss the comments and could make changes to the draft regulations before making a recommendation to the City Council. The Kirkland City Council will then make the final decision before forwarding regulations to the Dept of Ecology for their approval (or disapproval).

Let me know if you have any other questions.

Teresa Swan
Senior Planner
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tswan@ci.kirkland.wa.us

City of Kirkland
123-5th Ave
Kirkland, WA 98033

Tuesdays-Thursday 8:45pm to 5pm

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-----Original Message-----

From: Mohaghegh, Michael [mailto:michael.mohaghegh@boeing.com]
Sent: Tuesday, June 30, 2009 3:06 PM
To: Teresa Swan
Subject: Kirkland Shorelines

Teresa,

I have two propertiees on Lake Washington (one vacant lot and an old house) and I am very interested in the new changes being proposed. Is there a high level summary of proposed changes?

Thanks.

Mike Mohaghegh Ph.D., S.E.
Technical Fellow
Advanced Structures and Materials
Payloads and Structures Engineering
Boeing Commercial Airplanes
P. O. Box 3707
Seattle, WA 98124
Mailcode 0R-MA
425-266-2688 cell: 425-260-7776
e-mail: michael.mohaghegh@boeing.com

Teresa Swan

From: Daved [Daved@waterfrontconstruction.com]
Sent: Tuesday, June 16, 2009 9:21 AM
To: Cathy Beam; MPaine@bellevuewa.gov; Peter Rosen; jding@ci.kenmore.wa.us; EConkling@ci.renton.wa.us; mvannostrand@ci.sammamish.wa.us; Margaret.glowacki@seattle.gov; mhgreen@comcast.net; Harry.reinert@kingcounty.gov; SBennett@ci.lake-forest-park.wa.us; Paul Stewart; travis.saunders@mercergov.org; Jean.White@kingcounty.gov; george.steierer@mercergov.org; Burcar, Joe (ECY); Teresa Swan; CLAUSON Stacy A; Skowlund, Peter (ECY); mhgreen@comcast.net; Frederick Stouder
Cc: becky@marinellc.com; eride@msn.com; Mark Nelson; donovan@donovantracy.com; vanskamok@verizon.net; kathymrichardson@yahoo.com; greg@shoreline-permitting.com; rlstyle@aol.com; dfiene@cityoffp.com; Mike Collins; kharrang@hotmail.com; Ken Sethney; gary@tripp.net; Kirkland Lakeshore Association; Bainbridge Shoreline Homeowners; PAINTER, LUKE (DNR); Robert Grumbach; sammamishhomeowners; Zieman, Zelma (ORA)
Subject: RGP-3 TYPICAL CONSTRUCTION STANDARDS COMPARISON TABLE
Attachments: RGP-3 Comparison Chart.doc

Dear SMP Interested Parties of Record,

Attached is a letter and a RGP-3/Typical Construction Standards Comparison Table I have developed to help people understand why the RGP-3 or any other overly restrictive dimensional standards will not work in a SMP. I think you will find it very beneficial and practical and am requesting each jurisdiction in receipt of this consider it as official public input and forward the letter and the table to all Planning Commission, Citizens Advisory Board and City Council Members. I am also requesting it be made available to citizens. It is 8.5 x 14 size.

Thank you,
Dave Douglas
Permit Coordinator
Waterfront Construction, Inc.



From: David Douglas, Permit Coordinator
To: All SMP Update Interested Parties

Ref: RGP-3 DIMENSIONAL STANDARDS AND TYPICAL CONSTRUCTION STANDARDS COMPARISON TABLE

Dear SMP Interested Parties,

The SMP Update process requires local governments and property owners to achieve “no net loss” with WA Department of Ecology’s (DOE) strong endorsement of the Army Corps Regional General Permit-3 (RGP-3) dimensional standards for overwater structures. This is combined with overly restrictive standards being placed on the installation of new and repair or replacement of existing bulkheads in an all out assault on private property owners. It removes all incentive for voluntary improvements and is a step back from the progress achieved over the last several years through state and federal regulations and responsible stewardship by waterfront property owners.

At the request of several local planners and as a part of Waterfront Construction’s (WCI) commitment in assisting local governments and their citizens in adopting the most effective and reasonable Shoreline Master Program (SMP), the table on the following pages was developed. It compares the dimensional standards in the RGP-3 with the most common dimensional standards and construction methods used by WCI on residential overwater structures to meet structural and load requirements while addressing environmental concerns.

To date, there have been hundreds of projects reviewed and approved by the Corps of Engineers (COE) using the RGP-3 Application although none of the projects submitted by WCI and very few region-wide have met all RGP-3 standards. The COE Regulatory Section, who reviews projects under the RGP-3, recognizes the factors that influence pier design based on individual needs for each applicant combined with unique conditions at each location. This allows the Corps to apply flexibility during the course of their review. Although there is no mitigation offset chart for the removal of existing structures (like RGP-6 for Marine Waters), the COE gives this measurable consideration. Adopting the RGP-3 Dimensional Standards into a more rigid and inflexible SMP will be problematic and trigger Shoreline Variances whereby placing approval into the hands of WA Department of Ecology (DOE) and removing a degree of shoreline control from local governments. The Corps has recognized that the RGP-3 is a work in progress and several changes are needed. Local governments using the RGP-3 for their SMP (just like DOE adopting it for “no net loss”) will be basing their SMP’s on dimensional standards that may change in the near future. It should be noted that the issued permits are not RGPs’ but Letters of Permission that must be reviewed by the federal services under ESA requirements.

Alternative standards similar to the RGP-3 may work if there is flexibility in crediting the removal of existing structures to allow applicants to replace wider walkways and platform sections with similar sized structures in deeper water, consideration for water depth, an allowance for additional overwater coverage to moor larger watercraft, or through the development of a mitigation offset chart that would fairly credit applicants for removing existing structures. An alternative process containing proportionate mitigation and recognizing improvements over existing conditions would be highly effective.

Additionally, if the RGP-3 standards reflect “no net loss” for an undeveloped property proposing a new pier, then it should be easy for a property owner replacing an existing pier to document a “net gain” using a worksheet developed by local planning departments. This holds true for piers as well as bulkheads. Local governments with support from DOE must develop incentives for property owners to replace older more impacting piers with newer designs even when they do not align with the RGP-3 or other dimensional standards. Local governments can “bank” improvements to offset future development.

Scenario for a Typical Lake Washington Project:

Existing Structure: 1,000s/f solid deck pier with an 8' wide walkway, 5' wide finger, 12' x 30' platform in the nearshore area and 30- 12" diameter treated timber piles and the bottom 6" above the OHWL with no plantings

Replacement Structure: 750s/f fully grated pier with a 6' wide walkway, 3' wide finger, 8' x 26' "ELL" well away from the nearshore area and 18- 8" diameter steel piles and the bottom 18" above the OHWL with riparian planting plan.

Net Gain/Improvement From a Single Project:

Reduction in Total Overwater Coverage= 250s/f

Reduction in Effective Overwater Coverage from Open Area in Grating (A Reasonable % Reduction Could Be Given)

Reduction in Pile Number = 12

Reduction in Walkway, Finger and "ELL" width and size

Reduction in Pile Mass/Obstruction (Diameter In and Above Water) (30 x 12" = 360" vs 18 x 8" = 144")= 216"

Increased Elevation of Pier Bottom Above OHWL= 12" (Additional sunlight and ambient light reaches beneath the entire perimeter of the pier)

Native Riparian Planting Plan

I can't speak for the Corps but based on experience I feel this would be approved as proposed or very minor changes.

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Could DOE (or any local government who adopts the RGP-3 or other overly restrictive dimensional standards) genuinely pronounce that the above project does not meet the "no net loss" goal and fail to recognize that it is a vast improvement over existing conditions or a "net gain"? The above scenario best reflects what takes place on highly developed urban lakes and the direction SMP's should take; measurable gains with each project where "banking" credit for future new development can occur.

An important point to remember is the RGP-3 dimensional standards were developed by the COE, U. S. Fish and Wildlife Service and NOAA- Fisheries Service to arrive at a determination of "May Affect, Not Likely to Adversely Affect" Listed Species and/or Critical Habitat under the Endangered Species Act. In developing the SMP Update Requirements, DOE chose to promote the RGP-3 standards to local governments on Lake Washington and Lake Sammamish to meet their "No Net Loss of Shoreline Ecological Functions" goal with no apparent direct scientific research or measurable data from Ecology itself to support those dimensional standards. As a result, it makes sense that local governments be permitted to provide flexible dimensional standards that may exceed those listed in the RGP-3, especially for redevelopment. The DOE publication entitled "What Does No Net Loss Mean in the 2003 SMA Guidelines" was distributed in June 2004 prior to the effective date of the RGP-3 so DOE's original intent may not have been to use the RGP-3 dimensional standards to meet their "No Net Loss" goal.

Local governments should avoid including any structural guidelines in their SMP regarding pile size or span. These are based on construction and load requirements and site specific conditions and should be left to Marine Contractors and the local Building Department. Reviews conducted by WA Department of Fish and Wildlife (WDFW) and the COE address such items from an environmental position and have been effective. All piers are value engineered using the smallest number and diameter piles required to provide the safe moorage. Reference to pile size and spans should not be listed in the SMP Updates.

Please understand that the RGP-3 represents one of several permitting processes used by COE for evaluating and approving overwater structures and it was not intended to be used for SMP purposes. Basing a very restrictive and inflexible SMP on the dimensional standards listed in the RGP-3 is in and of itself, problematic. It is crucial that local governments comprehend that the key to any successful SMP is in flexibility and balance to expect the routine but plan for the unusual. Failing to recognize the other permit processes available and the various factors that result in approval by other state and federal agencies will result in a flawed SMP that will discourage participation, encourage unauthorized work and spark challenge and debate.

Local leaders should realize that Lake Washington and Lake Sammamish are distinctive water bodies making some of the RGP-3 dimensional standards more compatible with residential overwater structures built on Lake Sammamish due to the smaller size of watercraft and no direct access to the Puget Sound. Life on Lake Washington reflects the need for larger piers to accommodate larger watercraft. Also, the RGP-3 is entitled, "Construction of New or Modification of Existing Residential Overwater Structures and Installation of Moorage Piling in Lake Washington, Lake Sammamish, the Sammamish River and Lake Union, including the Lake

Washington Ship Canal. The RGP-3 was not designed for the in-kind replacement of existing residential overwater structures and SMP's should not be used to require replacement of existing structures to meet the dimensional standards in the RGP-3.

There are unique situations from time to time and the chart is an attempt to address routine projects. An effective SMP should be flexible despite the mandate from DOE for rigid dimensional standards like those listed in the RGP-3. Variances and Conditional Use Permits should not be routine but the exception since they result in more work, time and expense for everyone, but primarily for applicants. Keeping the process simple should be a priority to encourage participation and limit staff review time on Variances.

Only those working in the specialized field of shoreline permitting, have the unique opportunity to work with waterfront property owners, local planners and state and federal regulators and see the improvements with each project while DOE for the most part has played a distant and casual observer until the SMP Update appeared. Having witnessed these improvements first hand, I hold the position that existing SMP's used in conjunction with current state and federal regulatory guidelines have vastly improved Lake Washington, Lake Sammamish and the Puget Sound. Unfortunately, it appears the state pursuit to over-regulate has failed to gather appropriate data to recognize these improvements and provide local governments and property owners with more appropriate and realistic guidelines for achieving "no net loss". As a result, with the signing and approval of a flawed SMP, many local governments will be declaring a vast majority of existing residential overwater and nearshore structures, along with many residences, non-conforming. If allowed to happen, you will have been unsuccessful in adequately protecting and serving citizens living in the areas affected by the SMP.

In closing, one of the most significant points to make is that since the "No Net Loss" goal being used for the SMP Update Guidelines was published over 5 years ago, DOE has had opportunity to comment, appeal or request changes on every overwater structure and bulkhead project processed and approved through the local, state and federal permitting processes. During this time we have received comments on less than 5 of the hundreds of projects WCI has designed, permitted and constructed. Is there a valid explanation for this that local governments should question?

Thank you for taking the time to review the information provided. I understand and accept that the professional and personal opinions I have expressed above may be a point of debate depending on which side of this issue you stand. If you have any questions or comments please contact me via e-mail at daved@waterfrontconstruction.com or by phone at 425-357-0312.

Sincerely

David Douglas
Permit Coordinator
Waterfront Construction, Inc.

RGP-3 DIMENSIONAL STANDARDS AND TYPICAL CONSTRUCTION STANDARDS COMPARISON TABLE

	Corps RGP-3 Dimensional Standard	Typical Construction and Design Standard (Approximate) (Some Exceptions Apply)	Why the RGP-3 Standard Will Not Work If Adopted Into SMP (Unless It Is Flexible)	How Often Is This RGP-3 Standard Met (Approximate) Never Sometimes Half the Time Most Times Always	Recommended SMP Standard/Comments (SMP Should Be Flexible on a Case-By-Case Basis to Meet the Minimum Moorage Needs of the Applicant)
1	Existing in-water and over-water structures (with the exception of bulkheads) within 30 feet of OHW, except for those facilitating access, shall be removed and no additional in-water structures shall be constructed in this nearshore area over the entire length of the property.	RGP-3 Standard with Exceptions When exceptions occur, the RGP-3 has the flexibility to evaluate on a project specific basis.	N/A	Most Times	Do the SMP Update Guidelines specifically require local governments to include this RGP-3 standard? This is effectively regulated by state and federal agencies and should not be included in the SMP.
2	Only piers and ramps can be within 30 feet of shore. All floats and ells must be at least 30 feet waterward of OHW.	RGP-3 Standard with Exceptions When exceptions occur, the RGP-3 has the flexibility to evaluate on a project specific basis.	N/A	Most Times	Do the SMP Update Guidelines specifically require local governments to include this RGP-3 standard? This is effectively regulated by state and federal agencies and should not be included in the SMP.
3	Skirting: Skirting is not authorized by this RGP and any existing skirting must be removed.	RGP-3 Standard	N/A	Always	As Written in RGP-3
4	New Piers: Surface coverage of pier must not exceed the following: a. Single property owner-480 square feet b. Two property owners-700 square feet c. Three or more property owners-1000 square feet	Average Estimated Size of <u>New</u> Piers: <u>Lake Washington</u> Single- 650sqft Two Owners- 850sqft Three or more- 1,050-1,500sqft <u>Lake Sammamish</u> Not enough data collected but piers on Lake Sammamish are typically smaller than those on Lake Washington so sizes similar to those above would be effective. NOTE: Surface coverage for the purposes of the RGP-3 includes the portion of the structure located waterward of Ordinary High Water and does not include pier sections landward of the OHWL or OHWM. Coverage in SMP's should reflect the same.	Most new piers are larger than standards. The RGP-3 square footage does not consider large boat moorage and longer main walkways to reach adequate water depth. The RGP-3 Applies to New Piers or Modification of Existing Piers and Not to the In-Kind Replacement of Existing Piers.	Sometimes	Do not include maximum surface coverage as this is adequately regulated by state and federal agencies using professional biologists. If local governments are compelled to include dimensional standards in the SMP they should apply to <u>new</u> structures and be reasonable such as: Single- 650sqft, Two Owners- 850sqft, Three or more- 1,050sqft (additional area could be allowed for each owner above 3) Allowable Dimensions: 5ft wide walkway, 8 foot wide "ELL" and 3 foot wide finger. Single Owner Example: 5'x80' (400sqft) main walkway, 8' x 20' (160sqft) "ELL", 3' x 26' (78sqft) finger. Total= 638sqft *These dimensional standards allow watercraft, boatlifts, jet ski lifts and aquatic activity to take place well away from the most critical nearshore area. Allowing additional length to reach adequate water depth on a project specific basis would be helpful. NOTE: This dimensional standard combined with the maximum "ELL" width and length listed in number 9 below are the most influential factors for encouraging (or discouraging) property owners to replace larger and more impacting existing piers with new more environmentally friendly designs.

5	Except for floats, the bottom of all structures must be at least 1.5 feet above OHW.	RGP-3 Standard	N/A	Most Times	As Written in RGP-3 NOTE: On Lake Washington, this requirement results in the surface of residential piers being at least 30" (2.5') above the OHWL (21.80') and approximately 54" (4.5') above the lake surface at Low Lake (20.00') for most of the year. There have been many complaints that this is too high and it poses a safety concern for persons and boats. At low lake, smaller boats can slide under a pier and loading and unloading passengers is unsafe, especially for children and the elderly. Local governments may want to let other agencies regulate this to avoid possible legal action if an injury should occur.
6	Pier/walkway must be fully grated.	RGP-3 Standard	N/A	Always	As Written in RGP-3
7	Pier/walkway must be no wider than 4 feet	RGP-3 Standard	Most applicants request a 5' or 6' wide fully grated walkway as a matter of safety.	Most of the Time	Walkways up to 6' wide have been approved by the Corps. Local governments should allow 5' wide walkways for new piers and up to 6' wide on a case-by-case basis for applicants whose pier and property may be used for philanthropic reasons and when a pier will be used by persons with disabilities on a regular or intermittent basis. NOTE: The adopted standard should only apply to the nearshore section of the main walkway so applicants have the option of a 6' wide or 8' wide section on a straight pier design when "ELLS" are not preferred or on narrower properties where "ELLS" cannot be proposed. This may result in less overwater coverage.
8	Ramps must not exceed 3 feet in width and be fully grated.	3'-9" to 4' Outside Dimension and 3' to 3'-3" Inside Dimension Ramps are routinely proposed and approved at 3'-9" to 4' wide and it is recognized that ramps eliminate the need for piling in the nearshore area.	Ramps are fully grated, have a 3' wide inside dimension walking surface and are 3'-9" to 4' wide outside to outside. The Corps does not specify where the 3' width is measured from but if the outside dimension of a ramp was 3' the walking surface would only be 2'-3" wide which is too narrow for users and will not allow safe access for persons with disabilities and wheelchairs.	Never (If 3'-0" is applied to outside dimension) Most Times (If 3'-0" is applied to inside walking surface dimension)	Local SMP's should note that 3' width applies to inside dimension of walking surface and not outside dimension of ramp. If 3' width is directed toward outside dimension walking surface will be too narrow at 2'-3". All projects submitted to the Corps typically list a 3'-9" to 4'-0" ramp width which has always been approved. NOTE: Ramps allow the first set of inwater piles to be installed 30+ feet from the OHWL or shoreline and should be encouraged. NOTE: Local SMP's should allow ramps to be 4' wide and require full grating to promote this positive element.
9	Ells must not exceed more than 6-foot wide by 20-foot long with a 2-foot wide strip of grating down the center OR 6-foot wide by 26-foot long and fully grated.	6' or 8' wide by 26' long or a length needed to provide adequate and safe moorage. Note: People would be more willing to replace existing piers with large platforms in the nearshore area if they can have an 8' or 10' wide "ELL". Limiting	A 6' wide "ELL" does not provide adequate area for most applicants, family and guests. The "ELL" section of a pier is where most activity takes place and it is typically in deeper water. Many projects are designed with 8' or 10' wide "ELLS" to provide enough room for aquatic activities. This is especially true and offers a huge	Half the Time	Local SMP should allow for an 8' wide or 10' wide "ELL" section because it is typically located in deeper water and will encourage aquatic activities to occur further from the most critical nearshore area. If applicants can have a wider "ELL" approved they will often choose a shorter "ELL" also, usually 16 to 20' long. Under the RGP-3 total square footage for a 6' x 26' "ELL" is 156sqft.

		"ELLS" to 6' wide will discourage people from replacing existing piers.	incentive in the case of a pier modification.		<p>By allowing up to an 8' maximum width "ELL" for <u>new</u> piers with a maximum surface area of 160sqft (8' x 20') it may encourage property owners to modify existing piers and relocate "ELLS" to deeper water further from the shoreline.</p> <p>By allowing up to a 10' maximum width "ELL" section for <u>modified</u> piers or <u>replacement</u> piers in a different configuration based on the width of the existing pier to a maximum surface area of 200sqft (10' x 20') it may encourage property owners with large platforms currently located in the nearshore area to relocate wider section of pier further from the shoreline and into deeper waters.</p> <p>By allowing the wider "ELL" section in the SMP it will give property owners the ability to work with state and federal regulatory agencies that evaluate impacts on listed species and critical habitat. In the case of modified and replacement piers the agencies can use the flexibility of the RGP-3 to approve or decrease the wider pier section on a case-by-case basis and evaluate a project on its overall impacts if new and environmental improvements if modified or replaced in a different configuration.</p> <p>NOTE: This dimensional standard combined with the maximum surface area listed in number 4 above are the most influential factors for encouraging (or discouraging) property owners to replace larger and more impacting existing piers with new more environmentally friendly designs.</p>
10	Float width must not exceed 6 feet and the length cannot exceed 20 feet.	RGP-3 Standard	N/A	Always	<p>Floats are typically used in salt water with tidal influence or fresh lakes with large swings in fluctuation.</p> <p>Very few floats are installed in Lake Washington due to its limited fluctuation in depth and moorage needs of most property owners.</p> <p>SMP's should consider allowing 8' wide floats for personal safety and to allow more grated surface to be installed.</p> <p>Float length could be based on the minimum necessary to provide adequate moorage.</p> <p>NOTE: This dimensional standard is not a major factor for projects on Lake Washington and Lake Sammamish since most people choose fixed pile piers.</p>
11	Floats must contain at least a two foot strip of grating down the center.	RGP-3 Standard	N/A	Always	<p>There are very few float projects proposed in Lake Washington. When they are, the RGP-3 Standard is met.</p>
12	All grating must have at least 60% open area.	43% Open Area (Thruflow)	60% open area residential grade grating is not available. The maximum open area for affordable and foot friendly grating is 43%. The Corps has routinely approved the 43% open area grating understanding that 60% open area residential grating cannot be provided.	Never	<p>Reduce the open area requirement to 40%. The Corps RGP-3 is flexible and has approved every residential project which has proposed 43% open area grating. If the 60% (or more than 43%) open area requirement is written into any local SMP it will trigger a Variance. DOE did not research the problems with the RGP-3 prior to recommending several of the dimensional standards to local governments. Prior to the 60% open area standard projects were required to attain 60% ambient light beneath structures which included light from the sides of the pier so this was attainable.</p> <p>NOTE: It doesn't make sense to adopt an unattainable standard</p>

					that will constantly trigger a Variance or require use of an alternative process.
13	Piling: The first in-water set of piles shall be steel, 4-inch and at least 18-feet from OHW.	<p>Piling size is determined by site conditions and the first set is typically 6" or 8", with an occasional requirement for 10" diameter.</p> <p>Distance from OHW is typically 18' to 30' depending on the project.</p> <p>6", 8" and 10" diameter first set piles are routinely approved by the Army Corps.</p>	This dimensional standard is never met because 4" diameter piles do not provide adequate vertical and lateral loads. If the 4" pile size is adopted it will pose a personal and navigational safety hazard. There is no requirement from DOE that local governments adopt pile size or distance from the OHWM.	4-inch Diameter- Never 18 feet from OHW- Most Times	<p>NOTE: Do the SMP Update Guidelines specifically require local governments to include this RGP-3 standard? This is effectively regulated by state and federal agencies and should not be included in the SMP.</p> <p>Pile size is determined by experienced contractors using a number of factors including pier size, wind and wave action, water depth, and substrate. Pier design always includes the minimum pile size required to meet load and moorage requirements. This element is also determined by Residential Building Code requirements.</p> <p>NOTE: Regulating pile size will likely trigger a Variance or require a use of an alternative process for all projects.</p>
14	Beyond the first set of piles, piles for a new pier must be spaced no closer than 20 feet apart and no greater than 12-inches in diameter.	<p>16' to 20' Average Span</p> <p>Maximum 12 inch diameter</p>	<p>Pile span is driven by project specific load requirements based on personal and navigational safety. Span is determined by pier size, moorage requirements, water depth, wind and wave action, and is always the maximum allowable.</p> <p>N/A</p>	<p>Most Times</p> <p>Always</p>	<p>NOTE: Do the SMP Update Guidelines specifically require local governments to include this RGP-3 standard? This is effectively regulated by state and federal agencies and should not be included in the SMP.</p> <p>Pile span and size is determined by experienced contractors using a number of factors including pier size, wind and wave action, water depth, and substrate. Pier design always includes the maximum span and minimum pile size required to meet load and moorage requirements. This element is also determined by Residential Building Code requirements.</p> <p>NOTE: Regulating pile span will likely trigger a Variance or require use of an alternative process for all projects.</p>
15	Piling beyond the first set: Replacement or proposed new piling can be steel, concrete, plastic or untreated or treated wood.	RGP-3 Standard	N/A	Always	<p>New and replacement piles are typically steel or untreated wood with a few companies using concrete.</p> <p>NOTE: This is strictly regulated by both WDFW and the Army Corps so while it is not problematic including it in a local SMP is unnecessary.</p>
16	A maximum of 2 (two) moorage piling (or 4 for joint-use) may be installed to accommodate the moorage of boats exceeding the length of the floats.	RGP-3 Standard	N/A	Most Times	<p>Most projects include 2 mooring piles but based on the size and weight of watercraft being moored there may be an occasional need to install more than 2 mooring piles to provide safe moorage. The flexibility of the RGP-3 allows federal regulators to consider and approve more than 2 mooring piles.</p> <p>NOTE: Mooring piles eliminate the need for additional pier sections commonly used in the past to form a boat slip.</p> <p>NOTE: If local SMP's are fixed on regulating the number of mooring piles it should be based on a project specific basis by watercraft length and weight.</p> <p>NOTE: There does not appear to be any specific requirement by DOE for local governments to regulate the number of mooring piles.</p> <p>NOTE: Mooring piles for residential projects are typically 10" or</p>

					12" diameter.
17	Moorage piling shall be at least 30-feet waterward of OHW and no further than 12 feet from the end of the pier.	<p>RGP-3 Standard for Distance from OHW Unless Local Code on Limited Pier Size or Length Does Not Allow</p> <p>Project Specific for Distance from "End" of Pier</p> <p>Project Specific for Distance from "Edge" (Side) of Pier</p>	<p>Maximum Pier Length or Size Can Limit How Far a Moring Pile is Located From OHW and to Provide Adequate and Safe Moorage</p> <p>Distance from "End" of Pier- 12' Is not Usually Adequate Distance to Allow for the Moorage of Watercraft</p> <p>Distance from "Edge" of Pier is Usually 18' to 26' to Allow Adequate Moorage for Larger Watercraft</p>	<p>Most Times</p> <p>Most Times Because Mooring Piles are Rarely Installed Waterward of the End of A Pier</p> <p>Never</p>	<p>NOTE: There does not appear to be any specific requirement by DOE for local governments to regulate the distance of mooring piles from the end of the pier. Including this standard in the local SMP represents redundancy and does not allow flexibility for project specific exceptions. Mooring piles, regardless of how far they are from the end of pier represent the same amount of structure. This standard should be under the regulatory control of federal agencies to address during their ESA Consultation for impacts on listed species and critical habitat.</p> <p>This standard is typically met but on rare occasions mooring piles may need to be within 30 feet of the OHW to meet other local regulations. The flexibility of the RGP-3 allows the Corps to evaluate this on a project specific basis. This is closely scrutinized through the Corps process.</p> <p>There is also confusion on what is meant by "no more than 12 feet from the end of the pier". If the "end" of the pier means the most waterward edge then this standard is met almost all of the time.</p> <p>Most mooring piles are not installed waterward of the end of the pier so this may mean from the "edge" (side) of the main pier walkway. If this is the case, then this standard is almost never met because mooring piles are designed to provide safe moorage for larger watercraft often 40' to 80' long and 12' to 20' beam widths. There is typically 2'-3' on each side between the watercraft and the pier and mooring piles to allow for movement from wave and wake action so mooring piles are typically 18' to 26' from the "edge" of the pier.</p> <p>Environmental Benefit: Mooring piles provide a 4 corner tie up and eliminate the need for additional pier structure and support piles used to form a slip to provide the same moorage capabilities.</p> <p>NOTE: Including this in the SMP will trigger a Variance for many projects.</p>
18	If an impact hammer pile driver for steel piling is utilized, a sound attenuation device or system must be implement ted during pile driving. Steel piling cannot exceed a 12-inch diameter.	RGP-3 Standard	N/A	Always	NOTE: Do the SMP Update Guidelines specifically require local governments to include this RGP-3 standard? This is effectively regulated by state and federal agencies and should not be included in the SMP. Including this standard in the local SMP represents redundancy and does not allow flexibility for project specific exceptions. Mooring piles, regardless of how far they are from the end of pier represent the same amount of structure. This standard should be under the regulatory control of federal agencies to address during their ESA Consultation for impacts on listed species and critical habitat.
18a	1. Piling with diameter of 10 inches or less-one Corps approved sound attenuation device is required.	RGP-3 Standard	N/A	Always	Do the SMP Update Guidelines specifically require local governments to include this RGP-3 standard? This is

					effectively regulated by state and federal agencies and should not be included in the SMP.
18b	2. For piling with a diameter greater than 10 inches, up to 12 inches, two Corps approved sound attenuation devices are required.	RGP-3 Standard	N/A	Always	Do the SMP Update Guidelines specifically require local governments to include this RGP-3 standard? This is effectively regulated by state and federal agencies and should not be included in the SMP.
19	Treated Wood: No creosote, pentachlorophenol, CCA, or comparably toxic compounds not approved for marine use, shall be used for any portion of the over water structure. ACZA treated wood must meet Post-Treatment Procedures.	RGP-3 Standard	N/A	Always	All wood treatments meet requirements from state and federal regulatory agencies. Waterfront exclusively uses Chemonite (ACZA) treated wood but there are a couple other treatments approved for fresh water applications. While local governments can include this in their SMP for projects that may be exempt from other agency review, this is adequately regulated by state and federal agencies.
20	Invasive aquatic weeds are present and applicant will remove by non-chemical means.	This standard has never been included as a part of any RGP-3 application we have done.	N/A	N/A	Do the SMP Update Guidelines specifically require local governments to include this RGP-3 standard? This is effectively regulated by state and federal agencies and should not be included in the SMP. SMP's should not regulate or mandate the removal of invasive aquatic weeds. Very few projects include the removal of invasive weeds. If this is part of a project, methods approved by WDFW are used.
21	Impact Reduction Measures: Applicant will plant emergent vegetation.	This standard is rarely included in projects on Lake Washington but is sometimes offered in Lake Sammamish.	N/A	N/A	Do the SMP Update Guidelines specifically require local governments to include this RGP-3 standard? This is effectively regulated by state and federal agencies and should not be included in the SMP. SMP's should not regulate or mandate emergent plantings for Lake Washington or Lake Sammamish. Emergent plantings are rarely preferred or appropriate for projects in Lake Washington or Lake Sammamish. Several locations on Lake Sammamish may be suitable but due to annual flooding and strong wind and waves they rarely survive.
22	Impact Reduction Measures: Applicant will plant a ten-foot wide strip of vegetation along the entire of the shoreline (including shorelines of any joint-use applicants). A six-foot wide path through the vegetation is allowed for access to the pier.	Very few projects include a ten foot wide planting strip along the entire shoreline. The Corps accepts a good faith effort on the part of applicants to install a suitable native planting plan. Most planting plans have what is called a "picture frame" design with a deeper and taller planting buffer at each end and less in the center of the property. Plantings within a few feet of the shoreline provide a greater benefit for fish and the aquatic environment.	Including this in a SMP will prove too rigid and not allow any flexibility based on project or lot size. Wider lots will be unfairly required to plant more than smaller lots. Planting plans with a larger buffer at each end and less in the center of the property is preferred. This will place everyone in a "box" and does not respect individual taste. The RGP-3 is flexible and the SMP is not.	Sometimes	SMP's should not regulate or mandate plantings too rigidly. Local governments should accept the flexible planting plans approved by WDFW and the Army Corps. Flexibility will make property owners feel they have a part in the project design and will be more open to proposing and keeping the planting plan after the 5 year monitoring period.
22a	Impact Reduction Plantings: The authorized species, number of plants, and correct spacing of plants will be utilized.	RGP-3 Standards	N/A	N/A	While local governments can include this in their SMP, this is adequately regulated by state and federal agencies.

22b	Impact Reduction Planting Performance Standards- The required performance standards will be met for the 5-year monitoring period: a. 100% survival of all trees and shrubs for the first two years. b. 100% of trees and 80% of shrubs must survive years 3-5.	RGP-3 Standards	N/A	N/A	While local governments can include this in their SMP, this is adequately regulated by state and federal agencies. NOTE: Some local governments are considering requiring a security bond in conjunction with plantings. This is absolutely unnecessary and all that should be required are the same initial and annual monitoring reports required by the Army Corps and/or WDFW.
22c	Impact Reduction Reports: A status report on the project and mitigation, including as-built drawings, must be submitted to the Corps within 12 months from the date the Corps issues and RGP to the permittee. Planting monitoring reports will be due annually for 5 years from the date.	RGP-3 Standards	N/A	N/A	While local governments can include this in their SMP, this is adequately regulated by state and federal agencies.
23	Fish Work Windows: he required RGP fish work window will be met. Note: The RGP fish work window may be different than the HPA work window. For the work to e authorized by this RGP, the RGP fish work window must be met.	RGP-3 or WDFW Standards With An Option To Request Work Outside the Fish Work Window on a Case-by-Case Basis	Local governments are not qualified to apply this standard. This is the responsibility of biologists at WDFW and the Army Corps. Local permits condition applicants to apply and meet all other state and federal permits which include work windows.	*Always (*Including projects where a special or extended work window is requested and approved to complete work.)	Do the SMP Update Guidelines specifically require local governments to include this RGP-3 standard? This is effectively regulated by state and federal agencies and should not be included in the SMP.
24	Bald Eagle Work Window: Required bald eagle work windows will be met, if applicable to the project location. General work prohibition times: January 1 through August 15 (nesting areas) November 1 through March 31 (wintering areas)	N/A The Bald Eagle has been delisted from the ESA so this does not apply.	N/A	N/A	The Bald Eagle has been delisted from the ESA so this does not apply and should not be included in the SMP.
25	Work in the Dry: Work that disturbs the substrate, bank, or shore shall occur in the dry whenever practicable.	There are no new pier projects that can meet this requirement so the basis for this standard is unclear. All projects are approved because the standard does say "whenever practicable".	New piers involving the installation of piling cannot be done in the dry. All projects are approved because the standard does say "whenever practicable".	Never	There does not appear to be any specific requirement by DOE for local governments to include this RGP-3 standard. This is adequately regulated by state and federal agencies and should not be included in the SMP.
26	Operation of Equipment: Equipment shall be operated from the top of the bank, dry gravel bar, temporary work platform, barge, or similar out-of-water location.	RGP-3 Standards	N/A	Always	Do the SMP Update Guidelines specifically require local governments to include this RGP-3 standard? This is effectively regulated by state and federal agencies and should not be included in the SMP.
27	Equipment shall be operated in a manner that minimizes suspended particulates from entering the water column.	RGP-3 Standards	N/A	Always	Do the SMP Update Guidelines specifically require local governments to include this RGP-3 standard? This is effectively regulated by state and federal agencies and should not be included in the SMP.
28	All equipment used in or around waters shall be clean and inspected daily prior to use to ensure that the equipment has not fluid leaks. Any equipment that develops a leak shall be removed from the site immediately and not used again until it has been adequately repaired.	RGP-3 Standards	N/A	Always	Do the SMP Update Guidelines specifically require local governments to include this RGP-3 standard? This is effectively regulated by state and federal agencies and should not be included in the SMP.
29	All General Conditions will be met.	RGP-3 Standards	N/A	Always	There does not appear to be any specific requirement by DOE for local governments to include this RGP-3 standard. This is adequately regulated by state and federal agencies and should not be included in the SMP.

30	<p>A copy of this permit, permit drawings, mitigation planting plan, and final authorization letter shall be recorded with the Registrar of Deeds, within 60 days after final Corps authorization, to ensure that subsequent property owners are aware of the construction, use, and mitigation requirements. Proof of this must be provided to the Corps within 65 days after the date of the Corps' RGP verification letter to the permittee. If the pier is joint use, all co-applicants must voluntarily agree to build no additional overwater structures on their property, except for the maintenance or modification of the proposed joint use overwater structure. This voluntary agreement and the documentation described above must be recorded on the deeds of all involved properties. (General Condition 3)</p>	<p>RGP-3 Standards (Property Owner Responsibility)</p>	<p>N/A</p>	<p>Unknown (Property Owner Responsibility)</p>	<p>There does not appear to be any specific requirement by DOE for local governments to include this RGP-3 standard. This is adequately regulated by state and federal agencies and should not be included in the SMP.</p>



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

July 10, 2009

City of Kirkland
Planning & Community Development
Attn: Paul Stewart
123 Fifth Avenue
Kirkland, WA 98033

Dear Paul,

The City of Kirkland has asked Ecology to provide a response to comments dated June 15, 2009 from Kirkland Lakeshore Association¹ (KLA) requesting a 1-year delay for local adoption of the City's updated Shoreline Master Program (SMP), citing procedural and policy concerns as a justification for the requested time extension. Ecology's response is not intended to grant, nor deny the time extension, but rather to provide interpretation of the policy concerns raised and confirm the City's authority under the SMP Guidelines in development of the draft SMP.

According to the letter, Mr. Carson, based on his professional experience in environmental law, reviewed the City's draft SMP; highlighting to both his clients (KLA) and the City, elements of the SMP "*that go beyond [more stringent than] the requirements of the [SMP] Guidelines and do not adequately consider several fundamental provisions of the Act*". It is assumed that Mr. Carson's review included the supporting analysis contained in the City's Shoreline Inventory and Characterization Report (Watershed Co. 2006), Shoreline Environment Designation Report (Watershed Co. 2009a), and meeting materials on the City's project website supporting over 25 independent public meetings over the last three years. Ecology also assumes that Mr. Carson did not have access to recently completed reports such as the Cumulative Impact Assessment (Watershed Co. 2009b), Use Analysis, or Restoration Plan, all of which are critically important documents supporting the proposed SMP regulations. At a minimum, Ecology suggests that KLA be provided a copy of the Cumulative Impact Analysis, Use Analysis and Restoration Plan to review. Ecology would be more than happy to meet with the City and KLA to discuss specific justifications for future SMP regulations based on authority provided through the SMP Guidelines.

Regardless of the extent of Mr. Carson's review of past and present SMP materials, Ecology has provided SMP Guideline (WAC 173-26) interpretation specific to Kirkland's SMP update in support of a City prepared response to policy concerns raised in the June 15, 2009 KLA letter.

¹ June 15, 2009 letter submitted by Brent Carson from GordonDerr Law Group on behalf of client Kirkland Lakeshore Association (KLA).

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Use Preference:

KLA is correct in stating that; *“The Act recognized that single-family residences are a “preferred use” along shorelines”*. However, KLA fails to recognize that The Act also prioritizes multiple “preferred uses” with a clear emphasis placed on shoreline resource/ecology protection².

Further, this intent is intrinsic in all elements of the Guidelines and reiterated within the full text of RCW 90.58.020 stating (emphasis added):

“To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.”

While the Legislative Intent of the Act encourages balancing shoreline “utilization” with “protection”, all elements of the SMP Guidelines are structured to ensure the degree of shoreline utilization whether future single-family residential development or expansion of recreational uses must be planned for within the local context of no net loss of ecological functions. In other words, residential use cannot be considered without also considering the appropriate scale of the use and culmination of anticipated impact associated with future potential uses allowed by the updated SMP. This culmination of anticipated impacts (jurisdiction wide) needs to either be avoided by incorporation of adequate protection measures to preserve existing ecological resources or minimized through limits on the scale of future development along with an appropriate degree of mitigation to satisfy the underlying no net loss policy goal of the SMP update. The City has provided this analysis within the recently completed draft Cumulative Impact Assessment (Watershed Co. 2009b), which Ecology would encourage the City to share with KLA.

Science and Buffers:

It is important to note, that as requested in the KLA letter, existing structures will be ‘grandfathered’ and not required to retroactively comply with new shoreline setback/buffer requirements. Compliance with the updated SMP will be limited to new or redevelopment proposals after adoption of the SMP. Regarding the purported lack of scientific justification for proposed SMP standards, the Guidelines require all available scientific and technical information be evaluated and applied. The Guidelines do not require that new science be developed or that only “perfect” science be used. Science specific to Lake Washington is not required, if it is not available.

² RCW 90.58.020 Legislative Findings – Use Preference (emphasis added): *“The department, in adopting Guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which: (1) Recognize and protect the statewide interest over local interests; (2) Preserve the natural character of the shoreline; (3) Result in long term over short term benefit; (4) Protect the resources and ecology of the shoreline; (5) Increase public access to publicly owned areas of the shorelines; (6) Increase recreational opportunities for the public in the shoreline; (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.”*

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Recognizing the variability of available science, the Guidelines establish a precautionary principle at WAC 173-26-201(3)(g), which states:

“As a general rule, the less known about existing resources, the more protective shoreline master program provisions should be to avoid unanticipated impacts to shoreline resources.”

Furthermore, there is considerable science accumulated and utilized by neighboring Lake Washington jurisdictions³ as part of their Critical Areas Ordinance regulations supporting freshwater setback/buffer standards based on Best Available Science (BAS) and implemented as necessary to protect Fish & Wildlife Habitat Conservation Area (FWHCA) resources. Similar to FWHCA protections, SMP standards are designed to protect what are commonly understood as key shoreline functions, providing habitat, hydrology and water quality benefits. With regard to residential development, the Guidelines, at WAC 173-26-241(3)(j) state (emphasis added):

“Master programs shall include policies and regulations that assure no net loss of shoreline ecological functions will result from residential development. Such provisions should include specific regulations for setbacks and buffer areas...”

It is well established that updated buffer requirements are an effective method for sustaining important shoreline ecological functions. These standards were not a required element of the City’s previous SMP update, but are a fundamental element to the existing update, necessary to satisfy the **Vegetation Conservation** (WAC 173-26-221(5)) element of the SMP as well as support the overall no net loss of ecological function policy goal of the Guidelines. Throughout the SMP update process local governments establish; based on SMA policy and available science, jurisdiction specific appropriate standards, including buffers/setbacks necessary to satisfy the Guidelines of no net loss of ecological functions requirement. Kirkland’s shorelines are also designated as Shorelines of Statewide Significance (SSWS). SSWS call for a higher level of protection and require “*optimum implementation of the policy*” of the SMA (RCW 90.58.090(5)). Appropriate new buffer standards replacing existing inadequate setback standards, would contribute to “*optimum implementation*” and have been documented by the City as based on a jurisdiction specific analysis of the status of existing shoreline ecological functions as well as necessary protection measures to maintain these valuable resources (Watershed Co. 2006). Based on this existing information, Ecology disagrees with KLA’s request that the existing SMP setback/buffer be continued until the City can demonstrate harm to shoreline resources. In addition to the documented justification of the proposed setback/buffer standards, Ecology would note the Central Puget Sound Growth Management Hearings Board rejection of a similar argument to KLA’s against new buffers in a similar case involving wetland buffers within the City of Kent⁴.

³ **King County:** www.kingcounty.gov/property/permits/codes/CAO.aspx#best, **City of Seattle:** [www.seattle.gov/dpd/Planning/Environmentally Critical Areas Update/ProposedECAUpdate/default.asp](http://www.seattle.gov/dpd/Planning/Environmentally_Critical_Areas_Update/ProposedECAUpdate/default.asp)
City of Bellevue: www.ci.bellevue.wa.us/critical_areas_update.htm

⁴ Central Puget Sound Growth Management Hearings Board (CPSGMHB) *DOE/CTED v. City of Kent*.

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Buffers are an acceptable way of satisfying Guideline requirements, but other approaches could theoretically achieve the same result, such as prohibiting certain types of future shoreline development. If the city wishes to continue to allow new or expanded shoreline development, including single family residential, then new ecological impacts are anticipated and must be offset by either updated protection measures limiting the scale of the impact or some other form of appropriate mitigation. No net loss requires jurisdictions to offset anticipated impacts from future development at both the SMP update “planning” level where jurisdiction wide indicators of ecological risk/health are utilized to inform the planning process and development of specific protection measures necessary for achieving no net loss, and then again when actual development projects are reviewed and approved by the City in the future, through use of Mitigation Sequencing (i.e. Avoid, Minimize, Mitigation) of site specific impacts. This is also the time when specific nexus and proportionality safeguards are considered and applied to individual development proposals including adaptive options to accommodate uniquely constrained lots by providing added flexibility within a variance review process.

Minimum Requirements:

The Guidelines “constitute standards and criteria to be used by the department in reviewing the adoption and amendment of local master programs...” WAC 173-26-171(3)(a). As such, the Guidelines are often described as minimum procedural and substantive requirements for updating SMPs. Due to the vast and variable nature of existing shoreline conditions and circumstances across the State, the Guidelines contain few quantified standards. Instead, local governments are required through a lengthy public process, to seek out all available information regarding shoreline conditions, jurisdiction specific characterization of ecological processes and functions, existing and projected shoreline development and related impacts and locally customized SMP provisions that will protect and restore shoreline resources. Local governments can exceed Guidelines minimum requirements so long as they follow the established process and do not exceed statutory and constitutional authorities. Ecology is aware that the City of Kirkland has hosted over 25-public meetings as; open houses/workshops, planning commission meetings or Houghton Community Council meetings. In addition to these public events, City staff have made additional efforts to meet individually with interested parties and/or groups to further explain the intent of the update and potential impacts to these groups. In conclusion, the City’s outreach thus far, well exceeds the minimum requirements within the SMP Guidelines for public involvement.

Reliance on Other Laws:

Regarding the issue of reliance solely on other (non-SMA related) state and federal laws to satisfy Guideline requirements - this is not an option. Other federal or state statutes or even local regulations will have different purposes and requirements and may not be based on the (future) planning fundamentals required by the SMA and Guidelines. The local inventory, analysis and planning required as the basis for shoreline management decision-making and updating of SMPs that achieve no net loss are unique in Washington State to shoreline management. Achieving no

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net loss of shoreline ecological functions requires long-term certainty that the updated SMP policies and regulations will be consistently implemented over time. Other federal or state laws and regulations existing outside the span of control of local government or Ecology do not provide this certainty. The Guidelines do provide local governments with the option to rely on other local policies and regulations to satisfy Guideline requirements, but only if they are formally referenced as part of the locally approved SMP. In fact, this is what the City is proposing in relation to Pier/Dock standards through reference to locally relevant sections of the Army Corps of Engineers Regional General Permit (RGP) #3 standards. Again, formalization of these SMP standards provides the level of certainty required to ensure Guideline requirements and no net loss of shoreline ecological functions will be achieved over time through implementation of the updated SMP.

Conclusions:

Finally, in addressing the request for additional time in the process to “*reflect the needs of Kirkland’s citizens*”, this is for the City to decide based on its progress to date and other City priorities. As previously mentioned, according to Ecology, at this point in the SMP update, the City has already exceeded minimum public outreach requirements, with well documented and extensive efforts to engage its citizens in the local update process. The current statutory deadline for Kirkland to submit to Ecology a locally approved SMP is December 1, 2009. Local governments are of course, encouraged whenever possible to submit updates ahead of statutory deadlines.

We appreciate the City’s request for Ecology’s assistance in providing a response to these concerns and share the City’s interest in ensuring resolution to these policy and procedural concerns. Please do not hesitate to contact us if we can be of any further assistance. Thank you.

Sincerely,



Joe Burcar - Shoreline Planner, Ecology NWRO

cc: Geoff Tallent – Ecology
Peter Skowlund – Ecology

References:

- Watershed Company, 2006. **Shoreline Inventory/Characterization**. Prepared for the City of Kirkland: Planning and Community Development.
- Watershed Company, 2009a. **Shoreline Environment Designation Report**. Prepared for the City of Kirkland: Planning and Community Development.
- Watershed Company, 2009b. **draft Shoreline Cumulative Impact Analysis for City of Kirkland**. Prepared for the City of Kirkland: Planning and Community Development.



CITY OF KIRKLAND

Planning and Community Development Department

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MEMORANDUM

Date: July 10th, 2009

To: Kirkland City Council

**From: Andy Held, Chair
Planning Commission**

Subject: Kirkland Shoreline Master Program (File No. ZON06-0017)

Introduction and Background

The City Council and Planning Commission received a memo on June 22, 2009 from the Kirkland Lakeshore Association (KLA) requesting the "City Council request an extension to the deadline to enact the SMP Update" (see Attachment 1). The memo was submitted along with a letter dated June 15, 2008 to staff from Brent Carson, an attorney with Gordon Derr writing on behalf of the KLA. The City is required by the State to update the Shoreline Master Program (SMP) by December 1, 2009 but may request an additional year from the Department of Ecology to complete the work (RCW 90.58.080).

The City has been working on the update to the SMP for four years beginning in the spring of 2005. Over the past sixteen months the Planning Commission has held approximately 15 study sessions on the draft SMP. The Commission also took the unique step of conducting a special meeting with the shoreline property owners. Attached is a detailed listing of all the public involvement events and opportunities that have occurred over the course of this update. Attachment 2 is a summary of the SMP public involvement activities and Attachment 3 is a detailed listing of all public involvement events, meetings, briefings, notices and outreach that have occurred over the past four years.

While the request for the extension has been submitted to the Commission and City Council, our work on the draft SMP is still in process. A public open house was held on July 9th and a public hearing is scheduled for July 23rd. Following the public hearing, the Commission will be transmitting its recommendation to the City Council. Following Council's review and action, the SMP is to be transmitted to the State Department of Ecology for their review and comment to the City.

Through this process Ecology will also provide for public comment and will transmit comments to the City. This will provide the City the opportunity to respond and to demonstrate how the plan addresses the identified issues consistent with Shoreline Management Act (SMA) policies. Based on this information, Ecology will make a decision on the SMP. Ecology may: (1) approve the plan as submitted; (2) approve the plan with conditions; or (3) deny the plan. If Ecology approves the plan with changes, the City can either accept the recommendations from DOE or submit an alternative proposal for consideration. The final SMP must be approved by Ecology as meeting the adopted guidelines.

The memo from the KLA requests the time extension for the following reasons:

- Lakeshore property owners care about the environment
- There has been limited time for property owner evaluation
- A deadline extension is a reasonable solution and it is allowed under state law
- There are benefits from an extension (allowing property owners to learn more about the SMP; provide additional opportunity for feedback such as through education activities and workshops; to learn from other cities; reach a consensus).

In the letter dated June 15, 2009 Brent Carson indicates that the KLA is seeking a one-year extension due to the lack of adequate outreach and proposes that during this additional time the KLA and other stakeholders be engaged in further dialogue in order to address a number of issues.

The Planning Commission certainly takes the comments and concerns seriously and has been working diligently to address their concerns while meeting the mandates of the State required Shoreline Management Act and guidelines as adopted by the legislature. We have not completed our work and we would encourage the Council to consider the full record and Commission's recommendation before taking any action. We have significant concerns with extending the time for this project for as noted below.

Public Involvement Opportunities. The Planning Commission considers public involvement very important. The Commission reviewed and approved a public participation plan to guide our public involvement efforts. In keeping with Kirkland's emphasis on public involvement there have been a variety of venues and opportunities for community to learn and provide comments. These have included shoreline tours, open houses, meetings with property owners and workshops. The Commission has held over 15 public meetings on the SMP. A summary and detailed listing of these are noted in Attachments 2 and 3. We also recently held an Open House on July 8th. Commission members were there to meet face-to-face with property owners and interested stakeholders to discuss issues and concerns prior to our public hearing on July 23rd. Five members of the planning commission were present to meet with the public at the Open House for the full two hours. The turnout was light and only one signatory of the KLA letter briefly attended.

The Commission feels there have been ample opportunities for public involvement with the SMP update over the past four years. The City has far exceeded the requirements of the SMP guidelines.

- **Issues Addressed.** It is certainly understandable that there are concerns with the proposed draft SMP. New standards and regulations do affect private property. The Commission has considered all the input to date and has tried to strike a balance among shoreline ecological function, meeting the requirements of the State, and the interests of the property owners. Based on that, the Commission has provided additional flexibility and incentives in the regulations to address these concerns. The Commission is still listening and considering public input before making our recommendation. In addition, staff is also available to meet and discuss these concerns and issues. We are also in receipt of a letter from the Department of Ecology which responds to many of the items raised in the KLA letter (Attachment 4)
- **Budget and Staffing.** Over the past four years, the City has committed significant time, money and staffing to this project. The City is also experiencing serious budget reductions with additional cuts likely. We understand that there is no additional funding for this project. An additional year would require the equivalent of a 1.0 to 1.5 FTE staffing as well as additional professional consulting services. Staff has estimated that in addition to City staff **being** diverted from other Work Program items (see below), the professional consulting services would require funding in the range of \$100,000 - \$125,000.
- **Work Program and Staffing.** Extending our work and Planning staff's work on the SMP would also require an adjustment to the adopted Planning Work Program. We are particularly concerned that other tasks such as neighborhood plans may need to be deferred while work on the SMP would continue. At our joint meeting with the Council last spring it was emphasized that the neighborhood plans deserve our attention as soon as possible. In addition, the potential annexation of an additional 35,000 people will affect staffing levels and workload.

The Commission is still considering public input. A public hearing is scheduled on July 23rd before the Planning Commission. The Commission is encouraging all interested parties attend the public hearings and to submit comments and recommendations. Following the hearing the Commission will weigh all the information and take the time necessary to prepare a thoughtful and deliberate recommendation to the Council. Our recommendation will be presented to the Council at a study session in the fall along with the full record for Council's review and consideration. For the reasons stated above, the Commission would recommend the Council not request a time extension from the State.

Attachments

1. Memo and Letter from Kirkland Lakeshore Association
2. Summary of SMP public involvement activities

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3. SMP Public Participation Log
4. Letter from Department of Ecology

CC:
David Ramsay, City Manager
Planning Commission