

7. *The design follows the view corridor conditions of the 2002 CPA determination and enhances the scenic nature of the site for the public's visual and physical access. Proposed moorage pier extension is to meet additional demand for small boat moorage slips at the marina. It is not beyond the Outer Harbor Line and concurs with the side setback from the lateral property line. At the 1/11/06 neighborhood meeting, the Breakwater Condominiums requested something be done to keep the boat fueling public from mooring at their pier while waiting in line. A 240 linear foot joint-use floating PVC boom is therefore being proposed as a result of this meeting's comments. It will have a sign to the effect at its western end buoy for fueling to the left and trespassing to the right. It will have facilities so fueling boats can tether themselves to it while waiting their turn for fueling. The G-2 walkway is being proposed to facilitate in-water boat service repair access for marina staff. It is being constructed without piling in the nearshore water and facilitates removal of three floats shading the aquatic habitat and salmonid migration zone in the proposed public shore access area. These structures will not interfere with public use, enjoyment nor create navigational hazards or adverse affects to nearby uses. They will have deck lighting and be as fully grated as is structurally possible to minimize any possible adverse shading impacts to fish predation and aquatic plant life over time.*
8. *No residential uses are being proposed in the designs. The proposed pier structure will not extend beyond the Inner Harbor Line.*
9. *No residential uses are being proposed in the designs. The proposed 'C' Float Pier Extension and G-2 Walkway wood framing components will be pre-treated with ACZA, which is accepted by local, state and federal permitting authorities. Steel guide piles for the float will be pre-treated with Devtar 5-A non-coal tar epoxy.*
10. *Covered and secured waste receptacles are provided at all piers and will be in the shoreline access area as well.*
11. *Utility lines into the site from the boulevard and throughout the pier structures will be underground and below deck.*
12. *Restrooms and shower facilities will be provided in the new Marina Services Building for boat mooring tenants and their guests.*
13. *Existing pier lighting and proposed deck lighting for new pier structures is shown in Section C.8 on Addendum A. Deck lights are low voltage and rise just a few inches above the plane of the deck surface.*
14. *Yarrow Bay Marina is identified at its water entrance for the boating public.*
15. *Additional covered moorage is not being proposed.*
16. *Aircraft moorage is not being proposed.*
17. *Only allowable accessory uses in Process IIB, chapter 152 KZC are being proposed:*
 - a. *Boat rentals will continue to be provided to the public from Pier H off of the access shore area when a current drivers license and credit card are shown to the marina staff.*
 - b. *Boat and motor repairs and service will continue at the marina both in the covered G Pier moorage area for large boats and in the new shop and boat washing areas for smaller boats. This is in keeping with the public testimony during the 2001 CPA hearing process that the public deemed boat yard activities as part of the special nature and personality of the neighborhood. Dry land motor testing will be done, however, inside the new marina service building's shop area.*
 - c. *No boat launch ramp exists now or is proposed .*

- d. The existing dry land boat storage will end with the construction of the proposed upland site's re-development to office use.
- e. No special meeting or special events rooms are being proposed in the designs.
- f. Gas, diesel and oil sales for the boating public will continue as it exists now. Existing approved underground fuel storage tanks will be re-located to underneath the lower turn-around parking island. As exists now, facilities to clean-up and contain gas and oil spills will be maintained at the marina services building. The boating public has stocked its boats from these expensive supplies when stations were previously out on the piers. Thus a single station will continue to be retained at the proposed new marina services building as exists now. The Washington State Department of Ecology's Best Management Practices Manual for Marina Operations is incorporated as part of this Shoreline Substantial Development Permit application.
18. A pump-out facility is provided within the existing marina operations just upland from the boat fueling area and will be as well in the proposed.

Comprehensive Plan – Key Policies:

1. The primary objectives for development in PLA 15 are to maximum public access, use, and visual access to the lake and to maintain the natural characteristics and amenities of the Houghton Slope. *(Note that impacts of particular concern include view obstruction, traffic volume and movement, noise and glare from uses of higher intensity, and compatibility of building scale). See cover letter; Section B's Design Narrative and Section C.5 - C.7 and Addendum D.7.*
2. Subarea A should be developed with a mixture of **uses**: *Proposing marina and office.*
3. 'Water dependent' and 'water oriented' commercial uses should be included. *(Note that office uses are permitted if they do not detract from the public orientation of the waterfront). Building designs promote the public's waterfront orientation while affording the neighborhood views of the marina's boating activity as per public comment during 2001-02 Comprehensive Plan Amendment process design review.*
4. Public access to and along the water's edge and waterfront public use areas should be developed. *They are inherent in the overall site design(s) while keeping the public safe from the light industrial nature of the marina operations.*
5. Public improvements adjacent to Lake Washington Blvd are also desirable. *A pedestrian refuge island is proposed in the median of the driveway cut.*
6. Visual access to Lake Washington from Lake Washington Blvd should be maintained. *Provision of view corridor through site to shore provides public visual attraction as well as pedestrian access. To achieve greater visual access, building height, setback, and view corridor requirements may be varied. Office and marina services building height and setback designs promote view corridor. See: C.6. Views from existing developments should be protected. See: View Studies in C.7.*
7. Traffic impacts to Lake Washington Blvd should be considered. Access points should be limited. *See: Traffic Impact Analyses in D.7*
8. The existing marina in Subarea A and south of Carillon Point should be retained. *The site design keeps the existing marina operation with complementary office use.*

Section 60.172

Zone
PLA15A

USE ZONE CHART

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

Section 60.172 USE REGULATIONS	MINIMUMS				MAXIMUMS			Special Regulations (See also General Regulations)	
	Required Review Process	Lot Size	REQUIRED YARD (See Ch. 115)			Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)		Required Parking Spaces (See Ch. 105)
			Front Property Line	South Property Line	High Water Line				
.020 Attached or Stacked Dwelling Units (continued)								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	
.025 Office (continued)								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 only if the use of the moorage facilities is limited to the residents of the subject property.	

ATTACHMENT 18
5/12/06-00001

USE REGULATIONS

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

Section 60.172	Required Review Process	MINIMUMS				MAXIMUMS			Special Regulations (See also General Regulations)		
		Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)		Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)
			Front Property Line	North Property Line	South Property Line						
.020 Attached or Stacked Dwelling Units	Process I/B, Chapter 152 KZC.	7,200 sq. ft. with at least 3,600 sq. ft. per unit	30' See also Spec. 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'. See General Regulations.	10'	The greater of: a. 15' or b. 15% of the average parcel depth.	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. 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: <ol style="list-style-type: none"> Obstruction of views from existing development lying east of Lake Washington Boulevard is minimized; and 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 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
.025 Office		None			The minimum dimension of any yard, other than those listed, is 5'.				D	If medical or dental office, then one per each 200 sq. ft. of gross floor area. Otherwise, one per each 300 sq. ft. of gross floor area.	

REGULATIONS FOR THESE USES
CONTINUED ON THE NEXT PAGE

Use Zone Chart Compliance – Zoning Code Section 60.170 and 60.172.025 (PLA 15A zone)

PLA 6D Standards	Allowed/Required	Proposed
Use	Office	Office
Process	Process IIB, Chapter 152 KZC	Process IIB, Chapter 152 KZC
Lot Size	None	92,048 square feet above ordinary high water mark (per survey information)
Front Yard	30 feet, see also Special Regulations 3 and 4 (below)	35 feet
South Required Yard	10 feet	Complies
North Required Yard	5 feet (See Special Regulation 4)	-Complies
High Waterline Required Yard	The greater of: 15 feet or 15% of the average parcel depth	15% of average parcel depth, which equals 56 feet, is the greater setback. The marina service building is setback more than 75 feet from the ordinary high waterline.
Lot Coverage	80%	79.33%
Building Height	30 feet above average building elevation, see special regulation 5	40 feet above average building elevation, see special regulation 5
Landscape Category	D	D. See section II.G.4
Sign Category		No signs indicated.
Required Parking		See section II.G.2 of the staff advisory report.

ATTACHMENT 19
SAROB-00001

CITY OF KIRKLAND
TRANSPORTATION MANAGEMENT PLAN
FOR : **Marina Suites Office Building and Yarrow Bay Yacht Basin**
FILE NO. : **SHRO6-00001**

This Transportation Management Plan (TMP) has been developed to provide for the transit and ridesharing needs for the (occupants/employees) of the above mentioned project located at: **5207 Lake Washington Blvd.** The purpose of the TMP is to reduce the number of single-occupant vehicle trips generated by the subject property and to assist in mitigating the traffic impacts of the project on streets in the project vicinity.

Project Description

- Address: 5207 Lake Washington Blvd.
- Number of occupants projected: 220
- Number and type of parking spaces: 215 total spaces - approx. 168 will be located under the office building footprint, balance will be surface stalls adjacent to office building.
- Other: final project is proposed to consist of 55,000 S.F. general office building plus a new 7,000 S.F. marina service building and 110 total moorage slips.

Definitions:

For the purpose of this TMP, the following words, acronyms or phrases, when used within this document shall have the following meanings:

BTC - means Building Transportation Coordinator and is generally an employee of the building owner or the property manager.

TC - means Transportation Coordinator and is a liason on site (one representative for each of the companies within a site in the case of a multiple tenant office building), within a TMP conditioned buildin(s). Each coordinator is identified to represent their respective company for the purposes of survey, promotions and assisting their employees with commuting issues.

SOV- means Single Occupancy Vehicle

TMP Goals

The goal of this TMP shall be to reduce the number of single-occupant vehicle (SOV) trips to the site as follows (based on provisions of the Washington State Commute Trip Reduction Law): 15% (from base year value) two years after the site's initial survey; 20% reduction from the base after two additional years; 25% after two additional years; and 35% within six additional years. The base year value can be determined from the initial site survey, or the current East King County CTR Zone base of 85% SOV may be used.

TMP Elements

The following elements of this plan shall be implemented by the owner of the project. The owner or authorized agent shall coordinate with Metro and utilize their services and materials as available:

1. Preferential parking spaces will be provided in either the surface or underground parking garage - as close as possible to the building elevators and building main entrances. These parking spaces will be designated and parking permits will be issued. The initial number of preferential spaces will be 10% of total parking spaces. The number of spaces shall increase in the future in response to demand.
2. The owner will ensure that tenants understand the TMP requirements. Each tenant will assign a representative to act as transportation coordinator (TC) and liaison between the owner or property manager and the tenant employees. Each tenant TC will inform their employees regarding commuter-related information and be available for survey assistance during biennial survey weeks.
3. The owner will provide an easement to the City for a bus shelter footing. If deemed necessary by Metro at the time of occupancy, a bus shelter footing and shelter will be installed, with the cost shared by Metro, the City and the owner.
4. The owner will provide a Guaranteed Ride Home program for (occupants/employees) who use a commute mode other than driving alone. This program will ensure that a ride home is available if a personal emergency arises.
5. The owner will make available a monthly subsidy to each tenant employee equal to a Metro one-zone peak bus pass for (occupants/employees) who wish to use public transit. Such subsidy could be reimbursed monthly or quarterly at the owner or property managers discretion.
6. Prior to Certificate of Occupancy (CO) the owner will provide for City- specified lighting accommodations at the current cross walk identified(TBD - City Planners??)
7. The owner will provide and install a commuter information center (CIC) in a highly visible, accessible area in the building lobby or other location approved by the city.
8. Upon receiving the Certificate of Occupancy for 5207 Washington Blvd., a permanent Building Transportation Coordinator (BTC) shall be appointed for the entire building. The BTC will coordinate and administer the owner's TMP responsibilities, and shall receive sufficient support and direction from management to carry out these responsibilities effectively. The name, phone number and fax number of the building BTC shall be forwarded to the City planning department. The BTC will perform the following duties:

- a) Commuter Information Center (CIC): maintain and stock the center, including prominent display of building BTC name and phone number, and posting of Ridematch Bulletins and signs when made available.
 - b) Commuter Information Packet: The BTC shall prepare a Commuter Benefits brochure, containing information on all commute-related amenities, programs and benefits provided by the owner. The BTC shall distribute this, along with other commuter information deemed appropriate by the City, each(occupant/employee). The brochure and packet contents shall be updated and distributed on an annua basis to all (occupants/employees), and to new (tenant employees/employees) at time of (occupancy/hiring).
- a) Promotions: The BTC shall promote alternatives to SOV commuting by implementing the promotional campaigns made available by the City. Additional prizes or incentives will be offered to building occupants to encourage participation. All costs shall be incurred by the owner.
 - b) Marketing: If Marina Suites Office Building/Yarrow Bay Yatch Basin produces a newsletter or bulletin, commuter information shall be included on a regular basis.
 - c) Training/Network Group Meetings: The BTC will attend a TMP training session and local network group meetings as made available by the city.
 - d) Annual Report: The BTC shall complete and submit a report form each year or at a time designated by the City, documenting TMP activities. The applicable form will be provided by the City or its agent.
 - e) Biennial Survey: Within a reasonable time after occupancy is attained, the BTC will conduct an initial survey to determine the existing amount of non-SOV commuting and assist in determining future potential.
 - f) Guaranteed Ride Home Program: The BTC will be responsible for administering the program and making it available to site occupants.
 - g) Transit Subsidy: The BTC will be responsible for administering the program and making the subsidy available to site occupants. The BTC shall coordinate with Metro to provide the subsidy through on-site pass sales or by providing reimbursement through Commuter Bonus Vouchers or other acceptable method.
9. The TMP may be subject to modifications based on progress towards goal as measured by biennial surveys.

10. This TMP shall be recorded with King County as part of the covenants, conditions and restrictions of the project to assure its implementation. The TMP shall run for the duration of the current use of the building, and shall be binding on the heirs, successors and assignees of the parties.

Section 60.172

Zone
PLA15A

USE ZONE CHART

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

Section 60.172 USE ↑	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS			Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Front Property Line	South Property Line	High Water Line	Lot Coverage	Height of Structure					
.050 General Moorage Facility	Process IIB, Chapter 152 KZC.	None, but must have at least 100' of frontage on Lake Washington.	Landward of the High Waterline 30' The greater of: Spec. a. 15' or Reg. b. 1-1/2 times the height of the primary structure above average building elevation minus 10'. 10' 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 -- 10' 10' -- 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 over-water structure; or (See next page for the rest of the Required Yard Regulations)	80%	Landward of the High Waterline, 30' above average building elevation. See Spec. Reg. 4. Waterward of the High Waterline, Dock and Pier decks may not be more than 24' above mean sea level.	B See Spec. Reg. 14.	B	1 per each 2 slips. Otherwise, none if the moorage facility is reserved for the exclusive use of an adjoining residential development.	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. 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. 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. 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 landward of the high waterline to accommodate the necessary support facilities. b. The potential for traffic congestion.			

ATTACHMENT 21
1000.90201

USE REGULATIONS

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

Section 60.172	USE REGULATIONS	Required Review Process	Lot Size	MINIMUMS				MAXIMUMS			Special Regulations (See also General Regulations)
				REQUIRED YARD (See Ch. 115)			Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	
				Front Property Line	South Property Line	High Water Line					
.050	General Moorage Facility (continued)			<p>c. Closer to a lot containing a detached dwelling unit than a line that starts where the high water line 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>The minimum dimension of any yard, other than those listed, is 5'.</p> <p>(See previous page for the rest of this column)</p>						<p>7. 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:</p> <ul style="list-style-type: none"> 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. <p>8. If the moorage 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.</p> <p>9. May not treat moorage structure with creosote, oil base or toxic substance.</p> <p>10. Must provide covered and secured waste receptacles on all piers.</p> <p>11. All utility and service lines must be below the pier deck and, where feasible, underground.</p> <p>12. Must provide public restrooms unless moorage is only available for residents of dwelling units on the subject property.</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> <p>16. Aircraft moorage is not permitted.</p> <p>17. The following accessory components are allowed if approved through Process IIB, Chapter 152 KZC: <ul style="list-style-type: none"> a. Boat and motor sales leasing. </p>	

REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 60.172

Zone
PLA15A

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS											
Section 60.172 USE ↑	REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS			Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARD (See Ch. 115)			Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)		Required Parking Spaces (See Ch. 105)
				Front Property Line	North Property Line	South Property Line					
.050	General Moorage Facility (continued)									<p>b. Boat and motor repair and service if:</p> <ol style="list-style-type: none"> 1) The 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. <p>c. Boat launch ramp if:</p> <ol style="list-style-type: none"> 1) It is not for the use of the general public; and 2) Is paved with concrete; and 3) There is sufficient room on the subject property for maneuvering and parking so that traffic impact on the frontage road will not be significant; and 4) Access to the ramp is not directly from the frontage road; and 5) The design of the site is specifically approved by the City. <p>d. Dry land storage. However, stacked storage is not permitted.</p> <p>e. Meeting and special events rooms.</p> <p>f. Gas and oil sale for boats, if:</p> <ol style="list-style-type: none"> 1) Storage tanks are underground and on dry land; and 2) The use has facilities to contain and cleanup 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. <p>18. At least one pump-out facility shall be provided for use by the general public. This facility must be easily accessible to the general public and clearly marked for public use.</p>	

Use Zone Chart Compliance – Zoning Code Section 60.170 and 60.172.025 (PLA 15A zone)

PLA 6D Standards	Allowed/Required	Proposed
Use	General Moorage Facility	General Moorage Facility
Process	Process IIB, Chapter 152 KZC	Process IIB, Chapter 152 KZC
Lot Size	None, but must have at least 100 feet of frontage on Lake Washington	92,048 square feet above ordinary high water mark (per survey information). Property has over 100 feet of frontage along Lake Washington.
Front Yard	For structures waterward of the high waterline 30 feet, see also Special Regulations 3	Marina services building is located more than 300 feet from the front property line.
South Required Yard	10 feet	The Marina service building complies with this setback standard. The float extension is proposed to be 20 feet from the south property line.
North Required Yard	5 feet (See Special Regulation 4 below for structures landward of the ordinary high waterline) 10 feet for structures waterward of the high waterline	Complies
High Waterline Required Yard	The greater of: 15 feet or 15% of the average parcel depth	15% of average parcel depth, which equals 56 feet, is the greater setback. The marina service building is setback more than 75 feet from the ordinary high waterline.
Moorage structures near parks	No moorage	Not applicable. The nearest park is located to the north of Carillon Point.
Moorage structures near detached dwelling unit		Not applicable. The nearest detached dwelling unit is located over 200 feet to the south and there is an intervening moorage structure for the Breakwater Condominiums.
Moorage structure setback from another moorage structures	25 feet minimum separation	The moorage structure for the Breakwater condominiums is located over 40 feet south of the joint property line.
Lot Coverage	80%	79.9%
Building Height	30 feet above average building elevation, see special regulation 5	40 feet above average building elevation, see special regulation 5
Landscape Category	D	D. See section II.D.6
Sign Category		No signs indicated

ATTACHMENT 2D

517206-00001

Required Parking		See section II.G.2 of the staff advisory report.
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24.05.165 Use regulations—Moorage structures and facilities.

(a) General. This section contains regulations pertinent to the development and use of moorage structures and facilities. These regulations are founded on the goals and policies established in Part II of this chapter. Please see the chart contained in Section 24.05.110 of this chapter to determine in which shoreline environments moorage structures and facilities are permitted.

(b) Permitted Use.

(1) The principal use permitted in this section is moorage of private pleasure watercraft.

(2) In the suburban residential shoreline environment, accessory uses, structures and facilities are not permitted as part of this use.

(3) In shoreline environments where this use is permitted, other than as specified above, the following accessory uses, developments and facilities are permitted as part of this use:

(A) Boat and motor sales and leasing;

(B) Boat and motor repair and service, if:

(i) This activity is conducted on dry land and either totally within a building or totally sight-screened from adjoining property and the right-of-way; and

(ii) All dry land motor testing is conducted within a building.

(C) Pumping facilities to remove effluent from boat holding tanks.

(D) Dry land boat storage; provided, however, that stacked storage is not permitted.

(E) Meeting and special event rooms.

(F) Gas and oil sales for boats, if:

(i) All storage tanks are underground and on dry land; and

(ii) The use has facilities to contain and clean up gas and oil spills.

This accessory use (gas and oil sales) may be conducted within an over water shed that is not more than fifty square feet in area and ten feet high as measured from the deck.

(G) Boat launch ramps that meet the following requirements:

(i) The ramp is paved with concrete.

(ii) There is sufficient room on the subject property for maneuvering and parking so that traffic impact on the frontage road will not be significant.

(iii) Access to the ramp is not directly from the frontage road.

(iv) The design of the site is specifically approved by the city.

(4) Other sections in this chapter contain regulations on bulkheads and other shoreline protective structures and other uses, developments and activities which may be conducted accessory to the principal use.

(c) Minimum Lot Size. There is no minimum lot size for this use; provided, however, that the subject property must be large enough and be of sufficient dimensions to comply with the site design and other requirements of this chapter.

(d) Limitation on Uses in the Suburban Residential Shoreline Environment.

(1) In the suburban residential shoreline environment, moorage structures and facilities may only be developed and used accessory to detached dwelling units on waterfront lots. Use of moorage structures and facilities in the suburban residential shoreline environment is limited to the residents and guests of the waterfront lots to which the moorage is accessory. Moorage space may not be leased, rented, sold or otherwise made available to other than the residents and guests of the waterfront lots to which the moorage is accessory.

(2) In the suburban residential shoreline environment, moorage structures and facilities may not provide moorage for more than two boats; provided, however, that waterfront lots in this environment are encouraged to develop joint or shared moorage facilities. If this occurs, the joint or shared moorage facility may contain up to two moorages for each waterfront lot participating in the joint or shared moorage facility.

(e) Size of Moorage Structures. Moorage structures may

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necessary to provide safe and reasonable moorage for the boats to be moored. The city will specifically review the size and configuration of each proposed moorage structure to help ensure that:

(1) The moorage structure does not extend waterward beyond the point necessary to provide reasonable draft for the boats to be moored, but not beyond the outer harbor line;

(2) The moorage structure is not larger than is necessary to moor the specified number of boats; and

(3) The moorage structure will not interfere with the public use and enjoyment of the water or create a hazard to navigation; and

(4) The moorage structure will not adversely affect nearby uses; and

(5) The moorage structure will not have a significant long-term adverse effect on aquatic habitats.

(f) Over Water Structures — Required Yards.

(1) No structures regulated under this section, other than moorage structures and sheds associated with gas and oil sales for boats, may be located waterward of the high waterline. Other sections of this chapter contain regulations on bulkheads and other shoreline protective structures and breakwaters which may be accessory to this use and located waterward of the high waterline.

(2) The required yards for structures landward of the high waterline are as established in the various shoreline environments by Section 24.05.150 regarding attached and stacked dwelling units.

(3) Waterward of the high waterline, the required setbacks in the suburban residential shoreline environment are as follows:

(A) No moorage structure on private property may be within twenty-five feet of a public park.

(B) No moorage structure may be within twenty-five feet of another moorage structure not on the subject property.

(C) The side property line setback is ten feet.

(4) Waterward of the high waterline, the required setbacks in the Urban Mixed Use 1 Shoreline Environment are as follows:

(A) If the subject property provides moorage for not more than two boats, the following setbacks apply:

(i) No moorage structure may be within twenty-five feet of another moorage structure not on the subject property.

(ii) The side property line setback is ten feet.

(B) If the subject property provides moorage for more than two boats, the following setbacks apply:

(i) No moorage structure on private property may be within one hundred feet of a public park.

(ii) No moorage structure may be within fifty feet of an abutting lot that contains a detached dwelling unit.

(iii) No moorage structure may be within twenty-five feet of another moorage structure not on the subject property.

(5) The side property line setback is ten feet.

(6) Waterward of the high waterline, the required setbacks in shoreline environments other than as listed above, wherein this use is permitted, are as follows:

(A) If the subject property provides moorage for not more than two boats, the following setbacks apply:

(i) No moorage structure on private property may be within twenty-five feet of a public park.

(ii) No moorage structure may be within twenty-five feet of another moorage structure not on the subject property.

(iii) The side property line setback is ten feet.

(B) If the subject property provides moorage for more than two boats, the

following setbacks apply:

(i) No moorage structure on private property may be within one hundred feet of a public park.

(ii) No moorage structure on private property may be 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 and runs waterward toward the moorage structure at a forty-five-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 structures.

(iii) No moorage structure on private property may be closer to a lot containing a detached dwelling unit than a line that starts where the high waterline of the lot intersects with the side property line of that lot closest to the moorage structure and runs waterward towards the moorage structure at a thirty-degree angle from that side property line. This setback applies whether or not the subject property abuts the lot containing the detached dwelling unit, but does not extend beyond any intervening over-water structures.

(iv) No moorage structure may be within twenty-five feet of another moorage structure not on the subject property.

(v) The side property line setback is ten feet.

(g) Height of Structures.

(1) Landward of the high waterline, the maximum permitted height of structures is as follows:

(A) In the Suburban Residential Shoreline Environment, the maximum height of structures landward of the high waterline is as established for detached dwelling units in that shoreline environment. See Section 24.05.145 of this chapter.

(B) In all other shoreline environments where this use is permitted, the maximum height of structures landward of the high waterline is as established in each of those shoreline environments for stacked and attached dwelling units. See Section 24.05.150 of this chapter.

(2) Waterward of the high waterline, pier and dock decks may not exceed a height of twenty-four feet above mean sea level.

(h) Moorage Structures Waterward of the Inner Harbor Line. If the moorage structure will extend waterward of the inner harbor line, the applicant must obtain a lease from the Department of Natural Resources prior to proposing this use.

(i) Certain Substances Prohibited. No part of moorage structures or other components that may come into contact with the lake may be treated with or consist of creosote, oil base, toxic or other substances that would be harmful to the aquatic environment.

(j) Certain Moorages Prohibited. Covered moorage is prohibited. Aircraft moorage is prohibited. (Ord. 3153 § 1 (part), 1989; Ord. 2938 § 1 (part), 1986)

24.05.160 Use regulations—Retail and office use.

(a) General. This section contains regulations pertinent to the development and use of retail and office uses. These regulations are founded on the goals and policies established in Part II of this chapter. Please see the chart contained in Section 24.05.110 of this chapter to determine in which shoreline environments retail and office uses are permitted.

(b) Permitted Use.

(1) The principal uses permitted in this section are retail establishments providing goods, services and lodging directly to the public; and places of employment providing professional, administrative and similar service functions.

(2) In addition to the principal uses listed above, accessory uses, developments and activities normally associated with retail and office uses are also permitted. This chapter contains regulations on bulkheads and other shoreline protective structures, moorage facilities, and other uses, developments and activities which may be conducted accessory to the principal use.

(c) Lot Size.

(1) In the Urban Mixed Use 1 Shoreline Environment, there is no minimum lot size for this use.

(2) In the Urban Mixed Use 2 Shoreline Environment, see Section 24.05.205 of this chapter.

(d) Required Yards — Over Water Structures Prohibited. The regulations of this subsection establish the required yards for all buildings and other major structures associated with this use. No building or other major structure may be located within the following required yards:

(1) In the Urban Mixed Use 1 Shoreline Environment, the required yards are as follows:

(A) The front yard is zero feet; provided, however, any portion of the structure that exceed a height of thirty feet above average grade level must be set back from the property line one foot for each five feet that portion of the structure exceeds thirty feet above average grade level.

(B) The high waterline yard is the greater of fifteen feet or fifteen percent of the average parcel depth; provided, however, that balconies that are at least fifteen feet above finished grade may extend up to four feet into the high waterline yard.

(C) The minimum dimension of any required yard other than as listed above is zero feet.

(2) In the Urban Mixed Use 2 Shoreline Environment, see Section 24.05.205 of this chapter.

(3) No structure regulated under this section may be located waterward of the high waterline. This chapter contains regulations on bulkheads and other shoreline protective structures, moorage facilities and other components which may be accessory to this use located waterward of the high waterline.

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

(f) Height.

(1) In the Urban Mixed Use 1 Shoreline Environment, structures may not exceed forty-one feet above average grade level.

(2) In Urban Mixed Use 2 Shoreline Environment, see Section 24.05.205 of this chapter. (Ord. 3153 § 1 (part), 1989; Ord. 2938 § 1 (part), 1986)

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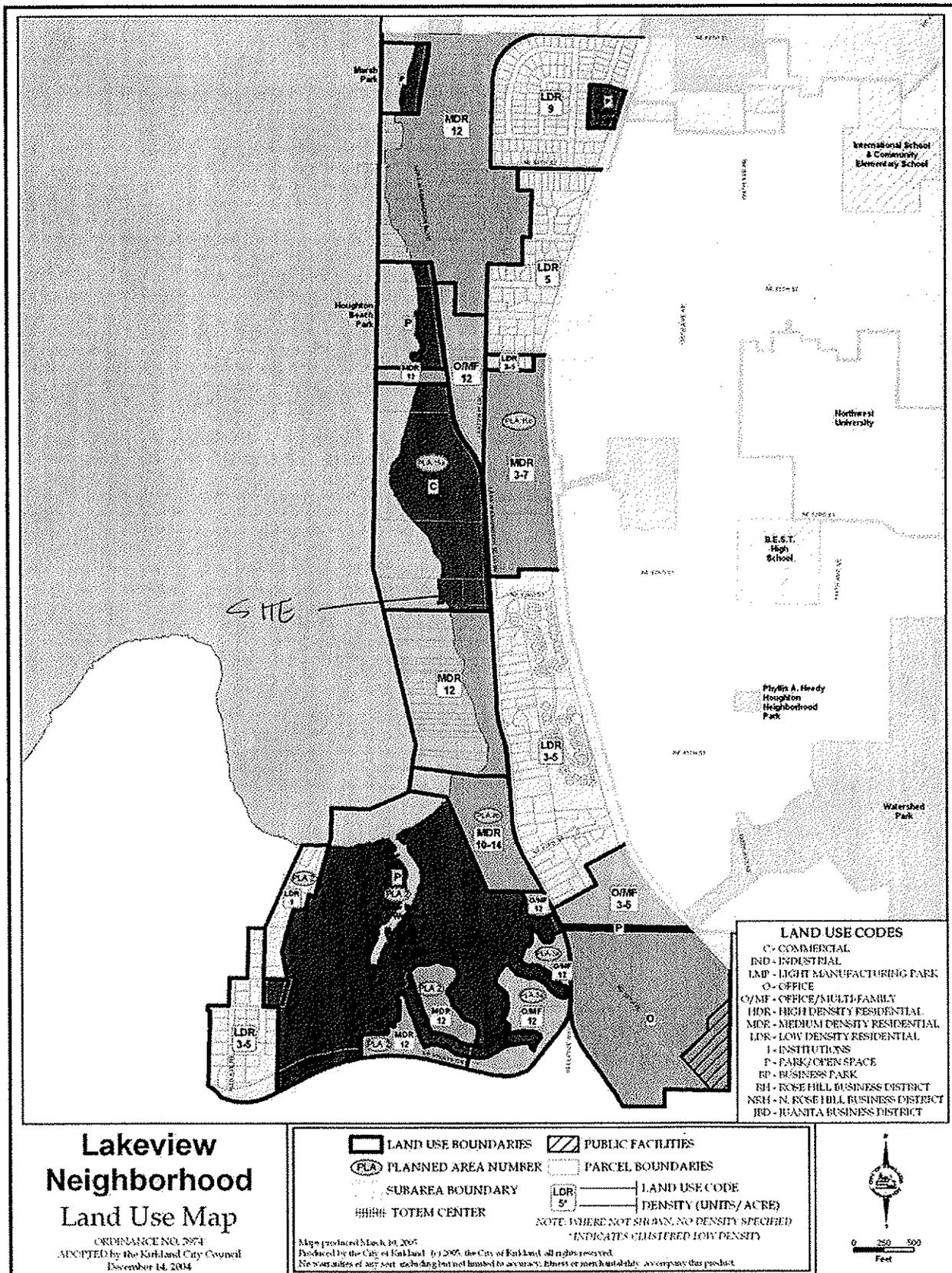


Figure L-1: Lakeview Land Use

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Use of existing multifamily units for overnight lodging, however, would be acceptable provided that the site development maintains its residential character and that accessory restaurants, retail, or similar uses are not allowed.

Subarea B should include public use areas.

Because of its adjacency to Lake Washington and Yarrow Bay wetlands, development in Subarea B should also include a public trail along its entire perimeter as well as other areas suitable for passive public use.

PLANNED AREA 15: OLD SHIPYARDS

Subarea A is described.

Planned Area 15 comprises approximately 31 acres lying on both sides of Lake Washington Boulevard. Most of the Planned Area is under common ownership. The area west of the Boulevard is located adjacent to Lake Washington and has been designated as Subarea A. The topography of Subarea A is unique to the shoreline. The depth of the area between Lake Washington Boulevard and the lake is substantially greater than the areas to the north and south. Much of Subarea A is more than 200 feet from the high waterline and, therefore, is not subject to the Shoreline Master Program. In addition, Lake Washington Boulevard rises to its highest elevation above the lake adjacent to the southern portion of Subarea A.

For many years, much of Subarea A was the site of the Lake Washington Shipyards, which ceased production in the late 1940s. Then the site was used as the Seattle Seahawks professional football team's training facility until the late 1980s. Now it is the site of the Carillon Point mixed use center, containing office, retail, hotel, restaurant, marina and residential uses.

South of Carillon Point is the Yarrow Bay Marina containing over-water covered moorage facilities, dry dock boat storage, boat launch, boat sales and service, a pump-out facility and an accessory office building. The marina has been in existence since the 1950s.

Subarea B is described.

The area east of Lake Washington Boulevard and Lakeview Drive has been designated as Subarea B. Slopes in this area may be environmentally sensitive.

Although most of Subarea B is undeveloped, there are three single-family homes and a large apartment complex which terraces up the slope and bisects the area.

The primary objectives for development in PLA 15 are to maximize public access, use, and visual access to the lake and to maintain the natural characteristics and amenities of the Houghton Slope.

The primary objectives for development in Planned Area 15 are to maximize public access to and use of the waterfront, to maximize visual access to the lake for the public from Lake Washington Boulevard, and to minimize encroachment of development on the natural characteristics and amenities of the Houghton Slope. In addition, development should occur in such a manner that impacts to existing development in the vicinity are minimized. Impacts of particular concern include view obstruction, traffic volume and movement, noise and glare from uses of higher intensity, and compatibility of building scale. While the potential public benefits from development in Planned Area 15 are considerable and should not be diminished in importance, these benefits should be achieved in a manner that offers property owners in Planned Area 15 reasonable development opportunities and effective incentives to provide the desired public benefits. Policies to achieve these objectives are described below.

Subarea A should be developed with a mixture of uses. Residential development should be allowed at a density of 12 dwellings per acre.

Subarea A, west of Lake Washington Boulevard, should be developed with a mixture of uses. Like the shoreline areas lying immediately to the north and

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south, residential development in Subarea A should be allowed at a density of 12 dwelling units per acre. However, a density bonus at up to two units per acre would be appropriate if public benefits are incorporated into development. As a means of minimizing waterfront development and providing greater public use and visual access opportunities, some of the permitted unit count should be encouraged to be transferred to Subarea B lying east of Lake Washington Boulevard.

'Water dependent' and 'water oriented' commercial uses should be included.

In addition to residential uses, Subarea A also should include nonresidential uses which provide opportunities for greater public use and enjoyment of the waterfront. Highest priority should be given to uses such as marinas which are "water dependent." These uses should be encouraged to incorporate public use amenities such as short-term moorage, access to piers for fishing, strolling or other activities, and boat launching facilities.

Also desirable in Subarea A are commercial uses which enhance the public orientation of the waterfront. Restaurants, small retail shops, museums, theaters, and other similar uses should be permitted if they are oriented to and integrated with water-dependent uses and waterfront public use areas. Offices also should be permitted if they do not detract from the public orientation of the waterfront.

Public access to and along the water's edge and waterfront public use areas should be developed.

All development in Subarea A should include areas which are open for public use. A public trail should be required along the entire length of the waterfront with connections to Lake Washington Boulevard at or near each end. Areas which are available for other public waterfront activities also should be strongly encouraged.

Public improvements adjacent to Lake Washington Boulevard are also desirable.

Public use areas also should be encouraged adjacent to the westerly margin of Lake Washington Boulevard. The Boulevard is now a popular path for pedestrians, joggers, and bicyclists. Expansion of the area now available for or associated with these activities would be a significant public asset.

Visual access to Lake Washington from Lake Washington Boulevard should be maintained. To achieve greater visual access, building height, setback, and view corridor requirements may be varied. Views from existing developments should be protected.

Visual access to Lake Washington from Lake Washington Boulevard should be an integral element in the design of development in Subarea A. Building height, setback, and view corridor requirements should be allowed to be varied from elsewhere along the waterfront if it is demonstrated that greater visual access to Lake Washington is achieved and that views from existing development in and adjacent to Planned Area 15 are not significantly impaired. In accordance with the Shoreline Master Program, buildings within 200 feet of the lake may not exceed a height of 35-41 feet.

Subarea B should be developed with residential uses at a density of three to seven dwellings per acre. Dwelling units may be transferred from Subarea A subject to conditions.

Subarea B, east of Lake Washington Boulevard, should be developed exclusively with residential uses at a base density of three to seven dwelling units per acre. Within this specified density range, actual permitted density should be determined by the degree of compliance with the policies for development on the Houghton Slope as discussed on pages A-5 and A-6. Unit count which is proposed to be transferred

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from Subarea A may be permitted over and above seven dwelling units per acre if it is demonstrated that the resulting increased unit count will maintain compliance with these policies. However, in no case should dwelling units be developed within the steep ravine located near the middle of Subarea B.

In order to minimize the developed area on the slope, increased building height should be considered.

In order to minimize the developed area on the slope, increased building height in Subarea B should be considered. Where increased building height is proposed, it should be demonstrated that taller buildings will not significantly impair views from existing development to the east of Planned Area 15.

Traffic impacts to Lake Washington Boulevard should be considered. Access points should be limited.

A major consideration in the design of Planned Area 15 should be the impact of traffic on Lake Washington Boulevard. On- or off-site improvements, including signalization, channelization, and lane reconfiguration, should be required as necessary to mitigate identified traffic impacts. In order to minimize disruption of traffic flow, the number of access points to Planned Area 15 should be strictly limited and controlled. West of the Boulevard, the primary point of access should be located at the intersection of Lake Washington Boulevard and Lakeview Drive. East of the Boulevard, more than one primary point of access may be necessary due to the divided ownership pattern. Nevertheless, the number of access points should be kept to the smallest possible number.

The properties within Subarea A and south of Carillon Point should be limited to one access point onto Lake Washington Boulevard. A transportation demand management plan and a vehicle circulation and pedestrian safety plan with provisions for safe pedestrian and vehicular access to and from Lake Washington Boulevard should be provided for any new development.

Carillon Point is developed as a mixed use Master Plan, subject to an approved Master Plan.

Carillon Point has been designed and constructed as a coordinated and planned development. As a prerequisite to any construction, the development went through an extensive public review and City approval process. Any future major change to the development should be reviewed to ensure Master Plan compliance.

The existing marina in Subarea A and south of Carillon Point should be retained.

The existing marina development in Subarea A and south of Carillon Point provides water-dependent uses and an opportunity for waterfront public use areas. Any future redevelopment of this site should include retaining the marina. Office and multifamily are appropriate uses for the upland portion of the site; provided, that any new use is integrated and planned around the marina. A view corridor from Lake Washington Boulevard to the water should be provided across the southern portion of the site. Vegetation height and placement of parking and loading areas should be limited to protect the view corridor.

Development elsewhere along the shoreline is discussed.

Existing development elsewhere on the shoreline is primarily residential. As discussed in the Shoreline Master Program, residential uses should continue to be permitted along the shoreline. Outside of Planned Areas 2, 3, and 15 and the Yarrow Slough Slope, which are discussed above, multifamily uses should be permitted at medium densities (12 dwelling units per acre). This is a lowering of densities at which multifamily developments have taken place in the past, but is consistent with the density of apartment development on the east side of Lake Washington Boulevard, west of Lakeview Drive. Past densities have created severe ingress

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and egress problems onto Lake Washington Boulevard.

As specified in the Shoreline Master Program, new residential structures constructed waterward of the high water line are not permitted. Additional standards governing new multifamily development can be found in the Shoreline Master Program.

Constraints in the area south of SR-520 limit development densities up to three dwelling units per acre.

The area south of SR-520, within the City limits, has physical orientation to the Clyde Hill area. Access to this location is very difficult and constrained through the single-family residential area of Clyde Hill. Hence, the properties in that location will be strongly affected by the eventual development of the area. Public servicing to the area south of the freeway will also be difficult. There is an environmentally sensitive slope in that location, although the slope has been modified by the construction of SR-520. For these reasons, and to provide compatibility with the nature of development in Clyde Hill, a density of up to three dwelling units per acre is appropriate. Clustered or attached dwelling units are encouraged in order to assist mitigating potential development problems.

5. ECONOMIC ACTIVITIES

Offices and limited commercial activities should be permitted in the northeast quadrant of the Lake Washington Boulevard/SR-520 interchange.

Much of the northeast quadrant of the SR-520/Lake Washington Boulevard interchange has already been committed to certain economic activities including large and small office structures, restaurants, and a motel. Due to the availability of adequate public services, easy access to major arterials and to the freeway, and the overall compatibility with adjacent land uses, the northeast

quadrant of this interchange should continue to be devoted to commercial activities. The most appropriate use of this land would include such activities as office structures, and some freeway-oriented uses, such as motel facilities. Limited convenience commercial facilities may be included as part of the office structures or with freeway-oriented uses, but not as a primary use. Retail commercial facilities beyond the scope of convenience facilities are not considered appropriate because these kinds of activities should be concentrated in existing major commercial centers (the Central Business District or Totem Lake Shopping Center) as well as neighborhood shopping centers. All developments, especially along Lake Washington Boulevard, should include landscaping and other elements to enhance this interchange as an entry to the City.

Offices should be allowed at the southern end of the Houghton Slope.

Office development also should be allowed to extend northward onto the southern end of the Houghton Slope. Offices in this area would have the same locational advantages of the area immediately to the south. At the same time, with proper site planning and building design, offices would provide a desirable transition to the residential area to the north. In order to ensure suitable office development, the following standards should be met:

- (1) Compliance with the standards for residential development at a density of up to five dwelling units per acre elsewhere on the unstable Houghton Slope.
- (2) Compatibility of building scale and density with residential uses.
- (3) Use of natural features, such as ravines, watercourses, or areas of significant natural vegetation to provide a separation from residential uses.



DEDICATION OF PUBLIC ACCESS EASEMENT AREA ON PRIVATELY OWNED SHORELINE

The undersigned persons, hereinafter referred to as "dedicator" and being all of the owners of the real property hereinafter described, do hereby make in perpetuity for the use of the general public, in a manner consistent herewith, the following easement dedication:

1. AREA TO BE DEDICATED

The area hereby dedicated is described in Exhibit A attached hereto and made a part hereof as though fully set forth herein.

2. PURPOSE OF DEDICATION

The real property herein described is dedicated to the City of Kirkland on behalf of the general public in order to allow pedestrian access and entry onto the dedicated area by the general public and all members thereof for the peaceful enjoyment of the dedicated area and the waters of Lake Washington adjoining. Dedicator reserves all rights and uses in and to the public access area which are not repugnant to the uses herein granted.

3. LIMITATION ON DEDICATION

The rights of the general public and all members thereof, granted herein, are subject to the following limitations:

- (a) Access to the dedicated area by land vehicle or watercraft is specifically excluded from this dedication. Access by land vehicle or watercraft shall be upon specific invitation of the dedicator only.
- (b) The entire dedicated area may be closed to public access by the dedicator each day from dusk to 10 a.m., of the following day.
- (c) All or any portion of the dedicated area may be temporarily closed to the public from time to time for the purpose of repairs and maintenance.
- (d) Pursuant to RCW 4.24.210, neither the dedicator, nor the City of Kirkland, nor the State of Washington, nor the officers, agents, employees of said City and State shall be responsible or held liable for injury or damage occurring to members of the general public availing themselves of the dedicated area, unless the injury or damage results from an immediate, direct, and negligent act of the party sought to be held, and in no event shall the dedicator, the City of Kirkland, or the State of Washington be responsible for any act or omission of a third party, or be responsible for the failure to provide security, supervision, or guards for members of the general public or to provide protection for the general public for acts or omissions of other members of the general public.
- (e) The dedicator shall have the sole and separate responsibility of maintaining any portion of the dedicated area to which the general public shall have access and shall defend and save harmless the City of Kirkland and the State of Washington, including their officers, agents, and employees from any claims real or imaginary asserted by any person for injury or damages resulting from improper maintenance of said dedicated area. The standard of

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maintenance shall be equal to the standards of maintenance practiced by the City of Kirkland in regard to its waterfront parks. This covenant of maintenance and to defend and save harmless the City of Kirkland and the State of Washington shall run with the land. Copies of all conveyances by dedicator and its subsequent grantees conveying individual apartment units to apartment owners and/or interests therein to any association of apartment or condominium owners shall be recorded with the King County Department of Records and Elections and shall be filed with the City of Kirkland. The word, apartment, as used herein includes the word, "condominium."

- (f) Nothing in this dedication shall operate or be held to relieve the dedicator from the continuing requirements and conditions imposed by the permits issued to the dedicator under City of Kirkland File(s) No. _____.
- (g) Dedicator shall install and maintain, at such locations within or adjoining the dedicated property as may be designated by the City of Kirkland, "public access" signs meeting the standards for such signs established and adopted by the City of Kirkland. No other signs referring to public access or to the dedicated property shall be installed without prior written approval of the City of Kirkland.

4. AUTHORITY OF DEDICATOR

Dedicator warrants to the City of Kirkland that dedicator's ownership interest in the real property described herein includes the full power to enter into agreement and/or covenants which will run with the land and bind all owners of said property, their heirs, successors, and assigns.

5. DEFINITIONS

As used herein:

- (a) The word, "dedicator," shall include the heirs, successors, and assigns thereof;
- (b) The words, "land vehicle," shall include motor vehicles, bicycles, skateboards, and other vehicles designed to operate upon land whether self-propelled or not; provided that "land vehicle" shall not include a wheelchair or similar device whether or not self-propelled when used by individuals with disabilities.

6. RECORDING

This dedication document shall be recorded in the Department of Records and Elections for King County and shall further be included by inclusion or reference in any condominium documents that may hereafter be required to be recorded.

DATED this _____ day of _____, _____.

(Sign in blue ink)

(Individuals Only)

OWNER(S) OF REAL PROPERTY (INCLUDING SPOUSE)

(Individuals Only)

STATE OF WASHINGTON)

) SS.

County of King)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, _____ personally appeared _____ and _____

_____ to me known to be the individual(s) described herein and who executed the Dedication of Public Access Easement Area on Privately Owned Shoreline and acknowledged that _____ signed the same as _____ free and voluntary act and deed, for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year first above written.

Notary's Signature

Print Notary's Name

Notary Public in and for the State of Washington, Residing at: _____

My commission expires: _____

(Partnerships Only)

OWNER(S) OF REAL PROPERTY

(Name of Partnership or Joint Venture)

By General Partner

By General Partner

By General Partner

(Partnerships Only)

STATE OF WASHINGTON)

County of King) SS.
)

On this ____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, _____ personally appeared _____ and

_____ to me known to be the individual(s) described herein and who executed the Dedication of Public Access Easement Area on Privately Owned Shoreline and acknowledged that _____ signed the same as _____ free and voluntary act and deed, for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year first above written.

Notary's Signature

Print Notary's Name

Notary Public in and for the State of Washington, Residing at: _____

My commission expires: _____

(Corporations Only)

OWNER(S) OF REAL PROPERTY

(Name of Corporation)

By President

By Secretary

(Corporations Only)

STATE OF WASHINGTON)

County of King

) SS.
)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, _____ personally appeared

_____ and _____ to me known to be the representative of

_____ corporation that executed the Dedication of Public Access Easement Area on Privately Owned Shoreline and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS my hand and official seal hereto affixed the day and year first above written.

Notary's Signature

Print Notary's Name

Notary Public in and for the State of Washington, Residing at:

My commission expires: _____

The foregoing Agreement is accepted by the City of Kirkland this _____ day of _____, _____.

CITY OF KIRKLAND

BY: _____



GEOLOGICALLY HAZARDOUS AREAS COVENANT

<i>File No.:</i> <i>Parcel No.:</i> <i>Project Name:</i> <i>Project Address:</i>

Declarant _____ hereby declares and agrees as follows:

1. Declarant is the owner of the real property described below and incorporated herein by reference, which is the "property" referred to herein.
2. Declarant agrees to defend, indemnify, and hold the City of Kirkland harmless from all loss, including claim made therefor, which the City may incur as a result of any landslide or seismic activity occurring on the property and for any loss including any claim made therefor resulting from soil disturbance on the "property" in connection with the construction of improvements, including but not limited to storm water retention and foundations. "Loss" as used herein means loss including claim made therefor from injury or damage incurred on or off the "property," together with reasonable expenses including attorneys fees for investigation and defense of such claim.
3. This hold harmless is a perpetual covenant running with the "property" and is binding upon the Declarant's successor and assigns.
4. The real property subject to this Agreement is situated in Kirkland, King County, Washington, and described as follows:

(Insert legal description below.)

DATED at Kirkland, Washington, this _____ day of _____, _____.

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<u>SHR06-0001</u>

(Sign in blue ink)

(Individuals Only)

OWNER(S) OF REAL PROPERTY (INCLUDING SPOUSE)

(Individuals Only)

STATE OF WASHINGTON)

) SS.

County of King)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, _____ personally appeared

_____ and _____ to

me known to be the individual(s) described herein and who executed the Geologically Hazardous Areas Covenant and acknowledged that

_____ signed the same as _____ free and voluntary

act and deed, for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year first above written.

Notary's Signature

Print Notary's Name

Notary Public in and for the State of Washington, Residing at:

My commission expires: _____

(Corporations Only)

OWNER(S) OF REAL PROPERTY

(Name of Corporation)

By President

By Secretary

(Corporations Only)

STATE OF WASHINGTON)

) SS.

County of King)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, _____ personally appeared _____ and _____

_____ to me, known to be the President and Secretary, respectively, of _____, the corporation that executed the Geologically Hazardous Areas Covenant and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS my hand and official seal hereto affixed the day and year first above written.

Notary's Signature

Print Notary's Name

Notary Public in and for the State of Washington, Residing at:

My commission expires: _____



MAINTENANCE AGREEMENT - LANDSCAPE STRIP AND SIDEWALK

Parcel Data File: _____, Kirkland

This agreement is entered into between each of the undersigned owners of real property and the City of Kirkland in consideration of approval by the City of a land use permit under City of Kirkland File/Permit No. _____ for the hereinafter described real property in Kirkland, King County, Washington, and Section 110.60.5, Kirkland Ordinance 3719, and subsequent amendatory ordinances. For the purposes of this agreement, the phrase "Landscape Strip" shall mean the landscaped portion of the public right-of-way fronting the hereinafter described real property. For this file, the specific right(s)-of-way (is) (are): _____.

Each undersigned owner hereby agrees to plant the Landscape Strip abutting the lot or lots owned by such owner when required by the City with vegetation approved by the City and to install root deflectors for any street trees therein planted as may be required by Sections 110.30, 110.35, 110.40, 110.45, or 110.50, Ordinance 3719. Each undersigned owner further agrees to maintain such vegetation and, in the meantime, to maintain the vegetation presently within the Landscape Strip.

Each undersigned owner hereby agrees to keep the sidewalk fronting the hereinafter described property clean and litter-free.

Each of the undersigned owners agree to defend, pay, and save harmless the City of Kirkland, its officers, agents, and employees from any and all claims of every nature whatsoever, real or imaginary, which may be made against the City, its officers, agents, or employees for any damage to property or injury to any person arising out of the maintenance of said Landscape Strips abutting said owner's property or the actions of the undersigned owners in carrying out the responsibilities under this agreement, excepting therefrom only such claims as may arise solely out of the gross negligence of the City of Kirkland, its officers, agents, or employees.

This Agreement shall be binding upon the heirs, successors and assigns of each of the undersigned owners and shall run with the land. This Agreement shall, at the expense of the undersigned owners, be recorded by the City of Kirkland with the King County Department of Elections and Records.

The real property owned by the undersigned and the subject property of this Agreement is situated in Kirkland, King County, Washington, and described as follows:

Exhibit A

DATED at Kirkland, Washington, this _____ day of _____, _____.

ATTACHMENT 29
511206-0001

(Sign in blue ink)

(Individuals Only)

OWNER(S) OF REAL PROPERTY (INCLUDING SPOUSE)

(Individuals Only)

STATE OF WASHINGTON)

County of King) SS.
)

On this _____ day of _____, _____, before me, the undersigned,
a Notary Public in and for the State of Washington, duly commissioned and
sworn, _____ personally appeared

_____ and

_____ to
me known to be the individual(s) described herein and who executed the
Maintenance Agreement – Landscape Strip and Sidewalk and acknowledged
that _____ signed the
same as _____ free and
voluntary act and deed, for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year first above
written.

Notary's Signature

Print Notary's Name

Notary Public in and for the State of Washington, Residing at:

My commission expires: _____

(Partnerships Only)

OWNER(S) OF REAL PROPERTY

(Name of Partnership or Joint Venture)

By General Partner

By General Partner

By General Partner

(Partnerships Only)

STATE OF WASHINGTON)

County of King) SS.
)

On this ____ day of _____, _____, before me, the undersigned,
a Notary Public in and for the State of Washington, duly commissioned and
sworn, _____ personally _____ appeared

and _____ to me,
known _____ to be _____ general _____ partners _____ of

_____, the partnership
that executed the Maintenance Agreement – Landscape Strip and Sidewalk
and acknowledged the said instrument to be the free and voluntary act and
deed of each personally and of said partnership, for the uses and purposes
therein set forth, and on oath stated that they were authorized to sign said
instrument.

WITNESS my hand and official seal hereto affixed the day and year first above
written.

Notary's Signature

Print Notary's Name

Notary Public in and for the State of Washington, Residing at:

My commission expires: _____

(Corporations Only)

OWNER(S) OF REAL PROPERTY

(Name of Corporation)

By President

By Secretary

(Corporations Only)

STATE OF WASHINGTON)

County of King

) SS.
)

On this _____ day of _____, _____, before me, the undersigned,
a Notary Public in and for the State of Washington, duly commissioned and
sworn, _____ personally appeared

_____ and

_____ to
me, known to be the President and Secretary, respectively, of

_____ the corporation that executed the Maintenance Agreement – Landscape Strip
and Sidewalk and acknowledged the said instrument to be the free and
voluntary act and deed of said corporation, for the uses and purposes therein
set forth, and on oath stated that they were authorized to sign said
instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS my hand and official seal hereto affixed the day and year first above
written.

Notary's Signature

Print Notary's Name

Notary Public in and for the State of Washington, Residing at:

My commission expires: _____



CITY OF KIRKLAND

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

**CITY OF KIRKLAND
NOTICE OF APPLICATION
YARROW BAY MARINA SITE REDEVELOPMENT
FILE NO. SHR06-00001
March 3, 2006**

PROPOSAL: Marina Suites, LLC, the applicant, is requesting a Process HB Permit to construct a new 55,000 square foot office building and 7,000 square foot marina services building. The existing Yarrow Bay Marina services building is proposed to be demolished. The existing marina operations which include boat moorage, fueling, repair, and rentals would continue at the site. The proposal also includes a 66-foot long extension of an existing pier to provide for six additional moorage spaces. The application was received by the City on January 20, 2006 and was deemed complete on February 27, 2006.

LOCATION: 5207 Lake Washington Blvd

REVIEW PROCESS: The decision on this application will be made by the City Council, based on a recommendation from the City's Hearing Examiner and Houghton Community Council. The City Council's decision on the application is also subject to disapproval by the Houghton Community Council. The process involves an opportunity for public comment in writing or at a public hearing to be held by the Hearing Examiner and Houghton Community Council. Prior to the hearing, the Planning Department will prepare a staff report making a recommendation on the application. Following the hearing, the Hearing Examiner and Houghton Community Council will each make a recommendation to approve, modify or deny the application. The City Council will make a decision on the application based on the recommendation of the Hearing Examiner and Houghton Community Council and the record of comments and information provided to the Hearing Examiner and Houghton Community Council. The decision will be based on whether the application complies with Kirkland's Zoning Code and other applicable codes. A hearing date has not yet been set. **Notice of the hearing will be given at least 14 days before the hearing**

PUBLIC COMMENT: Written comments received prior to 5 p.m. on April 10, 2006 will be considered by the Planning Department in preparing its recommendation and staff report to the Hearing Examiner. Written comments may be submitted to the Hearing Examiner at any time before the close of the public hearing. Oral comments may be provided at the hearing. A copy of the Hearing Examiner's recommendation, the Houghton Community Council's recommendation and the City Council's decision will be mailed to those providing written or oral comments before the close of the public hearing. Others may obtain copies from the Planning Department. *Send written comments to project planner Stacy Clauson, 123 5th Ave., Kirkland, WA. 98033 or sclauson@ci.kirkland.wa.us. Please indicate your name and address and refer to file number SHR06-0001.*

APPEALS: The City Council's decision is the final decision of the City. Judicial review may be requested pursuant to state law. The Houghton Community Council may exercise its authority to disapprove of this application.

FOR MORE INFORMATION: For more information about this application, please contact Stacy Clauson, City of Kirkland Planning Department at 425-587-3248 or sclauson@ci.kirkland.wa.us

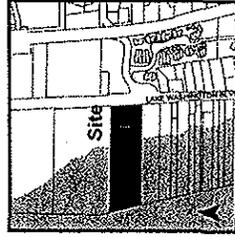
ATTACHMENT 30

SHR06-00001

Application materials are contained in the official file available in the Planning Department, 123 5th Ave., Kirkland, 8 a.m.–5 p.m. Mon.–Fri. Existing environmental documents that evaluate the proposal include: Geotechnical Report, Traffic Study, and Arborist Report, Biological Evaluation.

Publishing Date: March 9, 2006

NOTICE OF APPLICATION



Proposal: Construct a new 55,000 square foot Office Building and 7,000 square foot Marina Services Building. The existing Yarrow Bay Marina services building is proposed to be demolished. The existing marina operations which include boat moorage, fueling, repair, and rentals would continue at the site. The proposal also includes a 66-foot long extension of an existing pier to provide for six additional moorage spaces.

Decision Maker: Hearing Examiner and Houghton Community Council recommendation to City Council

Public Comment and Appeal: Public comments will be accepted in writing only (letters or e-mails) and must be received prior to 5 p.m. on April 10, 2008. The decision will be based on compliance with the Kirkland Zoning Code, Shoreline Master Program and Comprehensive Plan. Appeals may be filed only by the applicant or those who submitted written comments. City Council's decision is final, however, Houghton Community Council may exercise its authority to disapprove this application. Judicial review may be requested pursuant to state law.

Site Location
5201 LAKE
WASHINGTON BLVD NE
Applicant
PHIL GOLDENMAN

File Number
SHR06-00001

SC

More Information: You may view the official file in the Planning Department or contact project planner Stacy Clauson at (425) 587-3248 or sclauson@ci.kirkland.wa.us

CITY OF KIRKLAND DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
123 5th Avenue, Kirkland, WA 98033 - www.kirklandpermits.net - 425.587.3225



