



CITY OF KIRKLAND
PLANNING & COMMUNITY DEVELOPMENT
123 5th Avenue, Kirkland, WA 98033
425.587.3225 ~ www.kirklandwa.gov

**SUBSTANTIAL DEVELOPMENT PERMIT (SDP),
SHORELINE CONDITIONAL USE PERMIT
AND SHORELINE VARIANCE**

This permit application packet is designed to obtain all the information necessary to allow the City to make a well-informed decision on your application. Please refer to the attached application checklist to determine the materials that must be submitted to complete your application. All application materials are public information.

Your application will be evaluated on the basis of the information you provide, the criteria listed in the pertinent sections of Chapters 83 and 141 of the Kirkland Zoning Code (KZC), the Shoreline Area Chapter of the Kirkland Comprehensive Plan, other City regulatory ordinances, inspection of the property, as well as testimony and evidence presented through public comments.

YOU ARE ENCOURAGED TO MEET WITH A PLANNER FROM THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT PRIOR TO AND DURING PROJECT DESIGN TO DISCUSS PROJECT COMPLIANCE WITH CITY REGULATIONS AND TO OBTAIN GUIDANCE ON THE APPLICATION MATERIALS YOU MUST SUBMIT.

Copies of Kirkland Comprehensive Plan and Zoning Code containing components of the City's Shoreline Master Program are available at the Department of Community Development in City Hall, 123 Fifth Avenue; and the Kirkland Public Library, 308 Kirkland Avenue. To purchase the Comprehensive Plan or Zoning Ordinance, call Code Publishing Company at (206) 527 6831 or (800) 551-2633. The City ordinances can also be found on-line at www.kirklandwa.gov under Government tab.

NOTE: Information provided by the Department of Planning and Community Development represents a preliminary, qualified assessment that is based on the information provided by the applicant/contact person. More detailed technical review of a specific development permit application may disclose additional substantive or procedural requirements. Furthermore, in the case of a discretionary development permit, the role and the authority of the Department of Planning and Community Development staff is advisory only. Final decision on such permits can only be made by the Planning Director, Hearing Examiner or City Council, depending upon the type of permit.



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APPLICATION FORM: SUBSTANTIAL DEVELOPMENT
 CONDITIONAL USE OR VARIANCE PERMIT

TO BE COMPLETED BY THE CITY

Application No. _____ Date Received _____

Name of Local Government City of Kirkland

Approved or Denied Date _____

TO BE COMPLETED BY THE APPLICANT: This is an application for a substantial development, conditional use, or variance permit as authorized by the Shoreline Management Act of 1971. It is suggested that you check with appropriate local, state or federal officials to determine whether your project requires permits from other agencies.

PRIMARY CONTACT PERSON:

Applicant's name: _____ Day Phone#: _____

Applicant's mailing address: _____

Applicant's e-mail address: _____

Note: If applicant is not property owner, he/she must be authorized as agent (see page 4)

SECONDARY CONTACT PERSON:

Property Owner's name: _____ Day Phone#: _____

Property Owner's mailing address: _____

Property Owner's e-mail address: _____

Relationship of applicant to property:

Owner _____ Purchaser _____ Lessee _____

Other (specify): _____

Notice of Decision and hearing agenda, if applicable, are sent by email. If you would prefer a paper copy mailed to you, please check YES _____ For the property owner if you are not the property owner Yes _____

1. General location of proposed project (section to the nearest quarter section, township, and range) and address:

2. Tax Parcel Number: _____

3. Name of body of water/or associated wetlands near or in where development is proposed: Lake Washington.

Is property within wetland associated with Lake Washington? Yes _____ No _____



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4. Current use(s) on the property with existing improvements, both landward and waterward of the lake _____

5. Proposed development or use activity (please be specific):

6. General description of vicinity and adjacent uses, structures and improvements:

7. List other permits for this project from state, federal or local governmental agencies for which you have applied or will apply, including the name of the issuing agency, whether the permit has been applied for, and if so, the date of the application, whether the application was approved or denied and the date, and the number of the application or permit. **Provide copies of all approved permits if any:**

8. Adopted Shoreline Environment Designation for property (Natural, Urban Conservancy, Residential-L, Residential-M/H, Urban Mixed or Aquatic) _____
9. Nature of the existing shoreline (Describe type of shoreline, such as marine, stream lake, lagoon, marsh, bog, swamps, flood plain, floodway, delta; type of beach, such as accretion, erosion, high bank, low bank, or dike; material such as sand, gravel, mud, clay, rock, riprap; and extent and type of bulkheading, if any):

10. If the application involves a conditional use permit, does the chart in Section 83.170 KZC allow the proposed use to be a conditional use in the shoreline environment in which the use would be located? Yes___ No___.
11. If the application involves a variance, what sub section(s) and regulation(s) in Chapter 83 KZC is proposed to be varied?

NOTE:

- YOUR APPLICATION WILL NOT BE COMPLETE UNTIL ALL DOCUMENTS LISTED ON THE APPLICATION CHECKLIST ARE SUBMITTED.
- AFTER THE CITY HAS DECIDED ON YOUR APPLICATION, YOU WILL RECEIVE FORMAL NOTICE OF THE OUTCOME. CONDITIONS OR RESTRICTIONS MAY BE PLACED ON YOUR REQUEST.
- YOU MAY NOT BEGIN WORK UNTIL 21 DAYS AFTER DEPARTMENT OF ECOLOGY'S RECEIPT OF THE CITY'S DECISION. IF AN APPEAL IS FILED WITHIN 21 DAYS OF DEPARTMENT OF ECOLOGY'S RECEIPT OF THE CITY'S DECISION, YOU MAY NOT BEGIN ANY WORK UNTIL THE APPEAL PROCESS IS COMPLETE.
- YOU MAY ALSO NEED APPROVAL FROM OTHER CITY DEPARTMENTS. PLEASE CHECK THIS BEFORE BEGINNING ANY ACTIVITY.
- IF YOU SUSPECT THAT YOUR SITE CONTAINS A STREAM OR WETLAND OR PROJECT WILL OCCUR IN THE LAKE, YOU MAY NEED A PERMIT FROM THE STATE OR FEDERAL GOVERNMENT.



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APPLICATION FORM: SUBSTANTIAL DEVELOPMENT PERMIT (SDP)
 CONDITIONAL USE PERMIT OR VARIANCE PERMIT

STATEMENT OF OWNERSHIP/DESIGNATION OF AGENT

The undersigned property owners, under penalty of perjury, each state that we are all of the legal owners of the property described in Exhibit A, which is attached as page 5 of this application, and designate _____ to act as our agent with respect to this application.

AUTHORITY TO ENTER PROPERTY

I/we acknowledge that by signing this application I/we are authorizing employees or agents of the City of Kirkland to enter onto the property which is the subject of this application during the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday, for the sole purpose of making any inspection of the limited area of the property which is necessary to process this application. In the event the City determines that such an inspection is necessary during a different time or day, the applicant(s) further agrees that City employees or agents may enter the property during such other times and days as necessary for such inspection upon 24 hours notice to applicant(s), which notice will be deemed received when given either verbally or in writing.

HOLD HARMLESS AGREEMENT READ CAREFULLY BEFORE SIGNING

The undersigned in making this application certifies under penalty of perjury, the truth and/or accuracy of all statements, designs, plans and/or specifications submitted with said application and hereby agrees to defend, pay, and save harmless the City of Kirkland, its officers, employees, and agents from any and all claims, including costs, expenses and attorney's fees incurred in investigation and defense of said claims whether real or imaginary which may be hereafter made by any person including the undersigned, his successors, assigns, employees, and agents, and arising out of reliance by the City of Kirkland, its officers, employees and agents upon any maps, designs, drawings, plans or specifications, or any factual statements, including the reasonable inferences to be drawn therefrom contained in said application or submitted along with said application.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

ORIGINAL SIGNATURES ONLY/NO COPIES.

Applicant

Property Owner #1

Signature: _____
 Name: _____
 Address: _____
 Telephone: _____

Signature: _____
 Name: _____
 Address: _____
 Telephone: _____

Agent (Other than Applicant)

Property Owner #2

Signature: _____
 Name: _____
 Address: _____
 Telephone: _____

Signature: _____
 Name: _____
 Address: _____
 Telephone: _____



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APPLICATION FORM: SUBSTANTIAL DEVELOPMENT
CONDITIONAL USE OR VARIANCE PERMIT

EXHIBIT A: LEGAL DESCRIPTION



**APPLICATION CHECKLIST:
 SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT,
 CONDITIONAL USE PERMIT OR VARIANCE PERMIT**

The following materials must be submitted with your application. For some applications, it will not be necessary to submit all of the listed materials. Consult with the Planning & Community Development department if you have any questions. Please do not submit your applications until all materials that apply to your proposal have been checked off. The comment period will not be assigned or a hearing date will not be established until your application materials are complete.

RETURN THIS CHECKLIST WITH APPLICATION

Applicant
to check if
completed

Pre-submittal Conference

A meeting with a planner is required within the six (6) months immediately prior to submittal. Date of meeting _____

Application

A completed application form.

A completed and signed Environmental Checklist.
 Or is project exempt? Yes _____.

For Shoreline Conditional Use Permits and Shoreline Variances, a written response to the Criteria with all questions fully answered (see pages 11 and 12).

Fees

Payment to the City of Kirkland for the filing fee and Environmental Checklist fee (fee Schedule is attached).

NOTE: There is an additional fee for Alternative Vegetation Plan under Section 400.1 KZC if proposed. Other fees, including Park Impact Fees and Road Impact Fees, may be required during the development review process.

Neighborhood Meetings

A neighborhood meeting(s) has been held (see attached instruction sheet on neighborhood meetings to determine if encouraged).



Applicant to
 Check if
 Completed

Plans for Substantial Development Permit, Conditional Use Permit and Variance

Five (5) copies of dimensioned plans (two copies for only an accessory structure, such as pier, boatlift or bulkhead), drawn at 1" = 20' or a comparable scale on 11 x 17 paper, and folded to 8 1/2 x 11 size AND a CD (see page 12), showing the applicable items below in Sections I through VI.

One (1) copy of all plans reduced onto 8-1/2" x 11" sheet.

Perspective drawings, photographs, color rendering or other graphics may be needed to adequately evaluate your application.

Check with planner. Yes ___ No ___

I. All Development or Use Activities:

- a. Property survey showing property dimensions and names of adjacent rights-of-way.
- b. Existing water courses and bodies, public and private roadways, rockeries, and other relevant man made or natural features on or abutting the subject property.
- c. Location and elevation of ordinary high water mark (OHWM) of the subject property at an elevation of 18.5 feet for Lake Washington based on NAVD 88 datum.
- d. Linear feet of shoreline measured along the entire property edge.
- e. Existing properties, rights-of-way, structures and other improvements within 200 feet of the subject property, including all in-water structures.
- f. For new or expanded primary structure located in the Residential L (A), provide the shoreline setback of the two adjacent primary structures and the location of the (OHWM) of each adjacent property.
- g. Wetland delineation or stream determination, if applicable, using Section 83.500 (wetlands) or Section 83.510 (streams) ZC.
- h. Location and size of existing and proposed utility lines and a description of water and sewer availability (Section 83.240 KZC).
- i. Details for the applicable requirements in the Use Specific regulations of Sections 83.200 through 250 KZC.



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- j. Location and improvements for required public access easement walkway, if required (Sections 83.280 and 83.420 KZC).
- k. Proposed fill or land surface modification meeting Sections 83.310 and .330 KZC.
- l. On or off site mitigation, if required in Section 83.360 KZC or other sections of Chapter 83 KZC.
- m. For water-enjoyment and non-water oriented commercial uses and recreational uses, show details meeting the design requirements of the Site and Building Design Standards, Section 83.390 KZC.
- n. Proposed or revised signage meeting Section 83.460 KZC, if applicable.
- o. Proposed or revised lighting meeting Section 83.470 KZC, if applicable.
- p. Water quality and stormwater meeting Section 83.480 KZC.
- q. If located in geological hazard or flood hazard area, show requirements of Section 83.520 or 83.530 KZC.

II. Development or Use Activities Landward of Ordinary High Water Mark (OHWM):

- a. Location and dimensions of proposed structure(s), (including eaves, awnings, canopies, bay and greenhouse windows), decks, patios, parking areas (including degree of angle for parking stall design), driveways and roadways and other improvements.
- b. Location and dimensions of existing structures both landward and waterward of the OHWM, parking areas, decks and patios, driveways and other improvements. Indicate what will remain and what will be removed. *Note: see requirements of Section 83.500.5 to remove certain nonconforming structures.*
- c. Lot coverage calculations and lot size (Section 83.190.3 KZC).
- d. Number of residential units, density calculations, non-residential gross floor area, and parking calculations (Sections 83.180 and .190 KZC).
- e. Dimensioned building elevations drawn at 1/8" = 1" or a comparable scale showing two facades.
- f. Existing and finished grades at 2-foot contours with the precise slope of any area in excess of 15%.
- g. Cross sections showing existing, if applicable, and proposed building elevations and height of structures.
- h. Building height calculations and height of all structures above average existing grade level (Section 83. 190.4 KZC).



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- i. Calculations and dimensions of required shoreline setback (Sections 83.180 and 190.2 KZC). If applicable, proposed setback reduction option and improvements made to the shoreline area for reduction (Section 83.380 KZC for city-wide and Section 83.180 KZC for Finn Hill area only).
- j. Dimensions of required side and front yards (see applicable use zone charts in KZC).
- k. Dimensions and calculations of view corridors if required (Section 83.410 KZC). Any proposed improvements in the view corridor, including landscaping, parking, and fencing or other improvements.
- l. Outside of required shoreline setback:
 - 1) All existing evergreen trees over 8" and deciduous trees over 12" in diameter by species and an indication of which will be saved (Chapter 95 KZC).
 - 2) Detailed plans of proposed landscaping; size, species, location and distance apart.
- m. Within required shoreline setback:
 - 1) All existing significant trees (Section 83.400.1 KZC).
 - 2) Detailed plans showing existing and proposed native riparian vegetation along 75% of the linear frontage of the property's shoreline at a depth of 10', except 15' in depth for residential uses in the Residential-M/H shoreline environment. See Section 83.400.3 KZC for the vegetation standards and alternatives to the standard. Show calculations in meeting the standards.
- n. Location and screening of dumpsters for all uses except single family (Section 83.450 KZC).
- o. Location, dimensions and nature of any proposed easements or dedications.
- p. If any structure will exceed a height of 35 feet above average grade elevation:
 - (1) A section through the highest element of the proposed building and including the slope upland from the building to a grade elevation of at least 25 feet above the highest element of the building. The drawing need not extend east of the old Burlington Northern Railroad right-of-way or at an elevation described as 25 feet above the highest element of the building, but must include other areas where views would be substantially impaired.
 - (2) A map indicating the location of all existing structures within the distance established in the above paragraph and a list of the names and addresses of all persons owning property within this area.
 - (3) Provide a view analysis



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III. Piers, Marinas, Boatlifts or other Water Dependant Uses:

(Sections 83.270 through .290 and Section 83.430 KZC):

- a. Proposed structures with required setback, design, dimensions and other requirements, including waste receptacle, reflectors and address sign.
- b. Statement on plans if Administrative Approval is proposed under Section 83.270 KZC.
- c. For new, major repair or enlargement of piers, show exact location of all adjacent existing in-water structures, public parks and critical areas measured from the property lines. Show setbacks to adjacent moorage facilities, including piers and all lifts.
- d. Existing structures and improvements waterward of the OHWM, including piers, breakwaters, boathouses, boatlifts and floats associated with the property.
- e. Mitigation if required, including native plantings in the shoreline setback, in-water emergent vegetation, installation of gravel/cobble beach fill waterward of OHWM, and removal of existing skirting or in-water structures if required.
 - 1) If emergent vegetation is required but not feasible, show the high water depth at the OHWM along three evenly distributed points along the shoreline edge.
 - 2) For plantings, measure planting depth from the shoreline and linear width along the shoreline
 - 3) For in-water fill waterward of the OWHM, show size and type of materials.
- f. Improved walkway upland of the lake to the lake edge or pier if proposed (Section 83.190.d KZC).
- g. Location of parking and parking landscaping screen to serve the water-dependant use if required (Section 83.440 and applicable chapters of the KZC).
- h. Boat canopy or in-water fill for boatlift, if applicable.
- i. For multifamily developments, number of units and proposed number of boat slips.
- j. For marinas or certain water dependant uses, meet requirements in Section 83.290 KZC and mitigation sequencing found in Section 83.360. Check with planner if review fee is required for City's consultant to evaluate project.



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Check if
<u>Completed</u> |
|---|--|
| k. Any proposed shoreline habitat or natural systems enhancement project (Section 83.350 KZC). | <input type="checkbox"/> |
| l. If proposed, justification for dredging, composition and volume of dredged materials and location where dredged materials will be deposited. If disposal site is off-site, provide a map showing the precise location (Section 83.320 KZC). | <input type="checkbox"/> |
| IV. <u>Shoreline Stabilization</u> (Section 83.300 KZC): | |
| a. Proposed structure showing detailed design, dimensions, any fill and other requirements in Section 83.300 KZC. Include cross sections and design recommendation for minimizing the size of the stabilization measure, including the use of gravel and cobble beach waterward of the stabilization measure. | <input type="checkbox"/> |
| b. For new or enlarged shoreline stabilization, geotechnical report prepared by a qualified professional approved by the City showing demonstration of need to prevent erosion to the primary structure within three years and providing a feasibility study using the options in Plate 43 in Chapter 180 of the Zoning Code for soft or non structural measures. | <input type="checkbox"/> |
| c. For major repair of shoreline stabilization, written narrative prepared by a qualified professional approved by the City showing demonstration of need to prevent erosion to the primary structure within three years and providing a feasibility study using the options in Plate 43 in Chapter 180 of the Zoning Code for soft or non-structural measures. | <input type="checkbox"/> |
| d. For new and enlarged hard stabilization, include detailed plans showing gravel/cobble beach fill to increase shallow water habitat and native riparian vegetation along 75% of the linear frontage of shoreline. | <input type="checkbox"/> |
| e. For new or enlarged soft shoreline stabilization, an assessment of erosion potential within three years (not required for replacement of existing hard to soft stabilization). | <input type="checkbox"/> |
| f. Review fee for City's consultant to evaluate project, if required. | <input type="checkbox"/> |
| g. For new and enlarged hard stabilization, provide a detailed plan of the required shoreline vegetation mitigation and draft 5-year maintenance and monitoring program. | <input type="checkbox"/> |
| h. Stairs or other water access improvement if proposed. | <input type="checkbox"/> |
| V. <u>Conditional Use Permit Criteria</u> (Section 141.70.2 KZC) | • |



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The applicant has the burden of proof to show that the criteria are met.

Attach a written response with the application to the following criteria (Note: WAC provisions are available on the internet or you may request the planner to provide you with a copy):

- 1) WAC173-27-140 contains general review criteria that must be met.
- 2) WAC 173-27-160 contains criteria that must be met for a conditional use permit.
- 3) City will not issue a conditional use permit unless the applicant can demonstrate that the proposed use has impacts on nearby uses and the environment essentially the same or less than as the impacts that would result from a use allowed by City's the shoreline master program in that shoreline environment.

VI. Variance Criteria (Section 141.70.3 KZC)

The applicant has the burden of proof to show that the following criteria are met.

Attach a written response to the criteria with the application (Note: WAC provisions are available on the internet or you may request the planner to provide you with a copy):

- 1) WAC 173-27-140 contains general review criteria that must be met.
- 2) WAC 173-27-170 establishes criteria that must be met for a variance permit.
- 3) WAC 173-27-180(9) (m) establishes a criteria that must be met for a variance permit.

Electronic Copies of Materials

The following materials must be submitted on CD to the Planning Department for presentation at public meetings and/or permanent storage:

- Acceptable native electronic formats are: Adobe PDF, Word, Excel, PowerPoint, JPEG or GIF.
- All memos and reports including SEPA checklists, wetland reports, geotech. reports, narratives or assessments, site plans, traffic reports, etc. should be submitted in their native electronic format or converted from their native format to Adobe PDF rather than being scanned.
- Any memo/report that is created from multiple formats must be combined and submitted as one PDF document.
- All plans, drawings, renderings, photographs or other graphics must be submitted in its native electronic format. CAD format is unacceptable; you must convert to Adobe PDF before submitting.
- All documents must be either 8 ½ x 11 or 11 x 17 inch size. Legal sized documents will not be accepted.
- Models and/or material/color boards, if prepared, must be photographed for permanent storage and submitted to the Planning Department on CD.
- Converting a document from its native format to an Adobe PDF

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document is preferred as opposed to scanning the document.

Public Notice

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You are responsible for obtaining and erecting public notice sign(s) on the subject property. You will need to provide for and erect public notice sign(s) not more than 10 calendar days after the Planning Official determines that the application is complete. In order to ensure that the signs are installed in a timely manner, you should contact a Sign Company and arrange for the appropriate number of signs to be made. See attached instruction sheet about Public Notice Signs. Any delay in installing the board will result in procedural deficiencies and/or delays.

Please provide the name of the Sign Company that you have contacted to make the public notice signs:

Other

A copy of all existing recorded easement documents pertaining to the subject property.

Other required information: