



CITY OF KIRKLAND
Planning and Building Department
123 Fifth Avenue, Kirkland, WA 98033
425.587.3600 - www.kirklandwa.gov

**CITY OF KIRKLAND
NOTICE OF DECISION
SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

March 11, 2022

Permit Application: The Slip Deck, File No. SHR21-00575

Location: 80 Kirkland Ave and Marina Park (25 Lakeshore Plaza)

Applicant: Katy Ballard, Katy Ballard Inc dba Vovina

Project Description: Proposal to replace existing outdoor eating patio with a new at-grade deck (see Attachments 1 and 2). The project is located within the Shoreline Management Area and is subject to the Shoreline Master Program standards

Review Process: Substantial Development Permit (SDP)

Project Planner: Martha Rubardt, Planner

SEPA Determination: N/A

Department Decision: **Approval with Conditions**

Adam Weinstein, Director
Planning and Building Department

Decision Date: March 7, 2022
Appeal Deadline: April 1, 2022 - 21 days after Department of Ecology receives this decision

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

How to Appeal: *Only the applicant or those persons who previously submitted written comments or information to the Planning Director are entitled to appeal this decision. A party who signed a petition may not appeal unless such a party also submitted independent written comments or information.*

Appeals of the City's decision may be filed with the State Shoreline Hearing's Board. The 21-day appeal period begins on the date that the Department of Ecology receives the City's decision, referred to as the filing date. Contact the Department of Ecology to obtain the official filing date. In the event of an

appeal, the City and the applicant will be notified of the appeal. The City cannot issue any development permits related to this shoreline permit until the State appeal process is complete.

Comment to City Council: If you do not file an appeal, but would like to express concerns about policies or regulations used in making this decision or about the decision making process, you may submit comments to citycouncil@kirklandwa.gov. Expressing your concerns in this way will not affect the decision on this application, but will enable the City Council to consider changes to policies, regulations or procedures that could affect future applications.

I. CONDITIONS OF APPROVAL

1. This application is subject to the applicable requirements contained in the shoreline regulations of Chapters 83 and 141 of the Kirkland Zoning Code (KZC). In addition, for the building permit, the applicant is subject to the requirements of the Municipal Code, the Building and Fire Code, should a permit be required, and other regulations in the Zoning Code. Attachment 3, Development Regulations is provided in this report to familiarize the applicant with some of these development regulations. This attachment references current regulations and does not include all of the additional regulations. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. When a condition of approval conflicts with a development regulation in Attachment 3, the condition of approval shall be followed (see Conclusion VII.B).
2. Prior to the issuance of the building permit, a lease agreement must be created and signed between the property owner and the City for the deck to be located on city-owned property.

II. SITE AND NEIGHBORHOOD CONTEXT

Shoreline Designation	UM, Urban Mixed
Zone	Central Business District (CBD) 2 Zone
Location	80 Kirkland Ave (The Slip Property) 25 Lakeshore Plaza (Marina Park)
Property Size	1,088 square feet (The Slip Property) 365,947 square feet (Marina Park)
Current Land Use	Restaurant with outdoor patio, King County Pump Station building, parking lot and associated Park improvements
Terrain	The subject property slopes down from the south to the north by approximately six (6) feet
Neighboring Zoning and Development	
• North	CBD 2, commercial uses
• South	CBD 2, commercial uses
• East	CBD 2, commercial uses
• West	Park

III. PUBLIC NOTICE AND COMMENT

The public comment period for this application ran from October 21st, 2021 to November 22nd, 2021. No public comments were received during this time.

IV. CRITERIA FOR SHORELINE SUBSTANTIAL DEVELOPMENT APPROVAL

- A. Facts: KZC Section 141.70.c states that Shoreline Substantial Development (SDP) permits must meet the requirements in Washington Administrative Code (WAC) 173-27-140 and WAC 173-27-150. The approval criteria are discussed below:
1. WAC 173-27-140 establishes the general review criteria that must be met:
 - a. No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or development is consistent with the policy and provisions of the Shoreline Management Act and the master program.
 - b. No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on the shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.

2. WAC 173-27-150 establishes that a substantial development permit may only be granted when the proposed development is consistent with all of the following:
 - a. The policies and procedures of the Shoreline Management Act (WAC 173-26-176);
 - b. The provisions of WAC 173-27, which outlines the permit review process for SDPs;
 - c. The applicable Shoreline Master Program (SMP), which can be found in Chapter 83 KZC.
 3. The project is a water dependent use consistent with WAC 173-27-140 and WAC 173-27-150 and also meets the State's SMA policies, and the policies and regulations of the City's SMP found in KZC 83.
 4. The project is consistent with the applicable policies of the City's SMP found in the Shoreline Area chapter of the Comprehensive Plan and as discussed below in Sections V and VI.
 5. The Shoreline Restoration plan of the City's SMP applies to new piers and the proposed project's mitigation plan is discussed below in Section VI.
 6. A complete application for a SDP has been submitted by the proponent and the City has given appropriate notice of the application and is thus consistent with WAC 173-27.
- B. Conclusions: The proposal meets WAC 173-27-140 and WAC 173-27-150 because it is found to be consistent with the City's SMP and thus the SMA. The permit review process of WAC 173-27 has been followed.

V. SHORELINE POLICIES

The section below identifies facts and conclusions for the proposed restaurant (water-related, water enjoyment) use.

A. **83.140 Urban Mixed – Designation**

1. Facts:
 - a. An Urban Mixed shoreline environment designation should be assigned to shoreline areas within incorporated municipalities and urban growth areas if they currently support high-intensity uses related to commerce, transportation, or navigation; or are suitable and planned for high-intensity water-oriented uses.
 - b. The proposal includes the development of an outdoor deck to replace and expand an existing outdoor patio for an existing restaurant use. The existing use will remain as a restaurant located in the downtown central business district and urban growth area.
2. Conclusion: The proposed use is a restaurant which is a water-related, water enjoyment commercial use. Restaurant is an allowed use on the subject properties. The application is consistent with the Shoreline Environment Permitted Use Chart of KZC 83.170.

B. **83.210 Commercial Uses**

1. Facts:
 - a. The building design must be oriented for the view to the waterfront.
 - b. Drive-in or drive-through facilities are prohibited.

- c. The orientation of the subject building and outdoor seating area remains unchanged with the new deck. The outdoor seating area will increase and extend further towards the shoreline.
 - d. The proposal will provide views of the shoreline from the restaurant use.
 - e. No drive-in or drive-through facilities are proposed with this project.
2. Conclusion: The proposed outdoor deck meets the requirements in KZC 83.210.5 for commercial uses.

VI. DEVELOPMENT STANDARDS

- A. Fact: Additional comments and requirements placed on the project are found on the Development Standards, Attachment 3.
- B. Conclusion: The applicant should follow the requirements set forth in Attachment 3.

VII. SUBSEQUENT MODIFICATIONS

WAC 173-27-100 established the procedures and criteria under which the City may approve a revision to a permit issued under the Shoreline Management Act and the City's Shoreline Master Program.

VIII. APPEALS AND JUDICIAL REVIEW

A. Appeal to Shoreline Hearings Board:

Pursuant to RCW 90.58.180 and WAC 173-27-220 any person aggrieved by the City's final decision on the Shoreline Substantial Development Permit may seek appeal to the State Shoreline Hearings Board by filing a petition for review. All petitions for review shall be filed with the Shoreline Hearings Board within 21 days of the date the applicant receives written notice from the Department of Ecology that the Department has received the City's decision. Within seven days of filing any petition for review with the Shoreline Hearings Board, the petitioner shall serve copies of the petition for review on the Department of Ecology, the State Attorney General, and the City of Kirkland. The petition for review must contain items required by WAC 461-08-055.

B. JUDICIAL REVIEW

Section 145.110 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within 21 calendar days of the issuance of the final land use decision by the City.

IX. LAPSE OF APPROVAL

Pursuant to RCW 90.58.200 and WAC 173-27-090, construction or substantial progress toward construction of a project for which a Substantial Development Permit has been granted pursuant to the Shoreline Management Act must be undertaken within two (2) years after the date of approval. The project must be completed within five (5) years and a one (1) year extension may be considered.

"Date of approval" means the date of approval by the City of Kirkland, or the termination of review proceedings if such proceedings were initiated pursuant to RCW 90.58.180 and WAC 173-27-220.

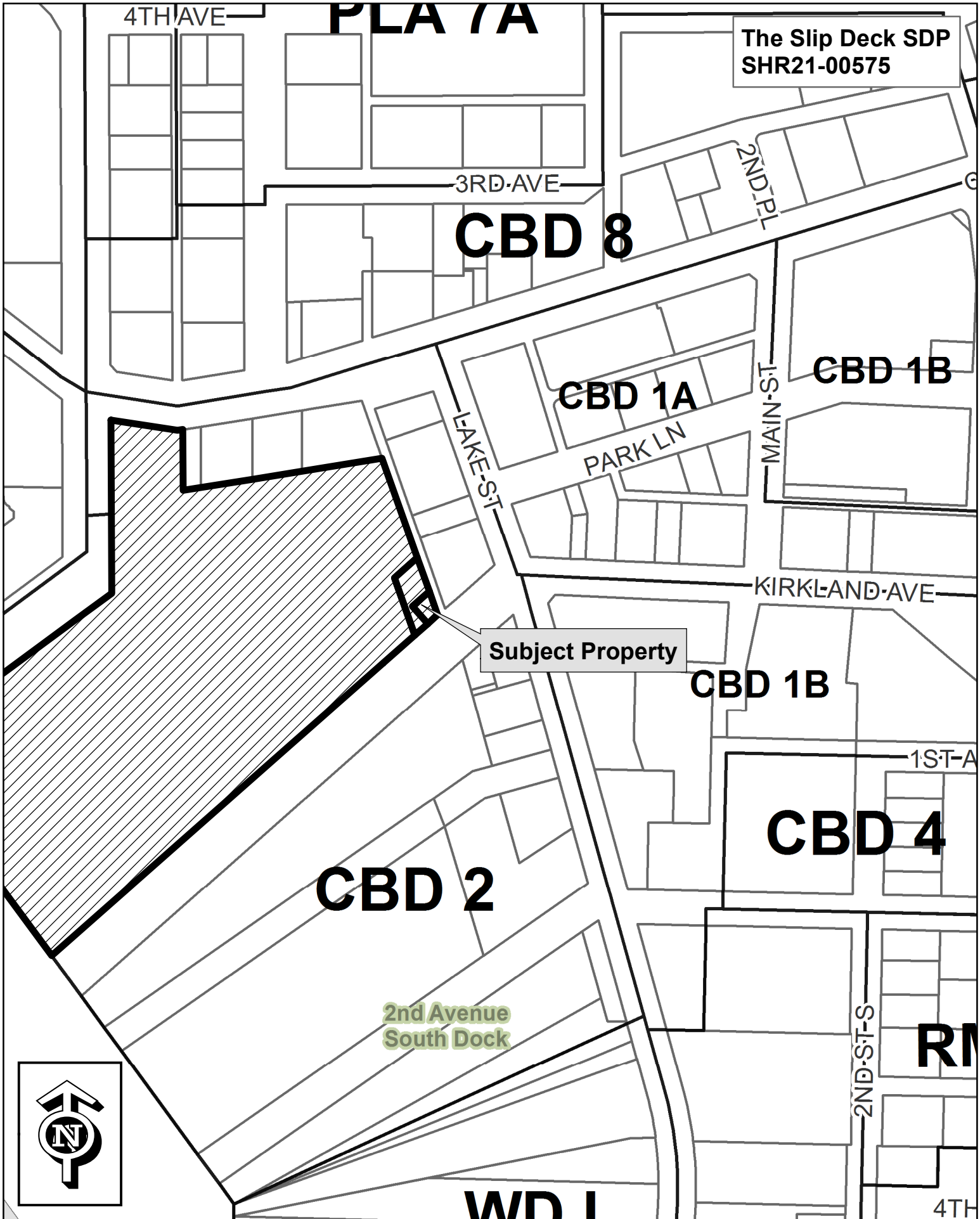
X. APPENDICES

Attachments 1 through 3 are attached.

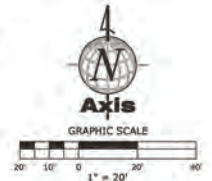
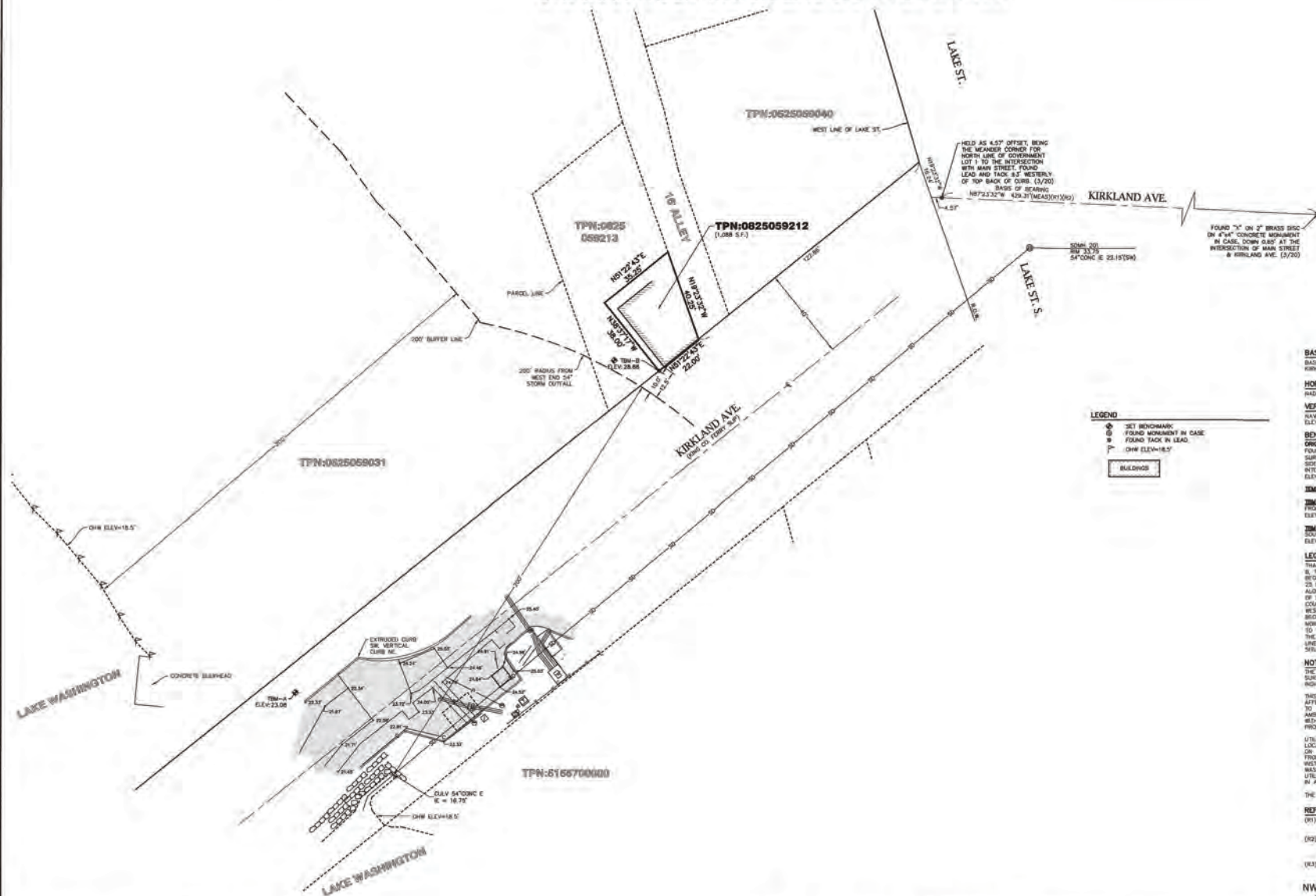
1. Vicinity Map
2. Proposed Plans
3. Development Standards

XI. PARTIES OF RECORD

Applicant: Katy Ballard
Parties of Record
Planning and Building Department
Department of Public Works



ORDINARY HIGH WATER LINE & BUFFER EXHIBIT



BASIS OF BEARINGS
 BASIS OF BEARINGS IS 72°22' BETWEEN THE FOUND MONUMENTS ALONG KIRKLAND AVENUE BETWEEN LAKE STREET SOUTH AND MAIN STREET.

HORIZONTAL DATUM
 NAD 83/79 PER CITY OF KIRKLAND MONUMENT #24

VERTICAL DATUM
 ALVD 38 PER CITY OF KIRKLAND MONUMENT #24
 ELEVATION: 33.7'

BENCHMARKS
ORIGINAL BENCHMARK CITY OF KIRKLAND MONUMENT #24 FOUND TACK IN LEAD IN REVERSE, 3.4' FROM THE BACK OF CURB ON SURFACE OF CONCRETE, BACK 13.5' FROM TOP BACK OF CURB AT NORTH SIDE OF INTERSECTION WITH LAKE STREET SOUTH SIDE OF LAKE STREET, AT THE INTERSECTION WITH KIRKLAND AVENUE.
 ELEVATION: 33.72'

REMARK BENCHMARKS
TM 16 SET BENCHMARK FOUND MONUMENT IN CASE FOUND TACK IN LEAD. OWH ELEV=18.5'
TM 17 OWH ELEV=18.5'
TM 18 SET BENCHMARK FOUND MONUMENT IN CASE FOUND TACK IN LEAD. OWH ELEV=18.5'
TM 19 SET BENCHMARK FOUND MONUMENT IN CASE FOUND TACK IN LEAD. OWH ELEV=18.5'
TM 20 SET BENCHMARK FOUND MONUMENT IN CASE FOUND TACK IN LEAD. OWH ELEV=18.5'

LEGAL DESCRIPTION (PER RS)
 THAT PORTION OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 23 NORTH, RANGE 3 EAST, R4E, DESCRIBED AS FOLLOWS: BEGINNING AT THE NEADOR CORNER BETWEEN SECTION 5 AND 8, TOWNSHIP 23 NORTH, RANGE 3 EAST, R4E, THENCE SOUTH WEST 6.57 FEET ALONG SECTION LINE PRODUCED AND NORTH 22°31' WEST ALONG WEST LINE OF LAKE STREET 18.24 FEET TO A POINT ON THE NORTHWEST CORNER OF BING COUNTY FERRY SLIP; THENCE ALONG SAID NORTHERLY LINE SOUTH 49°21'15" WEST 12.04 FEET TO THE WESTERN LINE OF ALLEY; AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 49°21'15" WEST 23 FEET; THENCE NORTH 47°45'45" WEST 38 FEET; THENCE NORTH 48°05'45" EAST PARALLEL TO THE NORTHERLY LINE OF FERRY SLIP 30.25 FEET; MORE OR LESS, TO THE WESTERN LINE OF ALLEY; THENCE SOUTH 22°21' EAST ALONG WESTERN LINE OF ALLEY TO THE TRUE POINT OF BEGINNING; SEPARATE IN COUNTY OF KING, STATE OF WASHINGTON.

NOTES
 THE INFORMATION DEPICTED ON THIS MAP REPRESENTS THE RESULTS OF A SURVEY MADE ON MARCH 18, 2021 AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONTOUR EXISTING AT THAT TIME.

THIS SURVEY DISCLOSES FACTORS OF RECORD AND ON THE DRAWING AFFECTING THE SUBJECT PROPERTY BOUNDARIES, BUT IT DOES NOT PURPORT TO LEGALLY RESOLVE, RELIANTLY, PROPERTY, LINE, OR DISPUTES, WHERE AMBIGUITIES ARE NOTED, AND RECOMMENDS THAT THE OWNER CONSULT WITH LEGAL COUNSEL TO DETERMINE HOW BEST TO INTERPRET THEIR PROPERTY RIGHTS AND ADDRESS ANY POTENTIAL PROPERTY LINE DISPUTES.

UTILITY LOCATIONS SHOWN HEREON ARE BASED UPON AERIAL PHOTO LOCATION OF EXISTING STRUCTURES FROM LOCATION OF UTILITIES BASED ON LOCATION OF SURVEY BENCHMARKS AND RECORDS BASED ON UTILITY MAPS FROM CITY AND UTILITY DRAWINGS INDICATING REPORTED UTILITY INSTALLATIONS OTHER UTILITIES MAY EXIST NO SURFACE EXPOSURE WAS MADE TO VERIFY UTILITY ROUTINGS AND THE ROUTING OF ALL BURIED UTILITIES SHOULD BE CONFIRMED WITH THE UTILITY PROVIDER AND EXPOSED IN AREAS CRITICAL TO DESIGN FOR VERIFICATION.

THE OWH LINE 18.5' PER ACCEPTED CITY OF KIRKLAND NAVIGABLE DATUM.

REFERENCES
 (01) RECORD OF SURVEY BY G.R. STRONG AS RECORDED IN BOOK 278 OF SURVEYS #1 PACE ONE, UNDER RECORDING NUMBER SUPERMUNICIPAL
 (02) 100 AIRLANDS MASTER CONDOMINIUM SURVEY AS RECORDED IN VOLUME 270 OF CONDOMINIUMS UNDER PAGES 18-23, UNDER RECORDING NUMBER 201903000000
 (03) RECORD OF SURVEY BY JIM HART & ASSOCIATES AS RECORDED IN BOOK 46 OF SURVEYS AT PAGE 47, UNDER RECORDING NUMBER TPN0825059212

NW 1/4, NW 1/4, SEC. 8, TWP. 25N., RGE. 5E., W.M. CITY OF KIRKLAND, KING COUNTY, WASHINGTON

REV#	DESCRIPTION OF REVISION	DATE	BY
#1			
#2			
#3			
#4			
#5			

K:\R\2021\1011\1011_030

Axis
 Survey & Mapping
 13244 NE 90TH ST, SUITE 100
 REDMOND, WA 98052
 TEL: 425-823-9700
 FAX: 425-823-9700

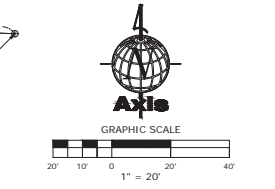
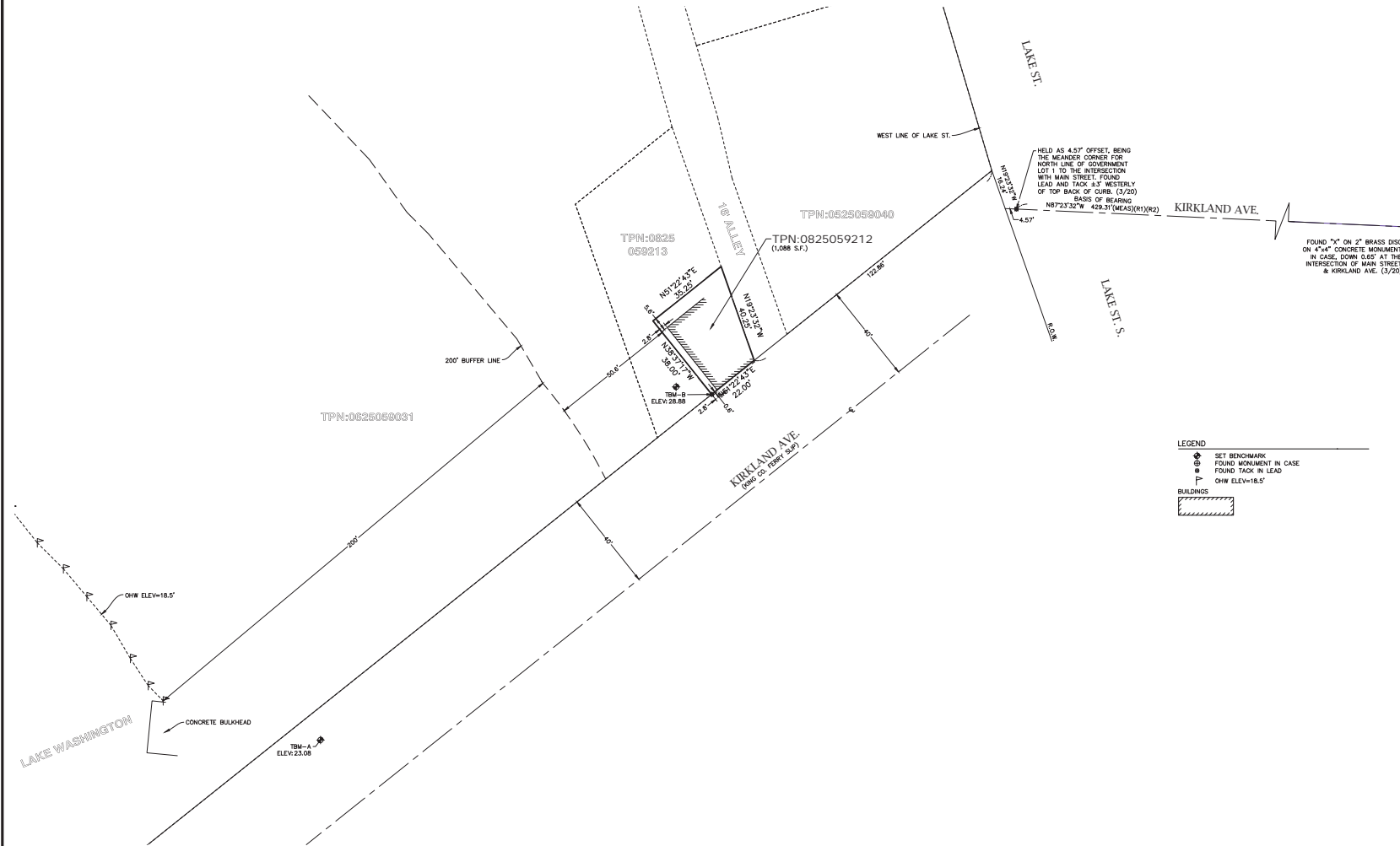
KATY BALLARD
 80 KIRKLAND AVE
 KIRKLAND, WA 98034

SURVEY
 OF
 PORTION OF TPN:0825059212

www.axismap.com

JOB NO. 21-079	DATE 4/6/21
DRAWN BY TJD	CHECKED BY BEB
SCALE 1" = 20'	SHEET 1 OF 1

ORDINARY HIGH WATER LINE & BUFFER EXHIBIT



BASIS OF BEARINGS
BASIS OF BEARINGS #723'32" BETWEEN THE FOUND MONUMENTS ALONG KIRKLAND AVENUE BETWEEN LAKE STREET SOUTH AND MAIN STREET.

HORIZONTAL DATUM
NA87 83/21 PER CITY OF KIRKLAND MONUMENT #24

VERTICAL DATUM
NAVD 88 PER CITY OF KIRKLAND MONUMENT #24
ELEVATION: 33.75

BENCHMARKS
ORIGINATING BENCHMARK: CITY OF KIRKLAND MONUMENT #24
FOUND TACK IN LEAD IN SIDEWALK 3.4' FROM THE BACK OF CURB ON SURFACE OF CONCRETE WALK 12.8' FROM TOP BACK OF CURB AT NORTH SIDE OF WHEELCHAIR RAMP, ON WEST SIDE OF LAKE STREET, AT THE INTERSECTION WITH KIRKLAND AVENUE.
ELEVATION: 33.75'

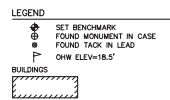
TEMPORARY BENCHMARKS
TBM 'A': SET HUB AND MAG 3.5' NW FROM EXTRUDED CURB, ±30.7' SW FROM CURB TRANSITION BETWEEN VERTICAL AND EXTRUDED CURB.
ELEVATION: 23.00'
TBM 'B': USED EXISTING LEAD AND TACK STAMPED "8409" LOCATED AT THE SOUTHWESTERLY CORNER OF TAX PARCEL #0825059212.
ELEVATION: 23.00'

LEGAL DESCRIPTION (PER R3)
THAT PORTION OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 25 NORTH, RANGE 5 EAST, WA, DESCRIBED AS FOLLOWS: BEGINNING AT THE MEANDER CORNER BETWEEN SECTION 5 AND 8, TOWNSHIP 25 NORTH, RANGE 5 EAST, WA; THENCE SOUTH 89°09' WEST 43.7' FEET ALONG SECTION LINE PRODUCED AND NORTH 22°21' WEST ALONG WEST LINE OF LAKE STREET 16.24 FEET TO A POINT ON THE NORTHERLY LINE OF KING COUNTY FERRY SLIP; THENCE ALONG SAID NORTHERLY LINE SOUTH 48°21' WEST 22.86 FEET TO THE WESTERLY LINE OF ALLEY AND TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 48°21' WEST 22 FEET; THENCE NORTH 41°34'45" WEST 38 FEET; THENCE NORTH 48°25'15" EAST PARALLEL TO THE NORTHERLY LINE OF FERRY SLIP 36.29 FEET, MORE OR LESS, TO THE WESTERLY LINE OF ALLEY; THENCE SOUTH 22°21' EAST ALONG WESTERLY LINE OF ALLEY TO THE TRUE POINT OF BEGINNING.

NOTES
THE INFORMATION DEPICTED ON THIS MAP REPRESENTS THE RESULTS OF A SURVEY MADE ON MARCH 19, 2021 AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME.
THIS SURVEY DISCLOSES FACTORS OF RECORD AND ON THE GROUND AFFECTING THE SUBJECT PROPERTY BOUNDARY, BUT IT DOES NOT PURPORT TO LEGALLY RESOLVE RELATED PROPERTY LINE DISPUTES, WHERE AMBIGUITIES ARE NOTED, AXIS RECOMMENDS THAT THE OWNER CONSULT WITH LEGAL COUNSEL TO DETERMINE HOW BEST TO INTERPRET THEIR PROPERTY RIGHTS AND ADDRESS ANY POTENTIAL PROPERTY LINE DISPUTES.
UTILITY LOCATIONS SHOWN HEREON ARE BASED UPON AIRSURT FIELD LOCATION OF EXISTING STRUCTURES; FIELD LOCATION OF UTILITIES BASED ON LOCATOR PAINT MARKINGS AND LOCATIONS BASED ON UTILITY MAPS FROM CITY AND UTILITY DRAWINGS; INDICATING UTILITY INSTALLATIONS. OTHER UTILITIES MAY EXIST; NO SUB-SURFACE EXPLORATION WAS MADE TO VERIFY UTILITY ROUTINES AND THE ROUTING OF ALL BURIED UTILITIES SHOULD BE CONFIRMED WITH THE UTILITY PURVEYOR AND EXPOSED IN AREAS CRITICAL TO DESIGN FOR VERIFICATION.
THE OHW LINE 18.5' PER ACCEPTED CITY OF KIRKLAND NAVD88 DATUM.

REFERENCES
(R1) RECORD OF SURVEY BY D.R. STRONG AS RECORDED IN BOOK 276 OF SURVEYS AT PAGE 096, UNDER RECORDING NUMBER 2010110900003.
(R2) 101 KIRKLAND MASTER CONDOMINIUM SURVEY AS RECORDED IN VOLUME 170 OF CONDOMINIUMS, UNDER PAGES 19-23, UNDER RECORDING NUMBER 2010120101552.
(R3) RECORD OF SURVEY BY JIM HART & ASSOCIATES AS RECORDED IN BOOK 96 OF SURVEYS AT PAGE 47, UNDER RECORDING NUMBER 199312139003.

NW 1/4, NW 1/4, SEC. 8, TWP. 25N., RGE. 5E., W.M. CITY OF KIRKLAND, KING COUNTY, WASHINGTON



REV#	DESCRIPTION OF REVISION	DATE	BY
#1			
#2			
#3			
#4			
#5			

3/22/2021, lomi.21079_c3d

Axis
15241 NE 30TH ST., SUITE 100
REDMOND, WA 98052
TEL 425.823.5700
FAX 425.823.6700

KATY BALLARD
80 KIRKLAND AVE
KIRKLAND, WA 98034

SURVEY
OF
PORTION OF TPN:0825059212

www.axismap.com

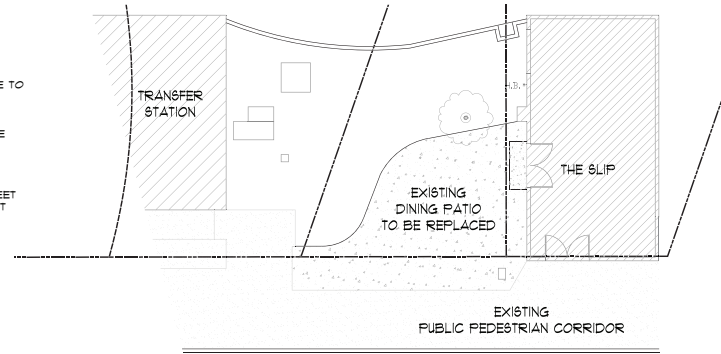
JOB NO. 21-079	DATE 3/22/21
DRAWN BY TJO	CHECKED BY BEB
SCALE 1" = 20'	SHEET 1 OF 1

TREE PROTECTION

1. ARBORIST RECOMMENDATIONS IN THE REPORT PREPARED BY NEW COAST LANDSCAPE SHALL BE IMPLEMENTED THROUGHOUT CONSTRUCTION.
2. NO HEAVY MACHINERY SHALL BE STORED WITHIN 6-FEET OF THE TREE TO AVOID SOIL COMPACTION AFTER THE CONCRETE IS REMOVED.
3. DURING INSTALLATION OF DECK FOOTINGS, NO ROOTS GREATER THAN 1.5" DIAMETER SHALL BE CUT. IF LARGER ROOTS ARE LOCATED WHERE FOOTINGS ARE PROPOSED, FOOTING LOCATIONS SHALL BE ADJUSTED. IF FOOTING LOCATIONS CANNOT BE ADJUSTED, CONSULT WITH PROJECT ARBORIST ON METHODS FOR PROTECTING AND MANAGING ROOTS.
4. SMALLER ROOTS THAT ARE CUT SHALL BE CLEANLY CUT AND COVERED WITH DAMP BURLAP UNTIL COVERED WITH SOIL.
5. UPON COMPLETION OF DECK CONSTRUCTION, THOROUGHLY WATER ROOT ZONE.
6. DUE TO SPACE CONSTRAINTS, INSTALLATION OF TREE PROTECTION FENCING WILL NOT BE FEASIBLE. IN LIEU OF TREE FENCING, THE TRUNK OF THE TREE SHALL BE WRAPPED WITH A BREATHABLE MATERIAL, SUCH AS SEVERAL LAYERS OF BURLAP, TO PREVENT TRUNK DAMAGE FROM MACHINERY.

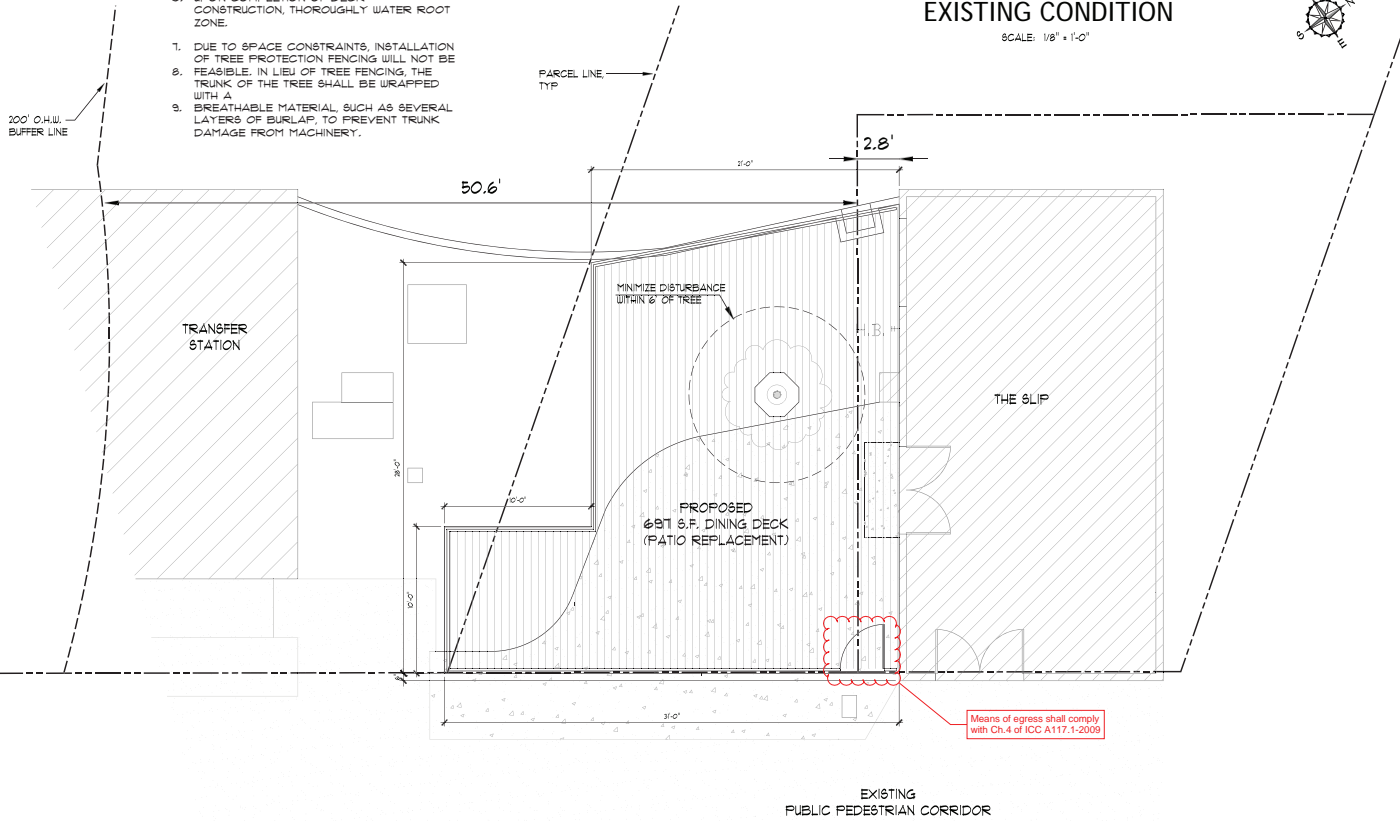
CONCRETE REMOVAL

1. PROJECT ARBORIST SHALL BE ON-SITE TO OBSERVE ALL WORK WITHIN 6-FEET OF TREE #1.
2. REMOVAL OF HARD SCAPES SHALL BE PERFORMED ONLY IN ONE DIRECTION AWAY FROM TREE TRUNK.
3. AFTER REMOVAL OF HARD SCAPES, COVER THE EXPOSED SOIL WITHIN 6-FEET OF TREE #1 WITH 3-INCHES OF ARBORIST WOOD CHIPS.



EXISTING CONDITION

SCALE: 1/8" = 1'-0"



PROPOSED SHORELINE DEVELOPMENT

SCALE: 1/4" = 1'-0"

Summerville, WA 98074
 Phone: 425.385.6110
 Email: info@homedesignnw.com
 Home Design NORTHWEST
 Residential Design & Drafting

THE SLIP - DINING DECK
 80 KIRKLAND AVE
 KIRKLAND, WA 98033

DATE: 1 FEB 2022
 SHORELINE DEVELOPMENT EXHIBIT

SHEET



CITY OF KIRKLAND
Planning and Building Department
123 5th Avenue, Kirkland, WA 98033
425.587.3600 ~ www.kirklandwa.gov

DEVELOPMENT STANDARDS LIST

File: SHR21-00575

SHORELINE MASTER PROGRAM STANDARDS

WAC173-27-190 Substantial Development, Conditional Use, or Variance Permits.

Construction pursuant to a substantial development, conditional use, or variance permit shall not begin and is not authorized until 21 days from the date of filing, or until all review proceedings initiated within 20 days from the date of filing have been terminated, except as provided in RCW90.58.140(5)(a) & (b).

ZONING CODE STANDARDS

92.35 Prohibited Materials In Design Districts. If in a design district the following building materials are prohibited or limited in use: mirrored glass or reflective materials, corrugated fiberglass, chain link fencing, metal siding, concrete block, backlit awnings. Water spigots are required along building facades along sidewalks for cleaning and plant watering. Commercial buildings with more than one tenant shall install a cornerstone or plaque.

95.50 Tree Installation Standards. All supplemental trees to be planted shall conform to the Kirkland Plant List. All installation standards shall conform to Kirkland Zoning Code Section 95.45.

95.52 Prohibited Vegetation. Plants listed as prohibited in the Kirkland Plant List shall not be planted in the City.

100.25 Sign Permits. Separate sign permit(s) are required. In JBD and CBD cabinet signs are prohibited.

105.18 Pedestrian Walkways. All uses, except single family dwelling units and duplex structures, must provide pedestrian walkways designed to minimize walking distances from the building entrance to the right of way and adjacent transit facilities, pedestrian connections to adjacent properties, between primary entrances of all uses on the subject property, through parking lots and parking garages to building entrances. Easements may be required. In design districts through block pathways or other pedestrian improvements may be required. See also Plates 34 in Chapter 180.

105.18 Entrance Walkways. All uses, except single family dwellings and duplex structures, must provide pedestrian walkways between the principal entrances to all businesses, uses, and/or buildings on the subject property.

105.18 Overhead Weather Protection. All uses, except single family dwellings, multifamily, and industrial uses, must provide overhead weather protection along any portion of the building, which is adjacent to a pedestrian walkway.

105.18.2 Walkway Standards. Pedestrian walkways must be at least 5' wide; must be distinguishable from traffic lanes by pavement texture or elevation; must have adequate lighting for security and safety. Lights must be non-glare and mounted no more than 20' above the ground.

105.18.2 Overhead Weather Protection Standards. Overhead weather protection must

be provided along any portion of the building adjacent to a pedestrian walkway or sidewalk; over the primary exterior entrance to all buildings. May be composed of awnings, marquees, canopies or building overhangs; must cover at least 5' of the width of the adjacent walkway; and must be at least 8 feet above the ground immediately below it. In design districts, translucent awnings may not be backlit; see section for the percent of property frontage or building facade.

105.19 Public Pedestrian Walkways. The height of solid (blocking visibility) fences along pedestrian pathways that are not directly adjacent a public or private street right-of-way shall be limited to 42 inches unless otherwise approved by the Planning or Public Works Directors. All new building structures shall be setback a minimum of five feet from any pedestrian access right-of-way, tract, or easement that is not directly adjacent a public or private street right-of-way. If in a design district, see section and Plate 34 for through block pathways standards.

110.52 Sidewalks and Public Improvements in Design Districts. See section, Plate 34 and public works approved plans manual for sidewalk standards and decorative lighting design applicable to design districts.

110.60.5 Street Trees. All trees planted in the right-of-way must be approved as to species by the City. All trees must be two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least six feet above finished grade and does not obstruct any adjoining sidewalks or driving lanes.

115.25 Work Hours. It is a violation of this Code to engage in any development activity or to operate any heavy equipment before 7:00 am. or after 8:00 pm Monday through Friday, or before 9:00 am or after 6:00 pm Saturday. No development activity or use of heavy equipment may occur on Sundays or on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. The applicant will be required to comply with these regulations and any violation of this section will result in enforcement action, unless written permission is obtained from the Planning official.

115.45 Garbage and Recycling Placement and Screening. For uses other than detached dwelling units, duplexes, moorage facilities, parks, and construction sites, all garbage receptacles and dumpsters must be setback from property lines, located outside landscape buffers, and screened from view from the street, adjacent properties and pedestrian walkways or parks by a solid sight-obscuring enclosure.

115.47 Service Bay Locations. All uses, except single family dwellings and multifamily structures, must locate service bays away from pedestrian areas. If not feasible must screen from view.

115.75.2 Fill Material. All materials used as fill must be non-dissolving and non-decomposing. Fill material must not contain organic or inorganic material that would be detrimental to the water quality, or existing habitat, or create any other significant adverse impacts to the environment.

115.90 Calculating Lot Coverage. The total area of all structures and pavement and any other impervious surface on the subject property is limited to a maximum percentage of total lot area. See the Use Zone charts for maximum lot coverage percentages allowed. Section 115.90 lists exceptions to total lot coverage calculations See Section 115.90 for a more detailed explanation of these exceptions.

115.95 Noise Standards. The City of Kirkland adopts by reference the Maximum Environmental Noise Levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC. Any noise, which injures, endangers the comfort, repose, health or safety of persons, or in any way renders persons insecure in life, or in the use of property is a violation of this Code.

115.115 Required Setback Yards. This section establishes what structures, improvements and activities may be within required setback yards as established for each use in each zone.

145.22.2 Public Notice Signs. Within seven (7) calendar days after the end of the 21-day period following the City's final decision on the permit, the applicant shall remove all public notice signs.

95.30(4) Tree Protection Techniques. A description and location of tree protection

measures during construction for trees to be retained must be shown on demolition and grading plans.

95.34 Tree Protection. Prior to development activity or initiating tree removal on the site, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities. Protection measures for trees to be retained shall include (1) placing no construction material or equipment within the protected area of any tree to be retained; (2) providing a visible temporary protective chain link fence at least 6 feet in height around the protected area of retained trees or groups of trees until the Planning Official authorizes their removal; (3) installing visible signs spaced no further apart than 15 feet along the protective fence stating "Tree Protection Area, Entrance Prohibited" with the City code enforcement phone number; (4) prohibiting excavation or compaction of earth or other damaging activities within the barriers unless approved by the Planning Official and supervised by a qualified professional; and (5) ensuring that approved landscaping in a protected zone shall be done with light machinery or by hand.