



Memorandum

DATE: February 27, 2007

TO: Shoreline City Council

FROM: Paul Cohen, Project Manager

RE: South Echo Lake Development

At this time the eight acre site is being cleared, graded, and prepared for site development and six building pads. The City issued permits for site development and the first building for senior affordable housing. This includes installation of temporary erosion control, utilities, building pads, roadways, and eventually landscaping, plazas, etc. We are currently reviewing the building permits for two additional apartment buildings and a site development permit for the wetland restoration portion adjacent to the lake. We anticipate the submittal for the YMCA building in a matter of weeks. Two mixed-use buildings are planned for the SE corner of N 192nd St. and Aurora Ave. N. Though the City has no deadline to complete the development, it will likely take several years.

Number of Units – To date, we have approved and are reviewing 384 units in 3 buildings. We anticipate approximately 100 units more associated with the mixed use development.

Frontage – Frontage improvements along Aurora Avenue will be temporary in anticipation of the final improvements associated with the Aurora improvement project. The west part of N. 192nd will also be temporary because it is connected to the Aurora improvement. N. 192nd will include a wider sidewalk to facilitate the Interurban Trail traffic to the Park and Ride on Aurora Avenue. Drive access into the site will restrict turning movements east toward the Echo Lake neighborhood.

Stormwater Control – The site will have stormwater detention and water quality facilities prior to discharging into the lake. The stormwater pipe along the northwest boundary conveys waters from Aurora Avenue. The pipe will be replaced with an open swale through the wetland buffer. In the future when Aurora is improved detention and water quality facilities will be installed.

Wetland Buffer – The buffer is 115 feet wide radiating from the lake edge upland. It will contain wetland enhancement and plantings, a boardwalk connecting the Interurban trail and Aurora Avenue, and an unaltered buffer area where building, mowing, spraying, etc will not be allowed. At this point, there is no state approval for a small dock and beach to

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be developed. However, the boardwalk will extend to the lake edge. This wetland improvement must be completed prior to occupancy of the first building. All the existing trees in the buffer will be preserved. The four tall conifers upland will be removed.

Rezone Conditions – Attached.



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CITY OF SHORELINE MISC 25.00
PAGE001 OF 007
08/18/2005 11:22
KING COUNTY, WA
KING COUNTY, WA

RETURN ADDRESS

City of Shoreline
City Clerks Office
17544 Midvale Ave N
Shoreline, WA 98133-4921

Note to Auditor: Please return a recorded original back to the City of Shoreline City Clerks Office.

Please print neatly or type information

Document Title(s)

Concomitant Rezone Agreement and Covenant Running with the Land: Contract Zone
No. CZ-05-01 Ordinance No. 389

Reference Number(s) of related documents

Additional Reference #'s on page _____

Grantor(s) (Last, First and Middle Initial)

City of Shoreline

Additional grantors on page _____

Grantee(s) (Last, First and Middle Initial)

Echo Lake Associates, LLC

Additional grantors on page _____

Legal Description (abbreviated form: i.e. lot, block, plat or section, township, range, quarter/quarter)

TRACTS 2 AND 3 AND LOT J OF TRACT 4, ECHO LAKE GARDEN TRACTS, DIVISION 1,
ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE 19,
RECORDS OF KING COUNTY;
EXCEPT THAT PORTION THEREOF CONVEYED TO THE SEATTLE-EVERETT TRACTION
COMPANY FOR RIGHT OF WAY PURPOSES BY DEEDS RECORDED UNDER AUDITOR'S FILE
NOS. 658621 AND 633047;
EXCEPT THAT PORTION THEREOF CONVEYED TO THE STATE OF WASHINGTON FOR STATE
ROAD NO. 1, BY DEEDS RECORDED UNDER AUDITOR'S FILE NOS. 2173685 AND 2173657,
RECORDS OF KING COUNTY, WASHINGTON. SITUATE IN THE COUNTY OF KING, STATE OF
WASHINGTON.

Additional legal is on page _____

Assessor's Property Tax Parcel/Account Number

222900040

Additional parcel #'s on page _____

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

Shoreline City Clerk Receiving Number 3481

PR-05-CZ-001

**CONCOMITANT REZONE AGREEMENT AND
COVENANT RUNNING WITH THE LAND**

Contract Zone No. RB-CZ-05-01

This Concomitant Rezone Agreement and Covenant (hereinafter "Covenant") dated June 30, 2005, by and between the City of Shoreline, Washington, a municipal corporation (hereinafter "City"), and Echo Lake Associates (hereinafter "Owners").

RECITALS

A. Owners are the owners of real property located in King County legally described as:

TRACTS 2 AND 3 AND LOT J OF TRACT 4, ECHO LAKE GARDEN TRACTS, DIVISION 1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE 19, RECORDS OF KING COUNTY;

EXCEPT THAT PORTION THEREOF CONVEYED TO THE SEATTLE-EVERETT TRACTION COMPANY FOR RIGHT OF WAY PURPOSES BY DEEDS RECORDED UNDER AUDITOR'S FILE NOS. 658621 AND 633047;

EXCEPT THAT PORTION THEREOF CONVEYED TO THE STATE OF WASHINGTON FOR STATE ROAD NO. 1, BY DEEDS RECORDED UNDER AUDITOR'S FILE NOS. 2173685 AND 2173657, RECORDS OF KING COUNTY, WASHINGTON.

(Hereafter described as "Property").

B. Owner has applied to rezone the Property from its current zoning, to Contract Zone, consistent with the Comprehensive Plan adopted by the City pursuant to the Growth Management Act (RCW Ch.36.70A).

C. The City has conditionally approved the rezone application provided the Property is developed under conditions and limitations, which shall be considered as a qualification to the City's zoning designation.

NOW THEREFORE, the City and Owners agree as follows:

- 1. Title.** Owners are the sole and exclusive owners of the Property described above.
- 2. Covenant.** Owners covenant and agree, on behalf of themselves and their successors and assigns, that during the entire period that the Property is zoned RB-CZ-05-01, the Property will be developed only in accordance with this Covenant and subject to the conditions provided herein. The Owners specifically agree that this Covenant touches, concerns, enhances, benefits and runs with the Property.
- 3. Uses.** The Owners or their successors may construct a mixed use development on the Property subject to the conditions attached hereto.

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- 4. **Binding Effect.** This Covenant shall remain in full force and effect, and be binding upon the Owners and their successors and assigns until 1) amended, modified or terminated by an ordinance adopted by the Shoreline City Council, 2) Owners fail to file a complete building permit application within three (3) years of the effective date of recording this covenant, or 3) Owners of all interest in the property file a written declaration with the City that they wish the Property to revert to the RB and R-48 land use designations existing immediately prior to passage of Ordinance No. 389 or such other default zoning as may have been adopted by the City Council for the Property subsequent to this agreement. Obligations contained herein shall be enforceable against all such successors and assigns.
- 5. **Filing.** A copy of this Covenant will be filed for record with the King County Records and Elections Division.
- 6. **Remedies.** Violations of this Covenant shall be enforced by the City according to enforcement procedures applicable to zoning code violations.
- 7. **Attorney Fees.** In the event that legal action is commenced to enforce or interpret any provision of this Covenant, including any appeal thereof, the substantially prevailing party shall be entitled to its costs including reasonable attorney's fees.

IN WITNESS WHEREOF, the parties have executed this Covenant as of the date first above written.

OWNER(s)

CITY OF SHORELINE

Harley D. O'Neil Jr.
Managing Member
Echo Lake Associates, LLC

Robert L. Olander
Steve Burkett, City Manager, Deputy
Robert L. Olander

APPROVED AS TO FORM:

Elannary Collins
Elannary Collins, Assistant City Attorney

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STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Harley O'Neil, representing Echo Lake Associates appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: June 30, 2005

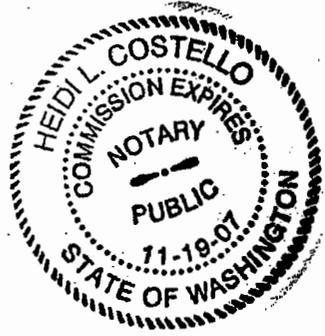


By: Carol M. Christensen
Notary Public in and for the State of Washington
residing at Edmonds, WA
My commission expires 3-29-06

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that ^{Robert L. Olander} ~~Steve Burkett~~, representing the City of Shoreline, appeared before me, and said person acknowledged that he signed this instrument and acknowledged it as the ^{City} City Manager of City of Shoreline to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: June 30, 2005



By: [Signature]
Notary Public in and for the State of Washington
residing at Snohomish County
My Commission expires 11/19/2007

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CONDITIONS OF CONCOMITANT REZONE AGREEMENT AND COVENANT RUNNING WITH THE LAND Contract Zone No. RB-CZ 05-01

The rezone of the property is subject to the following conditions:

1. This Contract Rezone Agreement must be ratified by all parties and recorded against the property in order to be a valid agreement.
2. The project shall comply with all mitigation measures as specified in the Mitigated Determination of Non-Significance (MDNS).
3. Developer shall provide a 115 foot buffer around the wetland.
4. The zoning designation shall be RB-CZ, Regional Business with Contract Zone. The uses and design of the property, including but not limited to provisions for critical areas, off-site improvements, site grading and tree preservation, landscaping, stormwater control, and dimensional and design standards, shall comply with provisions for mixed use developments in the RB zoning district as set forth in the Shoreline Municipal Code (SMC) with the following additional property conditions:
 - a. Site configuration and uses shall generally comply with the site plan submitted with the application, with housing units mainly contained on the east side of the property and commercial uses on the west side of the property. Up to 10,000 square feet of retail is allowed on the east side of the property. Minor changes to the site plan may be subsequently approved by the City of Shoreline Planning and Development Services Director or designee.
 - b. Residential density on the eastern portion of the site shall be limited to 350 units. The developer will attempt to incorporate up to 100 units of housing affordable to medium and low income households depending on the availability of subsidies for such housing.
 - c. Commercial floor area shall be limited to 182,000 square feet. Commercial floor area may be reduced further as replaced by residential units.
 - d. No more than 50% of the required parking shall be parking open to the sky.
 - e. Parking reduction of up to 20% from the maximum required by SMC 20.50.390 is allowed pursuant to SMC 20.50.400.
 - f. In order to protect solar access for the first 50 feet of the wetland buffer (water-ward), the applicant shall use best effort to demonstrate that the proposed structures will not shade these open spaces on March 21st at noon or September 23rd at noon. Further, solar access shall be considered when designing the final site plan, so as to allow southern exposure to the project's common open areas.
 - g. Maximum impervious surface allowed on the site shall not exceed 90% for development within the commercial portion of the site, and shall not exceed 90% in the residential portion of the site. The open space area required for 100 feet of the wetland buffer shall not be included in this calculation.
 - h. The provisions of SMC 20.50.350 (B) shall not apply to this site outside of the wetland and its buffer. However, the developers shall preserve as many significant trees as possible, consistent with their design parameters. An approved habitat

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restoration plan must be implemented within the wetland buffer prior to Certificate of Occupancy for any of the buildings on the site, in accordance with SMC 20.80.090 and 20.80.350, and with additional conditions listed below.

5. Vermin abatement shall take place prior to and during demolition and decommissioning of current site. Proof of abatement shall be submitted as part of the demolition permit application.
6. Stormwater treatment: At a minimum, Level 2 water quality and stormwater detention are required for development, in accordance with the Shoreline Municipal Code (SMC) and the King County Surface Water Design Manual, as adopted by the City of Shoreline. Additionally, the developer shall consider working with the City to install an oversize a stormwater system to further improve Echo Lake water quality including the possibility of adding a water feature and open water course as the means of discharge into the Lake.
7. Green Buildings. The developers shall consider pursuing a LEED certificate for the buildings in this project.
8. The developers will secure the services of a certified wetland biologist to direct the design of the enhancement and restoration plan for the shoreline of Echo Lake. The plan shall be based upon and consistent with the Department of Ecology's (DOE) "Best Available Science for Freshwater Wetlands Projects," Volumes One and Two. Subject to City approval, the developers will implement this plan.
9. The developers will not take any actions that result in further significant degradation of the wetland or buffer. The developers will use their best efforts to preserve and enhance the existing higher quality shoreline areas at the eastern and western boundaries.
10. The developers will restore and enhance all but a contiguous 70 feet of the lake shoreline, 10 feet of which will be used for a boardwalk to the lake. Within this 70-foot area, the developers intend to apply for a permit to construct a publicly accessible beach and dock.
11. The restored areas of the shoreline will consist of:
 - a. A ten-foot area along the fully submerged portions of the lake's shoreline that will be planted with native plants that are compatible with and will enhance the lake's ecology and wildlife.
 - b. A ten-foot area along the shoreline that has a sufficiently high water table to support native plants that are compatible with and will enhance the shoreline's ecology and wildlife. If necessary and supported by Best Available Science, some grading may be required to establish a new grade that will support wetland plants within this area. Any wetland area created in this manner shall not be considered a new wetland boundary for the purposes of future buffer calculation. This requirement will not apply if the ground water is not sufficiently high to sustain moist soil-dependent plants.
 - c. A 55-foot area along the shoreline that is adjacent to the ten-foot area described above will be planted with native plants that are appropriate for wetland uplands areas and that support the lake's ecology and wildlife.
12. The developers will construct a boardwalk with public access through the buffer area. This boardwalk shall not intrude within the existing natural or newly restored areas described

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above. The boardwalk shall be constructed with kick-rails and signage to discourage public intrusion into the natural areas, and shall utilize materials and construction methods that are based on Best Available Science for natural and wetland areas. The public access shall be ensured through perpetuity through the appropriate legal document.

13. The developers shall ensure that all plantings are established and self-sustaining. The developers will implement a monitoring and maintenance plan, for two years, consistent with the wetland biologist's recommendations.
14. The developers will provide handicap accessible public access from the Interurban Trail to the project site (subject to obtaining easement from Seattle City Light [SCL]). Developer will ensure that the privacy screening required by the SEPA mitigation measure is not compromised by any such access. If access is from the private SCL right-of-way designated Stone Ave. N., the Developer will work with the City to facilitate installation of signage that prohibits public parking on the private road. The public access shall be ensured through perpetuity through the appropriate legal document.
15. The developers will cooperate with efforts of the City and upstream property owners to apply effective water quality treatment to storm water flows originating off-site. This may include the location of water treatment facilities on the project site, so long as there is no additional cost to the developers nor a taking of additional land.
16. The developers will seek actions by the sewer district to remove freshwater flows from sewer pipes that serve the project site, and direct those flows through appropriate water quality treatment facilities to the lake. Developers shall consider utilizing a natural day-lighted drainage feature for this and other drainage flows.
17. The developers shall work with historic preservation organizations to seek to preserve the Weiman house. This assistance includes developer's agreement to offer the house at no cost for removal from site.
18. The developers shall reduce noise and glare impacts to surrounding residential neighborhoods through the following techniques:
 - a. Locate high noise generating uses away from the lake.
 - b. Control construction hours to preserve early morning, night and Sunday morning quiet times.
 - c. Utilize landscaping as sound attenuators
 - d. Incorporate noise reduction techniques in site and building design where practical.
 - e. Employ low-glare, directed lighting to reduce ambient light.
19. The developers will provide public access from Aurora Avenue on the northern half of the site from the Aurora Avenue Frontage to the boardwalk along the lake. This public access shall be ensured through perpetuity through the appropriate legal document.

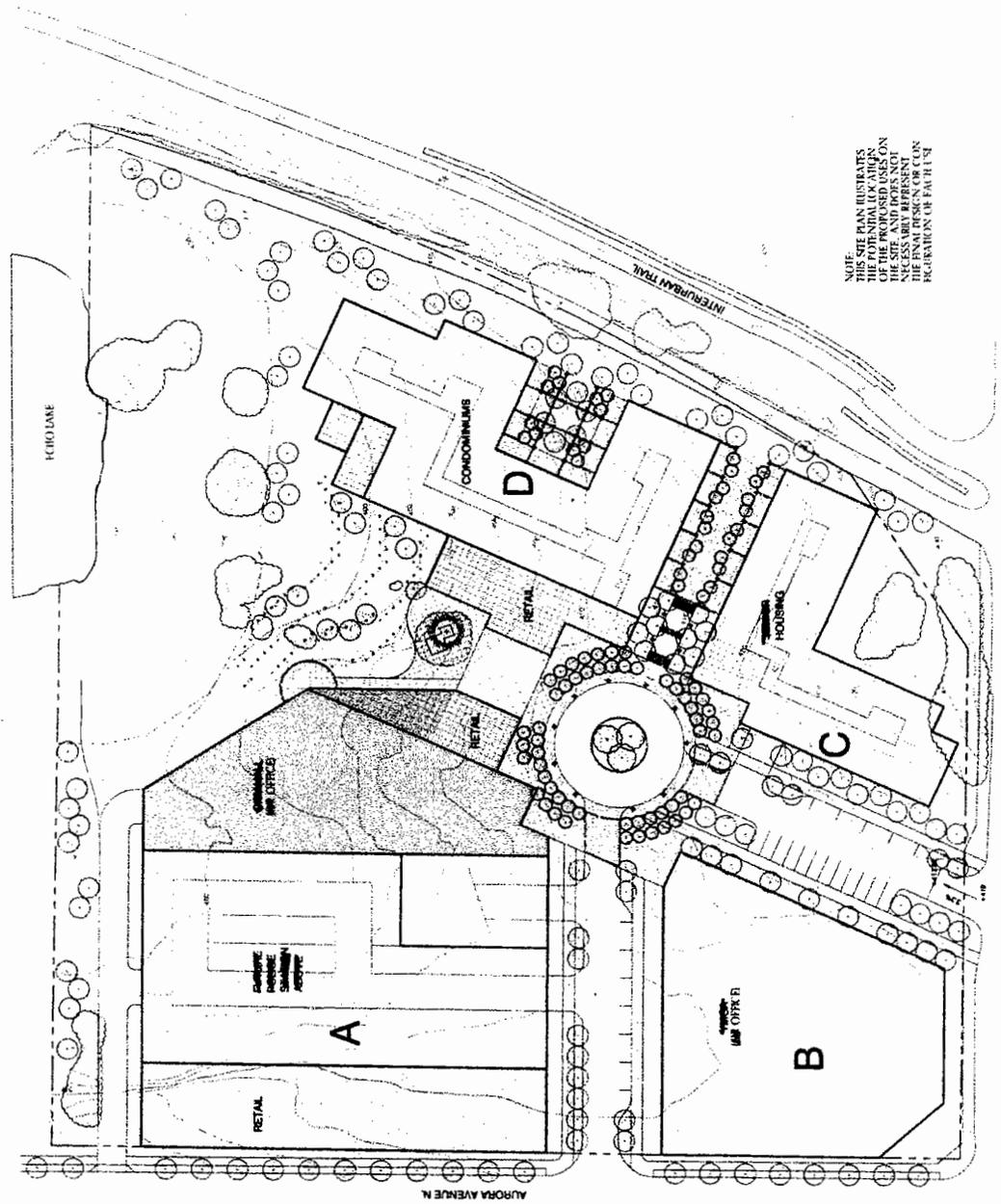
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 DEC 30 2004
 P.S. DS

ILLUSTRATIVE SITE PLAN

ECHO LAKE
 04057 12804

201372



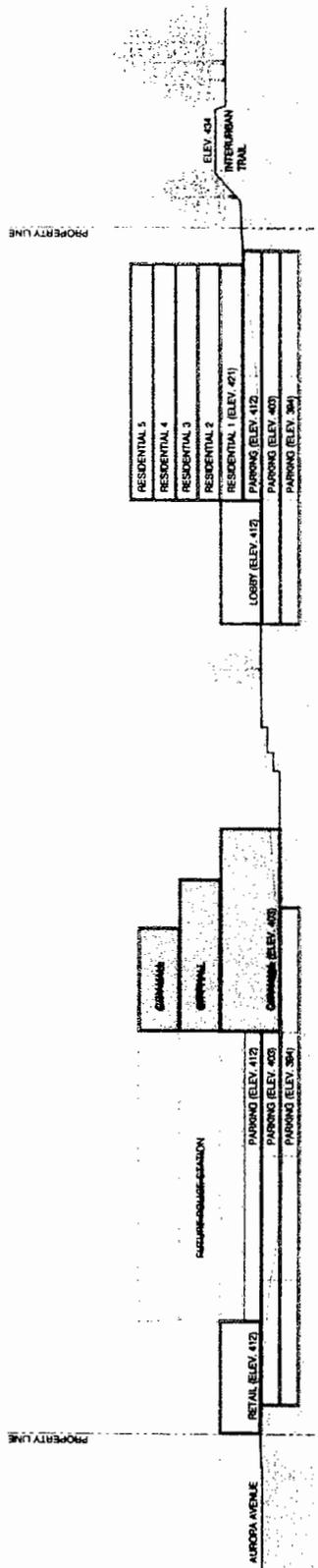
NOTE: THIS SITE PLAN ILLUSTRATES THE POTENTIAL LOCATION OF THE PROPOSED USES ON THE SITE. IT DOES NOT REPRESENT THE FINAL DESIGN OR CONFIGURATION OF FACILITY.

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RECEIVED
 DEC 30 2004
 P. S. US

SITE SECTION (Looking North)
 ECHO LAKE
 04057 12804

201372



NOTE:
 THIS SECTION ILLUSTRATES
 THE PROPOSED MASSING
 OF THE PROPOSED USES ON
 THE SITE, AND DOES NOT
 NECESSARILY REPRESENT
 THE EXACT MASSING OR
 FIGURATIONS OF EACH USE.



HEWITT
 ARCHITECTS