

ORIGINAL

EXHIBIT A CONCOMITANT REZONE AGREEMENT AND COVENANT RUNNING WITH THE LAND

Shoreline Village Townhomes
#CZ-1999-01

This Concomitant Rezone Agreement and Covenant (hereinafter "Covenant") dated February 14, 2000, amended on August 20, 2001 by and between the City of Shoreline, Washington, a municipal corporation (hereinafter "City"), and JOHN GARBE (hereinafter "Owner").

RECITALS

A. The owner of real property located in King County legally described as:

Section 8, Township 26 North, Range 4 East, ~~Willamette Meridian~~, on the west side of the intersection of 15th Avenue NE and NE 166th Street (Tax Parcels 84, 85, 86, 87, 90).

Parcel 84: The east 90 feet of the west 210 feet of the south third of the east half of the north half of the south half of the southeast quarter per King County Short Plat No. 7272.

Parcel 85: Third of the east half of the north half of the south half of the southeast quarter of the southeast quarter per King County Short Plat No. 7272.

Parcel 86: The east 90 feet of the west 390 feet of the south third of the east half of the north half of the south half of the southeast quarter of the southeast quarter per King County Short Plat No. 7272.

Parcel 87: The south third of the east half of the north half of the south half of the southeast quarter of the southeast quarter less the west 390 feet, thereof, less county road per King County Short Plat 7272.

Parcel 90: The west 120 feet of the south third of the east half of the north half of the south half of the southeast quarter of the southeast quarter per King County Short Plat No. 7272.

(Hereafter described as "Property").

B. The owner has applied to rezone the Property from its current zoning, R-6, 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 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.

D. The Owner has applied to amend the approved concomitant rezone agreement 1999-01 to alter the design of the project.

E. The City has approved the application to amend concomitant rezone agreement 1999-01 provided the property is developed under the conditions of the concomitant agreement and applicable development regulations.

NOW THEREFORE, the Owner covenant and agree, on behalf of himself and his successors and assigns, that during the entire period that the Property is zoned CZ #1999-01, the Property will be developed only in accordance with this Covenant and subject to the conditions provided herein. The Owner specifically agrees that this Covenant touches, concerns, enhances, benefits and runs with the Property.

1. Title. The Owner is the sole and exclusive owner of the Property described above.
2. Uses. The Owner or his successors may construct sixteen (16) residential units ~~in eight (8) duplex units~~ on the Property.
3. Conditions. The rezone of the Property is subject to the conditions recited in Exhibit A B.
4. Remedies. Violations of this Covenant shall be enforced by the City according to enforcement procedures applicable to zoning code violations.
5. Binding Effect. This Covenant shall remain in full force and effect, and be binding upon the Owner and his successors and assigns until 1) amended, modified or terminated by an ordinance adopted by the Shoreline City Council, 2) Owner fails to file a complete building permit application within three (3) years of the effective date of recording this covenant, or 3) Owner of all interest in the property file a written declaration with the City that they wish the Property to revert to a R-6 land use designation 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.
6. Filing. A copy of this covenant will be filed for record with the King County records and elections division.
7. Attorney Fees. In the event that legal action is commenced to enforce or interpret any revision of this Covenant, including any appeal thereof, the substantially prevailing party shall be entitled to its costs including reasonable attorney's fees.

ORIGINAL

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

OWNER

CITY OF SHORELINE

John Garbe

Steve Burkett, City Manager

APPROVED AS TO FORM:

Ian Sievers
City Attorney

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that John Garbe 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: _____

By: _____
Notary Public in and for the State of Washington
residing at _____.
My commission expires _____.

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Steve Burkett appeared before me, and said person acknowledged that he signed this instrument and acknowledged it as the 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: _____

By: _____
Notary Public in and for the State of Washington
residing at _____.
My Commission expires _____.

**SHORELINE VILLAGE TOWNHOMES: CONDITIONS OF CONCOMITANT REZONE
AGREEMENT AND COVENANT AS AMENDED RUNNING WITH THE LAND**

The rezone of the Property is subject to the conditions recited herein as follows:

1. This Contract Rezone Agreement must be ratified by all parties and recorded against the properties in order to be a valid agreement.
2. A maximum of 16 townhomes units in ~~8 duplex units~~ are permitted as proposed on site plans submitted by ~~JRR Engineering~~ Architectural Design Associates to the City of Shoreline on ~~June 25, 1999~~ May 29, 2001 subject to revisions approved pursuant to condition 24. Exhibit B-1.
3. The following features on site plans and building elevations (Exhibit B-2) submitted by ~~JRR Engineering~~ Architectural Design Associates to the City of Shoreline on ~~June 25, 1999~~ May 29, 2001 shall control development with allowances for minor changes to materials and design*:
 - Structural design, façade materials, gabled rooflines
 - Orientation and siting of structures
 - Building height
 - Building bulk and scale
 - Setbacks for front, back and side yards
 - Lot coverage for buildings
 - Privacy and defensible space
 - Pervious and impervious surface coverage

* Minor changes to materials and design are limited to changes that meet or exceed the development requirements denoted in SMC Title 20.
4. Tree retention as provided on site Landscape plans submitted by ~~JRR Engineering~~ Architectural Design Associates to the City of Shoreline on ~~June 25, 1999~~ May 29, 2001 shall be required for site development. Exhibit B-3. In the event that trees stipulated for retention are removed (whether inadvertently or through an approved building permit), each tree which is removed shall be replaced by two trees of the same species as the tree that has been removed. Each replacement tree must be a minimum of two inches in ~~caliper~~ diameter at breast height.
5. Development shall provide and maintain fencing around tree preservation areas for the duration of site preparation and construction activities, in order to preserve the natural environment existing within the site.
6. Development shall provide new landscape plantings, including trees, shrubs, groundcover, and perennial/annual flowering plants, as provided on site plans submitted by ~~JRR Engineering~~ Architectural Design Associates to the City of Shoreline on ~~June 25, 1999~~ May 29, 2001, and pursuant to the requirements of SMC Title ~~18.16~~ 20.50.450-20.50.510.

7. Development applications shall include:

- (a) a vegetation maintenance plan which describes products to be used (e.g., application of nutrients, pesticides and herbicides) and maintenance schedule to minimize the introduction of products into runoff flows.
- (b) a vegetation irrigation plan, pursuant to SMC Title 18.16.300 – 18.60.370.
- (c) a performance bond or other security equivalent to 150% of the value of the plantings, to be maintained in full force and effect for a minimum period of three years. The performance bond or security may be amended to continue for an additional three years following the installation of substantial replacement vegetation.

The City must approve the Vegetation Mitigation Plan, including planting, maintenance and monitoring details, prior to the issuance of the Site development permit. Vegetation management shall be designed, implemented and effectively/regularly maintained by the applicant pursuant to the approved Vegetation Mitigation Plan.

8. ~~Parking spaces and landscaping of parking areas submitted by JRR Engineering to the City of Shoreline on June 25, 1999 shall be modified to include:~~

- ~~(a) relocation of handicapped parking spaces to area in front of Building E, F or G~~
- ~~(b) providing marked guest parking spaces north of Building H~~
- ~~(c) combining landscaping areas in parking lot so that a planted areas is located adjacent to Building C,~~
- ~~(d) providing that all planted sections within the parking area include trees and shrubs in addition to ground cover.~~

~~The City must approve the Vegetation Planting Plan, including planting, maintenance and monitoring details, prior to the issuance of the Site development permit.~~

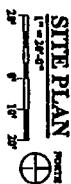
9. A sound attenuation a six-foot solid wood fence along the southern boundary of the property, to address noise impacts from the adjacent Shoreline School District Bus Barn shall be provided. The fence shall be approved by the City of Shoreline and installed prior to the issuance of the Certificate of Occupancy for Shoreline Village.

10. A Two common open space areas totaling approximately 6,940 sq. ft. (34 feet by 65 feet) between buildings D and E shall be provided. ~~This~~ These areas shall be improved with plantings, seating, and other amenities, as identified on site plans submitted by ~~JRR Engineering~~ Architectural Design Associates to the City of Shoreline on ~~June 25, 1999~~ May 29, 2001, and pursuant to the requirements of SMC Title 20.50.160.

11. A paved roadway as described on site plans submitted by ~~JRR Engineering~~ Architectural Design Associated to the City of Shoreline on ~~June 25, 1999~~ May 29, 2001, and pursuant to the requirements of SMC Title 20 shall be constructed. This roadway shall be dedicated in fee or as a public access easement to the City of Shoreline prior to the issuance of a Certificate of Occupancy for Shoreline Village.

12. A pedestrian sidewalk as identified on site plans submitted by JRR Engineering Architectural Design Associates to the City of Shoreline on June 25, 1999-May 29, 2001, and pursuant to the requirements of SMC Title 18.18 shall be constructed.
13. The Development shall provide for a vegetation mitigation plan for the vegetation along the north property line and such plan shall include a provision to protect off-site vegetation. The plan shall be reviewed and approved by a certified arborist.
14. Owners shall design, install and maintain streetlighting which is sufficient to illuminate the site and is directed toward the interior of the site in order to limit impacts on neighboring properties to the north of Shoreline Village. The lighting plan shall be approved by the City of Shoreline and lighting shall be installed prior to the issuance of the Certificate of Occupancy.
15. Owners shall construct and maintain a solid screen (e.g., wood fencing, landscaping) along the northern boundary of the property to provide a buffer along the joint north property line for Shoreline Village and the south property line of the abutting properties on NE 168th Street.
16. Owners shall install, monitor and maintain a Surface/Storm Water Management Plan, pursuant to Memorandum issued by the City of Shoreline on September 14, 1999. The Plan and Agreement shall also incorporate the measures listed below:
 - (a) Surface and stormwater management must be provided as stipulated in the Technical Information Report prepared by Ron Riach/JRR Engineers, dated 1/6/99.
 - (b) A complete set of construction drawings is to be submitted, approved and a site development permit issued before beginning any construction.
 - (c) An easement must be obtained from the School District for storm tight drain line. The engineering plans and connection to the drainage system located on Shoreline School District property to be reviewed and approved before issuance of a site development permit. If the Shoreline School District terminates the right to connect to this drainage system, the property owner(s) shall comply with the requirements of the stormwater management manual in effect at the time of the termination;
 - (d) All drainage facilities are to be dedicated to the City of Shoreline before a Certificate of Occupancy is issued for Shoreline Townhomes.

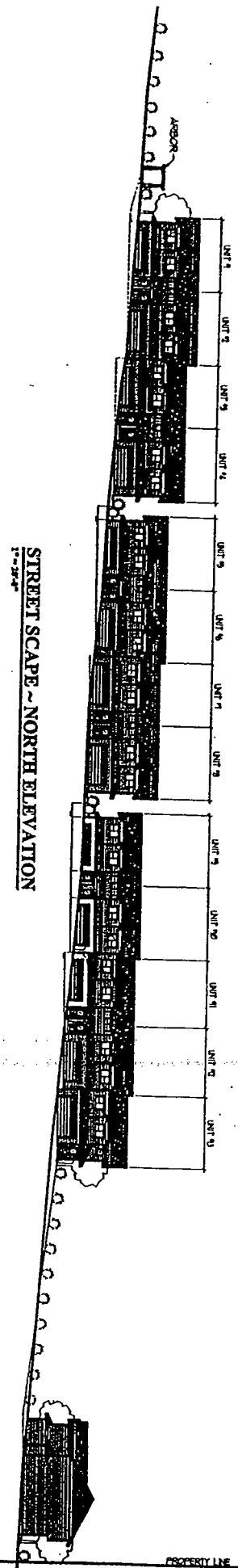
The City must approve the Surface/Storm Water Management Plan, including engineering details of the proposed facilities, shall be approved by the City's Planning Department prior to the issuance of the Site development permit.
17. Owner shall provide a Standard Conditions Plan and Agreement, with detailed information and specifications for Grading Conditions, Drainage Conditions and Erosion Control Conditions.
18. Owners shall be required to establish and maintain in force and effect, a Homeowner's Association, to be responsible for maintenance of common areas, infrastructure and utilities.
19. Owners shall file a lot line adjustment to vacate lot lines within the Property. The merger shall be completed prior to the issuance of the Site development permit for Shoreline Village.



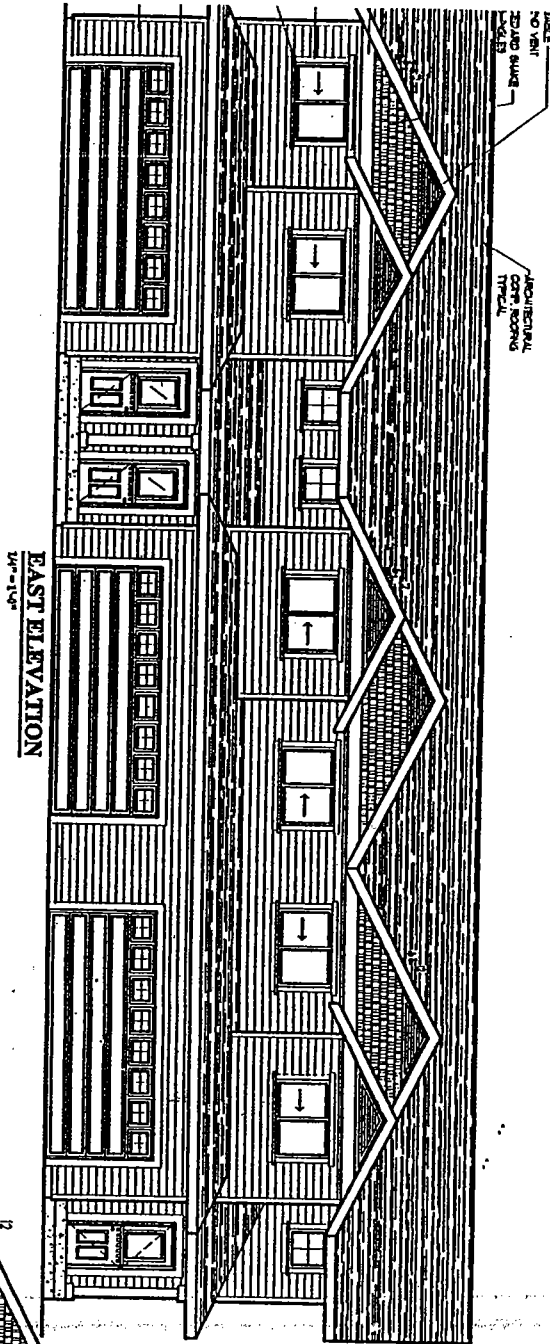
DEVELOPER
STAN STRODLAND

SHORELINE VILLAGE TOWNHOMES

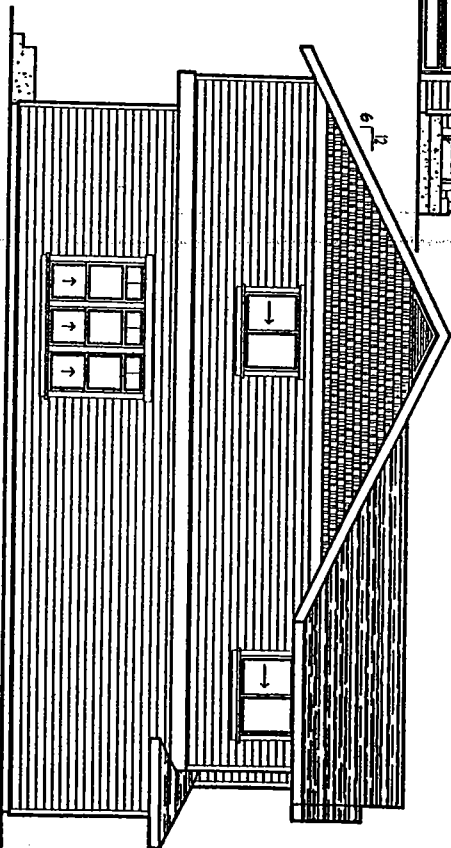
047



STREET SCALE ~ NORTH ELEVATION
1" = 3'-0"



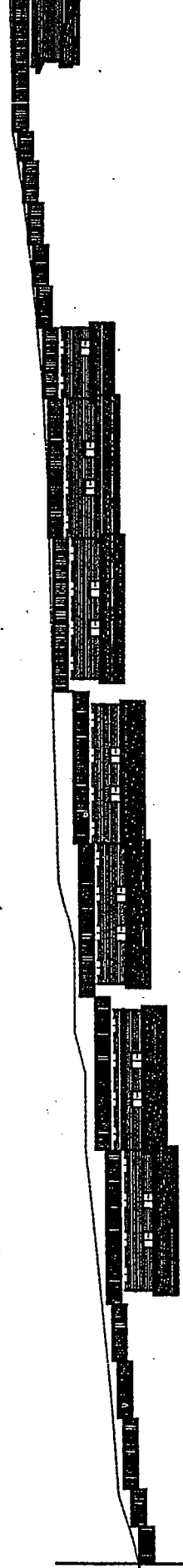
EAST ELEVATION
1/4" = 1'-0"



PROPOSED STREET ELEVATION ~ EAST
1/4" = 1'-0"

SHORELINE VILLAGE TOWN HOMES

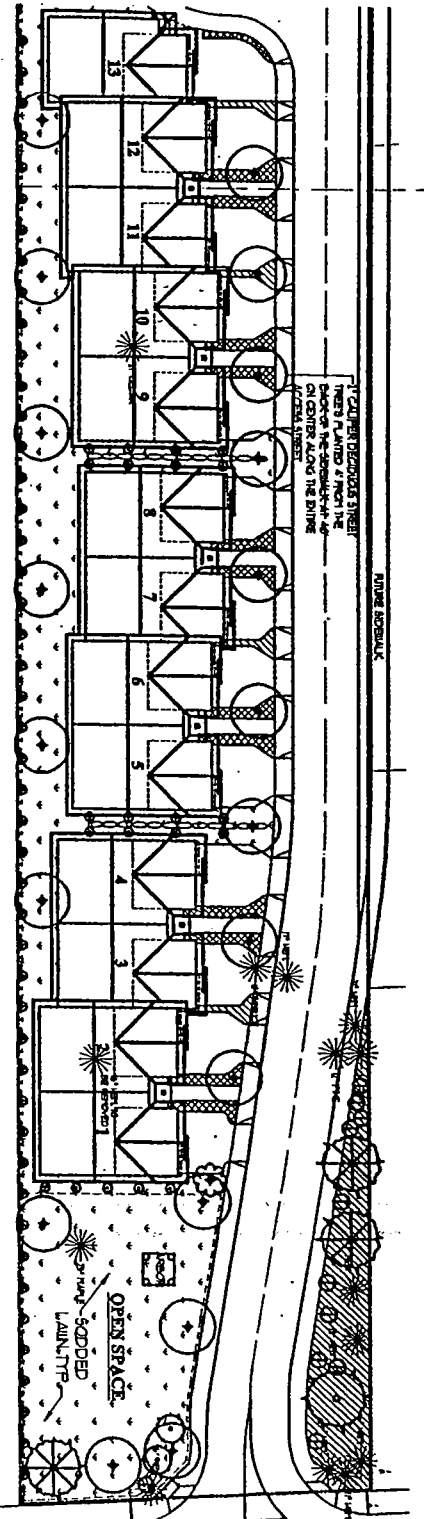
SOUTH "REAR" ELEVATION
1" = 20'-0"



048

PROPERTY LINE

MATCH LINE



MINOR FOOTPRINT

1" CALIBER DECIDUOUS TREES
THREE PLANTED 4' FROM THE
BACK OF THE BUILDING-4' ON
ON CENTER ALONG THE ENTIRE
OF THE STREET

15TH AVE N.E.

N.E. 166TH ST.

LANDSCAPE PLAN
1" = 20'-0"
1" 1' 2" 3" 4" 5" 6" 7" 8" 9" 10" 11" 12" 13" 14" 15" 16" 17" 18" 19" 20"

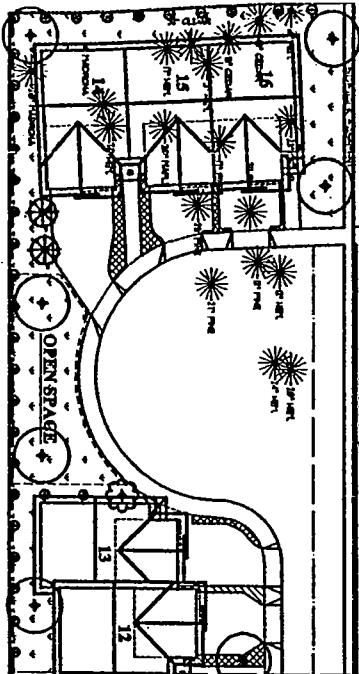


PLANTING SCHEDULE

SYMBOL	BOTANICAL	SIZE
+	ACER RUBR. TWO BARK/RED BARK PLANT	2" CAL. PK. B10
○	ORCH. CANDIDA, FORB. PANT / FORB. PANT. RECHD	2" CAL. PK. B10
⊗	ACER DISCOLOR VINE PLANT	6" HT. PK. B10
⊗	PAUS. NOKA / AUSTRIAN PINE	6" HT. PK. B10
⊗	TRIAL. HEMLOCK / HONOLULU HEMLOCK	6" AND 8" HT. B10
⊗	TRIAL. COCCONUTS BREVARD GREEN / BREV. GREEN JACONTE	2" PK.
⊗	TRIAL. LUCIDELLA VITO LIMEB. OTTO GREEN LAMEL	2" PK.
⊗	ARISTOTELIA VITO LIMEB. OTTO GREEN LAMEL	4" PK. 8" PK. 12" PK.
⊗	TRIAL. BULLDOG	4" PK. 8" PK. 12" PK.
⊗	ACROD. LAM.	12" PK.
⊗	DOING TREES & SEE PLAN FOR SPECIES	12" PK.

NOTES

1. Sloped areas, including berm, to within 1/4" of foot provided by General Contractor unless otherwise noted.
2. Sloped areas shall be identified or identified if conditions require.
3. 4" depth 3" long topsoil or equal in all planting areas.
4. 2" depth fine grade back much in all planting areas.
5. All plant material shall be healthy, full and conform to USA standard nursery stock, latest edition.
6. Plant material or size or kind not available may be substituted only with approval of landscape architect or owner.
7. All new plantings shall have triangular spacing.
8. All type pits shall be impacted to have proper drainage.
9. Positive drainage shall be maintained. Round planting area to be maintained.
10. All new plantings shall be 12" from curb for car swinging.
11. 6" wide back moving 12" where lawn is adjacent to building.
12. Landscape Contractor shall maintain area until final inspection and acceptance by Owner.

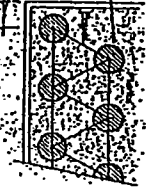


MATCH LINE

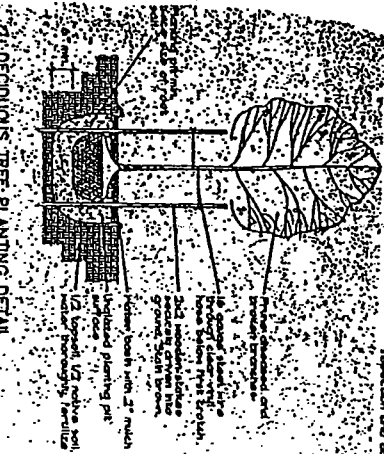
LANDSCAPE PLAN
1" = 20'-0"
1" 1' 2" 3" 4" 5" 6" 7" 8" 9" 10" 11" 12" 13" 14" 15" 16" 17" 18" 19" 20"



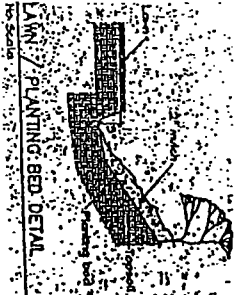
SHRUB PLANTING DETAIL



GROUND COVER PLANTING DETAIL



DECIDUOUS TREE PLANTING DETAIL



LAWN PLANTING BED DETAIL